

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K13/323

- Applicant** : Tai Yip Investment No. 2 Limited represented by KTA Planning Limited
- Premises** : 7/F, Sunshine Kowloon Bay Cargo Centre, 59 Tai Yip Street, Kowloon Bay, Kowloon
- Floor Area** : About 6,310m²
- Lease** : (a) New Kowloon Inland Lot (N.K.I.L.) 5741 under Conditions of Sale No. 11136 dated 4.11.1977 as modified by two Modification Letters dated 14.3.1980 and 8.11.1982

(b) Restricted for cargo consolidation and godown purposes
- Plan** : Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/31
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) *[restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 120 meters above Principal Datum or the PR and height of the existing building, whichever is the greater]*
- Application** : Proposed Vehicle Repair Workshop

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed vehicle repair workshop use. The Premises occupies a majority area of 7/F of an existing godown building known as Sunshine Kowloon Bay Cargo Centre. It falls within an area zoned “OU(B)” on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/31 (**Plan A-1**). According to Schedule II of the Notes for the “OU(B)” zone, ‘Vehicle Repair Workshop’ use within an industrial or industrial-office (I-O) building is a Column 2 use and planning permission from the Town Planning Board (the Board) is required.
- 1.2 According to the applicant, the Premises with a total floor area of about 6,310m² and a floor-to-floor height of 5m, which is currently an industrial godown storing parcels and goods with eight loading/unloading (L/UL) bays, is proposed to be converted into a vehicle repair workshop (**Drawing**

A-1) to provide repair and maintenance services for private cars, taxis and/or light vans. The vehicular access from/to the Premises is on Tai Yip Street (**Plan A-2**) through an existing spiral ramp providing direct vehicular access to each floor (including the Premises on 7/F) (**Plan A-3**).

1.3 The proposed development is mainly divided into three areas (**Drawing A-1**). The majority of floor spaces is designated for operation area comprising service areas, customer delivery area, parking area comprising 32 parking spaces for private cars waiting for repair and maintenance, wash bays, parts and storage area as well as ancillary office. A minor portion is used for customer area including service reception area, waiting area and service advice area, as well as L/UL area for customers' drop off. It is intended to operate from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays under a pre-booking appointment for repair and maintenance services.

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

- (a) Application form received on 27.5.2022 (**Appendix I**)
- (b) Supporting Planning Statement and Environmental Assessment received on 27.5.2022 (**Appendix Ia**)
- (c) Further Information (FI) received on 13.9.2022 (**Appendix Ib**) enclosing responses to departmental comments and the revised layout plan [#]
- (d) FI received on 17.10.2022 enclosing the revised layout plan and swept path analysis [#] (**Appendix Ic**)

[#] exempted from publication and recounting requirements

1.5 The Metro Planning Committee (the Committee) of the Board agreed on 15.7.2022 to defer making a decision on the application for a period of two months in order to allow sufficient time for preparation of FI to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement (**Appendix Ia**) and FI (**Appendix Ib**) and summarised as follows:

- (a) The Premises is situated in an industrial building in Kowloon Bay Business Area (KBBA) with high accessibility by public transport (i.e. about 400m from Kowloon Bay MTR Station), which is within reasonable proximity to the customers.
- (b) The Premises is relatively detached from the new commercial developments like One Kowloon, Manhattan Place, Enterprise Square

Three and Capital Tower. It is in line with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) for vehicle repair workshops in the main urban area that they should be accommodated in the periphery of industrial areas, balancing between environmental objectives and business requirements. Also, it is a single unit and would provide an adequate unit size to provide all essential facilities and services for vehicles to be repaired and maintenance. Besides, the subject building is under the management of a central management office to ensure that the operation of proposed development is in order.

- (c) The proposed development is a continuation of industrial use at the Premises and would not jeopardize the long-term planning intention of “OU(B)” zone. It would only adhere to the lifetime of the existing godown/industrial building.
- (d) The Environmental Assessment (EA) (**Appendix Ia**) indicates that with the implementation of proper pollution control measures, no insurmountable impact on air quality, noise, water quality and waste management aspects will be resulted from the proposed development.
- (e) The proposed development is provided with its own car parking spaces (32 nos.) and drop-off spaces (5 nos.) on 7/F for the exclusive uses of its customers. Under the pre-booking system, a drop-off space will be reserved for each customer for a time slot of one hour for preliminary examination of the vehicles. It is anticipated to attract 5 vehicle trips each hour. As such, the traffic impact induced by the proposed development is considered insignificant. No queuing along Tai Yip Street and outside the subject building is anticipated.
- (f) The applicant is intended to comply with the Fire Safety (Buildings) Ordinance to provide adequate and effective firefighting apparatus and equipment, such as sprinkler system and 2-hour fiberglass sliding and folding door. Detailed fire services installation will be formulated at the building plan submission stage.

