

MPC Paper No. A/K14/825 & 826  
For Consideration by  
the Metro Planning Committee  
on 27.10.2023

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

**APPLICATIONS NO. A/K14/825 & 826**

- Applicant** : Business Hub Limited
- Premises** : Ground Floor (G/F), How Ming Factory Building, 99 How Ming Street,  
Kwun Tong, Kowloon
- Units No. 2, 6, 8 and 10 (Application No. A/K14/825)
- Units No. 1, 3, 5, 7, 12, 16 and 18 (Application No. A/K14/826)
- Floor Area** : 210m<sup>2</sup> (Application No. A/K14/825)
- 329m<sup>2</sup> (Application No. A/K14/826)
- Lease** : Kwun Tong Inland Lot (KTIL) No. 506
- (a) Restricted to industrial and/or godown purposes excluding offensive trades
- Plans** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/25  
(currently in force)
- Approved Kwun Tong (South) OZP No. S/K14S/24  
(at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Maximum plot ratio of 12 and maximum building height of 160 metres above Principal Datum]
- Applications** : Proposed Shop and Services (Bank, Fast Food Counter, Local Provisions Store, Electrical Shop and/or Showroom)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Shop and Services (Bank, Fast Food Counter, Local Provisions Store, Electrical Shop and/or Showroom)’ uses (**Drawings A-1 and A-2** and **Plan A-2**). The Premises occupy part of the G/F of an existing industrial building (IB), namely How Ming Factory Building (the subject IB), within an area zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/25 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone, ‘Shop and Services (G/F only except Ancillary Showroom which may be permitted on any floor)’ is a Column 2 use for an industrial or industrial-office (I-O) building, which

requires planning permission from the Town Planning Board (the Board)<sup>1</sup>.

- 1.2 According to the applicant, the G/F of the subject IB has been subdivided into 16 units. Apart from the 11 units under the current applications, the remaining five units are either vacant or being used as canteens. While units No. 1, 3 and 18 (forming part of Application No. A/K14/826) are currently occupied by fast food counters, the remaining units under the applications are currently vacant. G/F layout plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 In support of the applications, the applicant has submitted the following documents:
  - (a) Application Forms received on 29.8.2023 **(Appendices Ia and Ib)**
  - (b) Further Information (FI) received on 26.9.2023 **(Appendix Ic)**
  - (c) FI received on 20.10.2023 **(Appendix Id)**

*[Both FIs accepted and exempted from publication and recounting requirements]*

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

The justifications put forth by the applicant in support of the applications as set out in the applications forms and the FIs (**Appendices Ia to Id**) are summarised as follows:

- (a) The proposed selected range of shop and services uses would support industrial activities and serve the workers of the subject IB. To minimise the flow of visitors, not more than two banks shall be allowed at the Premises at any one time.
- (b) Sufficient L/UL spaces are provided on the 1/F of the subject IB. Customers are expected to be workers in the subject IB and the neighbourhood. There are MTR stations within walking distance from the Premises. The proposal would not induce any adverse traffic and environmental impacts to the surrounding area.

## **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**

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

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<sup>1</sup> Schedule II of the Notes of the OZP for the “OU(B)” zone also stipulate that ‘Shop and Services’ use is a Column 1 use for industrial or I-O building if it is located in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading (L/UL) bays and/or plant room) of an existing building, and provided that the use is separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion. However, such provision is not applicable to the subject IB as there is no buffer floor.

“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 (CFA) on G/F 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 CFA 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 Application**

A portion of the Premises is the subject of a previous planning application (No. A/K14/792) partly for proposed ‘Shop and Services’ use (about 230m<sup>2</sup>) and partly for the same use as the current applications (about 229.36m<sup>2</sup>) submitted by the same applicant. The application was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 23.10.2020 (**Plan A-1**). However, the planning permission lapsed on 24.10.2022 as the development did not commence.

## 6. **Similar Applications**

- 6.1 There is no similar application concerning the subject IB.
- 6.2 There are a total of 222 similar applications for ‘Shop and Services’ uses on G/F of industrial or I-O buildings under the “OU(B)” zone in Kwun Tong Business Area (KTBA). Of which, 187 were approved with conditions and the remaining 35 were rejected by the Committee mainly on the grounds that the applications were not acceptable from fire safety point of view as the total aggregate CFA on G/F of the concerned industrial or I-O building(s) had exceeded the maximum permissible limit specified in paragraph 4(c) above.

## 7. **The Premises and its Surrounding Areas** (Plans A-1 to A-5)

### 7.1 The Premises:

- (a) occupy 11 out of the 16 units on the G/F of How Ming Factory Building (**Drawings A-1 and A-2**). Amongst which, units No. 1, 3 and 18 are currently occupied by fast food counters while the remaining units under the applications are vacant; and
- (b) is accessible by a common corridor leading from an entrance fronting How Ming Street, which is separated from the main lift lobby of the subject IB.

