

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1039

<u>Applicant</u>	: Knockbox Company Limited represented by BerLin Consultancy Services Limited
<u>Premises</u>	: Unit 4, G/F, Technology Park, 18 On Lai Street, Sha Tin, New Territories
<u>Floor Area</u>	: About 116.53m ²
<u>Lease</u>	: Sha Tin Town Lot (STTL) No. 374 held under New Grant No. 12435 - Restricted to industrial or godown purposes or both excluding the storage of dangerous goods and offensive trade
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<u>Zoning</u>	: “Other Specified Uses” annotated “Business” (“OU(B)”)
<u>Application</u>	: Shop and Services (Fast Food Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for shop and services (fast food shop). The Premises is located on the G/F of an existing industrial building, known as Technology Park (the Building), falling within an area zoned “OU(B)” on the OZP (**Plan A-1**). According to Schedule II of the Notes for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified) (ground floor only except Ancillary Showroom which may be permitted on any floor)’ is Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently used for the applied use without valid planning permission.
- 1.2 The Premises occupies Unit 4 on the G/F of the Building with a total floor area of about 116.53m². As shown on **Plan A-2**, the Premises has direct frontage to On Lai Street. According to the applicant, no seating accommodation will be provided at the Premises. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 Part of the Premises is the subject of a previous application (No. A/ST/582) for ‘Retail Shop (Bakery Shop)’ which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 19.9.2003. Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the current application is submitted by a different applicant for different use with larger floor area.

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

- (a) Application Form received on 9.7.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 14.7.2025 (Appendix Ia)

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 at **Appendices I and Ia**, as summarised below:

- (a) the applied use can promote coffee culture in the community; and
- (b) the applied use will not induce traffic impact on the surroundings. Loading/unloading (L/UL) activities will be carried out in the L/UL bays of the Building but not on the roadside.

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

The applicant is not the “current land owner” of the Premises but 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 consent of the land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) promulgated in September 2007 are relevant to this application. Relevant extract of the Guidelines are at **Appendix II**.

5. **Previous Application**

Part of the Premises is the subject of a previous application (No. A/ST/582) for ‘Retail Shop (Bakery Shop)’ use which was approved with conditions by the Committee on 19.9.2003 mainly on the considerations that the application complied with the relevant Board’s guidelines and there were no adverse comments from government departments. Details of the previous application are at **Appendix III** and its location is shown on **Plan A-2**.

6. **Similar Applications**

- 6.1 There is one similar application (No. A/ST/1021) on the G/F of the Building for proposed shop and services (retail food shop) approved with conditions by the Committee on 8.12.2023 mainly on the considerations that the proposed use was not incompatible with the commercial and industrial-related uses in the same building and the surrounding land uses and in compliance with the TPB PG-No.

22D. Details of the application are at **Appendix IV** and its location is shown on **Plan A-2**.

- 6.2 Application No. A/ST/1021 approved on a permanent basis is still valid and should be counted towards the maximum permissible limit of 460m² for aggregate commercial floor area on the G/F of an industrial building (with sprinkler system) according to TPB PG-No. 22D:

No.	Application No.	Application Premises	Applied Use	Floor Area (m ²) (About)	Date of Approval
1.	A/ST/1021	Unit 2	Retail Food Shop	15.84	8.12.2023
Total Approved Floor Area:				15.84 m²	

- 6.3 Besides, another application No. A/ST/1040 for proposed shop and services within the same “OU(B)” zone will be considered at the same meeting (**Plan A-1**).

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

- 7.1 The Premises is:

- (a) located on the G/F of the Building with direct street frontage to On Lai Street; and
- (b) currently used as the applied use without valid planning permission.

- 7.2 Based on the site inspection conducted on 18.7.2025, the existing main uses of the Building by floors are summarised below:

Floor	Current Uses
G/F	The Premises , canteen, retail food shop [@] , food factories with freezer storage and car parking spaces
1/F	Carpark
2/F - 25/F (omitted 4, 13, 14 & 24/F)	Workshops, storage/warehouse, offices, locked and vacant premises

[@] Under approved planning application No. A/ST/1021

- 7.3 The surrounding areas are predominately a mixture of industrial-related and commercial buildings with some residential developments including a subsidised housing development (Yu Tak Court) to the west, a public housing development (Shek Mun Estate) to the further southeast, and the MTR Shek Mun Station to the south.

