

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/494

- Applicant** : First Asia Tower Limited represented by Centaline Surveyors Limited
- Premises** : Workshop on G/F, First Asia Tower, 8 Fui Yiu Kok Street, Tsuen Wan
- Total Floor Area of the Premises** : 189.671 m²
- Lease** : Tsuen Wan Town Lot (TWTL) 18:
(a) Held under New Grant No. 4344 as varied or modified by a Modification Letter dated 9.2.1971;
(b) To expire on 30.6.2047; and
(c) Restricted to general industrial and/or godown purposes excluding offensive trades
- Plan** : Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
- Zoning** : “Industrial” (“I”)

[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height of 100 metres above Principal Datum or the PR and height 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 the workshop located on the G/F (the Premises) of an existing industrial building, namely First Asia Tower (the subject building) (**Plans A-1 and A-2**), for proposed shop and services. The subject building falls within an area zoned “I” on the approved Tsuen Wan OZP No. S/TW/33. According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified)’ on the G/F of an existing industrial building within “I” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is the subject of a previously approved application No. A/TW/485 submitted by the current applicant for the same use which was approved by the Metro Planning Committee (the Committee) on 26.5.2017 for a period of 3 years

up to 26.5.2020. Subsequently, the application was revoked on 26.11.2017 due to non-compliance with the approval condition in relation to the submission of the proposal for fire service measures.

- 1.3 The Premises, currently vacant, has a direct access from Fui Yiu Kok Street. According to the applicant, the operating hours of the proposed shop and services will be 9 a.m. to 9 p.m. daily. No additional parking facilities will be provided for the proposed shop and services.
- 1.4 The plans showing the layout of the Premises and the G/F of the subject building submitted by the applicant are shown on **Drawings A-1 and A-2**. The Premises includes the main workshop area and the lavatories.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 7.12.2017 (Appendix I)
 - (b) Further information (FI) received on 22.12.2017 providing information on the uses in upper floors of the subject building (Appendix Ia)

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**, which are summarized as follows:

- (a) The proposed use is in line with the Government policy to encourage conversion of industrial buildings to commercial uses;
- (b) there is high demand of retail shops in the locality while the demand of industrial floor space is declining. The proposed change is a more viable option and can provide employment opportunities;
- (c) the proposed use is compatible with the surrounding environment and will complement the surrounding industrial and commercial buildings;
- (d) the potential customers are mainly from the locality and hence no additional traffic will be generated. Moreover, there are car parking spaces available nearby and the impact of the proposed use on the parking and loading/unloading facilities at the subject building is minimal; and
- (e) the Premises is on G/F with street frontage abutting Fui Yiu Kok Street. Separate means of escape has been provided for fire safety purpose.

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 Use/Development within “I” Zone (TPB PG-No. 25D) is relevant to the application in the following aspects:

- (a) It should be demonstrated that there is 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 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 (TD). The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road networks.
- (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 G/F of an existing industrial/industrial-office (I-O) building with and without sprinkler systems should not exceed 460m² and 230m² respectively. The above limits on aggregate 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 building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use.

5. Previous Application

The Premises is the subject of a previously approved application No. A/TW/485 submitted by the current applicant for the same use which was approved with conditions by the Committee on 26.5.2017 for a period of 3 years up to 26.5.2020. Subsequently, the application was revoked on 26.11.2017 due to non-compliance with the approval condition in relation to the submission of the proposal for fire service measures. Details of the previous application are at **Appendix II**.

6. Similar Applications

- 6.1 There were 23 similar applications for shop and services in industrial or I-O buildings within the “I” zone or areas previously zoned “I” in Tsuen Wan (**Plan A-1**). Except Application No. A/TW/381 which was located on 1/F and 2/F, other similar applications were located on G/F of the industrial or I-O buildings. Except Application No. A/TW/143 which was rejected in 1992, the remaining 22 applications were approved with conditions by the Board/the Committee between 1985 and 2015. Details of the similar applications are at **Appendix III**.

6.2 Since promulgation of the TPB PG-No. 25D in 2007, there were 12 similar applications approved by the Committee on a temporary basis for a period of three years in Tsuen Wan.

7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2 and photos on Plans A-3 to A-5)

7.1 The Premises is:

- (a) located on G/F of the First Asia Tower (**Plan A-2**);
- (b) currently vacant (**Plans A-4 and A-5**); and
- (c) abuts Fui Yiu Kok Street with a direct entrance separated from the entrance to other floors of the existing building (**Plan A-3**).

