

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TM/593**

- Applicants** : Mr. NG Shu Sum and Ms. CHEUNG Yuk Ting
- Premises** : Unit 10A (Part), G/F, Hang Wai Industrial Centre, 6 Kin Tai Street,  
Tuen Mun, New Territories
- Floor Area** : About 11.1m<sup>2</sup>
- Lease** : Tuen Mun Town Lot (TMTL) 114 held under New Grant No. 2232  
- Restricted to industrial and/or godown purposes (excluding  
offensive trade)
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/39
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)  
*[Restricted to a maximum plot ratio (PR) of 9.5 (including not more  
than a PR of 1.0 for ‘Shop and Services’ and ‘Eating Place’) and a  
maximum building height (BH) of 100mPD, or the PR/BH of the  
existing building, whichever is the greater]*
- Application** : Shop and Services and Wholesale Trade

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application premises (the Premises) for shop and services and wholesale trade uses. The Premises is located on the G/F of an existing building, known as Hang Wai Industrial Centre (the Building) which falls within an area zoned “OU(B)” on the OZP (**Plans A-1 to A-2a**). According to Schedule II of the Notes for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified) (ground floor only except Ancillary Showrooms which may be permitted on any floor)’ and ‘Wholesale Trade’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Premises is being used for the applied uses without valid planning permission.
- 1.2 The Premises occupies a portion of Unit 10A on the G/F of the Building with a total floor area of about 11.1m<sup>2</sup> for a retail shop and wholesale of electronic appliances. As shown on **Plan A-2a**, the Premises has direct frontage to Kin On Street. The layout plan submitted by the applicants is attached at **Drawing A-1**.

- 1.3 The Premises is the subject of two previous applications (No. A/TM/345 and A/TM/572) for the same uses which were approved with conditions by the Rural and New Town Planning Committee (the Committee) on 17.2.2006 and 14.1.2022 respectively (details in paragraph 5 below). Compared with the previous application No. A/TM/572, the current application is submitted by the same applicants for the same uses with the same layout.
- 1.4 In support of the application, the applicants submitted the following documents:
- (a) Application Form with attachments received on 22.8.2024 **(Appendix I)**
  - (b) Supplementary Information (SI) received on 26.8.2024 **(Appendix Ia)**
  - (c) Further Information (FI) received on 25.9.2024 **(Appendix Ib)**  
*[Accepted and exempted from publication and recounting requirements]*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form and SI in **Appendices I and Ia**. They are summarised as follows:

- (a) the applicants purchased the Premises from the previous owners in 2019 and have been paying the temporary waiver fee since then;
- (b) to facilitate the change of name under the temporary waiver, the applicants submitted an application (No. A/TM/572) for the same uses which was approved by the Committee with conditions on 14.1.2022;
- (c) the applicants have made efforts to comply with the approval condition on the submission and implementation of fire services installations (FSIs) proposal under application No. A/TM/572. Although the FSIs proposal for the Premises has been accepted by the Fire Services Department (FSD), the FSIs of the Building could not be implemented in time and hence the planning permission was revoked on 14.4.2024;
- (d) the Building's management office notified the applicants on 6.8.2024 that the FSIs of the Building were completed. As such, the applicants have submitted the relevant certificates (**Appendix I**) in support of the current application; and
- (e) the current proposal and traffic arrangements remain the same as the previously approved application No. A/TM/572. The applied uses will not cause any adverse traffic impacts to the surrounding area.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicants are 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 Development within “OU(B)” Zone (TPB PG-No. 22D) is relevant in the following aspects:

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses;
- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;
- (c) the FSD should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas on the G/F of an existing industrial/I-O building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The above limits on commercial floor area do not apply to uses which are ancillary to or for the purposes of supporting the industrial activities/I-O and the routine activities of the workers in the industrial building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use. Separate means of escape should be available for the commercial portion; and
- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

#### **5. Previous Applications**

The Premises is the subject of two previous applications (No. A/TM/345 and A/TM/572) for the same uses under the current application. The former application (No. A/TM/345) was submitted by different applicants when the Building was zoned “Industrial” (“I”) on the prevailing OZP at the time while the latter application (No. A/TM/572) was submitted by the same applicants when the Building has been zoned “OU(B)”. Both applications were approved with conditions by the Committee on 17.2.2006 and 14.1.2022 respectively mainly on the considerations that the applied uses were not incompatible with industrial/industrial-related uses in the surroundings; complied with the relevant Board’s guidelines for development in “I” or “OU(B)” zones; and had no adverse traffic, environmental and fire safety impacts. The planning permissions (No. A/TM/345 and A/TM/572) were revoked on 17.11.2007 and 14.4.2024 respectively as the applicants failed to comply with the time-limited approval conditions on the submission and implementation of FSIs proposal. Details of the previous applications are at **Appendix II** and their location are shown on **Plan A-1**.

