

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/501

- Applicant** : Westwood (H.K.) Limited represented by Z Design Limited
- Premises** : Portion of Workshops E & F, Ground Floor, TML Tower, 3 Hoi Shing Road, Tsuen Wan
- Total Floor Area of the Premises** : 55.338 m²
- Lease** : Tsuen Wan Inland Lot (TWIL) 29 s.A, TWIL 29 s.B R.P., TWIL 34 s.A ss.1 and TWIL 34 s.A ss.2 R.P.:
(a) TWIL 29 is governed by Conditions of Sale No. UB 5098 and TWIL 34 is governed by Conditions of Sale No. UB 5136 (collectively referred as the “Lease”);
(b) To be expired in June 2047; and
(c) Restricted to industrial use only
- Plan** : Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 100 metres above Principal Datum (mPD) or the PR/BH of the existing building, whichever is the greater.]
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use portion of workshops E & F located on ground floor (G/F) (the Premises) of an existing industrial building, namely TML Tower (the subject building) (**Plans A-1 and A-2**), for proposed ‘Shop and Services’. The subject building falls within an area zoned “OU(B)” on the approved Tsuen Wan OZP No. S/TW/33.
- 1.2 According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified)’ on the G/F of an industrial building within “OU(B)” zone requires planning permission from the Town Planning Board (the Board).

- 1.3 According to the submission, the entrance of the Premises will be assessed from Hoi Shing Road. The plans showing the G/F of the subject building and the layout of the Premises as submitted by the applicant are shown on **Drawings A-1** and **A-2**. According to the applicant, the proposed new shop is intended to provide bakery products manufactured at the food factory at the remaining portions of workshops E & F behind the new shop and it mainly serves the local residents.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.7.2018 (Appendix I)
 - (b) Supplementary information received on 27.7.2018 (Appendix Ia)
 - (c) Further information received on 24.8.2018 (Appendix Ib)
 - (d) Further information received on 7.9.2018 (Appendix Ic)
 - (e) Further information received on 24.9.2018 (Appendix Id)
- 1.5 The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 21.9.2018. On 21.9.2018, the Committee agreed to defer a decision on the application for two months upon request by the applicant to address departmental comment. On 24.9.2018, the applicant submitted further information. The application is thus scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The proposed shop and services is in line with the planning intention of the “OU(B)” zone in the long run, and there is a need from the market to provide such use to the neighbourhood;
- (b) the convenient location of the Premises makes it suitable for shop and services use which is compatible with the surrounding context;
- (c) the proposed use will not induce adverse impact on the environment; and
- (d) with frontage facing Hoi Shing Road, the provision of the means of escape would be completely separated from the industrial portion.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Premises. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Use/Development within “OU(B)” Zone (TPB PG-No. 22D), which was promulgated in September 2007, is relevant to the application 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 (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 ground floor of an existing industrial/I-O building with and without sprinkler systems should not exceed 460m² and 230m² respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merits. 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, electrical shop, local provisions store and showroom in connection with the main industrial use; 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 Application

There is no previous application at the Premises.

6. Similar Applications

- 6.1 There are 9 similar applications for proposed shop and services in industrial or I-O buildings within the “OU(B)” zone in Tsuen Wan (**Plan A-1**). All applications were located on G/F of the industrial or I-O buildings. Among these applications, 8 of them were approved by the Committee with conditions, except Application

No. A/TW/442 which was partially approved by the Committee for shop and services in two premises, while the shop and services at another premises without a separate means of escape was rejected. Details of the similar applications are at **Appendix II**.

- 6.2 One similar application (No. A/TW/468) with floor area of 104m² at Workshop D of G/F of the subject building was approved with conditions by the Committee on 27.3.2015. Should the Committee approve the planning application, the cumulative approved commercial floor area on the G/F of the subject building will be 159.338m² (i.e. 104m² + 55.338m²), which is within the maximum permissible limit of 460m² on G/F of an industrial or I-O building with a sprinkler system.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-4 and photos on Plans A-5 to A-7)

7.1 The Premises :

- (a) occupies a portion of Workshops E & F of an existing industrial building (TML Tower) sandwiched between Hoi Shing Road and Chai Wan Kok Street;
- (b) is fronting an open area fronting Hoi Shing Road; and
- (c) is currently vacant.

7.2 The subject building:

- (a) is a 31-storey industrial building completed in 2013. Parking and loading/unloading facilities are provided on G/F to 3/F of the building with vehicular access from Hoi Shing Road;
- (b) is equipped with a sprinkler system; and
- (c) the current uses by floor are summarized as follows:

Floor	Current Uses
G/F	Vacant (the Premises), vacant/locked units, and workshops mainly used for vehicle-related uses such as car showrooms and car wash services (Plan A-3)
1/F to 3/F	Carpark
5/F to 35/F	Workshops

7.3 The surrounding areas have the following characteristics:

- (a) the subject building is located at the western fringe of the established industrial/business area in Tsuen Wan, in which industrial and I-O buildings with 'Shop and Services' uses on G/F are commonly found;
- (b) to the north across Chai Wan Kok Street are buildings under construction;

- (c) to the south across Hoi Shing Road is an “Open Space” site which is currently used as temporary carparks; and
- (d) to the immediate west is the Chai Wan Kok Cooked Food Market and the CLP Power Hong Kong Limited Tsuen Wan Depot.

