

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

**APPLICATION NO. A/H20/196**

<b><u>Applicant</u></b>	Jetweal Development Limited
<b><u>Premises</u></b>	Part of workshop 5, G/F, Cheung Tat Centre, 18 Cheung Lee Street, Chai Wan, Hong Kong
<b><u>Floor Area</u></b>	About 54m <sup>2</sup>
<b><u>Lease</u></b>	Chai Wan Inland Lot Nos. 2 and 4, which is restricted to industrial and/or godown purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture
<b><u>Plan</u></b>	Draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/24
<b><u>Zoning</u></b>	“Other Specified Uses” annotated “Business” (“OU(B)”) <ul style="list-style-type: none"> <li>- [Restricted to a maximum plot ratio of 12 and a maximum building height of 120mPD, or the plot ratio and height of the existing building, whichever is the greater.]</li> </ul>
<b><u>Application</u></b>	Shop and Services (Chinese Medical Clinic & Laundry)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for using part of workshop 5 (the Premises), G/F of an existing 25-storey industrial building, the Cheung Tat Centre (the subject building) for ‘Shop and Services (Chinese Medical Clinic & Laundry)’ use. According to the Notes of the OZP, ‘Shop and Services’ use other than motor-vehicle showroom on ground floor and service trades requires planning permission from the Town Planning Board (the Board) for an industrial or industrial-office (I-O) building within the “OU(B)” zone.
- 1.2 The Premises is the subject of two previous applications (Nos. A/H20/186 and 191) submitted by the same applicant for the same use (i.e. Chinese medical clinic and laundry), but on a temporary basis for a period of 2 years. The applications were approved with condition by the Metro Planning Committee (the Committee) of the Board on 28.10.2016 and 1.2.2019 respectively. The approval condition had already been complied with and the latest one was on 23.9.2019. The latest planning permission has lapsed on 1.2.2021 and, hence, the Premises is currently occupied for use as Chinese medical clinic and laundry without a valid planning permission.

1.3 The Premises has a total floor area of about 54m<sup>2</sup> for which about 29m<sup>2</sup> is used as Chinese medical clinic and about 25m<sup>2</sup> as laundry. The Premises is located on the G/F with two separate accesses from Chui Hang Street. The floor plans of the Premises are at **Drawings A-1 to A-4**.

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

(a) Application form received on 3.3.2021 **Appendix I**

(b) Further Information (FI) received on 14.4.2021 with **Appendix Ia** revised floor plans of the Premises<sup>#</sup>

<sup>#</sup> *exempted from publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I**. They are summarised as follows:

- (a) the Chinese medical clinic and laundry shop provide services that meet the needs of the community;
- (b) the applied uses would reduce environmental pollution problems associated with industrial uses and are in line with the Government's policy on revitalisation of industrial buildings; and
- (c) the usual operating hours of the applied uses would be from 9 a.m. to 9 p.m. from Monday to Sunday, including public holidays.

## **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. Town Planning Board Guidelines**

The TPB Guidelines for Development within "OU(B)" Zone (TPB PG-No. 22D) are relevant to the application 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) for existing industrial or I-O buildings, 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 the ground floor 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 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; and
- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met. These include building structure, means of escape and fire safety requirements, which will be considered at the building plan submission stage.

## **5. Previous Applications**

- 5.1 The Premises is the subject of five previous planning applications (Nos. A/H20/57, 173, 181, 186 and 191).
- 5.2 Application No. A/H20/57 covering the entire workshop 5 for a proposed bank was submitted when the site was zoned "Industrial" ("I") on the Chai Wan OZP. It was approved with condition by the Committee of the Board on 20.9.1993.
- 5.3 Application Nos. A/H20/173 and 181 covering the entire workshop 5 for temporary shop and services use (retail shop and photographic studio) for a period of 1 year and 2 years respectively submitted by the same applicant of the current application were approved with condition by the Committee on 3.6.2011 and 3.1.2014 respectively. However, both planning permissions lapsed on 3.6.2012 and 3.1.2016 respectively.
- 5.4 Application Nos. A/H20/186 and 191 for the same use but in temporary nature for a period of 2 years submitted by the same applicant as the current application were approved with condition by the Committee on 28.10.2016 and 1.2.2019. The approval condition (i.e. the submission and implementation of fire safety measures including fire services installations, water supplies for firefighting and means of escape completely separated from the industrial portion) was complied with on 23.1.2017 and 23.9.2019 respectively. Both planning permissions lapsed

on 28.10.2018 and 1.2.2021 respectively.

