

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

**APPLICATION NO. A/K14/831**

- Applicant** : Hip Hing Industrial Limited represented by KTA Planning Limited
- Premises** : Unit F (Part), G/F, Kwun Tong Industrial Centre Phase 3,  
448-458 Kwun Tong Road, Kwun Tong, Kowloon
- Floor Area** : About 30m<sup>2</sup>
- Lease** : Kun Tong Inland Lot (KTIL) No. 94  
(a) To expire on 30.6.2047  
(b) Restricted to industrial and/or godown purposes, excluding offensive trades
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/26  
(currently in force)  
  
Draft Kwun Tong (South) OZP No. S/K14S/25  
(at the time of submission. No change to the zoning and development restrictions under the current OZP)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) *[Restricted to a maximum plot ratio of 12 and a maximum building height of 130 metres above Principal Datum, or the PR and height of the existing building, whichever is the greater]*
- Application** : Proposed Shop and Services (Fast Food Counter)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Fast Food Counter)’ use (**Drawings A-1 and A-2**, and **Plans A-1 and A-2**). The Premises occupy portion of the G/F of an existing industrial building (IB), namely Kwun Tong Industrial Centre Phase 3 (the subject IB), within an area zoned “OU(B)” on the approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/26 (**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 (TPB)<sup>[1]</sup>.

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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

1.2 According to the applicant, the entire Unit F on the G/F was previously a furniture showroom. The applicant has subdivided Unit F and proposes to convert the Premises for a fast food counter. The Premises have a direct street frontage (**Drawing A-2**). A G/F floor plan and a layout plan 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 25.7.2024 (Appendix I)
- (b) Supporting Planning Statement (SPS) (Appendix Ia)

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the SPS (**Appendix Ia**). They can be summarised as follows:

- (a) the proposed ‘Shop and Service (Fast Food Counter)’ use is in line with the planning intention of “OU(B)” zone and there are similar applications approved on the G/F of the subject IB and in the vicinity;
- (b) the proposed use could cater the demand of local workers and daily operations of businesses within the Kwun Tong Business Area (KTBA). The Premises are within walking distance from MTR Kwun Tong Station and is accessible by buses and minibuses;
- (c) L/UL activities will take place at the designated L/UL area at G/F, which is accessible via the entrance located between Kwun Tong Industrial Centre Phase 1 and 2. As such, the proposal would not induce any adverse traffic impacts to the surrounding areas; and
- (d) no concern on fire safety is anticipated as fire services installations, including a fire sprinkler system, have been installed in the Premises and are well-maintained. The Premises also open directly onto Kwun Tong Road which serves as the mean of escape.

## 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.

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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.

#### 4. Town Planning Board Guidelines

The TPB 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 (FSD) 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 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 Applications

The Premises are the subject of two previous planning applications No. A/K14/188 and A/K14/193 for ‘Showroom’ use considered prior to the rezoning of the Site from “Industrial” (“I”) to “OU(B)” in 2001 (**Plan A-2**). Application No. A/K14/188 covering part of Unit F (about 70m<sup>2</sup>) was rejected by the Committee on 13.1.1995 on the grounds that the applied use was not ancillary to industrial activities and no justifications for it to be accommodated in the subject IB; and the proportion of area was in excess of the limit normally permitted for similar use in IBs. Application No. A/K14/193 covering the entire Unit F (about 105m<sup>2</sup>) was approved by the Committee on 17.3.1995 on a temporary basis for a period of 3 years up to 17.3.1998 mainly on the ground that the applied use was considered in line with the then TPB Guideline on ‘Showroom Use in IB within “I” zone’. Details of these applications are summarised at **Appendix II**.

## 6. Similar Applications

- 6.1 The Committee considered one application on G/F of the subject IB for proposed ‘Shop and Services’ use under the “OU(B)” zone (**Plan A-2**). Application No. A/K14/398 for proposed retail shop at Unit D3 with a floor area of about 129m<sup>2</sup> was approved by the Committee on 15.3.2002. The grounds of approval were that the applied use was considered generally in line with the planning intention of “OU(B)” zone and TPB PG-No. 22; it would not induce adverse traffic, environmental and infrastructural impacts; and relevant government departments had no in-principle objection to the application. The proposed use is currently in use and is subject to the maximum permissible limit of the aggregate CFA of 460m<sup>2</sup>.
- 6.2 In the past three years, the Committee considered nine similar applications for ‘Shop and Services’ use on G/F of industrial or I-O buildings under the “OU(B)” zone in KTBA, and all of these applications were approved with conditions on similar grounds as mentioned in paragraph 6.1 above. Details of the aforementioned applications are summarised at **Appendix III**.

