

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/503

- Applicants** : Honest Rich Limited and World Lucky Limited represented by LCH Planning & Development Consultants Limited
- Premises** : Workshops 1 & 2, G/F, iPlace, 303 Castle Peak Road – Kwai Chung, Kwai Chung
- Floor Area** : About 157m²
- Lease** : Lot 693 S.A in D.D. 445
(a) New Grant No. 3554
(b) Restricted to non-offensive industrial purposes
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/31
- Zoning** : “Industrial” (“I”)
(a) Maximum plot ratio (PR) of 9.5
(b) Maximum building height (BH) of 135 metres above Principal Datum (mPD)
- Application** : Proposed Shop and Services and/or Office uses

1. The Proposal

- 1.1 The applicants seek planning permission to use the application premises (the Premises) for proposed ‘Shop and Services’ and/or ‘Office’ uses. The Premises, with a total floor area of about 157m², is located on G/F of an existing industrial building (IB), known as iPlace (the subject IB) (**Plans A-1 and A-2**). According to the Notes for the “I” zone, ‘Shop and Services (not elsewhere specified) (ground floor only)’ and ‘Office (not elsewhere specified)’ are Column 2 uses, which require planning permission from the Town Planning Board (the Board).
- 1.2 The Premises comprises two vacant workshops of about 28m² and 129m² respectively (**Drawing A-1**). According to the applicants, the Premises will be converted into ‘Shop and Services’ and/or ‘Office’ uses through alteration and addition (A&A) works to meet the market needs. Each workshop will have individual means of escape to Castle Peak Road – Kwai Chung via the street frontage.

1.3 In support of the application, the applicants have submitted the following documents:

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|-----|--|---------------|
| (a) | Application Form received on 4.8.2023 | (Appendix I) |
| (b) | Planning Statement Report received on 4.8.2023 | (Appendix Ia) |
| (c) | Further Information received on 12.9.2023 and 13.9.2023* | (Appendix Ib) |

Remarks: * accepted and exempted from publication and recounting requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in **Appendices I to Ib**. They are summarised as follows:

- (a) the Government's initiative to promote re-industrialisation and the two rounds of IB revitalisation schemes have strengthened the industrial nature of the Kwai Chung area. As floor spaces for shop and services and office uses are essential for manufacturing/workshop users, thus, there is a genuine need for shop and services and/or office uses to support the surrounding industrial uses;
- (b) the proposed uses are for the lifetime of the building only. It will not jeopardise the long-term planning intention of the "I" zone;
- (c) the proposed uses are small in scale and would not affect the overall supply of industrial floor space;
- (d) the Premises is equipped with sprinkler system and has separate means of escape to comply with fire safety requirements;
- (e) the proposed use will not cause adverse traffic and environmental impacts and is considered not incompatible with the uses within the same building and with the surrounding uses. It is also in compliance with relevant Town Planning Board Guidelines; and
- (f) there are similar approved applications.

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

The applicants are the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Use/Development within "Industrial" Zone (TPB PG-No. 25D) promulgated in September 2007 are relevant in the following aspects:

- (a) it should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds;
- (b) there should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network; and
- (c) the Fire Services Department (FSD) 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/industrial-office (I-O) building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merits. 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 (sited at street level without seating accommodation and licensed as food factory), electrical shop (selling electrical accessories usually with repairing services and small in scale), local provisions store (selling cigarettes, drinks, canned food and other local convenience goods, and small in scale) and showroom in connection with the main industrial use. In all cases, separate means of escape should be available for the commercial portion.

5. Previous Application

There is no previous application for the Premises.

6. Similar Applications (Plan A-1 and Appendix II)

There are 24 similar applications for 'Shop and Services' use at G/F and one similar application (Application No. A/KC/333) for 'Office' use at individual units of IBs within the "I" zone in the Central Kwai Chung Industrial Area since 2007. All were approved with condition(s) on a temporary basis mainly on the grounds that the applied uses were not incompatible with the existing industrial use; the applications were in line with TPB PG-No.25D; and there were no adverse comments from relevant Government departments.

7. The Premises and its Surrounding Areas

- 7.1 The Premises comprise two vacant workshops on G/F of the subject IB (**Plans A-3 and A-4**).

7.2 The subject IB is:

- (a) a 23-storey IB completed in 2017 and equipped with a sprinkler system;
- (b) the vehicular access of the IB is branching off from Yip Shing Street to the north (**Plan A-2**); and
- (c) currently occupied by the following uses :

Floor	Current Uses
1/F to 21/F (no 4/F, 13/F and 14/F)	Mainly workshops and some locked premises
G/F	Application premises (vacant), Entrance lobby
LG4/F to LG/1F	Car parking and L/UL spaces

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the subject IB is located at the southeastern portion of the Central Kwai Chung Industrial Area. To its north and west are predominantly industrial developments; and
- (b) to its immediate northwest is a transitional housing site known as “LMC Hub ● Yip Shing”. To its immediate southeast and southwest are the Castle Peak Road – Kwai Chung and the Central Kwai Chung Park respectively.

8. **Planning Intention**

The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

9. **Comments from the 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/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within Section A of Lot No. 693 in D.D. 445 (the Lot), which is held under the New Grant No. 3554 dated 11.4.1957 (the Lease). According to the Lease, the Lot is restricted to non-offensive industrial purposes. No domestic use is permitted; and

- (b) the proposed 'Shop and Services' and/or 'Office' uses are not permissible under the Lease. Should planning approval be given to the planning application, if so submitted, the owners of the Premises should apply for temporary waivers from LandsD prior to the implementation of the proposed use. Upon receipt of the application, it will be considered by LandsD acting in the capacity as the landlord at its sole discretion. There is no guarantee that any application will be approved. If an application is approved, it will be subject to such terms and conditions as the Government shall see fit, including, among others, the payment of waiver fees and administrative fees.

