

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/539

- Applicant** : Forever Earn Limited represented by Kenneth To & Associates Limited
- Application Site** : Nos. 13 - 15 San On Street, Tuen Mun, New Territories (Castle Peak Town Lot Nos. 24 and 45)
- Site Area** : About 1,858m²
- Lease** : Castle Peak Town Lot Nos. 24 and 45
- (a) industrial and / or godown purposes (excluding offensive trade)
- (b) erection of a factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : "Industrial" ("I")
[Restricted to a maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 85mPD, or the PR/ BH of the existing building, whichever is the greater.
- Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR/BH restrictions stated in the Notes of the OZP may be considered by the Town Planning Board on application under s.16 of the Town Planning Ordinance.]*
- Application** : Minor Relaxation of PR for Permitted Industrial Use

1. The Proposal

- 1.1. The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +1.9 or +20%) for redevelopment of two existing industrial buildings (IBs) (namely Bhotai Industrial Building and Shan Ling Industrial Building), which were constructed before 1987 (pre-1987) at the application site (the Site) (**Plan A-1**), into a single 22-storey industrial development with two basement car parking floors. According to the Notes of the OZP for "I" zone, 'Industrial Use (not elsewhere specified)' is always permitted. Minor relaxation

of the PR restriction may be considered by the Town Planning Board (the Board) on application based on individual merits of development proposal.

- 1.2. According to the applicant, the proposed minor relaxation of PR restriction by 20% is in line with the 2018 Policy Address which encourages owners to redevelop pre-1987 IBs outside “Residential” (“R”) zones in Main Urban Areas and New Towns with relaxation of the maximum permissible non-domestic PR by up to 20%. The proposed 22-storey industrial building comprises two basement floors for carpark and loading/unloading area, G/F to 19/F for ‘Workshop’ use.
- 1.3. To enhance connectivity of the area, it is proposed to provide (i) a 3.5m wide full-height setback from the northern boundary abutting Wah Tai Industrial Building to connect Tin Hau Road and San On Street (**Drawings A-3 and A-10**), and (ii) a signal-controlled crossing to the northeast of the Site across Tin Hau Road (**Drawing A-16**). Besides, in order to enhance the pedestrian environment and the appearance of the proposed development, planters and vertical greening are proposed on G/F along Tin Hau Road, San On Street and the pedestrian passage as well as the flat roof on 2/F (**Drawings A-9 and A-12**). The greenery coverage of the proposed development is about 21%, of which about 11.13% is on G/F, 1/F and 2/F (i.e. primary zone) (about 206m²) and about 9.87% is on roof floor (about 185m²).
- 1.4. Floor plans, diagrammatic section and landscape drawings submitted by the applicant are shown at **Drawings A-1 to A-15**. Major development parameters and main uses by floor of the proposed development are as follows:

Development Parameters	
Site Area	About 1,858m ²
Total Non-domestic GFA	Not more than 21,180m ²
PR	11.4
Site Coverage	Not more than 95% (below 15m) Not more than 60% (above 15m)
Number of Storeys	22 (including G/F and 2 levels of basement)
Building Height (at main roof)	About 85mPD
Private Open Space	424.344m ²
Internal Transport Facilities	
- Private Car Parking Space	21
- Motorcycle Parking Space	2
- Loading/Unloading Bays	
- Light Goods Vehicle	21
- Heavy Goods Vehicle	9
Main Uses	
B2/F and B1/F	Parking/loading and unloading bays for lorries
G/F	Workshop, parking/loading and unloading bays for lorries
1/F-19/F	Workshop (Flat roof garden on 1/F and R/F)

