

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/544

<u>Applicant</u>	Hoi Wai Industrial Company Limited represented by Multiple Surveyors Limited
<u>Premises</u>	10/F, Hanway Factory Building, 17 San On Street, Tuen Mun, New Territories
<u>Floor Area</u>	423m ²
<u>Lease</u>	Castle Peak Town Lot (CPTL) No. 22 (a) Industrial or godown purposes or both (excluding any offensive trade declared under the Public Health and Municipal Services Ordinance) (b) Type of building: A factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters
<u>Plan</u>	Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
<u>Zoning</u>	“Industrial” (“I”) <i>[Restricted to a maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 85mPD, or the plot ratio and building height of the existing building, whichever is the greater]</i>
<u>Application</u>	Proposed Office (Back Office)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed ‘Office’ use (back office). The Premises with an area of about 423m² is located on 10/F of the existing industrial building, namely Hanway Factory Building in Area 12, Tuen Mun, which falls within an area zoned “I” on the approved Tuen Mun OZP No. S/TM/35 (**Plan A-1**). According to the Notes of the OZP, ‘Office (not elsewhere specified)’ within the “I” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 Plan showing the Premises submitted by the applicant is in **Drawing A-1**.

- 1.3 In support of the application, the applicant submitted the following documents:
- (a) Application form received on 17.7.2019 **(Appendix I)**
 - (b) Applicant's letter dated 18.7.2019 clarifying the proposed use and revised layout plan. **(Appendix Ia)**
 - (c) Further Information (FI) received on 23.8.2019 clarifying the reasons of proposing office use at the Premises and passenger access arrangement as well as providing responses to departmental comments **(Appendix Ib)**
[The FI was accepted and exempted from publication and recounting requirements.]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in application form (Section 9 of **Appendix Ia**) and **Appendix Ib**. They can be summarised as follows:

- (a) The applicant noticed that there is an increasing demand for supporting office space for different kinds of businesses in the neighbourhood in the recent years especially after a more convenient and developed transportation network is available, the applicant wishes to have a better use of the Premises.
- (b) It is conceivable that the proposed change of use will not have compatibility problem in the neighbourhood which is mainly for general industrial use. The proposed office could support the intended use of the subject "I" zone. The proposal also echoes Government's policy to optimise the use of existing industrial buildings.
- (c) The proposed office only has a GFA of 423m² and it is proposed for back-office operations relating to business services with no direct provision of customer services/ goods to the public. The change in worker density for the Premises under the current application from factory to office shall only be increased slightly from 17 workers to 22 workers. In view of the size and nature of operation, no adverse impact would be expected to both the public and the surroundings in terms of noise, traffic, visual, water supplies and drainage aspects.
- (d) The proposed change of use will not create adverse impact with regard to structural and means of escape aspects under the Buildings Ordinance and other relevant regulations.
- (e) Dedicated passenger lift is provided for the building to separate the vertical transportation of people and goods/ carts. The movement of people will merely involve office workers and is only expected to happen during morning, lunchtime and evening where no overlapping with the usual loading/unloading schedules/ activities on site.

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

Area Assessments

In view of the concern on the utilisation of the industrial buildings in the territory as well as the changing needs of the industrial and business sectors, Planning Department conducted the first Area Assessments of Industrial Land in the Territory in 2000 (2000 Area Assessments). Since then, the Area Assessments have been updated in 2005, 2009 and 2014 respectively. On 14.8.2015, the Board noted the findings, key observations and recommendations of the 2014 Area Assessments. For Area 12 in Tuen Mun, it is recommended to retain the area as “I”.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) are relevant to this application (**Appendix II**). For a proposed commercial use in an industrial building or on the upper floors of an I-O building, the relevant assessment criteria are summarised below:

- (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 and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network; and
- (c) the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There are no similar applications to change the use of a portion of an existing industrial building to office use within the “I” zone of the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4c)

8.1 The Premises is:

- (a) located on 10/F of Hanway Factory Building in Tuen Mun Area 12 (**Plan A-4a**); and
- (b) currently being used as a laundry workshop (**Plan A-4c**).

