

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/549

- Applicant** : Jetford Properties Limited represented by Kenneth To & Associates Limited
- Site** : Tuen Mun Town Lot No. 86, No. 1 Kin Fat Lane, Tuen Mun, New Territories
- Site Area** : About 1,021.93m²
- Lease** : New Grant No. 2171
(a) user: industrial or godown purposes or both (excluding offensive trade declared under the Public Health and Municipal Services Ordinance);
(b) type of building: a factory or factories or a warehouse or warehouses, ancillary offices, such quarters as may be required for watchmen or caretakers.
- 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 100mPD, or the PR and BH of the existing building, whichever is the greater]
- Application** : Proposed Commercial Development with Office, Shop and Services, Eating Place and Other Uses (including Art Studio, Office and/or Information Technology and Telecommunications Industries) (Wholesale Conversion of an Existing Industrial Building)

1. The Proposal

- 1.1 The applicant seeks planning permission for wholesale conversion of an existing 12-storey industrial building (IB) at No. 1 Kin Fat Lane, Tuen Mun, namely Yick Fung Group Building (the Site), to a commercial development with office, shop and services, eating place and other uses (including art studio, office and/or information technology and telecommunications industries) (**Plan A-1**).
- 1.2 The Site is zoned “Industrial” (“I”) on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35 (**Plan A-1**). According to the Notes of the OZP of the “I” zone, ‘Office (not elsewhere specified)’, ‘Shop and Services (not elsewhere specified)’ and ‘Eating Place (not elsewhere specified)’ uses are under Column 2 which require planning permission from the Town Planning Board (the Board),

while ‘Art Studio’ and ‘Information Technology and Telecommunications Industries’ uses are under Column 1 which are always permitted.

- 1.3 The existing 12-storey industrial building was completed in 1978. According to the applicant, the current proposal is in echo of the Chief Executive’s 2018 Policy Address to encourage wholesale conversion of IBs aged 15 years or above by providing 10% of total GFA for Specified Uses prescribed by the Government upon completion of such conversion works.
- 1.4 There will be no change to the building height of the existing building which is 12 storeys and about 54.25mPD (at the main roof). The proposed development has a total GFA of about 9,914m², which is not more than the GFA of the existing IB. The major development parameters under the current proposal are summarised as follows:

Total Site Area	About 1,021.93m ²
Proposed Non-domestic GFA	About 9,914m ²
<ul style="list-style-type: none"> • Shop and services/eating place • Office • Designated Portion for Specified Use • Car Park 	About 5,305.72m ² About 2,162.56m ² About 991.4m ² About 1,454.27m ²
Total Non-domestic Plot Ratio	About 9.701#* (Not more than the PR of the existing IB)
Site Coverage (above 15m high)	About 74.7%
Total no. of Storeys (including G/F)	12
Building Height	About 54.25mPD (at the main roof)
Internal Transport Facilities	
<ul style="list-style-type: none"> • Private car parking spaces • Goods vehicle L/UL bays • Motorcycle parking spaces 	34 (including 1 accessible car parking space) 6 (for light goods vehicles) 5

According to the applicant, part of the proposed GFA is for parking purpose.

* The plot ratio is same as the building plans for the existing building approved by the Building Authority on 2.7.1976

- 1.5 The main uses by floor in the proposed development are summarised below:

Floor	Proposed Uses
G/F	Lobby, Motorcycle parking spaces, L/UL bays, E&M
1/F - 2/F	Shop and services, E&M
3/F	Car parking spaces
4/F - 7/F	Shop and services/eating place
8/F	Designated portion for specified uses
9/F	Office, designated portion for specified uses
10/F - 11/F	Office

- 1.6 Upon conversion, the existing vehicular run-out point at Kin Wong Street will be converted to a two-way vehicular run-in/out point, while the existing run-in point at Kin Fat Lane will be closed. Light goods vehicle L/UL bays are proposed on G/F according to the requirements set out in the Hong Kong Planning Standards and Guidelines (HKPSG) (**Drawing A-1**). The floor plans and section plan of the

proposed development submitted by the applicant are at **Drawings A-1 to A-6**. The proposed development is anticipated to be completed in 2023.

