

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1032

<u>Applicant</u>	: HK JEBN Assets Management Limited represented by RHL Surveyors Limited
<u>Premises</u>	: Portion of Ground Floor, HK JEBN Group Centre, 13-15 Shing Wan Road, Tai Wai, New Territories
<u>Floor Area</u>	: 51m ² (about)
<u>Lease</u>	: Sha Tin Town Lot (STTL) No. 39 (New Grant No. 11247) - Restricted to industrial and/or warehouse purposes or both excluding offensive trade
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<u>Zoning</u>	: “Industrial” (“I”)
<u>Application</u>	: Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application premises (the Premises) zoned “I” on the OZP (**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, with a floor area of about 51m², is located on the ground floor of HK JEBN Group Centre, which is accessible via Shing Wan Road. It is currently used as a fast food counter, which forms part of the application premises of the previous application No. A/ST/1001, submitted by the same applicant for the same use but with a larger floor area of 448m², approved on 24.9.2021 by the Rural and New Town Planning Committee (the Committee) of the Board on a temporary basis for three years, for which the planning permission expired on 19.10.2024. As the applicant intends to continue the ‘shop and services’ use at the Premises only with a smaller area than before, the current application was hence submitted. The remaining area under the previous application not covered by the current application will be used as a food factory, which can be categorised as ‘industrial use’ and is always permitted within the “I” zone.

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

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

- (a) Application Form with attachments received on (Appendix I)
27.8.2024
 - (b) Further Information (FI) received on 9.10.2024* (Appendix Ia)
 - (c) FI received on 15.10.2024* (Appendix Ib)
- *accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at the Application Form and FIs at **Appendix I to Ib**, which are summarized below:

- (a) the applicant intends to shrink the original approved area of 448m² for shop and services under the previous application No. A/ST/1001 to satisfy with the business development. The currently proposed application site area of 51m² includes area for possible future expansion of the existing fast food counter of the Premises which occupies an area of about 19m². In case of carrying out any expansion, the applicant would follow those relevant regulations and conditions to obtain the necessary licences;
- (b) the ground floors of the other buildings in the area are mainly used for industrial purpose with some used for commercial purpose, such as cycling product shops, metalware shops, property agencies and other commercial uses. The subject use is compatible with the existing uses in the area;
- (c) accessibility of the subject industrial building is reasonable with 10-minute walking distance away from MTR Tai Wai Station and various bus routes are serving the vicinity;
- (d) the potential shoppers are mainly local people living and working in the area. As the area is industrial in nature, shoppers coming from other districts are unlikely. There are existing loading and unloading facilities in the subject building. The anticipated increase in traffic is minimal; and
- (e) as the design of the ground floor is typical for industrial building, the floor loading and fire-proof period can meet the standards for commercial use.

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) is relevant to this application. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Previous Application**

The Premises is the subject of three previous applications (Nos. A/ST/873, A/ST/962 and A/ST/1001) submitted by the same applicant for the same use but with a larger area of about 450m² (**Plan A-2** and **Appendix III**). The applications No. A/ST/873, A/ST/962 and A/ST/1001 were approved with conditions by the Committee on 4.9.2015, 19.10.2018 and 24.9.2021 respectively on a temporary basis for a period of three years, on the consideration that the proposed development was not incompatible with the industrial/industrial-related uses in the surroundings; the proposed development complied with TPG PG-No. 25D; and the relevant departments had no adverse comment. The planning permission for the ‘Shop and Services’ use at the premises under the last application No. A/ST/1001 expired on 19.10.2024.

6. **Similar Application**

There is no similar application for commercial use on the ground floor of an industrial building in the vicinity within the same “I” zone in the past ten years.

7. **The Site and its Surrounding Areas (Plans A-1 to A-3b)**

7.1 The Premises is:

- (a) located on G/F of HK JEBN Group Centre which is currently occupied by a fast food counter with a valid licence for a food factory; and
- (b) with direct access to Shing Wan Road.

7.2 The subject industrial building is:

- (a) eight storeys in height bounded by Shing Wan Road and Shing Hing Street. Parking spaces for private cars and lorries are provided on 1/F of the building with vehicular access from Shing Hing Street; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Fast food counter, reception, lobby, food factory, loading and unloading area
1/F	Carpark
2/F to 6/F	Food factory and godown
7/F	Offices
8/F	Roof

7.3 The surrounding areas have the following characteristics:

- (a) the surrounding area is an established industrial area with medium-rise industrial buildings with various commercial uses including offices and shop and services on ground floor; and
- (b) MTR Tai Wai Station is located about 300m to the southwest of the subject industrial building.

8. **Planning Intention**

The planning intention of the “I” zone is 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**

Government departments consulted have no in-principle 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 IV and V** respectively.

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

On 3.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual indicating no comment on the application (**Appendix VI**).

11. **Planning Considerations and Assessments**

11.1 The Premises is located on the ground floor of an existing industrial building with direct access to Shing Wan Road. The Premises was part of the premises of application No. A/ST/1001 for the same use but with a larger area (of 448m²) approved by the Committee on a temporary basis for three years up to 19.10.2024. The applicant has complied with the planning condition of the previous approved application on maintaining the fire service installations at the application premises in efficient order at all times. As the applicant intends to continue the ‘shop and services’ use at the Premises only (about 51m²) and hence submitted the current application, while the remaining area of the previous application will be changed to food factory use, which can be categorised as ‘industrial use’ and is always permitted within the “I” zone.

11.2 The ‘Shop and Services’ use under application is considered 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 floor. Currently, there is no other valid approved application for commercial use on the ground floor of the subject building. As advised by the Director of Fire Services (D of FS) and according to TPB-PG No. 25D, the area of the Premises of 51m² is not counted towards the aggregate commercial floor area as the fast food counter is located at street level and licensed as food factory. D of FS has no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.

11.4 The ‘Shop and Services’ use under application generally complies with the relevant considerations set out in the TPB PG-No. 25D including the fire safety

and traffic aspects. Relevant Government departments, including Director of Food and Environmental Hygiene Department, D of FS, District Lands Officer/Shan Tin of Lands Department, Chief Building Surveyor/New Territories East and Rail of Buildings Department, Commissioner for Transport and District Officer (Shan Tin) of Home Affairs Department have no objection to or no adverse comment on the application.

- 11.5 Previous applications for ‘Shop and Services’ use were approved on the ground floor of this industrial building (**Plan A-2** and **Appendix III**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 One public comment has been received during the statutory public inspection period indicating no comment on the application.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 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 until 25.10.2027. The following condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

- (a) the submission and implementation of water supplies for firefighting and fire services installations within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.4.2025; *and*
- (b) *if the above planning condition is not complied with by the specified date, 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 the 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 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 27.8.2024
Appendix Ia	Further Information received on 9.10.2024
Appendix Ib	Further Information received on 15.10.2024
Appendix II	Relevant Extracts from the Town Planning Board Guidelines No. 25D on Use/Development within “Industrial” Zone
Appendix III	Previous applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Location Plan
Drawings A-2 and A-3	Floor Plans
Plans A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**