

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/ST/943 TO 945

- Applicant** : City Holdings Limited
- Premises** : Workshop 4A with Lavatories on 4/F, Block A (Application No. A/ST/943)
Workshop 15 with Lavatories on 4/F, Block B (Application No. A/ST/944)
Workshop 4B with Lavatories on 4/F, Block A (Application No. A/ST/945)

All in Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin, N.T
- Floor Areas** : About 75m² (Application No. A/ST/943)
About 134m² (Application No. A/ST/944)
About 77m² (Application No. A/ST/945)
- Lease** : (a) STTL No. 112 (New Grant No. 11435)
(b) to be expired on 30.6.2047
(c) restricted to industrial and/or warehouse purposes or both
- Plan** : Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/33
- Zoning** : “Industrial” (“I”)
- Applications** : Renewal of Planning Approval for Temporary Office (for the purpose of headquarters or back-office operations) for a Period of 3 Years

1. The Proposal

- 1.1 On 7.3.2018, the applicant sought renewal of the planning approval under applications No. A/ST/943 to 945 for temporary office (for the purpose of headquarters or back-office operations) for a period of 3 years at the application premises (the Premises) (**Plan A-1**). According to the Notes of the OZP, ‘Office (not elsewhere specified)’¹ use in “I” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are the subject of three previous applications No. A/ST/875 to 877 submitted by the same applicant for the same use. The previous applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions on 3.7.2015 on a temporary basis for a period of three years. The applicant has complied with all the approval conditions. The planning permissions are due to expire on 3.7.2018.

¹ ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ is always permitted within the “I” zone.

- 1.3 The Premises, with a total floor area of about 286 m² (75 m² for No. A/ST/943, 134 m² for No. A/ST/944 and 77 m² for No. A/ST/945 respectively), are located on the fourth floor of Goldfield Industrial Centre abutting Sui Wo Road and Shan Mei Street. The location plan and layout plan of the Premises submitted by the applicant are shown in **Drawings A-1 to A-2c**. There is no change in the development schemes compared with the previous permissions under applications No. A/ST/875 to 877.
- 1.4 In support of the applications, the applicant has submitted the following documents:
- (a) Application forms (Nos. A/ST/943 to 945) received (**Appendices Ia to Ic**) on 7.3.2018
 - (b) Further information (FI) received on 22.3.2018 (**Appendices IIa to IIc**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications are detailed in Part 9 of the application forms and the FI at **Appendices Ia to IIc**. They can be summarized as follows:

- (a) the applicant needs to use the Premises as back office of the construction companies to support its project sites scattered across New Territories. The floor area is large enough for its office staffing;
- (b) the office use is compatible with the surrounding use and will not cause adverse environmental and drainage impacts;
- (c) no adverse traffic impact is anticipated as there are adequate car parking spaces and loading/unloading facilities in the subject industrial building;
- (d) the office use does not generate heavy volume of visitors and impose adverse impact to pedestrian flow; and
- (e) all previous approval conditions have been complied with. The floor plans of the current renewal applications are the same as the previously approved applications.

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

- 4.1 The ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D), which was revised and promulgated in September 2007, is relevant to the applications. For a proposed commercial use in an industrial building, relevant planning assessment criteria are summarized as follows:

- (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 should be satisfied on the risks likely to arise or increase from the proposed commercial use under application.

4.2 The ‘Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34B) is relevant to these applications. The relevant assessment criteria are summarized as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

5. Previous Applications

The Premises are the subject of three previous applications (No. A/ST/875 to 877) (**Plan A-2 and Appendix IV**) submitted by the same applicant for the same use. The applications were approved by the Committee with conditions on 3.7.2015 on a

temporary basis for a period of three years on the consideration that the office use was not incompatible with the industrial/industrial-related uses in the surroundings; there was no adverse impact on traffic, fire safety and the environment; and the proposed use complied with the TPB PG-No. 25D. The approval conditions on fire safety measures have been fully complied with. Planning permissions under application Nos. A/ST/875 to 877 are valid until 3.7.2018.

6. Similar Applications

- 6.1 There are 11 similar applications (Nos. A/ST/289, 297, 301, 302, 303, 308, 333, 417, 420, 422 and 874) for office use in the subject industrial building on the 4/F, 7/F, 8/F, 10/F, 12/F, 15/F and 16/F. All the similar applications were approved with conditions on temporary basis by the Committee between 1993 and 2015 (**Plan A-2 and Appendix V**).
- 6.2 A similar application No. A/ST/946 for the same applied use on the same floor of the same industrial building will be considered by the Committee at this meeting (**Plan A-2**).

7. The Premises and the Surrounding Areas (Plans A-1 to A-4f)

7.1 The Premises are:

- (a) located on 4/F of Goldfield Industrial Centre in Fo Tan industrial area; and
- (b) currently operating as office.