## 6. Similar Applications

6.1 There were 17 similar applications for shop and services use on the ground floor of the subject building. Other than the application (No. A/H20/100) for restaurant use which was rejected by the Committee on 14.4.2000 for reasons of fire safety concern and setting an undesirable precedent, all other 16 applications were approved by the Committee.

6.2 Details of the 16 approved similar applications together with the five previous applications (21 applications in total), are summarised below:

Application No.	Unit	Applied Use	Floor Area (about)	MPC Date	Decision
Uses applicable for maximum permissible limit of 460m <sup>2</sup> for aggregate commercial floor area on G/F of the subject industrial building (with sprinkler system) in accordance with TPB PG-No. 22D					
A/H20/111	2D (portion)	Retail Shop	23m <sup>2</sup> #*	2.2.2001	Approved
A/H20/132	1	Retail Shop	102.19m <sup>2</sup>	10.9.2004	Approved
A/H20/134	2D	Temporary Estate Agency Office for 3 years	37m <sup>2</sup> #	5.11.2004 (Lapsed on 5.11.2007)	Approved with condition(s)
A/H20/155	2C & 2D	Estate Agency Office	39.15m <sup>2</sup>	2.11.2007	Approved with condition(s)
A/H20/166	2B	Temporary Money Exchange for 3 years	15.8m <sup>2</sup> @	25.6.2010 (Revoked on 25.2.2011)	Approved with condition(s)
A/H20/169	4 (Portion)	Real Estate Agency	26.73m <sup>2</sup>	23.12.2010	Approved with condition(s)
A/H20/173	5	Temporary Retail Shop and Photographic Studio for 1 year	158.7m <sup>2</sup> @	3.6.2011 (Lapsed on 3.6.2012)	Approved with condition(s)
A/H20/174	2B	Temporary Money Exchange for 3 years	15.8m <sup>2</sup> @	3.6.2011 (Revoked on 3.11.2011)	Approved with condition(s)
A/H20/179	2B	Money Exchange	14.99m <sup>2</sup>	4.4.2014	Approved with condition(s)
A/H20/181	5	Temporary Retail Shop and Photographic Studio for 2 years	132.8m <sup>2</sup> @	3.1.2014 (Lapsed on 3.1.2016)	Approved with condition(s)
A/H20/185	Part of 5 (Portion A)	Temporary Shop and Services (Property Agency) for 2 years	21.5m <sup>2</sup> @	18.3.2016 (Lapsed on 18.3.2018)	Approved with condition(s)
A/H20/186	Part of 5 (Portions B)	Temporary Shop and Services (Chinese Medical	51m <sup>2</sup> @	28.10.2016 (Lapsed on	Approved with condition(s)

Application No.	Unit	Applied Use	Floor Area (about)	MPC Date	Decision
	and C)	Clinic and Laundry) for 2 years		28.10.2018)	
A/H20/189	Part of 5 (Portion A)	Renewal of planning permission for temporary Shop and Services (Property Agency) under Application No. A/H20/185 for a period of 2 years	21.5m <sup>2</sup> @	9.2.2018 (Lapsed on 18.3.2020)	Approved with condition(s)
A/H20/191	Part of 5 (Portions B and C)	Temporary Shop and Services (Chinese Medical Clinic and Laundry) for 2 years	51m <sup>2</sup> @	1.2.2019 (Lapsed on 1.2.2021)	Approved with condition(s)
A/H20/194	2A	Shop and Services	48.47m <sup>2</sup> @	6.3.2020 (Revoked on 6.3.2021)	Approved with condition(s)
Total Approved Floor Area:			183.06m <sup>2</sup>		
Uses <u>not</u> applicable for maximum permissible limit of 460m <sup>2</sup> for aggregate commercial floor area on G/F of the subject industrial building (with sprinkler system) in accordance with TPB PG-No. 22D					
A/H20/57	5	Bank	158.7m <sup>2</sup>	20.9.1993	Approved with condition(s)
A/H20/63	4	Bank	61.2m <sup>2</sup>	6.5.1994	Approved with condition(s)
A/H20/102	3A	Fast Food Shop	24m <sup>2</sup>	25.8.2000	Approved
A/H20/104	2C	Local Provisions Store	5m <sup>2</sup>	13.10.2000	Approved
A/H20/106	2B	Fast Food Shop	15.7m <sup>2</sup>	27.10.2000	Approved with condition(s)
A/H20/108	3B	Fast Food Shop	30m <sup>2</sup>	10.11.2000	Approved

# The floor areas for application Nos. A/H20/111 and 134 at Workshop 2D are not included in the total approved floor as the area is included under application No. A/H20/155.

