

RNTPC Paper No. A/FSS/265
For Consideration by
the Rural and New Town
Planning Committee
on 16.3.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/265

- Applicant** : Silver Wealthy Investment Ltd. represented by Honest Land Surveys Company
- Premises** : Unit 4, 3/F, Fuk Shing Commercial Building, 28 On Lok Mun Street, Fanling, New Territories
- Floor Area** : About 80m²
- Lease** : (a) Fanling Sheung Shui Town Lot (FSSTL) No. 162
(b) Restricted to (i) industrial, godown purposes or both; (ii) office ancillary and directly related to an industrial operation; or (iii) any combination of (i) and (ii) above
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/22
- Zoning** : “Industrial” (“I”)
[development restricted to a maximum plot ratio of 5.0 and a maximum building height of 65 metres (excluding basements) or the plot ratio and the height of the existing building, whichever is the greater]
- Application** : Proposed Office (Back Office)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Office (Back Office)’ use. The Premises occupies Unit 4 on 3/F of an existing industrial-office (I-O) building, namely, Fuk Shing Commercial Building, at 28 On Lok Mun Street, Fanling, which falls within an area zoned “I” on the approved Fanling/Sheung OZP No. S/FSS/22 (**Plan A-1**).
- 1.2 According to the Notes of the said OZP, ‘Office (not elsewhere specified)’ within the “I” zone requires planning permission from the Town Planning Board (the Board). The Fuk Shing Commercial Building was the subject of a previous planning application (No. A/FSS/65) for an I-O building approved with conditions by the Rural & New Town Planning Committee (the

Committee) of the Board on 17.2.1995. According to one of the approval conditions of this previous application, both heavy and noxious industrial operations and pure office activities unrelated to any industrial operations will not be permitted.

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

- (a) Application form received on 19.1.2018 **(Appendix I)**
- (b) Letter clarifying the proposed use and location plans received on 23.1.2018 **(Appendix Ia)**
- (c) Further information (FI) received on 26.2.2018 in response to departmental comments from Transport Department (TD) **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)
- (d) FI received on 7.3.2018 in response to departmental comment from TD **(Appendix Ic)**
(accepted and exempted from publication and recounting requirements)

1.4 Plans showing the Premises as submitted by the applicant are in **Drawings A-1 to A-2**.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application set out in the application form (**Section 9 of Appendix I**) and the applicant's clarification letter (**Appendix Ia**) are as follows:

- (a) the major users of the subject building are office uses, and the subject building has been managed as a commercial building;
- (b) the proposed use at the Premises is compatible with the uses of other premises in the same building, and will not have adverse traffic and environmental impact;
- (c) the applicant was given consent by the land owner to install fire service installations if such requirement is imposed by the Board upon approval of the application;
- (d) the proposed use at the Premises is a back office and no direct provision of customer services would be provided; and
- (e) there is no office floor space or suitable alternative accommodation can be found in Fanling.

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

The applicant is not a "current land owner" but has complied with the requirement 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. 31) by obtaining consent of the sole current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Area Assessment of Industrial Land in the Territories

In view of the concern on the utilization of the industrial buildings in the territory as well as the changing needs of the industrial and business sectors, Planning Department (PlanD) conducted the ‘Area Assessment of the Industrial Land in the Territory’ (Area Assessments) since 2000. On 14.8.2015, the Board noted the findings, key observations and recommendation of the latest 2014 ‘Area Assessments’. For On Lok Tsuen Industrial area, it is recommended, amongst others, that the whole area should be retained as “I” zone to cater for the strong demand for general logistics/warehousing.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D), promulgated in September 2007, are relevant to this application. For a proposed commercial use in an industrial building or on the upper floors of an I-O building, the relevant assessment criteria are summarized below:

- (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) 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.

6. **Previous Application**

6.1 The subject building in where the Premises is located was the subject of a previous planning application (No. A/FSS/65) for an I-O building approved with conditions by the Committee of the Board on 17.2.1995 (**Plan A-1**). According to one of the approval conditions of this previous application, both heavy and noxious industrial operations and pure office activities unrelated to any industrial operations will not be permitted (**Appendix II**).

