

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

**APPLICATION NO. A/K5/850**

- Applicant** : Hostgem International Limited represented by Centaline Property Agency Limited
- Premises** : Workshop No.1, G/F, Vogue Centre, 696 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : About 101m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No. 2806 s.A
- (a) governed by Conditions of Exchange No. 4117 as varied or modified by two Modification Letters dated 26.2.1955 and 11.9.1989
- (b) restricted to general industrial purposes
- Plan** : Draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/38
- Zoning** : “Other Specified Uses” annotated “Business (1)” (“OU(B)1”)
- (a) maximum plot ratio (PR) of 12
- (b) maximum building height (BH) of 130mPD
- Application** : Proposed Shop and Services

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Shop and Services’ use. The Premises, with an area of about 100.54m<sup>2</sup> occupies Workshop No.1 on G/F of an existing industrial building, namely Vogue Centre, which falls within an area zoned “OU(B)1” on the draft Cheung Sha Wan OZP No. S/K5/38 (**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 (not elsewhere specified)’ on G/F of an industrial building requires planning permission from the Town Planning Board (the Board).
- 1.2 The floor and layout plans submitted by the applicant, are at **Drawings A-1** and **A-2** respectively. According to the applicant’s submission, the entrance of the Premises will be provided at the corner splay at the junction of Tung Chau West Street and Castle Peak Road. The premises is currently under renovation.

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

- (a) Application form with supplementary information (Appendix I)  
received on 14.2.2022
- (b) Letter dated 16.3.2022 providing revised layout plan (Appendix Ia)  
*[accepted and exempted from the publication and recounting requirements]*

1.4 In view of COVID-19 and the latest special work arrangement for government departments announced by the Government, the Metro Planning Committee (the Committee), on 1.4.2022, agreed to defer making a decision on some of the applications, including Application No. A/K5/850. The application is now scheduled for consideration by the Committee at this meeting.

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

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

- (a) the proposed use is in line with the planning intention of the “OU(B)” zone and the application is in line with Government Policy to better optimize the land resources;
- (b) there is a strong demand for shop and services use in the neighbourhood as there are increasing number of redevelopments in the locality in recent years;
- (c) the additional traffic generated from the proposed use would be minimal and it is unlikely to impose traffic pressure to the locality;
- (d) access for firefighting is directly provided along Castle Peak Road and Tung Chau West Street and sufficient means of escape will be provided; and
- (e) there are numerous similar approved applications for ‘Shop and Services’ uses in the surrounding area.

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

The applicant is 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 Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) promulgated in September 2007 are 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) the Fire Services Department 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 on the ground floor of an existing industrial/I-O building with and without sprinkler systems should as a general principle not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. 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 loading/unloading 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 Applications**

There is no previous application at the Premises.

## **6. Similar Applications**

- 6.1 There is no similar planning application for ‘Shop and Services’ use in respect of G/F and the rest of the subject industrial building.
- 6.2 According to TPB PG-No. 22D, the proposed ‘Shop and Services’ use under the application is subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on G/F of the subject industrial building with a sprinkler system. If the application is approved, the aggregate commercial floor areas approved (by the Committee) on G/F of the subject industrial building will be 100.54m<sup>2</sup>, which is within the maximum permissible limit.

- 6.3 Since 2001, the Committee has considered 159 planning applications for various ‘Shop and Services’ uses on G/F of the industrial and I-O buildings within the “OU(B)” zone in the Cheung Sha Wan Industrial/Business Area (CSWIBA). The Committee approved 149 of these applications while rejecting 10 applications. Failure to address fire safety concerns was the reason for rejection amongst most of the rejected cases.

## 7. **The Premises and Its Surrounding Areas**

(Plans A-1 to A-2 and Site Photos on Plan A-3 and Plan A-4)

### 7.1 The Premises:

- (a) is located on G/F of the subject industrial building and has direct frontage to Castle Peak Road and Tung Chau West Street; and
- (b) is under renovation.

### 7.2 The industrial building has the following characteristics:

- (a) is a 18-storey industrial building (including one level of basement) completed in 1992 and equipped with a sprinkler system; and
- (b) is currently used for the following purposes:

<b>Floor</b>	<b>Main Uses</b>
G/F	<b>The Premises</b> , car parking and plant room
1/F to 16/F	Offices/trading firms, workshops and educational centre*

*\*No record of planning approval granted for the educational centre on 1/F.*

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

- (a) located in the established CSWIBA (which was rezoned from “I” to “OU(B)” in 2001), mainly with industrial and I-O buildings and some ‘Shop and Services’ uses found on G/F; and
- (b) easily accessible by various modes of public transport with Mass Transit Railway Lai Chi Kok Station located at about 135m to the south-east of the subject industrial building (**Plan A-1**).

