

**Relevant Extracts of the Town Planning Board Guidelines on
“Use/Development within “Industrial” Zone”
(TPB PG-No. 25D)**

- 6.2 For a proposed commercial use in an industrial building or on the upper floors of an industrial-office (I-O) building, the following main planning criteria are relevant:
- (a) it should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds;
 - (b) there should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network; and
 - (c) the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas¹ on the ground floor of an existing industrial/I-O building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merits. The above limits on commercial floor area do not apply to uses which are ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial or I-O building. These uses include bank, fast food counter (sited at street level without seating accommodation and licensed as food factory), electrical shop (selling electrical accessories usually with repairing services and small in scale), local provisions store (selling cigarettes, drinks, canned food and other local convenience goods, and small in scale) and showroom in connection with the main industrial use. Any prospective applicant may check with the Planning Department on the aggregate commercial floor area figure in the concerned industrial or I-O building. Moreover, the 230m² /460m² criteria do not apply to cases involving conversion of the low zone of an existing industrial or I-O building for commercial uses if the commercial portion is completely separated from the industrial or I-O portion on the upper floors by a buffer floor of non-hazardous occupancy such as a car-parking floor. In all cases, separate means of escape should be available for the commercial portion. Also, FSD will not support commercial uses in the basement(s) of an industrial or I-O building as the basement(s) are more susceptible to fire risk and pose more serious hazards when involved in fire.

¹ In calculating the floor area, staircases, common circulation areas, lift landings, lavatories, water closets and any space occupied by machinery for any lift, air-conditioning system or similar service provided for the building may be excluded.

Appendix III of RNTPC
Paper No. A/ST/1048

Previous s.16 Applications covering the Application Premises

Applications approved by the Committee/the Board

<u>No.</u>	<u>Application No.</u>	<u>Application Premises (Unit)</u>	<u>Applied Use</u>	<u>Floor Area (m²) (About)</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1.	A/ST/240	G (Part)	Electrical Shop	7	4.12.1992	Nil
2.	A/ST/242	G (Part)	Furniture Shop [®]	26	14.5.1993 <i>(approved by the Board on review)</i>	Nil
3.	A/ST/396	G (Part)	Furniture Shop [®]	26	26.1.1996	Nil
4.	A/ST/468	G (Part)	Furniture Shop [®]	25.18	25.9.1998	Nil
5.	A/ST/540	G (Part)	Retail Shop (Selling Office Furniture)	25.18	18.5.2001	Nil

[®] The planning permissions were valid on a temporary basis for a period of three years and had already expired.

**Similar s.16 Applications for Shop and Services Uses
on the Ground Floor of Century Centre**

Applications approved by the Committee on a Temporary Basis in the Past Five Years
and Applications approved on a Permanent Basis since 1988

<u>No.</u>	<u>Application No.</u>	<u>Application Premises (Unit)</u>	<u>Proposed/Applied Use</u>	<u>Floor Area (About) (m²)</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
Uses applicable for the maximum permissible limit of 460m ² for aggregated commercial floor area on the G/F of an industrial building (with sprinkler system)						
1.	A/ST/133	Unit B	Metal Hardware Shop	95	7.7.1988	Nil
2.	A/ST/207	Unit D (Part)	Packaging Materials and Stationery Shop	58	24.7.1992	Nil
3.	A/ST/501	Unit H2	Retail Shop (Spare Parts for Electrical Appliances and Metal Parts)	7.48	8.10.1999	Nil
Total :				160.48		
Uses NOT applicable for the maximum permissible limit of 460m ² for aggregated commercial floor area on the G/F of an industrial building (with sprinkler system)						
4.	A/ST/1028	Unit I1	Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years	38	5.7.2024	(a), (b)

Approval Conditions

- (a) The submission and implementation of fire services installations and equipment within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (b) If the above planning condition (a) (as stated above) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Shah Tin, Lands Department (DLO/ST, LandsD):

- the application premises (the Premises) is situated on Sha Tin Town Lot No. 68 (the Lot) which is governed by New Grant No. 11293 (the New Grant). Under the New Grant, the Lot shall not be used for any purpose other than industrial or godown purposes or both excluding offensive trade. The proposed 'Shop and Services' use is in conflict with the user restrictions under the existing lease. The owner of the Premises is required to apply for a temporary waiver from the LandsD to implement the proposal; and
- her advisory comments are at **Appendix VI**.

2. Fire Safety

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

- no in-principle objection to the application subject to the fire service installations and equipment being provided to his satisfaction;
- the subject building is fully 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. 25D. The proposed use should be counted up to the aggregate commercial floor area; and
- his advisory comments are at **Appendix VI**.

3. Traffic

Comments of the Commissioner for Transport (C for T):

- no comment on the application from traffic engineering point of view provided that the loading/ unloading activities would not be carried out on street.

4. **Building Matters**

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

- no objection to the application;
- before any new building works are to be carried out on the Premises, prior approval and consent of the Building Authority should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise, they are Unauthorized Building Works. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- the proposed use shall comply with the requirements under the BO. The proposed use shall be separated from other use of workshop G with adequate fire barriers of 1 hour fire resistance rating, e.g. 100mm thick brick wall. Adequate sanitary fitment and barrier free access should also be provided; and
- his advisory comments are at **Appendix VI**.

5. **Other Department**

The following department has no comment on the application:

- District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD)

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) that the owner of the application premises (the Premises) is required to apply for a temporary waiver from LandsD to implement the proposal. There is no guarantee that the temporary waiver application will be approved. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval for the temporary waiver given would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (b) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans; and
 - (ii) the applicant should observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Use in Industrial Premises’; and
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) for Unauthorized Building Works (UBW) erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with the enforcement policy against UBW of BD as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Premises under the Buildings Ordinance (BO);
 - (ii) if the proposed use is subject to the issue of a licence, the applicant is reminded that any existing structures on the Premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
 - (iii) detailed checking under the BO will be carried out at building plan submission stage.