

**FURTHER CONSIDERATION OF APPLICATION NO. A/TW/505**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**Proposed Minor Relaxation of Plot Ratio for Permitted Industrial Building  
Redevelopment in “Industrial” Zone,  
Tsuen Wan Town Lot No.128, 14-18 Ma Kok Street, Tsuen Wan**

**1. Background**

- 1.1 On 27.2.2019, the applicant, Landrich (H.K.) Limited represented by Kenneth To & Associates Limited, submitted the current application seeking planning permission for minor relaxation of plot ratio (PR) restriction from 9.5 to 11.4 (i.e. +1.9 or +20%) for redevelopment of the existing 8-storey industrial building (IB) (a pre-1987 IB)<sup>[1]</sup> into a 23-storey (including 2 basement levels for parking and loading/unloading (L/UL) facilities) IB with a maximum building height (BH) of about 84.48mPD for permitted industrial use (the Proposed Scheme) at 14-18 Ma Kok Street, Tsuen Wan (the Site) (**Plans FA-1 to FA-2**). The Site falls within an area zoned “Industrial” (“I”) on the approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33.
- 1.2 On 16.8.2019, the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. Members generally supported the proposed minor relaxation of PR to incentivise the redevelopment of pre-1987 IBs but had concerns on the planning merits and building design of the Proposed Scheme pertaining to the pedestrian accessibility and connectivity of Tsuen Yip Street. It was considered that approval of the application might pre-empt future improvement works to enhance pedestrian flow in Tsuen Yip Street, noting particularly that the application site was a corner site. Members generally agreed that more information on the provision of a pedestrian friendly environment along Tsuen Yip Street was required. After deliberation, the Committee decided to defer a decision on the application, pending submission of further information (FI) from the applicant and relevant Government departments on the pedestrian accessibility and connectivity of Tsuen Yip Street.
- 1.3 For Members’ reference, the following documents are attached:
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|---|-------------------------|
| (a) MPC Paper No. A/TW/505A considered on 16.8.2019   | <b>(Appendix F-I)</b>   |
| (b) Extract of minutes of the MPC meeting held on 16.8.2019   | <b>(Appendix F-II)</b>  |
| (c) Secretary of the Board’s letter dated 6.9.2019 informing the applicant of the deferment of the Committee’s decision                       | <b>(Appendix F-III)</b> |
| (d) Applicant’s letter dated 13.9.2019 providing FI(7)<br><i>(accepted but not exempted from publication and<br/>recounting requirements)</i> | <b>(Appendix F-IVa)</b> |

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<sup>[1]</sup> The Occupation Permit for the subject IB was issued on 19.5.1977 and 22.2.1980, it is a pre-1987 IB.

- (e) FI(8) vide letter dated 15.10.2019 (Appendix F-IVb)  
(exempted from publication and recounting requirements)
- (f) FI(9) vide letter dated 21.10.2019 (Appendix F-IVc)  
(exempted from publication and recounting requirements)
- (g) FI(10) vide letter dated 23.10.2019 (Appendix F-IVd)  
(exempted from publication and recounting requirements)

## 2. Further Information Submitted by the Applicant

- 2.1 On 13.9.2019, after taking into account the Committee's comments as mentioned in paragraph 1.2 above, the applicant submitted FIs to enhance the development proposal and further elaborate on the planning merits and building design of the Proposed Scheme (**Appendices F-IVa to F-IVd**). The applicant stated that according to Gazette Notice (G.N.) 3171 promulgated in May 2017, Tsuen Yip Street will be converted from an Emergency Vehicular Access (EVA) into a carriageway of 6m wide with footpaths. Hence, a 1.6m wide footpath will be delineated on the western and northern sides of Tsuen Yip Street, involving the section adjoining the eastern and southern lot boundaries of the Site. A 1.4m wide footpath will also be delineated along the southern side of Tsuen Yip Street (**Drawing FA-2**).
- 2.2 To echo with the traffic improvement works to Tsuen Yip Street to be implemented by the Government, the applicant has further refined the Proposed Scheme to provide a 0.6m setback at G/F from the lot boundary along Tsuen Yip Street for provision of greenery along Tsuen Yip Street (**Drawing FA-1**). This will contribute to about 17m<sup>2</sup> of greenery area, which is additional to the proposed 371.61m<sup>2</sup> greenery (about 20% of total site area) at G/F and 1/F flat roof (**Drawings FA-4 to FA-6**). Of the greenery at G/F and 1/F flat roof, there is about 45m<sup>2</sup> greenery (about 2.4% of the site area) at G/F facing Tsuen Yip Street.
- 2.3 In the latest submission, the applicant also proposed to adopt green building design by the provision of: (1) twin tanks for potable water; (2) motion sensor for lighting systems, (3) energy meters for main building services systems; (4) CO<sup>2</sup> sensor of the basement carpark; and (5) low-e glass IGU as façade.
- 2.4 Other than the above enhancements, the applicant re-confirms that the following building design as set out in paragraph 2(h)-(l) and **Drawings A-3 to A-6** of the MPC Paper No. A/TW/505A in **Appendix F-I** will be adopted for the Proposed Scheme:
  - (a) the tower portion atop of the ground floor portion is setback for enhancement of light penetration;
  - (b) there would be a 7.5m setback from the centreline of Ma Kok Street (approximately 1m setback from the lot boundary) for improvement of pedestrian environment.;
  - (c) provision of about 20% of the total site area for greenery at G/F and 1/F flat roof for improvement of the visual quality of the streetscape (i.e. all less than 15 high above street level);
  - (d) provision of not less than 40m<sup>2</sup> vertical greening at ground floor facing Ma

