

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K13/332**

- Applicant** : HK326 Limited represented by China-Tech Surveyors Limited
- Premises** : Unit 8B (major portion), Ground Floor (G/F), Kowloon Bay Industrial Centre, 15 Wang Hoi Road, Kowloon Bay, Kowloon
- Floor Area** : About 10.9m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (N.K.I.L.) No. 5833; and  
(b) Restricted for industrial and/or godown purposes (excluding any offensive trades)
- Plan** : Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/33
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 120 meters above Principal Datum (mPD) or the PR and BH of the existing building, whichever is the greater]
- Application** : Proposed Shop and Services

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed shop and services use. The Premises occupies a major portion of Unit 8B on the G/F of an existing industrial building (IB) (i.e. Kowloon Bay Industrial Centre), which falls within an area zoned “OU(B)” on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/33 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified)’ on the G/F of an IB requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the Premises, with a total floor area of about 10.9m<sup>2</sup>, is located on G/F of the subject building at its northeastern corner directly fronting Wang Hoi Road and Wang Tai Road (**Drawing A-1** and **Plan A-2**). The Premises is currently vacant (**Plans A-4** and **A-5**).

- 1.3 In support of the application, the applicant has submitted the following document:

Application Form received on 12.5.2025 (**Appendix I**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in **Appendix I** and summarized as follows:

- (a) the proposed 'shop and services' use is in line with the planning intention of "OU(B)" zone;
- (b) the application is to meet the strong demand for 'shop and services' use and to serve the occupants and users of the subject IB. The proposed shop and services use is compatible with the transformation of Kowloon Bay to a commercial area; and
- (c) the loading/unloading (L/UL) facilities are provided within the subject IB.

## **3. Compliance with the "Owner's Consent/Notification" Requirement**

The applicant is the sole "current land owner" of the Premises. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Development within "OU(B)" Zone (TPB PG-No. 22D) is relevant in the following aspects:

- (a) the "OU(B)" zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the "OU(B)" zone is primarily for general employment uses;
- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;
- (c) the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas (CFAs) on G/F of an existing industrial/I-O building with and without sprinkler systems should as a general principle not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. For any application which would result in a slight exceedance of the relevant floor

area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merits. The above limits on CFA do not apply to uses which are ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial or I-O building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use; and

- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

## **5. Previous Applications**

- 5.1 The Premises is the subject of two previous planning applications No. A/K13/185 for 'Shop and Services (Real Estate Agency)' use and No. A/K13/324 for 'Shop and Services' use submitted by different applicants (**Plan A-3**). The Premises under this application overlaps with the premises under the aforesaid applications, but the area of the Premises under this application is slightly smaller.
- 5.2 These two applications were approved with condition by the Metro Planning Committee (the Committee) of the Board on 16.7.2004 and 23.9.2022 respectively mainly on the grounds that the applied use was generally in line with the planning intention of "OU(B)" zone and TPB PG-No. 22D; it would not induce adverse traffic, environmental and infrastructural impacts; and relevant government departments had no in-principle objection to the application. Application No. A/K13/185 involves one approval condition in relation to the fire services installation (FSI) which has been satisfactorily complied with, while application No. A/K13/324 was revoked on 23.9.2023 due to the non-compliance of the approval condition in relation to the FSI.

## **6. Similar Applications**

- 6.1 The Committee has so far considered 36 similar planning applications for various shop and services uses on the G/F of the subject IB (**Plan A-3**). 30 of these applications were approved with condition(s) and 6 were rejected by the Committee. The details of the similar approved applications that are CFA accountable are shown in the table below. The aggregate CFAs have excluded the floor areas in overlapping premises and planning permissions which were revoked, expired or uses not subject to the aggregate CFAs (involving 20 approved applications in total).

