

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/283

<u>Applicant</u>	:	Hing Kwok Property Investment Limited represented by Anders Surveyors Company Limited
<u>Premises</u>	:	Unit L (Portion), Ground Floor (G/F), Wang Yip Centre, 18 Wang Yip Street East, Yuen Long, New Territories
<u>Floor Area</u>	:	62.4m ² (about)
<u>Lease</u>	:	Yuen Long Town Lot (YLTL) No. 385 held under New Grant No. 3923 - Restricted to industrial or godown purposes or both (excluding offensive trades)
<u>Plan</u>	:	Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/24
<u>Zoning</u>	:	“Other Specified Uses” annotated “Business” (“OU(B)”) <i>[Restricted to a maximum plot ratio of 5 and a maximum building height of 15 storeys excluding basement(s)]</i>
<u>Application</u>	:	Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed shop and services (**Plan A-1**). The Premises is located on the G/F of an existing 9-storey industrial building (IB), known as Wang Yip Centre. According to Schedule II (for industrial or industrial-office (I-O) building) of the Notes of the OZP for the “OU(B)” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently undergoing renovation (**Plan A-4**).
- 1.2 The Premises involves one previous application (No. A/YL/262) for the same use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 17.1.2020. However, the planning permission was revoked on 17.7.2020 due to non-compliance with time-limited approval condition on submission and implementation of fire service installations (FSIs) and equipment proposal.

Compared with the last application, the current application is submitted by the same applicant for the same use at the same premises.

- 1.3 According to the applicant, the proposal is intended for a fast food shop providing takeaways or other retail purpose to serve the local clientele. Plans showing the layout of the Premises and G/F of Wang Yip Centre submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|----------------------|
| (a) | Application Form received on 27.8.2021 | (Appendix I) |
| (b) | Planning Statement | (Appendix Ia) |
| (c) | Further Information (FI) received on 28.9.2021 | (Appendix Ib) |
| (d) | FI received on 18.10.2021 | (Appendix Ic) |
| (e) | FI received on 19.10.2021 | (Appendix Id) |
- [(c) to (e) exempted from publication and recounting requirements]*
- 1.5 On 15.10.2021, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. Since 18.10.2021, FIs have been received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are mainly detailed in the Planning Statement and FIs (**Appendices Ia** to **Id**). They can be summarised as follows:

- (a) Due to COVID-19, the applicant had not pursued the scheme approved under the previous application (No. A/YL/262). As the pandemic has been under control, the applicant decided to reactivate the shop and services use at the Premises.
- (b) The proposal will be in line with the planning intention of the “OU(B)” zone by phasing out industrial uses and providing not less than ten employment opportunities.
- (c) The proposal is in line with Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) as the floor area of the Premises does not exceed the permitted aggregate commercial floor area stated therein. The Premises is small in scale and equipped with a sprinkler system. Furthermore, fire rated wall has been erected to separate the Premises from the industrial portion of the subject IB. Adverse environmental impact or fire hazard are not anticipated.
- (d) The Board has approved a number of similar applications in Yuen Long. Also, a number of G/F units of the nearby IBs have been occupied by retail or service trade uses. The proposal is therefore well compatible with the surrounding uses.

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

TPB PG-No. 22D are 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 Fire Services Department 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 or I-O building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² 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 and the routine activities of the workers in the industrial or I-O building. These uses include bank, fast food counter (sited at street level without seating accommodation and licensed as food factory), electrical shop, local provisions store and showroom in connection with the main industrial use. In all cases, separate means of escape should be available for the commercial portion.
- (d) For all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading (L/UL) 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 Application

The Premises involves one previous application (No. A/YL/262) for the same use as the current application, which was approved with conditions by the Committee on 17.1.2020 mainly on the considerations that the proposal was generally in line with the planning intention of the “OU(B)” zone and TPB PG-No. 22D; and the concerns of the departments could be addressed by imposing approval conditions. However, the planning permission was revoked on 17.7.2020 due to non-compliance with time-limited approval condition on submission and implementation of FSIs and equipment proposal. Compared with the last

application, the current application is submitted by the same applicant for the same use at the same premises. Details of the application are summarised in **Appendix II** and the boundary of the premises is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “OU(B)” zone.

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

7.1 The Premises is:

- (a) situated at a portion of Unit L on the G/F of a 9-storey IB completed in 1992, known as Wang Yip Centre;
- (b) directly accessible from a pedestrian walkway off Keung Yip Street and Leung Yip Street; and
- (c) currently undergoing renovation (**Plan A-4**)

7.2 The subject IB is currently used for the following purposes:

Floor	Main uses
G/F	The Premises , eating places, vehicle repair workshops/car services, vacant units, lobby and L/UL bays
1/F – 8/F	Food factories, offices, fitness rooms, storage, play room, workshops, carpark and vacant units

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

- (a) comprising mainly medium and high-rise industrial and I-O buildings with some G/F workshops and services trade uses at the centre of Tung Tau Industrial Area (TTIA), which is undergoing gradual transformation from industrial/warehouse/workshop uses to non-polluting commercial uses;
- (b) to its northwest across a pedestrian walkway and cycle track is an open-air public vehicle park;
- (c) to its east and southeast across Wang Yip Street East are the TTIA Playground and Keung Yip Street Rest Garden respectively, and to its southwest is a vacant woodland, all zoned as “Open Space” on the OZP; and
- (d) the Long Ping Station is situated about 300m to its southwest.

