

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/512

<u>Applicant</u>	Omega Laminates Limited represented by A W J C Associates Limited
<u>Premises</u>	Part of Workshops E, F & G at Lower Ground Floor of Co-Tack Industrial Building, 17 Kin Fat Street, Tuen Mun, New Territories
<u>Floor Area</u>	About 409 m ²
<u>Lease</u>	Tuen Mun Town Lot (TMTL) No. 188 (a) Industrial or godown purpose or both (excluding any offensive trade); (b) Erection of a factory or factories or a warehouse or warehouses or both, ancillary offices and caretakers' or watchmen's quarters; (c) Maximum plot ratio of 9.5 for building height over 30 meters
<u>Plan</u>	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34
<u>Zoning</u>	“Industrial” (“I”) [Restricted to a maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 100mPD, or the plot ratio and building height of the existing building, whichever is the greater]
<u>Application</u>	Wholesale Trade

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Wholesale Trade’ use at the lower ground floor of an existing industrial building known as Co-Tack Industrial Building (the subject industrial building) at 17 Kin Fat Street, Tuen Mun. According to the Notes of the OZP, ‘Wholesale Trade’ is under Column 2 which requires planning permission from the Town Planning Board (the Board). The proposed development is for wholesale trade of clothing and footwear. According to the applicant, the proposed development will involve building works for relocation of washrooms, removal of part of the existing external wall by security shutter and provision of two exits at Ming Kum Road (**Drawing A-2**). The location plan and proposed

layout of the Premises submitted by the applicant are shown at **Drawings A-1 and A-3**.

1.2 In support of the application, the applicant has submitted the following documents:

- (a) Application form with attachments received on 17.11.2017 (**Appendix I**)
- (b) Planning Statement received on 17.11.2017 (**Appendix Ia**)
- (c) Applicant's email dated 22.11.2017 providing replacement page of the planning statement (**Appendix Ib**)
- (d) Applicant's email dated 28.12.2017 providing responses to comments of Highways Department (**Appendix Ic**)
- (e) Applicant's emails dated 29.12.2017 clarifying the type of goods involved in the proposed uses and providing layout plan of the Premises (**Appendix Id**)
- (f) Applicant's email dated 3.1.2018 providing responses to comments of Transport Department (TD) and minor clarification on the operation of the proposed wholesale trade use (**Appendix Ie**)

1.3 On 12.1.2018 and 2.3.2018, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision for one month each, as requested by the applicant so as to allow time for the applicant to address the comments of TD and for the arrangement of traffic consultant to prepare response to TD's comment respectively. Since the last deferment, no further information has been submitted by the applicant. The application is therefore scheduled to be considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 5 of the planning statement (**Appendix Ia**). They can be summarised as follows:

- (a) The application is in line with the Town Planning Board Guidelines on Use/Development within "I" Zone (TPB PG-No.25D) that 'with the migration of manufacturing industries to mainland China, there is a need to cater for supporting industrial related non-manufacturing activities'. There are great demands for wholesale trade use premises for products from workshops' in the area while it is difficult to find suitable premises. The application can provide premises for wholesale of products.
- (b) Fire safety of the subject industrial building will be enhanced with provision of two exits from the Premises to outdoor/ street (i.e. Ming Kum Road) as means of

escape and means for fire-fighting route. Meanwhile, the existing provisions of means of escape of the building remain unchanged. The floor area of the Premises is less than 460m² which satisfies the aggregate commercial floor area limit on the ground floor of an existing industrial building. Moreover, the proposed wholesale trade use has lower fire risk as compared with workshop use in the building.

