

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/550

- Applicant** : Orient Regent Limited represented by Kenneth To & Associates Limited
- Site** : Tuen Mun Town Lot No. 140, 2 Ho Tin Street, Tuen Mun
- Site Area** : 6,700 m²
- Lease** : New Grant No. 2243
(a) User: industrial or godown purposes or both (excluding offensive trade under the Public Health and Municipal Services Ordinance);
(b) Type of building: erection of a factory or factories or a warehouse or warehouses, ancillary offices, such quarters as may be required for watchmen or caretakers; and
(c) Plot ratio: maximum plot ratio of 9.5 for building height over 100ft.
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) *[Restricted to a maximum plot ratio (PR) of 9.5 (including not more than a plot ratio of 1.0 for ‘Shop and Services’ and ‘Eating Place’) and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater]*
- Application** : Proposed Hotel with Shop and Services, Eating Place and Other Uses (including Art Studio, Office, Information Technology and Telecommunications Industries and/or Place of Recreation, Sports or Culture)
(Wholesale Conversion of an Existing Industrial Building)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed hotel with shop and services, eating place and other uses (including art studio, office, information technology and telecommunications industries and/or place of recreation, sports or culture), by wholesale conversion of an existing industrial building (IB), namely East Asia Industrial Building (the application building), at the application site (the Site). The Site falls within an area zoned “Other Specified

Uses” annotated “Business” (“OU(B)”) on the approved Tuen Mun OZP No. S/TM/35 (**Plan A-1**). According to Schedule I of the Notes for the “OU(B)” zone for building other than industrial or industrial-office (I-O) building, ‘Shop and Services’, ‘Eating Place’, ‘Office’, ‘Information Technology and Telecommunications Industries’ and ‘Place of Recreation, Sports or Culture’ uses are under Column 1 which are always permitted; and ‘Hotel’ use is under Column 2 which requires planning permission from the Town Planning Board (the Board).

- 1.2 The proposed development only involves the application building. The existing petrol filling station (PFS) and the existing recycling centre within the Site do not form part of the proposed development. Hence, the applicant’s submissions are mainly related to the proposed wholesale conversion of the application building (**Drawing A-1 and Plan A-2**).
- 1.3 The existing 15-storey industrial building with a total non-domestic gross floor area (GFA) of about 43,334.5m² was completed in 1979. It is currently mainly used for storage with some vacant floors. According to the applicant, the current proposal is in echo of the Chief Executive’s 2018 Policy Address to incentivise redevelopment 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 (the 2018 Policy).
- 1.4 The Site is the subject of a previous application (No. A/TM/523) for wholesale conversion of the application building to ‘Hotel’, ‘Shop and Services’ and ‘Office’ uses approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.3.2019. The application was not submitted under the 2018 Policy.
- 1.5 The proposed development under the current application has 17 storeys (including two additional storeys on top of the original roof of the application building) with a building height of about 67.7mPD at the main roof. It has a total GFA of about 43,334m² with about 2,798m² for ‘Shop and Services’ and/or ‘Eating Place’ use, about 34,704m² for ‘Hotel’ use, 1,498m² for carpark and about 4,334m² designated for specified uses to be prescribed by the Government (Designated Portion¹). Uses by floor of the proposed development are summarised in the following table:

¹ The proposed ‘Specified Uses’ to be accommodated in the Designated Portion might include the use of the arts and cultural sectors, creative industries, innovation and technology industries, sports and recreational uses, etc. in accordance with Lands Administration Office (LAO) Practice Note No. 6/2019.

Floor	Main Uses
G/F	Shop and Services/ Eating Place, hotel lobby, carpark, loading and unloading bays and Electrical and Mechanical (E&M) facilities
UG/F	Designated Portion
1/F	Shop and Services/ Eating Place, Designated Portion, carpark and E&M facilities
2/F – 5/F	Hotel lobby (2/F only), hotel guest rooms, Designated Portion, hotel ancillary facilities (2/F only) and back-of-house (BOH)
6/F – 15/F (new floor)	Hotel guest rooms, hotel ancillary facilities (6/F – 13/F), swimming pool (6/F), BOH (14/F – 15/F) and E&M facilities
R/F (new floor)	E&M facilities

