

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

**APPLICATION NO. A/ST/1031**

<b><u>Applicant</u></b>	: Tao Heung Management Limited represented by Aikon Development Consultancy Limited
<b><u>Premises</u></b>	: Portion of Ground Floor (G/F) of an Existing Building known as Tao Miao Institute, No. 13 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
<b><u>Floor Area</u></b>	: About 710m <sup>2</sup>
<b><u>Lease</u></b>	: Lot No. 750RP in D.D. 176 and the Extension thereto (New Grant No. 9455) (a) restricted to industrial purposes excluding offensive trade (b) Special Waiver Letter issued in 2012: educational institution for providing post-secondary educational courses and programmes in relation to the catering industry
<b><u>Plan</u></b>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<b><u>Zoning</u></b>	: “Industrial” (“I”)
<b><u>Application</u></b>	: Eating Place (Restaurant)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for eating place (restaurant) at the application premises (the Premises) in an existing non-industrial main building of Tao Miao Institute (the Building), falling within an area zoned “I” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “I” zone, ‘Eating Place (not elsewhere specified) (in wholesale conversion of an existing building only)’<sup>1</sup> is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently being used as a restaurant known as Chung’s House (鍾菜館) without valid planning permission.
- 1.2 The Premises is part of the subject of a previous planning application No. A/ST/751 submitted by the same applicant for proposed educational institution (in wholesale conversion of an existing building only), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 17.6.2011. The approved scheme involves conversion of a previously vacant industrial building (namely Tao Heung

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<sup>1</sup> ‘Eating Place (Canteen, Cooked Food Centre only)’ is always permitted in the “I” zone.

Logistics Centre) into an educational institution (namely Tao Miao Institute) in collaboration with the Vocational Training Council (VTC) providing post-secondary education and training related to the catering industry to post-secondary school leavers and working adults. A canteen was also proposed to serve exclusively the students and staff working in the Building and to provide practical on-site training in relation to restaurant operations was proposed on the G/F under the approved application.

- 1.3 The Premises, with a floor area of about 710m<sup>2</sup>, is confined within the G/F of the Building (**Plans A-1 and A-2**). According to the applicant, no change to the building bulk including total gross floor area (GFA) and building height (BH) is proposed, and any alteration and addition works for the applied use will be confined within the Building. Relevant plans and photos of the Building submitted by the applicant are shown in **Drawings A-1 to A-6** respectively.
- 1.4 The Premises is accessible via a one-way branch road of Au Pui Wan Street (**Plan A-2**). There is an individual entrance exclusively for the Premises within the Building (**Drawing A-5**). Three private car parking spaces and one loading/unloading bay serving the applied use and the existing educational institution will be provided outside the Premises within the applicant's lot (**Drawing A-3**). The operation hours of the restaurant are from 7:00 a.m. to 10:00 p.m. daily including Sundays and public holidays.
- 1.5 In support of the application, the applicant submitted the following documents:
- |     |                                                                                                                    |                        |
|-----|--------------------------------------------------------------------------------------------------------------------|------------------------|
| (a) | Application Form received on 20.8.2024                                                                             | ( <b>Appendix I</b> )  |
| (b) | Supporting Planning Statement (SPS) and Supplementary Information received on 20.8.2024 and 22.8.2024 respectively | ( <b>Appendix Ia</b> ) |
| (c) | Further Information (FI) received on 8.11.2024*                                                                    | ( <b>Appendix Ib</b> ) |
| (d) | FI received on 4.12.2024*                                                                                          | ( <b>Appendix Ic</b> ) |
| (e) | FI received on 3.3.2025@                                                                                           | ( <b>Appendix Id</b> ) |
| (f) | FI received on 20.3.2025@                                                                                          | ( <b>Appendix Ie</b> ) |
- \* accepted and not exempted from publication and recounting requirements  
@ accepted and exempted from publication and recounting requirements
- 1.6 On 4.10.2024 and 24.1.2025, the Committee agreed to defer making a decision on the application for two months at the request of the applicant.

