

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

**APPLICATION NO. A/K20/137**

<b><u>Applicant</u></b>	Hang Lung Real Estate Agency Limited represented by KTA Planning Limited
<b><u>Premises</u></b>	2/F (Part), The Long Beach, 8 Hoi Fai Road, Tai Kok Tsui, Kowloon
<b><u>Premises Area</u></b>	About 4,244m <sup>2</sup>
<b><u>Lease</u></b>	Kowloon Inland Lot (KIL) No. 11152 (a) 50 years commencing from 7.12.2000 (b) restricted to non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes (c) subject to a maximum GFA of 20,200m <sup>2</sup> for non-industrial (excluding private residential, hotel, cinema, petrol filling station and godown) purposes under lease
<b><u>Plan</u></b>	Approved South West Kowloon Outline Zoning Plan (OZP) No. S/K20/30
<b><u>Zoning</u></b>	“Residential (Group A)1” (“R(A)1”) [subject to maximum domestic plot ratio (PR) of 6.5 and maximum non-domestic PR of 1]
<b><u>Application</u></b>	Office

**1. The Proposal**

- 1.1 The applicant seeks planning permission for ‘Office’ use on part of 2/F of a 5-storey commercial podium<sup>1</sup> of an existing residential/commercial development (i.e. The Long Beach) at 8 Hoi Fai Road, Tai Kok Tsui (the Premises) (**Plan A-1**). The Premises falls within an area zoned “R(A)1” on the approved South West Kowloon OZP No. S/K20/30. According to the Notes of the OZP for “R(A)1” zone, ‘Office’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 4,244m<sup>2</sup>, is the subject of a previous application No. A/K20/129 submitted by the same applicant for temporary office use, which was approved by the Metro Planning Committee (the Committee) with conditions on 12.1.2018 on a temporary basis for a period of five years. All the approval conditions have been complied with. While the planning permission expired on 12.1.2023, the subject fresh application has been submitted for the same office use on the Premises on a permanent basis. There is no change in the current scheme

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<sup>1</sup> The 5-storey non-domestic podium comprises 1 storey of car park (LG/F), 3 storeys of commercial use and car parking (UG/F, 1/F and 2/F) and 1 storey of recreational facilities for residents (3/F).

including premises location, area and access arrangement as compared with the temporary office use approved under application No. A/K20/129 (**Drawing A-1 and Plan A-2**).

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with covering letter received on 6.12.2022 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Supplementary information received on 13.12.2022 (Appendix Ib)
- (d) Further Information (FI) received on 16.1.2023\* (Appendix Ic)

*Remarks: \*accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicant are detailed in the supplementary planning statement and FI in **Appendices Ia to Ic**. They can be summarised as follows:

- (a) Since the approval of previous application, there has not been any change in planning circumstances in the vicinity. There is no change in the development scheme compared with the previous permission under application No. A/K20/129. Hence, approval of the current application will be consistent with the Board's previous decision.
- (b) The proposal is in line with the planning intention of "R(A)1" zone and compatible with other commercial uses within the commercial podium and surrounding residential/commercial developments. There are separate entrances provided at G/F and 1/F for commercial and residential components (**Drawing A-2 and Plans A-3 to A-5**). No complaint has ever been received during the tenancy period of the office.
- (c) Retail spaces are still available within the commercial podium of The Long Beach to serve the local community. Large scale district shopping centre (i.e. Olympian City) is located in close proximity to meet the needs of residents in the area (**Drawing A-4**). Moreover, subject to market demand, the Premises can be converted to shop and services or eating place uses which are always permitted within the "R(A)1" zone.
- (d) The subject development is well served by public transport and the existing footbridge provides a convenient pedestrian access to the Olympic Station and other public transport. The Traffic Study submitted by the applicant (**Appendix Ib**) demonstrated that the applied use will have no adverse traffic impact and the existing provision of car parking space is sufficient to meet the parking demand in accordance with the Hong Kong planning Standard and Guidelines requirements (**Drawing A-3**).

## 3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not a 'current land owner' 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. 31A) by sending notification letter to the current land owner. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. Previous Applications

- 4.1 The Premises is the subject of four previous applications (Nos. A/K20/62, A/K20/68, A/K20/118 and A/K20/129) submitted by the same applicant (**Plans A-1 and A-2 and Appendix II**). Application No. A/K20/62 for converting part of 1/F and 2/F (including the Premises) of the same commercial podium into permanent office was approved with conditions by the Committee in 2002 on the consideration that the proposed office was not incompatible with the residential and retail uses at the subject development; would not cause adverse traffic and environmental impacts; and relevant Government departments had no adverse comment. Subsequently, application No. A/K20/68 for minor amendment to approved scheme was approved by the District Planning Officer/Tsuen Wan and West Kowloon under the Board's delegated authority in 2003. Applications Nos. A/K20/62 and A/K20/68 were not implemented and lapsed in 2006 and 2007 respectively.
- 4.2 The other two applications (Nos. A/K20/118<sup>2</sup> and A/K20/129<sup>3</sup>) for temporary office for a period of five years were approved with conditions by the Committee in 2012 and 2018 on the similar grounds as mentioned in paragraph 4.1 above. Application No. A/K20/118 was revoked on 29.9.2017 due to non-compliance of approval condition in relation to the provision of fire services installations. The approval conditions on fire safety measures under application No. A/K20/129 (i.e. the last application) were complied with but the planning permission expired on 12.1.2023.