8.2 The subject building:

- (a) is sandwiched on the north and south by industrial buildings. San On Street lies on its west and Tin Hau Road lies on its east (**Plans A-2 and A-3**);
- (b) is a 12-storey industrial building completed in 1974; and
- (c) has the following existing uses

Floor	Current Uses
G/F	Carpark, loading/unloading
1/F	Storage / Office
2/F – 3/F	Warehouse
4/F	Laundry
5/F	Warehouse
6/F	Mini-storage
7/F	Vacant
8/F-11/F	Laundry, the Premises (on 10/F)

8.3 The surrounding area has the following characteristics (**Plans A-2 and A-3**):

- (a) to the west across San On Street and to the northeast across Tin Hau Road are a cluster of industrial buildings;
- (b) to its further east across Tin Hau Road is Pui To Road (South) Rest Garden, a cycle track and Tuen Mun River Channel;
- (c) to its further northeast across Tin Hau Road are two commercial developments, namely A Sun Plaza and Gold Sun Industry Building¹;
- (d) to the further northeast is Tuen Mun MTR and LRT stations located about 230m away; and
- (e) to its further northwest across San On Street is a sitting-out area and San On Street Public Parking.

¹ They were the subject of planning applications (Nos. A/TM/424 and 464) for wholesale conversion of existing industrial buildings to office/ office cum shop & services, private club and eating place, approved with conditions by the Committee on 20.1.2012 and 19.6.2015 respectively.

9. 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.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The subject Premises is located on 10/F of Hanway Factory Building which is erected on Castle Peak Town Lot No. 22 (‘the Lot’) and is held under New Grant No. 1567. The Lot is subject to the following salient lease conditions:
 - (i) user: industrial and/or godown purposes (excluding any offensive trade declared under the Public Health and Municipal Services Ordinance); and
 - (ii) type of building: a factory and/or a warehouse, ancillary offices and caretakers’ or watchmen’s quarters;
- (b) The proposed use does not comply with the lease conditions. If planning approval is given by the Board, the applicant may consider applying to the LandsD for a temporary waiver to effect the proposal. The proposal will only be considered upon 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 of premium and administrative fee.
- (c) Notwithstanding the above, in the event that any breach of the lease conditions or any change of use of the Premises without any prior approval from LandsD is detected, the Government reserves the right to take any enforcement action as may be considered appropriate.

Trade and Industry

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

- (a) He has reservation on the application for conversion of the Premises to “Office (not elsewhere specified)” use, which is a permanent non-industrial use.
- (b) The 2014 Area Assessments of Industrial Land in the Territory ("2014 Area Assessments") have revealed that the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. The 2014 Area Assessments had also recommended retaining the Tuen Mun Areas 9 and 12 as "Industrial" area, where the premises is located, as "I" zone due to the low and decreasing vacancy rate of the industrial buildings and their high usage for industrial use (in particular warehouse/storage use). Nevertheless, he has no comment if the approval is temporary of not more than 5 years as it will not jeopardise the long term industrial-related uses of the subject Premises.

Traffic

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

He has no objection in principle to the application provided that the applicant would allocate the 2 existing car parking spaces under his ownership for the proposed office use.

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

TD's comments on whether any road improvement works (including but not limited to provision/ revision of pedestrian crossing, railing, traffic signage, etc.) are required due to the application should be sought. If any road improvement works are required, they should be design and constructed to the satisfaction of TD and his department by the applicant at his own cost.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

He has no adverse comment on the application. Office development are normally provided with central air conditioning system and the applicant/ authorised persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisance/impact.

Drainage

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

He has no objection to the application from public sewerage viewpoint on the understanding that there will be no additional area receiving stormwater from the subject site.