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

The justifications put forth by the applicant in support of the application are detailed at the SPS and FIs at **Appendices Ia to Ie**, as summarised below:

- (a) the applied use would not contravene the planning intention of the "I" zone and is compatible with the educational institution use of the Building;
- (b) the applied use complies with 'Town Planning Board Guidelines for Use/Development within "Industrial" Zone' (TPB PG-No. 25D) as it would not generate adverse traffic or fire safety impacts. In addition, the eating place has been licensed by the Food and Environmental Hygiene Department as a general restaurant since 2013 and the licence was subsequently renewed in 2024. The applicant has consistently maintained full compliance with all

relevant regulations;

- (c) the Premises currently in operation has complied with relevant fire safety and ventilation requirements. Existing fire services installations at the Premises have been reviewed and approved by the Fire Services Department during the renewal of the General Restaurant Licence in 2024;
- (d) 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 odour generated from the operation of the eating establishment on-site;
- (e) the applied use aligns with the objectives outlined in the 2010 Policy Address, aiming at developing skilled staff for the catering sector. The Premises serving as a venue for training local expertise, currently offers job opportunities that bolster the catering industry, which is a vital component of Hong Kong's economic and social fabric;
- (f) the applied use also aligns with the objectives of the previously approved application by offering on-site training opportunities for local students. The Premises will provide a platform for training and upskilling staff within the catering industry through practical experience. This will help to transfer culinary expertise and hospitality knowledge, benefiting individual trainees and contributing to the broader Hong Kong community;
- (g) in response to the evolving planning circumstances in the surroundings which has undergone a shift towards a residential and mixed-use neighborhood, highlighting the eating place offers high-quality catering service to the broader community, addressing the changing needs of the area;
- (h) the premises is conveniently located within 250m or equivalent to about 5 to 10 minutes' walk from Mass Transit Railway (MTR) Fo Tan Station (**Drawing A-6**);
- (i) the applicant's Traffic Review Report concludes that the applied use will not cause adverse traffic impact to Au Pui Wan Street, and there is no evidence suggesting that illegal parking on Au Pui Wan Street is correlated with the eating place based on the result of kerbside activity survey carried on weekday and weekend. Moreover, survey of parking spaces at three parking lots within walking distance of the eating place indicates that there are sufficient parking spaces to accommodate the traffic demand arisen from the eating place (**Drawing A-4**). To prevent illegal parking induced by the applied use and the existing educational institution, the applicant has undertaken to implement traffic management measures including free valet parking service to assist customers parking cars at alternative locations, provision of seasonal coupons (such as mooncake or pastry coupons) to customers for using external parking spaces and designation of a loading/ unloading bay for food delivery vehicles; and

- (j) there were several similar applications for ‘Eating Place’<sup>2</sup> within “I” zones on the same OZP over the past decade.

**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) is relevant to this application. Relevant extract of the Guidelines is at **Appendix II**.

**5. Previous Application (Plan A-2)**

The Premises is part of the subject of a previous application (No. A/ST/751) submitted by the same applicant for proposed educational institution (in wholesale conversion of an existing building only) which was approved with conditions by the Committee on 17.6.2011 on grounds that the proposed educational institution is in line with the Government’s general policy of optimising the use of industrial buildings; and was considered not incompatible with the surrounding land uses. All approval conditions had been fully complied with in 2013. Details of the application are summarised at **Appendix III**.

**6. Similar Applications (Plan A-1)**

- 6.1 There is no similar application within the same “I” zone of the OZP, but there are two similar applications No. A/ST/982 and No. A/ST/988 for proposed wholesale conversion and redevelopment of existing industrial building respectively both involving eating place within other “Industrial (1)” (“I(1)”) zones of the OZP in Siu Lek Yuen Industrial Area in the past five years.
- 6.2 The two applications were approved with conditions by the Committee on 22.1.2021 and 14.1.2022 respectively on the considerations that the approval would not jeopardize the long-term planning intention of the “I(1)” zones for general industrial uses to meet the future demand; generally in line with the intention to phase out existing industrial uses and could facilitate the transformation of Siu Luk Yuen Industrial Area into an area with non-polluting uses; and the proposed commercial uses through wholesale conversion are generally in line with TPB PG-No. 25D.
- 6.3 Details of the applications are summarised at **Appendix IV**.

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<sup>2</sup> The applications are for proposed wholesale conversion of existing industrial buildings or redevelopment of an existing industrial building into commercial developments involving eating place.

**7. The Premises and its Surrounding Areas (Plans A-1 to A-3c)**

**7.1 The Premises is:**

- (a) located on the G/F of the main building of Tao Miao Institute and currently being used as a restaurant without valid planning permission; and
- (b) accessible via a one-way branch road of Au Pui Wan Street.