- 1.5. In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 10.5.2019 **(Appendix I)**
- (b) Supplementary Planning Statement including traffic impact assessment (TIA) and Sewerage Impact Assessment (SIA) **(Appendix Ia)**
- (c) Supplementary Information dated 21.5.2019 on revised R/F and UR/F plans and section plan and replacement page of the submitted Application Form **(Appendix Ib)**
- (d) Supplementary Information dated 22.5.2019 for revised section plan of the proposed development **(Appendix Ic)**
- (e) Applicant's letters dated 17.7.2019 and 23.7.2019 providing responses to departmental comments, revised TIA, SIA and architectural drawings
[The FI was accepted but not exempted from publication and recounting requirements.] **(Appendices Id(1) and Id(2))**
- (f) Applicant's letters dated 6.9.2019 providing responses to departmental comments and revised architectural drawings
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix Ie)**
- (g) Applicant's letters dated 19.11.2019 and 26.11.2019 providing responses to departmental comments, revised TIA, Landscape Master Plan (LMP), replacement page of SIA and revised architectural drawings
[The FI was accepted but not exempted from publication and recounting requirements.] **(Appendices If(1) and If(2))**
- (h) Applicant's letter dated 24.12.2019 providing response to departmental comments and amended pages of Landscape Proposal
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix Ig)**
- (i) Applicant's letter dated 6.1.2020 providing response to departmental comments and amended floor plans
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix Ih)**

1.6. On 5.7.2019 and 20.9.2019, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application for a total of four months (two months in each deferment) as requested by the applicant. Subsequently, the applicant submitted FI on 18.7.2019, 24.7.2019,

9.9.2019, 20.11.2019, 26.11.2019, 24.12.2019 and 6.1.2020. The application is scheduled for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are summarised as follows:

In line with Government's Policies for Revitalising IBs

- (a) The proposed development is in line with the Government's Policy for revitalisation of IBs. The existing IBs at the Site were developed in 1976 and 1977. The proposed redevelopment with minor relaxation of PR restriction is totally in line with the government policy to optimise the use of the existing IBs.

In Support of the Recommendations in the 'Report on 2014 Area Assessments of Industrial Land in the Territory

- (b) According to the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments), there is a decrease in the vacancy rate of the industrial buildings in Tuen Mun Areas 9 and 12 since 2005. This suggests that there is an increasing demand for industrial floor in the area. Besides, there are new developments/ redevelopment/ wholesale conversion for industrial or commercial use in the area. The proposed development echoes with the recommendations in the 2014 Area Assessments to ensure sufficient supply of industrial floor space in the area and provide employment opportunities in Tuen Mun.

In Line with Planning Intention

- (c) The proposed development is in line with the planning intention of the subject "I" zone on the approved Tuen Mun OZP No. S/TM/35 which primarily intends for general industrial use. The proposed minor relaxation of PR restriction for an industrial building could provide additional industrial floor space.

Relaxation Sought is Minor and Acceptable

- (d) The proposed minor relaxation of PR restriction is formulated in accordance with the maximum BH as stipulated under the OZP of not exceeding 85mPD. As designed with a conforming BH, the relaxation of PR being sought is considered minor and acceptable. The proposed 22-storey IB would be compatible with the surrounding areas which are mostly high-rise industrial developments.

Improvements to the Tuen Mun Industrial Area

- (e) Redevelopment of the dilapidated IBs at the Site could improve the urban environment and help upgrade Tuen Mun Industrial Area. Besides, new provision of industrial floor space with modern specifications in fire safety and technology could promptly respond to the market demand and expedite transformation of this old industrial area. The proposed development will create synergy and collective benefit with the surrounding commercial/ industrial land use.

Design Merits of Proposed Development

- (f) The proposed setback from the northern boundary of the Site (**Drawings A-3 and A-9**) and the proposed crossing at Tin Hau Road will enhance the connectivity and accessibility of the area (**Drawing A-16**). The proposed setback will create a new pedestrian passage connecting Tin Hau Road and San On Street with planter

strips for climbing plants for maximising the area of visible greenery (**Drawings A-10 and A-15**). The setback will also be covered with paver and provided with mounted lighting at night. As for the crossing at Tin Hau Road, it will form part of the pedestrian network connecting between Tuen Mun MTR Station and the inner south-western Tuen Mun Industrial Area via Pui To Road (South) Rest Garden and San Hop Lane (**Drawing A-16**).

