

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/TW/485*	Proposed Shop and Services	26.5.2017 Approved by MPC (3 years)	(a), (b), (c)

*denotes permission revoked

Approval Conditions

- (a) The submission of the proposal for the fire service measures, including the provision of means of escape separated from the industrial portion and fire service installations and equipment at the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.11.2017;
- (b) The implementation of the proposal for the fire service measures, including the provision of means of escape separated from the industrial portion and fire service installations and equipment at the application premises within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2018; and.
- (c) if any of the above planning conditions (a) or (b) 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.

**Similar s.16 Applications within “I” zone or
areas previously zoned “I” in Tsuen Wan
on the Approved Tsuen Wan OZP No. S/TW/33**

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/TW/69	Fast Food Shop	1.11.1985 Approved by TPB	-
2.	A/TW/72	Retail Shop	9.5.1986 Approved by TPB	-
3.	A/TW/85	Electrical Shop	5.6.1987 Approved by TPB	-
4.	A/TW/170	Retail Use	7.5.1993 Approved by TPB	-
5.	A/TW/300	Proposed Fast Food Shop, Restaurant, Retail Shop and Showroom	3.8.2001 Approved by MPC	1
6.	A/TW/359	Temporary Shop and Services (Bakery Shop) for a Period of 5 Years	14.1.2005 Approved by MPC (5 years)	-
7.	A/TW/360	Temporary Shop and Services (Property Agency) for a Period of 3 Years	28.1.2005 Approved by MPC (3 years)	2
8.	A/TW/371	Shop and Services (Retail Shop)	12.8.2005 Approved by MPC	3, 4, 5
9.	A/TW/377	Temporary Shop and Services (Retail Shops) for a Period of 3 Years	23.12.2005 Approved by MPC (3 years)	6
10.	A/TW/381	Proposed Shop and Services (Ancillary Showroom)	19.5.2006 Approved by MPC	7, 8
11.	A/TW/397	Shop and Services (Fast Food Shop)	4.7.2008 Approved by MPC (3years)	9
12.	A/TW/401	Shop and Services (Fast Food Shop)	21.11.2008 Approved by MPC (3years)	9
13.	A/TW/422*	Shop and Services	20.5.2011 Approved by MPC (3years)	9
14.	A/TW/426	Shop and Services (Real Estate Agency)	4.11.2011 Approved by MPC (3years)	9, 10
15.	A/TW/433*	Renewal of Planning Approval for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years	6.7.2012 Approved by MPC (3years)	9
16.	A/TW/441*	Proposed Shop and Services (Real Estate Agency)	11.1.2013 Approved by MPC	9

			(3years)	
17.	A/TW/449*	Proposed Shop and Services (Retail Shop for Selling Computer Products)	7.6.2013 Approved by MPC (3years)	9
18.	A/TW/458*	Proposed Shop and Services (Retail Shop for Selling Computer Products)	22.8.2014 Approved by MPC (3years)	9
19.	A/TW/467*	Proposed Temporary Shop and Services for a Period of 5 Years	27.2.2015 Approved by MPC (3years)	9
20.	A/TW/469	Proposed Shop and Services	7.8.2015 Approved by MPC (3years)	9
21.	A/TW/470	Shop and Services (Retail Shop for Selling Computer Products)	5.6.2015 Approved by MPC (3years)	9
22.	A/TW/471	Proposed Shop and Services (Real Estate Agency)	3.7.2015 Approved by MPC (3years)	9

*denotes permission revoked

Approval Conditions

- (1) The design and provision of car-parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (2) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (3) the provision of loading/unloading bays for shared use with the proposed retail shop to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (4) the proposed development including its means of escape should be completely separated from the industrial portion of the building to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (5) the design and provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (6) the provision of fire resistance construction and design, means of escape and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (7) the ancillary showroom should be used to display the applicant's products only;
- (8) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board before operation of the use;
- (9) the submission and implementation of the fire service installations proposal in the application premises within ___ months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (10) no direct provision of goods and services to the customers should be allowed at the upper part of the ground floor of the Premises at any time during the planning approval period.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/TW/143	Retail Shop in an Industrial Building	8.5.1992 Rejected	(1)

Rejection Reasons:

- (1) The proposed development does not comply with the Board's "Guidelines for Commercial Use in Industrial Buildings" and no justifications have been provided in the submission;

Recommended Advisory Clauses

- (a) A temporary approval of three years is given in order to allow the Metro Planning Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the application premises will not jeopardized;
- (b) to note that a shorter compliance period is granted in order to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Metro Planning Committee of the Town Planning Board to any further application;
- (c) to note the comments of District Lands Officer/Tsuen Wan and Kwai Tsing of Lands Department that the Premises falls within TWTL 18 which is governed by New Grant No. 4344 as varied or modified by a Modification Letter dated 9.2.1971 with a term expiring on 30.6.2047. The lot is restricted to general industrial and/or godown purposes excluding offensive trades. The current sole owner of the Premises is “First Asia Tower Limited”. The proposed ‘shop and services’ use is not permissible under lease. If planning approval is given, the applicant will need to apply to the Lands Department for a lease modification/temporary waiver for the proposed use. The proposed use will only be considered upon their receipt of formal application from the applicant. There is no guarantee that the application received will be approved. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. The lease modification/temporary waiver application, if approved, would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium/waiver fee and administrative fee;
- (d) to note the comments of the Chief Building Surveyor/ New Territories West of Buildings Department that the (i) under the Building 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, and (iii) detailed checking will be made at plan submission stage; and
- (e) to note the comments of the Director of Fire Services that (i) detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans, (ii) means of escape separated from the industrial portion is available for the Premises, (iii) the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority should be complied with, and (iv) attention should be drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises.