

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.

Previous s.16 Applications covering the Application Premises

Applications approved by the Committee

<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 Condition(s)</u>
1.	A/ST/304	4F (Part)	Metal/Hardware Shop	18	4.2.1994	Nil
2.	A/ST/997	4F (Portion)	Shop and Services (Money Exchange) [@]	28.36	30.4.2021	(a)

[@] The planning permission was valid on a temporary basis for a period of five years and had lapsed.

Approval Condition

- (a) The submission and implementation of fire safety measures within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.

**Similar s.16 Applications for Shop and Services Uses
on the Ground Floor of Fo Tan Industrial Centre and on the Ground Floor of Other Industrial
Buildings within the same “Industrial” (“I”) zone over the past five years**

Applications on the G/F of the same building approved on a Permanent Basis

<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 Condition(s)</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/208	3D	Metal/Hardware Shop	101	24.7.1992	Nil
2.	A/ST/213	3B	Retail Shop Selling Electrical Accessories, Stationery and Packaging Materials	149	4.9.1992	Nil
Total :				250		

Applications on the G/F of other industrial buildings in the same “I” zone over the past five years

<u>No.</u>	<u>Application No.</u>	<u>Address</u>	<u>Proposed/Applied Use</u>	<u>Floor Area (About) (m²)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
1.	A/ST/1000	Unit B1 (Portion), G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan	Proposed Temporary Shop and Services for a Period of Five Years	91	24.9.2021	(b)
2.	A/ST/1004	Unit C5 (Portion), G/F, Block 1, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan	Shop and Services (Real Estate Agency and Retail Shop)	33	18.2.2022	(a), (c)
3.	A/ST/1005	G/F (Minor Portion) of Canteen Hall, Block 2, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan	Proposed Shop and Services (Convenience Store)	9.713	18.2.2022	(a), (b)
4.	A/ST/1006	Workshop 8, Level 1, Wah Yiu Industrial Centre, Nos. 30-32 Au Pui Wan Street, Sha Tin	Shop and Services	104.94	25.11.2022	(a), (c)

<u>No.</u>	<u>Application No.</u>	<u>Address</u>	<u>Proposed/Applied Use</u>	<u>Floor Area (About) (m²)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
5.	A/ST/1007	Workshop 5A (Part), G/F, Veristrong Industrial Centre, 34-36 Au Pui Wan Street, Fo Tan	Renewal of Planning Approval for Temporary Shop and Services (Construction Materials Store) for a Period of 3 Years	8.51	23.9.2022	(d)
6.	A/ST/1009	Workshop 1 (Part), G/F, Wah Wai Centre, 38-40 Au Pui Wan Street, Sha Tin	Proposed Shop and Services (Retail Shop)	27.74	25.11.2022	(a), (b)
7.	A/ST/1016	Workshop G2, LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street, Fo Tan	Temporary Shop and Services for a Period of 5 Years	51.45	5.5.2023	(d)
8.	A/ST/1017	Workshop 6C, Level L1, Wah Yiu Industrial Centre, 30-32 Au Pui Wan Street, Fo Tan	Shop and Services	8.4	19.5.2023 (Revoked on 19.5.2024)	(a), (c)
9.	A/ST/1019	Unit C3, G/F, Block 1, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan	Shop and Services (Fast Food Shop)	57	10.11.2023	(a), (c)
10.	A/ST/1024	Portion of Factory Unit 4 on G/F, Hopeful Factory Centre, Nos. 9-15, Fo Tan Road & Nos. 10-16 Wo Shing Street, Fo Tan	Proposed Shop and Services	17.45	5.4.2024 (Revoked on 5.4.2025)	(a), (e)
11.	A/ST/1026	Workshop B3, LG/F, Valiant Industrial Centre, 2-12 Au Pui Wan Street, Fo Tan	Shop and Services (Fast Food Shop) with Ancillary Store Room	117.8	10.5.2024	(a), (e)
12.	A/ST/1028	Workshop I1, G/F, Century Industrial Centre, Nos. 33-35 Au Pui Wan Street, Fo Tan	Temporary Shop and Services (Fast Food Shop) for a Period of Five Years	38	5.7.2024	(e)
13.	A/ST/1037	Unit B5, G/F, Block 1, Kin Ho Industrial Building, No. 14-24 Au Pui Wan Street, Fo Tan	Shop and Services (Fast Food Shop)	27.73	14.3.2025 (Revoked on 14.9.2025)	(a), (e)

