

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/492

- Applicant** : The Meat Lab Limited represented by Knight Frank Petty Limited
- Premises** : LG/F, Block A, Kerry TC Warehouse 1, 3 Kin Chuen Street, Kwai Chung
- Total Floor Area** : About 2,021m²
- Lease** : Kwai Chung Town Lot 419 (Part)
(a) to expire on 30.6.2047
(b) restricted to godown purposes
(c) a temporary waiver dated 22.10.2020 granted for food processing use on a quarterly basis
- Plan** : Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/30
[currently in force]
Draft Kwai Chung OZP No. S/KC/29
[at the time of application]
- Zoning** : “Residential (Group E)” (“R(E)”)
(a) maximum plot ratio (PR) of 5
(b) maximum building height (BH) of 130 metres above Principal Datum (mPD)
- Application** : Renewal of Planning Approval for Temporary Industrial Use (Food Processing Use) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary industrial use (food processing use) at LG/F, Block A, Kerry TC Warehouse 1, 3 Kin Chuen Street, Kwai Chung (the Premises) for a period of 5 years from 29.7.2022 to 29.7.2027. The Premises is located within an existing industrial building (IB) which falls within an area zoned “R(E)” on the approved Kwai Chung OZP No. S/KC/30 (**Plans A-1 and A-2**). According to Schedule II for existing industrial or industrial-office building under the Notes of the OZP for “R(E)” zone, ‘Industrial Use (not elsewhere specified)’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises, which is currently used for food processing, is the subject of a previous application (No. A/KC/448) submitted by Kerry TC Warehouse 1 (Block A) Limited for the same temporary use. The application was approved with conditions by the Metro Planning Committee (the Committee) on 28.7.2017 for a period of 5 years from 28.7.2017 to 28.7.2022. All the approval conditions have been complied with.
- 1.3 The Premises has a total gross floor area (GFA) of about 2,021m². Its main pedestrian access is via lifts and staircases at the northeastern portion of the subject building (**Drawing A-2**). Goods delivery activities are carried out by cargo lifts at the southern portion (**Drawing A-2** and Photo 2 on **Plan A-3**).
- 1.4 The Premises is generally divided into three parts, including raw food storage, packed products storage and circulation area (**Plans A-4** to **A-6**). These areas are separated by partition walls due to hygienic consideration. The use, GFA and layout under the current application remain the same as that under application No. A/KC/448.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 27.5.2022 (**Appendix I**)
 - (b) Supporting Planning Statement (SPS) received on 27.5.2022 (**Appendix Ia**)
 - (c) Further Information (FI) received on 8.7.2022 providing response to departmental comment (**Appendix Ib**)

2. Justifications from the Applicant

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

- (a) The proposed temporary use would facilitate the development of the local food processing industry and contribute to the food safety in Hong Kong.
- (b) The proposed food processing use only occupies a GFA of about 2,021m², which constitutes only about 2.4% of the total GFA of the subject IB (83,841m²). The use is temporary in nature and would not jeopardise the long-term planning intention of the subject “R(E)” zone.
- (c) The proposed food processing industry is considered compatible with the uses within Blocks A and B of the subject IB and the surrounding developments which are mainly industrial in nature.
- (d) The Premises is the subject of a previous planning application No. A/KC/448 for the same temporary use. There is no change of development parameters as compared with the approved application. The planning circumstances generally remain unchanged.

- (e) Two similar applications at other premises within the same IB were approved with conditions in 2003 and 2013 respectively (paragraph 6 refers). Approval of the current application is in line with the previous decisions of the Committee.
- (f) The use has been well-maintained where no complaint has been received over the years. All the approved conditions imposed on the previous application have been complied with.
- (g) No adverse impacts on traffic and environmental aspects etc. would be generated.

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

The applicant is not a “current land owner” 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. 31A) by notifying the current land owner on 24.5.2022. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Previous Application

The Premises is the subject of a previous application (No. A/KC/448) for proposed temporary industrial use (food processing use) for a period of 5 years, which was approved with conditions by the Committee on 28.7.2017 (**Plan A-1**). The application was approved mainly on the considerations that the proposed use was temporary in nature and small in scale which would not jeopardise the long-term planning intention of the “R(E)” zone; it was considered not incompatible with the uses of the subject IB and surrounding areas; and that there was no adverse comment from concerned departments. Details of the previous application is set out at **Appendix III**.