- 1.6 The proposal involves demolition of the internal floor slabs of 7/F to 13/F and the original roof (proposed 14/F), in order to create a void for natural lighting for hotel rooms and the new swimming pool on 6/F (**Drawings A-5 to A-7**). The applicant proposes to recover the GFA of the demolished floor slabs by building two new storeys on top of the original roof of the building for hotel rooms and E&M facilities. There would be no significant change in the resultant non-domestic GFA but there will be changes to the building envelop/bulk and increase in building height (BH) by about 7m from about 60.7mPD to about 67.7mPD (at the main roof).
- 1.7 The proposed internal transport facilities include 53 private car parking spaces, 6 motorcycle parking spaces, 13 goods vehicle loading/unloading (L/UL) spaces (including 9 spaces for light goods vehicle and 4 spaces for heavy goods vehicle), 5 private car/taxi pick-up/ drop-off lay-bys and 3 single-deck tour bus lay-bys.
- 1.8 A comparison of the major development parameters of the current proposal and the previous approved scheme (Application No. A/TM/523) is summarised below. Notably, no office use is proposed in the current application and some GFA will be used for Designated Portion for specified uses. The floor plans and a schematic section of the proposed development are shown on **Drawings A-1 to A-8**.

	A/TM/523 Approved Scheme (a)	A/TM/550 Current Proposal (b)	Changes (b)-(a)
<i>Proposed wholesale conversion building (application building)</i>			
a. Proposed Non-Domestic GFA (about)	43,333.7m ²	43,334m ² [1]	+0.3m ² (0.0007%)
i. Shop and Services/ Eating Place	5,860.9m ² (Shop and Services only)	2,798m ²	-3,062.9m ² (-52.3%)
ii. Office	8,357.5m ²	0m ²	-8,357.5m ²
iii. Hotel ^[2]	27,244.5m ²	34,704m ²	+7,459.5m ² (+27.4%)

iv. Carpark	1,870.7m ²	1,498m ²	-372.7m ² (-19.9%)
v. Designated Portion for Specified Uses	0m ²	4,334m ²	+4,334m ²
b. Plot Ratio ^[3]	6.47	6.47	No change
c. Site coverage	51.28%	51.13%	-0.15 (-0.3%)
d. Proposed no. of storeys (including G/F and UG/F)	17	17	No change
e. Building height at main roof (about)	69.1mPD	67.7mPD	-1.4m (-2%)
f. No. of guest rooms	599	943 ^[4]	+344 (+57.4%)

[1] The non-domestic GFA of the existing building is 43,334.501m² according to the building plans approved by the Building Authority on 15.10.1979. The proposed non-domestic GFA of the wholesale conversion building is 43,334 m²

[2] Hotel GFA includes guest rooms, hotel floor circulation, hotel ancillary facilities such as food & beverage, function rooms, non-essential plant rooms and non-exempted Back-of-House (BOH) facilities etc. It is assumed that the BOH facilities of not more than 3% of proposed hotel GFA will be exempted from accountable GFA. Hotel concession and any GFA exemption are subject to Building Authority's approval at the building plan submission stage.

[3] According to the applicant, GFA of the existing PFS and the existing recycling centre within the Site are about 462.9m² and about 1,100m² respectively (plot ratio about 0.07 and 0.16). The total accountable GFA and plot ratio of the Site (covering the proposed wholesale conversion building, the existing PFS and the existing recycling centre) are 44,896.6m² and about 6.7. The plot ratio covering the proposed wholesale conversion building only is 6.47.

[4] According to the applicant, the average size of guest room (excluding the GFA for hotel corridors and other supporting facilities) is 23.8m².

1.9 As a fire/ explosive hazards mitigation measure against the adjoining PFS, the applicant proposes a new radiation wall with 2-hour Fire Resistance Rating (FRR) to comply with the requirement of Fire Services Department (FSD). The proposed radiation wall is shown on **Drawings A-1 and A-9**.

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

- (a) Application Form received on 3.1.2020 **(Appendix I)**
- (b) Supplementary Planning Statement received on 3.1.2020 **(Appendix Ia)**
- (c) Further information (FI) dated 6.3.2020 providing responses to departmental comments and revised Traffic Impact Assessment (TIA) **(Appendix Ib)**
[The FI was accepted and exempted from publication and recounting requirements]
- (d) FI dated 29.5.2020 providing responses to comments of the Chief Estate Surveyor/ Development Control, Lands Department (CES/DC, LandsD) **(Appendix Ic)**
[The FI was accepted and exempted from publication and recounting requirements]

- (e) FI dated 23.6.2020 providing responses to comments of CES/DC, LandsD **(Appendix Id)**
[The FI was accepted and exempted from publication and recounting requirements]
- (f) FI dated 3.7.2020 providing clarifications on the average size of guestroom and each guestroom will be provided with en-suite bathroom **(Appendix Ie)**
[The FI was accepted and exempted from publication and recounting requirements]

