

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/507

- Applicant** : The General of The Salvation Army represented by LCH Planning & Development Consultants Limited
- Premises** : Portion of Godown A, G/F, Block A, Tung Chun Industrial Building, 9-11 Cheung Wing Road, Kwai Chung
- Floor Area** : About 53m²
- Lease** : Kwai Chung Town Lot No. 9 (the Lot)
(a) held under New Grant No. 4497 dated 19.5.1966
(b) expires on 30.6.2047
(c) for general industrial, godown and/or open storage purposes excluding offensive trades
- Plan** : Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/32
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio of 9.5
(b) maximum building height of 130 metres above Principal Datum
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Shop and Services’ use (**Plans A-1 and A-2**). According to the Notes of the OZP for Schedule II of the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services’ on G/F is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises with a floor area of about 53m² occupies a small portion of Godown A located on G/F of an existing industrial building (IB) fronting Cheung Wing Road, known as Block A of Tung Chun Industrial Building (the subject IB) (**Plans A-1 to A-3**). The applicant proposes to convert the Premises from storage area¹ to a retail shop. The Premises will be accessible by a separate and direct pedestrian entrance abutting Cheung Wing Road (**Drawing A-1**). In order to meet the fire services requirements, the applicant undertakes to remove the existing access

¹ Godown A on G/F, along with several workshop units on 1/F to 3/F of the subject IB, are currently occupied by the applicant as storage/warehouse and ancillary office for collection of recycled materials.

between the Premises and the remaining portion of the G/F of the subject IB through future alterations and additions works.

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

- (a) Application Form received on 19.8.2024 (Appendix I)
 - (b) Planning Statement Report and Supplementary Information (Appendix Ia)
received on 19.8.2024 and 22.8.2024
 - (c) Further Information (FI) received on 25.9.2024* (Appendix Ib)
- * exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application as set out in the Planning Statement Report and FI at **Appendices Ia** and **Ib** are summarised as follows:

- (a) The Premises is located at a convenient location surrounded by public and transitional housings that mainly accommodate low-income families, who have high demand for affordable goods.
- (b) The proposed use is small in scale. It would not jeopardise the long-term planning intention of “OU(B)” zone and affect the overall supply of industrial and I-O land in the “OU(B)” zone. The proposed use is not incompatible with the industrial and I-O uses in the subject IB and the surrounding developments. It will not cause adverse visual, traffic and environmental impact to the surrounding areas.
- (c) The proposed use is in line with the relevant Town Planning Board Guidelines and there are similar approved applications.
- (d) The subject IB is equipped with sprinkler system and separate means of escape to comply with fire safety requirements.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is 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 Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) promulgated in September 2007 is 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 (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 G/F of an existing industrial/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, electrical shop, local provisions store and showroom in connection with the main industrial use; 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 Applications

6.1 There have been 20 similar applications for ‘Shop and Services’ use on G/F of IBs within “OU(B)” zones on the Kwai Chung OZP since 2007 (**Plan A-1**). All of them were approved with conditions by the Metro Planning Committee (the Committee) of the Board, including 17 on a permanent basis and three temporarily, mainly on the grounds that the applied uses were compatible with the uses in the same building/surrounding areas; it would not have adverse impacts; and FSD had no objection to the application. Summary of these similar applications is at **Appendix II**.

6.2 There is no other approved commercial use on G/F of the subject IB.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Site Photos at Plans A-4 to A-6)

7.1 The location and current conditions of the Premises are detailed in paragraph 1.2 above.

7.2 The subject IB has the following characteristics:

- (a) completed in 1981 with 23 storeys (excluding a refuge floor between 13/F and 14/F) atop a common G/F shared with adjacent Block B of Tung Chun Industrial Building, and equipped with a sprinkler system; and
- (b) its major floor uses are as follows (**Plan A-3**):

Floor	Main Uses
G/F (shared with Block B)	The Premises (currently used for storage), locked premises, warehouse, carpark, loading/unloading spaces
1/F	Workshop, warehouse, office and locked premises
2/F-3/F	Vacant (under refurbishment works), workshop, warehouse and locked premises
4/F-23/F (refuge floor between 13/F and 14/F)	Workshop, warehouse and locked premises

7.3 The surrounding areas have the following characteristics:

- (a) located at the northern portion of Castle Peak Road/Wo Yi Hop Road Industrial Area. To its east and southeast are predominantly industrial and I-O developments;
- (b) to the northwest across Cheung Wing Road is a transitional housing site namely “Blossom Residence”. To the northeast and east across Wo Yi Hop Road are North Kwai Chung Jockey Club Swimming Pool and Shek Yam Lei Muk Road Park;
- (c) to the south is Tung Chun Soy and Canning Company²; and
- (d) served by various modes of public transport including buses and public light buses on Cheung Wing Road and Wo Yi Hop Road.