- (g) To improve the comfort of pedestrian environment, planters and vertical greening are proposed on G/F fronting Tin Hau Road and San On Street (**Drawings A-10 and A-14**). The proposed lightweight glass canopy over Tin Hau Road will also provide a shelter to pedestrians against increment weather (**Drawing A-14**). Besides, the flat roof podium garden on 1/F will serve as a green space for the users of the proposed development complementary to the public open space on the opposite side of San On Street (**Drawings A-4 and A-11**).
- (h) Green building measures will be incorporated into the proposed development. These measures include using Low-E glass for the curtain wall, which would ensure visual light transmittance while reducing light pollution and glare to surrounding area; collecting rainwater for irrigation; the building services installations would be designed, installed and maintained in accordance with the Building Energy Code in order to promote an energy efficient building, and installation of sun shading architectural fins for solar control along the west façade of the proposed redevelopment.

No Adverse Technical Impacts

- (i) The proposed development will not generate adverse traffic and sewerage impact. With the proposed traffic mitigation measures by reconfiguring the traffic lanes at the junction between Tuen Mun Heung Sze Wui Road/ Pui To Road, traffic generated by the proposal would result in negligible impact to the surrounding road networks (Annexes B1 and B2 in **Appendix Id(1)**). According to the SIA, the sewerage impact arising from the proposed development is considered acceptable with the proposed mitigation measures (Annex C in **Appendix Id(1)**).

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. Background

Policy of Revitalisation of IBs

- 4.1. As set out in the Policy Address 2018, to provide more floor area to meet Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of existing IBs was announced. To encourage owners to redevelop IBs constructed before 1987¹, there is a policy direction to allow relaxation of the maximum permissible non-

¹ Eligible pre-1987 IBs refers to those that were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the Building Authority for approval on or before the same date.

domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “R” zones in Main Urban Areas and New Towns into industrial/ commercial uses (the Policy). The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the Building (Planning) Regulations (B(P)R)². The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 4.2. The time limit for owners to submit planning applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

5. Previous Application

The southern portion of the Site (i.e. Shan Ling Industrial Building) is the subject of a planning application (No. A/TM/482) for proposed eating place/shop and services uses (wholesale conversion of an existing building only) approved with conditions by the Committee on 5.2.2016.³ Details of the application are summarised in **Appendix II** and the location of the Site is shown on **Plan A-1**.

6. Similar Applications

- 6.1. There is no similar application for minor relaxation of PR for redevelopment of industrial building within the subject “I” zone on the OZP.
- 6.2. No minor relaxation applications relating to the Policy have been considered by the Rural and New Town Planning Committee to date. Since March 2019, the Metro Planning Committee (MPC) of the Board has considered 14 minor relaxation applications in the Metro Area relating to the Policy (see **Appendix III** for details). Seven of the applications in San Po Kong, Hung Hom, Kwai Chung and Tsuen Wan involved relaxation of PR only whilst the other seven in Kwun Tong Business Area involved minor relaxation of both PR and BH restrictions. For the seven applications that only involved minor relaxation of PR (A/K11/233, A/K9/274, A/KC/460, A/TW/505, A/KC/464, A/K11/235 and A/TW/509), they were approved with conditions by the MPC. For the remaining seven applications involving both minor relaxation of PR and BH, five were approved with conditions (A/K14/763, 766, 771, 774 and 775), one was rejected (A/K14/764) and one was deferred (A/K14/773) by the MPC. Applications No. A/K14/764 and 771 involved the same site.

² Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

³ Special waiver for the approved scheme was executed on 26.6.2018 while no building plans submission has been made by the applicant.

- 6.3. Out of the 14 applications, 13 proposed minor relaxation of PR by 20% (the maximum under the Policy), while the remaining application involved minor relaxation of PR of 6.52% (No. A/K9/274). The MPC generally indicated support for the Policy as it provides incentives to encourage redevelopment of pre-1987 IBs. For the 13 approved applications, the MPC had no objection to the minor relaxation of PR sought, noting that the applicants had provided technical assessments to support the technical feasibility of their proposals and there were no adverse comments from relevant government departments. For the one rejected application (No. A/K14/764), the MPC considered that there was insufficient planning and design merits to support the proposed relaxation of BH restriction from 100mPD to 130.2mPD, and approval would create undesirable precedent that would lead to cumulative visual impacts in the area. Besides, the MPC deferred a decision on application No. A/K14/773 on 18.10.2019, which falls within the “Other Specified Uses” annotated “Business” zone on the approved Kwun Tong (South) OZP No. S/K14S/22, pending submission of further information (FI) from the applicant to further explain the proposed planning and design merits and substantiate how the proposal could enhance the pedestrian environment.

