

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/805

- Applicant** : Yield Top International Limited represented by Raymond Chan Surveyors Limited
- Premises** : Workshop Units 6C and 6D, G/F, Hoi Luen Industrial Centre, 55 Hoi Yuen Road, Kwun Tong, Kowloon
- Floor Area** : About 806.71m²
- Lease** : (a) Kun Tong Inland Lot (KTIL) No. 69
(b) Restricted to industrial purposes excluding offensive trades
- Plan** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/23
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Maximum plot ratio of 12 and the maximum building height of 160 metres above Principal Datum or the PR and the height of the existing building(s), whichever is the greater]
- Application** : Proposed Shop and Services (Bank)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Shop and Services (Bank)’ use. The Premises occupies Units 6C and 6D on G/F of an existing industrial building (IB), namely Hoi Luen Industrial Centre (the Building), at 55 Hoi Yuen Road, Kwun Tong (**Drawing A-1, Plan A-2**), which falls within an area zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/23 (**Plan A-1**). According to the 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’ use on G/F of an IB is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant and recent site inspection, the Premises is currently occupied by a canteen. The G/F plan of the Building and the proposed layout of the Premises submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.7.2021 (Appendix I)
 - (b) Supplementary Planning Statement received on 27.7.2021 (Appendix Ia)
 - (c) Further Information (FI) received on 19.8.2021 clarifying the loading/unloading (L/UL) arrangement^[#] (Appendix Ib)

- (d) FI received on 21.10.2021 providing access arrangement for customers and bank staff respectively^[#] **(Appendix Ic)**

^[#] FIs accepted and exempted from the publication and recounting requirements

- 1.4 On 24.9.2021, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant in order to allow time for preparation of FI to address departmental comments. With the FI received on 21.10.2021 (**Appendix Ic**), the application is scheduled for consideration by the Committee at this meeting

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in the Supplementary Planning Statement at **Appendices Ia** and **Ic** are summarized as follows:

- (a) The proposed ‘Shop and Services (Bank)’ use is in line with the planning intention of “OU(B)” zone and is compatible with the adjoining uses, and could fulfil the demand for banking services within the Kwun Tong industrial/business area.
- (b) The Premises shall be accessible by customers from the adjoining existing bank at Unit 6B where direct frontage to Hoi Yuen Road is available (**Drawing A-1**). Relevant building plans for Alterations and Additions works will be submitted for approval after obtaining planning permission. The exits connecting to the industrial portions of the Building shall be restricted to bank staff only.
- (c) The Premises will be separated from the industrial portion of the Building by suitable fire resistance construction and design. With fire safety measures to be implemented on site, the business operation of the bank is not likely to arouse fire hazard.
- (d) No adverse traffic and environmental impact are generated from the proposed use.
- (e) There are similar planning approvals for ‘Shop and Services (Bank)’ uses in the “OU(B)” zone within the same OZP.

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 Member’s 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) 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 not exceed 460m² and 230m² 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 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

There is no previous application in respect of the Premises.

6. Similar Applications

- 6.1 There is no similar application in respect of the G/F of the Building.
- 6.2 There are a total of 217 similar applications for 'Shop and Services' use on G/F of industrial or I-O buildings under "OU(B)" zone in the Kwun Tong Business Area (KTBA). 183 of them were approved with conditions and the remaining 34 were rejected by the Committee of the Board, mainly for the reasons that the applications were not acceptable from fire safety viewpoint as the total aggregate commercial floor area on G/F of the industrial or I-O building(s) had exceeded the maximum permissible limit.

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

7.1 The Premises:

- (a) occupies Workshop Units 6C and 6D on G/F of Hoi Luen Industrial Centre, and is currently used as a canteen (**Plans A-3 and A-5**); and

- (b) accessible from Hoi Yuen Road via a common corridor of the Building shared with the industrial portion (**Plan A-3**).

7.2 The Building:

- (a) is a 16-storey IB including a one-storey basement carpark built in 1985 with sprinkler system (**Plan A-4**); and
- (b) currently occupied by the following uses:

Floor	Main Uses
B/F	Carpark
G/F	The Premises (currently used as a canteen), canteen, banks ^[1] , lift lobbies, warehouse, logistics centre and L/UL area (Plan A-3)
1/F – 14/F	Office (1/F to 14/F), warehouse (all except 8/F), workshop (2/F, 8/F, 11/F, 12/F and 14/F), food factory (1/F to 5/F, 10/F and 12/F), shop and services (all except 1/F, 3/F, 11/F and 12/F) ^[3] , fitness centre (5/F, 10/F, 11/F and 13/F) ^[2] , canteen (2/F and 6/F), logistics centre (6/F), eating place (7/F) ^[3] , party room (13/F) ^[2] , locked units and vacant units (1/F to 14/F)

^[1] According to record, two banks have been in operation since 27.12.1986 and 27.3.1987 respectively, prior to the publication of the first draft Kwun Tong OZP No. S/K14/1 covering the Building on 11.12.1987. As such, these banks are regarded as existing uses and no action is required to make them conform to the OZP.

^[2] No record of planning approval granted for these uses.

^[3] Uses not allowed as they are not in the purpose-designed non-industrial portion on the lower floors of the Building, nor separated from the industrial uses located above by a buffer floor(s) and no industrial uses are located within that non-industrial portion.

