

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/880

- Applicant** : Merrytime Industrial Limited represented by Allgain Land Administrators Company
- Premises** : Workshop C1 (Portion), G/F, Block C, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : About 18m²
- Lease** : New Kowloon Inland Lot No. 3515 s.C, s.D and s.F (the Lot)
(a) held under Conditions of Sale No. UB4268 dated 1.4.1948 as varied or modified by Conditions of Exchange (and Modification) No. 4481 dated 28.8.1950 (collectively referred to as the Conditions) restricted for factory purposes
(b) a Temporary Waiver granted to the whole of Workshop C1 with effect from 5.4.2003 for showroom and ancillary storage purposes
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/41
- Zoning** : “Other Specified Uses” annotated “Business (2)” (“OU(B)2”)
(a) maximum plot ratio of 12
(b) maximum building height of 130 metres above Principal Datum
- Application** : Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for ‘Shop and Services’ use at the application premises (the Premises), which is located on the G/F of an existing industrial building (IB), namely Block C of Hong Kong Industrial Centre (**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)’ use on G/F of an IB requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises fronts onto Castle Peak Road and is currently occupied by a barber shop without valid planning permission. The proposed layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted an application form with plans received on 30.7.2026 (**Appendix I**).

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 applied use is in line with the planning intention of the “OU(B)” zone;
- (b) the Premises is located on the G/F with direct street frontage, which is suitable for the applied use; and
- (c) the applied use would not induce adverse impact to other users of the same building.

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 Applications

- 5.1 The Premises was the subject of six previous planning applications covering larger floor areas (No. A/K5/133, 215, 355, 532, 609 and 673). Apart from application No. A/K5/133 which was submitted by a different applicant, the other five applications were submitted by the same applicant as the current one. The application sites are shown on **Plan A-3** and the details of the previous applications are at **Appendix II**.
- 5.2 Application No. A/K5/133 for retail shops and wholesale centre was rejected by the Metro Planning Committee (the Committee) of the Board and by the Board on review in 1991 mainly on the grounds that the wholesale centre was not directly ancillary to industries in the building or in the industrial area and there was no operational need for the wholesale centre to occupy an extensive industrial floor space (with a total gross floor area of 2,331m²) on the G/F.
- 5.3 The other five applications for ‘Shop and Services’ or ‘Showroom’ uses¹ were approved with conditions by the Committee between 1994 and 2009 either on permanent or temporary basis mainly on the considerations that the proposed uses were not incompatible with other uses of the subject IB and would unlikely induce adverse impacts to the surrounding areas. The last application approved in 2009 was specifically for shop and services (showroom for garments) use, which is different from the currently applied use.

6. Similar Applications

- 6.1 The Cheung Sha Wan Industrial/Business Area (CSWIBA) was rezoned from “Industrial” to “OU(B)” zone (or its subzones) in 2001. Since 2001, the Committee has considered 174 planning applications for various ‘Shop and Services’ uses on G/F of industrial and I-O buildings within the “OU(B)” zone in the CSWIBA. Out of the 174 applications, 164 were approved mainly on the considerations that they were generally in line with the planning intention of the “OU(B)” zone; the uses 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.
- 6.2 Of the 174 applications for ‘Shop and Services’ uses on G/F within the CSWIBA, 24 applications concerned the subject IB (including applications No. A/K5/609 and 673 mentioned in paragraph 5 above, which covered a larger floor area than the Premises) (**Plan A-3**). All 24 applications were approved with conditions by the Committee between 2004 and 2023 on the considerations that the applied uses were considered not incompatible with other uses of the same building and no adverse fire safety and traffic impacts were anticipated. Details of the 24 applications are at **Appendix III**.
- 6.3 According to TPB PG-No. 22D, the ‘Shop and Services’ use under application is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F of the subject IB with a sprinkler system. If the application is approved, the

¹ ‘Showroom’ use has been subsumed under ‘Shop and Services’ use since 2003.

aggregate commercial floor areas approved by the Committee on G/F of the IB will be 386.9m², which is within the maximum permissible limit.