7. The Site and its Surrounding Area

7.1. The Site is:

- (a) currently occupied by a 4-storey industrial building known as Bhotai Industrial Building and a 6-storey industrial building known as Shan Ling Industrial Building, which were completed in 1976 and 1977 respectively. The buildings are currently mainly used for godown use (**Plans A-4a to A-4b**);
- (b) located in the eastern fringe of Tuen Mun Industrial Area 12 and is accessible by San On Street on its west and Tin Hau Road on its east (**Plans A-1 to A-3**); and
- (c) located about 200m southwest of the Tuen Mun MTR Station (**Plan A-3**).

7.2. The surrounding areas have the following characteristics:

- (a) the Site is mainly surrounded by industrial buildings and godowns (**Plans A-2 and A-3**);
- (b) to its further east across Tin Hau Road is Pui To Road (South) Rest Garden, a cycle track and the Tuen Mun River Channel (**Plans A-2 and A-3**); and
- (c) to its northwest across San On Street is a public car park (**Plan A-2**).

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, office related to industrial use and selected uses akin to industrial production and would not compromise building and fire safety are also 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:

Policy Perspective

9.1.1. Comments of the Secretary for Development, Development Bureau (SDEV, DEVB):

- (a) It is the Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, relaxation of the maximum permissible non-domestic PR by up to 20% is allowed under the current revitalisation scheme for redevelopment projects of pre-1987 IBs located outside "R" zones in Main Urban Areas and New Towns. In this light, he welcomes and supports the application in principle for modern industrial development, subject to its compliance with all relevant requirements under the revitalisation scheme.
- (b) Regarding the specified time period for execution of the lease modification if approved, please refer to the paper DEVB issued to Legislative Council Panel on Development on "Measures to Revitalise Industrial Buildings" and LandsD's Practice Note No. 2/2019 on "Lease Modification (or a Land Exchange) for Redevelopment of an Industrial Lot (Special time-limited arrangement for application for relaxation of development intensity)".

Land Administration

9.1.2. Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) and the Chief Estate Surveyor/ Development Control, LandsD:

- (a) The proposed development involves two lots, i.e. Castle Peak Town Lot (CPTL) No. 24 (Shan Ling Industrial Building at No. 15 San On Street) and CPTL No. 45 (Bhotai Industrial Building at No. 13 San On Street) which are held under New Grant Nos. 1569 and 1721 respectively (the Lots). The Lots are subject to the following salient lease conditions:

- (i) user: industrial and/or godown purposes (excluding offensive trade under the Public Health and Municipal Services Ordinance); and
 - (ii) type of building: erection of a factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters;
 - (iii) requirements for parking, loading and unloading (L/UL) vehicles:
 - at the rate of not less than one vehicle for each 10,000 square feet or part thereof of GFA, excluding any floor area to be used for this purpose, of any building erected on the lot or at the rate of not less than one vehicle for each 5,000 square feet or part thereof of the site area, whichever rate provides the greater amount of such space;
 - of the space provided for parking, L/UL, one half shall be used for the parking of private cars and light vans and one half for the parking, L/UL of lorries; and
 - of the space provided for lorries two-thirds shall be used for parking and one-third for simultaneous L/UL.
 - (iv) vehicular access is not permitted at the boundary of the Lots fronting Tin Hau Road;
 - (v) there is no restrictions on GFA, site coverage, building height and nos. of storeys;
 - (vi) New Grant No. 1569 for CPLT No. 24 is varied by a Special Waiver Letter dated 26.6.2018 to permit 'Eating Place' and 'Shop and Services' uses in the existing building erected thereon. The Special Waiver Letter will expire upon demolition of the existing building.
- (b) It is noted that the applicant has conducted TIA and SIA in support of the application. Transport Department and Drainage Services Department's comments on the same should be sought.
- (c) According to the applicant's FI dated 6.9.2019 (**Appendix Id**), the current proposal is to demolish the existing buildings and develop an industrial building straddling over the Lots. The proposed provision of car parking space is shown on the FI. The proposed development and proposed provision of car parking spaces are in breach of the New Grants governing the Lots, in particular SC Nos. (2)(b) and (9). Detail scrutiny of the development proposal would only be made at the development proposal submission stage and his rights to provide further comments are reserved.
- (d) Irrespective of whether approval will be given to the proposed industrial development, LandsD reserve the right to comment on

the development submissions when received. There is no guarantee that the development submissions will be approved. LandsD reserves the right to take any enforcement action should any breaches of lease conditions be found.

