

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1046

<u>Applicant</u>	: All Land International Enterprises Limited
<u>Premises</u>	: Unit B4 (Portion), G/F, Block 2, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
<u>Site Area</u>	: About 22.5m ²
<u>Lease</u>	: Sha Tin Town Lot Nos. 65 and 66 held under New Grant Lot Nos. 11268 and 11269 - restricted to industrial and/or godown purposes excluding offensive trades
<u>Plan</u>	: Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/39 (currently in force) Approved Sha Tin OZP No. S/ST/38 (at the time of submission)
<u>Zoning</u>	: “Industrial” (“I”) (no change on the current OZP)
<u>Application</u>	: Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for shop and services. The Premises is located on the G/F of an existing industrial building, known as Kin Ho Industrial Building (the Building), falling within an area zoned “I” on the OZP (**Plan A-1**). According to the Notes of the OZP 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)’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 B4 on G/F of the Building with a total floor area of about 22.5m². 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 floor plan and layout plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

1.3 The Premises is the subject of two previous applications (No. A/ST/245 and 949) (**Plan A-2**) for shop and services uses submitted by different applicants. Application No. A/ST/245 for fast food shop was rejected by the Rural and New Town Planning Committee (the Committee) in 1992, while application No. A/ST/949 for proposed retail shop was approved by the Committee in 2018. Details of the previous applications 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 1.12.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 10.12.2025 (Appendix Ia)
- (c) Further Information (FI) received on 8.1.2026* (Appendix Ib)

**accepted and exempted from publication and recounting requirements*

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 Premises primarily offers herbal tea products and beverages, serving the workers in Fo Tan and nearby offices during office hours. At present, there is no other shop of a similar nature in Fo Tan; and
- (b) the applied use is not anticipated to result in any adverse traffic and environmental impacts on the surrounding areas.

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

The applicant is the sole “current land owner” of the Premises. 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 Applications**

5.1 The Premises is the subject of two previous applications (No. A/ST/245 and 949) covering a larger area within the Building for shop and services submitted by different applicants. Application No. A/ST/245 for fast food shop was rejected by the Committee on 4.12.1992 mainly on the grounds that there was no strong justification to sacrifice industrial ground floor space for fast food shop; commercial floor spaces were available in the nearby commercial centres; and approval of the application would set an undesirable precedent for similar applications.

- 5.2 The last previous application (No. A/ST/949) for proposed shop and services (retail shop) for a period of three years was approved by the Committee on 18.5.2018, 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. Approval conditions related to fire safety aspects had been complied with. The planning permission lapsed on 18.5.2021.
- 5.3 Details of the applications are at **Appendix III** and their locations are shown on **Plan A-2**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/ST/1004, 1005, 1019 and 1037²) for shop and services on the G/F of the Building in the past five years. All the four applications were approved with conditions by the Committee between 2022 and 2025, mainly on the similar considerations as stated in paragraph 5.2 above. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2**.
- 6.2 The following two similar applications are 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. 25D:

No.	Application No.	Application Premises	Applied Use	Floor Area (About)(m ²)	Date of Approval
1.	A/ST/1004	Unit C5 (Portion), Block 1	Shop and Services (Real Estate Agency and Retail Shop)	33	18.2.2022
2.	A/ST/1005	G/F (Minor Portion) of Canteen Hall, Block 2	Proposed Shop and Services (Convenience Store)	9.713	18.2.2022
Total:				42.713m²	

- 6.3 Should the Committee approve the current application, the floor area of the Premises (i.e. 22.5m²) will be counted into the aggregate commercial floor area of the Building.
- 6.4 Besides, another similar application (No. A/ST/1044) for shop and services within the same “I” zone will be considered at the same meeting (**Plan A-1**).

² The planning approval of Application No. A/ST/1037 was revoked on 14.9.2025 due to non-compliance with approval conditions.

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

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 12.12.2025, the existing main uses of the Building by floors are summarised below:

Floor	Current Uses
G/F (Plan A-3)	The Premises , restaurants~, fast food shop [#] , canteen, store, retail shop [^] , hair salon [#] , real estate agency [^] , godowns, food factory, interior design companies [#] , loading/unloading area, management offices, and locked and vacant premises
1/F	Storage/warehouses
2/F	Carpark
3/F-17/F	Storage/warehouses, offices, workshops, canteens, locked premises

~ There is no such provision under the “I” zone of the OZP

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

[^] Under approved planning applications No. A/ST/1004 and A/ST/1005

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 further 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 12.12.2025, 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' 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 22.5m² and is located on the G/F of the Building with direct street frontage to Au Pui Wan Street (**Plan A-4**). 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. The Director of Fire Services (D of FS) advises that the Building is protected with a sprinkler system and the applied use should be counted up to the aggregate commercial floor area. If the application is approved, the floor area of 22.5m² of the Premises will be included in the aggregate commercial floor area, which will not exceed the maximum permissible limit of 460m².
- 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 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 are four similar applications 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 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, 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 23.1.2031. 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 1.12.2025
Appendix Ia	SI received on 10.12.2025
Appendix Ib	FI received on 8.1.2026
Appendix II	Relevant extract of TPB PG-No. 25D
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Floor Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plan A-4	Site Photos