**7.2 The Building is:**

- (a) four storeys in height and currently serving educational purpose. There are two ancillary single-storey structures at forecourt of the site outside the Premises within the applicant's lot closer to the entrance for kiosk/guard house and electrical and mechanical facilities ancillary to the educational institution under the approved scheme No. A/ST/751(**Plan A-2**);
- (b) sandwiched by two residential developments, namely Yuk Wo Court and the Arles. There are several parking and loading/ unloading spaces outside the Building within the applicant's lot (**Plan A-3**); and
- (c) currently occupied by the following main uses on various floors:

Floor	Current Uses
G/F	<b>The Premises</b> (operated as a restaurant) and lobby
1/F	Exhibition gallery
2/F	Training room, seminar room and ancillary office
3/F	Meeting rooms, food laboratory, training room, gallery and ancillary office

**7.3 The surrounding areas have the following characteristics:**

- (a) characterised with high-rise industrial buildings with some shop and services uses on the G/F within Fo Tan Industrial Area (FTIA) which is zoned "I";
- (b) major residential clusters are found in the surrounding areas around MTR Fo Tan Station and across Fo Tan Road; a primary school namely Po Leung Kuk Siu Hon Sum Primary School is found to the immediate northeast; a commercial centre (Shatin Galleria) zoned "Commercial" is situated at about 300m to the west;
- (c) to the further west is a cluster of village settlements, Fo Tan Village; and
- (d) accessible by public transport with MTR Fo Tan Station located at about 200m to the east of the Building.

## 8. **Planning Intention**

The planning intention of the “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.

## 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/Shah Tin, Lands Department (DLO/ST, LandsD):

- (a) the Premises is situated on Lot No. 750RP in D.D.176 and the Extension thereto (“the Lot”), which is governed by the New Grant No. 9455 as varied, modified or extended by the Extension Letter dated 23.4.1976 (“the New Grant”). Under the New Grant, the Lot has an area of about 1,997m<sup>2</sup> and shall be used only for industrial purposes excluding offensive trade subject to the development restrictions, inter alia, maximum four storeys in height not exceeding 50 feet above the site formation level and built-over area of 80% of the Lot. Moreover, a Special Waiver Letter (“the Waiver Letter”) was issued in January 2012 to permit the uses of educational institution for providing post-secondary educational courses and programs in relation to the catering industry for the existing building within the Lot so as to implement the Government’s initiative to facilitate redevelopment and wholesale conversion of industrial buildings to address the needs of economic and social development;
- (b) the applied use within the Lot under the application is not permitted under the New Grant Lot and the Waiver Letter. Moreover, the proposed parking provisions under paragraph 4.3.2 of the SPS are inconsistent with the requirements for three spaces for parking of motor vehicles, two spaces for picking up and setting down of passengers from motor vehicles (including taxis) and two parking, loading/ unloading spaces for good vehicles (excluding goods vehicles with trailers and their prime movers attached) under the Waiver Letter. Noting that the owner has intended to apply for a modification of the Waiver Letter to permit the applied use and hence, he has no in-principle objection to the planning application; and
- (c) his advisory comments are at **Appendix V**.

### **Fire Safety**

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

- (a) he has no specific comment on the application;
- (b) fire safety requirement was issued for the existing General Restaurant Licence and was complied with. The latest “No Objection to Licence Renewal Notice” was issued to the applicant on 13.12.2024; and
- (c) his advisory comments are at **Appendix V**.

### **Traffic**

#### 9.1.3 Comments of the Commissioner for Transport (C for T):

as the applicant would undertake the traffic management measures to relieve the parking and loading/ unloading issues arising from the eating place, she considers that the traffic impact on the surrounding road networks is tolerable. As such, she has no in-principle objection to the application from traffic engineering point of view.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) he has no comment on the application for an eating place (restaurant), i.e. Chung’s House (鍾菜館), on the G/F of the Building;
- (b) while three complaint records related to greasy fume/ cooking odour from the restaurant were received in the past five years, they were all unsubstantiated as no abnormal condition observed during inspections; and
- (c) the applicant has committed to follow EPD's guideline "Control of Oil Fume and Cooking Odour from Restaurant and Food Business" to ensure effective control of oily fume and cooking odour, and provide adequate air pollution control equipment at the kitchen ventilation system to treat the cooking fume prior to discharge, according to paragraph 4.4.3 of the SPS.

### **Building Matters**

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

- (a) he has no adverse comment under the Buildings Ordinance on the application; and
- (b) his advisory comments are at **Appendix V**.

### **Licensing Matters**

9.1.6 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) he has no adverse comment on the application;
- (b) the General Restaurant Licence has been renewed and valid until 4.2.2026; and
- (c) his advisory comments are at **Appendix V**.

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

- (a) District Officer(Sha Tin), Home Affairs Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department; and
- (d) Commissioner of Police.