- (e) If planning approval is given, the applicant is required to apply to his Office for a lease modification to effect the proposal. The proposal would only be considered upon receipt of the formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comments 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 charging of premium and administrative fee and other conditions as may be imposed by LandsD.

Measures announced in 2018 Policy Address on Revitalisation of Industrial Building

- (f) To be qualified for the measure on relaxation of the maximum permissible non-domestic PR by 20% for redevelopment project, the building has to be pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns and subject to the maximum non-domestic PR allowed under the Building (Planning) Regulations (B(P)R). Pre-1987 IB refers to those wholly or partly constructed on or before 1.3.1987 or those constructed with building plans first submitted to the Building Authority for approval on or before 1.3.1987. Confirmation on the pre-1987-status and no excess of non-domestic PR under B(P)R to be sought from the applicant/ Buildings Department.
- (g) As “industrial use” including the subsumed uses, such as “non-polluting industrial use”, etc. in planning terms may constitute uses in breach of the lease conditions, upon receipt of the lease modification application, LandsD will impose such appropriate terms and conditions including, user restriction, payment of full premium and administrative fee. Such application will be considered by LandD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions as may be imposed by LandsD. Under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of Board’s approval letter.

Traffic

9.1.3. Comments of the Commissioner for Transport (C for T):

- (a) He has no objection to the application subject to the applicant's implementation of the proposed traffic management measures.

- (b) Approval conditions requiring the applicant to submit the design and to provide parking facilities, loading/unloading spaces, vehicular access and to implement the proposed traffic management measures for the proposed redevelopment to the satisfaction of the C for T or of the Board are recommended.

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

- (a) The proposed vehicular and pedestrian access arrangement should be commented by Transport Department (TD);
- (b) If the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match the existing adjacent pavement;
- (c) TD's comment on whether any road improvement works (including but not limited to provision/ revision of pedestrian crossings, railings, traffic signage, etc.) are required due to the proposed redevelopment should be sought. If any road improvement works are required, they should be designed and constructed to the satisfaction of TD and his department by the applicant at his own cost; and
- (d) The traffic mitigation measures in the TIA of the applicant's submission, if considered appropriate by TD, should be implemented by the applicant at his own cost.

Environment

9.1.5. Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is seeking planning permission for minor relaxation of plot ratio from about 9.5 to about 11.4 for redevelopment of the existing industrial buildings at the Site within an area zoned "I" on the OZP. According to the application, the proposed development will be mainly used for workshop, parking/L/UL bays for lorries and private car parking spaces while no chimney is found in the section plan of the proposed development.
- (b) Provided that the proposed development is properly designed to incorporate suitable environmental mitigation measures, it is unlikely to cause major pollution.
- (c) According to the SIA submitted by the applicant, he understands that a new Relief Sewer will be provided to accommodate the increased sewage flow due to the proposed development. He has no adverse comment on the SIA.

