

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

**APPLICATION NO. A/ST/965**

<b><u>Applicant</u></b>	:	Fast Mode Development Limited
<b><u>Premises</u></b>	:	Workshop D2, G/F, Universal Industrial Centre, 19-25 Shan Mei Street, Sha Tin, N.T.
<b><u>Floor Area</u></b>	:	35.2m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	(a) STTL Nos. 72 and 73 (New Grant Nos. 11311 and 11312) (b) to be expired on 30.6.2047 (c) restricted to industrial and/or godown purposes or both
<b><u>Plan</u></b>	:	Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<b><u>Zoning</u></b>	:	“Industrial” (“I”)
<b><u>Application</u></b>	:	Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)’ use. According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and Ancillary Showroom which may be permitted on any floor)’<sup>1</sup> use in “I” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 35.2m<sup>2</sup>, is located on the ground floor of Universal Industrial Centre abutting Shan Mei Street. It is the subject of a previous application No. A/ST/861 submitted by the same applicant for the same use approved by the Rural and New Town Planning Committee (the Committee) on 12.12.2014 with conditions on a temporary basis for a period of three years. Approval condition on fire safety measures has been complied with. Planning permission under the previous application is valid until 12.12.2017. The subject retail and repair shop is currently operating without valid planning permission.
- 1.3 In support of the application, the applicant submitted the application form on 22.10.2018 (**Appendix I**). The floor and layout plans of the Premises submitted by the applicant is shown in **Drawings A-1 and A-2**.

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<sup>1</sup> ‘Shop and Services (Motor-vehicle Showroom on ground floor, Service Trades only)’ is always permitted in the “I” zone.

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

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form at **Appendix I**. They can be summarized as follows:

- (a) Many workshops have been converted to office and data centre in the Fo Tan industrial area, which require the services of the retail and repair shop of electronic appliances and computer products;
- (b) there are sufficient parking and loading/unloading facilities in the subject industrial building. The retail and repair shop will not generate any impact on environment, traffic and pedestrian flow in Fo Tan; and
- (c) the application is the same as the previous application No. A/ST/861 approved by the Committee in 2014.

## **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 Use/Development within “Industrial” Zone’ (TPB PG-No. 25D), which was revised and promulgated in September 2007, is relevant to this application. 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. Owing to fire safety concern, the aggregate commercial floor areas on the ground floor of an existing industrial building with and without sprinkler systems should as a general principle not exceeding 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The limits on aggregate 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 building. These uses include bank, fast food counter (sited at street level without seating accommodation and licensed as food factory), electrical shop, local provisions store and showroom in connection with the main industrial use. Moreover, the 230m<sup>2</sup>/460m<sup>2</sup> criteria do not apply to

cases involving conversion of the low zone of an existing industrial building for commercial uses if the commercial portion is completely separated from the industrial portion on the upper floors by a buffer floor of non-hazardous occupancy such as a car-parking floor. In all cases, separate means of escape should be available for the commercial portion.

## 5. Previous Application

The Premises is the subject of a previous application No. A/ST/861 submitted by the same applicant for the same use (**Plan A-2 and Appendix II**). It was approved with conditions by the Committee on 12.12.2014 on a temporary basis for a period of three years on the consideration that the applied use was not incompatible with the industrial/industrial-related uses in the surroundings; the applied use complied with TPB PG-No. 25D; and the relevant departments had no adverse comment. The approval condition on fire safety measures had been complied with. The planning permission is valid until 12.12.2017.

## 6. Similar Applications

6.1 The ground floor of Universal Industrial Centre, where commercial uses are found, abuts Shan Mei Street, Ho Lek Pui Street and Sui Fung Lane respectively. On the ground floor, there are 12 similar applications for commercial uses which were approved by the Committee between 1992 and 2013 (**Plan A-2 and Appendix III**). The following two applications are still valid and should be counted towards the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor of an industrial building (with sprinkler system) according to TPB PG-No. 25D:

No.	Application No.	Application Premises	Applied Use	Floor Area (About) (m <sup>2</sup> )	Date of Consideration
1.	A/ST/375	J (Part)	Metal Hardware Shop	17	21.7.1995
2.	A/ST/640	E (Part)	Shop and Services (Retail Shop)	66	1.9.2006
<b>Total:</b>				<b>83m<sup>2</sup></b>	

6.2 According to the TPB PG-No. 25D, the limits on aggregate commercial floor area are applicable to the subject application. Should the floor area of the Premises be included, the aggregated commercial floor area will be 118.2m<sup>2</sup>, which is within the maximum permissible limit of 460m<sup>2</sup>.