## 6. Similar Applications

- 6.1 There are 42 similar applications for shop and services/wholesale trade uses including retail shop, local provision store, real estate agency, fast food shop and convenience store at other G/F units of the Building. Amongst them, 33 applications were considered when the Building fell within an area zoned “I” on the OZP and the remaining nine were considered after the site of the Building was rezoned to “OU(B)” in 2011.
- 6.2 Amongst the 42 similar applications, 33 were approved by the Committee, and nine were rejected by the Committee or the Board on review. Amongst the nine applications which were considered under the “OU(B)” zone, four applications were approved by the Committee and five were rejected by the Committee or the Board on review mainly on fire safety grounds. Details of these similar applications are at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.3 Amongst the 33 approved applications, only the following applications are still valid and should be counted towards the maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the G/F of the Building with sprinkler system according to TPB PG-No. 22D:

Application No.	Application Premises (G/F)	Proposed Uses/Development	Floor Area (about) (m <sup>2</sup> )	Date of Approval
A/TM/78 <sup>[a]</sup>	13-13A	Retailing of Vehicle Spare Parts	33	27.1.1989
A/TM/79 <sup>[a]</sup>	52	Wholesaling and Retailing of Packaging Materials and Stationery	32	27.1.1989
A/TM/81 <sup>[a]</sup>	121	Wholesaling and Retailing of Packaging Materials and Stationery	28	27.1.1989
A/TM/146 <sup>[a]</sup>	1B	Retailing of Packaging Materials and Stationery	38	19.6.1992
A/TM/155 <sup>[a]</sup>	3 (portion)	Retailing of Plastic Bags and Stationery	12	23.10.1992
A/TM/559	1A	Shop and Services	33.67	30.4.2021
A/TM/561	17A and 17 (portion)	Shop and Services and Wholesale Trade with Ancillary Warehouse	65	13.8.2021
<b>Total Approved Floor Area: 241.67m<sup>2</sup><sup>[b]</sup></b>				

<sup>[a]</sup> These applications were approved when the Building was zoned “I” on the OZP.

<sup>[b]</sup> The total approved floor area of 241.67m<sup>2</sup> has excluded the floor areas within the overlapping premises and cases in which planning permission lapsed or has been revoked.

- 6.4 According to TPB PG-No. 22D, the limit on the aggregated commercial floor area on the G/F of the Building is applicable to the applied uses. If the application is approved, the aggregate commercial floor area will become 252.77m<sup>2</sup>, which is within the maximum permissible limit of 460m<sup>2</sup> for the Building with sprinkler system.

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

7.1 The Premises is:

- (a) located on the G/F of the Building with a direct street frontage to Kin On Street; and;
- (b) currently used as a shop for retail and wholesale of electronic appliances without valid planning permission.

7.2 Based on the site inspection conducted on 30.8.2024, the existing main uses of the Building by floors are summarised below :

Floor	Main Uses
G/F	<b>The Premises</b> <sup>[a]</sup> , canteen, shop and services (real estate agency, printing company, safety equipment retailing, etc.), offices, workshops and storage
1/F	Shop and services (curtains and lighting retailing, car paint retailing, etc.), offices (for production company, interior design company, etc.), workshops and storage
2/F	Carpark and Owners' Corporation Office
3/F to 19/F	Offices (for production company, design company, etc.), shop and services (wedding services, clothing, salon, etc.), tutorial school, workshops and storage

<sup>[a]</sup> The remaining portion of Unit 10/10A is for storage/warehouse use (**Plan A-2b**).

7.3 The surrounding areas are predominated by industrial buildings (i.e. HK Hi-Tech Enterprises, Parklane Centre and Gemmy Industrial Building, etc.) with Tuen Mun Divisional Fire Station located across Kin Tai Street to the east and Kowloon Motor Bus (KMB) Overhaul Centre and Bus Depot located across Kin Wing Street to the north (**Plan A-2a**).

