

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/833

- Applicants** : Creative Empire Holdings Limited & Handy Investments Limited represented by RPH Surveyors Limited
- Premises** : Workshops 1 and 2, G/F, 320-322 Kwun Tong Road, Kwun Tong, Kowloon
- Floor Area** : About 292m²
- Lease** : Kwun Tong Inland Lot (KTIL) Nos. 550 and 551
(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
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
[Restricted to a maximum plot ratio (PR) of 12 and a maximum building height of 100 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicants seek planning permission to use the application premises (the Premises) for ‘Shop and Services’ use (**Drawing A-1, Plans A-1 and A-2**). The Premises occupy two portions on the G/F of an existing industrial building (IB), known as The Icon (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 applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (G/F only except ancillary showroom which may be permitted on any floor)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board)^[1].
- 1.2 According to the applicants, workshops 1 and 2 (i.e. about 145m² and 147m² respectively) would be converted for general shop and services use. Both workshops have direct street frontages on Tai Yip Street while workshop 1 is also

^[1] Schedule II of the Notes of the OZP for the “OU(B)” zone also stipulates 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.

accessible from Kwun Tong Road.

- 1.3 In support of the application, an application form with justifications was received on 23.12.2024 with replacement pages submitted by the applicants on 24.12.2024 and 27.12.2024 (**Appendix I**). The Layout Plan of the Premises as submitted by the applicants is at **Drawing A-1**.

2. Justifications from the Applicants

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

- (a) the proposed use is in line with the planning intention of “OU(B)” zone and there are similar applications approved on the G/F of the industrial or I-O buildings in the vicinity;
- (b) the proposed shops could address the demand of local workers and daily operations of businesses within the Kwun Tong Business Area (KTBA). The Premises are accessible by public transport and would not induce any adverse traffic impact to the surrounding areas; and
- (c) replacing industrial activities at the Premises with shop and services use would relieve the environmental impacts to the vicinity.

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

The applicants are the sole “current land owners” of the Premises. 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) 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 460m² and 230m² respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicants have 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 Application**

- 5.1 The subject IB (including the Premises) was the subject of a previous planning application No. A/K14/662 for in-situ conversion of an existing IB to hotel use submitted by a different applicant (**Plan A-1**). The application was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 18.11.2011 on the grounds that the applied use was generally in line with the planning intention of “OU(B)” zone and TPB PG-No. 22D; it would not induce adverse traffic, environmental and infrastructural impacts; and relevant government departments had no in-principle objection to the application. Subsequently, amendments to the approved scheme under application no. A/K14/662-1 was approved on 18.11.2014. However, the hotel use was not realised and the planning permission has lapsed.

6. **Similar Applications**

- 6.1 There is no similar application concerning the subject IB.
- 6.2 In the past three years, the Committee considered eight 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 5.1 above. Details of the aforementioned applications are summarised at **Appendix II**.

7. **The Premises and its Surrounding Areas** (Drawing A-1, Plans A-1 and A-2)

- 7.1 The Premises:
 - (a) occupy workshops 1 and 2 on G/F of the subject IB and are currently under renovation; and

- (b) have entrances fronting Tai Yip Street (while workshop 1 also has a second entrance from Kwun Tong Road) and are separated from the entrance and lift lobby to other floors of the subject IB (**Drawing A-1**). There is however no vehicular access to the site.

7.2 The subject IB:

- (a) is a 11-storey IB, formally known as Ideal Centre, built in 1966. Upon the completion of addition and alteration works at the IB in 2018 to continue the workshop use, the IB was renamed as The Icon;
- (b) it is bounded by Kwun Tong Road to its northeast and Tai Yip Street to its southwest and sandwiched by two existing IBs, namely Gee Luen Factory Building and Lico Industrial Building; and
- (c) is equipped with a sprinkler system and has the following main uses:

Floor	Main Uses
G/F	Two workshop units (i.e. the Premises), entrance hall and lift lobby to other floors
1/F – 11/F [#]	Workshop units according to the approved general building plans

[#] 4/F is omitted.

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

- (a) the neighbouring buildings along Tai Yip Street are mainly IBs or I-O buildings generally under active industrial/warehousing and office uses, while the G/F units of these buildings are mainly occupied by vehicle repair workshops, factory canteens, eating places and shops (including fast food counters and hardware stores, etc.);
- (b) developments directly across Kwun Tong Road and an overpass are primarily residential, including a construction site for private residential redevelopment, interspersed with sitting-out areas and various government, institution and community facilities; and
- (c) located at about 400m to the northwest of MTR Ngau Tau Kok Station.

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 Kwun Tong Inland Lots No. 550 and 551 (the Lots), which is restricted for 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 conflict with the user restriction under the leases of the Lots; and
- (b) should the Board approve the planning application, the owners of the Premises shall apply to his department for a lease modification or temporary waiver to implement the proposal. The applicants 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 objection to the application subject to fire service installations and equipment being provided to his satisfaction and means of escape at the premises being completely separated from the industrial portion is available for the premises;
- (b) the subject premises are fully protected by sprinklers so that the maximum permissible aggregate CFA allowed on G/F is 460m² in accordance to TPB PG-No. 22D. The applied use should be counted up to the aggregate CFA; and
- (c) the applicants 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 applicants should note his comments at **Appendix IV**.

Traffic Matters

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

he has no objection in principle to the application from a traffic engineering viewpoint given it is a small-scale development conveniently located near mass transport and public transport services. Besides, loading and unloading facilities are available in the vicinity along Tai Yip Street. The applicants should also note his comments at **Appendix IV**.

District Officer's Comments

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

the Kwun Tong and Kowloon Bay Business Area Committee has 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

On 3.1.2025, the application was published for public inspection. During the statutory public inspection period, 20 supportive comments from individuals were received (**Appendix III**) with the main grounds being the proposed use would cater to local needs, create job opportunities, and enhance pedestrian flow.

11. Planning Considerations and Assessments

11.1 The application is for proposed 'Shop and Services' 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 address the demand of local workers and daily operations of businesses 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 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. Moreover, the applied use with direct street frontage is considered not incompatible with other uses

of the same building.

- 11.3 As advised by D of FS, the subject premises are fully protected by sprinklers and therefore subject to a maximum permissible limit of 460m² for aggregate CFA on G/F and the proposed use should count towards the limit. Since there is no similar planning approval on G/F of the building, should the Committee approve the application, the aggregate CFA on G/F of the building will be 292m² and is within the maximum permissible limit of 460m². In this regard, D of FS has no objection to the application subject to the imposition of an approval condition as detailed in paragraph 12.2(a) below.
- 11.4 The proposed shop and services 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 development within the subject building and 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 condition and advisory comments.
- 11.5 The Committee has approved eight similar applications within KTBA in the past three years. Approval of the current application is consistent with the Committee's previous decisions on similar applications as detailed in paragraph 6.2 above.
- 11.6 All the supportive public comments as stated in paragraph 10 above are noted.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 14.2.2029, 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 fire services installations and equipment for the application premises, and means of escape completely separated from the industrial portion ***before the 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 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 applicants.

14. Attachments

Appendix I	Application form and replacement pages received on 23.12.2024, 24.12.2024 and 27.12.2024
Appendix II	Similar applications
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-5	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2025**