1.7 In support of the application, the applicant submitted the following documents:

- (a) Application form received on 2.1.2020 **(Appendix I)**
- (b) Supplementary planning statement **(Appendix Ia)**
- (c) Applicant's letter received on 2.1.2020 providing clarification and replacement pages for the supplementary planning statement **(Appendix Ib)**
- (d) Further information (FI) received on 26.3.2020 providing responses to departmental comments and enclosing revised traffic impact assessment (TIA) and architectural drawings
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix Ic)**
- (e) FI received on 8.5.2020 providing responses to departmental comments and enclosing revised TIA and sewerage impact assessment (SIA)
[The FI was accepted but not exempted from publication and recounting requirements.] **(Appendix Id)**
- (f) FI received on 3.6.2020 providing responses to departmental comments
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix Ie)**
- (g) FI received on 4.6.2020 providing revised G/F plan
[The FI was accepted and exempted from publication and recounting requirements.] **(Appendix If)**

1.8 The application was originally scheduled for consideration of the Rural and New Town Planning Committee (the Committee) on 21.2.2020. The meeting on 21.2.2020 was deferred to 30.3.2020 in light of special work arrangements for government departments due to novel coronavirus infection. The applicant subsequently submitted FI between 26.3.2020 and 4.6.2020 (**Appendices Ic to If**). The application is now scheduled for consideration of the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement (**Appendix Ia**) and FI at **Appendices Ic to If** as follows:

In line with the Policy Initiatives for Wholesale Conversion of Old IBs

- (a) The proposal is in line with the Government's policy initiative to encourage

wholesale conversion of old IBs aged 15 years or above (the Policy) through providing 10% of the total GFA for Specified Uses prescribed by the Government. To echo the Policy, the applicant proposes to provide a combination of commercial uses together with some Designated Portions for Specified Uses, including arts and cultural sectors, creative industries, and innovation and technology industries, which are in accordance with Lands Administration Office (LAO) Practice Note No. 6/2019. The above uses are in severe demand in which the concerned stakeholders or operators in the relevant industries might find it hard to rent suitable and affordable space. The proposal would benefit the community and the public.

Create a Focal Point for the Employment Node

- (b) It is observed that there are a few canteens and private-club-type eating places sporadically located within the surrounding areas. There is a lack of focal point for this long-established employment node. The proposed commercial development will become a one-off shopping and dining destination for the workers to linger during lunchtime and before and after office hours.

In Line with the Prevailing Planning Intention

- (c) The proposed development is in line with the current planning intention of the “I” zone that information technology and telecommunications industries and selected uses akin to industrial production, which would not compromise building and fire safety, are also always permitted in this zone, while the ‘Shop and Services’ and ‘Eating Place’ uses of the proposed development will provide some necessary support within this active industrial area.

Compatible with the Surrounding Land Uses

- (d) The Site is located at the centre of an area zoned “I”. Majority of the existing buildings in the area are industrial and/or industrial/office buildings in active use and provide numerous job opportunities. The proposed commercial development provides support to the established employment node and is considered to be compatible with the surrounding land uses.

Transformation of Industrial Area into Commercial Area

- (e) The proposed development is in line with the trend of transformation of the former Tuen Mun Industrial Area into commercial area. It will help energising the area by injecting some new and much needed commercial elements to the area.

More Sustainable Development Option

- (f) The proposed conversion of existing building for commercial uses would be more sustainable in terms of reducing the amount of construction waste, pollutants and energy consumption by redevelopment and cause less environmental nuisance to the surroundings.

No Adverse Technical Impacts

- (g) The proposed development will not generate adverse traffic and sewerage impacts. The TIA demonstrated that additional traffic flow generated by the proposed development would not result in adverse traffic impact to the surrounding road network. The SIA also concluded that the sewerage impact arising from the proposed development is considered acceptable with the proper implementation of the proposed upgrading works.

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

Town Planning Board Guidelines No. 25D for ‘Use/ Development within “Industrial Zone’ (TPB PG-No. 25D) is relevant to this application. Although the current application is for wholesale conversion of an IB to commercial building including office, shop and services, eating place etc., the following main planning criteria for a proposed development of office building are also relevant:

- (a) Any proposal for the development of office building should demonstrate that there is a shortfall in the provision of office and other commercial floor space to serve the industrial activities in the area, and there are no suitable alternative sites to accommodate the proposed office building in the vicinity;
- (b) The location of the proposed office building should be easily accessible to public transport facilities, in particular railway stations, to minimize the potential traffic generation;
- (c) Favourable consideration may be given to proposed office development on sites within the part of an industrial area requiring renewal or restructuring, and the proposed development will induce significant improvement to the general amenity and environment of the area, or will alleviate existing interface problems by providing an environmental buffer between existing industrial and residential or other environmentally sensitive uses, such as school and community facilities; and
- (d) There should be an adequate provision of parking and L/UL facilities within the site in accordance with the HKPSG and to the satisfaction of the Transport Department (TD).