1.11 In light of special work arrangements for government departments due to novel coronavirus infection, the meeting originally scheduled for 21.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. Again, the meeting on 30.3.2020 has been rescheduled. On 26.5.2020, the Committee decided to defer a decision on the application for two months as requested by the applicant to allow more time to prepare FI to address departmental comments. The applicant subsequently submitted FI between 29.5.2020 and 3.7.2020 **(Appendices Ic to Ie)**. The application is 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 Ib to Ie**. They are summarised as follows:

Policy Initiatives to Encourage Wholesale Conversion of Old IBs

- (a) The proposal echoes the policy initiatives in 2018 Policy Address to encourage wholesale conversion and redevelopment of aged IBs (15 years old or above) by providing 10% of total GFA for specified uses prescribed by the Government upon completion of such conversion works. The possible uses to be accommodated in the Designated Portion might include the use of arts and cultural sectors, creative industries, innovation and technology industries, social service or community healthcare facilities, sports and recreational uses, etc. in accordance with Lands Administration Office (LAO) Practice Note No. 6/2019 (PN 6/2019).
- (b) The proposed scheme at this stage may not be considered fully in accordance with PN 6/2019. Details of the scheme will be subject to approval by relevant Government departments at the building plan submission stage.

In Line with the Prevailing Planning Intention

- (c) The proposal is in line with the planning intention of “OU(B)” zone, which is intended for general business and other commercial uses. The proposed development will provide important business-related facilities in support of the growing business operations in the area.

Compatible with Surrounding Land Uses

- (d) Considering the planning intention of “OU(B)” zone and ongoing transformation of the area from industrial use to commercial use, as well as the rezoning of part

of the former Tuen Mun Industrial Area in 2012, the IBs in the surroundings are anticipated to be gradually transformed into business or commercial use. Hence, the proposed hotel is compatible with the land uses in the vicinity of the Site despite the buildings surrounding the Site are industrial uses.

Appropriate Development Quantum

- (e) In regard to building bulk, the proposed building height of about 67.7mPD (at the main roof) is not incompatible with the area, and the proposed PR is within the maximum permissible PR in the “OU(B)” zone on the OZP.

In Line with Tourism Development Trend in Hong Kong

- (f) The proposed development is in line with tourism development trend in Hong Kong. Recent tourism statistics reveals that Hong Kong continues to have a keen demand for tourist accommodation, where hotel occupancy rate remains high despite the continued supply in hotel accommodation in the past years. In addition, the number of visitors in Tuen Mun is expected to surge in the coming decade due to the connection to the Mainland China via Shenzhen Bay Bridge and the upcoming Tuen Mun-Chek Lap Kok Link. The proposed hotel will provide a wider range of new hotel rooms at a convenient location in response to the strong demand.

Transformation of Industrial Area into Commercial Area

- (g) The proposal is in line with the trend of transformation of the former Tuen Mun industrial area into a commercial area. The proposed conversion to a mixed-use development of hotel and commercial uses could bring wider variety of activities in the district. The proposed development together with a new hotel in operation located two blocks away at the southeast of the Site at No. 6 Tsun Wen Road, will create synergy effect, catalyse the transformation of obsolete IBs and improve the townscape and streetscape in the surrounding area.

Accessibility

- (h) The Site has fairly good accessibility and is served by public transport. West Rail Tuen Mun Station is within walking distance from the Site. The Site is about 200m to the west of Light Rail Transit Ho Tin Station and is proximate to the cycling network along Tuen Mun River Channel.

No Adverse Traffic and Sewerage Impacts

- (i) The proposed development will not generate adverse traffic and sewerage impacts. The Traffic Impact Assessment (TIA) revealed that the traffic and pedestrian flow generated by the proposed development would not result in adverse traffic impact on the surrounding road network and adjacent pedestrian facilities. According to Sewerage Impact Assessment (SIA), the sewerage impact arising from the proposed development is considered acceptable with the proper implementation of the proposed mitigation measures (Appendix 4 in **Appendix Ia**).

Potential Risk Due to the Adjoining PFS is Not Anticipated

- (j) A new radiation wall is proposed at the façade of the proposed development facing the PFS (**Drawings A-1 and A-9**). Such radiation wall will be provided by installing Durasteel panels on the inner surface of the existing external wall to achieve FRR of two hours. Potential risk due to the adjoining PFS is not anticipated.

