

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

**APPLICATION NO. A/K3/596**

- Applicant** : Xiang Ying Limited represented by Ie Siu & Chung Architects Limited
- Premises** : 2/F, 67 Bedford Road, Mong Kok, Kowloon
- Floor Area** : About 292m<sup>2</sup>
- Lease** : (a) Kowloon Inland Lot (KIL) No. 7587  
(b) Restricted for industrial purposes
- Plan** : Draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/35
- Zoning** : “Residential (Group E)” (“R(E)”)  
(a) maximum plot ratio (PR) of 9.0, of which domestic PR shall not exceed 8.5  
(b) maximum building height (BH) of 115 metres above Principal Datum (mPD)
- Application** : Office

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Office’ use. The Premises, with a floor area of about 292m<sup>2</sup>, is located on 2/F of an existing industrial building fronting Bedford Road (**Plans A-1 and A-2**). According to Schedule II of the Notes for the “R(E)” zone applicable to existing industrial or industrial-office building, ‘Office’ use<sup>1</sup> in general is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises currently has six rooms used for office use without valid planning permission (**Plans A-5 to A-7**). The floor plan submitted by the applicant is on **Drawing A-1**. According to the applicant, the offices are to support branding design, educational business and art studio development, and there will be no more than 25 employees working in the office.

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<sup>1</sup> According to the Notes of OZP, ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ use is a Column 1 use which is always permitted in “R(E)” zone.

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

- (a) Application Form received on 30.1.2023 (Appendix I)
- (b) Further Information received on 10.2.2023\* (Appendix Ia)

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

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

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They can be summarised as follows:

- (a) The offices will not involve direct provision of customer services or goods, hobby classes, seminars and sale of goods or providing rehearsal facilities to the general public.
- (b) The office use is compatible with other users within the subject building and the existing uses in the area.
- (c) The subject industrial building is well served by public transport and a carpark is located next to the subject industrial building providing sufficient parking spaces.
- (d) No adverse impact on traffic, environment and water pollution aspects is anticipated. Fire services regulations will be complied with.
- (e) There are similar approved planning applications in the vicinity.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Previous Application**

There is no previous application for the Premises.

## **5. Similar Applications**

While there is no similar application for office use within the subject industrial building, there are three applications (Nos. A/K3/540, A/K3/542 and A/K3/594) for office use at individual units/floors within other “R(E)” zones in Mong Kok since 2012. All applications were approved with conditions by the Committee mainly on the grounds that the proposed use was not incompatible with the industrial/industrial-related uses within the same building and the surrounding areas; and the relevant Government departments had no adverse comment. The locations and details of these applications are at **Plan A-1** and **Appendix II**.

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

### 6.1 The Premises:

- (a) occupies part of 2/F of the existing industrial building at 67-69 Bedford Road; and
- (b) has six rooms for office use (**Plans A-5 to A-7**).

### 6.2 The subject building is:

- (a) a 6-storey industrial building completed in 1959 for workshops and ancillary rooms for non-domestic uses with no provision of car parking and L/UL spaces;
- (b) bounded by Bedford Road to its northeast, industrial buildings to its northwest, west and south. An open-air carpark is located to its southeast (**Plan A-2**); and
- (c) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Warehouse, metal hardware company, vehicle repair workshops*, vacant premises
1/F	Locked premises
2/F	<b>Application premises</b> , locked premises
3/F to 5/F	Locked premises

\*There is no record of planning permission granted for such use.

### 6.3 The surrounding areas have the following characteristics:

- (a) the subject building is located in a belt of “R(E)” zone between Lime Street and Walnut Street occupied by predominantly industrial developments (**Plan A-2**). To the further northwest across Walnut Street are areas zoned “Other Specified Uses” annotated “Business”, mainly occupied by industrial or industrial-office (I/O) buildings under active operation;
- (b) to the further northeast and southeast across Bedford Road and Lime Street are areas zoned “Residential (Group A)” and “R(E)”, mainly occupied by high density residential buildings with commercial uses on G/F (**Plan A-2**). There are also some government, institution or community facilities and open space in the surrounding areas (**Plan A-1**); and
- (a) well served by various modes of public transport including buses, public light buses and taxis. The MTR Prince Edward Station is located about 450m to the east of the Premises (**Plan A-1**).