Urban Design and Air Ventilation

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

- (a) The Site falls within “I” zone of the OZP. According to the Notes of the OZP for “I” zone, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum PR of 9.5. The subject application involves site area of 1,858m². The applicant seeks planning permission for minor relaxation of PR from 9.5 to 11.4 (+20%) so as to optimise the total GFA (21,180 m²) for industrial use. The proposed redevelopment has a building height of 85mPD as stipulated on the OZP, site coverage of 95% below 15m and 60% above 15m and provisions of flat roof podium garden and 3.5m wide footpath.
- (b) The application only involves an increase in PR but would not exceed the maximum BH of 85mPD. As such, the proposed redevelopment would unlikely generate adverse visual impacts.
- (c) A 3.5m wide footpath is proposed along northern boundary of the Site as shown in Drawing No. SOS- SK4 in **Appendix If(1)**. The proposed footpath could improve the local pedestrian connectivity and accessibility.
- (d) On the proposed roof-top structures, the applicant should adhere to the Joint Practice Note No. 5 in counting the number of storeys.
- (e) Regarding the public comment concerning on the possible impact on air ventilation resulting from the increased building bulk, referring to 'Cat A.1 - Term Consultancy for Expert Evaluation and Advisory Service on Air Ventilation Assessment (PLNQ 56/2012)' published in May 2014, the Site is not located within any identified air paths/breezeways. Given the above and the proposed development parameters set out in paragraph 9.1.6(a), significant adverse air ventilation impact should not be anticipated. However, the facade length of the proposed development may likely exceed 60m and the compliance with the Sustainable Building Design Guidelines under Buildings Department's APP-152 is required. Presumably, Chief Building Surveyor/New Territories West of Buildings Department will advise on this matter.

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

- (a) He has no comment on the proposed development from visual impact point of view. It is noted that the proposed redevelopment consists of one tower block with a height of 85mPD which complies with the building height restriction (BHR) permitted under the OZP and may not be incompatible with the adjacent developments with BHR of 85mPD.
- (b) It is noted from the LMP (**Appendix I(f)1**) submitted by the applicant that more than 20% of greenery is proposed to comply with the Practice Notes for Authorized Persons (PNAP) APP-152.
- (c) It is noted that some façade area of the proposed development is facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable.

Landscape

9.1.8. Comments of the CTP/UD&L, PlanD:

He has no comment on the application having considered that the proposed tower (i.e. 1/F to 19/F of the proposed development) will be set back from the proposed pedestrian passage by 10.5m. Shade tolerant shrubs are proposed for the vertical green along the proposed pedestrian passage adjacent to the single storey structure.

Drainage

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

He has no comment on the application. Should the application be approved, a condition should be stipulated requiring the applicant to submit and implement the sewerage improvement proposal to the satisfaction of the Director of Drainage Services or of the Board.

Buildings Matters

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

- (a) He has no objection to the relaxation of plot ratio from 9.5 to 11.4 under the Buildings Ordinance (BO). The development intensity shall not exceed the permissible under the first schedule of B(P)R.
- (b) Detailed comments under the BO will be provided at the building plan submission stage.

Fire Safety

9.1.11. Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction to his Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) No details of the EVA have been provided, comments could not be offered by his Department at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by the Buildings Department (BD).

Others

9.1.12. Comment of the Director of Leisure and Cultural Services (DLCS);

- (a) He has no comments on the application.
- (b) However, if any trees under the maintenance of LCSD will be affected, separate submission of Tree Preservation and Removal Proposal is required for LCSD's consideration and expert advice in accordance with Development Bureau Technical Circular (Works) No. 7/2012 (DEVB TCW No. 7/2015).
- (c) Furthermore, if newly planted trees /trees at unallocated and unleased government land within 10m from kerb of newly formed public road proposed will be handed over to LCSD for future maintenance, agreement from LCSD should be sought in advance and sufficient amount of recurrent cost must be provided.

9.1.13. Comments of District Officer/Tuen Mun (DO/TM):

He has distributed consultation letters to the locals concerned and understands that they would provide their comments (if any) to the Board direct. He has no further comments.

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Commissioner of Police (C of P);
- (d) Director-General of Trade and Industry (DG of TI);
- (e) Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD); and
- (f) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD).

10. Public Comments Received During Statutory Publication Periods

The application and the subsequent FI submitted by the applicant were published for public comments on 24.5.2019, 2.8.2019 and 3.12.2019. During the first three weeks of the statutory public inspection periods, two public comments submitted by the same individual were received expressing concerns on the proposed green features, mainly including the maintenance of the vertical greening is not economical nor sustainable; the upkeep of the planting cannot be guaranteed; the garden on 1/F and R/F provide no public benefit; and greenwash does not balance the possible impact, such as canyon wall effect and ventilation problem (**Appendix IV**).