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

7.1 The Premises:

- (a) occupies a portion of Workshop C1 on the G/F of the subject IB;
- (b) fronts onto and is directly accessible from Castle Peak Road; and
- (c) is currently occupied by a barber shop without valid planning permission.

7.2 The subject IB:

- (a) was completed in 1982, which is equipped with sprinkler system; and
- (b) has 14 storeys (including one level of basement for car parking) occupied by the following main uses:

Floor	Main Uses
B/F	Car park
G/F (Plan A-3)	The Premises (currently occupied by a barber shop), fast food shop, showrooms, money exchange and co-working space
1/F to 12/F	Industrial-related offices/trading firms and warehouses

7.3 The surrounding areas have the following characteristics:

- (a) located in CSWIBA, predominated by industrial, I-O and office/commercial buildings with some ‘Shop and Services’ uses on G/F; and
- (b) accessible by various modes of public transport with MTR Lai Chi Kok Station located about 80m to the southeast of the subject IB (**Plan A-2**).

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:

- (a) no objection to the application;
- (b) the Premises falls within the Lot which is held under the Conditions restricted for factory purposes. In addition, a Temporary Waiver has been granted to the whole of Workshop C1 with effect from 5.4.2003 for showroom and ancillary storage purposes, which was registered in the Land Registry by Memorial No. UB9459524;
- (c) the 'Shop and Services' use at the Premises does not comply with the Conditions nor the Temporary Waiver. If the planning application is approved by the Board, the owner of the Premises has to apply to her department for an amendment to the aforesaid Temporary Waiver; and
- (d) her other detailed comments are at **Appendix IV**.

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 protected with sprinkler system, the maximum permissible aggregate commercial floor area on G/F is 460m² in accordance with TPB PG-No. 22D. The applied use should be counted up to the aggregated commercial floor area; and
- (c) his detailed comments are at **Appendix IV**.

Traffic

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

- (a) no objection to the application given the following observations:
 - (i) the Premises is small and has a constrained site layout;
 - (ii) there is no existing parking or L/UL bay provision within the Premises; and
 - (iii) the Premises is conveniently located to mass transport/public transport services; and
- (b) her detailed comments are at **Appendix IV**.

9.2 The following Government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix IV**:

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

10. Public Comment Received During Statutory Publication Period

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

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for ‘Shop and Services’ use at the Premises which is on the G/F of an existing IB, within an area zoned “OU(B)2” on the OZP. The applied use is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses with flexibility for a variety of uses at existing industrial or I-O buildings provided that the use would not result in adverse fire safety or environmental impacts.
- 11.2 CSWIBA is undergoing transformation from a traditional industrial area into a vibrant commercial/business area. Similar ‘Shop and Services’ uses can be found on the G/F of many nearby buildings, be it in new business/commercial buildings or existing industrial and I-O buildings with planning approvals obtained from the Board. The applied use is considered compatible with the changing land use character of the surrounding areas. Moreover, the applied use with direct frontage onto Castle Peak Road would unlikely conflict with other uses of the subject building.
- 11.3 As confirmed by D of FS, the subject IB is protected by sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on 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 IB will be 386.9m², which is within the maximum permissible limit. D of FS has no in-principle objection to the application subject to an approval condition on fire safety aspect to his satisfaction as recommended in paragraph 12.2(a) below.
- 11.4 Other relevant Government departments, including C for T, CBS/K of BD and CE/MS of DSD, have no adverse comment on/no objection to the application. Adverse fire safety, traffic and infrastructural impacts on the surrounding area are not anticipated. Overall, the application complies with TPB PG-No. 22D in that it would not induce adverse fire safety and other impacts on the uses/developments within the same building and the adjacent areas.

- 11.5 Since 2001, the Committee has approved 164 applications for various 'Shop and Services' uses on the G/F of industrial and I-O buildings within the "OU(B)" zone in CSWIBA (including 24 applications for the subject IB). Approving the current application is consistent with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Shop and Services' use under application is already in operation. The following conditions of approval and advisory clauses are 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 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 25.3.2027; 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 IV**.

- 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.
- 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 30.7.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout 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
SEPTEMBER 2026**