

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/513

<u>Applicant</u>	:	Ching Kee Drinks Wholesale Centre represented by Centaline Surveyors Limited
<u>Premises</u>	:	Portion of Factory C1 on G/F of Golden Dragon Industrial Centre Block 2, 162-170 Tai Lin Pai Road, Kwai Chung
<u>Floor Area</u>	:	About 29.07m ²
<u>Lease</u>	:	Section B of Kwai Chung Town Lot No. 130 and the Extension Thereto (a) held under New Grant No. 4694 dated 17.11.1969 as varied or modified by an Extension Letter dated 14.11.1975 (b) expires on 30.6.2047 (c) restricted to general industrial and/or godown purposes excluding offensive trades
<u>Plan</u>	:	Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/32
<u>Zoning</u>	:	“Other Specified Uses” annotated “Business” (“OU(B)”) (a) maximum plot ratio of 9.5 (b) maximum building height of 105 metres above Principal Datum
<u>Application</u>	:	Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for ‘Shop and Services’ use at Portion of Factory C1 on G/F of an industrial building (IB) fronting Kwai Ting Road (the Premises), known as Golden Dragon Industrial Centre Block 2 (the subject IB) (**Plans A-1 and A-2**). According to the Notes of the OZP for Schedule II of the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services’ on G/F is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The existing Factory C1 has been operating as a warehouse and ancillary office, with a portion (i.e. the Premises, also shown as “License Area” on **Drawings A-1 and A-2**) currently used for retail purposes involving selling of drinks and snacks without valid planning permission (**Plans A-3 to A-5**). Both the warehouse and the retail portions are under the management of the applicant. The applicant seeks to regularise the ‘Shop and Services’ use at the Premises. According to the application, to address relevant departmental comments and meet fire safety

requirements, the Premises (about 29.07m²) will be separated from the remaining portion of Factory C1 as well as the industrial portion at G/F by fire-resistant block walls (**Drawings A-1 and A-2**), and an additional separate access to Kwai Ting Road will be provided for the remaining portion of Factory C1 (shown as “EXIT” in red on **Drawing A-1**). An area designated for a drinks vending machine facing Kwai Ting Road within the Premises will be provided (**Drawing A-1**).

1.3 In support of the application, the applicant has submitted the following documents:

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|-----|---|------------------------|
| (a) | Application Form received on 18.6.2025 | (Appendix I) |
| (b) | Planning Statement (PS) received 18.6.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 29.7.2025* | (Appendix Ib) |
- * not exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application, as set out in the PS and FI at **Appendices Ia and Ib**, are summarised as follows:

- (a) given the increase in new I-O developments in the locality, the applicant has converted a portion of the existing warehouse into a shop for selling drinks and snacks to meet the needs of nearby workers;
- (b) the selling of drinks (including alcoholic beverages) and snacks is primarily for off-site consumption, with no seating provided for customers. Except for a vending machine to be operated 24 hours daily, the operating hours of the shop are from 9:00am to 6:00pm. To address the concerns raised by the Commissioner of Police (C of P) regarding the sale of alcoholic drinks, the applicant is committed to implementing precautionary measures, including displaying the prescribed notice in a prominent location of the Premises stating that intoxicating liquor must not be sold or supplied to minors in accordance with Section 41, Cap. 109B, Laws of Hong Kong, and checking proof of identity if a customer's age is in doubt;
- (c) the 'Shop and Services' use is not incompatible with the industrial and I-O uses in the subject IB and surrounding developments. Similar applications for 'Shop and Services' use on G/F of IBs have been approved; and
- (d) the applied use does not generate adverse traffic impacts, as the target customers are mainly nearby workers. The subject IB is equipped with a sprinkler system, and the Premises will be separated from the industrial portion while ensuring adequate means of escape to meet fire safety requirements.

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

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning 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 from the “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 IV**.

5. Previous Application

There is no previous application for the Premises.