- (c) No adverse impact on traffic is anticipated since the Premises is accessible by public transportation and the subject building is provided with car-parking spaces.
- (d) The proposed use will not increase sewage to the existing sewerage system of the building nor induce adverse drainage impact on the surrounding area. The Site is under a covered area. In case there is surface water from the Site, the water will enter into the drainage system of the building and there will be no surface water running from the Site to the nearby public roads and drains.
- (e) No adverse impact to environment is anticipated as wholesale trade use has less environmental impact if compared with workshop 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 on Use/Development within “I” Zone (TPB PG-No. 25D) (**Appendix II**) is relevant to this application. For a proposed commercial use (other than showroom) in an industrial building, the following main planning criteria are relevant:

- (a) It should be demonstrated that there is a 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 an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the TD. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network.
- (c) The Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Aggregate commercial floor areas on the G/F of an existing industrial building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² respectively. Moreover, the 230m² /460m² criteria do not apply to cases involving conversion of the low zone of an existing industrial or industrial-office (I-O) building for commercial uses if the commercial portion is completely separated from the industrial or I-O portion on the upper floors by a

buffer floor of non-hazardous occupancy such as a car-parking floor. Separate means of escape should be available for the commercial portion.

5. Previous Application

The Premises is not subject to any previous application.

6. Similar Application

There is no similar application within the same “I” zone while there is one similar application (Application No. A/TM/345) within the “Other Specified Uses” annotated “Business” (“OU(B)”) zone in Tuen Mun Area 9 for ‘Shop and Services’ and ‘Wholesale Trade’ at Workshop 10A (part), G/F, Hang Wai Industrial Centre, Kin On Street (**Plan A-1**). The application was approved with conditions by the Committee on 17.2.2006 on grounds of in line with the TPB PG No.25C; not incompatible with the adjoining units within the same building and other industrial uses in the surrounding area; no objection from FSD; and no adverse environmental and traffic impacts on the surrounding area. Details of the application are summarised in **Appendix III**.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a to A-4b)

7.1 The Premises is:

- (a) located on the LG/F of the subject industrial building with direct frontage to Ming Kum Road (Photo 5 in **Plan A-4b**); and
- (b) currently vacant (Photo 3 in **Plan A-4a** and Photo 4 in **Plan A-4b**).

7.2 The subject building has the following characteristics:

- (a) It is a 19-storey industrial building sandwiched between Ming Kum Road on the west and Kin Fat Street on the east;
- (b) the existing main uses of the subject industrial building are summarised below :

Floor	Main Uses
LG/F	The Premises , food factory, vacant units
G/F	Lift lobby, car ramp, furniture showroom
1/F and 2/F	Food factory
3/F	Car park
4-6/F, 8/F, 10/F, 13/F, 15/F, 17/F	Vacant units
7/F, 9/F, 11/F, 12/F, 14/F, 16/F	Workshop/office for printing company, exhibition services company, industrial company, food company, laundry, textile company, trading company and fresh provision company

- (c) carpark and loading/unloading bays are located on 3/F with vehicular access at G/F fronting Kin Fat Street (Photo 6 in **Plan A4-b**); and
- (d) pedestrian access to the subject industrial building is available at both LG/F fronting Ming Kum Road (Photo 5 in **Plan A-4b**) and G/F level fronting Kin Fat Street (Photos 1 in **Plan A-4a** and Photo 6 in **Plan A4-b**).

7.3 The surrounding areas have the following characteristics (**Plan A-1**):

- (a) The subject industrial building is located at the north-western part of Area 9 which is mostly surrounded by industrial buildings. Two industrial buildings, namely Wai Cheung Industrial Building and Kin Fat Industrial Centre, are located to its north and south. Hoi Tai Factory Estate is located to the east of the subject industrial building across Kin Fat Street; and
- (b) a public housing estate, i.e. Shan King Estate, is located opposite to the west of the subject building across Ming Kum Road.

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 and would not compromise building and fire safety 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 summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Premises is within Tuen Mun Town Lot No. 188 (‘the Lot’) which is held under New Grant No. 2335 (‘New Grant’). The Lot is subject to the following salient lease conditions:
 - (i) user: industrial or godown purposes or both (excluding any offensive trade); and
 - (ii) type of building: erection of a factory or factories or a warehouse or warehouses or both, ancillary offices, such quarters as may be required for watchmen or caretakers; and

(iii) Plot ratio: maximum plot ratio of 9.5 for building height over 30 meters.