#### 5. Similar Application

There is a similar application (No. A/K20/103) for converting part of 1/F of the same commercial podium with a GFA of 5,380m<sup>2</sup> into permanent office. The application was approved with conditions by the Committee on 9.5.2008 on the grounds that the office use was considered not incompatible with the existing uses within the commercial podium; would not lead to adverse environmental and traffic impacts; and relevant Government departments had no adverse comment. The location and details of the application are at **Plan A-1 and Appendix III** respectively.

#### 6. The Premises and Its Surrounding Areas (Plans A-1 to A-6)

##### 6.1 The Premises:

- (a) is located on part of 2/F of The Long Beach's commercial podium, which is accessible through an entrance on 1/F connecting to an existing footbridge across Hoi Fai Road and Hoi Fan Road and two entrances on UG/F along the waterfront promenade, all of which are separated from the entrances for residential portion of the subject development (**Drawing A-2 and Plans A-3 to A-5**); and
- (b) is currently occupied by a telecommunication company (**Plan A-6**).

<sup>2</sup> Application No. A/K20/118 covered part of UG/F and 2/F (including the Premises) of the same commercial podium.

<sup>3</sup> Application No. A/K20/129 covered the same Premises as the current application.

6.2 The subject development:

- (a) is a composite residential/commercial development consisting of eight residential towers atop a 5-storey non-domestic podium. The current main floor uses of the podium are as follows:

Podium Level	Current Uses
LG/F	Retail/office carpark, loading/unloading Bays, residents' carpark
UG/F	Two kindergartens, residents' carpark
1/F	Office <sup>4</sup> , residents' carpark
2/F	<b>Application premises</b> , a supermarket, residents' carpark
3/F	Recreational facilities for residents

- (b) is about 400m away from Olympic Station of MTR Tung Chung Line and is well served by buses and public light buses.

6.3 The surrounding areas have the following characteristics:

- (a) mainly residential/commercial in nature;
- (b) surrounded by several existing residential developments, including Hampton Place to its north, Island Harbourview to its east, Imperial Cullinan and One SilverSea to its south (**Plans A-1 and A-2**); and
- (c) an existing commercial development consisting of a shopping centre (Olympian City One) and an office tower (Bank of China Centre) at the “Commercial(2)” zone is located to its further east (**Plans A-1 and A-2**).

## 7. **Planning Intention**

The “R(A)1” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

## 8. **Comments from Relevant Government Bureaux/Departments**

- 8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### Land Administration

- 8.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) the Premises falls within KIL No. 11152 (the Lot) which is held under Conditions of Sale No. 12588 for a term of 50 years commencing from

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<sup>4</sup> The office was approved under Application No. A/K20/103.

7.12.2000 subject to a Consent Letter dated 4.10.2002. The Lot is restricted to the following user and GFA restrictions, among others:

- (i) the Lot is restricted for the use of non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes. Any building or any part of any building erected or to be erected on the Lot shall not be used for any purpose other than the following:
    - the lowest three floors (including any basement or basements, if erected) for non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes; and
    - the remaining floors for private residential purposes;
  - (ii) any basement level or levels shall not be used for any purpose other than for non-industrial (excluding private residential, hotel, cinema, petrol filling station and godown) purposes. Any floor to be used solely for accommodating the parking, loading and unloading spaces or plant room or both shall not be counted as one of the floors or one of the basement levels;
  - (iii) the maximum GFA permitted under lease for non-industrial (excluding private residential, hotel, cinema, petrol filling station and godown) purposes is 20,200m<sup>2</sup>; and
- (b) the applied office use does not conflict with the lease conditions governing the Lot.

#### Building Matters

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

- (a) no in-principle objection to the application subject to the following comments:
  - (i) all building works should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations;
  - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, prior approval and consent of BD should be obtained, otherwise they are Unauthorised Buildings Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO and to ensure full compliance with BO and its allied regulations including the provision on means of escape, fire resisting construction and access and facilities for persons with a disability, etc., in particular;

- (iii) provision of adequate means of escape in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - (iv) provision of fire barriers with adequate fire resisting construction between the subject premises and the remaining portion of the building in accordance with Building (Construction) Regulation 35 and the FS Code;
  - (v) provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
  - (vi) provision of adequate sanitary fitments to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
- (b) for UBW erected on leased land, enforcement action may be taken by 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 application site under BO;
  - (c) detailed comments under BO can only be provided at the building plan submission stage; and
  - (d) the applicant should also pay attention to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority has no power to give retrospective approval or consent for any UBW.

