

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/854

- Applicant** : Great Assets Limited represented by Grandmax Surveyors Limited
- Premises** : Workshop C12, G/F, Block C, Hong Kong Industrial Centre, 489-491
Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : About 182m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 3515 s.C, s.D and s.F

- governed by Conditions of Sale No. UB4268 dated 1.4.1948 as varied
or modified by Conditions of Exchange (and Modification) No. 4481
dated 28.8.1950 for factory purposes
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/39
[currently in force]

Draft Cheung Sha Wan OZP No. S/K5/38
[at the time of application]
- Zoning** : “Other Specified Uses” annotated “Business (2)” (“OU(B)2”)

(a) maximum plot ratio (PR) of 12
(b) maximum building height (BH) of 130mPD

*[No change in zoning and development restrictions for the application
premises under the two aforesaid OZPs]*
- Application** : Shop and Services (Showroom for Garments and Accessories)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Showroom for Garments and Accessories)’. The Premises, with a floor area of about 182m², occupies Workshop C12 on G/F of an existing industrial building, namely Block C of Hong Kong Industrial Centre, which falls within an area zoned “OU(B)2” on the approved Cheung Sha Wan OZP No. S/K5/39 (**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)’ use on G/F of an industrial building requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises is the subject of three previous applications (**Plan A-2a**). The latest application (No. A/K5/559) submitted by a different applicant for shop and services (showroom) use, was approved with conditions on a temporary basis for a period of 3 years by the Metro Planning Committee (the Committee) of the Board on 26.3.2004. The planning permission expired in 2007 (see paragraph 5 and **Appendix II** for details). The Premises is currently operating as showrooms without valid planning permission.
- 1.3 The applicant indicates that the showroom use under application is for display of selected samples of garments and accessories processed and stored in a unit on upper floors of the subject building, and the Premises is subdivided into 5 units with a corridor to connect the showrooms with the lift lobby of the building (**Drawing A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with planning statement received on 3.11.2022 (**Appendix I**)
 - (b) Further Information (FI) received on 20.2.2023 # (**Appendix Ia**)
 - (c) FI received on 23.3.2023 # (**Appendix Ib**)

[# Accepted and exempted from the publication and recounting requirements.]

- 1.5 On 23.12.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant to allow sufficient time for preparation of FI to address departmental comments. The application is 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 to Ib**. They are summarised as follows:

- (a) the showrooms are for display of selected sample products only in connection with the main industrial use (i.e. processing and storage of garments and accessories) at Room No. 716, 12/F, Block C, Hong Kong Industrial Centre. No commercial use including retail or direct provision of customer services or goods will be conducted at the Premises;

- (b) the operation hours of the showrooms is 10:00am to 7:00pm daily including Sunday and Public holiday. During peak hour (i.e. 3:00pm to 4:00pm), advanced booking to visit the showrooms will be required so as to control the number of occupants;
- (c) the showrooms are considered fully in line with the planning intention of the “OU(B)” zone. It will not induce adverse traffic, fire safety and environmental impacts and is compatible with the uses in the surrounding areas;
- (d) the showrooms are not accountable for the maximum permissible limit of 460m² for aggregate commercial floor area on G/F of the subject industrial building, which is equipped with a sprinkler system;
- (e) there is a strong demand for showroom for garments use to meet the needs of the clothing industry; and
- (f) numerous similar applications in the surrounding area have been approved.

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 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 460m² and 230m² 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 (Plan A-2a)**

5.1 The Premises is the subject of three previous planning applications (Nos. A/K5/202, 256 and 559) submitted by different applicants. The site was rezoned from “Industrial” (“I”) to “OU(B)” in 2001. Planning Application No. A/K5/202 for showroom use was rejected by the Committee on 4.3.1994, while application No. A/K5/256 for showroom use was approved with conditions by the Committee on 16.12.1994 on a temporary basis for a period of 3 years. Application No. A/K5/559 for temporary showroom use for a period of 3 years, was approved with condition by the Committee when the site was zoned “OU(B)” in 2004.

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

6. **Similar Applications**

6.1 Since the site was rezoned from “I” to “OU(B)” in 2001, the Committee has considered a total of 27 applications (including the previous application No. A/K5/559 mentioned in paragraph 5 above) for ‘Shop and Services’/‘Showroom’ uses on G/F of the subject industrial building (**Plan A-2a**)¹. All of these applications were approved with conditions by the Committee on the grounds that the applied use were considered not incompatible with other uses of the same industrial building and no adverse fire safety and traffic impacts were anticipated. The details of the approved applications are at **Appendix III**. The limit on aggregate commercial floor areas on G/F of an industrial building is not applicable to the current application as it is regarded a type of use ancillary to or for the purposes of supporting the industrial activities as explained in paragraph 4(c) above.

6.2 Since 2001, the Committee has considered 163 planning applications for various ‘Shop and Services’ uses on G/F of industrial buildings and I-O buildings within the “OU(B)” zone in the Cheung Sha Wan Industrial/Business Area (CSWIBA). The Committee approved 153 of these applications and rejected the remaining 10. Failure to address fire safety concerns was the reason for rejecting most of the rejected cases.