6. Similar Applications

6.1 Since September 2007, the Committee has considered 21 planning applications for various ‘Shop and Services’ uses on G/F of industrial and I-O buildings within the “OU(B)” zone on the Kwai Chung OZP (**Plan A-1**). All of them were approved with conditions by the Metro Planning Committee (the Committee), including 18 on permanent basis and three temporarily as applied for, mainly on the grounds that the applied uses were compatible with the uses in the same building/surrounding areas; no adverse impacts were anticipated; and FSD had no objection to the applications. A summary of these similar applications is at **Appendix II**.

6.2 The above-mentioned 21 applications includes an application (No. A/KC/345) with a floor area of about 21m² for ‘Shop and Services (Real Estate Agency)’ use on G/F of the subject IB (**Plans A-3 and A-4**), which was approved with conditions by the Committee on 18.9.2009.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Site Photos at Plans A-4 to A-5)

7.1 The Premises:

- (a) is located on G/F of the subject IB;
- (b) has shop frontage at Kwai Ting Road; and
- (c) is currently occupied by a shop for the sale of drinks and snacks without valid planning permission.

7.2 The subject IB:

- (a) was completed in 1978 with 26 storeys and equipped with a sprinkler system. It is one of the four IB blocks of the Golden Dragon Industrial Centre (**Plan**

A-2) linked up by a common carpark and L/UL spaces on G/F and 1/F. Vehicular accesses are abutting Kwai Ting Road and Tai Lin Pai Road; and

(b) its major floor uses are as follows:

Floor	Main Uses
G/F (Podium)	The Premises (currently in operation), real estate agency (under application No. A/KC/345), warehouses, offices, locked premises, carpark and L/UL spaces (Plan A-3)
1/F (Podium Deck)	Offices and carpark
2/F to 25/F	Workshops, warehouses, offices and locked premises

7.3 The surrounding areas have the following characteristics:

- (a) to the north and south between Kwai Chung Road and Tai Lin Pai Road are predominantly industrial and I-O developments. To its west across Kwai Chung Road is Kwai Fong Estate; and
- (b) served by various modes of public transport including bus and public light bus along Kwai Chung Road, as well as MTR Kwai Fong Station at about 350m to the southwest of the subject IB (**Plan A-1**).

8. **Planning Intention**

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunication 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/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within the Lot, which is held under New Grant No. 4694 dated 17.11.1969 as varied or modified by an Extension Letter dated 14.11.1975 (the Lease) with lease term expiring on 30.6.2047.

According to the Lease, the Lot is restricted to general industrial and/or godown purposes excluding offensive trades;

- (b) the proposed 'Shop and Services' use is not permissible under the Lease. Should planning approval be given to the application, owner of the Premises should apply for temporary waiver / lease modification from LandsD for the proposed use. Upon receipt of the application, it will be considered by LandsD acting in the capacity as the landlord at its sole discretion. There is no guarantee that any application will be approved. If an application is approved, it will be subject to such terms and conditions as the Government shall see fit, including, among others, the payment of waiver fee / premium and administrative fee; and
- (c) LandsD reserves comment on the proposed schematic design which would only be examined in detail during the building plan submission stage upon completion of the land exchange. There is no guarantee that the schematic design presented in the subject application will be acceptable under lease if it is so reflected in future building plan submission(s).

Building and Fire Safety

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO), provided that the Premises should be separated by fire barriers having not less than -/120/120 minutes, the means of escape of the Premises is not obstructed by roller shutter and the gradient of every ramp forming part of an exit route should not at any part be steeper than 1:12, and the means of escape of the remaining portion of Factory C1 will be affected by the Premises;
- (b) if the proposed layout will be altered or if there is other new building works which are not indicated in the submitted information, the new building works should comply with the prevailing requirements under the BO and its allied regulations and Code of Practices. Detailed checking will be made at building plan submission stage; and
- (c) has no further comment on the revised layout submitted.

