



Section 16 Planning Application

Eating Place (Restaurant)

Ground Floor (Portion) of an Existing
Building known as Tao Miao
Institute, No. 13 Au Pui Wan Street,
Fo Tan, New Territories
(Lot 750 RP in D.D. 176 and
Extension thereto)

Planning Statement

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EXECUTIVE SUMMARY

(In case of discrepancy between English and Chinese versions, English shall prevail)

This Planning Statement is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for Eating Place (Restaurant) (hereinafter referred to as “the eating place”) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories (hereinafter referred to as “the application premises”). The application premises occupy a total floor area of approximately 710m². The Planning Statement serves to provide background information and planning justifications in support of the eating place in order to facilitate consideration by the Board.

The Applicant, Tao Heung Management Limited, a subsidiary of the Tao Heung Group, has repurposed the previous industrial building (Tao Heung Logistics Centre) into an educational institution (Tao Miao Institute). The institute provides post-secondary education to school leavers and working adults, supporting the catering industry.

The application premises are located at ground floor (portion) of Tao Miao Institute. The application premises are subject to a previously approved application (No. A/ST/751) and were approved for use as eating place (canteen). The application premises have been licensed as a general restaurant by Food and Environmental Hygiene Department and have been in operation since 2013. The current application seeks to continue providing an eating place (restaurant) at the application premises to serve the growing neighborhood. The eating place will involve no change to the building bulk and gross floor area.

The application premises currently fall within an area zoned “Industrial” (“I”) on the Approved Sha Tin Outline Zoning Plan No. S/ST/38 exhibited for public inspection on 7.6.2024 (hereinafter referred to “the Current OZP”). According to the Notes of the Current OZP for the “I” zone, the ‘Eating Place (not elsewhere specified) (in wholesale conversion of an existing building only)’ is a Column 2 use for which planning permission from the Board under section 16 of Town Planning Ordinance is required. In this connection, the Applicant wishes to apply for a planning permission from the Board. As detailed throughout this Planning Statement, the eating place within the application premises are well justified on the grounds that:-

- (a) The eating place does not contravene the planning intention of the “I” zone;*
- (b) The eating place conforms with the TPB Guidelines for Use/Development within industrial zone (TPB PG-No.25D);*
- (c) The application premises are subject to a previously approved application for similar use (i.e. eating place (canteen));*
- (d) The eating place provides opportunities for on-site training, that aligns with the use of education institution by developing education services to bolster the pluralistic, international and professional outlook of Hong Kong;*
- (e) The eating place supports the catering industry in amidst of current economic downturn and creates significant amount of job opportunities and could provide socio-economic benefits;*

- (f) The current application endeavors to provide high-quality dining facility for the community and to meet the changing needs of the local community and business;*
- (g) The eating place is in full operation and involves no risk of building safety, fire safety, and hygiene with valid licensing and good operation;*
- (h) No changes have been made inspect of the building height and gross floor area and there will not be any increase in building bulk;*
- (i) The application premises are considered ideal for the eating place considering its high accessibility and adjacent to residential neighborhoods;*
- (j) The eating place is highly compatible with Tao Miao Institute which is an educational institution for catering industry. The eating place is considered a better and compatible use comparing with other industrial and workshop uses considering its proximity to residential neighborhood;*
- (k) The eating place will not impose adverse impact on the surrounding area;*
- (l) Given the previous approvals of similar applications in the current OZP, the approval of the current application will not set an undesirable precedent.*

In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give favourable consideration to the current application for the eating place.

行政摘要

(如內文與其英文版本有差異，則以英文版本為準)

此規劃報告書旨在支持一宗遞交予城市規劃委員會（以下簡稱「城規會」）的規劃申請（以下簡稱「該申請」）作食肆（餐廳）（以下簡稱「該食肆」）。該申請涉及處所位於新界火炭坳背灣街 13 號現存樓宇稻苗學院地下（部分）（以下簡稱「申請處所」）。申請處所的樓面面積約為 710 平方米。此規劃報告書提供該申請的背景及規劃理據以支持該食肆供城規會考慮。

申請人是稻香集團旗下的稻香管理有限公司。自 2011 年起，申請人率先將當時的工業大廈（稻香物流中心）改建作教育機構大樓，並為離校生及在職人士提供專上教育，並支援餐飲業發展。

申請處所位現存稻苗學院的地下（部分）。申請處所先前獲城規會批准(申請編號 A/ST/751) 作食肆(食堂) 用途。申請處所自 2013 年起已獲食物環境衛生署許可作為持牌普通食肆並開始運營。該申請旨在繼續讓申請處所用作食肆（餐廳），以服務日益增長的社區。該用途不會改變建築物的體積和總樓面面積。

在 2024 年 6 月 7 日展示供公眾查閱的沙田分區計劃大綱核准圖編號 S/ST/38（下稱「現行分區計劃大綱圖」）上，申請處所目前屬於「工業」地帶。根據現行分區計劃大綱圖「工業」地帶的註釋，「食肆(未另有列明者)(只限設於經大規模改建的現有建築物)」屬第二欄用途，須根據《城市規劃條例》第 16 條向城規會申請規劃許可。因此，申請人擬向城規會申請規劃許可。此規劃報告書詳細闡述該用途的規劃理據，當中包括：-

