

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/ST/1009**

<b><u>Applicant</u></b>	: CAC International Limited represented by Multiple Surveyors Limited
<b><u>Premises</u></b>	: Workshop 1 (Part), G/F, Wah Wai Centre, 38-40 Au Pui Wan Street, Fo Tan, Sha Tin, N.T.
<b><u>Floor Area</u></b>	27.74m <sup>2</sup> (about)
<b><u>Lease</u></b>	: (a) STTL No. 140 (New Grant No. 11488) (b) to be expired on 30.6.2047 (c) restricted to industrial and/or godown purposes or both
<b><u>Plan</u></b>	: Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35 (at the time of submission)  Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36 (currently in force)
<b><u>Zoning</u></b>	: “Industrial” (“I”)
<b><u>Application</u></b>	: Proposed Shop and Services (Retail Shop)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for the proposed ‘Shop and Services (Retail Shop)’ use. 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)’<sup>1</sup> is a Column 2 use in “I” zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 27.74m<sup>2</sup>, is located on G/F of Wah Wai Centre abutting Au Pui Wan Street. The Premises is currently part of a workshop for industrial use. It is also part of the subject of a previous application No. A/ST/940 submitted by the same applicant for the same use approved with conditions on a temporary basis for three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2018. The planning permission subsequently expired in March 2021.

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

- 1.3 The Premises is proposed to be separated from the existing workshop by fire rated walls. The proposed retail shop will be operating every day including public holidays from 12 p.m. to 10 p.m.
- 1.4 In support of the application, the applicant submitted an Application Form with attachments on 6.10.2022 (**Appendix I**) and Further Information (FI) dated 26.10.2022 (**Appendix Ia**). The layout plan and floor plan of the Premises submitted by the applicant is shown in **Drawing A-1**.

## **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 in **Appendix I**. They can be summarized as follows:

- (a) the proposal will not generate adverse traffic, noise, visual, water supplies and drainage impacts to the surrounding areas in view of the nature and scale of the proposed business; and
- (b) the proposed retail shop is ancillary to the intended uses of the subject “I” zone and is compatible with the surrounding land uses.

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

The applicant is the sole “current land owner”. 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), which was revised and promulgated in September 2007, is relevant to this application. Relevant extracts of the Guidelines are at **Appendix II**.

## **5. Previous Application (Plan A-2 and Appendix III)**

The Premises is part of the subject of a previous application No. A/ST/940 submitted by the same applicant for the same use. It was approved with conditions by the Committee on 16.3.2018 on a temporary basis up to 16.3.2021. The planning permission subsequently expired on 17.3.2021.

## **6. Similar Application (Plan A-2)**

- 6.1 Wah Wai Centre is located on a sloping ground. The ground floors (i.e. G/F and 1/F) of the building, where commercial floor spaces are found, abuts Au Pui Wan Street and Kwai Tei Street respectively. On G/F and 1/F of Wah Wai Centre, there is no similar application approved in the past 10 years.

- 6.2 There is currently no valid planning permission in the subject industrial building subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor(s) according to TPB PG No. 25D.
- 6.3 Should the subject planning application be approved, the floor area of the Premises (i.e. 27.74m<sup>2</sup>) will be counted towards the aggregate commercial floor area of the subject building, which will not exceed the maximum permissible limit of 460m<sup>2</sup>.

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

7.1 The Premises is:

- (a) located on street level (G/F) of Wah Wai Centre in Fo Tan industrial area; and
- (b) with direct access to Au Pui Wan Street.

