

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1018

<u>Applicant</u>	: Ferticore Industries Limited represented by KTA Planning Limited
<u>Premises</u>	: Room 08, 10/F, Shing Chuen Industrial Building, No. 25-27 Shing Wan Road, Sha Tin
<u>Floor Area</u>	: About 93.98 m ²
<u>Lease</u>	: (a) STTL No. 42 (New Grant No. 11835) (b) restricted to industrial and/or godown purposes excluding offensive trades
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36
<u>Zoning</u>	: “Industrial” (“I”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Office under Application No. A/ST/985 for a Period of three Years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning approval under application No. A/ST/985 for temporary office use for a period of three years at the application premises (the Premises) (**Plan A-1**). According to the Notes of the OZP, ‘Office (not elsewhere specified)’¹ is a Column 2 use in the “I” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is the subject of two previous applications No. A/ST/921 and A/ST/985 submitted by the same applicant for the same use approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions on 23.6.2017 and 12.6.2020 respectively on a temporary basis for a period of three years. Details of the previous approved application are set out in paragraph 5.
- 1.3 The Premises, with a total floor area of 93.98m², is located on the tenth floor of Shing Chuen Industrial Building (the subject industrial building) abutting Shing Hing Street, Shing Chuen Road and Shing Wan Road. The layout plan of the Premises submitted by the applicant is shown on **Drawing A-1**. There is no change in the development scheme as compared with the latest approved

¹ ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ is always permitted within the “I” zone

application No. A/ST/985.

1.4 In support of the application, the applicant has submitted the following documents:

(a) Application Form received on 27.4.2023 (Appendix I)

(b) Planning Statement (Appendix Ia)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) there has been no material change in planning circumstances since the previous approval. The temporary office use is considered not incompatible with the land use within the subject industrial building which is predominantly occupied by offices and godowns;
- (b) the extension period of three years under application is considered reasonable. It will not jeopardize the long-term planning intention of industrial use, and will allow the Board to monitor the supply and demand of industrial floor space in the area;
- (c) the applicant has fully complied with the approval conditions attached to the previous permission in relation to the provision of fire service installations (FSIs). The FSIs are up-to-standard and well-maintained;
- (d) the Premises in the subject industrial building with adequate provision of goods lifts, corridor space and loading/unloading area is considered an appropriate location for the office of the applicant to handle the company's business involving ore minerals. Besides, it is highly accessible and well served by public transport;
- (e) the proposed temporary office use will not create adverse impacts in terms of fire safety, environment and traffic aspects. The office use does not involve direct provision of customer services and goods. The Premises is installed with well-maintained FSIs and air conditioning system and there are no polluting industries within the subject industrial building. Adequate car parking spaces and loading/unloading facilities are provided in the subject industrial building; and
- (f) the applicant as a supplier of ore minerals is closely related to the manufacture of high-tech electronics and the components of jet engines. It has a great contribution to the manufacturing industries as part of the supply chain process.

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**

- 4.1 The ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D), which were revised and promulgated in September 2007, are relevant to this application. Relevant extracts of the Guidelines are at **Appendix II**.
- 4.2 The ‘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. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Previous Application**

The Premises is the subject of two previous applications (Nos. A/ST/921 and A/ST/985) (**Plan A-2**) as mentioned in paragraph 1.2 above. The applications were approved on consideration that the office use was not incompatible with the industrial/industrial-related uses in the surroundings; complied with the TPB PG-No. 25D; and would have no adverse impact in terms of traffic, fire safety and the environmental aspects. The approval condition on the maintenance of fire safety installations has been fully complied with. Planning permission under application No. A/ST/985 is valid until 23.6.2023. The locations and details of these applications are shown on **Plan A-2** and at **Appendix III** respectively.

6. **Similar Applications**

- 6.1 There were three similar applications for office use in the subject industrial building in the past 10 years. The locations and details of these applications are shown on **Plan A-2** and at **Appendix IV** respectively.
- 6.2 Application No. A/ST/811 for office use on 9/F was approved by the Board on review on a temporary basis for a period of three years on the ground that the application was considered in compliance with TPB PG-No. 25. The permission, however, was revoked on 26.1.2014 due to failure to comply with the approval conditions on the submission of air quality and noise assessment and fire safety measures.
- 6.3 Applications No. A/ST/939 and A/ST/990 for office use at rooms 5 and 7 on 10/F was approved with conditions on a temporary basis for a period of three years by the Committee on 22.12.2017 and 20.11.2020 respectively on consideration that the office use was not incompatible with the industrial/industrial-related uses in the surroundings; complied with TPB PG-No. 25D; and would have no adverse impact in terms of traffic, fire safety and the environmental aspects.

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

7.1 The Premises is:

- (a) located on 10/F of Shing Chuen Industrial Building in Tai Wai industrial area; and
- (b) currently used as an office.

7.2 The subject industrial building is:

- (a) 11 storeys in height bounded by Shing Hing Street, Shing Chuen Road and Shing Wan Road. Car parking and loading/unloading spaces are provided on ground and first floors of the building with vehicular access from Shing Wan Road; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Offices, vehicle repair workshops, wine shop#, real estate agency#, godown, locked premises, car parking and loading/unloading spaces
1/F to 9/F	Offices, godowns, workshops and locked premises
10/F	The Premises , offices, godown and locked premises

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

7.3 The surrounding areas have the following characteristics:

- (a) an established industrial area comprising medium-rise industrial buildings with various commercial uses including offices and shop and services on ground floor;
- (b) the subject industrial area is segregated from neighbouring residential areas by Shing Mun River and MTR East Rail Line; and
- (c) MTR Tai Wai Station is located about 200m to the southwest of the subject industrial building.

8. **Planning Intention**

The “I” zone of Tai Wai 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**

All 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 at **Appendices V and VI** respectively.

10. Public Comments Received During Statutory Publication Period

On 9.5.2023, 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 10/F of an existing industrial building in the Tai Wai industrial area. This is the second renewal application to continue the existing office use at the Premises, with the previous renewal application No. A/ST/985 approved with conditions on a temporary basis for three years until 23.6.2023. The applicant has complied with the approval condition of the previous application, i.e. the maintenance of fire service installations in efficient working order at all times.
- 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 granting of the previous temporary approval. There is no adverse planning implication arising from the renewal of the planning approval. 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 in the area. As such, the proposed renewal application complies with TPB PG-No. 34D for renewal of planning approval.
- 11.3 The renewal application is for conversion of premises within an existing industrial building for office use. It is considered not incompatible with the industrial and industrial- related uses in the subject industrial building and its vicinity, in which office and shops and services uses can be found. Three similar applications for office use at the subject industrial building were approved with conditions on a temporary basis by the Committee and the Board upon review between 2013 and 2020.
- 11.4 The office use under application generally complies with the relevant considerations set out in TPB PG-No. 25D. It would not cause adverse impact on the area from fire safety, traffic and environmental point of view. D of FS has no in-principle objection to the application provided that the existing fire service installations implemented at the Premises are maintained in efficient working order at all times. Other government departments consulted including TD, EPD and BD have no objection to/comment on the application.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department considers that the temporary office could be tolerated for a further 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 23.6.2023 to 22.6.2026. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

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

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 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 applicant.

14. Attachments

Appendix I	Application Form received on 27.4.2023
Appendix Ia	Supporting Planning Statement
Appendix II	Relevant Extracts of TPB PG-No. 25D and 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Department's General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plan A-4a to A-4c	Site Photos