- (一) 該食肆沒有抵觸「工業」地帶的規劃意向；
- (二) 該食肆符合《規劃指引編號第 25D》在「工業」地帶內進行的用途 / 發展；
- (三) 申請處所先前涉及一宗獲批的規劃申請，批准作類似用途(即食肆(食堂))；
- (四) 該食肆可提供實地培訓的機會，配合教育機構的用途，發展教育服務，促進香港的多元化、國際化和專業化；
- (五) 在經濟不景氣的情況下，該食肆可支援餐飲業，創造就業機會，並帶來社會經濟效益；
- (六) 該申請旨在為社區提供高質素的餐飲設施，並滿足當地社區和商業不斷轉變的需求；
- (七) 該食肆已全面運作並獲有效發牌，配合良好營運，不涉建築安全、消防安全和衛生風險；
- (八) 建築物高度和總樓面面積並無改變，建築體積沒有增加；
- (九) 申請處所便利，毗鄰民區，是用作該食肆的理想場所；
- (十) 該食肆與現存的稻苗學院高度相容，因稻苗學院是一所與飲食業有關的教育機構，而附近還有住宅發展項目。考慮到申請處所毗鄰民區，與其他工業及工場用途相比，該食肆被認為是更好而相容的用途；

(十一)該食肆不會對周邊地區造成不良影響；

(十二)鑑於分區計劃大綱圖曾批准類似申請，批准現時的申請不會開立不良先例。

鑑於以上各點及此規劃報告書內所提供的詳細規劃理據，懇請城規會批准該用途之規劃申請。

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1. INTRODUCTION

1.1 Purpose

1.1.1 Pursuant to section 16 of the Town Planning Ordinance (Cap. 131), this *Planning Statement* is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) for **Eating Place (Restaurant)** (hereinafter referred to as “the eating place”) at ground floor (portion) of an existing building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories (hereinafter collectively referred to “the application premises”). The application premises occupy a total floor area of approximately 710m². The Planning Statement serves to provide background information and planning justifications in support of the eating place in order to facilitate the consideration by the Board. Its location is shown on **Figure 1** and **Figure 2**.

1.1.2 Aikon Development Consultancy Limited has been commissioned by *Tao Heung Management Limited* (hereinafter referred to as “the Applicant”) to prepare and submit the current application.

1.1.3 The application premises currently fall within an area zoned “Industrial” on the approved Sha Tin Outline Zoning Plan No. S/ST/38 exhibited for public inspection on 7.6.2024 (hereinafter referred to as “the Current OZP”). According to the Notes of the Current OZP for the “I” zone, the eating place should be regarded as ‘Eating Place’ which is one of the Column 2 uses for which planning permission from the Board under section 16 of Town Planning Ordinance is required. In this connection, the Applicant wishes to apply for a planning permission from the Board.

1.2 Objectives

1.2.1 The current application strives to achieve the following objectives:-

- (a) *To continue providing high-quality dining facility for the community and to meet the changing needs of the local community and business;*
- (b) *To provide a compatible land use within the subject building which can meet the demand for catering facilities in the locality;*
- (c) *To deliver an establishment of non-polluting nature to the portion of G/F. of the subject building without inducing adverse environmental impacts nor any interface problems on the subject building and surrounding areas.*

1.3 Background

1.3.1 The Tao Heung group recognizes the importance of the catering industry as a key pillar of Hong Kong’s service industries, employing more than 200,000 individuals. To support this vital sector, the group has established an education institution in Fo Tan dedicated to the professional development of the catering industry.

1.3.2 With a commitment to addressing the education and training needs of the industry and enhancing the professional status of its workforce, Tao Heung Holdings Limited

collaborated with the Vocational Training Council (VTC) in 2011 to develop the Tao Miao Institute. This initiative aligns with the Chief Executive's 2009-10 and 2010-11 Policy Addresses, which advocated for the revitalization of old industrial buildings by encouraging their redevelopment and conversion for new uses. The policy also emphasized the development of education services to bolster Hong Kong's pluralistic, international, and professional outlook.

- 1.3.3 In 2011, the Applicant submitted a planning application to the Board for the change of use of an existing industrial building from industrial purposes to an educational institution. The proposed educational institution involved a wholesale conversion of the building to include education-related facilities, ancillary, shop and services, eating place (canteen) etc., and the application was approved by the Board in 2011.
- 1.3.4 The Tao Miao Institute has been operational after obtaining planning approval. The application premises under the current application, which were previously approved for use as an eating place (canteen), were issued with a general restaurant license from the Food and Environmental Hygiene Department (FEHD) and operated as a licensed general restaurant in this capacity since 2013. The application premises has an excellent clear track record, resulting in the annual renewal of the license issued by FEHD, implying the application premises have met relevant requirements in terms of building, fire and hygiene. The latest license was renewed on 1.2.2024 and remain in force until 4.2.2025 (see **Appendix 1**).
- 1.3.5 To align with the planning intention, it is proposed to provide an eating place (restaurant) at the application premises. This will allow the facility to continue serving the surrounding communities whilst providing on-site catering training for school leavers and working adults, thereby supporting the catering industry.

1.4 Structure of the Planning Statement

- 1.4.1 This Planning Statement is divided into 6 chapters. **Chapter 1** is the above introduction outlining the purpose and background of the current application. **Chapter 2** gives background details of the application premises in terms of the current land-use characteristics and neighbouring developments. Planning context of the application premises is reviewed in **Chapter 3** whilst **Chapter 4** provides details of the eating place. A full list of planning justifications is given in **Chapter 5** whilst **Chapter 6** summarizes the concluding remarks for the eating place.

2. SITE PROFILE

2.1 Location and Current Condition of the Application Premises

2.1.1 the application premises occupies the ground floor (portion) of an existing building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories (hereinafter refer to as the “subject building”). It is located at the midpoint of Au Pui Wan Road, and it is only about 2 minutes’ walk from the Fo Tan East Rail Station. The locality is characterized predominantly by industrial buildings with shop and services and eating place at the ground floor portion. The East Rail together with the provision of various public transport modes along Au Pu Wan Street affords extremely convenient accessibility.

2.1.2 The subject building comprises 4 storeys, and its current uses are tabulated in **Table 1**. The application premises, situated on a portion of the ground floor, occupy a total floor area of approximately 710m². The application premises are currently being utilized as a restaurant with a valid license, serving the public.

