

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1007

<u>Applicant</u>	: Mr. CHEUNG Tsz Kwan
<u>Premises</u>	: Workshop 5A (Part), G/F, Veristrong Industrial Centre, 34-36 Au Pui Wan Street, Fo Tan, Sha Tin, N.T.
<u>Floor Area</u>	: 8.51m ² (about)
<u>Lease</u>	: (a) STTL No. 141 (New Grant No. 11624) (b) restricted to industrial and/or godown purposes
<u>Plan</u>	: Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35
<u>Zoning</u>	: “Industrial” (“I”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Shop and Services (Construction Materials Store) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning permission under Application (No. A/ST/974) to continue using the application premises (the Premises) for temporary ‘Shop and Services (Construction Materials Store)’ use for a period of three years until 11.11.2025 (**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 use in “I” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is the subject of two previous applications (No. A/ST/906 and 974) submitted by the same applicant for the same use, approved on 11.11.2016 and 18.10.2019 respectively. The applicant has complied with the approval conditions related to the provision and maintenance of fire service installations (FSI). The planning permission under application (No. A/ST/974) is due to expire on 11.11.2022.
- 1.3 The Premises, with a floor area of about 8.51m², is located on the ground floor of Veristrong Industrial Centre abutting Au Pui Wan Street. The floor plan of the Premises submitted by the applicant is shown in **Drawing A-1**. There is no

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

change in the development scheme compared to the approved application (No. A/ST/974).

- 1.4 In support of the application, the applicant has submitted the application form and attachments (**Appendix I**), and further information (FI) (**Appendix Ia**) on 26.8.2022 in response to the comments from Fire Services Department (FSD).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I**, which states that the applied use and layout of the current renewal application are the same as the previously approved application. The approval condition of the previous approved application has been complied with.

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

The applicant is not the “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 landowner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) and ‘Town Planning Board Guidelines on 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 extracts of the Guidelines are attached at **Appendix II**.

5. Previous Applications (Plan A-2 and Appendix III)

- 5.1 The Premises forms part of 10 previous applications (No. A/ST/180, 241, 287, 350, 433, 506, 761, 828, 906 and 974) for various shop and services uses. Except A/ST/241, all the remaining applications were approved by the Rural and New Town Planning Committee (the Committee).
- 5.2 Previous applications (No. A/ST/906 and 974) submitted by the same applicant for the same use, were approved with condition(s) by the Committee on 11.11.2016 and 18.10.2019 respectively on a temporary basis for a period of three years. Relevant approval conditions regarding FSI have been complied with. The planning permission under the latest application (No. A/ST/974) is valid until 11.11.2022.
- 5.3 Details of the applications are summarized at **Appendix III**. Their locations area shown on **Plan A-2**.

6. Similar Application (Appendix III and Plan A-2)

- 6.1 On the ground floor of Veristrong Industrial Centre, there is one similar application (No. A/ST/503) for commercial use approved by the Committee in 1999 with permanent approval granted; and one similar application (No. A/ST/686) approved by the Committee in 4.12.2009 but revoked in 2009. Details of the application are at **Appendix III**.
- 6.2 The following application in the subject industrial building is subject to the maximum permissible limit of 460m² for aggregate commercial floor area on the lower and upper ground floor of the subject building according to TPB PG-No. 25D:

No.	Application No.	Application Premises	Applied Use	Floor Area (About) (m ²)	Date of Consideration
1	A/ST/503	Unit 3B	Retail Shop (Spare Parts for Electrical Appliances and Metal Parts)	16	8.10.1999
Total:				16m²	

- 6.3 According to the TPB PG-No. 25D, the limits on aggregate commercial floor area do not apply to uses which are ancillary to or for the purpose of supporting the industrial activities in the industrial building. Hence, the limits on aggregate commercial floor area are not applicable to the current application.

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

- 7.1 The Premises is:

- (a) located on G/F of Veristrong Industrial Centre in Fo Tan Industrial Area; and
- (b) with direct access to Au Pui Wan Street.

- 7.2 The subject industrial building is:

- (a) 18 storeys in height bounded by Au Pui Wan Street, Sui Wo Road and Kwei Tei Street. Car parking are provided on the ground and second floors of the building with access from Au Pui Wan Street; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
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Floor	Current Uses
G/F (Plan A-3)	Application premises , godowns, vehicle repair workshop, other workshops, canteen, construction material store, spare parts for electrical appliances and metal parts shop [^] , water purification equipment and supplies shop [#] , veterinarian clinic [#] transport licensing service provider [#] , carpark and locked premises
1/F	Godowns and Locked Premises
2/F	Carpark and loading/unloading areas
3/F to 17/F	Godowns, workshops, offices, locked and vacant premises

[^] There is a valid planning approval granted for such use

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

7.3 The surrounding areas have the following characteristics:

- (a) Fo Tan is an established industrial area with high-rise industrial buildings;
- (b) MTR Fo Tan Station is located about 650m from the subject industrial building; and
- (c) a centrally located commercial centre (Shatin Galleria) in the Fo Tan District is about 160m from the Premises. Shatin Galleria is the only site zoned “Commercial” (“C”) in the vicinity.

8. **Planning Intention**

The “I” zone of Fo Tan is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented 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**

Relevant government departments were consulted and had 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 **Appendix IV** and **V** respectively.

10. **Public Comment Received During Statutory Publication Period**

On 5.8.2022, the application was published for public inspection. During the statutory public inspection period, no comment was received.

11. **Planning Considerations and Assessments**

- 11.1 The Premises is located on the ground floor of an existing industrial building with direct access to Au Pui Wan Street. This is a renewal application to continue the existing construction materials store at the Premises, which was

approved on a temporary basis for three years until 11.11.2022 under application No. A/ST/974. The applicant has maintained the existing FSI at the application premises in efficient working order in accordance with the approval condition.

- 11.2 The current application is the same as the previously approved application in terms of use and area of the Premises and there has been no material change in planning circumstances since the previous temporary approval was granted. Adverse planning implications arising from the renewal of the planning approval are not expected. The approval period of three years sought is also not longer than the original validity period of the temporary approval, which is considered reasonable to allow the Committee to monitor the supply and demand of industrial floor space of the area. In view of the above, the proposed renewal application complies with the TPB PG-No.34D for renewal of planning approval.
- 11.3 The applied use is small in scale and considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar application for 'Shop and Services' use has previously been approved on the ground floor of the subject industrial building (**Plan A-2**).
- 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. Relevant government departments including FSD, BD and TD have no objection to/ no adverse comments on the application.
- 11.5 No public comment has been received during the statutory public inspection period.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department has no objection to the application on a temporary basis for a period of three 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 three years from 12.11.2022 until 11.11.2025.

Approval Condition

The existing fire services installation implemented at the application premises should be maintained in efficient working order at all times.

Advisory Clause

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 28.7.2022
Appendix Ia	FI received on 26.8.2022
Appendix II	Relevant extracts of TPB PG-No. 25D and 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	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 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**