

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

**APPLICATION NO. A/K5/872**

- Applicant** : Ms. Chan Kiu Mei Candy represented by C&L Architects & Surveyors Limited
- Premises** : Unit 8, G/F, 680 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : About 52.5m<sup>2</sup>
- Lease** : New Kowloon Inland Lot (NKIL) No. 2598 RP  
(a) governed by the Government Lease dated 21.3.1957 as varied or modified by a Modification Letter dated 2.8.2006  
(b) expires on 30.6.2047  
(c) restricted for general industrial purposes excluding offensive trade
- 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), i.e. Unit 8 on G/F of an existing industrial building (IB), namely W668 (**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 52.5m<sup>2</sup>) has shop frontage at Castle Peak Road and is currently occupied by a money exchange without valid planning permission. The proposed layout plan submitted by the applicant is at **Drawing A-1**. According to the applicant’s submission, the slab opening of the internal staircase between the Premises on G/F and the industrial use on 1/F (**Photo 4 in Plan A-5**) will be enclosed to the satisfaction of the Building Authority (BA) and the relevant Government departments

so as to separate the Premises from the industrial portion to meet relevant fire safety requirements.

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

- (a) Application form received on 7.1.2025 (Appendix I)
- (b) Further Information received on 14.2.2025\* (Appendix Ia)

\* exempted from publication and recounting requirements

## 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) the applied 'Shop and Services' use could support the needs of the local communities, particularly in areas where similar use is lacking; and
- (b) the Premises is located at a convenient location to serve the local residents and is suitable for the applied use.

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

The applicant is one of the "current land owners" and 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 notifying the other owner. 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 G/F 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 170 planning applications for various 'Shop and Services' uses on G/F of industrial and I-O buildings within the "OU(B)" zone in the Cheung Sha Wan Industrial/Business Area (CSWIBA). The Committee approved 160 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 the subject IB;
- (b) has a slab opening of the internal staircase to the industrial use on 1/F;
- (c) has shop frontage at Castle Peak Road; and
- (d) is currently occupied by a money exchange.

7.2 The subject IB:

- (a) was completed in 2017 with 23 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), retail shop*, real estate agency* and courier service counter* ( <b>Plan A-3</b> )
1/F to 25/F <sup>#</sup>	Warehouses and industrial-related offices

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

<sup>#</sup> E&M facilities on 2/F; sky garden on 13/F; and 4/F, 14/F and 24/F omitted

7.3 The surrounding areas have the following characteristics:

- (a) located in the established CSWIBA (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-1**).

## 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. 2598 RP (the Lot) governed by Government Lease dated 21.3.1957 as varied or modified by a Modification letter dated 2.8.2006 (the Lease). The Lot is restricted to be used for general industrial purposes excluding offensive trades;
- (b) the ‘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; and

- (c) it is noted that the slab opening of the internal staircase between the Premises on G/F and the industrial use on 1/F will be enclosed only by a fire-rated board, without any structural separation (the Proposed Separation Works). In the event that an application for waiver or no-objection letter for the proposed use is received, LandsD reserves the right to consider whether the Proposed Separation Works are acceptable to the Government and to determine the fees or premium at its sole discretion, as considered appropriate to reflect the situation.

### **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 D of FS; and
  - (ii) means of escape completely separated from the industrial portion is available for the Premises;
- (b) fire resisting construction between the Premises on G/F and industrial use on 1/F being provided to the satisfaction of the Building Authority (BA);
- (c) 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
- (d) 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 BA under the Buildings Ordinance 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 has 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 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) 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 publication 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 which is 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 a 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 frontage at Castle Peak Road 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 52.5m<sup>2</sup>, which is within the maximum permissible limit. The applicant proposes to enclose the slab opening of the internal staircase between the Premises on G/F and the industrial use on 1/F so as to separate the Premises from the industrial portion to meet relevant fire safety requirements. D of FS considers such proposed fire resisting construction should be carried out to the satisfaction of BA. While D of FS has no in-principle objection to the application, the approval should be subject to the 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 environmental 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, CE/MS of DSD and CHE/K of HyD have no adverse comment on or objection to the application.
- 11.5 A total of 160 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 being 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 28.8.2025; 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 7.1.2025
<b>Appendix Ia</b>	Further Information received on 14.2.2025
<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
<b>Plans A-4 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**