Fire Safety

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

He has no objection in principle to the application provided that:

- (a) the proposed office does not involve direct provision of customer services or goods;
- (b) the proposed office does not attract unreasonably large number of persons who are not prepared to face the potential risks inside and outside industrial building and not familiar with the situation in case of emergency, rendering their escape materially much more difficult; and
- (c) fire service installations are provided to the satisfaction of D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority.

Building Matters

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

- (a) adequate fire protection / separation between uses should be installed and adequate exits should be provided for the office in compliance with Code of Practice for Fire Safety in Buildings 2011;
- (b) adequate number of toilets should be provided in compliance with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Natural lighting and ventilation should also be provided for complying with Building (Planning) Regulations;
- (c) before any new building works are to be carried out on the application site, 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 BO; and
- (d) Detailed comments under the BO will be provided at building plan submission stage.

District Officer's Comments

10.1.9 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.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Comments of the Director of Electrical and Mechanical Services (DEMS); and
- (f) Project Manager (West), West Development Office, Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Period

On 26.7.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 16.8.2019, no public comments were received.

12. Planning Considerations and Assessments

12.1 The application is for conversion of 10/F of an existing industrial building (about 423m²) for proposed back-office use. 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. The proposed back office in the subject industrial building requires planning permission from the Board.

12.2 Although there is no similar application for conversion of a premises of an industrial building to 'Office' use in Area 12, there are four applications (i.e. A/TM/424, 464, 478 and 483) for wholesale conversion of the existing building to commercial uses, including office, eating place, shop and services and private club approved with conditions by the Committee during 2012 to 2016. There is also a planning application (No. A/TM/542) involving the wholesale conversion of an existing industrial building for commercial development being processed, which include office cum shop and services, eating place and designated portion for specified uses prescribed by the Government to echo Chief Executive's 2018 Policy Address on revitalisation of industrial building.

12.3 The proposed back office is intended to support other businesses within the "I" zone with no direct provision of customer services/ goods to the public. In view

of the small scale of the proposed office (423m²) and its nature of operation, no significant adverse traffic and environmental impacts are anticipated. Relevant departments, including D of FS, C for T and DEP have no adverse comment on the application. The proposed back-office use generally complies with the Town Planning Board Guidelines for Development within the “T” zone (TPB PG-No. 25D) in that the location of the proposed development is easily accessible to public transport facilities including Tuen Mun MTR station and Tuen Mun LRT station, and no adverse impact would be induced from fire safety, traffic and environmental consideration.

12.4 The applicant has applied to use the Premises as an office on a permanent basis. Nevertheless, considering the comments from DG of TI and the recommendation of the 2014 Area Assessments to retain the Tuen Mun Industrial Areas, it is recommended that a temporary approval of three years be granted instead of a permanent permission so as to allow the Committee to better monitor the provision of industrial floor space in the area.

12.5 No public comment was received during the statutory publication period.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the proposed back-office use can be tolerated for a period of three years.

13.2 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 6.9.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of the fire service installations proposal the satisfaction of the Director of Fire Services or of the Town Planning Board by before operation of the proposed use; and
- (b) if the above planning condition (a) is not complied with, 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 III**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members’ consideration:

- (c) the proposed office use is not in line with the planning intention of “T” zone which is intended for general industrial uses to ensure an adequate

supply of industrial floor space to meet demand from production-oriented industries; and

- (d) the application does not comply with the Town Planning Board Guidelines for Development within the “I” zone (TPB PG-No. 25D) in that the applicant has not demonstrated that there is a genuine need for the proposed office use and no suitable alternative accommodation can be found in the vicinity.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 16.7.2019
Appendix Ia	Applicant’s letter dated 18.7.2019
Appendix Ib	FI dated 22.8.2019
Appendix II	Town Planning Board Guidelines on Use/Development within “I” Zone (TPB PG-No. 25D)
Appendix III	Advisory clauses
Drawing A-1	Layout Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos