

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/870

- Applicant** : Mr. Chan Chi Wah represented by Ms. Chan Siu Ying, Regina
- Premises** : Factory Unit A, G/F, Cheung Kong Factory Building, 5 Cheung Shun Street, Cheung Sha Wan, Kowloon
- Floor Area** : About 243m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 5565
(a) governed by the Conditions of Sale No. UB10584 dated 8.2.1974
(b) expires on 30.6.2047
(c) restricted to industrial and/or godown purposes
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/39
- Zoning** : “Other Specified Uses” annotated “Business (4)” (“OU(B)4”)

(a) maximum plot ratio (PR) of 12
(b) maximum building height (BH) of 120 metres above Principal Datum (mPD)
- Application** : Shop and Services

1 The Proposal

- 1.1 The applicant seeks planning permission for ‘Shop and Services’ use at the application premises (the Premises) (**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 (IB) requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises (about 243m²) occupies Factory Unit A on G/F of an existing IB, namely Cheung Kong Factory Building, with shop frontage at Cheung Shun Street. It is currently occupied by a shop for car beauty services without valid planning permission. The proposed layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant submitted the Application Form with drawings received on 20.11.2024 (**Appendix I**).

2 Justifications from the Applicants

The justifications put forth by the applicant in support of the application are provided in **Appendix I** and summarised as follows:

- (a) the applied use is compatible with the surrounding areas where retail activities are commonly found on G/F of IBs;
- (b) the Premises is located at a convenient location and is suitable for the ‘Shop and Services’ use; and
- (c) the applied use will not induce adverse impacts on fire safety, traffic and environment.

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 Application

There is no previous application for the Premises.

6 Similar Application

- 6.1 There is no similar application for ‘Shop and Services’ on G/F of the subject IB.
- 6.2 Since 2001, the Metro Planning Committee (the Committee) of the Board has considered 168 planning applications for various ‘Shop and Services’ uses on G/F of IBs and I-O buildings within the “OU(B)” zone in Cheung Sha Wan Industrial/Business Area (CSWIBA). The Committee approved 158 of them on the grounds that they were considered generally in line with the planning intention of the “OU(B)” zone; they would not induce adverse traffic and infrastructural impacts; and there was no objection from relevant Government departments. The 10 remaining applications were rejected by the Committee mainly on fire safety concerns.

7 The Premises and Its Surrounding Areas **(Plans A-1, A-2 and A-3 and Site Photos on Plans A-4 to A-5)**

7.1 The Premises:

- (a) is located on G/F of an existing IB, namely Cheung Kong Factory Building;
- (b) has shop frontage at Cheung Shun Street; and
- (c) is currently occupied by a shop for car beauty services.

7.2 The subject IB:

- (a) was completed in 1976 with 12 storeys and equipped with a sprinkler system; and
- (b) has the following current floor uses:

Floor	Main Uses
G/F	The Premises (currently in operation as a shop for car beauty services*), warehouse and car park (Plan A-3)
1/F to 11/F	Warehouses, workshops and industrial-related offices

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

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) which is occupied mainly by IBs and I-O buildings with some ‘Shop and Services’ uses on G/F; and
- (b) easily accessible by various modes of public transport with MTR Lai Chi Kok Station located at about 60m to the north of the subject IB (**Plan A-2**).

8 Planning Intention

The planning intention of the “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 IBs 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. 5565 (“the Lot”) which is governed by the Conditions of Sale No. UB10584 dated 8.2.1974 (“the Conditions”). The Lot is restricted to industrial and/or godown purposes. The proposed ‘Shop and Services’ use at the Premises is not permitted under the lease conditions; and
- (b) if the planning application is approved by the Board, the lot owner of the Premises has to apply to LandsD for waiver or no-objection letter to permit the proposed use. 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

9.1.2 Comments of 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 D of FS; and
- (ii) means of escape separated from the industrial portion is available for the Premises;
- (b) as the building is protected with a sprinkler system, the maximum permissible aggregated commercial floor area on G/F is 460m² in accordance with TPB PG-No. 22D. The applied use should be counted up to the aggregated commercial floor area; and
- (c) detailed comments are at **Appendix II**.

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 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; and
- (d) detailed comments are at **Appendix II**.

Traffic

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

- (a) no in-principle objection to the application;
- (b) the applicant should note that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or and no-stopping restrictions on all local roads to cope with changing traffic conditions and needs. The frontage of road space would not be reserved for any exclusive uses of the subject development; and
- (c) there is currently no approved vehicular access to the Premises. If the building owner proposes to add the vehicular run-in/out, he/she shall submit an application to relevant government departments for approval in accordance with the "Information Note for Application for Addition or Alteration of Vehicular Run-in/out for Existing Buildings" published by the Transport Department.

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

- (a) Director of Environmental Protection (DEP);
- (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; and
- (g) District Officer (Sham Shui Po), Home Affairs Department.

10 Public Comments Received During Statutory Publication Period

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

11 Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for 'Shop and Services' use at the Premises on G/F of an existing IB zoned "OU(B)4" on the OZP. While the planning intention of the "OU(B)" zone is primarily for general business uses, it allows greater flexibility in the use of the existing IBs or I-O buildings provided that the use would not result in adverse fire safety or environmental impacts. The applied use at the Premises is considered generally in line with the planning intention of the "OU(B)" zone.
- 11.2 CSWIBA is being transformed into commercial/business area with many similar applications for 'Shop and Services' use approved on G/F of the IBs and I-O buildings in the vicinity. The applied use is considered compatible with the changing land use character of the area. Moreover, the applied use with direct shop frontage at Cheung Shun Street is considered not incompatible with other uses of the same building which mainly comprise warehouses, workshops and industrial-related offices on G/F and/or upper floors.
- 11.3 As confirmed by D of FS, the subject IB is protected by a sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F in accordance with TPB PG-No. 22D. If the application is approved, the aggregate commercial floor area approved by the Committee on G/F of the subject IB will be 243m², which is within the maximum permissible limit. D of FS has no in-principle objection to the application subject to an approval condition on the provision of FSIs and equipment, and means of escape completely separated from the industrial portion to his satisfaction as recommended in paragraph 12.2(a) below.
- 11.4 The application complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the uses/developments within the same building and the adjacent areas. Relevant Government departments including D of FS, C for T, CBS/K of BD, DEP, CE/C of WSD and CE/MS of DSD have no adverse comment on or objection to the application.

- 11.5 A total of 158 applications for various ‘Shop and Services’ uses on G/F of IBs and I-O buildings within the “OU(B)” zone in CSWIBA were approved with condition(s) by the Committee since 2001. There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on similar applications.

12 Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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’ use 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, and means of escape completely separated from the industrial portion 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 10.7.2025; 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

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

- 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 drawings received on 20.11.2024
Appendix II	Advisory Clauses
Drawing A-1	Ground Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Use Plan on Ground Floor of Cheung Kong Factory Building
Plans A-4 to A-5	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**