

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/262

- Applicant** : Hing Kwok Property Investment Limited represented by Anders Surveyors Company Limited
- Premises** : Unit L (Portion) on Ground Floor (G/F), Wang Yip Centre, 18 Wang Yip Street East, Yuen Long, New Territories
- Floor Area** : 62.4m² (about)
- Lease** : Yuen Long Town Lot (YLTL) No. 385 held under New Grant No. 3923
- Restricted to industrial and godown purposes, or both (excluding offensive trades)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
- Zoning** : "Other Specified Uses" annotated "Business" ("OU(B)")
[Restricted to a maximum plot ratio (PR) of 5 and a maximum building height of 15 storeys excluding basement(s), or the PR and height of the existing building, whichever is the greater]
- Application** : Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the premises) for shop and services use (**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)(G/F only except 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 currently occupied by the applied use (i.e. courier services centre) without planning permission. The premises is not subject to any previous planning application.
- 1.2 According to the applicant, the proposal is intended for ~~an eating place~~ **a fast food shop** or retail shop to serve the clientele in the area. Plans showing the proposed layout and G/F of Wang Yip Centre submitted by the applicant are at **Drawings A-1 to A-2** respectively.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 18.11.2019 (Appendix I)
 - (b) Supplementary Planning Statement with plans (Appendix Ia)
 - (c) Supplementary Information received on 18.11.2019 providing the floor plan of G/F of the subject IB (Appendix Ib)
 - (d) Supplementary Information dated 21.11.2019 clarifying the existing use at the premises and the proposed use (Appendix Ic)
 - (e) Further Information (FI) received on 19.12.2019 clarifying the type of parking space of Wang Yip Centre [exempted from publication and recounting requirements] (Appendix Id)
 - (f) FI received on 24.12.2019 clarifying the parking and loading/unloading (L/UL) arrangement [exempted from publication and recounting requirements] (Appendix Ie)
 - (g) FI dated 6.1.2020 providing estimation on L/UL activities and trip generation [exempted from publication and recounting requirements] (Appendix If)
 - (h) FI dated 8.1.2020 providing revised estimation on trip generation [exempted from publication and recounting requirements] (Appendix Ig)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are mainly detailed in Section 4 of the Supplementary Planning Statement (**Appendix Ia**). They are summarised as follows:

- (a) The proposal is in line with the planning intention of the “OU(B)” zone which is for general business uses, to phase out industrial use and create employment. By phasing out polluting and hazardous industrial uses, the proposal can help reduce industrial activities within the neighbourhood.
- (b) The premises is small in scale (62.4m²), equipped with a sprinkler system and separated from other industrial uses of the subject IB. The proposal does not exceed the permitted aggregate commercial floor area as stated in the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D).
- (c) The proposal would help support the increasing demand for commercial spaces in the Tung Tau Industrial Area (TTIA). The Board has approved a number of similar applications in the TTIA. Also, a number of G/F units of the nearby IBs are now occupied by retail or service trade uses. The proposal is compatible with the surrounding uses.
- (d) The proposal will not cause any adverse environmental impact or unacceptable fire hazard. The trip generation and demand for parking and L/UL activities for the

proposal are minimal. Should the planning application be approved, the applicant will apply for a temporary waiver for the applied use.

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 Development within “OU(B)” Zone (TPB PG-No. 22D) promulgated in September 2007 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. 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 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

There is no previous application concerning the premises.

6. Similar Application

There are no similar applications within the subject “OU(B)” zone.

7. The Site 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 an existing 9-storey IB, known as Wang Yip Centre;
- (b) equipped with a sprinkler system and currently occupied by the applied use (i.e. courier services counter) without valid planning permission; and
- (c) directly accessible from a pedestrian walkway off Keung Yip Street and Leung Yip Street.

7.2 The subject IB has the following characteristics:

- (a) is a 9-storey IB completed in 1992; and
- (b) is currently used for the following purposes:

Floor	Main uses
G/F	The premises (currently used as courier services centre), canteen, vehicle repair workshops/car services
1/F – 8/F	Food factory (1/F and 2/F), office (2/F – 8/F), shop and services ^[1] (3/F and 8/F) and industrial use (7/F)

[1] No record of planning approval granted for these Shop and Services uses.

