

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1037

<u>Applicant</u>	: 王麗輝
<u>Premises</u>	: Unit B5, G/F, Block 1, Kin Ho Industrial Building, No. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
<u>Floor Area</u>	: About 27.73m ²
<u>Lease</u>	: Sha Tin Town Lot (STTL) Nos. 65 and 66 (New Grant Nos. 11268 and 11269) - restricted to industrial or godown 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>	: Shop and Services (Fast Food Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission for shop and services (fast food shop) at the application premises (the Premises) falling within the area 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 is a Column 2 use under “I” zone requiring planning permission from the Town Planning Board (the Board). The Premises is currently being used as a fast food shop without valid planning permission.
- 1.2 The Premises, with a total floor area of about 27.73m², is located on the ground floor (G/F) of an industrial building, namely Kin Ho Industrial Building (the Building), which is abutting Au Pui Wan Street. The layout plan of the Premises submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant submitted the Application Form received on 20.1.2025 (**Appendix I**).

¹ ‘Shop and Services (Motor-vehicle Showroom on ground floor, Service Trades only)’ use 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**, as summarised below:

- the Premises has been vacant for a year. The fast food shop will provide convenience to residents and industrial workers in the vicinity.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” of the Premises 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. 31B) by obtaining consent of the 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 not the subject of any previous application.

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

- 6.1 On the G/F of Blocks 1 and 2 of the Building, there were three similar applications (No. A/ST/1004, A/ST/1005 and A/ST/1019) for shop and services uses approved with conditions on a temporary basis in the past five years by the Committee on the considerations that the applied use was not incompatible with the industrial and industrial-related uses in the vicinity and generally in compliance with TPB PG-No. 25D. Details of the applications are at **Appendix III**. Among them, the planning permissions of two applications (No. A/ST/1004 and A/ST/1005) are still valid until 19.2.2027.
- 6.2 According to the TPB PG-No. 25D, the limits on aggregate commercial floor area do not apply to fast food counter which is sited at 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-4b)**

7.1 The Premises is:

- (a) located on the G/F of Block 1 of the Building in Fo Tan Industrial Area and currently being used as a fast food shop without valid planning

permission;

- (b) abutting Au Pui Wan Street with direct street frontage; and
- (c) semi-sunken with a stairway leading to the street level of Au Pui Wan Street.

7.2 The Building is:

- (a) 18 storeys in height bounded by Au Pui Wan Street, Min Fong Street, Tsung Tau Ha Road and Shek Lau Tung Street. Loading/unloading spaces and carparking spaces are provided on G/F and second floor with vehicular access on the G/F via Shek Lau Tung Street; and
- (b) the current uses on different floors are as follows:

Floor	Current Uses
G/F	The Premises (operated as a fast food shop), fast food shops*, retail shops@, speed cut shop@, real estate agency, canteen, restaurants#, food factory, godowns, loading/ unloading areas, management offices and locked premises
1/F	Godowns and locked premises
2/F	Carpark
3/F to 17/F	Godowns, workshops , offices, canteens and locked premises

* no valid planning permission except one fast food shop under Application No. A/ST/1019

@ no valid planning permission

such use is not allowed in the Building within “I” zone

7.3 The surrounding areas have the following characteristics:

- (a) high-rise industrial buildings with some shop and services uses on the G/F within Fo Tan Industrial Area which is zoned “I”;
- (b) residential developments and village settlement are found in the vicinity, namely Yuk Wo Court, the Arles and Pat Tsz Wo Village; a centrally located commercial centre (Shatin Galleria) in Fo Tan Industrial Area and is about 150m from the Premises (**Plan A-1**); and
- (c) Fo Tan Industrial Area is accessible by public transport with Mass Transit Railway (MTR) Fo Tan Station located about 400m from the 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

9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comments 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.

9.2 The following department provides comments on the application:

Trade and Industry

9.2.1 Comments of the Director-General of Trade and Industry (DG of TI):

- (a) according to the 2020 Area Assessments of Industrial Land in the Territory (2020 Area Assessments) published in December 2021 by the Planning Department (PlanD), there is an estimated deficit of land for industrial uses. The 2020 Area Assessments had also recommended retaining Site A11 (the Fo Tan Industrial Area) where the Premises is located as "I" zone; and
- (b) he has reservation on the applicant's proposed permanent conversion of the Premises, which may jeopardise the long term use of the Premises for industrial related uses. Nevertheless, he has no comment if the approval is temporary as it will not jeopardise the long term industrial-related uses of the Premises.

10. Public Comment Received During Statutory Publication Period

On 28.1.2025, 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 shop and services (fast food shop) at the Premises located on G/F 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 G/F of an existing industrial building with direct street frontage to Au Pui Wan Street. The applied use is small in scale and is considered not incompatible with the industrial and industrial-related uses in the Building and the surrounding developments. Similar applications for a range of shop and services uses have been approved on the G/F of the Building. Approval of the current application is in line with the Committee's previous decisions.

- 11.3 According to TPB PG-No. 25D, the Building is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F but the limit does not apply to the applied use, which is a fast food counter at street level without seating accommodation and licensed as food factory. 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 the Commissioner for Transport, Chief Building Surveyor/New Territories West of Buildings Department and Director of Food and Environmental Hygiene have no in-principle objection to/no adverse comment on the application. Notwithstanding, considering the comments from DG of TI, it is recommended to grant a temporary approval of five years in order not to jeopardise the long-term planning intention of the industrial use for the Premises and to allow the Committee to monitor the provision of industrial floor space in the area.

12. **Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above, PlanD 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 14.3.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of fire service installations and equipment 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 14.9.2025; 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 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 20.1.2025
Appendix II	Relevant Extracts of TPB PG-No. 25D
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	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 to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**