### Fire Safety

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

he has no in-principle objection to the application subject to fire service installations being provided to the satisfaction of Fire Services Department. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

### Environmental

#### 8.1.4 Comments of the Director of Environmental Protection (DEP):

he has no comment on the application having regard to the nature and scale of the application. No environmental related complaint against the Premises has been received in the past five years.

- 8.2 The following Government departments have no comment on/objection to the application:

- (a) Commissioner for Transport;
- (b) Chief Engineer/Construction Division, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Commissioner of Police;
- (f) District Officer (Yau Tsim Mong), Home Affairs Department; and
- (g) Project Manager/South Development Office, Civil Engineering and Development Department.

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

During the statutory public inspection period, a total of 115 public comments were received, including one supporting comment from an individual without providing reason (**Appendix IVa**) and 114 comments from Owners' Corporation of The Long Beach and residents of The Long Beach expressing concerns/objection to the application (samples at **Appendix IVb**). A full set of the public comments is deposited at the meeting for Members' inspection. The major grounds of public views are summarised as follows:

- (a) sufficient retail uses should be provided to meet the need of local residents and future users of nearby planned developments in the area. The existing supermarket and kindergartens within other parts of the commercial podium should not be converted into office use;
- (b) the applied use may affect the residents of The Long Beach and will cause adverse impacts on traffic and environmental aspects; and
- (c) the public consultation period is too short.

## **10. Planning Considerations and Assessments**

10.1 The applicant seeks planning permission to continue the office use previously approved for 5 years by the Committee on 12.1.2018 on part of 2/F in the commercial podium of The Long Beach. The current application is the same as the previously approved application in terms of use, location, area and accessibility of the Premises. There has been no material change in planning circumstances since the previous temporary approvals were granted. The applied use would not contravene the planning intention of the "R(A)1" zone in general, which is intended primarily for high-density residential developments with certain commercial uses always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

### Land Use Compatibility

10.2 The Premises is accessible through the entrance of the commercial podium on 1/F connecting to an existing footbridge and two entrances on UG/F along the waterfront promenade, all of which are separated from the entrances for residential portion of The Long Beach (**Drawing A-2 and Plans A-3 to A-5**). Since the Premises is located on 2/F of the commercial podium with separate access, the operation of the office is unlikely to adversely affect the residents of The Long Beach. DEP advised that no

environmental related complaint had been received so far on the office at the Premises. As such, the office use is considered not incompatible with the other uses within the commercial podium, including the supermarket and kindergartens, and the development as a whole.

- 10.3 The surrounding area is mainly residential in nature with a wide range of commercial facilities including shops, services and restaurants provided within the shopping centres of nearby residential developments including Olympic City One, Olympic City Two, Olympic City Three and Hoi Fu Shopping Centre. These shopping centres would adequately serve the local community needs (**Drawing A-4**). The application will not result in any change to the overall non-domestic GFA of The Long Beach and the existing supermarket and kindergartens within the commercial podium will not be affected.

#### Technical Aspects

- 10.4 In support of the application, the applicant submitted Traffic Study (**Appendix Ib**) and C for T has no adverse comment. Other departments consulted including BD and EPD have no objection to/comment on the application. As such, the applied use will unlikely cause any adverse traffic and environmental impacts to the surrounding areas. To address the concerns on fire safety from D of FS, approval condition under paragraph 11.2(a) below is recommended.

#### Previous and Similar Applications

- 10.5 The Premises is the subject of four previous applications (Nos. A/K20/62, A/K20/68, A/K20/118 and A/K20/129) submitted by the same applicant for permanent/temporary office use, which were all approved with conditions between 2002 and 2018. The similar application (No. A/K20/103) for converting part of 1/F of the same commercial podium into permanent office use was also approved with conditions in 2008. The grounds for approval of these applications were mainly that the office use within the commercial podium was not incompatible with the residential and retail uses at the subject development; would not lead to adverse environmental and traffic impacts; and relevant Government departments had no adverse comment. As there is no major change in the planning circumstances since the approval of the above-mentioned applications, the approval of the application is consistent with the previous decisions of the Committee on previous/similar applications.

#### Public Comments

- 10.6 Regarding the public comments received during the publication period, the planning assessments above and departmental comments in paragraph 8 are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.



- 11.2 Should the Committee decide to approve the application, no time clause on the commencement is proposed as the office use under application is already in operation at the Premises. 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 water supplies for firefighting for the Premises within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.8.2023; 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 V**.

- 11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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 the validity of the permission should expire.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 6.12.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Supplementary information received on 13.12.2022
<b>Appendix Ic</b>	Further information received on 16.1.2023
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar application
<b>Appendix IVa</b>	Public Comment supporting the application
<b>Appendix IVb</b>	Public Comment objecting the application
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Access Plan
<b>Drawing A-3</b>	Carpark Layout Plan
<b>Drawing A-4</b>	Retail Facilities in vicinity of the Premises

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-6</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**