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 I-O 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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Premises falls within YLTL No. 385, which is held under New Grant No. 3923 dated 23.1.1990 (the New Grant). According to the New Grant, the lot or any part thereof or any building or part of any building erected or to be erected thereon shall not be used for any purpose other than for industrial or godown purposes or both, excluding any trade that is now or may hereafter be declared to be an offensive trade under the Public Health and Municipal Services Ordinance, or any enactment amending the same or substituted therefor.
- (b) The proposed use at the Premises is in breach of the lease conditions. Should the Board decide to approve the planning application, the applicant is required to apply to her office for a temporary waiver to give effect to the proposal. However, there is no guarantee at this stage that the temporary waiver would be approved. If the application for temporary waiver is approved by her department in the capacity as landlord at its sole discretion, it will be subject to those terms and conditions including the payment of waiver fee as appropriate as imposed by her department.
- (c) The floor area of the Premises and other details submitted by the applicant have not been verified and the applicant is required to demonstrate the dimensions and calculation of the floor area when the waiver application is submitted.

Traffic

9.1.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided to prevent surface water running from the Premises to the nearby public roads and drains.

- (b) It is noted that no run-in/out and direct vehicular access to the Premises is proposed.

Environment

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

- (a) He has no objection to the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix III**.

Fire Safety

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to FSIs and equipment being provided to the satisfaction of his department.
- (b) The building is fully protected with a sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 460 m² in accordance with TPB PG-No. 22D. However, as the proposal is for fast food counter at the Premises, the proposed use should not be counted up to the aggregated commercial floor area.
- (c) The applicant should be reminded of the detailed comments at **Appendix III**.

Building Matters

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

The applicant should be reminded of the detailed comments at **Appendix III**.

Food and Environmental Hygiene

9.1.6 Comments of the Director of Food and Environmental Hygiene (DFEH):

He has no adverse comments on the application and the applicant should note the detailed comments, including those on licensing aspects, at **Appendix III**.

District Officer's Comments

9.1.7 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Her office has not received any comment from the village representatives in

the vicinity regarding the application.

9.2 The following government departments have no comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) Commissioner of Police (C of P).

10 Public Comment Received During Statutory Publication Period

On 3.9.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

11 Planning Considerations and Assessments

- 11.1 The application is for proposed shop and services at the Premises on G/F of an existing IB zoned “OU(B)” on the OZP. The planning intention of the “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 use would not induce adverse fire safety or environmental impacts. The proposed use is considered generally in line with the planning intention.
- 11.2 The Premises is located on the G/F of an IB situated at the centre of the TTIA, which is undergoing gradual transformation from industrial/warehouse/workshop uses to non-polluting commercial uses (**Plan A-1**). The proposed use is considered not incompatible with the surrounding uses and the emerging non-polluting commercial uses in the area. Moreover, the proposed use is considered not incompatible with other uses of the same IB which mainly comprises vehicle repair workshops/car services, offices and food factories.
- 11.3 The proposed use generally complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and environmental impacts on other uses within the subject IB and the adjacent areas. The Premises is located on G/F of an existing IB with direct frontage onto Leung Yip Street. In this regard, D of FS advised that the proposal for fast food counter at the Premises should not be counted up to the aggregated commercial floor area under TPB PG-No. 22D. Relevant government departments, including D of FS, C for T and DEP, have no objection to the application. To address the technical concern on the fire safety aspect, an approval condition requiring submission and implementation of FSIs and equipment proposal is recommended in paragraph 12.2. Should the application be approved, the proposed use will also need to comply with all requirements of the relevant licensing authority(s).
- 11.4 Given that one previous approval has been granted to the Premises by the Committee, approval of the application is generally in line with the Committee’s

previous decision. Although the permission under previous application (No. A/YL/262) was revoked due to non-compliance with time-limited approval condition in relation to FSIs and equipment proposal, D of FS has no in-principle objection to the current application. In this regard, sympathetic consideration could be given to approve the current application.

- 11.5 There is no public comment received on the application during the statutory publication period.

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, it is suggested that the permission shall be valid until 12.11.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. 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 proposal before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above approval condition (a) is not complied with before operation of the proposed use, 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 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 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 date when validity of the permission should expire.
- 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 27.8.2021
Appendix Ia	Planning Statement
Appendix Ib	FI received on 28.9.2021
Appendix Ic	FI received on 18.10.2021
Appendix Id	FI received on 19.10.2021
Appendix II	Previous Application covering the Premises
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed G/F Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2021**