- (b) The proposed 'Wholesale Trade' use of the Premises does not comply with the lease conditions. If planning approval is given by the Board, the applicant will need to apply to LandsD for a temporary waiver for the above proposal. The proposal will only be considered upon our receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the 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 to do so, including, among others, charging waiver fee and administrative fee.

Traffic

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

- (a) He has reservation on the application;
- (b) the "wholesale Trade" use is treated as "Retail" use in HKPSG. It is noted that the trip generation rate for "Retail" is greater than "Industrial" use in accordance with Transport Planning and Design Manual. The applicant should assess the traffic impacts such as junction capacity, drop-off area and Level of Service for pedestrian etc. due to the changes in use. Furthermore, proper control on this kind of application should be necessary to avoid resulting in cumulative adverse traffic impact.

9.1.3 Comments of the Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD)

- (a) It is noted from the applicant's FI dated 28.12.2017 that the proposed vehicular access is the existing vehicular access of the subject building. He has no further comments on the proposed vehicular access from highway maintenance point of view, subject to TD's approval from traffic management point of view;
- (b) adequate drainage measures should be provided to prevent surface water flowing from the lot onto the nearby public roads and drains.

Building Matters

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

- (a) According to the plan approved on 16 November 1982, the exit route for the subject Lower Ground Floor is an upward direction. The subject Lower Ground Floor is regarded as 'Basement' under

Code of Practice on Provision Means of Escape in case of Fire and Allied Requirements (1976 issue). Detailed comments on the subject matter shall be provided at plan submission stage for the proposed alterations and additions works shown on the layout plan in the application;

- (b) adequate fire protection/separation between uses and adequate means of escape for the proposed wholesale trade and workshops should be provided in compliance with 'Code of Practice for Fire Safety in Buildings 2011';
- (c) barrier-free access and accessible toilet should be provided in compliance with Design Manual: Barrier Free Access 2008;
- (d) according to the approved building plan, there are no direct exits at the Premises fronting Ming Kum Road. According to BD's record, no approval has been given for provision of exits at the Premises fronting Ming Kum Road. Before any building works are to be carried out in the Premises, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO); and
- (e) detailed comments under the BO will be provided at building plan submission stage.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to the following:
 - (i) according to the layout plan submitted by the applicant, two direct exits at the Premises onto Ming Kum Road are proposed. Means of escape separated from the industrial portion will be available;
 - (ii) the provision of fire service installations (FSI) and equipment at the application premises and means of escape directly to Ming Kum Road and completely separated from the industrial portion in the subject industrial building to his satisfaction before operation of the proposed use. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans;
 - (iii) the building is protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F is 460m² in accordance with TPB PG-No. 25D. The applied use should be counted up to the aggregate

commercial floor area;

- (iv) 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 2011' which is administered by the Building Authority; and
- (v) if the application is approved, the applicant's 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'.

Drainage

9.1.6 Comments of the Chief Engineer/ Mainland North, Drainage Services Department (CE/Mainland North, DSD):

He has no comment on the application from drainage and sewerage viewpoint noting that the proposed use does not involve any change to restaurant/ catering services. There is no envisaged drainage and sewerage impact due to the proposed use.

Trade and Industry

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

He would have no comment on the application if a temporary approval of 3 years is imposed as it will not jeopardise the long term use of the Premise for industrial related uses.

Others

9.1.8 Comments of the Director of Electrical and Mechanical Services Department (D of EMS):

He has no particular comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the Premises should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Premises. The parties should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer's Comments

9.1.9 Comments of the District Officer (Tuen Mun), Home Affairs

Department (DO(TM), HAD):

She had distributed consultation letters to the locals concerned and understood that they would provide their comments (if any) to the Board direct.