Kok Street for further improvement to the streetscape and street walking environment; and

- (e) no extra gross floor area (GFA) would be added to the building bulk as no GFA concession will be claimed through the compliance with the Sustainable Building Design Guidelines.

### 3. Similar Applications

- 3.1 Since March 2019, the Committee has considered nine minor relaxation applications in the Metro Area relating to the Policy Initiatives of Revitalisation of IBs. Four of the applications in San Po Kong, Hung Hom, Kwai Chung and Tsuen Wan involve relaxation of PR whilst the remaining five in Kwun Tong Business Area (KTBA) involved minor relaxation of both PR and BH (see **Appendix F-V** for details). Among the four applications involving minor relaxation of PR, three were approved with conditions (A/K9/274, A/K11/233 and A/KC/460) and one was deferred (A/TW/505, i.e. the current application) (**Plan FA-1**). Among the five applications involving both minor relaxation of PR and BH, three were approved with conditions (A/K14/763, A/K14/766 and A/K14/771) and one was rejected (A/K14/764) mainly on the ground that the applicant failed to demonstrate that there were sufficient planning and design merits<sup>[2]</sup> for the proposal. Applications No. A/K14/764 and 771 involved the same site. The remaining application (A/K14/773) was deferred by the Committee on 18.10.2019 where the applicant is requested to provide further information on the planning and design merits of the proposal to facilitate Members' consideration.
- 3.2 On minor relaxation of PR restriction aspect, all applications except one have proposed minor relaxation of PR of 20% which is the maximum relaxation promulgated under the Policy Initiatives, and the remaining application involves minor relaxation of PR of 6.52% (A/K9/274). The Committee noted the Policy Initiative is to provide incentives to encourage redevelopment of pre-1987 IBs and hence raised no objection to the applications involving minor relaxation of PR after considering that the applicants had provided technical assessments to support the technical feasibility of the proposal and there was no adverse comment from relevant government departments.
- 3.3 Another application in Kowloon Bay (A/K13/313) for minor relaxation of PR and BH, the consideration of which has been deferred as requested by the applicant, is scheduled for consideration at the same meeting.

### 4. Comments from Relevant Government Departments

- 4.1 Comments on the Proposed Scheme made previously by the relevant Government bureaux/ departments are stated in paragraph 9.1 and 9.2 of **Appendix F-I**.
- 4.2 For the current FI, the following government departments have been consulted and their further comments are summarized as follows:

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<sup>[2]</sup> The applicant of Application No. A/K14/764 applied for a review of the Committee's decision to reject the application. The Board agreed on 12.7.2019 to defer making a decision on the application for two months as requested by the applicant. Subsequently, the application was withdrawn on 21.8.2019.

### **Land Administration**

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

- (a) In addition to the 7.5m setback from the centre line of Ma Kok Street proposed in the last FI received on 9.8.2019, it is noted from the FI that a 0.6m setback from the lot boundary along Tsuen Yip Street is now proposed by the applicant.
- (b) The proposed setback area is not a lease requirement nor required by LandsD. The owner may not be obliged to apply for a lease modification/land exchange in order to proceed with the proposed development. As such, such setback requirement will not be enforceable under lease.
- (c) As the applicant “intends to redevelop the existing building into a new IB for “industrial use” that does not contravene the lease restriction” (FI dated 6.5.2019), the applicant is reminded again that “industrial use” including “non-polluting industrial use” in planning terms would constitute uses in breach of the lease conditions. With the above confirmation from the applicant on NOT contravening the lease restrictions, her office takes it that the lot owner(s) should strictly observe the user restriction on “industrial and/or godown purposes” whereby “industrial use” should involve manufacturing process whereas “godown purposes” should involve transient deposit and storage for delivery purpose.