Table 1: Current Uses of the Subject Building

Floor	Uses
3/F	Library, Multi-purpose Classroom, Food Laboratory, Ancillary Office, Pantry, Toilets, AHU Room
2/F	Lecture Room, Seminar Rooms, AV Control Room, Ancillary Office, Equipment Store, Store Room, Pantry, Toilets, AHU Room
1/F	Reception, Exhibition Gallery (By Appointment and Invitation Only), AV Control Room, Pantry, Toilets, Store Room, AHU Room
G/F	Lobby, Eating Place, Kitchen, Toilets, Store Room, AHU Room, Guard House & Kiosk

2.2 Surrounding Land-use Characteristics

2.2.1 To the south of the application premises is The Arles, a recent residential development adjacent to Fo Tan Station. To the north of the application premises is a new housing estate known as Yuk Wo Court. The application premises are situated between these two major residential developments and are buffered by their internal roads and greenery (**Illustration 2-I** refers). To the south of the application premises is a nullah underneath Fo Tan Road. To the northeast of the application premises is a cluster of industrial buildings, with local services such as eating places, shops and services provided on the ground floor. The subject locality is undergoing substantial revitalization and transforming into a community.

3. PLANNING CONTEXT

3.1 The Current OZP

- 3.1.1 The application premises currently falls within an area zoned “I” on the Current OZP (please refer to **Figure 3**). As stipulated in the Notes of the Current OZP, the planning intention of “I” zone 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”*.
- 3.1.2 According to the Notes of the Current OZP for the “I” zone, the eating place shall be regarded as ‘Eating Place (not elsewhere specified) (in wholesale conversion of an existing building only)’ which is one of Column 2 uses and requires planning permission from the Board. In this connection, the Applicant wishes to apply for a planning permission from the Board.
- 3.1.3 The subject building that has been converted to an educational institution, is considered acceptable and appropriate for the eating place, in terms of land use compatibility.

3.2 Previous Application

- 3.2.1 The application premises are subject to one previously approved application. A change of use from industrial use to “Education Institution” (in wholesale conversion of an existing building only) was proposed under application No. A/ST/751 in 2011. The application was approved by the Board on 17.6.2011.

3.3 Similar Applications

- 3.3.1 Over the past ten years, there were similar applications for eating place within areas zoned “I” on the same OZP. Details of these approved applications are provided in **Table 2** below. Considering all these similar applications, approval of the current application is not anticipated to be an undesirable precedent under any circumstances.

Table 2: Similar Applications within "I" Zones on the same OZP

Planning Application(s) No.	Proposed Use(s)	OZP(s)	Decision Date
A/ST/802	Proposed Office, Shop and Services, Eating Place	S/ST/27	11/01/2013
A/ST/880	Proposed Wholesale Conversion for Shop and Services, Eating Place	S/ST/31	19/02/2016
A/ST/886	Proposed Wholesale Conversion for Shop and Services, Office, Training Centre and Eating Place	S/ST/31	23/10/2015
A/ST/889	Proposed Wholesale Conversion of Building for Office, Eating Place, Shop and Services	S/ST/31	20/11/2015
A/ST/982	Proposed Shop and Services, Eating Place, Motor-vehicle Showroom on Ground Floor, Art Studio (excluding those involving direct provision of services or goods), Information Technology and Telecommunications Industries, Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only) and Research, Design and Development Centre (Wholesale Conversion of Existing Industrial Building)	S/ST/34	22/01/2021
A/ST/988	Proposed Office, Eating Place (Canteen) and Shop and Services	S/ST/34	14/01/2022

4. THE DEVELOPMENT PROPOSAL

4.1 Internal Layout and Operation

- 4.1.1 The application premises are situated at the Ground Floor portion of Tao Miao Institute (hereinafter referred to “the existing building”). The existing building has 4 storeys with the ground floor serving as lobby, eating place, kitchen, toilets, storeroom, AHU room, guard house & kiosk. The application premises can be accessed through Au Pui Wan Street. There is an individual entrance exclusively for the application premises.
- 4.1.2 The application premises have been operating as a licensed general restaurant with valid licence issued by FEHD. Fire installations have been implemented within the application premises, and the application premises have met relevant requirements, such as building safety, fire safety and hygiene, and have been operated with good practices without receiving any complaints.
- 4.1.3 The application premises have a total floor area of approximately 710m², comprising an entrance foyer, seating area, kitchen, food preparation area, tea station, lavatories, storerooms and water tank room. The internal layout is provided per **Figure 4**.
- 4.1.4 The eating place seeks to continue operating as a high-quality dining facility that serves the community without causing adverse impacts. The application premises will align with the intention as stated under the previous application, and function as a venue for on-site training for working adults and offer catering services to the wider community. The eating place will be open to the public from 7:00 AM to 10:00 PM, from Monday to Sunday, including public holidays.
- 4.1.5 The eating place remains non-domestic use and only involves internal conversion within the subject building, there will be no changes in the permitted PR or GFA nor it will be applicable to the restrictions concerned.
- 4.1.6 The application premises have been licensed by FEHD as a general restaurant since 2013, and the lately renewed license remains in force until 4.2.2025 (see **Appendix 1**). Upon approval of the current application, the applicant would renew the general restaurant license and ensure the operations meet the provisions of the Public Health and Municipal Services Ordinance and Regulations and relevant requirements.