Approved applications counted towards aggregate CFAs on G/F of an IB (with sprinkler systems)				
Unit	Application No.	Proposed Uses	Floor Area (about)	Date of Decision
1B1	A/K13/183	Shop and Services (Real Estate Agency)	30.165m <sup>2</sup>	16.7.2004
1B2	A/K13/182	Wholesale trade cum Shop and Services (Stationery)	57.86m <sup>2</sup>	16.7.2004
1C	A/K13/311	Shop and Services	15.85m <sup>2</sup>	16.11.2018
4A	A/K13/267	Shop and Services	37.5m <sup>2</sup>	15.4.2011
4B	A/K13/268	Shop and Services	25.9m <sup>2</sup>	15.4.2011
5B (Portion)	A/K13/288	Shop and Services	45.9m <sup>2</sup>	7.2.2014
6	A/K13/330	Shop and Services	29m <sup>2</sup>	10.5.2024
8A1, 8A2, 8A3, 8A4, 8A5A, 8A5B and 8A6	A/K13/314	Shop and Services	80m <sup>2</sup>	1.11.2019
16	A/K13/312	Shop and Services	59.667m <sup>2</sup>	16.8.2019
17	A/K13/191	Shop and Services (Fast Food cum Retail Shop)	58.64m <sup>2</sup>	28.1.2005
<b>Total CFAs:</b>			<b>440.482m<sup>2</sup></b>	

- 6.2 Thirty similar applications were approved between 1997 and 2024. Six applications were rejected between 2004 to 2008 mainly on the ground that the use is considered not acceptable from fire safety point of view, and that the approval would set an undesirable precedent for similar applications in the IBs.
- 6.3 According to TPB PG-No. 22D, the ‘Shop and Services’ use under this application is subject to the limit on aggregate CFAs. Should the Committee approve this application, the total approved CFAs on the G/F of the subject building will increase to 451.382m<sup>2</sup>, which is within the maximum permissible limit of 460m<sup>2</sup> on G/F of an industrial or I-O building with a sprinkler system.
- 6.4 In the past three years, the Committee has considered 3 similar applications for ‘Shop and Services’ uses on G/F of industrial or I-O buildings under the “OU(B)” zone in Kowloon Bay Business Area (KBBA) (2 are in the subject IB), and all of them were approved with conditions on the similar grounds as mentioned in paragraph 5.2 above.

**7. The Premises and its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-4 and A-5)**

**7.1 The Premises:**

- (a) occupies Unit 8B (major portion) on G/F of the subject IB;
- (b) is currently vacant (**Plan A-5**); and
- (c) has entrance fronting Wang Hoi Road and Wang Tai Road, and is separated from the entrance to other floors of the building (**Plan A-4**).

7.2 The subject IB:

- (a) is a 11-storey IB with one basement floor for carpark use with Occupation Permit issued in 1986;
- (b) is equipped with a sprinkler system; and
- (c) has the following uses:

Floor	Main Uses
B/F	Carpark
G/F	Real Estate Agency, Shop and Services <sup>[1]</sup> , Eating Places <sup>[1]</sup> , Warehouse, Printing Company, Food Factory, Logistic Facility and Carpark
1/F – 10/F	Warehouses/Workshops, Factories, Showrooms, Printing Company, Offices, Art Studios, Food Factory, Shop and Services <sup>[2]</sup> , Place of Recreation, Sports or Culture <sup>[2]</sup> and Private Club/Place of Entertainment <sup>[2]</sup>

[1] There is no record of valid planning approval granted for such uses at some units.

[2] Uses not allowed unless in the purpose-designed non-industrial portion on the lower floors of the building and such uses are separated from the industrial or I-O use located above by a buffer floor(s) of non-hazardous occupancy, and no industrial uses are located within that non-industrial portion.

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the locality is mainly occupied by industrial or I-O buildings, including Kingsford Industrial Centre, Hoplite Industrial Centre and Shun Fat Industrial Building to its south, west and north respectively;
- (b) to its east across Wang Hoi Road is Telford House, a commercial development with a pedestrian footbridge across Wai Yip Street connecting to Telford Gardens and MTR Kowloon Bay Station; and
- (c) the units on the G/F of the neighbouring IBs are mainly used for shop and services purposes such as banks, money exchange shops, convenient stores, metalware shops, car beauty shops, real estate agencies, renovation companies, printing shops, fast food shops, eating places and canteens.

## 8. Planning Intention

The planning intention of “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Kowloon East (DLO/KE, LandsD):

- (a) The Premises falls within New Kowloon Inland Lot No. 5833 (the Lot) which is held under Conditions of Sale No. 11468 dated 15.1.1981 (the Conditions) subject to lease term having been extended to 30.6.2047. The Lot is restricted to industrial and/or godown purposes excluding offensive trades. The proposed 'shop and services' use is in conflict with the user restriction under the Conditions.
- (b) Should the planning application be approved by the Board, the applicant is required to apply to LandsD for a temporary waiver or lease modification to implement the proposal. However, there is no guarantee that the temporary waiver or lease modification would be approved. If the application is approved by LandsD in the capacity as the landlord at its sole discretion, it will be subject to such terms and conditions including, among other, the payment of waiver fee or premium and administration fee as may be imposed by LandsD.