¹ When the site was still zoned “I” before it was rezoned to “OU(B)” in 2001, there were a total of 30 planning applications including two previous applications (No. A/K5/202 and 256 mentioned in paragraph 5) for showroom use at the G/F of the subject industrial building. Out of these 30 applications, 19 applications were approved with conditions and 11 were rejected. The 19 approved applications either lapsed, expired or were for use (Showroom) not applicable for the maximum permissible limit of 460m² for aggregate commercial floor area on G/F of an industrial building, and hence they are not included in Appendix III.

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

7.1 The Premises:

- (a) occupies Workshop C12 on G/F of Block C of Hong Kong Industrial Centre and is accessible from the lift lobby; and
- (b) is currently subdivided into 5 showrooms with a corridor leading to the lift lobby.

7.2 The subject industrial building has the following characteristics:

- (a) is a 14-storey industrial building (including one level of basement for car parking spaces) completed in 1982 and equipped with a sprinkler system; and
- (b) is currently used for the following purposes:

Floor	Main Uses
G/F	The Premises , showrooms, fast food shops, money exchange stores, real estate agency and hair salon*
1/F to 12/F	Industrial-related offices/trading firms and warehouses

* No record of planning approval granted for a fast food shop and a hair salon (Workshop C1)

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 80m to the south of the subject industrial building (**Plan A-2**).

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 No. 3515 s.C, s.D and s.F (“the Lot”) which is governed by the Conditions of Sale No. UB4268 dated 1.4.1948 as varied or modified by Conditions of Exchange (and Modification) No. 4481 dated 28.8.1950 (hereinafter collectively referred as “the Conditions”) for factory purposes; and
- (b) the shop and services (showroom for garments and accessories) use at the Premises does not comply with the Conditions. If the planning application is approved by the Board, the owner of the Premises has to apply to LandsD for waiver or no-objection letter for the proposal. He would advise that the proposal will only be considered upon receipt of the applicant’s formal application by his office. However, there is no guarantee that the approval will be given and he would reserve his comment 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 shall be subject to such terms and conditions, including, amongst others, 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 and equipment being provided to the satisfaction of D of FS. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or any plans referred from the Planning Department;
 - (ii) the showroom is in connection with the main industrial use in the subject building; and
 - (iii) there are no commercial uses in the Premises; and
- (b) regarding matters related to fire resistance construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.

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/change of use are subject to compliance with the Buildings Ordinance (BO);
- (c) before any new building works are carried out, prior approval and consent from the Building Authority (BA) under BO should be obtained, unless the works fall within the scope of designated minor works that can be carried out under the simplified requirements specified in the Building (Minor Works) Regulation or such works are exempted works;
- (d) the applicant is advised to appoint an Authorized Person to ensure any building works/change of use are implemented in compliance with BO, including (but not limited to) the following:
 - (i) adequate means of escape should be provided to the subject premises in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) the subject 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 FS Code;
 - (iii) adequate provision of sanitary fitments should be provided to the subject Premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
 - (iv) adequate provision of barrier free access to the subject premises should be provided in accordance with B(P)R 72 and the Design Manual: Barrier Free Access 2008;
- (e) for unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by 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; and
- (f) if the proposed use under the application is subject to the issue of a licence, the applicant should be reminded that any existing 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.

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 that the Premises is small with constrained site layout, conveniently located to mass transport/public transport services, and the development scale is small; 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, three public comments from individuals were received including one comment without stating any particular views; one supporting comment; and one expressing concerns on obstruction to pedestrian flow inside the already congested area of the building (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission to use the Premises for ‘Shop and Services (Showroom for Garments and Accessories)’ in connection with the main industrial use in the same building. The Premises is currently occupied by 5 showrooms. The planning intention of the “OU(B)” zone is intended 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 showroom use at the Premises is considered generally in line with the planning intention.

- 11.2 CSWIBA is being transformed into commercial/business area with many similar applications for 'Shop and Services'/'Showroom' uses approved on G/F of other industrial and I-O buildings in the vicinity of the Premises. The applied use is considered compatible with the changing land use character of the area. Moreover, the applied use is considered not incompatible with other uses of the same industrial building which mainly comprises 'Shop and Services'/'Showroom' uses with planning permissions on G/F and industrial-related offices/trading firms and warehouses on the upper floors.
- 11.3 According to the proposed layout, there are 5 showrooms and a corridor connecting to the lift lobby of the subject building. D of FS has no objection to the application subject to imposition of an approval condition on fire service installations and equipment as stipulated in paragraph 12.2(a). Other Government departments including C for T and CBS/K of BD have no comment on/ no objection to the application. The applied 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.
- 11.4 A total of 27 applications for 'Shop and Services'/'Showroom' uses on G/F of the subject industrial building were approved with condition(s) by the Committee since 2001 (**Appendix III** and **Plan A-2a** refer). Since there is no significant change in planning circumstances, the approval of the application is consistent with the previous decisions of the Committee on similar applications within the building.
- 11.5 Regarding the public comments received, the departmental comments in paragraph 9 and planning assessments above are relevant.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above 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, no time clause on commencement is proposed as the 'Shop and Services (Showroom for Garments and Accessories)' use under application is already in operation. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of fire service installations and equipment 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 30.9.2023; and

- (b) if the above planning condition (a) 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**.

- 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 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 with planning statement received on 3.11.2022
Appendix Ia	FI received on 20.2.2023
Appendix Ib	FI received on 23.3.2023
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Ground Floor Plan of Block C, Hong Kong Industrial Centre
Plan A-3	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**