4.2 Fire Safety Consideration

- 4.2.1 The internal layout plan has been vigilantly designed to take into account of fire safety consideration. The application premises have its own direct frontage. In addition, fire safety installations, such as sprinkler system, fire extinguishers, smoke detectors, visual alarm, manual fire alarms, emergency lights and hose reels have been installed and exit signs/routes have been displayed throughout the application premises.
- 4.2.2 The existing fire services installations at the application premises have been critically reviewed and approved by the Fire Services Department during the renewal of general restaurant licence in 2024. Renewal of license on 1.2.2024 implies that the

application premises and current operation have complied with relevant fire safety and ventilation requirements. Due to the applicant's continuous efforts, the application premises have maintained a clear record, such that the licenses could be renewed annually without any issues, further demonstrating compliance with the necessary safety and hygiene standards.

- 4.2.3 The fire safety installation could be submitted and implemented to the satisfaction of relevant Government departments including Fire Services Department (FSD), if required, by way of compliance of approval conditions.

4.3 Traffic Consideration

- 4.3.1 The application premises benefit from excellent connectivity to various modes of public transport, all conveniently located within close proximity and a short walking distance. The Fo Tan MTR Station is located within 250m, or equivalent to about 5 to 10-minute walk from the application premises.
- 4.3.2 Parking and loading and unloading facilities would be provided within Lot 750 RP in D.D. 176 and the extension thereto, which are owned by the Applicant. There will be 3 carparking spaces for private car and 1 loading/unloading bay for LGV fronting the subject building to serve the eating place (**Illustration 1** refers), sufficient manoeuvring space would be allowed in ensuring no queuing and/or waiting of vehicles from the site onto public road.
- 4.3.3 The current application **only involves a change of the internal use and layout modification of G/F. portion of the subject building**, considering there is a previously approved application for similar use, and the application premises is purely seeking a change of use from canteen to a restaurant. No adverse traffic impact is anticipated.

4.4 Environmental Consideration

- 4.4.1 Compared to other industrial use, such as vehicle repair, workshop uses, which are always permitted under "I" zone, the eating place is deemed more suitable and has a lower environmental impact on the surrounding residential neighbourhood. In addition, the eating place has been operating and serving the community for a decade without causing any environmental impact.
- 4.4.2 The application premises have been in full operation since 2013 and maintained a clear record for its operation. There have been no complaints received about any environmental nuisance.
- 4.4.3 The applicant will strictly adhere to the guidelines outlined in the 'Control of Oil Fume and Cooking Odour from Restaurant and Food Business' issued by the Environmental Protection Department (EPD) in order to ensure the effective control of oily fumes and cooking odors generated from the operation of the eating establishment on-site. Adequate air pollution control equipment has been provided at the kitchen ventilation system to treat the cooking fume emissions before they are discharged into the outdoor environment, in order to fulfill the requirements, set forth by the Air Pollution Control Ordinance.

5. PLANNING JUSTIFICATIONS

5.1 Not Contravene the Planning Intention of “I” Zone

- 5.1.1 Although 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”, the Planning Department has over the years attempted to provide development flexibility in areas within the “I” zone. The eating place is a column 2 use, and the approval of this planning application will not set an undesirable precedence affecting future applications. Considering the subject building is an educational institution in “I” zone, the converted building involves no incompatibility issues, and the eating place shall be deemed acceptable and appropriate.

5.2 Conforms with the TPB Guidelines (TPB PG-No.25D) for Use/Development within Industrial zone

- 5.2.1 The eating place complies with the TPB PG-No. 25D in that it will not generate adverse traffic and fire safety impacts. The application site is subject to a previous application for similar use with adequate provision of parking and loading/unloading facilities within the site. Considering the current application only involves a change of internal use (i.e. from canteen to restaurant), no additional parking and loading/ unloading space will be provided. The eating place has been in operation since 2013, and there has been no adverse impact on the traffic conditions in the local road network.
- 5.2.2 Additionally, the eating place has maintained a valid license from the FEHD since 2013, with the most recent renewal in 2024. This indicates that the existing fire services installation is satisfactory, and there will not be any fire risks involved.

5.3 Subject to a Previously Approved Application for Similar Use

- 5.3.1 The application premises are subject to a previously approved application. The previous application for a proposed education institution involves an 'eating place (canteen)' at the application premises. Given that the eating place in the current application is similar in nature, it is therefore considered acceptable.

5.4 Align with the Use of Education Institution of the Subject Building by Providing Opportunities for On-Site Training

- 5.4.1 The eating place aligns with the objectives of the previously approved application by offering on-site training opportunities for local students. The application premises will provide a valuable platform for students to gain practical experience and develop their hospitality skills, which is crucial for enhancing Hong Kong's competitiveness. Additionally, the premises will serve as a venue for training and upskilling staff within the catering industry. This will help to transfer culinary expertise and hospitality knowledge, benefiting individual trainees and contributing to the broader Hong Kong community. By strengthening the capabilities and resilience of the local catering industry, the eating place will generate significant social and economic benefits.

5.5 Supporting the Catering Industry and Providing Social and Economic Benefits

5.5.1 Tao Heung Group a leading Chinese restaurant and catering group in Hong Kong, has been offering a diverse brand of dining experiences and renowned for its high-quality gourmet offerings. As a subsidiary of Tao Heung Group, the applicant has been actively involved in supporting the development of Hong Kong's catering industry. In alignment with the objectives outlined in the 2010 Policy Address, the applicant proposed a change of use in 2011 to provide venues and training programs aimed at developing skilled staff for the catering sector. This initiative has been widely appreciated for its innovation and contributions to the industry.

5.5.2 In addition to serving as a venue for training local expertise, the application premises currently offer job opportunities that bolster the catering industry. Despite the ongoing economic downturn, the applicant remains dedicated to addressing Hong Kong's broader economic and social needs. Given this commitment, sympathetic consideration could be given to the applicant's intention, as it aims to further stimulate the recovery and growth of the catering industry which is a vital component of Hong Kong's economic and social fabric.

