

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1011

<u>Applicant</u>	: MO Kam Yee
<u>Premises</u>	: Unit 5F, G/F, Wah Sang Industrial Building, 14-18 Wong Chuk Yeung Street, Fo Tan, New Territories
<u>Floor Area</u>	14.6m ² (about)
<u>Lease</u>	: (a) STTL No. 136 (New Grant No. 11634) (b) to be expired on 30.6.2047 (c) restricted to industrial and/or godown purposes or both
<u>Plan</u>	: 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)
<u>Zoning</u>	: “Industrial” (“I”) (no change to the subject “I” zone on the current OZP)
<u>Application</u>	: Proposed Shop and Services (Fast Food Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for the proposed ‘Shop and Services (Fast Food 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)’¹ 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 14.6m², is located on G/F of Wah Sang Industrial Building abutting Wong Chuk Yeung Street. It is also part of the subject of two previous applications No. A/ST/416 and 516 submitted by different applicants for ‘Bookstore’ use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 1997 and 2000. The subject bookstore has ceased operation. Details of these applications are set out in paragraph 5 below. The Premises is currently vacant.

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

- 1.3 The proposed fast food shop will be operating every day from 7 a.m. to 10 p.m. (Monday to Saturday) and 10 a.m. to 10 p.m. (Sunday and public holidays) respectively.
- 1.4 The floor plan and layout plan of the Premises submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

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:

- the proposed fast food shop provides take-away services only. It will serve local workers of Fo Tan. The proposal will not generate adverse traffic and fire safety impacts.

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 obtaining consent of the current landowner. Detailed information will be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The ‘Town Planning Board Guidelines for Use/Development within “I” 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 Applications (Plan A-2 and Appendix III)

The Premises is part of the subject of two previous applications (Nos. A/ST/416 and 516) submitted by different applicants for ‘Bookstore’ use. Application No. A/ST/416 was approved with conditions by the Committee on 24.1.1997 on a temporary basis and expired on 24.1.2000. Application No. A/ST/516 was approved permanently on 5.5.2000 and the subject bookstore has ceased operation.

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

- 6.1 The ground floor of Wah Sang Industrial Building, where commercial floor spaces are found, abuts Kwei Tei Street and Wong Chuk Yeung Street. On the ground floor of the subject building, there was one similar application (No. A/ST/528) for commercial use approved permanently in 2000. There is no similar application within the past 10 years.

- 6.2 There is currently no valid planning permission in the subject industrial building, which is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor in accordance with TPB PG No. 25D.
- 6.3 According to the TPB PG-No. 25D, the limits on aggregate commercial floor area do not apply to fast food counter which is located on street level without seating accommodation and licensed as food factory. 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 street level (G/F) of Wah Sang Industrial Building at the northern fringe of Fo Tan industrial area; and
- (b) with direct access to Wong Chuk Yeung Street.

7.2 The subject industrial building is:

- (a) 18 storeys in height and bounded by Kwei Tei Street and Wong Chuk Yeung Street. Carparking and loading/unloading spaces are provided on 1/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	Application premises , fast food shop*, factory canteen, office, warehouses/godowns, vehicle repair workshops, locked and vacant premises
1/F	Car park and loading/unloading areas
2/F to 17/F	Offices, godowns, workshops, locked and vacant premises

* There is a valid 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) to the north of the subject industrial building is the public housing estate known as Chun Yeung Estate;
- (c) MTR Fo Tan Station is located about 1,000m from the subject industrial building; and
- (d) a centrally located commercial centre (Shatin Galleria) in the Fo Tan District is about 500m 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/Shia Tin, Lands Department (DLO/ST, LandsD):

- (a) the Premises is situated at Sha Tin Town Lot No. 136, and is governed under New Grant No. 11634 (“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 (Fast Food 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 460m² in accordance with TPB PG-No.25D. The proposed use should not be counted up to the aggregate commercial floor area if it is akin to a fast food counter; and
- (c) his detailed comments on the application are at **Appendix V**.

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):

- (a) no in-principle objection to the application under the Buildings Ordinance (BO); and
- (b) his detailed comments on the application are at **Appendix V**.

9.2 The following government departments have no objection to/comment on the application:

- (a) Director of Food and Environmental Hygiene; and
- (b) District Officer/Shau Tin, Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 22.11.2022, 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 (Fast Food Shop) use at the Premises located on the ground floor 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 as 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 Wong Chuk Yeung 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 460m² for aggregate commercial floor area on the ground / lower ground floor. The limit does not apply to fast food counter at street level without seating accommodation and licensed as food factory. D of FS has no objection in principle to the application subject to approval condition on the provision of fire services installations and equipments.
- 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 The subject Premises is part of the subject of two previous applications (Nos. A/ST/416 and 516) for 'Bookstore' use approved by the Committee in 1997 and 2000 respectively. There has no change in planning circumstances since the approval of the previous applications.
- 11.6 A temporary approval of five years is recommended to avoid jeopardizing 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.

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 13.1.2028. 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 VI**.

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 14.11.2022
Appendix II	Relevant Extract of TPB PG-No. 25D
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Detailed Departmental Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**