- 9.2 The following Government departments have no objection/no comment on the application:
- (a) Commissioner of Police (C of P);
 - (b) Director of Food and Environmental Hygiene (DFEH);
 - (c) Director of Leisure and Cultural Services (DLCS); and
 - (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

10. Public Comments Received During Statutory Publication Period

On 24.11.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 15.12.2017, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The planning intention of “I” zone is designated to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within “I” zone may be permitted on application to the Board based on individual merits and the planning assessment criteria set out in TPB PG-No. 25D (**Appendix II**). Although the Wholesale Trade use is not entirely in line with the planning intention of the “I” zone, it could meet any such demand in the area.
- 11.2 The proposed ‘Wholesale Trade’ use is on the lower ground floor of the subject building and is considered not incompatible with the industrial and industrial-related uses including offices, food factories, printing industry, logistics and textile industry in the subject industrial building and the surrounding developments. The applicant has applied on a permanent basis for the applied use. In order not to jeopardise the long-term planning intention of industrial use for the Premises, DG of TI has no comment on the application if a temporary approval of 3 years is imposed.
- 11.3 According to the TPB PG-No. 25D, the Premises is located within a building protected by a sprinkler system and therefore the maximum permissible aggregate commercial floor area on the G/F is 460m². The applied use, which only has a floor area of 409m², should be counted up to the aggregate commercial floor area. Having considered that means of escape (MOE) to Ming Kum Road are proposed and hence MOE separated from the industrial portion of the subject industrial building will be available, D of FS has no in-principle objection to the application subject to provision of MOE and FSI to his satisfaction.

- 11.4 However, the proposed 'Wholesale Trade' use at the Premises does not comply with TPB PG-No. 25D due to the traffic impact concern. C for T has reservation on the application. He notes that the trips generated/ attracted and the parking demands for the proposed 'Wholesale Trade' use are much greater than those for the original 'Industrial Zone'. The applicant should assess the traffic impacts such as junction capacity, drop-off area and Level of Service for pedestrian etc. due to the changes in use. No further information as requested has been submitted by the applicant.
- 11.5 With regard to CBS/NTW, BD's comments that no approval has been given for the direct exits at the Premises fronting Ming Kum Road. Should the application be approved, the applicant will be advised of the BD's comments and that approval of the application should not be construed as an acceptance or condonation of any unauthorised building structures in the Premises. (**Appendix IV**)
- 11.6 No public comment was received during the three-week statutory public inspection period.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department does not support the application for the following reason:

the proposed 'Wholesale Trade' use at the Premises does not comply with the Town Planning Board Guidelines for Development within "Industrial" Zone (TPB PG-No. 25D) in that the applicant fails to demonstrate that the proposed use would not have adverse traffic impact.

- 12.2 Alternatively, 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 3 years until 20.4.2021. The following approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) The submission and implementation of fire safety measures, including the provision of fire service installations and equipment at the application premises and means of escape directly to Ming Kum Road and completely separated from the industrial portion in the subject industrial building 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**.

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 date when the validity of the permission should expire.
- 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 with attachments received on 17.11.2017
Appendix Ia	Planning statement
Appendix Ib	Applicant's email dated 22.11.2017 providing replacement page of the planning statement
Appendix Ic	Applicant's email dated 28.12.2017
Appendix Id	Applicant's emails dated 29.12.2017
Appendix Ie	Applicant's email dated 3.1.2018
Appendix II	Town Planning Board Guidelines on Use/Development within "T" Zone (TPB PG-No. 25D)
Appendix III	Details of similar application
Appendix IV	Advisory clauses
Drawing A-1	Location Plan submitted by the Applicant
Drawing A-2	Lower Ground Floor Plan approved by the Building Authority on 16.5.1982
Drawing A-3	Proposed Layout of the Premises submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Floor Plan of Lower Ground Floor, Co-Tack Industrial Building

Plan A-3 Aerial Photo

Plans A-4a to 4b Site Photos

**PLANNING DEPARTMENT
APRIL 2018**