## 8. **Planning Intention**

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

## 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/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) the Premises is situated at TMTL 114 ('the Lot') which is held under New Grant No. 2232 ('the New Grant'). The Lot is subject to the following salient lease conditions:
  - (i) User: Industrial and/or godown purposes (excluding any offensive trade); and
  - (ii) Type of Building: A factory or factories or a warehouse or warehouses or both, ancillary offices and such quarters as may be required for watchmen or caretakers;
- (b) the Premises is subject to a waiver for the lifetime of the existing building erected on the Lot for the provision of canteen and other welfare facilities for an area not exceeding 10% of the gross floor area of the existing building;
- (c) the proposed 'shop and services' and 'wholesale trade' uses of the Premises do not comply with the lease conditions as mentioned above, including but not limited to restrictions relating to user and type of building. If the current application is approved by the Board, the registered owner of the Premises will need to apply to LandsD for a temporary waiver for implementation of the proposal. The proposal will only be considered upon receipt of a formal application from the registered owner. However, there is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall see fit, including among others, payment of a waiver fee and an administrative fee as may be imposed by LandsD;
- (d) Site inspection conducted on 4.9.2024 revealed that the Premises had been occupied by a shop selling electronic components, which is in breach of the Special Conditions of the New Grant. The owner should immediately regularise the lease breaches and his office reserves the right to take lease enforcement action in this regard as considered appropriate; and
- (e) his advisory comments are at **Appendix III**.

### **Fire Safety**

#### 9.1.2 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the application; and
- (b) with reference to the plans and certificates submitted (**Appendix I**), the submission and implementation of FSIs have been fulfilled satisfactorily.

### **Environment**

#### 9.1.3 Comments of the Director of Environmental Protection (DEP):

He has no objection to the application from the environmental planning perspective as adverse environmental impact is not anticipated given the small scale and nature of the applied uses.

### **Building Matters**

9.1.4 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

(a) he has no in-principle objection under the Buildings Ordinance to the current application; and

(b) his advisory comments are at **Appendix III**.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Chief Engineer/Mainland North, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Director of Electrical and Mechanical Services;
- (f) Director-General of Trade and Industry (DG of T&I);
- (g) Director of Food and Environmental Hygiene;
- (h) Commissioner of Police; and
- (i) District Officer (Tuen Mun), Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Period**

On 30.8.2024, 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 for shop and services and wholesale trade uses at the Premises within an existing industrial building which falls within an area zoned “OU(B)” on the OZP. The planning intention of “OU(B)” zone is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings, provided that the proposed uses would not induce adverse fire safety and environmental impacts. The applied uses are considered generally in line with the planning intention of the “OU(B)” zone.

11.2 The Premises has a floor area of about 11.1m<sup>2</sup> and is located on the G/F of an existing building with direct frontage to Kin On Street (**Plan A-2a**). In view of the nature of operation and small scale of the applied uses, they are considered not incompatible with other uses within the same building which mainly comprises shop and services, canteen, and workshops on the G/F and industrial-related offices, warehouses and workshops on the upper floors, and in the surrounding industrial developments.

- 11.3 Concerned departments including C for T, D of FS, DEP and DG of T&I have no in-principle objection to/no adverse comment on the application from traffic, fire safety, environmental and industrial land supply aspects respectively. The application generally complies with TPB PG-No. 22D in that the applied uses would not induce adverse impacts on other uses within the Building and in the adjacent areas.
- 11.4 As confirmed by D of FS, the subject building is protected by sprinkler system and subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on G/F in accordance with TPB PG-No. 22D. If the application is approved, the aggregated commercial floor area on G/F of the Building will become 252.77m<sup>2</sup>, which is within the maximum permissible limit of 460m<sup>2</sup>.
- 11.5 The Premises is the subject of two previous applications for the same applied uses which were approved with conditions by the Committee in 2006 and 2022 respectively. However, the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions regarding the submission and implementation of FSIs proposal. The current application is submitted by the same applicants of the last application (No. A/TM/572). For the current application, the applicants have submitted FSIs certificates in support of the application. In this regard, D of FS considers that the submission and implementation of FSIs have been fulfilled and has no in-principle objection to the current application. In addition, there are 33 similar approved applications for shop and services at other G/F units of the Building, of which four were approved when the site has been rezoned to “OU(B)”. Approval of the current application is generally in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on the commencement is proposed as the shop and services and wholesale trade uses under application are already in operation at the Premises. The recommended advisory clauses attached at **Appendix III** are suggested for Members’ reference.
- 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.
- 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 applicants.



**14. Attachments**

<b>Appendix I</b>	Application Form received on 22.8.2024
<b>Appendix Ia</b>	SI received on 26.8.2024
<b>Appendix Ib</b>	FI received on 25.9.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout of the Premises submitted by the Applicants
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Land Use of Adjoining Units of the Premises
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**