² It is subject to a planning application No. A/KC/444 for proposed comprehensive development for ‘Flat’, ‘Eating Place’, ‘Shop and Services’ and ‘Office’ uses; and minor relaxation of BH restriction from 120mPD to 145mPD approved with conditions by the Committee on 22.3.2019. The permission is valid until 22.3.2027.

8. Planning Intention

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunication 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/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within the Lot, which is held under New Grant No. 4497 dated 19.5.1966 (the Lease) with lease term expiring on 30.6.2047. According to the Lease, the Lot is restricted to general industrial/godown/open storage purposes excluding offensive trades; and
- (b) the proposed ‘Shop and Services’ use is not permissible under the Lease. Should planning approval be given to the application, owner of the Premises should apply for temporary waiver 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 fee and administrative fee.

Traffic

9.1.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) should there be any HyD’s road inventory affected, the relevant details should be submitted for their review and comment; and
- (b) if there is any modification of roadworks due to the proposed application, it should be approved by the Transport Department and subsequently carried out by the applicant to HyD’s standard at the applicant’s cost.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) no objection to the application;
- (b) it is noted that Godown A on G/F will be divided into two different uses under the proposal, one for shop, the remaining for godown, therefore, fire barrier of not less than 2-hours fire resistance rating shall be provided between the two uses according to Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (c) adequate number of exit routes for both the proposed shop and remaining godown portions shall be provided according to FS Code;
- (d) adequate number of sanitary fitments for the proposed shop shall be provided according to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123J). Access to use such sanitary fitments from the proposed shop shall be maintained at all time;
- (e) before building works are to be carried out in the Premises, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO;
- (f) if any existing structure is erected within the Premises without approval of BA, they are UBW under BO and should not be designated for any proposed use under the application;
- (g) for UBW erected in the Premises, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the application site under BO; and
- (h) detailed checking under BO will be carried out at building plan submission stage.

Fire Safety

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle 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 separated from the industrial portion is available for the subject unit;
- (b) the building is protected with a sprinkler system so that 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;
- (c) regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by BA; and
- (d) the applicant’s attention should be drawn to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” if the application is approved.

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

- (a) Commissioner for Transport (C for T);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Commissioner of Police; and
- (f) District Officer (Kwai Tsing), Home Affairs Department.

10. Public Comment 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 for proposed ‘Shop and Services’ use at the Premises within an existing IB zoned “OU(B)”. 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.

- 11.2 The proposed use under the application is small in scale with a total floor area of about 53m² only, and is considered not incompatible with the industrial-related uses in the subject IB and surrounding developments which are predominantly industrial and I-O in nature. According to the applicant, the proposed retail shop could provide affordable goods to the residents in the public and transitional housing developments in the area. The application complies with TPB-PG No. 22D in that it would unlikely induce adverse fire safety, traffic, environmental and infrastructural impacts on the subject IB and adjacent developments. Relevant Government departments consulted including D of FS, C for T, DEP, CE/MS of DSD and CE/C of WSD have no objection to or adverse comment on the application.
- 11.3 As confirmed by D of FS, the subject IB is provided with a sprinkler system subject to a maximum permissible aggregate commercial use floor area on G/F of 460m² in accordance with TPB PG-No. 22D. Apart from the Premises, there is no approved commercial use on G/F of the subject IB. Should the application be approved, the aggregate commercial floor area will be 53m², which is within the said permissible limit. D of FS has no in-principle objection to the application. To address D of FS's comment, an approval condition and advisory clauses on fire safety measures are recommended in paragraph 12.2 below.
- 11.4 A total of 20 applications for 'Shop and Services' use on G/F of IBs within "OU(B)" zones on the Kwai Chung OZP have been approved by the Committee since 2007. There is no change in planning circumstances and the approval of the subject 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 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 4.10.2028, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. 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; and

- (b) 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 attached 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 to 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, and the date when the validity of the permission should expire.
- 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 received on 19.8.2024
Appendix Ia	Planning Statement Report and Supplementary Information received on 19.8.2024 and 22.8.2024
Appendix Ib	FI received on 25.9.2024
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses
Drawing A-1	Ground Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Existing Uses on G/F of Tung Chun Industrial Building
Plans A-4 to A-6	Site Photos