### 7.2 The subject IB:

- (a) is a 11-storey IB with Occupation Permit issued in 1970 and is not equipped with sprinkler system; and
- (b) has the following main uses:

<b>Floor</b>	<b>Main Uses</b>
G/F	<b>The Premises (three fast food counters and eight vacant units)</b> , three canteens, two vacant units, lift lobby and a management office
1/F	Canteen, car park/ L/UL area
2/F – 10/F	Warehouses, shops and services <sup>#</sup> , offices and vacant units

<sup>#</sup> Uses not allowed in statutory planning terms.

### 7.3 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) consist of a mix of commercial/office (C/O), hotel, industrial, I-O and low-rise government, institution or community (GIC) buildings;
- (b) to the immediate west is a hotel development (i.e. Holiday Inn Express), to the immediate north and east are low-rise GIC facilities (i.e. a telephone exchange and two electricity substations) within the adjoining “Government, Institution or Community (1)” zone, and across How Ming Street to the south is a C/O development (i.e. Landmark East);
- (c) apart from entrance lobbies and car parks, the G/F units of the nearby buildings are mainly used as eating places and shops and services (including fast food shops, money exchanges and banks, etc.); and
- (d) MTR Kwun Tong Station is approximately 300m to the east (**Plan A-1**).

## 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 uses 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 applications are summarised 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. 506 (the Lot), which is restricted for industrial and/or godown purposes excluding offensive trades. The proposed uses are in contravention to the lease conditions of the Lot; and
- (b) should the Board approve the planning applications, the owner of the Premises shall apply to his department for a lease modification or temporary waiver to implement the proposal. The applicant should also note his comments at **Appendix II**.

### Fire Safety

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

- (a) he has no in-principle objection to the applications subject to fire service installations and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the subject IB is not fully protected with a sprinkler system so that the maximum permissible aggregated CFA on G/F is 230m<sup>2</sup> in accordance with TPB PG-No. 22D. The applied uses under the applications should not be counted up to the aggregated CFA.

### Building Matters

- 9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

he has no objection to the applications and the applicant should note his comments at **Appendix II**.

### Traffic

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

he has no in-principle objection to the applications from traffic engineering perspective as the Premises are small in size, conveniently located from mass transport/ public transport services and that L/UL facilities are available within the subject IB. The applicant should also note his comments at **Appendix II**.

9.2 The following government departments have no objection to/no comment on the applications:

- (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 Comment Received During Statutory Publication Period**

On 5.9.2023, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The applications are for proposed ‘Shop and Services (Bank, Fast Food Counter, Local Provisions Store, Electrical Shop and/or Showroom)’ uses at the Premises. 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 uses would not induce adverse fire safety and environmental impacts. The proposed selected range of ‘Shop and Services’ uses are intended to serve the workers in the subject IB and the surrounding area, and are considered generally in line with the planning intention.

11.2 The KTBA is being transformed into a business district. There are a number of C/O developments, as well as eating places and shop and services uses on the G/F of buildings in the vicinity of the Premises. The proposed uses are compatible with the changing land use character of the area.

11.3 As set out in TPB PG-No. 22D, the aggregate CFA on G/F of an existing industrial or I-O building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The above limits 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, including bank, fast food counter, local provisions store, electrical shop and showrooms. According to D of FS, the subject IB is not fully protected with a sprinkler system, hence the maximum permissible aggregate CFA on G/F is 230m<sup>2</sup> while the applied uses are not subject to the maximum permissible limit for aggregate CFA. The proposed uses at the Premises comply with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and other impacts on the subject IB and the adjacent areas. Relevant government departments, including D of FS and C for T, have no objection to/no adverse comment on the applications subject to the imposition of relevant approval conditions and advisory comments.

11.4 The Premises were the subject of an approved application for the same uses, and the Committee has approved 187 similar applications within the KTBA. Approval of the current applications is generally in line with the Committee’s previous decisions.

11.5 There is no public comment received on the applications.

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

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 27.10.2025, 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 (for both applications)*

- (a) the submission and implementation of a proposal on the fire safety measures before operation of the approved uses to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition is not complied with before the operation of the approved uses, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*Advisory clauses (for both applications)*

The recommended advisory clauses are attached at **Appendix II**.

- 12.3 There is no strong reason to recommend rejection of the applications.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the applications and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to approve the applications, 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 applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendices Ia and 1b</b>	Application Forms received on 29.8.2023
<b>Appendix Ic</b>	FI received on 26.9.2023
<b>Appendix Id</b>	FI received on 20.10.2023
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Drawings A-1 and A-2</b>	Layout Plans
<b>Plan A-1</b>	Location Plan

**Plan A-2**

**Plans A-3 to A-5**

Site Plan

Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**