

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

**APPLICATION NO. A/ST/990**

<b><u>Applicant</u></b>	:	Harvest Civil Engineering Co. Ltd.
<b><u>Premises</u></b>	:	Workshops 5 and 7, 10/F, Shing Chuen Industrial Building, 25-27 Shing Wan Road, Tai Wai, Sha Tin
<b><u>Floor Area</u></b>	:	179.4 m <sup>2</sup>
<b><u>Lease</u></b>	:	(a) STTL No. 42 (New Grant No. 11835) (b) restricted to industrial and/or godown purposes excluding offensive trades
<b><u>Plan</u></b>	:	Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<b><u>Zoning</u></b>	:	“Industrial” (“I”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Office under Application No. A/ST/939 for a Period of three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the planning approval under application No. A/ST/939 for temporary office use for a period of three years at the application premises (the Premises) (**Plan A-1**). According to the Notes of the OZP, ‘Office (not elsewhere specified)<sup>1</sup>’ is a Column 2 use in the “I” zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is the subject of a previous application No. A/ST/939 submitted by the same applicant for the same use. The previous application was approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions on 22.12.2017 on a temporary basis for a period of three years. The applicant has complied with all the approval conditions. The planning permission is valid until 22.12.2020.
- 1.3 The Premises, with a total floor area of 179.4m<sup>2</sup>, is located on the tenth floor of Shing Chuen Industrial Building (the subject industrial building) abutting Shing Hing Street, Shing Chuen Road and Shing Wan Road. The layout plan of the Premises submitted by the applicant is shown on **Drawings A-1 and A-2**. There

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<sup>1</sup> ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ is always permitted within the “I” zone.

is no change in the development scheme compared with the previous permission under application No. A/ST/939.

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

- (a) Application form with attachments received on 21.9.2020 **(Appendix I)**
- (b) Further Information (FI) received on 6.10.2020 **(Appendix Ia)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and attachments at **Appendix I** and FI at **Appendix Ia**. They can be summarized as follows:

- (a) The applicant needs to have an adequate team of management staff in order to manage the contracts properly and efficiently. As such, more office space is needed to accommodate office personnel including clerical, accounting, estimating and contract management staff.
- (b) Tai Wai is a good location to accommodate office for contractor companies mainly involved in civil engineering works involved as such kind of works spread over the New Territories. Nevertheless, the applicant is unable to find suitable alternative sites to locate its office as the developments within Tai Wai are mostly residential buildings, village houses and industrial buildings.
- (c) The location of the Premises is easily accessible to public transport facilities, which will minimize the potential traffic generation.
- (d) The company has an operational need to transport equipment and furniture and temporarily store them in the Premises. Adequate loading/unloading facilities in the subject industrial building would facilitate the operation of the company.
- (e) The applicant has fully complied with the approval conditions attached to the previous permission in relation to the provision of fire service installations (FSIs). An updated set of Certificate of Fire Service Installation and Equipment (FS251) is submitted to support the application.

## **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**

4.1 The ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D), which was revised and promulgated in September 2007, is relevant to this application. For a proposed commercial use in an industrial building, relevant planning assessment criteria are summarized as follows:

- (a) for a proposed commercial use in an industrial building or on the upper floors of an industrial-office building, 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) there should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network; and
- (c) the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application.

4.2 The ‘Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34C) is relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## 5. Previous Application

The Premises is the subject of a previous application (No. A/ST/939) (**Plan A-2**) submitted by the same applicant for the same use. The application was approved by the Committee with conditions on 22.12.2017 on a temporary basis for a period of three years on the consideration that the office use was not incompatible with the industrial/industrial-related uses in the surroundings; complied with the TPB PG-No. 25D; and would have no adverse impact on traffic, fire safety and the environment. The approval conditions on fire safety measures have been fully complied with. Planning permission under application No. A/ST/939 is valid until 22.12.2020.

## 6. Similar Applications

- 6.1 There are four similar applications for office use in the subject industrial building (**Plan A-2**).
- 6.2 Application No. A/ST/804 for office use on 8/F was rejected by the Committee on 25.1.2013 and by the Board upon review on 10.5.2013 on the grounds that the proposed development did not comply with the TPB PG-No. 25D. The proposal included non-office uses including workshop for training or production, pottery and handicrafts making, artwork design, song writing and practicing of musical instruments which would attract people who could be exposed to fire risk, which they would neither be aware of nor prepared to face and the proposed use was unacceptable from fire safety point of view.
- 6.3 Application No. A/ST/811 for office use on 9/F was rejected by the Committee on 5.4.2013 on the grounds that the proposed use would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities. Subsequently, EPD re-examined the case and considered that there were no polluting industries found within the subject industrial building and the proposed office use under application could be regarded as tolerable from environmental point of view. On 26.7.2013, the Board upon review approved the application with conditions on a temporary basis for a period of 3 years on the ground that the application was considered in compliance with TPB PG-No. 25. The application, however, was revoked on 26.1.2014 due to failure to comply with the approval conditions on the submission of air quality and noise assessment and fire safety measures.
- 6.4 Application No. A/ST/921 for temporary office for a period of 3 years at Workshop 8 on 10/F was approved by the Committee with conditions on 23.6.2017 as the proposal was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and its vicinity; the proposal generally complies with TPB PG-No. 25D; and there would be no adverse fire safety, traffic and environmental impacts on the area. The permission was renewed under application No. A/ST/985 for a period of 3 years on 12.6.2020 as the proposal was considered not incompatible with the industrial and industrial related uses in the subject industrial building and its vicinity, and generally complies with TPB PG-No. 25D and TPB PG-No. 34C.

