

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/834

- Applicant** : Eat For Good No. 1 Canteen Limited
- Premises** : Unit 6 (Part), G/F, 1 Hung To Road, Kwun Tong, Kowloon
- Floor Area** : About 12m²
- Lease** : Kwun Tong Inland Lot (KTIL) No. 415
(a) To expire on 30.6.2047
(b) Restricted for industrial 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 160 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater]
- Application** : Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to regularise the current ‘Shop and Services’ use at the application premises (the Premises) (**Drawing A-1, Plans A-1 and A-2**). The Premises occupy part of Unit 6 on the G/F of an existing industrial building (IB), known as 1 Hung To Road (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 recent site inspection, the Premises are currently occupied by a fast food counter without valid planning permission. The Premises have a direct street frontage on Lai Yip Street (**Drawing A-1**).

^[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 are industrial uses on the G/F.

- 1.3 In support of the application, an application form with justifications was received on 27.1.2025 with replacement pages submitted by the applicant on 28.1.2025 (**Appendix I**). The layout plan of the Premises submitted by the applicant is at **Drawing A-1**.

2. Justifications from the Applicant

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

The shop and fast food counter would provide affordable goods and food for local workers and residents in Kwun Tong. Fire services installations and equipment at the Premises would be provided in accordance to relevant standards.

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

The applicant is not the “current land owner” of the Premises but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by sending notification letter to the current land owner. 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 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. In all cases, separate means of escape should be available for the commercial portion; 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 Premises are the subject of a previous planning application No. A/K14/818 for proposed shop and services submitted by the same applicant (**Plan A-1**). The application was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 9.9.2022 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. As the proposed use had not obtained the necessary temporary waiver and hence could not be regarded as commenced, the planning permission lapsed on 10.9.2024.

6. Similar Applications

- 6.1 The Committee has considered three applications on G/F of the subject IB for ‘Retail Shop’, ‘Shop and Services’ and ‘Shop and Services (Fast Food Shop)’ uses (**Plan A-3**). Application No. A/K14/331 was considered prior to the rezoning of the subject site from “Industrial” to “OU(B)” in 2001 and was approved without condition by the Committee on 14.5.1999 mainly on the ground that the applied use was considered in line with the then TPB Guidelines on ‘Commercial Use in Industrial Building within Industrial Zone’. Applications No. A/K14/760 and A/K14/799 were both approved with conditions by the Committee on similar grounds as mentioned in paragraph 5.1 above. However, application No. A/K14/799 was revoked due to non-compliance with time-limited approval condition on the submission and implementation of fire safety proposal. Details of the similar applications are summarised in the table below.

Application No.	Unit No.	Applied Uses	Floor Area (m ² about)	Date of Decision	Decision
Uses <u>NOT</u> accountable for aggregate CFA ^[a]					
A/K14/760	7 (part)	Shop and Services (Fast Food Shop)	23.5	17.8.2018	Approved with conditions
Uses accountable for aggregate CFA					
A/K14/331	8	Retail Shop	106	14.5.1999	Approved/ Agreed
A/K14/799	2	Shop and Services	160	26.2.2021 (revoked)	Approved with conditions
Total aggregate CFA accountable at the subject IB: 106m² ^[b]					

- [a] As set out in TPB PG-No. 22D (see paragraph 4(c)), the limits on CFA do not apply to bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use.
- [b] Excluding floor area with planning permission revoked.

6.2 In the past three years, the Committee considered eight similar applications for ‘Shop and Services’ use on G/F of other industrial or I-O buildings under the “OU(B)” zone in Kwun Tong Business Area (KTBA), and all of them 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 to A-5)

7.1 The Premises:

- (a) occupy part of Unit 6 on G/F of the subject IB and a fast food counter is currently in operation without valid planning permission (**Plans A-4 and A-5**); and
- (b) have its own entrance fronting Lai Yip Street and is separated from the entrance to other floors of the subject IB (**Drawing A-1**).

7.2 The subject IB:

- (a) is a 33-storey IB, including a 2-storey carpark (on 1/F and 3/F), built in 1994;
- (b) is located at the intersection of Kwun Tong Road and Lai Yip Street; and
- (c) is equipped with a sprinkler system and has the following main uses:

Floor	Main Uses
G/F	Shop and services (including the Premises , a retail shop* and a fast food shop*), a vacant unit, a factory canteen, lift lobby, L/UL area and internal driveway (Plan A-3)
1/F and 3/F	Carpark
2/F, 5/F – 37/F [#]	Offices, godowns and vacant units

* Covered by planning permissions No. A/K14/331 and 760 respectively.

[#] 4/F, 13/F, 14/F, 24/F, and 34/F are omitted.

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

- (a) the neighbouring buildings at Lai Yip Street and Hung To Road are mainly industrial or I-O buildings;
- (b) the G/F units of the nearby buildings are mainly used as motor services, retail shops and godowns;
- (c) commercial/office buildings and a hotel are found in the vicinity, namely KTR 350 to the northwest across Lai Yip Street and Nina Hotel Kowloon East to the further southeast at Chong Yip Street; and

- (d) located at about 50m to the south 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 KTIL No. 415 (the Lot), which is restricted for industrial purposes excluding offensive trade. The whole of Factory Unit 6 including the Premises is also covered by a temporary waiver dated 1.6.2021 for the purpose of a factory canteen (“the Temporary Waiver”) which is currently running on quarterly basis. The applied use of the Premises is in conflict to the lease conditions under which the Lot is held and the conditions of the Temporary Waiver; and
- (b) if the planning application is approved by the Board, 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 III**.

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 protected with a sprinklers system so that the maximum permissible aggregate CFA allowed on G/F is 460m² in accordance to TPB PG-No. 22D. The applied use (12m²) should be counted up to the aggregate CFA; and
- (c) the applicant should note his comments at **Appendix III**.

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 III**.

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, parking and loading and unloading facilities are available in the subject IB. The applicant should also note his comments at **Appendix III**.

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

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

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for regularizing the existing '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 applied use would not induce adverse fire safety and environmental impacts. The applied use is intended to address the demand of local workers and residents in Kwun Tong, and is considered generally in line with the planning intention.

- 11.2 The KTBA is being transformed into a business district. A range of ‘Shop and Services’ use at the G/F units of this IB and other industrial and I-O buildings in its vicinity have been approved by the Committee. The applied 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 at 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 applied use should count towards the limit. Should the Committee approve the application, the aggregate CFA on G/F of the building will be 118m² and is within the maximum permissible limit of 460m². Direct access is provided for the Premises with street frontage at Lai Yip Street. 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 applied 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 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 Premises were the subject of an approved application for the same use, and the Committee has approved eight similar applications within KTBA in the past three years. There is no change in planning circumstances and the approval of the current application is consistent with the Committee’s previous decisions as detailed in paragraph 5.1 above.

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, no time clause on commencement is proposed as the ‘Shop and Services’ use is already in operation. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of fire service installations and equipment for the application premises, and means of escape being completely separated from the industrial portion within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.9.2025; and
- (b) if the above planning condition is not complied with by the specified date, 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 and replacement pages received on 27.1.2025 and 28.1.2025
Appendix II	Similar applications
Appendix III	Recommended advisory clauses
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Existing uses and similar applications on the G/F of subject IB
Plans A-4 to A-5	Site photos

**PLANNING DEPARTMENT
MARCH 2025**