

**Similar s.16 Applications within the areas zoned “I” or previously zoned “I”
in Areas 9 and 12, Tuen Mun
on the approved Tuen Mun Outline Zoning Plan No. S/TM/35 since 2010**

Approved applications

Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
A/TM/403	Proposed wholesale conversion of all industrial floor spaces to ‘Shop and Services’ use	18.3.2011 Approved with conditions By RNTPC	(1) and (2)
A/TM/413	Proposed wholesale conversion for office, eating place, and shop and services	20.5.2011 Approved with conditions by RNTPC	(1) to (3)
A/TM/420	Proposed wholesale conversion for office, eating place, and shop and services	19.8.2011 Approved with conditions by RNTPC	(1) to (3)
A/TM/424	Proposed wholesale conversion of all industrial floor spaces to office use	20.1.2012 Approved with conditions by RNTPC	(1) and (2)
A/TM/464	Proposed office cum shop & services/ private club/ eating place (Wholesale conversion of existing industrial building)	19.6.2015 Approved with conditions by RNTPC	(1), (2) and (4)
A/TM/478	Proposed office cum shop & services/ private club/ eating place (Wholesale conversion of existing industrial building)	20.11.2015 Approved with conditions by RNTPC	(1), (2), (5) to (7)
A/TM/481	Proposed eating place/shop and services and office (Wholesale conversion of existing building)	5.2.2016 Approved with conditions by RNTPC	(1), (2), (10) and (11)
A/TM/482	Proposed eating place / shop & services (Wholesale conversion of existing building)	5.2.2016 Approved with conditions by RNTPC	(1), (2), (10) and (11)
A/TM/483	Proposed shop and services, office and eating place (Wholesale conversion of an existing building)	8.1.2016 Approved with conditions by RNTPC	(1), (2), (8), (9) and (10)
A/TM/542	Proposed Commercial Uses including Office cum Shop and Services/ Eating Place/ Place of Recreation, Sports or Culture/ Art Studio/ Audio-visual Recording Studio/ Design and Media Production/ Research, Design and Development Centre (Wholesale Conversion of an Existing Building)	3.1.2020 Approved with conditions by RNTPC	(1), (12), (13), (14) and (15)

Approval Conditions

- (1) the submission and implementation of fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (2) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (3) the submission of an assessment on the public sewerage system and implementation of proposed mitigation measures identified in the assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (4) the submission and implementation of an upgrading proposal for the existing 225mm sewer at the applicants' cost, as proposed by the applicants, to the satisfaction of the Director of Drainage Services or of the TPB;
- (5) the submission of revised traffic impact assessment and implementation of the proposed junction improvement scheme at the applicants' own costs as proposed by the applicants to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (6) the submission of revised sewerage impact assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (7) the submission and implementation of the drainage proposal for the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (8) the submission of revised traffic impact assessment to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (9) the submission of revised sewerage impact assessment and the implementation of the proposed sewerage improvement works identified therein at the applicant's own costs as proposed by the applicant to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (10) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (11) the submission and implementation of sewerage improvement proposal at the applicant's own costs as proposed by the applicant to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (12) the design and provision of parking facilities, loading/unloading spaces, vehicular access and measures to restrict heavy goods vehicles from accessing the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (13) the submission and implementation of a drainage proposal for the proposed development and the maintenance of the drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (14) the submission of a sewer upgrading proposal for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (15) the implementation of the sewer upgrading proposal to the satisfaction of the Director of Drainage Services or of the TPB.

Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the relevant requirements under the lease, and that the proposed GFA concession for the proposed development will be approved/ granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain necessary approval. If the building design elements and the GFA concession are not approved/ granted by BA and the Lands Authority and major changes to the current scheme are required, a fresh section 16 application to the Town Planning Board may be required;
- (b) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (c) to note the comments of the Secretary for Development (SDEV) that the exact location and designated use(s) in relation to the 10% designated floor space, as well as the mode of operation of the designated portion, will be determined by his Bureau in consultation with relevant parties after LandsD has received the industrial building owner's application for a special waiver for wholesale conversion. The approved designated use(s) must fall within the uses to be covered by the planning permission;
- (d) to note the comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD) that the proposed uses do not comply with the lease conditions. The applicant may consider applying to LandsD for a waiver for implementation of the above proposal. The proposal will only be considered upon receipt of formal application from the applicant;
- (e) to note the comments of the Chief Estate Surveyor/Development Control, LandsD (CES/DC, LandsD) that:
 - i. reference should be made to Lands Administration Office Practice Note No. 6/2019 ('the PN'). The applicant may refer to the PN for the prerequisites, no change to existing building structure /bulk/ building height, requirement of Designated Portion, Specified Uses for application for a special waiver;
 - ii. comments on the details of the conversion works, GFA calculation, GFA accountability, existing building bulk, details of the Designated Portion and Specified Uses, etc. of the proposal are reserved and will be given until a formal application to LandsD for a special waiver is submitted; and
 - iii. there is no guarantee that the application (if received) for special waiver for conversion of the entire industrial building will be approved by LandsD. The application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to such terms and conditions, including restriction on alienation of the Designated Portion, payment of administrative fee, etc. as may be imposed;
- (f) to note the comments of the Commissioner for Transport (C for T) that the proposed traffic management measures including those to control the use of good vehicles and to ensure the proper management and operation of the double deck mechanical parking spaces should be

implemented;

- (g) to note the comments of the Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD) that:
- i. if the proposed run-in/out on Kin Wong Street is approved by the Transport Department (TD), the applicant shall construct the run-in/out according to the latest version of Highway Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
 - ii. if the traffic improvement schemes recommended in the Traffic Impact Assessment study are considered necessary by TD, they shall be implemented to the satisfaction of TD and his Department by the applicant at his own costs; and
 - iii. adequate drainage measures shall be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (h) to note the comments of the Director of Environmental Protection (DEP) that generation of construction and demolition (C&D) materials should be minimised; C&D materials on-site should be reused and recycled as far as possible; and the legislative requirements and prevailing guidelines on proper waste management for the proposed development should be observed and complied with;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD) that:
- i. carparking spaces, loading & unloading lay-by may be disregarded from GFA subject to the compliance with the requirements in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2 & 111, otherwise, it will be counted as non-domestic GFA;
 - ii. before any building works are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - iii. for UBW erected on the leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
 - iv. if the proposed use under application is subject to the issue of a licence, the area intended for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - v. detailed comments under the BO will be provided at the building plan submission stage; and
- (j) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.