## **7. Planning Intention**

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

## **8. Comments from the Relevant Government 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. 7587 which is governed by the Government Lease dated 29.4.1970 and is restricted to industrial purposes. According to the said Government Lease, factory with ancillary offices and quarters for such persons essential to the safety and security as may be approved is permissible under the Government Lease; and
- (b) the office use at the Premises does not comply with the above-mentioned user restriction in the Government Lease. If the planning application is approved by the Board, the owner of the Premises has to apply to LandsD for a temporary waiver or no objection letter for the proposal. She advises that the proposal will only be considered upon receipt of formal application from the applicant. However, there is no guarantee that approval will be given and she reserves her comments on such. The application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions, including, amongst others, payment of waiver fee/premium and administrative fee as may be imposed by LandsD.

### Building Matters

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

- (a) no objection to the application;
- (b) all building works/ change in use should be in compliance with the Buildings Ordinance (BO) and its allied regulations;
- (c) the applicant should be advised to engage an Authorised Person to

ensure that any building works/ change of use are implemented in compliance with the BO, including (but not limited to) the following:

- (i) 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);
  - (ii) provision of fire barriers with adequate fire resisting construction between the Premises and the remaining portion of the building in accordance with Building (Construction) Regulation 35 and the FS Code;
  - (iii) provision of access and facilities for persons with a disability in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
  - (iv) provision of lighting and ventilation to the office and lavatories in accordance with B(P)R 30, 31 and 36;
  - (v) provision of adequate sanitary fitments to the Premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
- (d) detailed comments under the BO can only be provided at the building plan submission stage;
- (e) for unauthorised building works (UBW) erected on leased land/ private buildings, enforcement action may be taken by the Building Authority 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 UBW on the application site under the BO; and
- (f) if the proposed use under the application is subject to the issue of a licence, please be reminded that any structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### Fire Safety

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

- (a) he has no in-principle objection to the application subject to:
  - (i) that the offices will not attract unreasonably large number of persons who could be exposed to risks which they would

neither be aware of nor prepared to face. These persons include the old, infirm, children and those whose nature of work is unrelated to the activities in the building but exclude regular office workers;

- (ii) fire safety measures being provided to the satisfaction of D of FS; and
- (b) sprinkler system shall be provided as the total floor area of the offices exceeds 230m<sup>2</sup>. Detailed Fire Services requirements, which may include other fire service installations, will be formulated upon receipt of submission of building plans through BD.

#### Traffic

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

- (a) he has no in-principle objection to the application from traffic engineering perspective given the following observations:
  - (i) small and constrained site layout;
  - (ii) conveniently located to mass transport/public transport services;
  - (iii) small scale of development; and
- (b) the applicant should be reminded that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space shall not be reserved for any exclusive uses of the subject development.

#### Environment

##### 8.1.5. Comments of the Director of Environmental Protection (DEP):

- (a) significant environmental impacts are not anticipated;
- (b) the following approval conditions should be imposed should the Board decide to approve the application:
  - (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of DEP or of the Board;
  - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board; and

- (c) the applicant is reminded to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer/South Division 2, Civil Engineering and Development Department;
- (f) Director of Electrical and Mechanical Services;
- (g) Director of Leisure and Cultural Services;
- (h) Director of Food and Environmental Hygiene; and
- (i) District Officer (Yau Tsim Mong), Home Affairs Department (DO(YTM), HAD).

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

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

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

- 10.1 The application is to seek planning permission for 'Office' use at the Premises within an existing industrial building zoned "R(E)" on the OZP. While the planning intention of the "R(E)" zone is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use, the current 'Office' use on 2/F is considered not incompatible with other permitted uses in the same building and the surrounding developments involving mainly residential, commercial and industrial/business uses.
- 10.2 The applied use is small in scale and is not expected to generate adverse impact on the surrounding areas. D of FS has no objection in principle to the application subject to approval condition on provision of fire safety measures. Other relevant Government departments, including C for T, CBS/K of BD, DEP and DO(YTM) of HAD have no objection to or no adverse comment on the application.
- 10.3 While there is no similar application for office use within the subject industrial building, there are three similar applications for office use at individual unit/floor of other industrial buildings within other "R(E)" zones in the same OZP which were approved with conditions by the Committee since 2012 mainly on the grounds that the proposed use was not incompatible with the industrial/industrial-related uses within the same building and the surrounding areas; and the relevant Government departments had no adverse comment (**Plan A-1** and **Appendix II**). As there is no change in planning circumstances,

approval of the application is consistent with the previous decisions of the Committee on similar applications.

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

- 11.1 Based on the assessment made in paragraph 10 above, 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 application 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 17.9.2023;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) if the above planning condition (a) is not complied with by the above 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**.

- 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 the rejection should be given to the applicant.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 30.1.2023
<b>Appendix Ia</b>	Further Information received on 10.2.2023
<b>Appendix II</b>	Similar Applications within “R(E)” Zone in Mong Kok since 2012
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Floor Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-7</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**