

Previous Applications

Approved Applications (5 cases)

Application No.	Zoning	Proposed Use	Date of Consideration (by the Metro Planning Committee)	Approval Condition(s)
A/K5/215	“I”	Showroom	22.4.1994 (Expired)	1, 2, 5
A/K5/355			4.4.1997 (Expired)	1, 2, 5
A/K5/532	“OU(B)”	Showroom for Garments and Ancillary Storage for a period of 3 Years	27.6.2003 (Expired)	3
A/K5/609		Temporary Shop and Services Use (Showroom for Garments) for a Period of 3 Years [Renewal of Planning Application No. A/K5/532]	17.3.2006 (Expired)	3, 6
A/K5/673		Shop and Services (Showroom for Garments)	8.5.2009	4, 6

Approval Conditions:

1. Only showroom use ancillary to the industrial activities within the same industrial building or in the same general district is permitted.
2. No retailing activities within the showroom premises are permitted.
3. The provision of fire service installations.
4. The submission and implementation of fire service installations in the subject premises.
5. Time Clause.
6. Revocation Clause.

Rejected Application (1 case)

Application No.	Zoning	Proposed Use	Date of Consideration (by the Town Planning Board)	Rejection Reasons
A/K5/133	"I"	Retail Shops and Wholesale Centre	16.8.1991 (upon review)	1, 2, 3

Rejection Reasons:

1. The subject wholesale centre is not directly ancillary to industries in the building or in the industrial area and wholesale use is not permitted in the zone under the relevant Outline Zoning Plan. There is also no operational need for the wholesale centre to occupy such an extensive industrial space on the ground floor which should generally be retained for industrial purposes.
2. Alternative commercial floor space suitable for garment wholesale activities are available in the vicinity.
3. Approval for the application will set an undesirable precedent for other cases.

Similar applications concerning the subject industrial building

(1) **Uses applicable** for the maximum permissible limit of **460m²** for aggregate commercial floor area on G/F:

Application No.		Unit No.	Proposed Use	Floor Area (m ²)	Date of Consideration (by the Metro Planning Committee (MPC))	Decision
1	A/K5/757	C7	Shop and Services	<u>208.5</u>	17.10.2014	Approved with conditions
2	A/K5/765	C2 (Portion)		<u>45</u>	17.7.2015	
3	A/K5/785 (Same premises as A/K5/860)	C1 (Portion)	Shop and Services (Estate Agency)	12.4	22.9.2017	
4	A/K5/805	C4 (Portion)	Proposed Shop and Services	12.612	16.8.2019 (Revoked)	
5	A/K5/821	C4 (Portion)	Shop and Services	55.75	4.9.2020 (Revoked)	
6	A/K5/828	C2 (Portion)		183.35	5.2.2021 (Revoked)	
7	A/K5/837	C3 (Portion)		<u>53</u>	24.9.2021	
8	A/K5/833	C4 (Portion)		<u>50</u>	26.11.2021	Approved
9	A/K5/860 (Same premises as A/K5/785)	C1 (Portion)	Proposed Shop and Services	<u>12.4</u>	22.9.2023	Approved with conditions
Total Approved Commercial Floor Area*:				<u>368.9m²</u>		

* The total floor areas have excluded the floor areas in overlapping premises and approved cases of which planning permissions have lapsed or have been revoked

(2) **Uses not applicable** for the maximum permissible limit of **460m²** for aggregate commercial floor area on G/F:

Application No.		Unit No.	Proposed Use	Floor Area (m ²)	Date of Consideration (by the MPC)	Decision
10	A/K5/544	C5	Shop and Services (Showroom) for a Period of 3 Years	239.97	9.1.2004 (Expired)	Approved with condition(s)
11	A/K5/551	C7		217	9.1.2004 (Expired)	
12	A/K5/559	C12		184.2	26.3.2004 (Expired)	
13	A/K5/545	C13	Shop and Services (Showroom) with Ancillary Storage	347	9.1.2004	
14	A/K5/546	C10		367		
15	A/K5/547	C11		196		
16	A/K5/548	C9		243		
17	A/K5/563	C2 (Portion)	Shop and Services (Retail Shop) for a Period of 3 Years	10.31	14.5.2004 (Expired)	
18	A/K5/603	C3 (Portion)	Temporary Shop and Services (Showroom for Garments) for a Period of 3 Years	122.907	13.1.2006 (Expired)	
@	A/K5/609	C1		392.5	17.3.2006 (Expired)	
19	A/K5/618	C2		192.42	1.9.2006 (Expired)	
20	A/K5/667	C3 (Portion)	Shop and Services (Showroom for Garments and Accessories [for A/K5/854 only])	122.907	13.2.2009	
@	A/K5/673	C1		332.45	8.5.2009	
21	A/K5/684	C2		192.42	4.12.2009	
22	A/K5/854	C12		182	31.3.2023	

@ Previous applications No. A/K5/609 and 673 (concerning the application premises) are included for the sake of completeness.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises (the Premises);
- (b) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that a temporary waiver has been granted to the whole of Workshop C1 (also covering the Premises) with effect from 5.4.2003 for showroom and ancillary storage purposes, which was registered in the Land Registry by Memorial No. UB9459524. The owner of the Premises has to apply to LandsD for an amendment to the temporary waiver. 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;
- (c) to note the comments of the Director of Fire Services that:
 - (i) fire service installations and equipment should be provided to his satisfaction and means of escape completely separated from the industrial portion should be available for the Premises;
 - (ii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (iii) regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority (BA); and
 - (iv) the applicant’s attention should be drawn to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
 - (i) the Premises should be separated from the remaining portion of the building with fire barriers having a fire resistance rating of 120 minutes;
 - (ii) before any new building works are carried out, prior approval and consent from the BA under the Buildings Ordinance (BO) 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;
 - (iii) for unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW at the Premises under BO;

- (iv) if the proposed use under the application is subject to the issue of a licence, any existing structures at the Premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
 - (v) detailed comments under BO will be given at the building plan submission stage; and
- (e) to note the comments of the Commissioner for Transport that she has the rights to impose, alter or cancel any car parking, loading/unloading 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.