

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K10/278

- Applicant** : Youth Diabetes Action represented by Proinfo Tech Limited
- Premises** : Unit B17, 9/F, Merit Industrial Centre, 94 To Kwa Wan Road, Kowloon
- Floor Area** : About 93m²
- Lease** : Kowloon Inland Lot (KIL) 6393 RP held under the Government lease dated 25.2.1965 subject to the following
- (a) restricted to industrial purposes;
 - (b) offensive trade restriction; and
 - (c) design, disposition and height restriction.
- Plan** : Approved Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/30
- Zoning** : “Residential (Group E)” (“R(E)”)
- (a) maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic in which domestic PR shall not exceed 7.5; and
 - (b) maximum building height of 100 metres above Principal Datum (mPD)
- Application** : Office

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Office’ use. The Premises, with a floor area of about 93m², is located at Unit B17 on 9/F of Merit Industrial Centre, which is an existing industrial building (**Plan A-1**). According to Schedule II of the Notes for the “R(E)” zone applicable to existing industrial or industrial-office building, ‘Office’ use¹ is a Column 2 use, which requires planning permission from the Town Planning Board (TPB).
- 1.2 The Premises is currently used for office use without valid planning permission (**Plans A-3 to A-4 and Drawing A-2**). According to the applicant, the office serves as the headquarter for administrative and marketing activities of Youth Diabetes Action, which aims at supporting youth with diabetes and their families on a non-profit making basis; and there will be no more than six employees working in the office. The applicant

¹ According to Schedule II of the Notes for the “R(E)” zone, ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ is a Column 1 use which is always permitted.

also indicates that there will be no direct provision of customer services or goods to the general public.

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

- (a) Application form received on 26.9.2025 (Appendix I)
 - (b) Further Information (FI) received on 30.10.2025* (Appendix Ia)
 - (c) FI received on 6.11.2025* (Appendix Ib)
- * accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application provided in **Appendices I and Ia** are summarized as follows:

- (a) there are already office uses in the subject industrial building. The office use is compatible with other users in the subject industrial building and the existing uses in the area;
- (b) the subject industrial building is well equipped with sprinkler systems and other fire services installations;
- (c) the office is small in scale and will not lead to an increase in population;
- (d) no adverse impact on the pedestrian flow and traffic is anticipated as it will not involve direct provision of service and products to the general public or organizing classes or seminars and loading/unloading, and the subject industrial building is well served by public transport; and
- (e) there are similar approved planning applications in the vicinity;

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous planning application at the Premises.

5. **Similar Application**

There is a similar application (No. A/K10/185) for office use at a premises of another industrial building zoned “R(E)” in Ma Tau Kok, which was approved with conditions by the Metro Planning Committee (the Committee) on 28.1.2000 mainly on grounds that the proposed use was in line with the planning intention of the “R(E)” zone in that it is not an offensive trade and not incompatible with the uses of the industrial building with the majority

of them being used as offices. The location and details of the application are at **Plan A-1** and **Appendix II**.

6. The Premises and Its Surrounding Areas (Plans A-1 to A-2) and Site Photos on Plans A-3 to A-4

6.1 The Premises

- (a) is part of 9/F of Block B of Merit Industrial Centre; and
- (b) mainly comprises three rooms and a discussion area for office use (**Plans A-3 to A-4 and Drawing A-2**).

6.2 The subject building is

- (a) a 14-storey industrial complex (including one basement storey) completed in 1986, consisting of two interconnected blocks (i.e. Block A and B);
- (b) Block B is currently occupied by the following uses; and

Floor	Current Uses
B/F	Car park
G/F	Retail*, workshop, office*
1/F	Office*, locked premises
2/F to 4/F	Warehouse, workshop and/or locked premises
5/F to 8/F, 10/F to 12/F	Office*, warehouse, workshop and/or locked premises
9/F	The Premises , office*, warehouse, workshop, locked premises

*There is no record of planning permission granted for such use(s)².

- (c) within the 300m consultation zone of Ma Tau Kok Gas Works (MTKGW) to its north (**Plan A-1**), which is a potentially hazardous installation (PHI).

6.3 The surrounding areas have the following characteristics:

- (a) the subject building is located at the northern part of a belt of “R(E)” zones along To Kwa Wan Road and Sheung Heung Road occupied by predominantly industrial developments (**Plan A-2**);
- (b) the MTKGW and a cluster of cultural and recreational facilities including the Cattle Depot Artist Village and Art Park and the To Kwa Wan Recreation Ground and to its immediate north and west; and
- (c) MTR To Kwa Wan Station is located about 650m to the southwest.