#### 4.2.2 Comments of Chief Estate Surveyor/Development Control, LandsD (CES/DC, LandsD):

As the applicant “intends to redevelop the existing building into a new IB for “industrial use” that does not contravene the lease restriction” (FI dated 6.5.2019), the applicant is reminded again that “industrial use” including “non-polluting industrial use” in planning terms would constitute uses in breach of the lease conditions. With the above confirmation from the applicant on NOT contravening the lease restrictions, her office takes it that the lot owner(s) should strictly observe the user restriction on “industrial and/or godown purposes” whereby “industrial use” should involve manufacturing process whereas “godown purposes” should involve transient deposit and storage for delivery purpose.

### **Building Aspect**

#### 4.2.3 Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):

He has no comment on the further submission, while his previous comments as given in paragraph 9.1.4 of the MPC Paper No. A/TW/505A in **Appendix F-I** are still valid.

### **Traffic Aspect**

#### 4.2.4 Comments of the Commissioner for Transport (C for T):

- (a) Tsuen Yip Street is an EVA. Pedestrians mainly use the footpaths along Wang Lung Street and Lung Tak Street in the area.

- (b) In May 2017, Transport Department (TD) proposed traffic improvement measures to Tsuen Yip Street which was gazetted under the Roads (Works, Use and Compensation) Ordinance. The improvement measures include conversion of section of the existing EVA into carriageway and footpaths at Tsuen Yip Street by erection of steel bollards to delineate a 6m wide carriageway with approximately 1.6m wide footpath. A drawing showing details of the proposed improvement measures is at **Drawing FA-2**. TD has issued Works Request Form to Highways Department in July 2018 for implementation of the traffic improvement work at Tsuen Yip Street.
- (c) There is no objection to the proposed setback along Tsuen Yip Street for greenery purpose from traffic/road improvement perspective.
- (d) An approval condition on the proposed setback along the site boundary fronting Ma Kok Street should be imposed as follows:  
  
the design and provision of a setback along the site boundary fronting Ma Kok Street for footpath/road widening to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

4.2.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) No comment from highways maintenance viewpoint on the pedestrian accessibility/connectivity of Tsuen Yip Street, and the proposed set back.
- (b) Details of the proposed works in conjunction with G.N. 3171 are shown on Plan No. HNHADMINS-GZ0024 (**Plan FA-5**).
- (c) The utility diversion works has been substantially completed at Tsuen Yip Street, and the remaining utility diversion works at Lung Tak Street Junction with Tsuen Yip Street is still underway. The proposed traffic improvement works in Tsuen Yip Street (i.e. installation of bollards) will be carried out by stages, and the progress of works will depend on the successful diversion of utilities.

**Urban Design, Visual and Landscape Aspects**

4.2.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

He has no comment on the further submission.

4.2.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) As gathered from the latest Ground Floor Plan and the other information in the FI, the majority portion of the G/F footprint will be setback 0.6m from the lot boundary abutting Tsuen Yip Street, providing additional greenery area to enhance the public realm. The previously proposed greenery edge treatment near the southern lot boundary has also been extended. This may bring about further improvements to the streetscape and pedestrian environment.

- (b) She has no further comment on the F.I. from landscape planning perspective. The applicant is reminded to provide sufficient soil provision and drainage layer etc, for sustainable plant growth.

## 5. Public Comments Received During Statutory Publication Period

- 5.1 On 20.9.2019, the FI was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.10.2019, no public comment was received.
- 5.2 One public comment raising objection to the application was received during the previous public inspection period as detailed in paragraph 10 of **Appendix F-I**.