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 at the centre of TTIA, which is undergoing gradual transformation from industrial/warehouse/workshop uses to non-polluting commercial and residential uses;
- (b) to its west 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 Tung Tau Industrial Area Playground and Keung Yip Street Rest Garden, and to its southwest is a vacant woodland, all zoned as “Open Space” (“O”) on the OZP; and
- (d) the West Rail 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 governed by a New Grant No. 3923 dated 23.1.1990 (the New Grant). According to the New Grant, the lot 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 Public Health and Municipal Services Ordinance, or any enactment amending the same or substituted therefor.
- (b) Should the application be approved by the Board, the owner is required to submit an application to his department for the proposal. However, there is no guarantee that such application, including the granting of any Government land (if any), will be approved. Such application will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by his department.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment from traffic engineering perspective.
- (b) No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period.

Environment

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

- (a) He has no objection to the application from environmental planning perspective provided that the applicant will provide necessary pollution control measures and ensure that the proposed use would not cause any environmental nuisance such as noise, oily fume and cooking odour to the public.
- (b) The applicant should properly design and maintain adequate mechanical ventilation and necessary pollution control measures to

avoid accumulation of aerial emissions and minimise potential noise and odour nuisances to the public. To minimise oily fume and cooking odour emissions from the fast food shop, the applicant should make reference to the Environmental Protection Department (EPD)'s pamphlet "Control of Oily Fume and Cooking Odour from Restaurants and Food Business" available from the EPD website.

- (c) All wastewater collected from kitchen, including that from basins, sinks and floor drains, should be discharged via a grease trap in accordance with the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the EPD". The applicant is reminded that effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance.

Fire Safety

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

He has no objection in principle to the proposal subject to the commercial portion completely separated from the industrial portion and separate means of escape is available. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Building Matters

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

- (a) Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the site, prior approval and consent of BD should be obtained, otherwise they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.
- (b) Provision of sanitary fitments and barrier free access should be demonstrated during building plan submission.
- (c) Detailed checking of plans will be carried out during building plan submissions stage.

Food and Environmental Hygiene

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

- (a) Her department's facilities will not be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activities or operations, the

applicant should arrange disposal properly at their own expenses.

- (c) Proper licence/permit issued by her department is required if there is any catering service/activities regulated by her under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

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

- (a) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (g) Commissioner of Police (C of P).

10 Public Comment Received During Statutory Publication Period

On 26.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.12.2019, no public comment was received.

11 Planning Considerations and Assessments

- 11.1 The subject application is for shop and services at the premises on land 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 applied use at the premises 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 and residential uses (**Plan A-1**). The applied use is considered not incompatible with the surrounding uses and the emerging non-polluting commercial uses in the area. Moreover, the applied 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 applied 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 area. If the applied use is approved, the aggregate commercial floor area approved by the Committee on the G/F of the subject IB would be 62.4m², which is within the maximum permissible limit of 460m² for industrial or I-O buildings with sprinkler system. Relevant government departments, including D of FS, C for T and DEP, have no in-principle objection to

the application. To address the technical concern on the fire safety aspect, an approval condition requiring submission and implementation of fire services installations to the satisfaction of D of FS is recommended in paragraph 12.2. Should the application be approved, the applied use will also need to comply with all requirements of the relevant licensing authority(s).

- 11.4 There is no previous application concerning the premises. There are also no similar applications within the subject “OU(B)” zone.
- 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, no time clause on the commencement is proposed as the “Shop and Services” use under application is already in operation at the premises. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of fire services installations and equipment proposal at the application premises within 6 months from the date of approval 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 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 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 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.
- 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 18.11.2019
Appendix Ia	Supplementary Planning Statement with Plans
Appendix Ib	Supplementary Information received on 18.11.2019 providing the floor plan of G/F of the subject IB
Appendix Ic	Supplementary Information dated on 21.11.2019 clarifying the existing use at the premises and the proposed uses
Appendix Id	FI received on 19.12.2019 clarifying the type of parking space of Wang Yip Centre
Appendix Ie	FI received on 24.12.2019 clarifying the parking and L/UL arrangement
Appendix If	FI dated 6.1.2020 providing estimation on L/UL activities and trip generations
Appendix Ig	FI dated 8.1.2020 providing revised estimation on trip generation
Appendix II	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
JANUARY 2020**