Industrial Land Supply

9.1.2. Comments of the Director-General of Trade and Industry (DG of TI):

- (a) according to the 2020 Area Assessments of Industrial Land in the Territory released in December 2021 by the Planning Department, there is an estimated deficit of land for industrial uses. The Assessments had also recommended retaining the Central Kwai Chung Industrial Area where the Premises is located as "I" zone; and
- (b) DG of TI has reservation on the applicant's proposed permanent conversion of the Premises, which may jeopardise the long term use of the Premises for industrial related uses. Nevertheless, DG of TI has no comment if the approval is temporary of not more than five years as it will not jeopardise the long term industrial-related uses of the subject premises.

Fire Safety

9.1.3. 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 Services requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) means of escape completely separated from the industrial portion are available for the subject units;
- (b) regarding matters related to fire resisting construction of the premises, the applicants are reminded to comply with the "Code of Practice for Fire Safety in Buildings" which is administered by the Building Authority; and
- (c) the applicants' attention should be drawn to the Board's "Guidance Note on Compliance with Planning Condition on

Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” should the application be approved.

Traffic

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

- (a) the subject IB is conveniently located and accessible to mass transport/public transport services. The Premises are small scale covering a total floor area of 157m². Considering the normal operation for ‘Shop and Services’ and ‘Office’ uses, it is envisaged that loading/unloading activities arising from the operation will be minimal;
- (b) in view of the above, C for T has no in-principle objection to the application if the approval is on a temporary basis for a period of five years from traffic engineering perspective; and
- (c) the applicants are advised that all future loading/unloading activities arising from the application should be confined within the subject IB and should not cause adverse effect on Castle Peak Road – Kwai Chung.

Environment

9.1.5. Comments of the Director of Environmental Protection (DEP):

- (a) the following approval conditions should be imposed if the Board decides to approve the application:
 - (i) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of DEP or of the Board; and
 - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board; and
- (b) the applicants are reminded to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

9.1.6. The following Government departments have no comment on/objection to the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Commissioner of Police;
- (d) Chief Engineer/Construction, Water Supplies Department;

- (e) Chief Engineer/Mainland South, Drainage Services Department;
- (f) Chief Engineer/West Division, Civil Engineering and Development Department;
- (g) Director of Food and Environmental Hygiene; and
- (h) District Officer (Kwai Tsing), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

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

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for 'Shop and Services' and/or 'Office' uses at the Premises. The Premises is located within the "I" zone which is to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. Commercial uses in IBs may be permitted on application to the Board based on individual merits and the planning assessment criteria as stipulated in the TPB PG-No. 25D. Although the application is considered not entirely in line with the planning intention of the "I" zone, the proposed 'Shop and Services' and/or 'Office' uses are considered not incompatible with the subject IB and the surrounding developments.
- 11.2 Given the small scale of the proposed uses (occupying a total floor area of about 157m² only), they would unlikely generate adverse traffic or environmental impacts on the surrounding areas. The proposed uses in general also complies with the TPB PG-No. 25D in that it would not have adverse traffic or environmental impact on the developments within the IB and the adjacent areas. Relevant Government departments consulted including C for T and DEP have no objection to/no adverse comment on the application.
- 11.3 As confirmed by D of FS, the IB is equipped with a sprinkler system and the proposed 'Shop and Services' and/or 'Office' uses should be counted up to the maximum permissible limit of 460m² for aggregate commercial floor area on G/F in accordance with TPB PG-No. 25D. There are currently no other 'Shop and Services' and/or 'Office' uses on G/F of the subject IB. Hence, should the current application be approved, the aggregate commercial floor area approved by the Committee on G/F of the IB will be 157m², which is within the maximum permissible limit of 460m² as stated above. In this regard, D of FS has no in-principle objection to the application. To address D of FS's comment, an approval condition on fire safety measures is recommended in paragraph 12.2(a) below.
- 11.4 A total of 24 applications for 'Shop and Services' use at G/F and one application for 'Office' use at individual units of IBs within the "I" zone in the Central Kwai Chung Industrial Area were approved by the Committee on a temporary basis since 2007. 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.

- 11.5 The applicants submitted the application for the proposed uses on a permanent basis. However, DG of TI has reservation on the applicant's proposed permanent conversion of the Premises and advised that they would have no comment on the application if a temporary approval of five years is imposed. In order not to jeopardise the long-term planning intention of the industrial use for the Premises, an approval on a temporary basis of five years is recommended. This is also consistent with the Committee's previous decisions on approving similar applications on a temporary basis since the promulgation of the TPB PG-No. 25D.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department has no objection to the application on a temporary basis for a period of five years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 22.9.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of the fire safety measures including the provision of fire service installations and equipment, and means of escape separated from the industrial portion to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in approval condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) if the above planning condition (a) is not complied with before the operation of the use, 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 enclosed at **Appendix III**.

- 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 applicants.

14. Attachments

Appendix I	Application Form received on 4.8.2023
Appendix Ia	Planning Statement Report received on 4.8.2023
Appendix Ib	Further Information received on 12.9.2023 and 13.9.2023
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**