5.6 Providing High Quality Dining Facility in a Developing Residential Neighborhood and Meeting the Changing Local Needs

5.6.1 The area surrounding the application premises has undergone significant changes. To the immediate south, the Arles, a residential development with 1,335 units, was completed in 2023, and Yuk Wo Court to the north of the application premises has been providing 830 units since 2020. Additionally, some surrounding industrial buildings have been repurposed as office spaces. These recent changes reflect a shift towards a more residential and mixed-use neighborhood, highlighting the increasing demand for local amenities. In response to these evolving planning circumstances, the eating place aims to offer high-quality catering services to the broader community, addressing the changing needs of the area.

5.7 No Risk of Building Safety, Fire Safety and Hygiene with Valid General Restaurant License and Good Operation

5.7.1 The application premises have been licensed by the FEHD as a general restaurant since 2013. The latest license was renewed on 1.2.2024 and remain in force until 4.2.2025. The latest renewed license has proven the application premises meet the building and fire safety requirements, and hygiene requirements set forth by the regulatory authorities. The applicant has consistently maintained full compliance with all relevant food safety laws and regulations.

5.8 No Change to the Building Height and Gross Floor Area

5.8.1 The eating place involves change of use only without any changes to the building height and gross floor area. Any A&A works for the eating place will be confined within the subject building and hence there will not be any increase in building bulk.

5.9 Ideal Location for the Eating Place Considering Its Accessibility and Proximity to Neighborhood

- 5.9.1 The application premises are being sandwiched between two new residential developments in the vicinity. Owing to its proximity to these residential neighborhoods, the eating place at the application premises is considered an ideal location to serve the local community. Residents living in the surrounding areas can conveniently access the premises on foot, making it a highly accessible destination for dining and catering services.

5.10 Highly Compatible with the Existing Building and Surrounding Areas

- 5.10.1 The eating place is highly compatible with the existing building, the Tao Miao Institute, which is an educational institution for the catering industry. The existing building underwent a wholesale conversion from an industrial building, is an excellent venue providing facilities to train local expertise.
- 5.10.2 In addition, the subject building where the eating place is situated is surrounded by residential developments. Compared to other industrial uses, such as car repair workshops or recyclable collection centers, the eating place is expected to produce minimal or no nuisance to the surrounding residential areas. Furthermore, the application premises have been operating as a licensed general restaurant for decades without any issues of incompatibility. Therefore, the eating place is considered to be consistent with the character of the surrounding areas and compatible with the surrounding residential areas.

5.11 No Adverse Environmental Impact nor Exposure to Fire Risks

- 5.11.1 The eating place is of non-industrial and non-polluting nature and will not constitute any adverse environmental or additional infrastructural impact on the surrounding areas.
- 5.11.2 The internal layout plan has been vigilantly designed to take into account fire safety considerations. As a licensed general restaurant in operation, fire safety installations, such as sprinkler system, fire extinguishers, smoke detectors, visual alarm, manual fire alarms, emergency lights and hose reels have been installed and exit signs/routes **have been provided and displayed** throughout the application premises.
- 5.11.3 The existing fire services installations at the application premises have been thoroughly reviewed and approved by the Fire Services Department during the renewal of the general restaurant license in 2024. The successful renewal of the license on 1.2.2024 indicates that the application premises and the current operation have complied with the relevant fire safety and ventilation requirements. Through the applicant's continuous efforts, the application premises have maintained a clean record, allowing the licenses to be renewed annually without any issues, further demonstrating compliance with the necessary safety and hygiene standards.
- 5.11.4 If required, other fire safety concerns would be further incorporated in any plan(s) at a later stage and be designed to the satisfaction of Fire Services Department and/or

concerned Government departments once this application is approved.

- 5.11.5 In terms of environmental concern, the eating place is deemed more suitable and has a lower environmental impact on the surrounding residential neighbourhood when comparing to other industrial uses. In addition, the current dining facility has been operating with valid license and serving the community for a decade without causing any environmental impact. The Applicant will strictly adhere to the guidelines outlined in the 'Control of Oil Fume and Cooking Odour from Restaurant and Food Business' issued by the EPD in order to ensure the effective control of oily fumes and cooking odors generated from the operation of the eating establishment on-site.

5.12 No Setting of Undesirable Precedent

- 5.12.1 There were several similar applications for 'Eating Place' within "I" zone on the same OZP over the past ten years, hence, approval of the current application should **not** constitute an undesirable precedent under any circumstances. As the TPB is entitled to consider planning applications according to the merits of each case, there should be little concern about setting an undesirable precedent by approving this application.