7.3 The surrounding areas have the following characteristics:

- (a) the neighbouring buildings along Hoi Yuen Road are mainly industrial and I-O buildings, such as APEC Plaza, Hoi Win Factory Building etc. to the southwest (**Plan A-2**);
- (b) some buildings in the vicinity have been redeveloped or converted to commercial/office use, such as Aitken Vanson Centre to the northeast and Camel Paint Centre to the southeast across Hoi Yuen Road (**Plan A-2**);
- (c) the G/F units of the nearby buildings are mainly used as convenience store, eating places, fast food shops, retail shops, real estate agencies, money exchange shops and banks; and
- (d) MTR Kwun Tong Station is approximately 250m to the northeast (**Plan A-1**).

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 KTIL No. 69 which is held under Government Lease dated 6.6.1966 for industrial purposes excluding offensive trades.
- (b) The proposed 'Shop and Services (Bank)' use would be in conflict with the lease conditions. If the planning application is approved by the Board, the applicant shall apply to LandsD for a waiver/lease modification to implement the proposal. However, there is no guarantee that the waiver/lease modification application will be approved. 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. Approval by the Board shall not prejudice the government's right to take enforcement action against any breach identified at the Premises.
- (c) Upon receipt of the application of waiver/lease modification, if applied by the owner of the Premises, he is required to prove his ownership and demonstrate the dimensions and calculation of the floor area in all respects to the satisfaction of 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 his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (ii) the bank and industrial occupancies are completely separated from each other by suitable fire resistance construction and design; and
 - (iii) the exits connecting to the industrial portions of the Building shall be restricted to the bank staff only.

- (b) The Building is fully protected by sprinkler system and the maximum permissible aggregated commercial floor area on G/F is **460m²** in accordance with TPB PG-No. 22D. The ‘Shop and Services (Bank)’ should not be counted up to the aggregated 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” (FS Code) which is administered by the Building Authority (BA).
- (d) The applicant’s attention is 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.

Building Matters

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

- (a) No objection in-principle to the application.
- (b) All building works should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations.
- (c) Before any new building works are to be carried out on the Premises, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO and to ensure full compliance with the BO and its allied regulations including the provisions on means of escape, fire resisting construction and access and facilities for persons with a disability, etc., in particular,
 - (i) provision of adequate means of escape in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Building 2011 (FS Code);
 - (ii) provision of fire barriers with adequate fire resisting construction between the Premises and the remaining portion of the Building in accordance with Building (Construction) Regulation 35 and the FS Code; and
 - (iii) provision of adequate sanitary fitments to the Premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.
- (d) For UBW erected in leased land, enforcement action may be taken by the BD 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 existing building works or UBW on the Premises under the BO.

- (e) Detailed comments under the BO can only be provided at the building plan submission stage.
- (f) The applicant's attention should be drawn to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no powers to give retrospective approval or consent for any UBW.

Traffic

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

- (a) He has no in-principle objection to the application from traffic engineering perspective, as the Premises has a small and constrained site layout and is conveniently located close to mass transport/public transport services, the proposed use is small in scale and L/UL facilities are available in the Building.
- (b) The applicant is advised to note that C for T has the right 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. No armored car is allowed to stop along Hoi Yuen Road for any L/UL activities.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

On 3.8.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 24.8.2021, one public comment supporting the application was received from a member of Kwun Tong Central Area Committee without giving any reason (**Appendix II**).

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for 'Shop and Services (Bank)' use at the Premises, which is currently occupied by a canteen. The planning intention of the "OU(B)" zone is for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the proposed use would not induce adverse fire safety and environmental impacts. The proposed 'Shop and Services (Bank)' use is considered generally in line with the planning intention.

- 11.2 The KTBA is being transformed into commercial use with many similar applications for ‘Shop and Services’ use approved for the G/F units of other industrial and I-O buildings in the vicinity of the Premises. The proposed use is compatible with the changing land use character of the area.
- 11.3 The proposed use at the Premises complies with the TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, and environmental impacts on the developments within the subject building and the adjacent areas. Relevant Government departments consulted including D of FS, C for T and CBS/K, BD have no objection to/no adverse comment on the application.
- 11.4 The proposed ‘Shop and Services (Bank)’ use is not subject to the maximum permissible limit for aggregated commercial floor area on G/F under the TPB PG-No. 22D. As advised by D of FS, the proposed bank and industrial occupancies shall be completely separated from each other by suitable fire resistance construction and design, and the exits connecting to the industrial portion of the subject building shall be restricted to the bank staffs only. In this regard, the applicant proposed that the Premises shall only be accessible by the customers from the adjoining existing bank at Unit 6B (**Drawing A-1**) and C for T, CBS/K, BD and DLO/KE, LandsD have no objection to the proposed customer access arrangement. D of FS has no in-principle objection to the application subject to an approval condition on the submission and implementation of fire safety measures as recommended in paragraph 12.2(a) below.
- 11.5 One 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, 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 26.11.2023, 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 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, 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 to 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 27.7.2021
Appendix Ia	Supplementary Planning Statement received on 27.7.2021
Appendix Ib	FI received on 19.8.2021
Appendix Ic	FI received on 21.10.2021
Appendix II	Public comment received during the statutory publication period
Appendix III	Recommended advisory clauses
Drawing A-1	Location of the Premises on the building plan with proposed access arrangement
Drawing A-2	Layout plan of the Premises
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Existing uses on the G/F of Hoi Luen Industrial Centre
Plan A-4	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2021**