## 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 summarised as follows:

### **Land Administration**

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

- (a) the Premises falls within NKIL 2806 s.A (“the Lot”) which is governed by Conditions of Exchange No. 4117 as varied or modified by two Modification Letters dated 26.2.1955 and 11.9.1989 (“the Conditions”). The Lot is restricted to be used for general industrial purposes; and
- (b) the proposed ‘Shop and Services’ use at the Premises does not comply with the Conditions. Should the application be approved, the owner of the Premises has to apply to LandsD for a waiver or no-objection letter for the proposed use. However, there is no guarantee that the approval will be given. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee/premium and administrative fee as may be imposed by LandsD.

### **Fire Safety**

- 9.1.2 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to (i) Fire Service Installations (FSIs) and equipment being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and (ii) means of escape are completely separated from the industrial portion of the building; and
- (b) the building is provided with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F is 460m<sup>2</sup>. The applied use should be counted up to the aggregate commercial floor area.

### **Building Matters**

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

- (a) no in-principle objection to the application;

- (b) all building works, alterations and additions works or change of use are subject to compliance with the Buildings Ordinance (BO). The applicant is advised to appoint an Authorized Person to ensure any building works/ alterations and additions works or change of use are in compliance with BO, including (but not limited to) the following:
  - (i) a minimum of 2 exits should be provided for the subject premises. The applicant is reminded that adequate means of escape should be provided to the subject premises in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - (ii) the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to the Building (Construction) Regulation 35 and the FS Code; and
  - (iii) adequate provision of barrier free access to the subject premises should be provided in accordance with the Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008;
- (c) for unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority (BA) 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 BO;
- (d) attention of the applicant should be drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that BA has no powers to give retrospective approval or consent for any UBW; and
- (e) detailed comments under BO will be given at the building plan submission stage.

### **Traffic**

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

- (a) no in-principle objection to the application at nil provision of car parking and loading/unloading spaces given the small and constrained site layout; its convenient location to mass transport/ public transport services; and 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

would not be reserved for any exclusive uses of the subject development.

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) Director of Food and Environmental Hygiene (DFEH); and
- (f) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD).

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

During the statutory public inspection period, one supporting public comment from an individual was received, stating that the application would enhance employment (**Appendix II**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is to seek planning permission to use the Premises for proposed 'Shop and Services' use. The Premises is currently under renovation. The planning intention of the "OU(B)" zone is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the use would not result in adverse fire safety or environmental impacts. The proposed use at the Premises is considered generally in line with the planning intention of the "OU(B)" zone.
- 11.2 The CSWIBA is being transformed into commercial/business uses with many similar approved applications for 'Shop and Services' use on G/F of other industrial and I-O buildings in the vicinity of the Premises. The proposed use is considered compatible with the changing land use character of the area. Moreover, the proposed use is considered not incompatible with other uses of the same industrial building which mainly comprises offices/trading firms and workshops on the upper floors.
- 11.3 The proposed use complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant Government departments including D of FS, C for T, CBS/K of BD, CE/C of WSD and CE/MS of DSD have no comment/ objection to the application.
- 11.4 As confirmed by D of FS, the subject industrial building is protected by a sprinkler system and subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on G/F in accordance with TPB PG-No. 22D. If the proposed 'Shop and Services' use is approved, the aggregate commercial floor area approved

by the Committee on G/F of the subject industrial building will be about 100.54m<sup>2</sup>, which is within the maximum permissible limit. At the request of D of FS, an approval condition in paragraph 12.2(a) to require the submission and implementation of fire service installations to the satisfaction of D of FS is recommended in approving the application.

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

- 12.1 Based on the assessments made in paragraph 11 above, and having taken into account the public comment 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 2.6.2024, 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 service installations before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with before operation of the proposed 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 III**.

- 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**

<b>Appendix I</b>	Application form and supplementary information received on 14.2.2022
<b>Appendix Ia</b>	Letter dated 16.3.2022 providing revised layout plan
<b>Appendix II</b>	Public Comment
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Floor Plan
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**