7.2 The subject building is:

- (a) an 18-storey industrial building completed in 2009 (**Plan A-3**);
- (b) equipped with a sprinkler system;
- (c) the current uses by floor provided by the applicant (**Appendix Ia**) and shown on the Occupation Permit are summarized as follows:

Floor	Current Uses
G/F	The Premises , driveway, transformer room and lift lobby
1/F	Workshop (vacant)
2/F	Carpark
3/F*	Refuge floor
5/F* to 21/F*	Workshop, warehouse, storage and vacant units

* 4/F, 13/F and 14/F are omitted

7.3 The surrounding areas have the following characteristics:

- (a) to the immediate east, south and west are industrial buildings of the Tsuen Wan East Industrial Area under active operation (**Plan A-2**). The G/F units of the neighbouring industrial buildings are mainly used for workshops with scattered retail shop and showroom;
- (b) to the immediate north across Fui Yiu Kok Street is a service apartment development, the Chelsea Court (**Plan A-2**);
- (c) to the further northwest, north and northeast across Ma Tau Pa Road and Yeung Uk Road are the Tsuen Wan town centre areas with commercial and residential developments; and

- (d) the Premises is well served by public transport. MTR Tsuen Wan West Station is located about 600m to the west (**Plan A-1**).

8. Planning Intention

The planning intention of the “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.

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:

- (a) 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”.
- (b) 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 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.

Building Matters

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

He has no objection to the application subject to:

- (i) the applicant should be reminded that 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) the applicant should be reminded that 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.

Industrial Land Supply

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

He has no comment on the application if a temporary approval of three years is imposed as it will not jeopardize the long term use of the Premises for industrial related uses.

Fire Safety

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

- (a) He has no objection to the application subject to:
 - (i) fire service installations and water supplies for firefighting 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 the G/F is 460m² in accordance with the TPB PG-No. 25D. 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 draw attention to 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.

Traffic

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

He has no comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Commissioner of Police;
- (d) Director of Environmental Protection (DEP); and
- (e) District Officer (Tsuen Wan), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 15.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 5.1.2018, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 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. However, commercial uses in industrial buildings may be permitted on application to the Board based on individual merits and the planning assessment criteria as stipulated in the Town Planning Board Guidelines for Use/Development within “I” Zone (TPB PG-No. 25D). Although the application is considered not entirely in line with the planning intention of the “I” zone, the proposed shop and services can meet such demand in the area. In terms of land use compatibility, the proposed shop and services is also considered not incompatible with the subject building and the surrounding developments.
- 11.2 The subject building is protected by sprinkler system subject to a maximum permissible limit of 460m² in accordance with the TPB-PG No. 25D. Except previous application No. A/TW/485 for the same use at the same location which was revoked on 26.11.2017, there is no approved commercial use on the G/F of the subject building. Should the application be approved, the aggregate commercial floor area of the subject building will be 189.67m², which is within the said permissible limit. In this regard, D of FS has no objection to the application. To address D of FS’s comment, approval conditions on fire safety measures are recommended in paragraph 12.2 below.
- 11.3 Apart from the fire safety aspect, the proposed use also complies with the TPB PG-No. 25D in that it would not have adverse traffic or environmental impact on the developments within the subject building and the adjacent areas. Relevant Government departments consulted including DEP, CBS/NTW, BD and C for T have no objection to/no comment on the application.

- 11.4 The applicant submits application for the proposed use on a permanent basis. DG of TI advises that he has no comment on the application if a temporary approval of three years is imposed. In order not to jeopardize the long-term planning intention of the industrial use for the Premises, an approval on a temporary basis of three years is recommended. This is also consistent with the Committee's previous decisions on similar applications since promulgation of the TPB PG-No. 25D.
- 11.5 The previous application at the Premises (No. A/TW/485) was revoked on 26.11.2017 due to non-compliance with the approval condition in relation to the submission of proposal for fire service measures, which was not acceptable to the FSD. As the applicant was unable to submit a revised proposal to address D of FS's comments by the time limit on 26.11.2017, the approval for the previous application (No. A/TW/485) was revoked. In this regard, a shorter compliance period, i.e. 3 months for submission of the fire service proposal, and 6 months for implementation of the proposal, is proposed to monitor the progress of compliance, should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There is no public comment received 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 on a temporary basis for a period of three years.
- 12.2 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 26.1.2021. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission of a proposal for fire safety measures, including the provision of means of escape separated from the industrial portion and fire service installations and water supplies for firefighting at the application premises within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.4.2018;
- (b) the implementation of the proposal for fire safety measures, including the provision of means of escape separated from the industrial portion and fire service installations and water supplies for firefighting 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 Town Planning Board by 26.7.2018; 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.

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, and the period of which the permission should be valid on a temporary basis.
- 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 7.12.2017
Appendix Ia	Further information (FI) received on 22.12.2017
Appendix II	Previous applications
Appendix III	Similar applications
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
Plans A-3 to A-5	Site photos