

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/868

- Applicants** : Mr. Yuen Siu Lun David and Ms. Cheng Pui Ling
represented by Lawson David & Sung Surveyors Limited
- Premises** : Portion of G/F, Tai Shing Factory Building, 273B - 275 Un Chau Street,
Cheung Sha Wan, Kowloon
- Floor Area** : About 310m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 3818 S.A.
(a) governed by the Conditions of Sale No. 5077 dated 27.9.1954
(b) expires on 30.6.2047
(c) restricted to industrial purposes
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/39
- Zoning** : “Residential (Group E) 2” (“R(E)2”)

(a) maximum plot ratio (PR) of 9.0, of which domestic PR shall not
exceed 7.5
(b) maximum building height of 100 metres above Principal Datum
- Application** : Shop and Services

1. The Proposal

- 1.1 The applicants seek planning permission for ‘Shop and Services’ use at the application premises (the Premises) (**Plans A-1 and A-2**). According to Schedule II of the Notes of the OZP for the “R(E)2” zone applicable to industrial or industrial-office (I-O) buildings, the ‘Shop and Services (not elsewhere specified)’ use requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises with floor area of about 310m² occupies portion of G/F of an existing industrial building (IB), namely Tai Shing Industrial Building. It is currently subdivided into 3 units for tailor shop, clinic and retail shop respectively. All shops in the Premises have shop frontage at Un Chau Street. The units are in operation without valid planning permission.

- 1.3 According to the applicants' submission, the Premises will be reconfigured into 4 units for tailor shop, clinic, retail shop and local provisions store respectively. The proposed layout plan submitted by the applicants is at **Drawing A-2**.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application form received on 9.8.2024 (Appendix I)
 - (b) Planning statement received on 9.8.2024 (superseded by **Appendix Ia**)
 - (c) Further Information (FI) received on 27.9.2024[#] (**Appendix Ia**)
- [#] not exempted from publication and recounting requirements

2. Justifications from the Applicants

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

- (a) the applied use on G/F of the subject IB is compatible with the various commercial uses on G/F of other existing industrial buildings in the area;
- (b) the applied use is in line with the planning intention of the "R(E)2" zone. Being non-polluting in nature, the use supports the planning intention of progressive transformation and upgrading of the area;
- (c) the Premises is located in a convenient location of an established residential area in Cheung Sha Wan, the increase in population in the vicinity indicates high local demand for shop and services uses; and
- (d) the applied use will not induce adverse impacts in terms of fire safety, traffic and pedestrian flow, and environment.

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

The applicants are the sole 'current land owner' of the Premises. 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

There are 2 similar applications for proposed ‘Shop and Services’ uses on G/F of IBs within “R(E)2” zones on the Cheung Sha Wan OZP (**Plan A-1**). A similar application (No. A/K5/866) was approved by the Metro Planning Committee (the Committee) of the Board on 26.1.2024 with conditions on the grounds that the use was considered not incompatible with other uses in the same building and the surrounding developments; and was not unacceptable from fire safety, traffic and infrastructural aspects. The other application (No. A/K5/733) was rejected by the Board upon review on 28.2.2014 on fire safety ground. Details of the applications are at **Appendix II**.

6. The Premises and Its Surrounding Areas

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

6.1 The current conditions of the Premises are detailed in paragraph 1.2 above.

6.2 The subject IB has the following characteristics:

- (a) completed in 1961 with 8 storeys and not equipped with sprinkler system; and
- (b) its major floor uses are as follows:

Floor	Main Uses
G/F	The Premises (currently in operation for tailor shop*, clinic* and retail shop*), clinic*, restaurant*, drinks shop*, retail shops* and engineering maintenance company*
1/F	Industrial-related offices
2/F	Warehouses
3/F	Industrial-related offices
4/F to 6/F	Industrial-related offices/Warehouses
7/F	Warehouses

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

6.3 The surrounding areas have the following characteristics:

- (a) predominantly a residential area (with Un Chau Estate to the west and south, and other private residential buildings to the north) mixed with a number of IBs including the adjoining one at 350-360 Fuk Wing Street and Cheong Fat Factory Building across Wing Lung Street (**Plans A-1 and A-2**). Commercial uses are commonly found on G/F of these residential and industrial developments; and
- (b) easily accessible by various modes of public transport with MTR Cheung Sha Wan Station located at about 160m to the southwest of the subject IB (**Plan A-1**).