6. Similar Applications

There are two similar applications (No. A/KC/286 and A/KC/406) for proposed temporary use (food processing use) at 3/F of Block A and 7/F of Block B of the subject IB (**Plan A-1**), both of which were approved by the Committee with conditions for a period of 5 years in 2003 and 2013 respectively. Both applications were approved on the considerations that the proposed use is considered not incompatible with other uses within the subject IB; the use is temporary in nature which would not jeopardise the long-term planning attention of “R(E)” zone; and that there was no adverse comment from

concerned departments. Planning permission for the former application was lapsed and that for the latter was revoked due to non-compliance of the approval conditions. Details of the similar applications are set out at **Appendix III**.

7. The Premises and Its Surrounding Areas (Plans A-1 and A-2; photos on Plans A-3 to A-6; and Plan A-7)

7.1 The Premises:

- (a) is located on the LG/F of Block A, Kerry TC Warehouse 1; and
- (b) currently used as food processing use (**Plans A-4 to A-6**).

7.2 The subject IB:

- (a) is a 17-storey building with two blocks completed in 1991, of which Block A is mainly used for storage of goods with ancillary offices and Block B is used for cold storage;
- (b) the current uses of Block A of the subject IB are summarised as follows:

Floor	Current Uses
LG/F	Food processing use (the Premises)
G/F	Warehouse
1/F	Building entrance, carparking, loading/unloading (L/UL) area and management office
2/F-16/F	Warehouses and ancillary offices

- (c) abuts Kin Chuen Street to its east which is the vehicular access to the carparking and L/UL areas of Block A; and
- (d) is served by various modes of public transport including buses and public light buses. MTR Tai Wo Hau Station is located at about 350m to the northwest of the Site (**Plan A-7**).

7.3 The surrounding areas have the following characteristics:

- (a) to the immediate north and to the northeast across Kin Cheung Street is an area zoned “Other Specified Uses” annotated “Business” (“OU(B)”), which is mainly occupied by IBs;
- (b) to the south and west are the open space (namely Sheung Kok Street Garden) and government, institution and community (GIC) facilities (including a primary school and a secondary school) respectively; and
- (c) to the east is a public housing estate, namely Kwai Chung Estate.

8. Planning Intention

The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9. Comments from Relevant Government Departments

The government 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 IV** and **V** respectively.

10. Public Comment Received During Statutory Publication Period

On 7.6.2022, the application was published for public inspection. During the three-week statutory public inspection period, which ended on 28.6.2022, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for renewal of the planning approval for temporary food processing use for a period of 5 years. The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board; whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem. In view of that the proposed use at the Premises is of a temporary nature and small scale, it would not jeopardise the long-term planning intention of the “R(E)” zone.

11.2 The subject IB is mainly for the storage of goods with ancillary offices. The surrounding areas are predominantly industrial in nature with a range of mixed industrial and commercial uses. The proposed use is considered not incompatible with the uses of the subject IB and the surrounding areas.

11.3 The renewal application is generally in line with the TPB PG-No. 34D in that there has been no major change in planning circumstances since the previous approval of the temporary use; adverse planning implications arising from the renewal of the planning approval are not anticipated; concerned government departments have no objection to or no adverse comment on the application; and all the approval conditions under the previous approval have been complied with.

11.4 The proposed use is in small scale and would unlikely generate adverse traffic or environmental impacts on the surrounding areas. In this regard, C for T, DEP, D of FS and relevant departments consulted have no objection to the application.

The previous approval conditions regarding the fire service installations have been complied with since the use is in operation. Hence, no approval condition regarding fire service installations or other aspects is required.

- 11.5 The Premises and two other premises within the same IB are the subject of previous or similar applications for the same use for a period of 5 years, which were all approved by the Committee with conditions (paragraphs 5 and 6 refer). Approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 5 years, and be renewed from 29.7.2022 to 29.7.2027. The recommended advisory clauses are attached at **Appendix V** for Members' reference:
- 12.3 There is no strong reason to recommend rejection of the renewal application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant permission for renewal of the planning 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 application.

14. Attachments

Appendix I	Application Form received on 27.5.2022
Appendix Ia	Supporting Planning Statement received on 27.5.2022
Appendix Ib	FI received on 8.7.2022
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-2	Floor Plans

Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 and A-6	Site photos
Plan A-7	Pedestrian Access Network in Kwai Chung

PLANNING DEPARTMENT
JULY 2022