7.2 The subject industrial building is:

- (a) a 15-storey industrial building bounded by Shan Mei Street, Sui Wo Road and Ho Lek Pui Street. Car parking spaces are provided on 1/F and 2/F of the building with vehicular access from Sui Wo Road; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Car repair workshop, workshop, godowns, stationery shop, fast food shop, locked and vacant premises.
1/F-2/F	Car park, godowns, workshops and locked premises
3/F	Canteen, godowns, workshops, locked and vacant premises
4/F	Application premises , offices, workshops, godowns and locked premises
5/F-16/F (excluding 13/F and 14/F)	Offices, godowns, workshops, locked and vacant premises

- 7.3 The surrounding areas have the following characteristics:
- (a) Fo Tan is an established industrial area with high-rise industrial buildings; and
 - (b) MTR Fo Tan Station is located about 600m from the subject industrial building; and
 - (c) a centrally located commercial centre (Shatin Galleria) is about 70m from the Premises. Shatin Galleria is zoned “Commercial” (“C”) on the draft Sha Tin OZP No. S/ST/33 (**Plan A-1**) and is the only “C” zone in the vicinity.

8. Planning Intention

The “I” zone of Fo Tan is intended 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 and office related to industrial use are also always permitted in this zone.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the applications are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Shatin, Lands Department (DLO/ST, LandsD):

- (a) the Premises are situated on Sha Tin Town Lot No. 112, and are governed under New Grant No. 11435 (“the New Grant”). Under the New Grant, the lot shall not be used for any purpose other than industrial or godown purposes or both excluding offensive trade. No building or buildings shall be erected on the lot except a factory or factories or a godown or godowns or both, ancillary offices and such canteen and other welfare facilities for workmen employed on the lot as may be in the opinion of the Secretary for the New Territories be necessary and also such quarters for watchmen or caretakers as considered essential by the Commissioner for Labour; and
- (b) the proposal under the present applications to use the Premises as ‘Office (Headquarters or Back-office Operations)’ is not permitted under lease. However, the Premises are currently subject to three temporary waivers (W667 for Workshop 4A, W666 for Workshop 15 and W668 for Workshop 4B) allowing the use of ‘Office (Headquarters or Back-office Operations)’ amongst others with a waiver area of 75m², 134m² and 77m² respectively. In this regard, this office has no objection to the present applications from land administrative perspective.

Fire Safety

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

he has no objection in principle to the renewal applications subject to fire services installations being provided to the satisfaction of his department.

Building Matters

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

he has no objection to the applications subject to that:

- (a) the use shall comply with the requirements under the Buildings Ordinance. For instance, the offices shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and adequate natural lighting and ventilation shall be provided to office area;
- (b) the layout of the Premises should comply with the provisions of Buildings Ordinance/ Building (Minor Works) Regulations. The applicant should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works; and
- (c) adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer.

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

- (a) Commissioner for Transport;
- (b) Director of Environmental Protection;
- (c) Director-General of Trade and Industry;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) District Officer/Shu Tin, Home Affairs Department;
- (f) Chief Engineer/Mainland South, Drainage Services Department;
- (g) Chief Highway Engineer/New Territories East, Highways Department;
and
- (h) Project Manager/North, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 16.3.2018, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.4.2018, one public comment on each application was received from an individual (**Appendix III**). He concerns that some companies may use their offices for loading/unloading goods and may adversely affect the traffic of the area.

11. Planning Considerations and Assessments

- 11.1 The Premises are located on the 4/F floor of an existing industrial building. The renewal applications are to continue the existing office use at the Premises, which were approved with conditions on a temporary basis for three years until 3.7.2018 under applications No. A/ST/875 to 877. The applicant has complied with all the approval conditions, i.e. on the submission and implementation of fire safety measures to the satisfaction of D of FS.
- 11.2 The current applications are the same as the previously approved applications in terms of use and area of the Premises, and there has been no material change in planning circumstances since the previous temporary approvals were granted. There are no adverse planning implications arising from the renewal of the planning approvals. The approval period of three years sought is also not longer than the original validity period of the temporary approvals, which is considered reasonable to allow the Committee to monitor the supply and demand of industrial floor space in the area. As such, the proposed renewal applications comply with the TPB PG-No.34B for renewal of planning approval.
- 11.3 The renewal applications are for partial conversion (i.e. Workshop Nos. 4A, 15 and 4B) of 4/F of an existing industrial building for office use, which is intended for the headquarters or back-office of the construction companies of the applicant. It is considered not incompatible with the industrial and industrial-related uses in the subject industrial building and its vicinity, in which office and shops and services uses can be found. 11 similar applications for office use were approved with conditions on a temporary basis by the Committee between 1993 and 2015 (**Plan A-2 and Appendix V**).
- 11.4 The 'Office' use under applications generally complies with the relevant considerations set out in the TPB PG-No. 25D including the fire safety and traffic aspects. D of FS has no objection in principle to the renewal applications subject to approval condition on the provision of fire services installations. Relevant Government departments, including BD and TD have no adverse comment on the applications.
- 11.5 Regarding the public comment concerning the possible traffic impact brought by the proposed use, the planning assessments and the comments of government departments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the applications on a temporary basis for a period of three years.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permission shall be valid on a temporary basis for a further period of three years from 4.7.2018 to 3.7.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the provision of the fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 4.1.2019; 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 VI**.

12.3 There is no strong reason to recommend rejection of the applications.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendices Ia to Ic	Application forms (Nos. A/ST/943 to 945) received on 7.3.2018
Appendices IIa to IIc	Further information received on 22.3.2018
Appendix III	Public comment
Appendix IV	Details of previous applications
Appendix V	Similar applications for 'Office' use at Goldfield Industrial Centre
Appendix VI	Recommended advisory clauses
Drawings A-1 to A-2c	Location plan and layout plan of application Nos. A/ST/943 to 945
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Floor plan
Plans A-4a to 4f	Site photos