More Sustainable Development Option

- (k) The proposed alteration and conversion work to an existing IB would be more sustainable by reducing the amount of construction waste, pollutants, and energy consumption as compared to redevelopment.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the seven ‘current land owners’ and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying two other owners and obtaining consents from the remaining four owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG - No. 22D) (the TPB Guidelines) promulgated in September 2007 is relevant in the following aspects:

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and industrial-office (I-O) buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same building and in existing industrial area until the whole area is transformed to cater for the new non-polluting business uses; and
- (b) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met. These include building structure, means of escape and fire safety requirements, which will be considered at the building plan submission stage.

5. Background

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 “Commercial” (“C”), “OU(B)” and “Industrial” (“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 or community healthcare facilities, or sports and recreational uses, etc. (i.e. the 2018 Policy as mentioned in paragraph 1.3 above). On 2.4.2019, LandsD issued a Practice Note on ‘Application for Special Waiver for

Conversion of an Entire Existing Industrial Building' (PN 6/2019). Application for special waiver should be received by LandsD on or before 31.3.2022.

6. Previous Application

The application building is the subject of a previous planning application for wholesale conversion of the existing IB for 'Hotel', 'Shop and Services' and 'Office' uses (Application No. A/TM/523). No Designated Portion for specified uses in accordance with the 2018 Policy was proposed under Application No. A/TM/523. On 22.3.2019, the application was approved with conditions by the Committee mainly on considerations that the proposed development is in line with the planning intention of the "OU(B)" zone, not incompatible with the surrounding residential developments and schools, and no adverse technical impact, including traffic and environmental aspects. Details of the application are provided at **Appendix II**.

7. Similar Applications (Plan A-1)

7.1 There is no similar s.16 application within "OU(B)" zone on the approved Tuen Mun OZP.

Approved applications within "I" zone

7.2 Meanwhile, since the promulgation of policy measures to encourage wholesale conversion of old IBs in 2010, there are eleven applications for wholesale conversion for the lifetime of the existing IB into commercial uses including office with or without shop and services/eating place or private club within the "Industrial" ("I") zone in Areas 9 and 12 or an area previously zoned "I" in Area 9 of Tuen Mun (Applications No. A/TM/403, 413, 420, 424, 464, 478, 481, 482, 483, 542 and 549)². These applications were approved with conditions between 2011 and 2020 by the Committee.

7.3 The first nine applications were submitted under the previous policy initiatives in 2010 while Applications No. A/TM/542 and 549 were submitted under the 2018 Policy with 10 % of the total GFA set aside for Designated Portion for specified uses prescribed by Government. These applications were approved mainly on grounds that the proposed uses not incompatible with the adjacent land uses; the development meeting TPB PG-No. 25D (Use/ Development within 'I' zone); the development meeting the Government policy to encourage the conversion of IBs introduced in 2010/ 2018; and the proposed uses not having adverse traffic and / or environmental impacts. Details of these applications are summarised in **Appendix III** and the location of the sites is shown on **Plan A-1**.

² 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.

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

8.1 The Site (**Plans A-2 and A3**):

- (a) consists of three buildings/structures: (i) the existing East Asia IB, which is the subject of proposed wholesale conversion (application building), (ii) an existing petrol filling station, and (iii) an existing recycling centre;
- (b) is accessible via Kin Kwok Street and Ho Tin Street; and
- (c) is located about 120m and 250m west of the Light Rail Transit Ho Tin Station and West Rail Tuen Mun Station respectively (**Plan A-3**).

8.2 The application building has the following characteristics:

- (a) it is a 15-storey IB completed in 1979; and
- (b) currently mainly used for storage with some vacant floors.

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

- (a) to the north across Kin Kwok Street are Baptist Wing Lung Secondary School and private housing estate named Tai Hing Gardens;
- (b) to the immediate east and west are IBs;
- (c) to the south across Ho Tin Street is the Kowloon Motor Bus Company Tuen Mun Depot; and
- (d) about 100m to the east of the Site is Tuen Mun River Channel.

9. Planning Intention

The planning intention of “OU(B)” is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

10. Comments from the 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:

Policy Perspective

10.1.1 Comments of the Secretary for Development (SDEV):

- (a) He supports the application on the basis of information available, subject to its compliance with relevant requirements under the

current revitalisation scheme and departments' assessment of technical feasibility and planning parameters.

- (b) Under the current revitalisation scheme for IBs announced in the 2018 Policy Address, LandsD will consider valid applications with exemption of waiver fees received on or before 31 March 2022 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 a condition that 10% of the converted floor space should be designated for specified uses prescribed by 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.
- (c) It is noted that a planning application for proposed hotel and shop and services uses through wholesale conversion of an existing IB on the same site was approved by the Board in March 2019 (i.e. No. A/TM/523). The applicant has modified its wholesale conversion proposal for hotel development with shop and services/ eating place, and other uses, and now proposes to designate 10% of the converted floor space at part of UG/F to 5/F for some specified uses which might include those uses in relation to the arts and cultural sectors, creative industries, sports and recreational uses, etc.
- (d) 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 this bureau in consultation with relevant parties after LandsD has received the owners' 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 use to be covered by the planning permission (if granted).