7.2 The subject industrial building is:

- (a) 19 storeys in height and bounded by Au Pui Wan Street and Kwei Tei Street. Carparking and loading/unloading spaces are provided on 2/F and 3/F of the building with vehicular access via Kwei Tei Street; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	<b>Application premises</b> , godowns, vehicle repair workshops, locked and vacant premises
1/F	Recycle centre, vehicle repair workshops and godowns
2/F to 3/F	Car park and loading/unloading areas
4/F to 18/F	Offices, godowns, workshops, locked and vacant premises

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 770m from the subject industrial building; and
- (c) a centrally located commercial centre (Shatin Galleria) in the Fo Tan District is about 250m from the Premises. Shatin Galleria is the only site zoned “Commercial” (“C”) (**Plan A-1**) 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**

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) the Premises is situated on Shan Tin Town Lot No. 140, and is governed under New Grant No. 11488 (“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. No building or buildings shall be erected on the lot except a factory or factories or a godown or godowns or both, ancillary offices and such canteen and other welfare facilities for workmen employed on the lot as may in the opinion of the Director of Lands be necessary and such quarters for watchmen or caretakers as considered essential by the Commissioner for Labour; and
- (b) the proposal under the application to use the Premises as ‘Shop and Services (Retail Shop)’ purpose is not permitted under the New Grant. If the application is approved by the Board, the owner of the Premises has to apply to LandsD for a waiver. However, there is no guarantee that the waiver application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and, if approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee and administrative fee as may be imposed by LandsD.

### **Fire Safety**

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

- (a) he has no in-principle objection to the application provided that:
  - (i) fire service installations and equipment being provided to the satisfaction of D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

- (ii) means of escape completely separated from the industrial portion is available for the subject unit;
- (b) the building is protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on the ground floor(s) is 460m<sup>2</sup> in accordance with TPB PG-No.25D. The proposed use should be counted up to the aggregate commercial floor area;
- (c) regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the '*Code of Practice for Fire Safety in Buildings*' which is administered by the Building Authority; and
- (d) the applicant should pay attention to the '*Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises*' if the application is approved.

### **Traffic**

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

- no in-principle objection to the application from traffic engineering point of view.

### **Building Matters**

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

- no in-principle objection to the application under the Buildings Ordinance (BO) subject to the following:
  - (a) the proposed use shall comply with the requirements under the BO and allied regulations. For instance, the subject shop and services shall be separated from the adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes and the means of escape in case of emergency of the existing adjoining premises shall not be adversely affected;
  - (b) adequate access facilities for persons with disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 are relevant;
  - (c) the subdivision of the unit / premises should comply with the provisions of Building Ordinance / Building (Minor Works) Regulation. The applicant should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works, if any; and

- (d) the applicant is advised to engage an authorized person to co-ordinate the building works, if any.

9.2 The following Government department has no objection to/comment on the application:

- (a) District Officer/Shu Tin, Home Affairs Department (DO/ST, HAD).

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

On 14.10.2022, the application was published for public inspection. During the statutory publication period, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed shop and services (Retail Shop) 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 is located on G/F of an existing industrial building with direct access to Au Pui Wan Street. The proposed use is small in scale and not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments.
- 11.3 The subject industrial building is subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor(s). Currently there is no approved planning application subject to aggregate commercial floor area on ground floors of the subject building. Should the subject application be approved, the floor area of about 27.74m<sup>2</sup> of the Premises will be included in the aggregate commercial floor area, which will not exceed the maximum permissible limit of 460m<sup>2</sup>. D of FS has no in-principle objection to the application subject to the provision of fire safety measures to his satisfaction, and means of escape is completely separated from the industrial portion is available for the subject unit.
- 11.4 The proposed 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 A temporary approval of five years is recommended to avoid jeopardising the long term planning intention of industrial use for the Premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

11.6 No public comment was 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 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 25.11.2027. The following approval conditions and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of fire safety measures to the satisfaction of the Director of Fire Services or of the Board before operation of the use; and
- (b) if the above planning condition is not complied with before the operation of the use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory Clauses

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

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 6.10.2022
Appendix Ia	FI received on 26.10.2022
Appendix II	Relevant Extract of TPB PG-No. 25D
Appendix III	Previous Application
Appendix IV	Recommended advisory clauses

Drawing A-1	Floor Plan and Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Floor Plans
Plan A-4	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**