

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K4/77

- Applicant** : Hong Kong Science and Technology Parks Corporation (HKSTPC)
represented by Llewelyn Davies Hong Kong Limited
- Premises** : Portion of 1/F, InnoCentre, 72 Tat Chee Avenue, Kowloon Tong,
Kowloon
- Floor Area** : About 178m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 6128
- (a) governed by the Conditions of Grant No. 12221 dated 17.9.1992 as
varied or modified by two Modification Letters dated 25.2.1994 and
10.7.1996 and two No-objection Letters dated 10.7.2002 and
26.1.2011
- (b) restricted to technology centre purpose
- Plan** : Approved Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/31
- Zoning** : “Government, Institution or Community (3)” (“G/IC(3)”)
- [restricted to maximum building height (BH) of 51 metres above Principal
Datum (mPD)]
- Application** : Proposed Eating Place

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Eating Place’ use. The Premises of about 178m² in floor area mainly occupies an indoor portion of 1/F lobby area (i.e. 129m²) of InnoCentre¹ and an adjoining outdoor portion (i.e. 49m²) (**Drawing A-1**), which fall within an area zoned “G/IC(3)” on the approved Shek Kip Mei OZP No. S/K4/31 (**Plan A-1**). According to the Notes for the “G/IC” zone of the OZP, ‘Eating Place’, except

¹ InnoCentre is a Government initiative to cultivate high value-added design activities among design professionals and user industries in Hong Kong. Since its opening in 2006, the technology centre provides office space for creative professionals and design-related firms, exhibition facilities, training and meeting facilities and a resource centre alongside design showrooms and a piazza.

canteen and cooked food centre which are always permitted, requires planning permission from the Town Planning Board (the Board).

- 1.2 The proposed floor plan is at **Drawing A-1**. According to the applicant's submissions, the area of the Premises is equivalent to about 0.74% of the total GFA of the subject building. The Premises, abutting Tat Chee Avenue and accessible via the street frontage and the main entrance is proposed for conversion into a café type eatery with outdoor seating area providing a total of about 52 seats to serve the building's tenants and visitors, as well as the general public. The opening hours will be 7:30 a.m. to 7:00 p.m. The proposed conversion will involve minor works to the internal layout of the Premises only, and is anticipated for completion in 2023.
- 1.3 The Premises is the subject of a previous application No. A/K4/51 submitted by the same applicant for 'Eating Place and Proposed Shop and Services' uses involving various portions of G/F and 1/F of the subject building, which was approved with condition by the Metro Planning Committee (the Committee) of the Board on 12.10.2007. The approved scheme was not implemented and the planning permission was lapsed subsequently (**Plan A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 20.9.2022 (Appendix I)
 - (b) Supplementary planning statement (Appendix Ia)
 - (c) Letter dated 19.10.2022[#] (Appendix Ib)
 - (d) Letter dated 31.10.2022[#] (Appendix Ic)
 - (e) Letter dated 3.11.2022[#] (Appendix Id)

Remarks:

[#]accepted and exempted from publication and recounting requirement

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out at **Appendix Ia**. They are summarised as follows:

- (a) the proposed café is small in scale and no adverse traffic nor environmental impacts to the surroundings are anticipated;
- (b) the proposed use is considered complementary to the GIC use of InnoCentre and compatible with the surrounding land uses;
- (c) the in-situ conversion will involve internal repartitioning only and will not require structural alteration, and the existing fire escape route will be able to serve the converted use; and
- (d) the applicant can implement the proposal in due course so as to ensure timely commencement of the proposed use.

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.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development/Redevelopment within “G/IC” zone for Uses other than GIC uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 16) are relevant to this application. In general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned government departments have no objection to releasing a particular “G/IC” site or a certain part of it for non-GIC uses. The main planning criteria set out in TPB PG-No. 16 relevant to the subject conversion application are as follows:

- (a) the proposed development should not adversely affect the provision of GIC facilities in the district on a long-term basis;
- (b) the proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas;
- (c) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure;
- (d) there should be adequate provision of parking and loading/unloading facilities to serve the development in accordance with Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department (TD); and
- (e) the proposed development should not cause or be susceptible to adverse environmental impacts.

5. Previous Application (Plan A-1)

5.1 The Premises is the subject of a previous planning application (No. A/K4/51) involving various portions of G/F and 1/F of InnoCentre which was submitted by the current applicant. That application for ‘Eating Place and Proposed Shop and Services’ uses was approved with condition by the Committee on 12.10.2007. As the approved scheme did not commence, the planning permission lapsed on 13.10.2011.

5.2 Details of the previous application are at **Appendix II**.

6. Similar Application

There is no similar application for 'Eating Place' use within the "G/IC" zones on the Shek Kip Mei OZP.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-2 and Photos on Plan A-3)

7.1 The Premises:

- (a) abuts Tat Chee Avenue;
- (b) is located on 1/F of InnoCentre; and
- (c) is currently under renovation.

7.2 The subject building has the following characteristics:

- (a) is a 7-storey technology centre over 2-storey basement carport;
- (b) the upper floors are mainly offices occupied by firms of research, design & development; and
- (c) easily accessible by various modes of public transport with MTR Kowloon Tong Station located at about 150m away to the north (**Plan A-1**).