@ Application Nos. A/H20/166 and 174 at Workshop 2B and Application No. A/H20/194 at Workshop 2A are excluded as they were revoked on 25.2.2011, 3.11.2011 and 6.3.2021 respectively. Application Nos. A/H20/173, 181, 185, 186, 189 and 191 at Workshop 5 are excluded as they were lapsed.

\* Application No. A/H20/111 only includes portion of workshop 2D with a floor area of 23m<sup>2</sup> measured by the Planning Department.

6.3 Based on the above, the aggregate commercial floor area of shop and services use approved by the Committee on the G/F of the subject building is 183.06m<sup>2</sup>. If the subject application (with a floor area of 54m<sup>2</sup>) is approved, the aggregate commercial floor area will be 237.06m<sup>2</sup>, which is still within the maximum permissible limit of 460m<sup>2</sup> for an industrial building with sprinkler system.

**7. The Application Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4 to A-6)**

7.1 The Premises is:

- (a) located at the south-western part of the subject building on ground floor fronting Chui Hang Street; and
- (b) currently operating as a Chinese medical clinic and a laundry shop separately with individual accesses.

7.2 The subject building is:

- (a) a 25-storey industrial building equipped with sprinkler system; and
- (b) occupied for various uses and major uses by floor are summarised below:

Floor	Current Uses
G/F	<b>Application premises (i.e. part of workshop 5)</b> , lobby and entrance to car park, estate agencies, fruit store, fitting-out works company, small-scale printing and Xerox service company, hardware retail stores, clothes shop, money exchange and vacant
1/F & 2/F	Car park and loading/unloading area
3/F – 24/F	Art and graphic studio, non-polluting industrial use, office and warehouse

7.3 The surrounding area has the following characteristics:

- (a) developments to the north and south along both sides of Lee Chung Street and Cheung Lee Street are predominantly industrial buildings zoned “OU(B)” on the OZP;
- (b) a public housing estate (Wah Ha Estate) is located to the east on the opposite side of Chui Hang Street;
- (c) the ground floors of the nearby industrial buildings are mainly used as car-repairing/recycling workshops, motor vehicle showroom, retail shop and bank; and
- (d) the MTR Chai Wan Station is about 110m to the southeast of the subject building.

**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/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) the subject building is erected on Chai Wan Inland Lot Nos. 2 and 4, which is restricted to industrial and/or godown purposes excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture under the concerned land leases; and
- (b) the owner of the Premises has applied for a temporary waiver which is being processed. If planning approval from the Board is given, temporary waiver would be required to effect the approved planning use. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions including, among others, payment of waiver fee as may be imposed by LandsD.

### Fire Safety

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

- (a) no objection in principle to the application subject to:
  - (i) fire service installations and equipment being provided to the satisfaction of D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
  - (ii) means of escape separated from the industrial portion is available for the Premises.
- (b) the subject building is protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F is 460m<sup>2</sup> in accordance with TPB PG-No.22D. The applied use should be counted towards the aggregate commercial floor area;
- (c) 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; and
- (d) 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” if the application is approved.

### Buildings Matters

9.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no objection to the application;
- (b) the proposed change in uses/alterations and additions works at the Premises shall in all aspects comply with the Buildings Ordinance (BO) and its allied regulations;
- (c) the applicant is advised to engage an Authorised Person to assess the feasibility of the proposal and implement the proposed change in use/alterations and additions works in compliance with the BO, including but not limited to:
  - (i) adequate means of escape should be provided to the Premises and the remaining portion of the Premises in accordance with regulation 41(1) of the Building (Planning) Regulation (B(P)R) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - (ii) access and facilities for persons with a disability should be provided in accordance with regulation 72 of the B(P)R and Design Manual: Barrier Free Access 2008; and
  - (iii) the Premises should be separated from the remaining portion of the subject building by fire barriers of adequate fire resistance rating pursuant to regulation 35 of the Building (Construction) Regulation and the FS Code.
- (d) the granting of any planning approval should not be construed as an acceptance of any unauthorised building works (UBW) on the Premises under the BO. Enforcement action may be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary; and
- (e) detailed comments under the BO can only be provided at building plan submission stage.