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

- (a) no objection to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS;

- (b) detailed fire safety requirements will be formulated upon receipt of a formal submission of general building plans or referral of application via relevant licensing authority. Furthermore, the emergency vehicular access provision in the captioned work shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by BD; and
- (c) the subject IB is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F since it is protected by a sprinkler system.

Public Safety

9.1.4 Comments of C of P:

- (a) in view of the public safety concerns, it is noted that the applicant is committed to: (i) limiting the operation hours to 9:00am to 6:00pm with no alcohol sales or operations at night; (ii) not allowing on-site consumption or wine tasting; and (iii) clearly displaying a bilingual notice as required under Section 41, Cap. 109B, Laws of Hong Kong at the shop; and
- (b) as the concerns have been adequately addressed by the above measures committed by the applicant, C of P has no objection to the application.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Director of Environmental Protection (DEP);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Director of Food and Environmental Hygiene; and
- (g) District Officer (Kwai Tsing), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for 'Shop and Services' use at the Premises, located on G/F of an existing IB zoned "OU(B)" on the Kwai Chung OZP, with a view to regularising the retail portion of its business. While the

planning intention of the “OU(B)” zone is primarily for general business uses, it allows greater flexibility in the use of existing industrial or I-O buildings, provided that the use would not result in adverse fire safety or environmental impacts. The applied use at the Premises is considered generally in line with the planning intention. The applied use, with a total floor area of about 29m² only, is small in scale and considered not incompatible with the industrial-related uses in the subject IB and surrounding developments, which are predominantly industrial and I-O in nature.

- 11.2 As confirmed by D of FS, the subject IB is equipped with a sprinkler system and subject to a maximum permissible limit of 460m² for the aggregate commercial floor area on the G/F in accordance with TPB PG-No. 22D. Should the application be approved, the aggregate commercial floor area on G/F of the subject IB will be about 50m² (**Plan A-3**), which remains within the permissible limit. CBS/NTW of BD has no comment on the revised layout plan with separation between the Premises and the remaining portion of Factory C1 and the industrial portion by fire-resistant block walls, and an additional access to Kwai Ting Road for the remaining portion of Factory C1 to meet fire safety requirements (**Drawing A-1**). While D of FS has no in-principle objection to the application, an approval condition and advisory clauses on fire safety measures are recommended in paragraph 12.2(a) below to address their comments.
- 11.3 The application complies with TPB-PG No. 22D in that it is unlikely to induce adverse fire safety, traffic, environmental, and infrastructural impacts on the subject IB and adjacent developments. In addressing potential public safety concerns due to the sale of alcoholic beverages, C of P considers the proposed precautionary measures outlined in paragraph 2(b) above adequate and has no objection to the application. Other relevant Government departments consulted, including C for T, DEP, CE/MS of DSD and CE/C of WSD have no objection to or adverse comments on the application.
- 11.4 A total of 21 similar applications for ‘Shop and Services’ use on G/F of IBs, including one at the subject IB, within the “OU(B)” zones on the Kwai Chung OZP have been approved by the Committee since 2007. Since there has been no change in planning circumstances, the approval of the subject application is consistent with the Committee’s previous decisions on similar applications.

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 commencement is proposed as the ‘Shop and Services’ use is already in operation. The following conditions of the approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of fire safety measures, including the provision of fire service installations and equipment for the application premises and means of escape being completely separated from the industrial portion within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.3.2026; and
- (b) if the above planning condition (a) 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 III**.

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 to 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.
- 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 18.6.2025
Appendix Ia	Planning Statement received on 18.6.2025
Appendix Ib	Further Information received on 29.7.2025
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses
Appendix IV	Relevant Extracts of TPB PG-No. 22D
Drawing A-1	Layout Plan
Drawing A-2	Ground Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Use Plan of Ground Floor
Plans A-4 to A-5	Site Photos