7.3 The surrounding areas have the following characteristics:

- (a) predominantly for GIC and residential uses;
- (b) bounded by the Mass Transit Railway (MTR) East Rail Line to the immediate east;
- (c) to the south and west are low to medium-rise private residential developments, namely Village Gardens and Parc Oasis respectively; and
- (d) to the north are GIC developments, namely Hong Kong Productivity Council Building, Jockey Club Environmental Building and City University of Hong Kong, whereas to the further north is a commercial centre, namely Festival Walk.

8. Planning Intention

The planning intention of "G/IC" zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

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:

Policy Perspective

9.1.1 Comments of the Commissioner for Innovation and Technology (C for IT):

- (a) policy support to the application is provided; and
- (b) the proposed eating place will serve to support meetings, conferences, exhibitions, research and development activities to be held in InnoCentre.

Land Administration

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

- (a) the Premises falls within NKIL No. 6128 which is governed by the Conditions of Grant No. 12221 dated 17.9.1992 as varied or modified by two Modification Letters dated 25.2.1994 and 10.7.1996 and two No-objection Letters dated 10.7.2002 and 26.1.2011. The Lot is restricted for the purpose of a technology centre together with such ancillary facilities as may be approved by the Director of Lands; and
- (b) the proposed eating place does not comply with the Conditions. Should the planning application be approved, the owner of the Premises has to apply to LandsD for approval under lease, lease modification or temporary waiver for the proposal. However, there is no guarantee that such application will be approved, and if approved by LandsD acting in the capacity as the landlord at its sole discretion and subject to relevant policy support, it will be subject to such terms and conditions including, amongst others, payment of waiver fee/premium and administrative fee as considered appropriate by LandsD.

Fire Safety

9.1.3 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the proposed eating place subject to fire service installations being provided to the satisfaction of his department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Building Matters

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

- (a) no objection to the application; and
- (b) all building works and change in use are subject to compliance with the Buildings Ordinance (BO) and its allied regulations. His other advisory comments are set out in **Appendix IV**.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP)

- (a) no comment on the application; and
- (b) adverse environmental impacts are not anticipated in view of the nature and scale of the proposal.

Other Aspect

9.1.6 Comments from the Director of Food and Environmental Hygiene (DFEH):

- (a) the operation of any eating place should be under a proper food licence issued by the Food and Environmental Hygiene Department (FEHD) if food business is involved:
 - (i) if the operator intends to operate any restaurant business for sale of meals for consumption on the Premises, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence (cum permission for Outside Seating Accommodation, if applicable), if acceptable by FEHD, will be referred to relevant government departments, such as BD, the Fire Services Department, and the Planning Department (PlanD), for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and
 - (ii) if the operator intends to operate any food business which involves the preparation of food for sale for human consumption off the Premises, a food factory licence should be obtained from FEHD in accordance with the Cap. 132. The application for food factory licence, if acceptable by FEHD, will be referred to relevant government departments, such as LandsD and PlanD, for comment. If there is no objection from

the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.

9.2 The following Government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (d) Commissioner of Police (C of P);
- (e) Commissioner for Transport (C for T);
- (f) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD); and
- (g) Project Manager (South), Civil Engineering and Development Department (PM(S), CEDD).

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, two public comments were received, including one comment from the property management office of the Village Gardens expressing concerns that the application would induce adverse noise and environmental impacts. The other comment from an individual objects to the application, expressing that the Premises should be retained for the research and development or other GIC uses, and there is already sufficient supply of eating place in the vicinity (**Appendix III**).

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission to convert the Premises into the proposed 'Eating Place' use to serve the tenants and visitors of InnoCentre as well as the general public. The planning intention of the "G/IC" zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. 'Eating Place' is a use that requires planning permission.
- 11.2 As advised by the C for IT, the proposed eating place will serve to support various activities to be held in the technology centre. As such, the proposed eating place is considered complementary to the function of the technology centre and compatible in land-use terms with the GIC facilities on the site. The application has the policy support of C for IT.
- 11.3 The proposed eating place has a floor area of about 178m² only, equivalent to about 0.74% of the total GFA of the subject building, which is considered small in scale and would not affect the other uses in the same building and the provision of GIC facilities in the district. Relevant Government departments including FSD, TD, EPD, WSD and DSD have no comment on/no objection to the application. Operation of the proposed eating place will be subject to licensing control by FEHD.

As advised by DEP, adverse environmental impacts from the proposed eating place are not anticipated. As suggested by D of FS, an approval condition requiring the provision of fire service installations is recommended. In view of the above, the proposed development generally complies with TPB PG-No. 16 in that it is compatible in land-use terms with the surrounding uses and it will not cause adverse impacts to the surroundings nor affect provision of GIC facilities in the district.

- 11.4 Approval of the current application is consistent with the previous decision of the Committee in approving the previous application as stated in paragraph 5 above.
- 11.5 Regarding the public comments received, the departmental comments in paragraph 9 and the planning assessments above are relevant.

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 11.11.2026, and after the said date, the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 12.3 There is no strong planning 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 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.
- 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 received on 20.9.2022
Appendix Ia	Supplementary planning statement
Appendix Ib	Letter dated 19.10.2022
Appendix Ic	Letter dated 31.10.2022
Appendix Id	Letter dated 3.11.2022
Appendix II	Previous Application
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**