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 summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) The Premises falls within TWIL 29 s.A, TWIL 29s.B R.P., TWIL 34 s.A ss.1 and TWIL 34 s.A ss.2 R.P. TWIL 29 is governed by Conditions of Sale No. UB 5098 and TWIL 34 is governed by Conditions of Sale No. UB 5136 (collectively referred as “Leases”). Under the Leases, the Premises shall only be used for industrial purposes. The Leases will expire in June 2047.
- (b) The ‘Shop and Services’ use proposed by the applicant is not permissible under the Leases. *If planning approval is given, the applicant will need to apply to LandsD for a temporary waiver for the above proposal. The proposal will only be considered by LandsD upon their receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and LandsD reserve comment on such. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit including payment of waiver fee and administrative fee.*
- (c) The applicant’s claim that, the proposed new shop under the application is intended to provide bakery products manufactured at the food factory behind the shop, is noted. “Food factory” use is considered acceptable under lease.

Building Matters

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

No objection to the application subject to:

- (i) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (ii) any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices;
- (iii) adequate means of escape should be provided to the existing workshops in accordance with the Building (Planning) Regulation 41(1) and the FS Code;
- (iv) adequate fire separation should be provided between the Premises and the remaining portion of the building;
- (v) adequate sanitary fitments should be provided to the proposed Premises;
- (vi) adequate access for persons with disability should be provided to the existing workshops in accordance with Building (Planning) Regulation 72 and the Design Manual: Barrier Free Access 2008; and
- (vii) detailed checking will be made at plan submission stage.

Industrial Land Supply

9.1.3 Comments of the Director-General of Trade and Industry (DG of TI):

No comment on the application given that the planning intention of “OU(B)” zone is primarily for general business uses.

Fire Safety

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

- (a) No in-principle objection to the application subject to:
 - (i) fire service installations and equipment being provided to the satisfaction of FSD. Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) means of escape separated from the industrial portion is available for the Premises.

- (b) The subject building is protected with a sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 460m² in accordance with the TPB PG-No. 22D. The applied use should be counted up to the aggregated commercial floor area.
- (c) Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.
- (d) The applicant should note the “*Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises*” if the application is approved.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Construction, Water Supplies Department(CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Commissioner of Police;
- (e) Chief Highway Engineer/New Territories West, Highways Department;
- (f) Director of Environmental Protection (DEP);
- (g) Director of Food and Environmental Hygiene;
- (h) District Officer (Tsuen Wan), Home Affairs Department; and
- (i) Project Manager/New Territories North and West, Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

On 3.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 24.8.2018, one public comment was received from an individual objecting to the application on the grounds that the approval of the application may result in less industrial land supply in the area and adverse impact on vehicular traffic and pedestrian circulation due to increasing commercial activities in the area (**Appendix III**).

11. Planning Considerations and Assessments

11.1 The application is for proposed ‘Shop and Services’ use at portion of Workshops E & F on G/F of an existing industrial building (TML Tower) in the “OU(B)” zone. The planning intention of the “OU(B)” zone is intended for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the shop and services use would not induce adverse fire safety and environmental impacts. The proposed ‘Shop and Services’ use

(providing bakery products manufactured at the food factory behind the Premises) under application is considered generally in line with this planning intention.

- 11.2 The Chai Wan Kok Business Area is being transformed into commercial/business uses with similar applications for 'Shop and Services' approved on G/F units of other industrial buildings in the vicinity of the Premises. The proposed use under application is compatible with the changing land use character of the area. Moreover, the Premises is small in size (55.338m²) and the applied use is considered not incompatible with the industrial-related uses in the same building.
- 11.3 The proposed use in general complies with the Town Planning Board Guidelines for Development within the "OU(B)" Zone (TPB PG-No. 22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and to the adjacent areas. Relevant Government departments including LandsD, FSD, BD, TD, DEP, DSD and WSD have no objection to or no adverse comments on the application.
- 11.4 As confirmed by D of FS, the subject industrial building is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F since it is equipped with a sprinkler system. Should the Committee approve the subject application, the total approved commercial floor area on the G/F of the subject industrial building will be 159.338m² (i.e. 104m² + 55.338m²) which is within the maximum permissible limit set out in the TPB PG-No. 22D.
- 11.5 There is one public comment received on the application concerning that the proposed development will reduce industrial land supply and cause adverse impact on vehicular traffic and pedestrian circulation due to increasing commercial activities in the locality. In this regard, both DG of TI and C for T have no adverse comments on the application.

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.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.11.2020, 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 suggested for Members' reference:

Approval conditions

- (a) the provision of fire service installations and equipment and means of escape separated from the industrial portion before operation of the use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (b) if the above planning condition 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 IV**.

- 12.3 There is no strong planning 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 applicant.

14. Attachments

Appendix I	Application form received on 27.7.2018
Appendix Ia	Supplementary information received on 27.7.2018
Appendix Ib	Further information received on 24.8.2018
Appendix Ic	Further information received on 7.9.2018
Appendix Id	Further information received on 24.9.2018
Appendix II	Similar applications
Appendix III	Public Comment
Appendix IV	Recommended advisory clauses
Drawing A-1	Ground floor plan
Drawing A-2	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Existing uses on the G/F of the subject industrial building
Plan A-4	Viewing point of site photos (G/F)
Plans A-5 to A-7	Site photos