7. Planning Intention

The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Town Planning 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 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 NKIL 3818, which are governed by the Conditions of Sale No. 5077 dated 27th September 1954. The Lot is restricted to industrial purposes; and
- (b) the proposed ‘Shop and Services’ use and ‘Shop and Services (local provisions store)’ use at the premises are not permitted under the lease 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. However, there is no guarantee that the approval will be given. 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, among others, the payment of waiver fee/premium and administrative fee as may be imposed by LandsD.

Fire Safety

8.1.2 Comments of D of FS:

- (a) no in-principle objection to the application subject to the imposition of an approval condition requiring provision of the fire service installations (FSIs) and equipment to the satisfaction of D of FS;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) detailed comments are at **Appendix III**.

Building Matters

8.1.3 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 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 applicants are advised to appoint an Authorized Person to ensure that any building works/change of use are implemented in compliance with BO, including (but not limited to) the following:
 - (i) it is noted that no exit route(s) nor exit door(s) for the premises are indicated in the layout plan in the application document. Adequate means of escape should be provided 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 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 (B(C)R 35) and FS Code;
 - (iii) adequate provision of sanitary fitments should be provided to the 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 premises should be provided in accordance with B(P)R 72 and the Design Manual: Barrier Free Access 2008; and
- (e) detailed comments are at **Appendix III**.

Other

8.1.4 Comments of the Director of Health (D of Health):

- (a) no objection to the application; and

- (b) the clinic operator is reminded to apply for a Day Procedure Centre Licence if the facility provides to patients any scheduled medical procedures as listed in Column 2 of Schedule 3 to the Private Healthcare Facilities Ordinance (Cap. 633).

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (e) Commissioner of Police;
- (f) Director of Food and Environmental Hygiene (DFEH); and
- (g) District Officer (Sham Shui Po), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

On 16.8.2024 and 4.10.2024, the application and the FI were published for public inspection. During the statutory public inspection periods, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for 'Shop and Services' use at the Premises on G/F of an existing IB zoned "R(E)2" 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 conversion of the Premises to 'Shop and Services' use is considered not incompatible with other uses of the IB and will not jeopardise the planning intention of the zoning. Commercial uses are also commonly found on G/F of the surrounding residential and industrial developments.
- 10.2 The Premises will be reconfigured into 4 units for 'Shops and Services' use, encompassing tailor shop, clinic, retail shop and local provisions store. D of FS has no in-principle objection to the application subject to an approval condition on the provision of FSIs and equipment to his satisfaction.
- 10.3 The applied use is considered not unacceptable from fire safety, traffic and infrastructural aspects taken into account the uses/developments within the same building and the adjacent areas. Relevant Government departments including CBS/K of BD, D of FS, C for T, CE/C of WSD, D of Health, and CE/MS of DSD have no adverse comment on or objection to the application.

- 10.4 A similar application (No. A/K5/866) for 'Shop and Services' use on G/F of an IB was approved by the Committee on 26.1.2024 (**Appendix II** and **Plan A-1**). There is no change in planning circumstances and the approval of the subject application is consistent with the previous decision of the Committee.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Shop and Services' use under application is already in operation. The following conditions of the approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of fire service installations and equipment for the application premises 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 22.5.2025; 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

- 11.3 The recommended advisory clauses are attached at **Appendix III**.
- 11.4 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.
- 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 applicants.

13. Attachments

Appendix I	Application Form received on 9.8.2024
Appendix Ia	Further Information received on 27.9.2024
Appendix II	Similar Applications
Appendix III	Advisory Clauses
Drawing A-1	Ground Floor Plan
Drawing A-2	Internal Floor Area Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Land Use Plan on Ground Floor of Tai Shing Factory Building
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**