11. Planning Considerations and Assessments

11.1. The application is for minor relaxation of PR from 9.5 to 11.4 (i.e. +1.9 or +20%) for proposed redevelopment of the existing two IBs at the Site (namely Bhotai Industrial Building and Shan Ling Industrial Building) into a 22-storey industrial development (including 2 basement carpark levels). The proposed redevelopment is generally in line with the planning intention of the “I” zone, which is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. The proposed BH of about 85mPD complies with the building height restrictions of 85mPD under the OZP.

Land Use Compatibility

11.2. The Site is located on the eastern fringe of Tuen Mun Area 12. Areas surrounding the Site are mainly occupied by industrial buildings. Supporting facilities include electricity substation, a sitting-out area, garden and a public car park to the west and northwest across San On Street. To its further east across Tin Hau Road is a rest garden linking to Tuen Mun West Rail Station (**Plans A-1 and A-3**). The proposed industrial development is considered not incompatible with the surrounding land uses.

Policy Aspect

11.3. The subject IBs were completed in 1976 and 1977 respectively and are considered eligible pre-1987 IBs under government’s new policy on revitalising IBs. SDEV supports the current application for the minor relaxation of PR by 20% according to the Government’s policy with the initiative to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

Technical Aspect

11.4. The proposed minor relaxation of PR from 9.5 to 11.4 (i.e. +1.9 or +20%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant has submitted the TIA to demonstrate that the proposed development will not cause adverse traffic impact to the surrounding areas. C for T has no adverse comment on the application from traffic engineering point of view. According to the

applicant, a new sewer will be provided to connect the existing manhole. CE/MN of DSD has no adverse comments on the application subject to incorporation of appropriate approval conditions on sewerage aspect. Other relevant departments, including DEP, D of FS and CTP/UD&L of PlanD, have no adverse comments on/ objection to the proposed redevelopment.

Design Merits

- 11.5. The applicant has proposed 3.5m setback at the northern boundary of the Site to create a pedestrian passage connecting Tin Hau Road and San On Street. Besides, signalised crossing will be provided to the northeast of the Site at Tin Hau Road (**Drawing A-16**). The pedestrian passage together with the signalised crossing can enhance the accessibility of the industrial area from Tuen Mun MTR station, and create a more pedestrian-friendly environment by encouraging pedestrians using the footpath adjacent to the Pui To Road (South) Rest Garden (**Drawing A-16, Plans A-2 and A-3**). CTP/UD&L of PlanD and C for T have no adverse comment on the proposed pedestrian passageway and the proposed signalised crossing.
- 11.6. With regard to sustainability of building design, the applicant indicates that the site coverage of greenery is more than 20%, in which more than 10% will be provided at primary zone, and the remaining 10% will be provided at the main roof, which exceeds the requirements of Sustainable Building Design Guidelines. CTP/UD&L, PlanD has no adverse comments in this regard.

Others

- 11.7. Regarding the public comments concerning the sustainability and maintenance of the proposed green measures, benefit to the public as well as the possible impact on air ventilation, planning assessment in paragraphs 11.1 to 11.7 above are relevant.

12. Planning Department's Views

- 12.1. Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, 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 17.1.2024, 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 parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the implementation of the traffic management measures, including the signalised crossing as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of the sewerage improvement proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of fire services installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3. Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio restriction.

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 received on 10.5.2019
Appendix Ia	Supplementary planning statement
Appendix Ib	Applicant's letter dated 21.5.2019
Appendix Ic	Applicant's letter dated 22.5.2019
Appendices Id(1) and Id(2)	Applicant's letters dated 17.7.2019 and 23.7.2019
Appendix Ie	Applicant's letter dated 6.9.2019
Appendices If(1) and If(2)	Applicant's letters dated 19 and 26.11.2019
Appendix Ig	Applicant's letter dated 24.12.2019
Appendix Ih	Applicant's letter dated 6.1.2020
Appendix II	Previous application covering the Site
Appendix III	Similar applications
Appendix IV	Public comments received
Appendix V	Advisory clauses

Drawings A-1 to A-8	Floor plans and section plan of the proposed development
Drawings A-9 to A-15	Landscape drawing
Drawing A-16	Future pedestrian route to/from the proposed development
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to A-4b	Site photos

**PLANNING DEPARTMENT
JANUARY 2020**