

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1035

<u>Applicant</u>	: Koon Ngai Company Limited represented by Townland Consultants Limited
<u>Premises</u>	: Portion of G/F, Koon Wah Building, 2 Yuen Shun Circuit, Yuen Chau Kok, Sha Tin, New Territories
<u>Floor Area</u>	: About 455.76m ²
<u>Lease</u>	: Sha Tin Town Lot (STTL) No. 275 (a) to be expired on 30.6.2047 (b) restricted to industrial and/or godown purposes excluding offensive trades
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
<u>Zoning</u>	: “Industrial(1)” (“I(1)”)
<u>Application</u>	: Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed shop and services at the application premises (the Premises) zoned “I(1)” 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(1)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a total floor area of about 455.763m², cover 22 existing units (Units 1, 2, 3, A3, A5, A6, A7, A8, A9, A10, A11, A12, A13, A15, A16, A17, A19, A20, A29, A30, A31 and B1) (**Drawing A-1**). It is located on the ground floor of an industrial building, namely Koon Wah Building, which is accessible via Ngau Pei Sha Street and Yuen Shun Circuit. Most of the units within the Premises are currently operating as shop and services use without valid planning permission (**Plans A-4a to A-4e**).
- 1.3 There are two motor-vehicle showrooms and a canteen which are in operation, loading/unloading (L/UL) bays and other 14 units located within the same floor of the building (**Plan A-3**). According to the applicant, future use would be further studied for other 14 units which are either vacant or will be vacated, and planning application would be sought if required.

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

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

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|-----|---|----------------------|
| (a) | Application Form received on 24.12.2024 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further Information (FI) received on 27.1.2025* | (Appendix Ib) |
| (d) | FI received on 4.2.2025* | (Appendix Ic) |

**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 SPS and FIs at **Appendices Ia to Ic**, as summarised below:

- (a) the application is in line with relevant government policies. The 2020 Area Assessment of Industrial Land in the Territory acknowledged that the Siu Lek Yuen Industrial Area is undergoing active transformation and recommended to rezone it to “Residential (Group E)”. The application is also in line with relevant Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone;
- (b) accessibility of the subject industrial building is within a 2-minute walking distance from the Mass Transit Railway (MTR) City One Station, and various bus and mini-bus routes are serving the vicinity, making the applied use well-positioned to serve the community;
- (c) the applied use serves the demand for diverse retail space to meet daily needs of the workers and residents in the nearby industrial building and residential developments;
- (d) customers are anticipated to access the Premises by foot and public transport. The applied use can use the existing loading/unloading bays of the building. Together with the minor scale of the applied use, adverse traffic and infrastructural impacts are not anticipated;
- (e) the Premises are provided with sprinkler system and sufficient means of escape. The scale of the applied use is considered minor and is unlikely to result in adverse fire safety impact; and
- (f) the application is supported by similar precedents.

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**

- 5.1 The Premises are not the subject of any previous application in the past five years.
- 5.2 The site where the subject industrial building (i.e. Koon Wah Building) where the Premises are located is the subject of a previous application No. A/ST/988 for proposed office, eating place (canteen only) and shop and services submitted by the same applicant. The application involved redevelopment of the existing industrial building into a 25-storey (including 2 levels of basement and 2 levels of podium) commercial development which was approved with conditions by the Committee on 14.1.2022. The planning permission is valid until 14.1.2026. The considerations of the above application are not relevant to the current application due to different proposed uses.
- 5.3 Details of the previous application are in **Appendix III** and its location is shown on **Plan A-2**.

6. **Similar Application**

There is no valid application on the ground floor of the subject industrial building which 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.

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

7.1 The Premises are:

- (a) consisting of 22 units scattered on G/F of an industrial building (i.e. Koon Wah Building) in Siu Lek Yuen Industrial Area (SLYIA);
- (b) currently mainly occupied by shop and services use, including home appliance shops, real estate agencies, pet product shop, Chinese medicine stores, and driving schools, etc. without valid planning permission; and
- (c) comprising 10 units abutting Ngau Pei Sha Street with direct street frontage.

