

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1040

<u>Applicant</u>	: Topsail Estate Limited
<u>Premises</u>	: Unit 4, G/F, Topsail Plaza, 11 On Sum Street, Sha Tin, New Territories
<u>Floor Area</u>	: About 170.68m ²
<u>Lease</u>	: Sha Tin Town Lot (STTL) No. 415 held under New Grant No. 12498 - Restricted to (i) industrial or godown purposes or both excluding the storage of dangerous goods and offensive trade, and/or (ii) a bus depot together with facilities for construction, maintenance and repair of buses
<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>	: Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed shop and services. The Premises is located on the G/F of an existing industrial building, namely Topsail Plaza (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 under renovation.
- 1.2 The Premises occupies Unit 4 on the G/F of the Building with a total floor area of about 170.68m². As shown on **Plan A-2**, the Premises has direct frontage to On Sum Street. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 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 and 15.7.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 19.8.2025 (**Appendix Ib**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) the shop will provide one-stop service for skateboard retail and repair services, facilitating skateboarders, especially the young people;
- (b) the proposed use will not induce noise and odour impacts; and
- (c) the proposed use will not pose traffic impact on the surroundings as loading/unloading (L/UL) activities will only be carried out in the L/UL bays of the Building.

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 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**

There is no previous application at the Premises.

6. **Similar Applications**

- 6.1 There is no similar application on the G/F of the Building. Should the Rural and New Town Planning Committee (the Committee) approve the current application, the total approved aggregate commercial floor area will be 170.68m², which is within the maximum permissible limit of 460m² on the G/F of an industrial or I-O building with sprinkler system.
- 6.2 There is one similar application (No. A/ST/1021) for proposed shop and services (retail food shop) use on the G/F of industrial building within the same “OU(B)” zone 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 III** and its location is shown on **Plan A-1**.
- 6.3 Besides, another application No. A/ST/1039 for shop and services (fast food shop) 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-4)

7.1 The Premises is:

- (a) located on the G/F of the Building with direct street frontage to On Sum Street; and
- (b) currently under renovation.

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 , warehouses, canteen, locked and vacant premises, L/UL bays and car parking spaces
2/F – 4/F	Vehicle repairing and servicing workshops
1/F, 5/F - 17/F (omitted 13 & 14/F)	Storage/warehouse, offices and locked premises

7.3 The surrounding areas are predominately a mixture of industrial-related and commercial buildings with some residential developments, and to the further south is the MTR Shek Mun Station.

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/Shia Tin, Lands Department (DLO/ST, LandsD):

- (a) the Premises falls within STTL No. 415 held under New Grant No. 12498 dated 8.10.1992 as varied or modified by a modification letter dated 20.10.1993 (collectively referred as ‘New Grant’). According to the New Grant,

- (i) the lot or any part thereof or any building or buildings erected or to be erected thereon shall not be used for any purpose other than (i) industrial or godown purposes or both excluding any godown for 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/or (ii) a bus depot together with facilities for construction, maintenance and repair of buses; and
- (ii) no building or buildings shall be erected on the lot except a factory or factories or a godown or godowns and/or bus depot, 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 also 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 proposed 'Shop and Services' use at the Premises is not permitted under the New Grant. The lot owner has submitted a waiver application to permit 'Retail and Services' at the Premises. If the planning application is approved by the Board, the said waiver application will then be processed by LandsD to allow the proposed use under planning application; and
- (c) his advisory comments are at **Appendix IV**.

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS;
- (b) the Building is protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on the G/F is 460m² in accordance with TPB PG-No. 22D. The proposed use should be counted up to the aggregate commercial floor area. Thus, the proposed shop should not attract unreasonably large number of persons to stay for a long period of time; and
- (c) his advisory comments are at **Appendix IV**.

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 objection to the application; and
- (b) his advisory comments are at **Appendix IV**.

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 proposed 'Shop and Services' 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 proposed 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 170.68m² and is located on the G/F of the Building with direct frontage to On Sum Street (**Plan A-4**). In view of the nature of operation and small scale of the proposed use, the proposed use is considered not incompatible with other uses within the same building mainly comprising warehouses, canteen, L/UL bays and car parking spaces on the G/F and 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 and DG of TI have no objection to/no comment on the application from fire safety, traffic and industrial land supply aspects respectively. 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. If the application is approved, the aggregate commercial floor area on G/F of the Building will become 170.68m², which is within the maximum permissible limit of 460m². D of FS has no in-principle objection to the application subject to provision of fire

service installations and equipment to his satisfaction as stipulated in paragraph 12.2(a) below.

- 11.5 There is one similar application for shop and services at G/F unit of another industrial building within the same “OU(B)” zone approved by the Committee in 2023. Approval of the current application is generally in line with the Committee’s previous decision.

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, it is suggested that the permission shall be valid until 5.9.2029 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 following conditions of approval and recommended advisory clauses are also suggested for Members’ reference.

Approval Conditions

- (a) the submission and implementation of fire service installations and water supplies for firefighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition is not complied with before the operation of the proposed use, 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 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 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, and the date when validity of 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

Appendix I	Application Form received on 9.7.2025
Appendix Ia	SI received on 14.7.2025 and 15.7.2025
Appendix Ib	FI received on 19.8.2025
Appendix II	Relevant Extracts of TPB PG-No. 22D
Appendix III	Similar applications
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**