

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

**APPLICATION NO. A/K5/871**

- Applicant** : Mr. Tsoi Chong Wa represented by Prosperous Catering Consultancy Limited
- Premises** : Unit 202, G/F, Wing Kut Industrial Building, 608 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : About 23.8m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No. 1892 SA  
(a) governed by Government Lease dated 19.5.1936 as varied or modified by a Modification letter dated 19.6.1951  
(b) expires on 30.6.2047  
(c) restricted for industrial purpose (other than offensive trades or business prohibited by the Crown Lease)
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/39
- Zoning** : “Other Specified Uses” annotated “Business (1)” (“OU(B)1”)  
(a) maximum plot ratio (PR) of 12  
(b) maximum building height (BH) of 130 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) on G/F of an existing industrial building (IB) (**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 IB requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises (about 23.8m<sup>2</sup>) occupies Unit 202 on G/F of Wing Kut Industrial Building with shop frontages at Castle Peak Road and Tai Nan West Street. It is currently occupied by a fast food shop 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 received on 10.12.2024 (**Appendix I**).

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

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

- (a) there is strong demand for fast food shop in support of the working population in the area;
- (b) the applied use could support the industrial activities and routine activities of the workers in the IB; and
- (c) the Premises is located at a convenient location and is suitable for the 'Shop and Services' use.

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

The applicant is not the "current land owner" but has complied with the requirements as set out in the Town Planning Guidelines on Satisfying the 'Owner's Consent/Notification' requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the management office of Wing Kut Industrial Building. 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 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 169 planning applications for various 'Shop and Services' uses on G/F of industrial and I-O buildings within the "OU(B)" zone in Cheung Sha Wan Industrial/Business Area (CSWIBA). The Committee approved 159 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 concern.

## **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 Wing Kut Industrial Building;
- (b) has shop frontages at Castle Peak Road and Tai Nan West Street; and
- (c) is currently occupied by a fast food shop.

### **7.2 The subject IB:**

- (a) was completed in 1983 with 13 storeys and equipped with a sprinkler system; and
- (b) has the following current floor uses:

Floor	Main Uses
G/F	<b>The Premises</b> (currently in operation), fast food shops*, restaurants*, money exchange*, convenience store* and car park ( <b>Plan A-3</b> )
1/F to 12/F	Warehouses 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 industrial 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 110m to the south 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 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. 1892 SA (the Lot) governed by Government Lease dated 19.5.1936 as varied or modified by a Modification letter dated 19.6.1951 (the Lease). The Lot is restricted for industrial purpose (other than offensive trades or business prohibited by the Crown Lease); and
- (b) the proposed ‘Shop and Services’ use at the Premises does not comply with the Lease. 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 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 D of FS; and
  - (ii) means of escape completely separated from the industrial portion is available for the Premises;
- (b) as the building is fully protected with sprinkler system, the maximum permissible aggregate commercial floor area on G/F is 460m<sup>2</sup> in accordance with TPB PG-No. 22D. The applied use should be counted up to the aggregate 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) before any new building works are carried out, prior approval and consent from the Building Authority under Building Ordinance (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
- (c) 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 given the following observations:
  - (i) the Premises is small and have a constrained site layout;
  - (ii) no parking or loading/unloading bay provision; and
  - (iii) the Premises is conveniently located to mass transport/public transport services; and

- (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.

### **Licencing**

#### 9.1.5 Comments of the Director of Food and Environmental Hygiene (DFEH):

proper licence/permit shall be obtained from the Food and Environmental Hygiene Department (FEHD) if there is any food business regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation:

- (a) under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business; and
- (b) the application for Food Factory Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as LandsD and the Planning Department 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) 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; and
- (f) 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)1" 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 industrial 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 industrial 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 frontages at Castle Peak Road and Tai Nan West Street is considered not incompatible with the other uses of the same building and the surroundings.
- 11.3 As confirmed by D of FS, the subject IB is fully protected by 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 application is approved, the aggregate commercial floor area approved by the Committee on G/F of the subject IB will be 23.8m<sup>2</sup>, 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 separate means of escape 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 159 applications for various ‘Shop and Services’ uses on G/F of industrial 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 24.7.2025; 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**

<b>Appendix I</b>	Application Form received on 10.12.2024
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Ground Floor Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Floor Use Plan of Ground Floor of Wing Kut Industrial Building
<b>Plans A-4 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**