

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/581

<u>Applicant</u>	: Sino Talent Technology Limited
<u>Premises</u>	: Unit E1, G/F, Wai Cheung Industrial Centre, 5 Shek Pai Tau Road, Tuen Mun, New Territories
<u>Floor Area</u>	: 23m ² (about)
<u>Lease</u>	: Tuen Mun Town Lot (TMTL) No. 170 held under New Grant No. 2336 - Restricted to industrial and/or godown purposes (excluding offensive trades)
<u>Plan</u>	: Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/36
<u>Zoning</u>	: “Industrial” (“I”) <i>[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater]</i>
<u>Application</u>	: Shop and Services (Retail Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Retail Shop)’ use. The Premises is located on the ground floor of an existing building, known as Wai Cheung Industrial Building (the Building) (**Plans A-1 and A-2**). According to the Notes of the OZP for the “I” zone, ‘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)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is being used as a retail shop for fruits and groceries without valid planning permission.
- 1.2 The whole Unit E (including the Premises) is the subject of two previous applications (**Plan A-2a**). The last application (No. A/TM/447) submitted by a different applicant for real estate agency and retail shop uses was approved with conditions on a temporary basis for three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2014. The planning permission subsequently lapsed in 2017.

- 1.3 The Premises, fronting Shek Pai Tau Road, occupies a portion of Unit E with a total floor area of about 23m². The layout plan of the Premises submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments on 28.11.2022 **(Appendix I)**
 - (b) Further Information (FI) dated 29.12.2022 [*accepted and exempted from publication requirement*] **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are in **Appendices I and Ia**. They are summarised as follows:

The owner of the Premises has changed. As the retail shop mainly serves the nearby workers and residents and the Premises is of small scale (only 23m²), the trip generated by the applied use is minimal. The loading/unloading activities generated by the applied use are also limited as they are only conducted once a week.

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. For a proposed commercial use in an industrial building, the following main planning criteria are relevant:

- (a) It should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds.
- (b) The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network.
- (c) The Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Aggregate commercial floor areas on the G/F of an existing industrial building with and without sprinkler systems should as a general principle not exceeding 460m² and 230m² respectively. Separate means of escape should be available for the commercial portion.

5. **Previous Applications**

The Premises forms part of the application premises of two previous applications (No. A/TM/402 and 447) (**Plan A-2a**) submitted by a different applicant for shop and services (real estate agency and retail shop) use approved by the Committee with conditions on a temporary basis for three years on 27.8.2010 and 21.3.2014 respectively, mainly on the considerations that the applied use was not incompatible with industrial/industrial-related uses in the surroundings, complied with the TPB PG-No. 25D and had no adverse traffic, environment and fire safety impacts. The planning permission for application No. A/TM/402 was revoked on 27.2.2011 due to the non-compliance with approval condition while that of application No. A/TM/447 lapsed on 22.3.2017.

6. **Similar Applications**

- 6.1 The Committee has approved two similar applications (No. A/TM/411 and A/TM/484) in 2011 and 2016 for shop and services use including real estate agency and fast food shop at other G/F units of the Building (**Plan A-1**) on the considerations similar to those for the previous applications mentioned in paragraph 5 above. These planning permissions were either revoked or lapsed.
- 6.2 There is currently no valid planning permission in the Building subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor of the Building with sprinkler system according to TPB PG-No. 25D. Should the subject planning application be approved, the floor area of the Premises (i.e. 23m²) will be counted towards the aggregate commercial floor area of the Building, 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) currently used as a retail shop for fruits and groceries; and
 - (b) located on the G/F of Wai Cheung Industrial Building with direct street frontage at Shek Pai Tau Road.
- 7.2 Based on site inspection conducted on 6.12.2022, the existing main uses of the Building by floors are summarised below :

Floor	Main Uses
G/F	The Premises , canteens, retail shops ^[1] , property agency ^[1] , shops of furniture and crypto currency ^[1] , renovation company ^[1] and the Hong Kong Federation of Trade Unions Occupational Retraining Centre ^[1]
Upper G/F	Loading/Unloading Area and car parking spaces
1/F to 14/F	Warehouses, storages, factories, offices related to audio-visual recording studio and industrial uses, and

Floor	Main Uses
	vacant premises

⁽¹⁾No record of planning approval granted for these uses.

7.3 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the Building is at the northwestern fringe of an industrial area;
- (b) industrial buildings are found to the east and south of the Building;
- (c) to its north across Shek Pai Tau Road are a telephone exchange building and an electricity substation. To the further north is Tai Hing Estate; and
- (d) to its west across Ming Kum Road are the Shek Pai Light Rail Station and Shan King Estate.

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, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety 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 departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices II** and **III** respectively.

Trade and Industry

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

- (a) he has reservation on the application for permanent conversion of the Premises to ‘Shop and Services’ use. If the application is approved on a temporary basis which will allow Planning Department (PlanD) to monitor the utilisation of industrial stock in the area and will not jeopardise the long term planning intention of industrial use for the Premises, he would have no comment; and
- (b) according to the 2020 Area Assessments of Industrial Land in the Territory (‘2020 Area Assessment’) released in December 2021 by Plan D, there is an estimated deficit of land for industrial uses. The 2020 Area Assessments has also recommended retaining Tuen Mun Areas 9, 12 and 17, where the subject premises is located, as “I”

zone considering the steadily high usage of industrial use.

10. Public Comments Received During Statutory Publication Period

On 7.12.2022, 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 for 'Shop and Services (Retail Shop)' use at the Premises 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 an 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 the Board's Guidelines No. 25D (TPB PG-No. 25D).
- 11.2 The applied use involves a floor area of about 23m² and is located on the ground floor of an existing building with direct frontage onto Shek Pai Tau Road (**Plan A-2**). In view of the nature of operation and small scale of the applied use, it is considered not incompatible with other uses on the ground floor of the Building which comprises mainly canteen, shop and services use as well as the industrial and industrial-related uses of the Building and the surrounding developments.
- 11.3 As confirmed by Director of Fire Services (D of FS), the Building is protected by a sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor in accordance with TPB PG-No. 25D. If the application is approved, the aggregated commercial floor area on the ground floor of the Building will be 23m², which is within the maximum permissible limit of 460m². In this regard, D of FS has no objection in principle to the application subject to the provision of fire service installations and equipment to his satisfaction.
- 11.4 The applied use generally complies with the relevant considerations set out in TPB PG-No. 25D including the fire safety and traffic aspects. Relevant government departments including Fire Services Department, Buildings Department and Transport Department have no objection to the application.
- 11.5 The Premises forms part of the application premises of two previously approved applications for shop and services and there are two similar approved applications for shop and services at other ground floor units of the Building. These applications were all approved mainly on grounds that it is in general compliance with the Board's guidelines for commercial use in industrial building, it has no adverse fire safety and traffic impacts, and the applied use is not incompatible with the adjoining units. Approval of the current application for shop and service use is in line with the Committee's previous decisions.

- 11.6 The applicant has applied to use the Premises as a shop and services use on a permanent basis. Nevertheless, 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 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 assessments made in paragraph 11, 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 **13.1.2028**. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of fire service installations and equipment proposal for the application premises within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2023; 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 III**.

- 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 28.11.2022
Appendix Ia	FI received on 29.12.2022
Appendix II	Government Departments' General Comments
Appendix III	Recommended advisory clauses
Drawing A-1	Layout of the Premises submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Site Plan showing the land uses of the adjoining units
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2023**