## 6. Planning Considerations and Assessments

- 6.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (+ 20%) for a proposed redevelopment of the Site into a 23-storey (including 2 basement carpark levels) IB for permitted industrial uses. At the MPC meeting on 16.8.2019, Members generally supported the proposed minor relaxation of PR to incentivise the redevelopment of pre-1987 IBs but had concerns on the planning merits and building design of the Proposed Scheme pertaining to the pedestrian accessibility and connectivity of Tsuen Yip Street. In this regard, the applicant has submitted FIs to propose enhancements for improving the Proposed Scheme as set out in paragraphs 2.1 to 2.3 above.
- 6.2 In connection with the Government's latest proposal of converting a section of Tsuen Yip Street from an EVA into carriageway with 1.6m footpath along the lot boundary of the Site, the applicant proposes to provide 0.6m G/F setback within the application site for provision of additional greenery along G/F façade facing Tsuen Yip Street (**Drawings FA-1, FA-4 to FA-6**). This will contribute to about 17m<sup>2</sup> of greenery area, which is additional to the originally proposed 371.61m<sup>2</sup> greenery (about 20% of total site area) at G/F and 1/F. The applicant also proposes to adopt several green building design for further enhancement of the Proposed Scheme. CTP/UD&L, PlanD considers that the majority portion of the G/F footprint will be setback 0.6m from the lot boundary abutting Tsuen Yip Street, providing additional greenery area to enhance the public realm. The previously proposed greenery edge treatment near the southern lot boundary has also been extended. This would bring about further improvements to the streetscape and pedestrian environment. All other Government departments include C for T, CHE/NTW, HyD and CBS/NTW, BD, have no adverse comment on the proposals.
- 6.3 On top of the above enhancements, other building design for the Proposed Scheme as set out in paragraph 2 of MPC Paper No. A/TW/505A at **Appendix F-I** will continue to be adopted. These include the provision of a 7.5m setback at the G/F portion along the façade facing Ma Kok Street from the centreline of the street; incorporation of greenery provisions on G/F and 1/F flat roof (i.e. all less than 15m high above street level) with an area about 20% of total site area, and vertical greening of not less than 40m<sup>2</sup> at G/F facing Ma Kok Street on top of the 20% greenery. The above measures will also enhance the streetscape and pedestrian walking environment.
- 6.4 Having considered the applicant's FI in response to the Committee's concerns and the departmental comments as set out in Section 4 above, the planning

considerations and assessment as stated in paragraph 11 of MPC Paper No. A/TW/505A at **Appendix F-I** remain generally valid. The proposed redevelopment is generally in line with the planning intention of the “I” zone in Tsuen Wan East Industrial Area, which is primarily for general industrial use, and the proposed BH of about 85mPD complies with the BHR of 100mPD under the OZP. The proposed minor relaxation of PR from 9.5 to 11.4 (i.e. +20%) generally follows the policy on revitalization of pre-1987 IBs. The original features such as proposed setback and vertical greening on G/F fronting Ma Kok Street and greenery on G/F and 1/F flat roof, together with the additional improvement measures as proposed in the applicant’s FI such as setback from the lot boundary along Tsuen Yip Street for provision of additional greenery would further improve the streetscape and pedestrian environment. Relevant Government Departments including TD, EPD, DSD and FSD have no adverse comments on the application, subject to incorporation of appropriate approval conditions on proposed set back along the site boundary fronting Ma Kok Street and provision of internal transport facilities, sewerage upgrading and fire safety aspects.

## **7. Planning Department’s Views**

- 7.1 Based on the assessment made in paragraph 6 above, PlanD maintains its previous view of having no objection to the application.
- 7.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.11.2023, 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 suggested for Members’ reference:

### Approval conditions

- (a) the design and provision of setback along the site boundary fronting Ma Kok Street for the widening of footpath/road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of parking facilities, loading/unloading spaces, vehicular access and internal driveway for the proposed redevelopment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the submission of revised Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment for the proposed development in condition (d) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix F-VI**.

7.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction; and
- (b) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of plot ratio restriction in the area, the cumulative effects of approving such similar applications would have adverse impact on the area.

**8. Decision Sought**

- 8.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 8.2 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.
- 8.3 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.

**9. Attachments**

<b>Appendix F-I</b>	MPC Paper No. A/TW/505A
<b>Appendix F-II</b>	Extract of minutes of the MPC meeting held on 16.8.2019
<b>Appendix F-III</b>	Secretary of the Board's letter dated 6.9.2019 informing the applicant of the Committee's decision
<b>Appendix F-IVa</b>	Further Information submitted by the applicant on 13.9.2019
<b>Appendix F-IVb</b>	Further Information submitted by the applicant on 15.10.2019
<b>Appendix F-IVc</b>	Further Information submitted by the applicant on 21.10.2019
<b>Appendix F-IVd</b>	Further Information submitted by the applicant on 23.10.2019
<b>Appendix F-V</b>	Similar applications register
<b>Appendix F-VI</b>	Recommended advisory clauses
<b>Drawing FA-1</b>	Comparison of Typical Layout and Proposed Layout
<b>Drawing FA-2</b>	Proposed Traffic Improvement Measures at Tsuen Yip Street
<b>Drawings FA-3 and FA-4</b>	Section Plans
<b>Drawings FA-5 and FA-6</b>	Perspective Images
<b>Plans FA-1 and FA-2</b>	Location plan and Site plan
<b>Plans FA-3 and FA-4</b>	Site photos
<b>Plan FA-5</b>	Gazette Plan for Proposed Traffic Improvement Measures to Fui Yiu Kok Street and Tsuen Yip Street