## 7. The Premises and its Surrounding Areas (Plans A-1 to A-4)

7.1 The Premises is:

- (a) located on the ground floor of Universal Industrial Centre; and
- (b) with direct access to Shan Mei Street.

7.2 The subject industrial building is:

- (a) 18 storeys in height bounded by Shan Mei Street, Ho Lek Pui Street and Sui Fung Lane. Car parking spaces and loading/unloading area are provided on the ground and first floors of the building with vehicular access from Ho Lek Pui Street; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F (Plan A-3)	<b>Application premises</b> , vehicle repairing workshops, canteens, convenience store <sup>^</sup> , retail shops <sup>#</sup> , metal hardware shop, metal plate workshops, godown and loading/unloading area.
1/F	Carpark and loading/unloading area
2/F to 17/F	Offices, canteen, godowns, workshops, locked and vacant premises

<sup>^</sup>The planning approval for such use has expired.

<sup>#</sup>There is no record of planning approval granted for two retail shops.

7.3 The surrounding areas have the following characteristics:

- (a) Fo Tan is an established industrial area with high-rise industrial buildings;
- (b) MTR Fo Tan Station is located about 550m from the subject industrial building; and
- (c) a centrally located commercial centre (Shatin Galleria) is about 20m from the Premises. Shatin Galleria is zoned “Commercial” (“C”) on the approved Sha Tin OZP No. S/ST/34 (**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 application are summarised as follows:

### Land Administration

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

- (a) the Premises is situated on Sha Tin Town Lot No. 72 and 73 which are governed under New Grant No. 11311 and 11312 respectively (“the New Grants”). Under the New Grants, the lots shall not be used for any purpose other than industrial or godown purposes or both; and
- (b) the proposal under the application to use the Premises as ‘Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)’ is not permitted under lease. If the Board approves the application, the owner of the Premises is required to apply for a waiver from LandsD to implement this proposal. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD.

### **Building Matters**

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

he has no in-principle objection to the application subject to:

- (a) the use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected; and
- (b) the applicant is advised to engage an authorised person to co-ordinate the building works, if any.

### **Fire Safety**

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

- (a) he has no objection in-principle to the application subject to:
  - (i) fire service installations and equipment being provided to the satisfaction of Fire Services Department. 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 aggregate commercial floor area on G/F is 460m<sup>2</sup> in accordance with TPB PG-No.25D. The applied use should be counted up to the aggregate 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 the Building Authority; and
- (d) the applicant should pay attention 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 ; and
- (b) District Officer/Shan Tin, Home Affairs Department.

## **10. Public Comment Received During Statutory Publication Period**

On 30.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The planning intention of the "I" zone is to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the "I" zone may be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the TPB PG-No. 25D.
- 11.2 The Premises is located on the ground floor of an existing industrial building with direct access to Shan Mei Street. The 'Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)' use under application is small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for a range of mixed 'Shop and Services' uses such as convenience store, retail shop and real estate agency have been approved for other units on the ground floor of the subject industrial building (**Plan A-2 and Appendix III**).
- 11.3 The subject industrial building is subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. Currently, the approved aggregate commercial floor area of 'Shop and Services' use on the ground floor of the subject building is 83m<sup>2</sup>. If the floor area of the Premises (35.2m<sup>2</sup>) is included, the aggregate commercial floor area will be 118.2m<sup>2</sup>, which is within maximum permissible limit of 460m<sup>2</sup>. D of FS has no in-principle objection to the application subject to approval conditions on provision of fire service installations and water supplies for firefighting.

- 11.4 The 'Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)' use under application generally complies with the relevant considerations set out in the TPB PG-No. 25D including the fire safety and traffic aspects. Relevant Government departments including BD and TD have no objection to or no adverse comment on the application.
- 11.5 The previous application No. A/ST/861 submitted by the same applicant for the same use was approved with conditions by the Committee in 2014 on a temporary basis for a period of three years. The approval condition related to the submission and implementation of fire safety measures has been complied with. The planning permission expired in December 2017. There is no change in planning circumstances since the approval of the previous application.
- 11.6 A temporary approval of five years is recommended in order not to jeopardise the long term planning intention of industrial use for the Premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.
- 11.7 No public comment was received during the statutory public inspection period.

## **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 21.12.2023. The following approval conditions and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of the fire safety measures within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Board by 21.6.2019; and
- (b) if the above planning condition 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 IV**.

- 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, and the period of which the permission should be valid on a temporary basis.
- 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 22.10.2018
Appendix II	Details of previous application
Appendix III	Similar applications for shop and services at G/F of Universal Industrial Centre
Appendix IV	Recommended advisory clauses
Drawing A-1	Floor plan
Drawing A-2	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Floor plan
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT  
DECEMBER 2018**