

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1043

<u>Applicant</u>	: Burger Planet
<u>Premises</u>	: Unit A01a, Portion of Unit A, G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan, Sha Tin
<u>Site Area</u>	: About 34.2m ²
<u>Lease</u>	: Sha Tin Town Lot (STTL) No. 67 held under New Grant Lot No. 11250 - restricted to industrial or godown purposes or both excluding offensive trade
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<u>Zoning</u>	: “Industrial” (“I”)
<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 Unison Industrial Centre (the Building), falling within an area zoned “I” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘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)’¹ is a 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 portion of Unit A on G/F of the Building with a total floor area of about 34.2 m². As shown on **Plan A-2**, the Premises has direct frontage to Au Pui Wan 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 The Premises is the subject of a previous application (No. A/ST/835) for temporary place of recreation, sports or culture (fitness, dance and Thai boxing centre) for a period of five years, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 21.2.2014 and by the Board

¹ ‘Shop and Services (Motor-vehicle Showroom on ground floor, Service Trades only)’ is always permitted within the “I” zone.

on review on 20.6.2014. Details of the previous application are set out in paragraph 5 below.

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

- (a) Application Form received on 19.11.2025 **(Appendix I)**
- (b) Supplementary Information (SI) received on 20.11.2025 **(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:

- the fast food shop is providing takeaway service without seating accommodation at the Premises.

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 consents of the current land owners. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Use/Development within “I” Zone (TPB PG-No. 25D) are relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

5. **Previous Application**

The Premises is the subject of a previous application (No. A/ST/835) for temporary place of recreation, sports or culture (fitness, dance and Thai boxing centre) for a period of five years which was rejected by the Committee and the Board on review on 21.2.2014 and 20.6.2014 respectively, mainly on the grounds that the proposed development was not compatible with the existing uses in the Building; the proposed development did not comply with the TPB PG-No. 25D from the fire safety point of view; and the approval of the application would set an undesirable precedent for other similar applications for the same use within industrial buildings which was unacceptable from the fire safety point of view. Details of the application are at **Appendix III** and its location is shown on **Plan A-2**.

6. **Similar Application**

There was a similar application (No. A/ST/1000) for temporary shop and services for a period of five years on G/F of the Building in the past five years. The application was approved with conditions by the Committee on 24.9.2021, mainly on the considerations that the proposed use was not incompatible with the industrial-related uses in the vicinity

and was generally in compliance with TPB PG-No. 25D. Details of the application are summarised at **Appendix IV** and its location is shown on **Plan A-2**.

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

7.1 The Premises is:

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

7.2 Based on the site inspection conducted on 28.11.2025, the existing main uses of the Building by floors are summarised below:

Floor	Current Uses
G/F (Plan A-3)	The Premises , pet clinic [#] , bicycle shops [#] , food delivery store [@] , diesel service centre, laundry shop [#] , forklift maintenance workshop, motor cycle helmet sales [#] , warehouse, interior design companies, pet grooming shop [#] , hair salons ^{^#} , storage, loading/unloading area, locked and vacant premises
1/F	Carpark
2F-16/F	Storage/warehouses, offices, workshop, locked premises

[#]There is no record of planning approval granted for such use

[@]The planning approval for such use has been expired

[^]One of the hair salons is covered by a planning application No. A/ST/1044 for shop and services tentatively scheduled for consideration by the Committee on 23.1.2026

7.3 The surrounding areas are predominantly high-rise industrial buildings in the Fo Tan Industrial Area with some residential developments, e.g. Yuk Wo Court, to the southeast.

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-orientated 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 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 the Recommended Advisory Clauses are provided in **Appendices V** and **VI** respectively.

Trade and Industry

9.2 Comments of the Director-General of Trade and Industry (DG of TI):

he indicates concern 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 approval is on a temporary basis which will not jeopardise the long-term industrial-related uses of the Premises.

10. Public Comment Received During Statutory Publication Period

On 28.11.2025, 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 located on G/F of an existing industrial building zoned “I” on the OZP. While the planning intention of the “I” zone is to reserve land primarily for general industrial uses to ensure 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 Premises has a floor area of 34.2m² and is located on the G/F of the Building with direct street frontage to Au Pui Wan Street (**Plan A-4a**). In view of the operation nature and small scale of the applied use, it is considered not incompatible with other uses on the G/F of the Building, as well as the surrounding developments which are predominately industrial buildings.
- 11.3 According to the TPB PG-No. 25D, owing to fire safety concern, the Building is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F, while the limit does not apply to the applied use which is a fast food counter at street level without seating accommodation and licensed as food factory. The Director of Fire Services (D of FS) also advises that the Building is protected with a sprinkler system and the applied use should not be counted up to the aggregate commercial floor area.
- 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. Concerned government departments consulted, including the D of FS, Commissioner for Transport, Chief Building Surveyor/New Territories West of Buildings Department and Director of Food and Environmental Hygiene have no in-principle objection to/no adverse comment on the application from fire safety, traffic, buildings and environmental hygiene aspects respectively. In addition, the operation of the applied use will be subject to licensing control under the Food Business Regulation.
- 11.5 There is a similar application for shop and services on the G/F of the Building approved by the Committee on a temporary basis in the past five years. Approval of the current application is generally in line with the Committee’s previous decision.

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, 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 above, 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 9.1.2031. The recommended advisory clauses attached at **Appendix VI** are suggested for Members' reference.

12.3 There is no strong reason to recommend rejection of the application on a temporary basis.

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 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 19.11.2025
Appendix Ia	SI received on 20.11.2025
Appendix II	Relevant extract of TPB PG-No. 25D
Appendix III	Previous application
Appendix IV	Similar application
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plans A-4a and A-4b	Site Photos