7.2 The subject industrial building is:

- (a) five storeys in height bounded by Yuen Shun Circuit to the north, Yuen On Street to the east, Ngau Pei Sha Street Playground to the southeast and Ngau Pei Sha Street to the west;
- (b) with occupation permit granted in 1987; and
- (c) mainly occupied by godowns and non-industrial uses with existing GFA of about 17,129m². The current uses on different floors are as follows:

Floor	Current Uses
G/F	The Premises (including some units being operated as shop and services), entrance lobby, motor vehicle showrooms, canteen, vacant units and L/UL bays
1/F	Motor vehicle repair workshop, godown, carparking spaces, and L/UL bays
2/F	Godown, offices, and shop and services
3/F	Godown, offices
4/F	Office / landscaped roof

7.3 The surrounding areas have the following characteristics:

- (a) high-rise residential developments within “Residential (Group A)” (“R(A)”) zone, including Prima Villa and Yu Chui Court, and a public transport terminus underneath Yu Chui Shopping Centre located to its west across Ngau Pei Sha Street and City One Shatin located to its further north. The MTR City One Station is located to its northwest (about 110m);
- (b) Kowloon Motor Bus (KMB) Sha Tin Bus Depot and Siu Lek Yuen Fire Station are located to its east and north respectively;
- (c) an office building, namely Citimark, is located at about 130m to its further southeast at a site zoned “Commercial”; and
- (d) Shek Mun Business Area with about 10.8ha of land zoned “Other Specified Uses” annotated “Business”, is located about 300m to the north of SLYIA across the Siu Lek Yuen Nullah.

8. **Planning Intention**

The planning intention of the “I(1)” 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**

- 9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) the Premises fall within STTL 275 held under New Grant No. 11919 ("the New Grant"). Under the New Grant, the lot and any building erected thereon shall not be used for any purposes other than for 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 in the opinion of the Director of Lands be necessary and also such quarters as may be required for watchmen or caretakers who, in the opinion of the Commissioner for Labour, are essential to the safety and security of the building or buildings erected or to be erected on the lot;

- (b) the applied shop and services use at the Premises is not permitted under the New Grant. According to his office's records, not only the Premises but also other premises within the subject building have been used for shop and services purpose in breach of the aforesaid lease restriction. Warning letter dated 21.5.2024 has been registered in the Land Registry to require the owner to rectify the aforesaid breach; and
- (c) his advisory comments are at **Appendix IV**.

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 subject to fire service installations and equipment being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the building is fully protected with sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 460 m² in accordance with TPB PG-No. 25D. The applied use should be counted up to the aggregated commercial floor area; and
- (c) his advisory comments are at **Appendix IV**.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2&Rail, BD):

- (a) he has no in-principle objection under the Buildings Ordinance to the application; and
- (b) his advisory comments are at **Appendix IV**.

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

- (a) Commissioner for Transport (C for T); and

- (b) District Officer/Shah Tin, Home Affairs Department (DO/ST, HAD).

10. Public Comment Received During Statutory Publication Period

On 31.12.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for proposed shop and services at the Premises located on G/F of an existing industrial building zoned “I(1)” on the OZP. While the planning intention of the “I(1)” 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(1)” 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 covering 22 units are located on the G/F of an existing industrial building, some of which abut Ngau Pei Sha Street with direct street frontage. The applied use, which will serve the daily needs of the industrial workers of the subject building and nearby residents, is considered not incompatible with the industrial and industrial-related uses in the building and the surrounding developments.
- 11.3 According to TPB PG-No. 25D, 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. The applied use with a total floor area of 455.763m² is within the permissible aggregate commercial area. D of FS has no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Given the small scale of the applied use, adverse traffic and infrastructural impacts are not anticipated.
- 11.4 The applied use generally complies with the relevant considerations set out in TPB PG-No. 25D including fire safety and traffic aspects. Relevant government departments consulted including C for T and CBS/NTE2&Rail, BD have no objection to/no adverse comments on the application. Notwithstanding, 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 14.2.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (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 14.8.2025; 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 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 24.12.2024
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 27.1.2025
Appendix Ic	Further Information received on 4.2.2025
Appendix II	Relevant Extracts from the Town Planning Board Guidelines No. 25D on Use/Development within "Industrial" Zone
Appendix III	Previous Application
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Floor Plan
Plans A-4a to A-4e	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**