5. Background

Area Assessments

- 5.1 Industrial area in Tuen Mun is mainly located in Areas 9, 12 and 16 in Tuen Mun Central. According to the Area Assessments for Industrial Land in the Territory in 2014 (2014 Area Assessments), the total area of “I” zone in the Tuen Mun Areas 9, 12 and 16 has decreased from about 39.33ha to 29.61ha (-9.72ha) as compared with the last round of exercise (i.e. 2009 Area Assessments). The decrease included rezoning areas from “I” in Area 9 (about 9.65ha) to “Comprehensive Development Area (1)” (“CDA(1)”), “Comprehensive Development Area (2)” (“CDA(2)”), “OU(B)” and “Commercial (1)” (“C(1)”) zones in March 2012 which was based on the recommendations in the 2009 Area Assessments and one “I” site in Area 12 (about 0.07ha) was rezoned to “C(1)” in May 2014 according to the Board’s approval to a section 12A application (No. Y/TM/9) in March 2013. In view of the low and decreasing vacancy of the IBs in the industrial area and their high usage for industrial use, it is recommended to retain the area as “I”.

Policy of Revitalisation of IBs

- 5.2 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, new measures to reactivate the revitalisation of IBs are announced. One of the measures is exemption of waiver fees for wholesale conversion of existing IBs aged 15 years or above in "C", "OU(B)" and "I" zones for uses permitted under the relevant OZPs, with an additional condition that 10% of the converted floor space should be designated for specified uses prescribed by Government, such as those in relation to the arts and cultural sectors, creative industries, innovation and technology industries, social service facilities, or sports and recreational uses, etc. Application for special waiver should be received by the Lands Department (LandsD) on or before 31.3.2022.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications*Approved applications*

- 7.1 There are ten applications for wholesale conversion for the lifetime of the building within an area zoned "I" or previously zoned "I" in Area 9 and an area zoned "I" in Area 12 (**Plan A-1**). These applications were approved with conditions between 2011 and 2020 by the Committee.
- 7.2 Nine applications (No. A/TM/403, 413, 420, 424, 464, 478, 481, 482 and 483)¹ were submitted under the policy measures to encourage wholesale conversion of old IBs promulgated in 2010. These applications were for wholesale conversion of existing IBs into commercial uses including office with or without shop and services/eating place or private club. The remaining application (No. A/TM/542) was submitted under the prevailing policy measures promulgated in 2018. The application was for wholesale conversion of an existing IB into commercial uses including office, eating place, shop and services, place of recreation, sports or culture, and designated portion for specified uses. All applications were approved mainly on grounds including the proposed uses not incompatible with the adjacent land uses; the development meeting TPB PG-No. 25D; the development meeting the Government policy to encourage the conversion of IBs introduced in 2010/2018; and the proposed use not having adverse traffic and/or environmental impacts. Details of these applications are summarised in **Appendix II** and the location of the sites are shown on **Plan A-1**.

8. The Premises and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site :

- (a) is located at the eastern portion of Tuen Mun Industrial Area 9 bounded by Kin Wong Street to its north, Kin Fat Street to its west and Kin Fat Lane to

¹ Applications No. A/TM/413 and 420 were proposed for 'Office', 'Eating Place' and 'Shop and Services' uses approved with conditions by the Committee in 2011. The application sites were rezoned from "I" to "C(1)" under the draft Tuen Mun OZP No. S/TM/29 in 2012. The owners subsequently developed the sites for hotel developments.

its south (**Plans A-2 and A-3**);

- (b) is currently occupied by an IB of 12 storeys known as Yick Fung Group Building, which was completed in 1978 (**Plans A-4a and A-4b**);
- (c) has the following existing uses:

Floor	Main Uses
G/F	Internal transport facilities, E&M, storage
1/F	Workshop/ Warehouse
2/F	Warehouse
3/F – 4/F	Workshop/ Warehouse
5/F – 6/F	Warehouse
7/F – 8/F	Workshop/ Warehouse
9/F – 11/F	Warehouse

