

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/596

- Applicant** : Mr. FOK Man Chun
- Premises** : Workshop Unit 2, G/F, Wah Wan Industrial Building, 2 Kin Fat Lane,
Tuen Mun, New Territories
- Floor Area** : 212m² (about)
- Lease** : Castle Peak Town Lot 54 held under New Grant No. 1791
- Restricted to industrial and/or godown purposes (excluding
offensive trade)
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/40
- Zoning** : “Industrial” (“I”)
*[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum
building height (BH) of 100mPD, or the PR/BH of the existing
building, whichever is the greater]*
- Application** : Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for shop and services use. The Premises is located on the G/F of an existing industrial building, known as Wah Wan Industrial Building (the Building) which falls within an area zoned “I” on the OZP (**Plans A-1 and A-2a**). According to the Notes for the “I” zone, ‘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)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently being used as a barber shop, real estate agencies and retail shops without valid planning permission and a vehicle repair workshop¹ (**Plan A-2b**).
- 1.2 The Premises, fronting onto King Wing Street/Kin Fat Street, is located on the G/F of the Building and subdivided into six units. According to the applicant,

¹ According to the Notes of the OZP, ‘Vehicle Repair Workshop’ is a Column 1 use within the “I” zone.

the applied shop and services would occupy the existing units of the Premises with a total floor area of about 212m². The layout plan submitted by the applicant is attached at **Drawing A-1**.

- 1.3 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)**
27.12.2024
 - (b) Supplementary Information (SI) received on **(Appendix Ia)**
31.12.2024
 - (c) Further Information (FI) received on 31.3.2025 **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
- 1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI in **Appendices I** and **Ia** respectively. They are summarised as follows:

- (a) the industrial and manufacturing activities have been phased out gradually by the transformation of local economies. The Premises, which is located on G/F of an industrial building, could be used by a variety of shops and services to serve the local community; and
- (b) the applied use will not affect the surrounding vehicular and pedestrian flows. As such, adverse traffic impacts on the surrounding area are not anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of all current land owners. 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. For a commercial use in an industrial building, the following main planning criteria are relevant:

- (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) The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network.
- (c) The Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Aggregate commercial floor areas on the G/F of an existing industrial building with and without sprinkler systems should as a general principle not exceeding 460m² and 230m² respectively. Separate means of escape should be available for the commercial portion.

5. **Previous Application**

There is no previous application at the Premises.

6. **Similar Applications**

There were three similar applications (No. A/TM/562, A/TM/581 and A/TM/589) for shop and services use (i.e. real estate agencies and retail shop) on G/F of other industrial buildings within the same “I” zone in the past five years. All these applications were approved by the Committee with conditions on a temporary basis for a period of five years mainly on the considerations that they complied with TPB PG-No. 25D; had no adverse traffic, environmental and fire safety impacts given the small scale of the applied uses; and the applied uses were not incompatible with the adjoining units. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

7. **The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Premises is:

- (a) located on the G/F of the Building with a direct frontage onto Kin Wing Street/Kin Fat Street; and
- (b) currently occupied by a barber shop, real estate agencies and retail shops without valid planning permission and a vehicle repair workshop (**Plans A-2b and A-4**).

7.2 Based on the site inspection conducted on 10.4.2025, the main uses of the Building by floors are summarised below:

Floor	Main Uses
G/F	The Premises , vehicle repair workshop, carpark and loading/unloading area
1/F	Storage

Floor	Main Uses
2/F	Office and storage
3/F to 18/F	Office, storage, studio and workshop

- 7.3 The surrounding areas are predominately industrial buildings with some scattered commercial uses on G/F. Besides, a cooked food market and an open space cluster are located across Kin Lung Street to the east.
- 7.4 There is currently no valid planning permission on the G/F of the Building subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the G/F with sprinkler system according to TPB PG-No. 25D. Should the current planning application be approved, the floor area of the Premises (i.e. 212m²) will be counted towards the aggregate commercial floor area on the G/F of the Building, which will not exceed the maximum permissible limit of 460m².

8. Planning Intention

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. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

Trade and Industry

- 9.2 Comments of the Director-General of Trade and Industry (DG of TI):
- (a) he has reservation on the application for conversion of the Premises to ‘shop and services’ use on a permanent basis. Nevertheless, he would have no comment if the application is approved on a temporary basis which will not jeopardise the long-term planning intention of industrial-related use for the Premises; and
 - (b) according to the 2020 Area Assessments of Industrial Land in the Territory (“2020 Area Assessments”) released in December 2021 by the Planning Department, there is an estimated deficit of land for industrial uses. The 2020 Area Assessments also recommended retaining Site A15 (**Plan A-5**), where the Premises is located, as “I” zone.

10. Public Comment Received During Statutory Publication Period

On 3.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for the conversion of Workshop Unit 2 on the G/F of the Building to shop and services use. While the planning intention of the “I” zone is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries, 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 TPB PG-No. 25D.
- 11.2 The applied use involves a floor area of about 212m² and is located on the G/F of an existing building with direct frontage onto Kin Wing Street/Kin Fat Street (**Plans A-2a and A-4**). In view of the operation nature and scale of the applied use, it is considered not incompatible with other uses on the G/F of the Building which comprise mainly a vehicle repair workshop, carpark and loading/unloading area, as well as the surrounding developments which are predominately industrial buildings.
- 11.3 As confirmed by the Director of Fire Services (D of FS), the Building is protected by a sprinkler system and subject to a maximum permissible limit of 460m² for aggregated commercial floor area on the G/F in accordance with TPB PG-No. 25D. Should the application be approved, the aggregated commercial floor area on the G/F of the Building will be 212m², which is within the maximum permissible limit of 460m². In this regard, D of FS has no in-principle objection to the application subject to fire service installations and equipment and water supplies for firefighting being provided to his satisfaction.
- 11.4 The applied use generally complies with the relevant considerations set out in TPB PG-No. 25D including the fire safety and traffic aspects. Relevant government departments including D of FS, Chief Building Surveyor/New Territories West of Buildings Department and Commissioner for Transport have no in-principle objection to or no adverse comment on the application from fire safety, buildings and traffic perspectives respectively.
- 11.5 There are three similar applications for shop and services on the G/F of other industrial buildings within the same “I” zone in the past five years. These applications were all approved on the grounds detailed in paragraph 6 above. Approving the current application is generally in line with the Committee’s previous decisions.
- 11.6 The applicant has applied to use the Premises for shop and services use on a permanent basis. Nevertheless, considering the comments from DG of TI and the recommendations of the 2020 Area Assessments to retain Site A15 (**Plan A-5**) where the Premises is located as “I” zone, it is recommended to

grant a temporary approval of five years in order not to jeopardise the long-term planning intention of industrial use for the Premises and to allow the Committee to monitor the provision of industrial floor space in the area.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, 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 **23.5.2030**. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of proposal for fire service installations and equipment and water supplies for firefighting within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.11.2025**;
- (b) in relation to (a) above, the implementation of the proposal for fire service installations and equipment and water supplies for firefighting within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.2.2026**; and
- (c) if any of the above planning condition (a) or (b) 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 27.12.2024
Appendix Ia	SI received on 31.12.2024
Appendix Ib	FI received on 31.3.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout of the Premises
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Land Use of Adjoining Units of the Premises
Plan A-3	Aerial photo
Plan A-4	Site photos
Plan A-5	2020 Area Assessments - Site A15

**PLANNING DEPARTMENT
MAY 2025**