8. **Planning Intention**

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.

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 falls within STTL No. 374 held under New Grant No. 12435 dated 28.4.1992 as varied or modified by a Modification Letter dated 18.8.1993 (collectively referred as ‘New Grant’). According to the New Grant,
 - (i) the lot shall not be used for any purpose other than industrial or godown purposes or both (excluding the storage of ‘dangerous goods’ as defined in the Dangerous Goods Ordinance or any amending legislation and any trade that is now or may hereafter be declared to be an offensive trade under the Public Health and Municipal Services Ordinance, or any legislation amending the same or substituted therefor); and
 - (ii) no building or buildings shall be erected on the lot except a factory or factories or a godown or godowns or both, ancillary offices and such canteen and other welfare facilities (but excluding residential quarters) for workmen employed on the lot as may in the opinion of the Director of Lands be necessary and such quarters as may be required for watchmen or caretakers who, in the opinion of the Commissioner for Labour, are essential to the safety and security of the building or buildings erected or to be erected on the lot;
- (b) the ‘Shop and Services’ use at the Premises is not permitted under the New Grant. Under the established procedure under the current application relating to G/F of industrial building, the owner of the Premises is advised to apply to his office for a waiver for the uses under the planning application at this stage. If the planning application is approved by the Board, the waiver application will then be processed by LandsD to allow the applied use; 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) no in-principle objection to the application;
- (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. 22D. The applied use should not be counted up to the aggregate commercial floor area; and
- (c) his advisory comments are at **Appendix V**.

Building Matters

9.1.3 Comments of the Chief Buildings Surveyor/New Territories East (2) and Rail, Buildings Department (CBS/NTE2&Rail, BD):

- (a) no in-principle objection to the application; and
- (b) his advisory comments are at **Appendix V**.

Food and Environmental Hygiene

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

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

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

- (a) Commissioner for Transport (C for T);
- (b) Director-General of Trade and Industry (DG of TI); and
- (c) District Officer (Sha Tin), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 18.7.2025, 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 ‘Shop and Services (Fast Food Shop)’ use at the Premises within an existing industrial building which falls within an area zoned “OU(B)” on the OZP. The planning intention of the “OU(B)” zone is primarily for general business use. It allows greater flexibility in the use of the existing industrial or I-O buildings, provided that the proposed use would not induce adverse fire safety and environmental impacts. The applied use is considered generally in line with the planning intention of the “OU(B)” zone.

- 11.2 The Premises has a floor area of about 116.53m² and is located on the G/F of the Building with direct frontage to On Lai Street (**Plan A-4a**). In view of the nature of operation and small scale of the applied use, the applied use is considered not incompatible with other uses within the same building mainly comprising canteen and food factory on the G/F and workshops, storage/warehouse and offices on the upper floors, and in the surrounding industrial-related and commercial developments.
- 11.3 Concerned government departments consulted, including D of FS, C for T, DFEH and DG of TI have no objection to/no adverse comment on the application from fire safety, traffic, environmental hygiene and industrial land supply aspects respectively. In addition, the operation of the applied use will be subject to licensing control under the Food Business Regulation. The application generally complies with TPB PG-No. 22D in that it would not induce adverse impacts on other uses within the Building and in the adjacent areas.
- 11.4 As confirmed by D of FS, the Building is protected with sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the G/F in accordance with TPB PG-No. 22D. D of FS also advises that the applied use should not be counted up to the aggregate commercial floor area.
- 11.5 Part of the Premises is the subject of a previous application for retail use which was approved by the Committee in 2003. There is one similar application for shop and services at another G/F unit of the Building approved by the Committee in 2023. Approval of the current application is generally in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on the commencement is proposed as the shop and services (fast food shop) under application is already in operation at the Premises. The recommended advisory clauses attached at **Appendix V** are suggested for Members' reference.
- 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 the 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.

- 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 9.7.2025
Appendix Ia	SI received on 14.7.2025
Appendix II	Relevant Extracts of TPB PG-No. 22D
Appendix III	Previous application
Appendix IV	Similar applications
Appendix V	Recommended Advisory Clauses
Drawing A-1	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
SEPTEMBER 2025**