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its immediate east is an IB named Raton Industrial Building. To its further east is Shek Pai Tau Playground, Kin Wing Cooked Food Market and Kin Wing Commercial Building;
- (b) to its west across Kin Fat Street is a cluster of IBs. To its further west about 90m is Light Rail Transit (LRT) Ming Kum Station;
- (c) to its north across Kin Wong Street is an IB named Vitasoy Headquarters Building; and
- (d) to its south across Kin Fat Lane are an IB named Wah Wan Industrial Building and the Ulferts Warehouse Centre which is being converted for the approved uses². LRT Kin On Station is located about 220m to the south of the Site. (**Plan A-3**)

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 Bureau and Departments

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

² It was the subject of planning application (No. A/TM/481) for wholesale conversion of existing building to eating place/shop and services and office, approved with conditions by the Committee on 5.2.2016. The building is being converted for the approved uses.

Policy

10.1.1 Comments of the Secretary for Development (SDEV):

- (a) Under the current revitalisation scheme for IBs announced in the 2018 Policy Address, LandsD will consider valid applications on or before 31.3.2022 for exemption of waiver fees in relation to the wholesale conversion of existing IBs aged 15 years or above in “C”, “OU(B)” and “I” zones for uses permitted under the relevant OZPs, with a condition that 10% of the converted floor space should be designated for specified uses prescribed by the Government. Where a proposed use applied for requires planning permission from the Board, it must be obtained before the relevant special waiver application is submitted to LandsD.
- (b) The applicant proposed a commercial development with ‘Shop and Services’, ‘Eating Place’ and ‘Office’ uses through wholesale conversion of an existing IB on the Site, and designation of 10% of the converted floor space at 8/F and part of 9/F for specified uses which might include the use of the arts and cultural sectors, creative industries, innovation and technology industries uses etc. In this regard, on the basis of information available, he supports this s.16 application in principle, subject to its compliance with relevant requirements under the new revitalisation scheme and departments’ assessments of technical feasibility and planning parameters. 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 IB owner’s application for a special waiver for wholesale conversion. In this subsequent process, he will ensure that the approved designated use(s) must fall within the uses to be covered by the planning permission (if granted).

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

- (a) He has no comment on the application in view of the Government’s policy on revitalisation of IBs to meet Hong Kong’s changing social and economic needs and to make better uses of valuable land resources, coupling with the fact that clean/non-polluting industries (e.g. Information Technology and Telecommunications Industries) are included in the proposal. He trusts that when taking forward the application, demand for industrial premises in the area as well as the views and needs of the parties concerned will be taken into account.
- (b) Nevertheless, he notes that the 2014 Area Assessments released on 11.8.2015 by the Planning Department (PlanD) have revealed that the total industrial stock in Hong Kong would not be able to meet future demand for industrial uses. The 2014 Area Assessments had also recommended retaining the specific area in Tuen Mun (where the subject industrial building is located) as “I” zone due to ‘the low and decreasing vacancy of the industrial buildings in the area and

their high usage for industrial use (in particular Warehouse/Storage)’. As such, he is somewhat concerned over the depletion of industrial premises.

Land Administration

10.1.3 Comments of the District Lands Officer/Tuen Mun (DLO/TM) and the Chief Estate Surveyor/ Development Control (CES/DC), LandsD:

- (a) The subject building, namely Yick Fung Group Building, is erected on Tuen Mun Town Lot No. 86 (‘the Lot’) which is held under New Grant No. 2171. The Lot is subject to the following salient lease conditions:
 - (i) user: industrial or godown purposes or both (excluding offensive trade declared under the Public Health and Municipal Services Ordinance); and
 - (ii) type of building: a factory or factories or a warehouse or warehouses, ancillary offices, such quarters as may be required for watchmen or caretakers.
- (b) It is noted that the applicant proposes to convert the subject building to a commercial development with shop and services, eating place, office and other specified uses to be accommodated in the Designated Portion which might include uses in relation to arts and cultural sectors, creative industries, innovation and technology industries, social service or community healthcare facilities, sports and recreational uses in accordance with Lands Administration Office Practice Note No. 6/2019 (‘the PN’).
- (c) The proposed uses do not comply with the lease conditions. If planning approval is given by the Board, the applicant may consider applying to LandsD for a waiver for implementation of the proposal. The proposal will only be considered upon receipt of formal application from the applicant.