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

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; and
- (c) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the 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 Application

There is no previous application in respect of the Premises and the subject building.

6. Similar Application

There is no similar application for vehicle repair workshop use at the subject building or within “OU(B)” zones in KBBA, while there are two similar applications (Nos. A/K14/725 and A/ST/871) for vehicle repair workshop use within the industrial buildings zoned “OU(B)” in Kwun Tong (at G/F) and Shek Mun (at G/F and 1/F) respectively, both were approved by the Committee and the Rural and New Town Planning Committee respectively in 2015 on a temporary basis for a period of three years (instead of on a permanent basis as applied), in order to monitor the traffic and environmental impacts on the surrounding areas (for Application No. A/K14/725), as well as the supply and demand of industrial floor spaces in the area (for Application No. A/ST/871). Both applications were subsequently revoked due to non-compliance of the approval conditions in relation to the submission of traffic impact assessment and/or fire service installations proposal.

7. The Premises and its Surrounding Areas (Plans A-1 and A-2 and site photos on Plans A-3 and A-4)

7.1 The Premises:

- (a) is currently occupied by an industrial godown for storage of parcels and goods with eight L/UL bays;
- (b) occupies a majority area of 7/F of the subject building;
- (c) is accessible via existing spiral ramp from G/F to R/F through the vehicular entrance at Tai Yip Street (**Plans A-2 and A-3**); and
- (d) is at about 400m from Kowloon Bay MTR Station (at about 15 to 20-minute walking distance) (**Plan A-1**).

7.2 The subject building:

- (a) is a 10-storey godown building built in 1982 and accessed from Tai Yip Street;
- (b) together with a sitting-out area to its west, is severed from other developments as the whole block is bounded by roads and elevated roads (**Plan A-2**); and
- (c) has the following existing uses:

Floor	Main Uses
Basement	Godown with L/UL area
G/F	Godown with L/UL area, carparking area and security office
1/F – 8/F	Godown with L/UL area
R/F	Open-air public carpark

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the neighboring buildings along Tai Yip Street are Ngau Tau Kok Ambulance Depot, Telephone Exchange, Electricity Substation to the north, Vocational Training Council Kowloon Bay Complex to the northeast, Hong Kong Institute of Construction Kowloon Bay Campus to the east, Government Logistics Department Training & Testing Centre to the southeast and Water Supplies Department Kowloon East Regional Building to the south, all zoned “Government, Institution or Community (1)”; and
- (b) to the west across Wai Yip Street is a commercial development known as Capital Tower zoned “OU(B)”, and to the further west and southwest are the future commercial development sites zoned “Commercial (1)” and “Commercial (2)”.

8. Planning Intention

The planning intention of “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 summarized as follows:

Land Administration

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

- (a) The Premises falls within N.K.I.L. No. 5741 (“the Lot”). The Lot is held under Conditions of Sale No. 11136 dated 4.11.1977 as modified by two Modification Letters dated 14.3.1980 and 8.11.1982 (“the Conditions”). The Conditions restricts the Lot to be used for cargo consolidation and godown purposes. No building(s) shall be erected on the Lot except a cargo consolidation station and godown, ancillary offices and such quarters as may be required for watchmen or caretakers or both. Spaces shall be provided within the Lot to the satisfaction of the Director of Lands to the manoeuvring, parking, L/UL of vehicles to meet operational requirements.
- (b) It is noted that the proposed vehicle repair workshop comprises customer area and operation area. The proposed use of vehicle repair workshop cum customer area is in breach of the lease conditions. Should the planning application be approved by the Board, the owner is required to apply to LandsD for a temporary waiver or lease modification to give effect to the proposal. However, there is no guarantee that the temporary waiver or lease modification application would be approved and if the application is eventually approved by LandsD in the capacity as the landlord at its discretion, it will be subject to those terms and conditions, including payment of any administration fee and waiver fee or premium, as considered appropriate by LandsD.

Building Matters

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

- (a) No objection in-principle to the application.

- (b) All building works/change in use should be in compliance with the Buildings Ordinance (BO).
- (c) The applicant is advised to engage an Authorized Person to ensure that any building works/change of use are implemented in compliance with the BO, including (but not limited to) the following:
 - (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) fire barrier with adequate fire resisting construction between the subject premises and the remaining portion of the building should be provided in accordance with Building (Construction) Regulation 35 and the FS Code;
 - (iii) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
 - (iv) adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.
- (d) Detailed comments under BO can only be provided at the building plan submission stage.
- (e) For unauthorized building works (UBW) erected on leased land/private buildings (if any), 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. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO.
- (f) If the proposed use under the application is subject to the issue of a licence, please be reminded that any existing structures on the application site 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.

