

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/877

- Applicant** : Topnic Limited
- Premises** : Units G04 and G05, G/F, 9 Wing Hong Street, Cheung Sha Wan, Kowloon
- Floor Area** : About 354.9m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 6229 (the Lot)
(a) governed by the Conditions of Exchange No. 12405 dated 20.8.1996
(b) expires on 30.6.2047
(c) restricted for the purposes of industrial or godown or both; offices ancillary and directly related to an industrial or godown operation; or any combination of above mentioned, excluding offensive trades
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/41 (currently in force)

Draft Cheung Sha Wan OZP No. S/K5/40
(at the time of submission)
[The zoning and development restrictions for the application premises remain unchanged]
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio of 12
(b) maximum building height of 130 metres above Principal Datum
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed ‘Shop and Services’ use at the application premises (the Premises), i.e. Units G04 and G05 on G/F of an existing industrial-office (I-O) building at 9 Wing Hong Street (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or I-O building, ‘Shop and Services (not elsewhere specified)’ use on G/F of an I-O building requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises fronts onto Wing Hong Street and is currently used for office and related uses. The proposed layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with plans received on 9.3.2026 (Appendix I)
- (b) Further Information (FI) received on 10.4.2026* (Appendix Ia)

* exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are provided in **Appendix I** and summarised as follows:

- (a) the proposed 'Shop and Services' use is to serve the daily necessity needs of local workers and is in line with the planning intention of the "OU(B)" zone. It is compatible with the surrounding areas where commercial activities are commonly found on the G/F of industrial/I-O buildings;
- (b) the Premises is located at a convenient and easily accessible location which is suitable for the proposed use to serve the working and residential population in the area; and
- (c) the proposed use will not induce any adverse fire safety, traffic and environmental impacts, and no structural modifications to the existing building will be required.

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

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) promulgated in September 2007 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 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 on G/F of an existing industrial/I-O building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² respectively. The above limits on commercial floor area 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. In all cases, separate means of escape should be available for the commercial portion; and

- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading (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 Application**

- 5.1 There is no previous application concerning the Premises.
- 5.2 The subject building was the subject of three previous applications (No. A/K5/193, 207 and 237) for proposed I-O building, which were all approved by the Metro Planning Committee (the Committee) of the Board in 1994. The three applications were for erection of the subject I-O building and are considered not relevant to the assessment of the current application at the Premises for proposed 'Shop and Services' use. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There is no similar application for 'Shop and Services' on G/F of the subject I-O building.
- 6.2 Since 2001, the Committee has considered 173 planning applications for various 'Shop and Services' uses on G/F of industrial and I-O buildings within the "OU(B)" zone in the Cheung Sha Wan Industrial/Business Area (CSWIBA). Out of the 173 applications, 163 were approved mainly on the grounds that they were considered generally in line with the planning intention of the "OU(B)" zone; they would not induce adverse traffic and infrastructural impacts; and there was no objection from relevant Government departments. The remaining 10 applications were rejected by the Committee mainly on fire safety grounds.

7. **The Premises and Its Surrounding Areas (Plans A-1 to A-4b)**

- 7.1 The Premises:
 - (a) occupies Units G04 and G05 on G/F of the subject I-O building;
 - (b) is fronting and directly accessible from Wing Hong Street; and

(c) is currently used for office and related use.

7.2 The subject I-O building:

(a) was completed in 1996 with 35 storeys and equipped with a sprinkler system; and

(b) contains the following main uses:

Floor	Main Uses
G/F	The Premises (currently used for office and related uses), warehouse, office and related uses, shop for car beauty services* and coffee shop* (Plan A-3)
1/F to 3/F	Car park
5/F to 38/F [#]	Industrial and related office units

* There is no record of planning permission granted for such use

[#] 4/F, 14/F, 24/F and 34/F omitted

7.3 The surrounding areas have the following characteristics:

(a) located in the established CSWIBA (rezoned from “Industrial” to “OU(B)” in 2001) which is occupied mainly by industrial and I-O buildings with some ‘Shop and Services’ uses on G/F; and

(b) easily accessible by various modes of public transport with MTR Lai Chi Kok Station located at about 170m to the southeast of the subject I-O building (**Plan A-1**).