Land Matters related to the measures announced in 2018 Policy Address on Revitalisation on IBs

- (d) 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.
- (e) Para. 4.1.1 of the supplementary planning statement (**Appendix Ia**) mentioned that “... no increase in total accountable GFA and no change in the building bulk”, therefore the Applicant is reminded that recovery of total accountable GFA due to conversion works is not permitted except subject to the restrictive exceptions stated in the PN.

- (f) 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.
- (g) 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.

Traffic

10.1.4 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 including those to control the use of good vehicles and to ensure the proper management and operation of the double deck mechanical parking spaces.
- (b) An approval condition requiring the applicant to submit the design and to provide parking facilities, L/UL spaces and vehicular access to the satisfaction of C for T or of the Board is recommended.

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

- (a) The proposed access arrangement should be commented by TD.
- (b) If the proposed run-in/out on Kin Wong Street is approved by 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 if appropriate to match with the existing adjacent pavement.
- (c) If the traffic improvement schemes recommended in the TIA study are considered necessary by TD, they shall be implemented to the satisfaction of TD and this Department by the applicant at his own costs.
- (d) Adequate drainage measures shall be provided to prevent surface water running from the application site to the nearby public roads and drains.

Environment

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

He has no objection to the application and has the following comments:

- (a) According to the information provided, the application is for a wholesale conversion of an existing industrial building for 'Office', 'Shop and Services', 'Eating Place' and 'Other Uses'. The proposed conversion will not involve changes to the existing building bulk.
- (b) Noted that the revised SIA (**Appendix Id**) proposes to upgrade the existing 150mm diameter sewer between manholes FMH1021129 and FMH1021126 to 225mm diameter for the proposed development. He has no further comment on the SIA.
- (c) It is noted that a portion of the proposed development does not meet the buffer distance requirements for chimneys and roads set out in the HKPSG. However, given that no fresh air intake of mechanical ventilation system will be located within the buffer zone and all sensitive uses within the buffer zone will not rely on openable windows for ventilation, he has no adverse comments from the air quality perspective.
- (d) It is noted that the Site was used as vehicle repair workshop and the applicant has committed to conduct land contamination assessment and remediation works (if necessary). Should the application be approved by the Board, the following approval condition and advisory clause are suggested to be included:

Approval Condition

the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of DEP or of the Board.

Advisory Clause

the applicant is advised to minimise the generation of construction and demolition (C&D) materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.

Drainage and Sewerage

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

He has no comment on the SIA subject to imposition of approval condition requiring the applicant to implement sewerage upgrading proposal to his satisfaction.

Fire Safety

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

He has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Buildings Matters

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

- (a) Carparking spaces, L/UL lay-by may be disregarded from GFA calculation 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.
- (b) Before any building works are to be carried out on the Site, prior approval and consent of the Building Authority (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).
- (c) 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.
- (d) 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.
- (e) Detailed comments under the BO will be provided at the building plan submission stage.

District Officer's Comments

10.1.10 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 to / no comments on the application:

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

11. **Public Comments Received During Statutory Publication Period**

The application and subsequent FI submitted by the applicant were published for public inspection on 10.1.2020 and 15.5.2020. During the first three weeks of the statutory public inspection periods, one public comment submitted by the Incorporated Owners of Greenland Gardens indicated that they have no comment on the application (**Appendix III**).

12. **Planning Considerations and Assessments**

The Proposal

12.1 The application is for wholesale conversion of the existing IB on the Site to a commercial building comprising office, shop and services and eating place. About 10% of the GFA (i.e. about 991.4m²) is proposed for specified uses to be accommodated in the designated portion in accordance with 2018 policy initiatives to encourage wholesale conversion of old IBs. These uses include art studio, office, and/or information technology and telecommunications industries. The proposed development has a total GFA of about 9,914m², PR of about 9.701 and BH of about 54.25mPD (at the main roof), which are not more than those of the existing IB. According to the Notes of the OZP of the “I” zone, ‘Office (not elsewhere specified)’, ‘Shop and Services (not elsewhere specified)’ and ‘Eating Place (not elsewhere specified)’ uses are under Column 2 which require planning permission from the Board.

Planning Intention

12.2 The planning intention of the “I” zone is to reserve land for general industrial uses to ensure adequate supply of industrial floor space to meet the demand from production-oriented industries. While the proposed commercial development is not in line with the planning intention, some of the proposed uses, including ‘Art Studio’ and ‘Information Technology and Telecommunications Industries’, are always permitted and proposed office, shop and services and eating place uses may be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the TPB PG-No. 25D.