Fire Safety

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

- (a) No in-principle objection to the application subject to water supplies and fire service installations being provided to the satisfaction of D of FS.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

- (c) Nevertheless, should there be any storage of dangerous goods exceeding its exempt quantity and/or fueling facilities, the project proponent should be advised to submit application(s) for dangerous goods stores to Dangerous Goods Division for comment/approval in accordance with Cap. 295 (Dangerous Goods Ordinance).

Traffic Aspect

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

No further comment on the application from the traffic engineering perspective, having regard to the FIs enclosing the revised layout plan and the swept path analysis (**Appendices Ib and Ic**).

Environmental Aspect

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

- (a) No objection to the application.
- (b) Based on the Supporting Planning Statement and EA (**Appendix Ia**), the vehicle repairing and maintenance activities will be operated indoor; and the proposed workshop will be equipped with extracting and mechanical ventilation with activated carbon filters. Also, the fresh air intake will be located along the western boundary of the subject building to meet the recommended buffer distance requirements for vehicular and chimney emissions as stipulated in the HKPSG. Hence, insurmountable environmental impacts associated with the proposed developments are not anticipated.
- (c) Notwithstanding this, the applicant is reminded to ensure that the operation of the proposed vehicle repair workshop complies with the requirements under existing environmental pollution control ordinances, including the Water Pollution Control Ordinance and the Waste Disposal Ordinance, etc.

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

- (a) Head of Energizing Kowloon East Office, Development Bureau;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Director of Electrical and Mechanical Services;
- (f) Director-General of Trade and Industry (DG of TI);
- (g) Commissioner of Police; and
- (h) District Officer/Kwun Tong, Home Affairs Department.

10. Public Comment Received During the Statutory Publication Period

On 7.6.2022, the application was published for public inspection. During the first three weeks of statutory public inspection period which ended on 28.6.2022, one public comment (**Appendix II**) was received from the Chairperson of Kwun Tong Central Area Committee who indicated support to the application without providing any reason.

11. Planning Considerations and Assessment

- 11.1 The application is for proposed vehicle repair workshop use on 7/F of an existing godown building bounded by roads and elevated roads (**Plan A-1**). The planning intention of “OU(B)” zone in which it falls is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped. The proposed use, which would only adhere to the lifetime of the subject building, would not frustrate the long-term planning intention of the “OU(B)” zone.
- 11.2 The proposed vehicle repair workshop use is considered not incompatible with godown uses on other floors of the subject building and other industrial-related buildings in the area. Pursuant to TPB PG-No. 22D, 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. On fire safety aspect, the proposed workshop will be designed with adequate and effective firefighting apparatus and equipment. On traffic aspect, the proposed development is provided with its own car parking spaces and drop-off spaces, and no queuing along Tai Yip Street and outside the subject building is anticipated. All customers are required to make a pre-booking appointment so that the number of visitors to the building at one time can be controlled. On environmental aspect, the vehicle repairing and maintenance activities will be operated indoor, and the proposed workshop will be equipped with extracting and mechanical ventilation with activated carbon filters, with the fresh air intake along the western boundary of the subject building. In this connection, the proposed use complies with TPB PG-No. 22D in that it would not induce fire safety, traffic and environmental impacts to the developments within the subject building and its surroundings. Relevant Government departments consulted including D of FS, C for T and DEP have no objection to/no adverse comment on the application.
- 11.3 Although there is no similar approved application for vehicle repair workshop use within “OU(B)” zone in KBBA in the past, the two similar applications at Kwun Tong and Shek Mun were approved with conditions in 2015 on a temporary basis with the considerations stated in paragraph 6 above. As the proposed use would only adhere to the lifetime of the subject building and would not induce adverse traffic and environmental impacts, it is considered that the approval of this application can be on a permanent basis as applied. In this connection, DG of TI, C for T and DEP have no objection to/no adverse comment on the application.

Therefore the approval of this application is consistent with the previous decisions of the Committee on similar applications.

11.4 The supportive public comment as stated in paragraph 10 above is noted.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment as mentioned in paragraph 10 above, 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 11.11.2026, 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 suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a proposal on the fire safety measures to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition (a) is not complied with before the operation of the 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 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 received on 27.5.2022
Appendix Ia	Supporting Planning Statement and Environmental Assessment received on 27.5.2022
Appendix Ib	FI received on 13.9.2022
Appendix Ic	FI received on 17.10.2022
Appendix II	Public comment received during the statutory publication period
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Plan of the Premises
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**