## **10. Public Comments Received During Statutory Publication Periods**

On 30.8.2024, 15.11.2024 and 13.12.2024, the application was published for public inspection. During the statutory publication periods, a total of 18 public comments were received (**Appendix VI**). Four comments from individuals support the application mainly on the considerations that the applied use is beneficial to the local residents and the restaurant serving Chinese cuisine is unique in the area. Other four comments from individuals object to/ provide adverse comment on the application. Major grounds of objection and adverse comments are that the applied use would induce traffic and environmental impacts to the surroundings such as illegal parking, traffic congestion, emission of cooking odour and rodent problem; there is insufficiency of open space and green area in the community; and alteration of the Premises to commercial use would compete with other restaurants in the private sector. Nine comments from individuals express general concerns/ comments on the application that the parking spaces, pedestrian safety and traffic control during peak hours should be assessed by the applicant, the Government's effort on rodent disinfestation should be enhanced and the application site should be planned for public vehicle park (PVP) and recreational facilities including sports centre and a local park. The remaining one comment from an individual indicates no comment on the application.

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

11.1 The application is to seek planning permission for eating place (restaurant) at the Premises on G/F of an existing four-storey educational institution which has undergone wholesale conversion from industrial building. According to the applicant, there is no change to the existing building bulk including BH and total GFA. The Premises is part of the subject of a previous application (No. A/ST/751) submitted by the same applicant for proposed educational institution (in wholesale conversion of an existing building only), with a canteen on G/F to serve exclusively the students and staff working in the Building and to provide



practical on-site training in relation to restaurant operations to the students. The application was approved with conditions by the Committee on 17.6.2011. While the applied eating place (restaurant) is not entirely in line with the planning intention of the “T” zone which is intended primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries, the applied use may be permitted on application to the Board based on individual merits according to the TPB PG-No. 25D.

- 11.2 The applied use at the Premises is confined within G/F of the Building, which has undergone wholesale conversion and mainly provides post-secondary education and training related to the catering industry. In the surroundings of the Premises, there are an established FTIA in which a range of mixed shop and services are found on the G/F of the industrial buildings, and high-rise residential clusters such as Yuk Wo Court and the Arles. According to the applicant, the applied use at the Premises would not only provide a platform for on-site training practical experience which aligns with the objectives of the previously approved application, but also offer catering service to the broader community, addressing the changing need of the area. The applied use is considered not incompatible with the educational use in the Building, as well as the industrial and industrial-related uses, and the residential clusters in the surroundings.
- 11.3 The Premises is accessible via a one-way branch road of Au Pui Wan Street well-served by public transport services. According to the applicant, the applied use would not cause adverse traffic impact to Au Pui Wan Street. Moreover, the applicant has undertaken to implement the proposed traffic management measures as detailed at paragraph 2(i) above to prevent illegal parking induced from the applicant’s lot. The applied use would not cause adverse traffic impact to Au Pui Wan Street and would meet fire safety requirement. C for T and D of FS have no in-principle objection to/ no comment on the application. In this regard, the applied use generally complies with the relevant considerations set out in TPB PG-No. 25D including traffic and fire safety aspects. Other relevant government departments, including DFEH, CBS/NTW, BD and DEP have no objection to/ no comment on the application.
- 11.4 Regarding the public comments as detailed in paragraph 10, the government departments’ comments and planning assessment above are relevant. As for the suggestions on provision of PVP and recreational facilities, they are not related to the subject application.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.5.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted

is commenced or the permission is renewed. The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the eating place is not in line with the planning intention of the "Industrial" zone which is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. There is no strong planning justification in the submission for a departure from the planning intention.

### **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 date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 20.8.2024
<b>Appendix Ia</b>	Supporting Planning Statement and Supplementary Information received on 20.8.2024 and 22.8.2024
<b>Appendix Ib</b>	FI received on 8.11.2024
<b>Appendix Ic</b>	FI received on 4.12.2024
<b>Appendix Id</b>	FI received on 3.3.2025
<b>Appendix Ie</b>	FI received on 20.3.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 25D
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Extract of Lot Index Plan
<b>Drawing A-2</b>	Indicative Layout Plan
<b>Drawing A-3</b>	Ground Floor Layout Plan within Applicant's Lot
<b>Drawing A-4</b>	Parking Lots in the Vicinity
<b>Drawing A-5</b>	Current Condition of the Building
<b>Drawing A-6</b>	Current Condition of the Surrounding Areas

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a to A-3c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**