8. Planning Intention

The planning intention of the “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 summarised as follows:

Land Administration

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

(a) no objection to the application;

(b) the Premises falls within the Lot which is governed by the Conditions of Exchange No. 12405 dated 20.8.1996. The Lot is restricted to be used for the purposes of industrial or godown or both; offices ancillary

and directly related to an industrial or godown operation; or any combination of above mentioned, excluding offensive trades; and

- (c) the proposed 'Shop and Services' use at the Premises does not comply with the lease conditions of the Lot. If the planning application is approved by the Board, the owner of the Premises has to apply to LandsD for a waiver or a lease modification for the proposed use. However, there is no guarantee that the approval will be given. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee/premium and administrative fee as may be imposed by LandsD.

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations (FSIs) and equipment being provided to his satisfaction, and means of escape completely separated from the industrial portion is available for the Premises;
- (b) as the building is fully protected with sprinkler system, the maximum permissible aggregate commercial floor area on G/F is 460m² in accordance with TPB PG-No. 22D. The aggregate commercial floor area will not exceed this limit if the subject application is approved; and
- (c) his detailed comments are at **Appendix III**.

Building Matters

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

no in-principle objection to the application and his detailed comments are at **Appendix III**.

Traffic

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

- (a) no in-principle objection to the application given the following observations:
 - (i) the Premises has a constrained site layout;
 - (ii) the development scale is small; and
 - (iii) the Premises is conveniently located to mass transport/public transport services; and

- (b) the applicant should note that C for T has the rights to impose, alter or cancel any car parking, L/UL facilities and/or any no-stopping restrictions on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (e) Commissioner of Police;
- (f) Director of Food and Environmental Hygiene; and
- (g) District Officer (Sham Shui Po), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

During the statutory publication period, one comment was received from an individual (**Appendix IV**) objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “OU(B)” zone and incompatible with the other uses of the same building and the surroundings, and would induce adverse traffic, environmental and public hygiene impacts to the surrounding areas.

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for proposed ‘Shop and Services’ use at the Premises which is on G/F of an existing I-O building zoned “OU(B)” on the OZP. While the planning intention of the “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 use would not result in adverse fire safety or environmental impacts. The proposed use, which is intended to serve the daily necessity needs of local workers, is considered generally in line with the planning intention of the “OU(B)” zone.

11.2 CSWIBA is being transformed into a commercial/business area with many similar applications for ‘Shop and Services’ use approved on G/F of the industrial and I-O buildings in the vicinity. The proposed use is considered compatible with the changing land use character of the area. Moreover, the proposed use with frontage at Wing Hong Street is considered not incompatible with the other uses of the same building and the surroundings.

11.3 As confirmed by D of FS, the subject I-O building is fully protected by sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the G/F in accordance with TPB PG-No. 22D. If the application is approved, the aggregate commercial floor area approved by the Committee on G/F of the subject I-O building will be 354.9m², which is within the

maximum permissible limit. D of FS has no in-principle objection to the application subject to an approval condition on the provision of FSIs and equipment and means of escape being completely separated from the industrial portion to his satisfaction as recommended in paragraph 12.2(a) below.

- 11.4 The application complies with TPB PG-No. 22D in that it would not induce adverse fire safety and environmental impacts on the uses/developments within the same building and the adjacent areas. No adverse traffic and infrastructural impacts are anticipated. Relevant Government departments including D of FS, C for T, CBS/K of BD, DEP, CE/C of WSD, CE/MS of DSD and CHE/K of HyD have no adverse comment on or objection to the application.
- 11.5 A total of 163 applications for various ‘Shop and Services’ uses on G/F of industrial and I-O buildings within the “OU(B)” zone in CSWIBA has been approved with/without condition(s) by the Committee since 2001. As there is no change in planning circumstances, approval of the current application is consistent with the previous decisions of the Committee on similar applications.
- 11.6 Regarding the public comment concerning land use compatibility and adverse impacts to the surrounding areas, the planning assessments in paragraphs 11.1 to 11.4 and the departmental comments in paragraph 9 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, 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 8.5.2028, 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 also suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of fire service installations and equipment for the application premises and means of escape being completely separated from the industrial portion 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 attached at **Appendix III**.

- 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 the 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

Appendix I	Application Form with plans received on 9.3.2026
Appendix Ia	FI received on 10.4.2026
Appendix II	Previous Applications
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Ground Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Use Plan of Ground Floor
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2026**