### **Fire Safety**

- 9.1.2 Comments of the Director of Fire Services (D of FS):

- (a) No specific comment on the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS.
- (b) The subject IB is protected with a sprinkler system so that the maximum permissible aggregate CFA on G/F is 460m<sup>2</sup> in accordance with TPB PG-No. 22D. The proposed use should be counted up to the aggregate CFAs.
- (c) His advisory clauses are at **Appendix II**.

### **Buildings Matters**

- 9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) No objection in principle to the application.
- (b) Before any new building works are carried out, prior approval and consent from the Building Authority under Buildings Ordinance should be obtained, unless the works fall within the scope of designated minor works that can be carried out under the simplified requirements specified in the Building (Minor Works) Regulation or such works are exempted works.

- (c) His detailed comments are at **Appendix II**.

**Traffic Aspect**

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) No in-principle objection to the application from traffic engineering perspective.
- (b) His advisory clauses are at **Appendix II**.

**District Officer's Comments**

9.1.5 Local views/comments conveyed by the District Officer (Kwun Tong), Home Affairs Department (DO(KT), HAD) are as follows:

26 members of Kwun Tong and Kowloon Bay Business Area Committee were consulted, one member has no comment on the application and 25 members have no responses.

9.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Director of Food and Environmental Hygiene; and
- (e) Commissioner of Police.

**10. Public Comments Received During the Statutory Publication Period**

On 20.5.2025, the application was published for public inspection. During the statutory publication period, a total of 6 public comments were received from individuals objecting to/expressing concerns on the application (**Appendix III**). The objection reasons and concerns mainly include that (i) the proposed use may narrow the footpath, hinder access to nearby industrial operations, increase illegal street parking and vehicle-pedestrian conflicts, (ii) there is poor hygiene and odour at the frontage of the Premises, and (iii) no information of FSI was mentioned in the application.

**11. Planning Considerations and Assessment**

- 11.1 The application is to seek planning permission for 'Shop and Services' use at the Premises within an existing IB falling within KBBA. The planning intention of "OU(B)" zone is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the proposed use would not induce adverse fire safety and environmental impacts. The proposed use is intended to serve the occupants and users of the building, and is considered generally in line with the planning intention.
- 11.2 The KBBA is being transformed into a business district. A number of similar applications for a range of 'Shop and Services' use at the G/F units of

this IB and other IB in its vicinity have been approved by the Committee. The proposed use is compatible with the changing land use character of the area. Moreover, the proposed use with direct frontage to footpaths is considered not incompatible with other uses at the same building.

- 11.3 The proposed use at the Premises complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant Government departments consulted including D of FS, C for T and CBS/K, BD have no objection to/no adverse comment on the application.
- 11.4 The D of FS confirmed that the subject building is protected by a sprinkler system. Accordingly, the aggregate CFA on the G/F should not exceed 460m<sup>2</sup> in accordance with TPB PG-No. 22D. If the application is approved, the aggregate CFA on G/F of the subject IB will be 451.382m<sup>2</sup>, which is within the maximum permissible limit. D of FS has no specific comment on the application subject to imposing an approval condition as specified in paragraph 12.2(a) below.
- 11.5 The Premises is the subject of two previously approved applications for ‘shop and services’ use. The Committee has approved 30 similar applications in the G/F of the subject IB since 1997, and one similar application in other IB within KBBA in the past three years. Approval of the current application is consistent with the Committee’s previous decisions.
- 11.6 Regarding objections/concerns raised in the public comments, the departmental comments in paragraph 9 and the planning assessments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.7.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### *Approval Conditions*

- (a) the submission and implementation of a proposal on the water supplies for firefighting and fire service installations before operation of the approved use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with before operation of the approved use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.



*Advisory Clauses*

The recommended advisory clauses are at **Appendix II**.

12.3 There is no strong reason to recommend rejection of the application.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 12.5.2025
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Appendix III</b>	Public Comments
<b>Drawing A-1</b>	Ground Floor Plan of the Premises
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Plan Showing Previous and Similar Applications on the G/F, Kowloon Bay industrial Centre
<b>Plans A-4 and A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**