² According to Schedule II of the Notes for the “R(E)” zone, ‘Shop and Services’ use on G/F is a Column 2 use. For offices, ‘Office’ use is a Column 2 use, except ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ that is a Column 1 use.

7. **Planning Intention**

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

8. **Comments from Relevant Government Bureau/Departments**

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

Land Administration

8.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW of LandsD):

- (a) the Premises falls within the remaining portion of KIL 6393 (the Lot), which is held under the Government Lease dated 25.2.1965. The Lot is restricted for industrial purposes and subject to standard offensive trade and design, disposition and height restrictions;
- (b) the ‘Office’ use at the Premises does not comply with the lease conditions. If the planning application is approved by TPB, the owner of the Premises has to apply to LandsD for a lease modification or waiver for the proposed use. However, there is no guarantee that the application will be approved. Such application, if received, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If the application is approved, it will be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD; and
- (c) his advisory comments are at **Appendix III**.

Traffic

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

- (a) based on the applicant’s response at **Appendix Ia**, it is confirmed that no changes are proposed to the vehicular and pedestrian access, parking provision, loading/unloading bays, or associated traffic facilities under the application; and
- (b) given that the ‘Office’ use is of a relatively small scale and it is not expected to generate significant traffic impacts, he has no comment from a traffic engineering perspective.

Drainage and Sewerage Aspects

8.1.3 Chief Engineer/Mainland South, Drainage Services Department (CE/MS of DSD):

no insurmountable problems are noted from the application; and he has no objection in principle from drainage maintenance viewpoint. His advisory comments are at **Appendix III**.

8.1.4 Director of Environmental Protection (DEP):

in view of the nature of the ‘Office’ use in an industrial centre, adverse sewerage impact is not anticipated. He has no objection to the application.

Fire Safety

8.1.5 Comments of the Director of Fire Services (D of FS):

(a) no comment on the application subject to fire installations and water supplies for firefighting being provided to his satisfaction; and

(b) his advisory comments are at **Appendix III**.

8.2 The following government departments have no comments on/no objection to the application and their advisory comments are at **Appendix III**:

- (a) Chief Building Surveyor/Kowloon, Buildings Department (CBS/K of BD);
- (b) Chief Highway Engineer/ Kowloon, Highways Department;
- (c) Commissioner of Police (C of P);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/Construction of WSD);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) District Officer (Kowloon City), Home Affairs Department (DO(KC) of HAD).

9. Public Comments Received During Statutory Publication Period

During the statutory publication period, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for ‘Office’ use at the Premises within an existing industrial building zoned “R(E)” on the OZP. While the planning intention of the “R(E)” zone is primarily for phasing out of the existing industrial uses through redevelopment (or conversion) for residential use, the current ‘Office’ use at the Premises is considered not incompatible with other permitted uses in the same building. The office is small in scale and the administrative and marketing activities therein is considered less fire hazard-prone. According to the applicant, it will not involve direct provision of customer services or goods to the general public, and the number of employees working in the office is no more than six. The use under application is not expected to generate adverse impact to the subject building and the surrounding areas. Relevant Government departments, including D of FS, DEMS, C for T, CBS/K of BD, DEP, CE/MS of DSD, C of P and DO(KC) of HAD have no objection to or no adverse comment on the application from fire safety, gas safety, traffic, drainage and sewerage aspects.

- 10.2 There is a similar application for office use at a premises of an industrial building within another “R(E)” zone in the same OZP, which was approved with a condition by the Committee mainly on the grounds that the proposed use was in line with the planning intention of the “R(E)” zone and not incompatible with the uses in the same building with the majority being in office uses (**Plan A-1 and Appendix II**). The approval of the application is consistent with the previous decision of the Committee.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, no time clause on the commencement is proposed as the office use under application is already in operation at the Premises. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of water supplies for firefighting and fire service installations for the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.5.2025~~2026~~; and
- (b) if the above planning condition (a) is not complied with by the specified date, 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 attached at **Appendix III**.

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 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.

13. Attachments

Appendix I

Application form received on 26.9.2025

Appendix Ia	FI received on 30.10.2025
Appendix Ib	FI received on 6.11.2025
Appendix II	Similar Application
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Drawing A-2	Internal Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to 4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**