

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1020

<u>Applicant</u>	: Aim Investment Company Limited represented by Centaline Surveyors Limited
<u>Premises</u>	: Workshops 5 and 7A with Lavatories on G/F, Goldfield Industrial Centre, No.1 Sui Wo Road, Fo Tan, Sha Tin, New Territories
<u>Floor Area</u>	: 190.133m ²
<u>Lease</u>	: (a) Sha Tin Town Lot (STTL) No. 112 (New Grant No. 11435) (b) to be expired on 30.6.2047 (c) restricted to industrial or godown purposes or both, 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>	: Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Shop and Services’ 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 190.133m², is located on the ground floor of Goldfield Industrial Centre at the junction of Sui Wo Road and Shan Mei Street. The Premises is currently operating as a storage with ancillary office.
- 1.3 In support of the application, the applicant submitted the Application Form with attachments received on 25.7.2023 (**Appendix I**) and Further Information (FI) received on 6.9.2023 (**Appendix Ia**). The layout plan of the Premises submitted by the applicant is shown in **Drawing A-1**.

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

2. Justifications from the Applicant

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

- (a) The proposed development is in line with Government's policy initiative in revitalizing industrial buildings.
- (b) Demand for retail shops in the locality is high. Changing the subject premises allows flexibility in the use of an existing industrial building and also provides employment opportunities.
- (c) The locality is predominantly occupied by industrial buildings. Most ground floor portion of the buildings in the locality has been used for general retail purpose. The current retail use is in line with the surrounding uses.
- (d) Customers of the subject shop mainly come from nearby buildings and hence traffic impact would be minimal.
- (e) The Premises has a direct access to Sui Wo Road and Shan Mei Street. Sufficient means of escape with sufficient lighting is provided.

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

The Premises is not the subject of any previous application.

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

- 6.1 The ground floor of Goldfield Industrial Centre, where commercial floor spaces are found, abuts Shan Mei Street and Sui Wo Road. On the ground floor of the subject building, there are five similar applications (No. A/ST/253, A/ST/256, A/ST/271, A/ST/509, and A/ST/607) approved permanently between 1993 and 2004 for different shop and services uses. There are also five similar applications (No. A/ST/348, A/ST/426, A/ST/688, A/ST/689, and A/ST/711) approved on a temporary basis between 1994 and 2010. One similar application (No. A/ST/246) was rejected in 1992.

- 6.2 Five applications (No. A/ST/253, A/ST/256, A/ST/271, A/ST/509 and part of A/ST/607) had lapsed due to a change of use. Applications No. A/ST/688 and A/ST/689 were revoked in 2010 due to non-compliance of approval condition. Applications No. A/ST/348, A/ST/426 and A/ST/711 had expired. Part of Application No. A/ST/607 (Unit 3B) for stationery shop is still valid and under operation.
- 6.3 The following similar applications are still valid and should be counted towards the maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor of an industrial building (with sprinkler system) according to TPB PG-No. 25D:

No.	Application No.	Application Premises	Applied Use	Floor Area (About)	Date of Approval
Uses applicable for the maximum permissible limit of 460 m ² aggregated commercial floor area on the G/F of an industrial building (with sprinkler system)					
1	A/ST/607	Unit 3B	Stationery Shop	31m ²	5.11.2004
Total:				31m²	

- 6.4 According to the TPB PG-No. 25D, the limits on aggregate commercial floor area are applicable to the subject application. Should the subject planning application be approved, the total aggregate floor area will be 221.133m², which will not exceed the maximum permissible limit of 460m².

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

- 7.1 The Premises is:
- (a) located on street level (ground floor) of Goldfield Industrial Centre in the Fo Tan Industrial Area;
 - (b) with direct access to Shan Mei Street.
- 7.2 The subject industrial building is:
- (a) 15 storeys in height and bounded by Shan Mei Street, Sui Wo Road and Ho Lek Pui Street. Car parking spaces are provided on 1/F and 2/F of the building with vehicular access from Sui Wo Road; and

- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Application premises , stationery shop ⁺ , car washing workshop and office, fast food shop [~] , shop and services (pet care) [^] , storage, locked and vacant premises
1/F-2/F	Car park, godowns, workshops and locked premises
3/F	Canteen, godowns, workshops and locked premises
4/F-16/F (excluding 13/F and 14/F)	Offices, godowns, workshops, vacant and locked premises

+ There are valid planning approvals granted for such uses.

[^] There is no valid planning permission for such use.

[~] The planning permission for such use has expired.

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 600m from the subject industrial building; and
- (c) a centrally located commercial centre (Shatin Galleria) in the Fo Tan district is about 70m 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/Sha Tin, Lands Department (DLO/ST, LandsD):

- (a) the Premises is situated on She Tin Town Lot No. 112, and is governed under New Grant No. 11435 (“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 (but excluding residential quarters) for workmen employed on the lot as may be in the opinion of the Director of Lands be necessary and also such quarters for watchmen or caretakers as considered essential by the Commissioner for Labour; and

- (b) the proposal under the present application to use the Premises as 'Shop and Services' is not permitted under the New Grant. The owner of the Premises is advised to apply for a waiver for the uses under the current application at this stage. If the Board approves the current application, the waiver application will then be processed by LandsD to allow the applied use. However, there is no guarantee that the waiver application will be approved. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, 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 services 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 counted up to the aggregate commercial floor area; and
- (c) advisory comments are at **Appendix IV**.

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) advisory comments are at **Appendix IV**.

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

- District Officer/Shan Tin, Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

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 proposed shop and services 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 set out in TPB PG-No. 25D.
- 11.2 The Premises is located on the ground floor of an existing industrial building with direct access to Shan Mei Street. The applied use is small in scale and not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for a range of mixed ‘Shop and Services’ uses have been approved on the ground floors of the subject industrial building.
- 11.3 The subject industrial building is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor(s). Currently, the approved aggregate commercial floor area on the ground floor of the subject building is about 31m². Should the subject application be approved, the floor area of the Premises will be included in the aggregate commercial floor area, which will increase to 221.133m² and is still within the maximum permissible limit of 460m². D of FS has no in-principle objection to the application.
- 11.4 The applied use under application 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 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.
- 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 22.9.2028. 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 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 25.7.2023
Appendix Ia	FI received on 6.9.2023
Appendix II	Relevant Extract of TPB PG-No. 25D
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Floor Plan
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**