### Traffic Aspect

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

no objection in principle to the application from traffic engineering viewpoint.



9.1.5 Comments of the Commissioner of Police (C of P):

- (a) no specific traffic comment on the application from regional traffic police perspective at this stage; and
- (b) it is advised that the proposal should not cause adverse traffic impact to the local community.

Environment Aspect

9.1.6 Comments of the Director of Environmental Protection (DEP):

No comment on the application from environmental planning perspective. Based on the information submitted, it is noted that the proposal is to continue using the Premises for Shop and Services use which is currently operated as Chinese medical clinic and laundry under Application No. A/H20/191 approved by the Board on 1.2.2019.

9.2 The following government departments have no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department; and
- (d) District Officer (Eastern), Home Affairs Department.

**10. Public Comment Received During Statutory Publication Period**

On 12.3.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.4.2021, no public comment was received.

**11. Planning Considerations and Assessment**

- 11.1 The application is to seek planning permission for using the Premises for ‘Shop and Services (Chinese Medical Clinic & Laundry)’ use. The applied use is generally in line with the planning intention of the “OU(B)” zone which is intended for general business uses. The Premises is also the subject of previous applications for the same use which were approved by the Committee on a temporary basis.
- 11.2 The applied use is considered not incompatible with other uses on the G/F of the subject building as well as those non-polluting industrial uses and industrial-related offices on the upper floors. As advised by D of FS, the subject building, which is provided with a sprinkler system, is subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on G/F. As mentioned in paragraph 6.3 above, the current aggregate commercial floor area of shop and services uses approved by the Committee on the G/F of the subject building is 183.06m<sup>2</sup>. If the subject application (with a floor area of 54m<sup>2</sup>) is approved, the aggregate commercial floor area will be 237.06m<sup>2</sup>, which is still

within the maximum permissible limit of 460m<sup>2</sup> for an industrial building with sprinkler system. The Premises has direct accesses along the frontage of the subject building abutting Chui Hang Street. In this regard, D of FS has no objection to the application subject to an approval condition on the provision of fire safety measures. The applicant has already complied with the approval condition imposed by the Committee under previous approvals.

- 11.3 Apart from the fire safety aspect, the applied use also complies with the TPB PG-No. 22D in that it would unlikely induce adverse traffic, environmental or infrastructural impacts to the uses within the subject building and the existing developments in the adjacent area. Relevant government departments consulted, including TD, EPD and DSD have no adverse comment on the application.
- 11.4 There are a total of 16 similar applications approved on the ground floor of the subject building for 'shop and services' use. The Premises itself is also the subject of five previous applications (Nos. A/H20/57, 173, 181, 186 and 191) which were all approved with condition by the Committee. The current application is the same as the last application (No. A/H20/191) in terms of the Premises, applied use and layout except the planning permission sought in the current application is permanent in nature. There is no change in planning circumstances or in the characteristics of the surrounding area since the last approval granted in 2019. Approval of the current application is in line with the Committee's previous decisions.
- 11.5 There is no public comment on the application received during the first three weeks of the statutory public inspection period.

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

- 12.1 Based on the assessment 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 for commencement for the development is proposed as the shop and services (Chinese medical clinic & laundry) use under the application is already in operation. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission and implementation of fire safety measures including the provision of fire service installations and equipment, and means of escape separated from the industrial portion within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 30.10.2021; and
- (b) if the above approval condition 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 immediately without further notice.

Advisory Clauses

The recommended advisory clauses are attached 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 conditions and advisory clauses 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.

**Attachments**

<b>Appendix I</b>	Application form with attachments received on 3.3.2021
<b>Appendix Ia</b>	Further Information received on 14.4.2021
<b>Appendix II</b>	Recommended advisory clauses
<b>Drawings A-1 to A-4</b>	Plans submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Location plan of current commercial uses on G/F, Cheung Tat Centre
<b>Plans A-4 to A-6</b>	Site photos

**PLANNING DEPARTMENT  
APRIL 2021**