6.2 There is no previous application in respect of the Premises.

7. Similar Applications

- 7.1 There are a total of 15 similar applications for office use at various premises within On Lok Tsuen “I” zone. 14 applications (Nos. A/FSS/36, 40, 43, 46, 47, 48, 50, 51, 53, 57, 68, 196, 226 and 251) were approved by the Committee between 1992 and 2016. All applications (except No. A/FSS/36) were approved mainly on the considerations that the proposed office uses generally complies with the relevant Town Planning Board Guidelines; and the proposed offices would not result in a substantial reduction in the overall provision of industrial floor space in the building and in the district as a whole.
- 7.2 Apart from No. A/FSS/196 which applied for a temporary office, all other applications applied for permanent planning permissions. Despite permanent planning permissions were sought, approvals for office use on a temporary basis for a period of 3 years were granted for all applications (except No. A/FSS/36) so as to allow the Committee to better monitor the provision of industrial floor space in the area.
- 7.3 Planning application Nos. A/FSS/226 (at Unit 7 on 3/F of the subject building) and A/FSS/251 were for similar back-office use and were approved by the Committee on 12.12.2014 and 11.11.2016 respectively mainly on the consideration that the proposed development complies with relevant Town Planning Board Guidelines, there was no alternative office building or suitable alternative accommodation in the vicinity; there would not be any adverse impacts on the environment, traffic and concerned departments have no adverse comment/objection to the application. The former planning permission was revoked on 12.9.2015 due to failure to comply with approval condition on the submission of fire service installations (FSI) proposals and the latter planning permission was revoked on 11.2.2018 due to failure to comply with approval condition on the provision of FSI.
- 7.4 The remaining application (No. A/FSS/15) was rejected by the Committee on 25.5.1990, mainly for the reasons that the proportion of office use, which amounts to over 80% of the total usable floor area, was greatly in excess of the limit normally permitted by the Board in respect of ancillary office use within industrial buildings, and a significant portion of the proposed office use is unrelated to industrial operation.
- 7.5 Details of the applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

8. The Premises and their Surrounding Areas (Drawings A-1 to A-2, Plans A-1 to A-3 and photos on Plan A-4)

- 8.1 The Premises is:
- (a) located at Unit 4 on 3/F of Fuk Shing Commercial Building; and
 - (b) currently occupied by office furniture but the office is not in operation.

8.2 The subject building:

- (a) is sandwiched between On Lok Mun Street and On Kui Street, and located in the northeastern part of On Lok Tsuen Industrial Area in Fanling New Town;
- (b) is a 7-storey I-O building built in 1999 with a total GFA of about 8,354m²; and
- (c) has the following existing uses:

Floor	Current Uses
G/F	Laboratory, workshop, lorry parking spaces and loading/unloading area
1/F	Vehicle parking
2/F	Warehouses, laboratory and offices
3/F	The Premises , warehouses and offices
5/F	Warehouses, workshops and offices
6/F	Laboratory
7/F	Warehouses and offices

- 8.3 The surrounding areas are mainly industrial buildings, vehicle repair/beautification workshops, commercial vehicle service factories, warehouses and car parks (**Plan A-2**).

9. Planning Intention

The planning intention of “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.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Premises is located at Fanling Sheung Shui Town Lot (FSSTL) No. 162, which is governed by New Grant No. 13092 (the New Grant), and shall not be used for any purpose other than for (i) industrial or godown purposes or both; or (ii) office

ancillary and directly related to an industrial operation; or (iii) any combination of (i) and (ii) above; and

- (b) the proposal under the present application to use the Premises as 'Office' purpose is not permitted under the New Grant. If the planning application is approved, the registered owner is required to apply to LandsD for a temporary waiver. However, there is no guarantee that the waiver application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as landlord at its sole discretion, and, if approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee and administrative fee as may be imposed by LandsD.

Building Matters

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

- (a) he has no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) regarding the proposed layout, the applicant is advised that
 - (i) the door or wall of the inner rooms should be provided with a vision panel in accordance with Clause B11.5 of the "Code of Practice for Fire Safety in Buildings 2011" (FS Code); and
 - (ii) the room containing a basin should be provided with a window to comply with Building (Planning) Regulation (B(P)R) 36.

Fire Safety

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

he has no in-principle objection to the application subject to:

- (a) the proposed office is a back office and it does not involve direct provision of customer services or goods to the general public; and
- (b) FSI are provided to the satisfactory of his department. Detail fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Environment

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

he has no comment on the application given the nature of the applied use is compatible with the intended use.

Traffic Aspect

10.1.5 Comments of the Commissioner for Transport, Transport Department (C for T, TD):

he has examined the FIs submitted by the applicant and has no comment on the application subject to the condition that no additional traffic flow will be generated/attracted.

Water Supplies

10.1.6 Comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD):

- (a) he has no objection to the application; and
- (b) the subject building, in which the Premises is situated, is located within the flood pumping gathering ground.