6. CONCLUSION

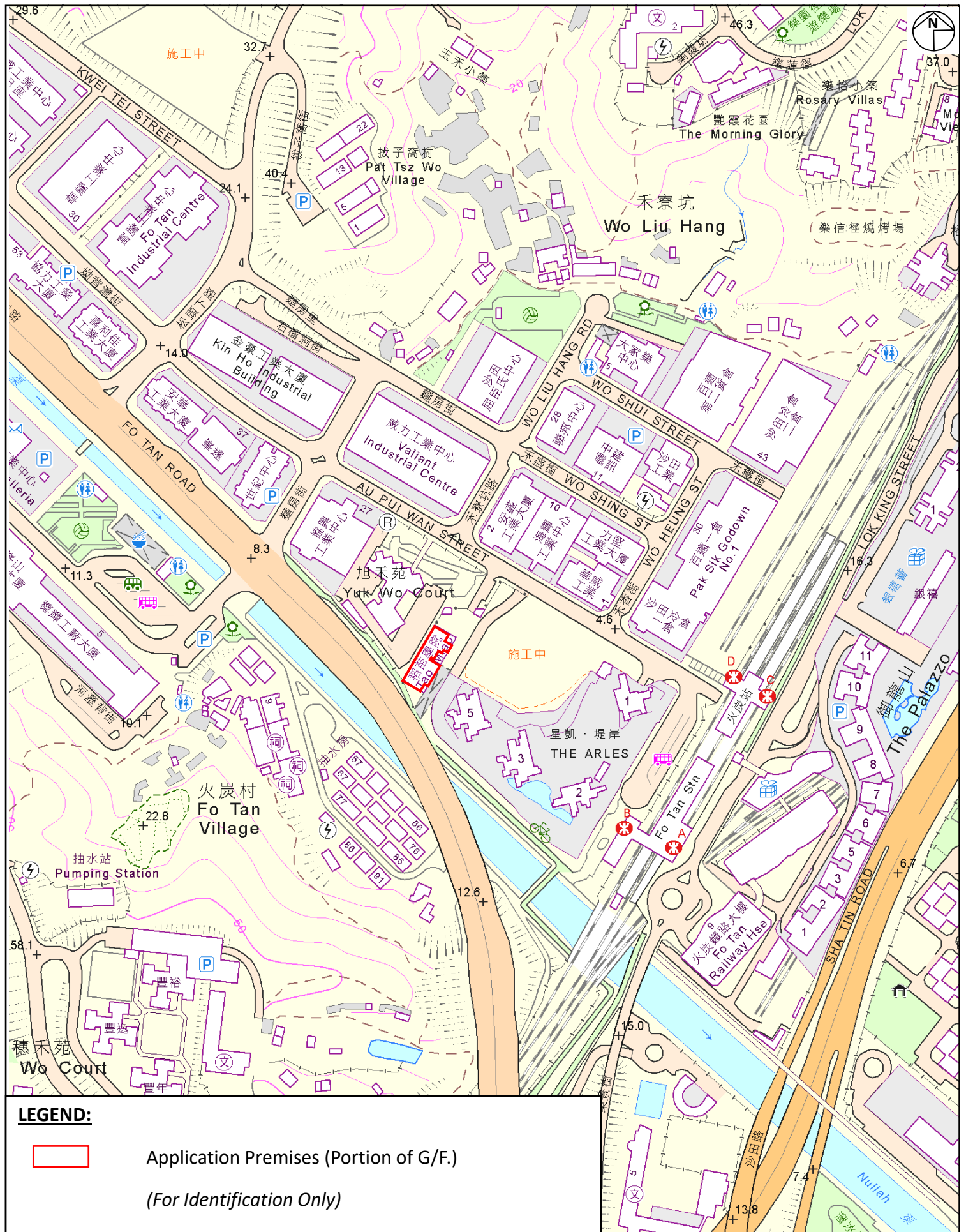
- 6.1 This Planning Statement is submitted to the Board in support of a planning application for Eating Place (Restaurant) at ground floor (portion) of an existing building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories. The application premises occupy a total floor area of approximately 710m². The Planning Statement serves to provide background information and planning justifications in support of the eating place in order to facilitate consideration by the Board.
- 6.2 The Applicant, Tao Heung Management Limited, a subsidiary of the Tao Heung Group, has repurposed the previous industrial building (Tao Heung Logistics Centre) into an educational institution (Tao Miao Institute). The institute provides post-secondary education to school leavers and working adults, supporting the catering industry.
- 6.3 The application premises are located at ground floor (portion) of Tao Miao Institute. The application premises are subject to a previously approved application (No. A/ST/751) and were approved for use as eating place (canteen). The application premises have been licensed as a general restaurant by Food and Environmental Hygiene Department and have been in operation since 2013. The current application seeks to continue providing an eating place (restaurant) at the application premises to serve the growing neighborhood. The eating place will involve no change to the building bulk and gross floor area.
- 6.4 The application premises currently fall within an area zoned “Industrial” (“I”) on the Approved Sha Tin Outline Zoning Plan No. S/ST/38 exhibited for public inspection on 7.6.2024. According to the Notes of the Current OZP for the “I” zone, the ‘Eating Place (not elsewhere specified) (in wholesale conversion of an existing building only)’ is a Column 2 use for which planning permission from the Board under section 16 of Town Planning Ordinance is required. In this connection, the Applicant wishes to apply for a planning permission from the Board. As detailed throughout this Planning Statement, the eating place within the application premises is well justified on the grounds that:-
- (a) *The eating place does not contravene from the planning intention of the “I” zone;*
 - (b) *The eating place conforms with the TPB Guidelines for Use/Development within industrial zone (TPB PG-No.25D);*
 - (c) *The application premises are subject to a previously approved application for similar use (i.e. eating place (canteen));*
 - (d) *The eating place provides opportunities for on-site training, that aligns with the use of education institution by developing education services to bolster the pluralistic, international and professional outlook of Hong Kong;*
 - (e) *The eating place supports the catering industry in amidst of current economic downturn and creates significant amount of job opportunities and could provide socio-economic benefits;*
 - (f) *The current application endeavors to provide high-quality dining facility for the community and to meet the changing needs of the local community and business;*
 - (g) *The eating place is in full operation and involves no risk of building safety, fire*

- safety, and hygiene with valid licensing and good operation;*
- (h) No changes have been made inspect of the building height and gross floor area and there will not be any increase in building bulk;*
 - (i) The application premises are considered ideal for the eating place considering its high accessibility and adjacent to residential neighborhoods;*
 - (j) The eating place is highly compatible with Tao Miao Institute which is an educational institution for catering industry. The eating place is considered a better and compatible use comparing with other industrial and workshop uses considering its proximity to residential neighborhood;*
 - (k) The eating place will not impose adverse impact on the surrounding area;*
 - (l) Given the previous approvals of similar applications in the current OZP, the approval of the current application will not set an undesirable precedent.*

6.5 In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give favourable consideration to the current application for the eating place.

