

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/981

<u>Applicant</u>	:	Fast Mode Development Limited
<u>Premises</u>	:	Workshop D2, G/F, Universal Industrial Centre, 19-25 Shan Mei Street, Sha Tin, N.T.
<u>Floor Area</u>	:	35.2m ² (about)
<u>Lease</u>	:	(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
<u>Plan</u>	:	Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<u>Zoning</u>	:	“Industrial” (“I”)
<u>Application</u>	:	Shop and Services (Decoration Company)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Decoration Company)’ 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)’¹ use in “I” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 35.2m², is located on the ground floor of Universal Industrial Centre abutting Shan Mei Street. The floor and layout plans of the Premises submitted by the applicant is shown in **Drawings A-1 and A-2**.
- 1.3 The Premises is the subject of two previously approved applications (No. A/ST/861 and A/ST/965). The last application (No. A/ST/965) submitted by the same applicant as the current application was revoked on 21.6.2019 due to non-compliance with the approval condition related to fire safety aspect. The subject decoration company is currently operating without a valid planning permission.

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

1.4 In support of the application, the applicant submitted the following documents:

- (a) Application form received on 6.3.2020 (Appendix I)
- (b) Further information (FI) received on 19.3.2020 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) the Premises is the subject a previously approved application No. A/ST/965 for ‘Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)’ use. Since the shop operator decided to terminate his business, the applicant did not follow up the compliance of approval conditions, leading to revocation of the approved application; and
- (b) a new tenant conducting the proposed decoration company intends to provide services to the residents of the new public housing development in the Fo Tan area. There are loading/unloading facilities in the subject industrial building and the proposal will not generate any impact on traffic and pedestrian flow in the area.

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 460m² and 230m² 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 230m²/460m² 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

- 5.1 The Premises is the subject of two previous applications No. A/ST/861 and A/ST/965 submitted by the same applicant for 'Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)' use (**Plan A-2 and Appendix II**). Application No. A/ST/861 was approved with conditions by the Committee in 2014 on a temporary basis for a period of 3 year. The planning permission was valid until 12.12.2017.
- 5.2 The last application No. A/ST/965 was approved with conditions by the Committee in 2018 on a temporary basis for a period of five 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 planning permission was subsequently revoked due to non-compliance of approval conditions on the submission and implementation of the fire service installations.

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 of Universal Industrial Centre, there are five similar applications for commercial uses, where three applications (No. A/ST/775, A/ST800 and A/ST/830) were approved by the Committee in the past 10 years, and the other two (No. A/ST/375 and A/ST640) were approved by the Committee in 1995 and 2006 respectively with permanent approval granted (**Plan A-2 and Appendix II**).
- 6.2 The following applications are still valid and should be counted towards the maximum permissible limit of 460m² 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 ²)	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
Total:				83m²	

6.3 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 (i.e. 35.2m²) be included, the aggregated commercial floor area will be 118.2m², which is within the maximum permissible limit of 460m² for buildings with sprinkler system.

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)	Application premises , vehicle repairing workshops, canteens, convenience store [^] , retail shops [#] , metal hardware shop, metal plate workshops, godown and loading/unloading area.
1/F	Carpark and loading/unloading area
2/F to 17/F	Offices, godowns, workshops, locked and vacant premises

[^]The planning approval for such use has expired.

[#]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 “T” 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/Shia Tin, Lands Department (DLO/ST, LandsD): (pending)

- (a) the Premises is situated on Sha Tin Town Lot Nos. 72 and 73 which are governed under New Grant Nos. 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, excluding offensive trade; and
- (b) the proposal under the application to use the Premises as ‘Shop and Services (Decoration Company)’ is not permitted under the New Grants. If the Board approves the application, the owner of the Premises is required to apply for a waiver from LandsD to implement this proposal. However, there is no guarantee that the waiver application will be approved. 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;

- (b) adequate access facilities for persons with disability should be provided. Building (Planning) Regulations 72 and Design Manual Barrier Free Access 2008 are relevant;
- (c) if subdivision of the unit / premises is involved, it 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 coordinate the building works, if any; and
- (d) the applicant is advised to engage an authorised person to coordinate 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 460m² 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/Shu Tin, Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 13.3.2020, the application was published for public inspection. During 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 (Decoration Company)’ 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 and retail shop 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 with sprinkler system is subject to a maximum permissible limit of 460m² 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 83m². If the floor area of the Premises (35.2m²) is included, the aggregate commercial floor area will be 118.2m², which is within maximum permissible limit of 460m². 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 (Decoration Company)’ 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 applications (No. A/ST/861 and A/ST/965) submitted by the same applicant for ‘Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products)’ use were approved with conditions by the Committee in 2014 and 2018 respectively. While the approval conditions of the former application have been complied with, the latter application was revoked due to non-compliance with the approval condition related to fire safety aspect. In this connection, the applicant has clarified that the revocation of the approved application is due to termination of business by the last tenant of the Premises. The new application is to seek approval to allow a new tenant conducting the proposed decoration company at the Premises. There is no material change in planning circumstances since the approval of the previous applications.
- 11.6 While the applicant has sought a permanent approval, 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 24.4.2025. 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 24.10.2020; 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 6.3.2020
Appendix Ia	FI received on 19.3.2020
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
APRIL 2020**