Land Use Compatibility

12.3 The Site is located at the central portion of Tuen Mun Area 9 which mainly comprises a cluster of industrial buildings (**Plans A-1 to A-3**). There is an approved commercial development for eating place/shop and services and office (No. A/TM/481) to its southeast across Kin Fat Lane (**Plan A-1**). To its further

south across Pui To Road is Tuen Mun Area 12 which is also an industrial area (**Plans A-1 and A-3**). The proposed development is considered not incompatible with the surrounding land uses.

Policy Aspect

- 12.4 To be qualified for the exemption of waiver fees, the existing IBs should be aged 15 years or above in “C”, “OU(B)” and “I” zones, and 10% of the converted floor space should be designated for specified uses prescribed by Government. In this regard, the subject IB falls within “I” zone and was completed over 15 years ago. About 10% of the GFA (i.e about 991.4m²) will be designated for specified uses under LAO Practice Note No. 6/2019. The proposed development is in line with Government’s new policy on revitalising IBs. SDEV indicates policy support to the current application.
- 12.5 According to the recommendations of the 2014 Area Assessments, the subject “I” zone in Tuen Mun Area 9 is suggested to remain as “I” zone in view of the low and decreasing vacancy of the industrial buildings in the area and the high usage for industrial use. The current proposal will reduce the floor space for industrial use in the area and affect the existing operators of the subject IBs. While DG of TI is concerned over the depletion of industrial premises, he has no comment on the application in view of the Government’s policy on revitalisation of IBs as announced in Policy Address 2018 to meet Hong Kong’s changing social and economic needs and it will make better use of valuable land resources.

Technical Aspects and TPB Guidelines

- 12.6 Relevant departments, including C for T, DEP, CE/MN of DSD, CBS/NTW of BD, CHE/NTW of HyD, D of FS, and CTP/UD&L of PlanD have no adverse comment on / objection to the application. Appropriate approval conditions as suggested by relevant departments will be imposed to ensure that the proposed wholesale conversion of the industrial building will not cause adverse impacts to the surrounding area.
- 12.7 The proposed development in general meets the Board’s Guidelines TPB-PG No. 25D in that the location of the proposed development is easily accessible to public transport facilities including LRT stations (**Plan A-3**) and a number of bus routes on the major roads surrounding the Site. Also, the provision of parking and L/UL facilities has met the minimum requirements of HKPSG. Within the same “I” zone or the adjacent “I” zone near the Tuen Mun town centre, a number of applications for wholesale conversion of existing industrial buildings for commercial uses including office use, shop and services, eating place or private club have been approved since 2011 by the Committee, demonstrating that there is a market need for such commercial / office uses in the area.
- 12.8 In order not to jeopardise the long term planning intention of the Site, should the Committee decide to approve the application, it is recommended that the approval would be for the lifetime of the building. Upon redevelopment, the Site would need to conform with the zoning and development restrictions on the OZP in force at the time of redevelopment which may not be the same as those of the existing building. An advisory clause would be imposed in this regard.

Similar Applications

- 12.9 There are ten similar applications for wholesale conversion of the existing IBs into commercial uses. They were approved mainly on grounds that the proposed uses

not incompatible with the adjacent land uses; the development meeting TPB PG-No. 25D; the development meeting the Government policy to encourage the conversion of IBs introduced in 2010/2018; and the proposed use not having adverse traffic and/or environmental impacts. Approval of the application will be consistent with the Committee's previous decisions.

Public Comment

12.10 There is one public comment indicating no comment on the application.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has **no objection to** the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.6.2024, 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 also 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 submission of land contamination assessments and the implementation of the remediation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the accepted sewerage upgrading proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the design and provision of fire service installations and water supply 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 IV**.

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

the proposed development is not in line with the planning intention of the "Industrial" zone which is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. No strong planning justification has been given in the application for a departure from the planning intention.

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 2.1.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Applicant's Letter received on 2.1.2020
Appendix Ic	FI received on 26.3.2020
Appendix Id	FI received on 8.5.2020
Appendix Ie	FI received on 3.6.2020
Appendix If	FI received on 4.6.2020
Appendix II	Details of Similar Applications
Appendix III	Public Comment
Appendix IV	Advisory Clauses
Drawings A-1 to A-5	Floor Plans
Drawing A-6	Section Plan
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
JUNE 2020**