List of Figures

Figure 1	Location Plan
Figure 2	Extract of Lot Index Plan No. ags_S00000127025_0001
Figure 3	Extract of Approved Shatin Outline Zoning Plan No. S/ST/38
Figure 4	Layout Plan



Project:
Section 16 Planning Application for Proposed Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:
Location Plan

Figure:
1

Scale:
Not-to-Scale

Date:
Jul 2024

Ref.: ADCL/PLG-10296-R001/F001



Project:
Section 16 Planning Application for Proposed Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:
Extract of Lot Index Plan No. S00000127025_0001

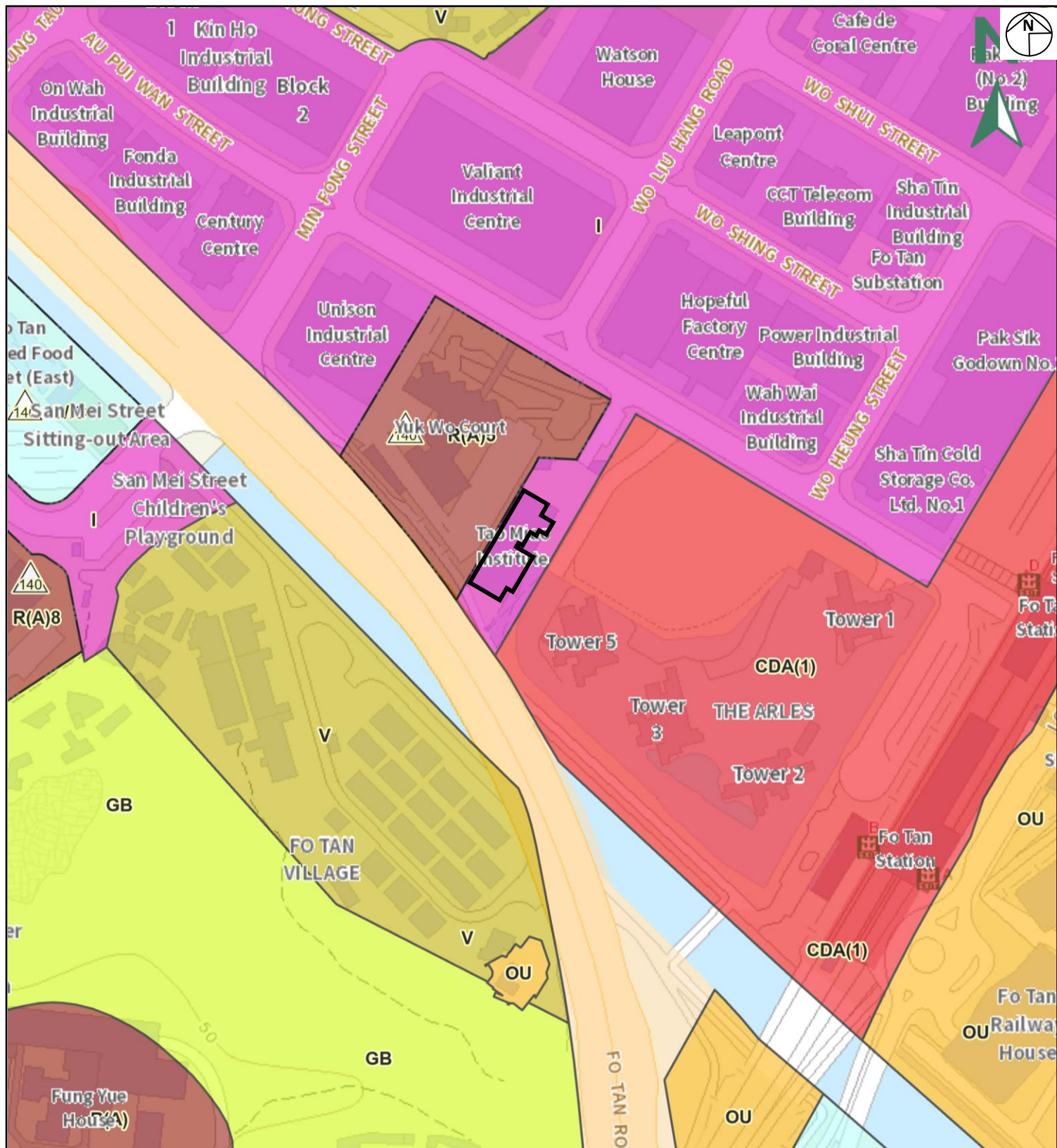
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Figure:
2

Scale:
Not-to-Scale

Date:
Jul 2024





LEGEND:

 Application Premises (G/F. Portion)

(For Identification Only)

Project:

Section 16 Planning Application for Proposed Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:

Extract of Approved Sha Tin Outline Zoning Plan No. S/ST/38

Figure:

3

Scale:

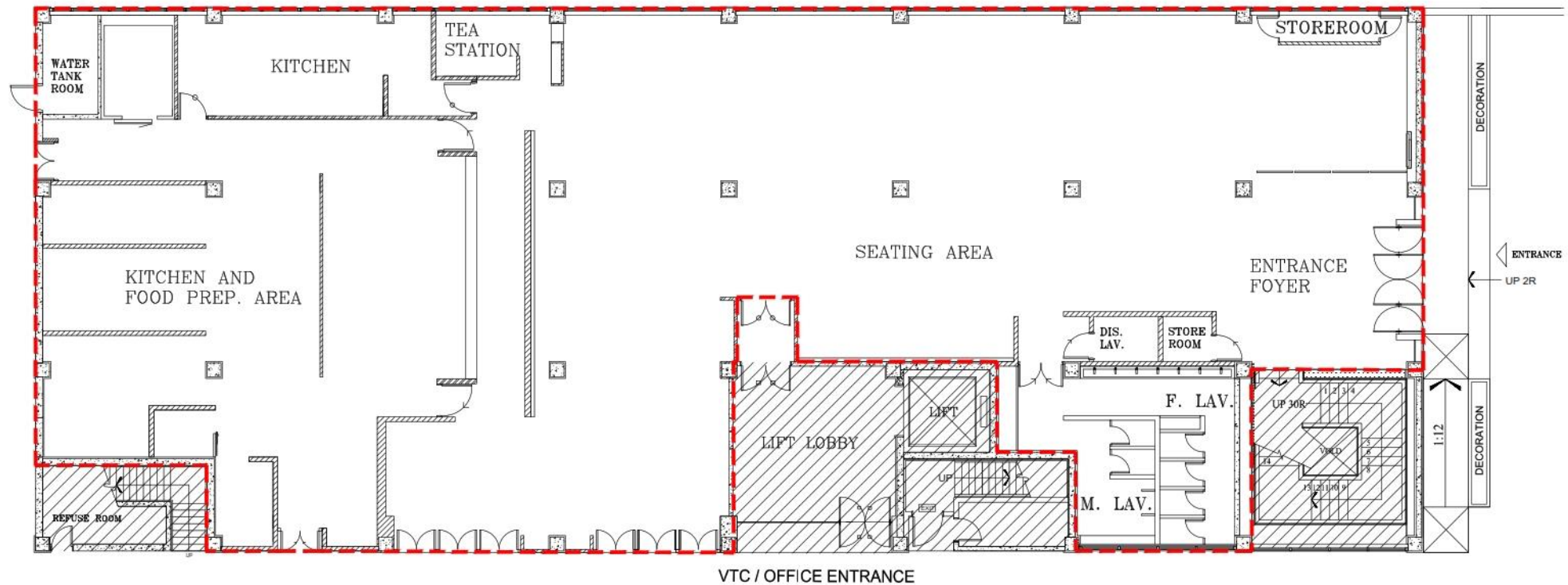
Not to Scale

Date:

Jul 2024



AIKON DEVELOPMENT CONSULTANCY LTD.



LEGEND:

 Application Premises (G/F. Portion)

(For Identification Only)

G/F. LAYOUT PLAN

Project:

Section 16 Planning Application for Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:

Indicative Layout Plan

Figure :

4

Scale:

1:2000

Date:

Aug 2024

Ref.: ADCL/PLG-10296-R001/F004



AIKON DEVELOPMENT CONSULTANCY LTD.

List of Illustrations

Illustration 1	Current Condition of the Application Premises
Illustration 2	Current Condition of the Surrounding Areas



Project:
Section 16 Planning Application for Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:
Current Condition of the Application Site

Illustration:
1

Scale:
Not to Scale

Date:
Aug 2024

Ref.: ADCL/PLG-10296-R001/I001



1 The Arles



2 The Arles



3 Yuk Wo Court



4 Separation from Surrounding Residential Development

Project:
Section 16 Planning Application for Eating Place (Restaurant) at Ground Floor (Portion) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, New Territories

Title:
Current Condition of the Surrounding Areas

Illustration:
2

Scale:
Not to Scale

Date:
Aug 2024

Appendix 1

General Restaurant Licence

持牌普通食肆 LICENSED GENERAL RESTAURANT

店號及地址：
Shop Sign & Address:

鍾菜館
Chung's House

新界沙田火炭坳背灣街13號地下
G/F, 13 AU PUI WAN STREET, FO TAN, SHA TIN,
NEW TERRITORIES

牌照屆滿日期：
Licence Expiry Date:

04/02/2025

特別批簽 Special Endorsement



食物環境衛生署

Food and Environmental Hygiene Department



編號
Serial No. F791474

《公眾衛生及市政條例》(第 132 章)
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (CAP. 132)

普通食肆牌照
GENERAL RESTAURANT LICENCE

牌照／許可證號碼
Licence/Permit No.

2297802873

此處所(地址載於本牌照內)已由食物環境衛生署署長(署長)發牌以便開設普通食肆。持牌人姓名列後。

The premises at the address shown have been licensed by the Director of Food and Environmental Hygiene (Director) as a general restaurant, the licensee being the person whose name appears hereunder.

牌照的有效期限為一年，由 05/02/2024 起至 04/02/2025 止，
但署長有權隨時將牌照暫時吊銷或取消。

Unless suspended or cancelled by the Director, the licence shall remain in force for one year from 05/02/2024 to 04/02/2025.

持牌人必須遵守《公眾衛生及市政條例》(第132章)與有關規例，而署長所訂的發牌條件、持牌條件及一切限制，持牌人亦須依從。

This licence is issued subject to the provisions of the Public Health and Municipal Services Ordinance (Cap.132) and Regulations made thereunder, and to such requirements, conditions or restrictions as are notified to the licensee by the Director.

除非獲得署長書面同意，否則任何獲發給牌照的人士，不得將所持有的牌照轉讓予他人。

Save with the consent in writing of the Director, a person to whom a licence has been granted shall not transfer his licence to any person.

持牌人必須在與本牌照有關處所的入口附近一個當眼處，展示本牌照。

The licensee shall exhibit this licence at a conspicuous place near the entrance of his premises to which this licence relates.

處所大小(按照屋內樓面面積計算): 656.94 平方米 SQ.M.

Size of premises by reference to floor area

批簽/批准(有關代號的註釋，請參閱背頁):

Endorsements/Permission (For description of codes, please see overleaf)

01, 10, 12

費用收訖: \$16,360.00

Fee Received

TAO HEUNG DEVELOPMENT LIMITED

G/F, 13 AU PUI WAN STREET, FO TAN, SHA TIN, NEW TERRITORIES

食物環境衛生署署長 (Miss Nicole TSANG 代行)

for Director of Food and Environmental Hygiene

日期:

Date 01/02/2024