<u>No.</u>	<u>Application No.</u>	<u>Address</u>	<u>Proposed/Applied Use</u>	<u>Floor Area (About) (m²)</u>	<u>Date of Consideration</u>	<u>Approval Condition(s)</u>
14.	A/ST/1041	Workshop 5A (Part), G/F, Veristrong Industrial Centre, 34-36 Au Pui Wan Street, Fo Tan	Renewal of Planning Approval for Temporary Shop and Services (Construction Materials Store) for a Period of 3 Years	8.51	7.11.2025	Nil
15.	A/ST/1043	Unit A01a, Portion of Unit A, G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan	Shop and Services (Fast Food Shop)	34.2	9.1.2026	(a)
16.	A/ST/1044	Unit A01b, Portion of Unit A, G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan	Shop and Services	59.1	23.1.2026	(a), (e)
17.	A/ST/1046	Unit B4 (Portion), G/F, Block 2, Kin Ho Industrial Building, 14-24 Au Pui Wan Street, Fo Tan	Shop and Services	22.5	23.1.2026	(a)
18.	A/ST/1048	Flat G1, G/F, Century Centre, 33-35 Au Pui Wan Street, Fotan	Proposed Shop and Services	43.149	22.5.2026	(a), (e)

Approval Conditions

- (a) Approved on a temporary basis for a period of five years.
- (b) The submission and implementation of fire safety measures to the satisfaction of the Director of Fire Services (D of FS) or of the Town Planning Board (the Board) before the operation of the use.
- (c) The submission and implementation of the fire safety measures within six months from the date of planning approval to the satisfaction of the D of FS or of the Board.
- (d) The existing fire services installation implemented at the application premises should be maintained in efficient working order at all times.
- (e) The submission and implementation of fire service installations and equipment within six months from the date of the approval to the satisfaction of the D of FS or of the Board.

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 Shah Tin Town Lot No. 170 (the Lot) which is governed by New Grant No. 11640 (the New Grant). Under the New Grant, the Lot shall not be used for any purpose other than industrial or godown purposes or for showrooms and facilities for the sale of motor vehicles, accessories and spare parts or motor vehicle repair workshops excluding any petrol filling station and offensive trade. The applied 'Shop and Services (Money Exchange)' 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;
- means of escape separated from the industrial portion is available for the subject unit;
- the building is 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 applied 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; 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) prior planning permission should have been obtained before commencing the applied use at the application premises (the Premises);
- (b) to note the comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) that the owner of 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;
- (c) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant should comply with the ‘Code of Practice for Fire Safety in Buildings’ which is administered by the Building Authority;
 - (ii) the applicant should observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’; and
 - (iii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) the applied use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from the adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes and the means of escape of the existing adjoining premises shall not be adversely affected;
 - (ii) inner room proposed under the application should comply with the Code of Practice of Fire Safety in Buildings 2011;
 - (iii) if the application results in reduction in the provisions of sanitary fitments in the building, such a reduction shall comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
 - (iv) adequate access facilities for persons with disability should be provided. Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008 are relevant;

- (v) if subdivision of the unit / premises is involved, it should comply with the provisions of BO/ Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any; and
- (vi) the applicant should also engage an Authorized Person to co-ordinate the building works, if any.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates
A/ST/1050

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

沒有意見

「提意見人」姓名/名稱 Name of person/company making this comment 陳子儀

簽署 Signature  日期 Date 2026年6月22日