District Officer's Comments

10.1.7 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals from 30.1.2018 to 14.2.2018. The Chairman of Fanling District Rural Committee (FDRC), the member of North District Council (NDC), and the Chairman of North District Manufacturers' Association (北區廠商會) have no comment on the proposal.

10.2 The following Government departments have no objection to/comments on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Chief Engineer/Mainland North, Drainage Services Department; and
- (c) Commissioner of Police.

11. Public Comments Received During Statutory Publication Period

On 26.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.2.2018, a total of three public comments from two members of NDC and the chairman of FDRC (**Appendices IV-1 to IV-3**) were received. All commenters have no comment on the application. Among them, one of the commenters expressed that the residents in the vicinity should be consulted on the application.

12. Planning Considerations and Assessments

12.1 The applicant sought planning permission for conversion of a premises of

about 80m² on 3/F of an existing I-O building for proposed 'Office (Back Office)' use. 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. The proposed back office use in the subject I-O building within the "I" zone requires planning permission from the Board.

- 12.2 According to the applicant, there is a shortfall in the provision of office in the North District and no suitable alternative premises/sites to accommodate the proposed back office could be found in Fanling. The proposed back office is considered not incompatible with the uses of other units in the subject building, which are mainly warehouses, workshops and offices.
- 12.3 In view of the scale of the proposed office (80m²) and its nature of operation (i.e. back office with no direct provision of customer services), no significant adverse traffic and environmental impacts are anticipated. Relevant departments, including C for T and DEP, have no objection to or adverse comment on the application. D of FS has no objection to the application from fire safety point of view. The proposed back-office use generally complies with the Town Planning Board Guidelines for Development within the "I" zone (TPB PG-No. 25D) in that there is a genuine need for the proposed back-office use and no suitable alternative accommodation can be found in the vicinity, and no adverse impact would be induced from fire safety, traffic and environmental considerations.
- 12.4 There are 14 similar applications for office use at premises units within On Lok Tsuen area approved by the Committee mainly on the considerations that the proposed office use generally complied with the relevant Town Planning Board Guidelines and the proposed offices would not result in a substantial reduction in the overall provision of industrial floor spaces in the building and in the district as a whole. On 12.12.2014, the Committee approved a similar application No. A/FSS/226 at Unit 7 on 3/F of the subject building for back-office use mainly on the grounds that the application complied with the relevant Town Planning Board Guidelines, there was no alternative office building or suitable alternative accommodation in the vicinity, and there would not be any adverse impact on the environment, traffic and concerned departments have no adverse comment/objection to the application. The planning permission was revoked on 12.9.2015 due to failure to comply with approval condition on the submission of FSI proposals. Approval of the current application is consistent with the Committee's previous decision on approved similar applications for office use in the same "I" zone within On Lok Tsuen.
- 12.5 While the applicant is applying for a proposed office use on a permanent basis, taking into account the recommendation of the 2014 Area Assessments to retain On Lok Tsuen as "I" zone to cater for the strong demand for general logistics/warehousing, it is recommended that a temporary approval of three years be granted instead of a permanent permission so as to allow the Committee to better monitor the provision of industrial floor space in the area.
- 12.6 Three public comments were received from two members of NDC and the chairman of FDRC indicating that they have no comment on the application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as mentioned in paragraph 11, the Planning Department considers that the proposed back-office use can be tolerated for a period of 3 years.
- 13.2 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 three years until **16.3.2021**. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of the fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition (a) is not complied with before operation of the 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 attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' consideration:
- (a) the proposed office use is not in line with the planning intention of "I" zone which is intended for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries; and
- (b) the application does not comply with the Town Planning Board Guidelines for Development within the "I" zone (TPB PG-No. 25D) in that the applicant has not demonstrated that there is a genuine need for the proposed office use and no suitable alternative accommodation can be found in the vicinity.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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 the validity of the permission should expire.

- 14.3 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.

15. **Attachments**

Appendix I	Application form received on 19.1.2018
Appendix Ia	Letter clarifying the proposed use and location plans received on 23.1.2018
Appendix Ib	Further Information received on 26.2.2018
Appendix Ic	Further Information received on 7.3.2018
Appendix II	Previous Application
Appendix III	Similar S.16 Applications for Office Use within the same "I" zone on the approved Fanling/Sheung Shui OZP No. S/FSS/22
Appendices IV-1 to IV-3	Public comments received during the statutory publication period between 26.1.2018 to 20.2.2018
Appendix V	Recommended advisory clauses
Drawings A-1 to A-2	Location Plan and Floor Layout Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**