## 7. The Premises and their Surrounding Areas (**Drawings A-1 and A-2, Plans A-2 and A-3**)

### 7.1 The Premises:

- (a) occupy part of Unit F on G/F of the subject IB and are currently under renovation. The remaining portion of Unit F is occupied by an interior design office and a money exchange counter. The latter is operating without a valid planning permission; and
- (b) have a direct entrance fronting Kwun Tong Road, and are separated from the entrance to other floors of the subject IB (**Drawings A-1 and A-2**).

### 7.2 The subject IB:

- (a) is a 15-storey IB (including 1 level of basement) built in 1979 and equipped with a sprinkler system; and
- (b) has the following main uses (**Plan A-2**):

| Floor      | Main Uses   |
|------------|---|
| Basement   | Car park and retail shops <sup>#</sup>  |
| G/F        | <b>The Premises</b> , interior design office, factory canteen, furniture shop, money exchange counter*, retail shops*, car park and L/UL area |
| 1/F – 13/F | Workshops, warehouses, offices, and vacant units  |

Note: <sup>#</sup>uses not allowed in statutory planning terms

\*without valid planning permission

7.3 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the neighbouring buildings along Kwun Tong Road are mainly industrial or I-O buildings, such as Lladro Building and New City Centre, while the construction site of Kwun Tong Composite Development Project across Kwun Tong Road falls within an area zoned “Government, Institution or Community”;
- (b) the G/F units of the nearby buildings are mainly eating places and shop and services uses (including fast food shops, money exchange shops and furniture shops, etc.); and
- (c) is accessible by various modes of public transportation. The MTR Kwun Tong Station is approximately 30m to the northwest.

## **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 summarised as follows:

### **Land Administration**

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

- (a) the Premises fall within KTIL No. 94 (the Lot), which is restricted for general industrial or godown purposes or both excluding offensive trade under the then Public Health and Urban Services Ordinance (now known as the Public Health and Municipal Services Ordinance). The proposed uses are in contravention to the lease conditions of the Lot; and
- (b) should the Board approve the planning application, 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 IV**.

### **Fire Safety**

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

- (a) he has no comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) the subject premises are protected with sprinkler systems so that the maximum permissible aggregated CFA allowed on G/F is 460m<sup>2</sup> in accordance to TPB PG-No. 22D. However, the applied use, i.e. fast food counter, should not be counted up to the aggregated CFA; and
- (c) the applicant should note his comments at **Appendix IV**.

### **Building Matters**

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

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

### **Traffic Matters**

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

he has no comment on the traffic arrangement proposed by the applicant and consider that the application would not result in insurmountable traffic impact on the adjacent road links and junctions.

### **Other Comments**

#### 9.1.5 Local views/comments conveyed by the District Officer (Kwun Tong), Home Affairs Department (DO(KT), HAD) are as follows:

two members of the Kwun Tong and Kowloon Bay Business Area Committee have no comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police; and
- (e) Director of Food and Environmental Hygiene.

## **10. Public Comments Received During Statutory Publication Period**

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

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

- 11.1 The application is for proposed ‘Shop and Services (Fast Food Counter)’ use 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 use would not induce adverse fire safety and environmental impacts. The proposed use is intended to serve the workers in the KTBA, and is considered generally in line with the planning intention.
- 11.2 The KTBA is being transformed into a business district. There are a number of similar applications for a range of ‘Shop and Services’ use approved at the G/F units of this IB and other industrial and I-O buildings in the vicinity. The proposed use is 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 building is fully protected by a sprinkler system, hence the maximum permissible aggregate CFA on G/F is 460m<sup>2</sup>, and the proposed fast food counter at the Premises is not subject to the maximum permissible limit for aggregate CFA. The proposed use at the Premises complies with the TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, and other impacts on the subject building and the adjacent areas. Relevant Government departments consulted, including D of FS, C for T and CBS/K, BD, have no adverse comment on the application subject to the imposition of relevant approval conditions and advisory comments.
- 11.4 The Committee has approved similar applications within KTBA, including one on G/F of the subject IB. Approval of the current application is generally in line with the Committee’s previous decisions as detailed in paragraphs 6.1 and 6.2 above.
- 11.5 There is no public comment received on the application.

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

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the views as conveyed by DO/KT, HAD in paragraph 9.1.5, 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 20.9.2028, 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 water supplies for firefighting and fire services installations for the application premises 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 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 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 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**

|                     |   |
|---------------------|---|
| <b>Appendix I</b>   | Application form received on 25.7.2024              |
| <b>Appendix Ia</b>  | Supporting planning statement received on 25.7.2024 |
| <b>Appendix II</b>  | Previous applications                               |
| <b>Appendix III</b> | Similar applications                                |
| <b>Appendix IV</b>  | Recommended advisory clauses                        |
| <b>Drawing A-1</b>  | Floor Plan  |
| <b>Drawing A-2</b>  | Layout Plan   |
| <b>Plan A-1</b>     | Location plan                                       |
| <b>Plan A-2</b>     | Site plan   |
| <b>Plan A-3</b>     | Site photos   |

**PLANNING DEPARTMENT  
SEPTEMBER 2024**