## 7. The Premises and Its Surrounding Areas (Plans A-1 to A-5)

7.1 The Premises is:

- (a) located on 10/F of Shing Chuen Industrial Building in Tai Wai industrial area; and
- (b) currently used as an office.

7.2 The subject industrial building is:

- (a) 11 storeys in height bounded by Shing Hing Street, Shing Chuen Road and Shing Wan Road. Car parking and loading/unloading spaces are provided on ground and first floors of the building with vehicular access from Shing Wan Road; and
- (b) currently occupied by the following uses on various floors:

Floor	Current Uses
G/F	Offices, vehicle repair workshops, wine shop#, real estate agency#, godown and locked premises
1/F to 9/F	Offices, godowns, workshops and locked premises
10/F	<b>The Premises</b> , offices, godown and locked premises

<sup>#</sup>There is no record of planning approval granted for such use.

7.3 The surrounding areas have the following characteristics:

- (a) the surrounding area is an established industrial area with medium-rise industrial buildings with various commercial uses including offices and shop and services on ground floor;
- (b) the subject industrial area is segregated from neighbouring residential areas by Shing Mun River and the MTR East Rail Line; and
- (c) MTR Tai Wai Station is located about 200m to the southwest of the subject industrial building.

## 8. Planning Intention

The “I” zone of Tai Wai is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet the 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 is situated on the 10/F of Shing Chuen Industrial Building, erected on Sha Tin Town Lot No. 42 and governed under New Grant No 11835 (“the New Grant”). Under the New Grant, the lot shall not be used for any purpose other than industrial or godown purposes or both, excluding offensive trade; and
- (b) a temporary waiver was granted by his office to the existing owner of the Premises to allow the use of the Premises with internal floor area of 179.4m<sup>2</sup> (about) for ‘Office’ purpose with a fixed term of one year and thereafter quarterly commencing from 28.9.2011. Should there be any deviation from the waiver conditions, the owner of the Premises is required to apply for a new temporary waiver from LandsD. There is no guarantee that the application, if received, will be approved by LandsD. The application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD.

### Environment

9.1.2 Comments of Director of Environmental Protection (DEP):

he has no objection to the current renewal application in view that the office use is not incompatible with other uses in the subject industrial building and there is no change in the proposed use.

### Traffic

9.1.3 Comments of Commissioner for Transport (C for T):

he has no in-principle objection to the renewal application from traffic engineering point of view.

### Fire Safety

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

he has no in-principle objection to the renewal application subject to all fire service installations and equipment as required by FSD at the Premises being maintained in efficient working order at all times. Re-submission of fire service installations proposal is not required given that there is no change to the proposal of layout/use/fire service installations.

### Building Matters

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

- (a) he has no in-principle objection to the application subject to:
  - (i) removal of all unauthorized building works/structure;
  - (ii) all building works are subject to compliance with Buildings Ordinance (BO);
  - (iii) authorised person (AP) must be appointed to coordinate all building works, if any;
  - (iv) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures in the Premises under BO. Enforcement action may be taken to effect the removal of all unauthorized works in future;
  - (v) the provision of natural lighting and ventilation of the proposed office should comply with Building (Planning) Regulation 30; and
- (b) detailed comments would be given at building plan submission stage.

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

- (a) District Officer/Shu Tin, Home Affairs Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Director-General of Trade and Industry;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Highway Engineer/New Territories East, Highways Department; and
- (f) Project Manager/New Territories East, Civil Engineering and Development Department.

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

On 29.9.2020, the application was published for public inspection. During the statutory public inspection period, no comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The Premises is located on 10/F of an existing industrial building in Tai Wai industrial area. This is a renewal application to continue the existing office use at the Premises, which was approved with conditions on a temporary basis for three years until 22.12.2020 under application No. A/ST/939. The applicant has complied with all the approval conditions, i.e. the submission and implementation of fire safety measures to the satisfaction of D of FS.
- 11.2 The renewal application is for office use within an existing industrial building. It is considered not incompatible with the industrial and industrial-related uses in the subject industrial building and its vicinity, where office and shops and services uses can be found. The office use under application generally complies with the relevant considerations set out in the TPB PG-No. 25D. It would have no adverse impact on the area from fire safety, traffic and environmental considerations. D of FS has no in-principle objection to the application provided that the fire service installations at the Premises are maintained in efficient working order at all times. Other Government departments consulted including TD, EPD and BD have no objection to/adverse comment on the application.
- 11.3 The current application is the same as the previously approved application in terms of use and area of the Premises and there has been no material change in planning circumstances since the previous temporary approval was granted. There is no adverse planning implication arising from the renewal of the planning approval. The approval period of three years sought is also not longer than the original validity period of the temporary approval, which is considered reasonable to allow the Committee to monitor the supply and demand of industrial floor space in the area. As such, the proposed renewal application complies with the TPB PG-No. 34C for renewal of planning approval.
- 11.4 Three similar applications for office use were approved with conditions on a temporary basis by the Committee and the Board upon review between 2013 and 2020.
- 11.5 No public comment has been received during the statutory public inspection period.

## **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 three 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 further period of three years



from 23.12.2020 to 22.12.2023. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

The existing fire service installations implemented at the application premises should be maintained in efficient working order at all times.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix II**.

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 for renewal of the planning 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 and attachments received on 21.9.2020
Appendix Ia	FI received on 6.10.2020
Appendix II	Recommended advisory clauses
Drawing A-1	Floor Plan
Drawing A-2	Layout Plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Floor plan
Plans A-4 and A-5	Site Photos