Land Administration

10.1.2 Comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD) and the CES/DC, LandsD:

- (a) The subject building is situated within part of Tuen Mun Town Lot No. 140 ('the Lot') which is held under New Grant No. 2243 ('New Grant'). The development on the Lot is subject to the following salient lease conditions:
 - (i) user: industrial or godown purposes or both (excluding offensive trade under the Public Health and Municipal Services Ordinance);
 - (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; and

- (iii) site coverage and plot ratio: maximum site coverage of 80% and maximum plot ratio of 9.5 for building height over 100ft but not exceeding 120ft.
- (b) The lease conditions governing the Lot restrict that the Lot shall not be used for any purpose other than industrial and/or godown purposes excluding any offensive trades. It is noted that the applicant proposed to convert the subject building to a hotel development with shop and services/ eating place, 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 PN 6/2019.
- (c) The proposed uses do not comply with the lease conditions. If the application is approved, 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 PN 6/2019 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) According to PN 6/2019, recovery of total accountable GFA due to conversion works is not permitted except subject to restrictive exceptions stated in PN 6/2019. Recovery of total accountable GFA due to the demolition of floor slabs as proposed in the planning statement is not permitted.
- (f) As revealed from the submitted building design, it involves demolition of external building structure and internal building works. The *‘additional 2 storeys on top of the original R/F (forming 14/F and 15/F) in order to utilise the remained GFA from the demolition of the external building structures’* (underlined words are rephrased in the FI dated 29.5.2020 (**Appendix Ic**)³ and should be internal floor slabs as revealed from the building design) will be outside the Industrial Buildings Revitalisation Scheme announced in the 2018 Policy Address.

³ The applicant confirmed in the FI dated 23.6.2020 (**Appendix Id**) that the amendments submitted in the FI dated 29.5.2020 (**Appendix Ic**) was textual only and *‘...there is no change to the building design scheme first submitted in December 2019’*. As the building design remains the same, the textual amendments would lead to confusion by rephrasing the *‘central portion of the building’* to *‘external building structure’* and *‘floor slabs’* to *‘external building structures’*. The quoted terms are of different nature and not analogous.

- (g) Comments on the details of the conversion works, GFA calculation, GFA accountability, existing building bulk etc. of the proposal are reserved and will be given until formal application to LandsD for a special waiver is submitted.
- (h) According to the Supplementary Planning Statement (**Appendix Ia**), the subject lot is under multiple ownership and some shares of the lot owner(s) were notified of the s.16 application. Similar to the previous round of IB revitalisation scheme, the application for special waiver to LandsD has to be submitted jointly by all existing owners of all the shares of the lot.
- (i) There is no guarantee that the application (if received) for special waiver for conversion of the entire IB will be approved by LandsD. The application will be considered by LandsD acting in the 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

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

He has no comment on the TIA provided that the following conditions are complied with:

- (a) The applicant should properly manage and operate the proposed mechanical parking spaces so that the mechanical parking spaces, particularly the upper deck, can be readily used by drivers. In addition, both the upper and lower deck of the mechanical parking spaces should meet the width, length and headroom requirements stipulated in the HKPSG.
- (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.
- (c) Detailed design of the junction improvement schemes should be agreed in the detailed design stage (**Plans A-1 and A-2**).
- (d) For Table 2.3 'Bus and Minibus Route Operating Close to the Site', given that headway of the bus route may be revised where necessary, the applicant may wish to check the website of the Transport Department (TD) or the websites of the relevant Public Transport Operators for obtaining the updated information as and when necessary.

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

- (a) The proposed access arrangement shall be commented by TD.

- (b) If the proposed run-in is agreed by TD, the applicant should provide a run-in/out at the access point in accordance with the latest version of Highways Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) If the off-site traffic improvement schemes recommended in the TIA are considered necessary by TD, they shall be implemented to the satisfaction of TD and his department by the applicant at his own costs.
- (d) Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains.

Environment

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

- (a) He has no comment on the application from the waste management and land contamination perspectives in view that the applicant has demonstrated the environmental acceptability on the potential land contaminating issues.
- (b) According to the Record Plans and site inspection, the applicant confirmed that no items related to dangerous goods are identified. It is also noted that the applicant would hire a registered asbestos contractor to conduct asbestos investigation and carry out the removal of any possible asbestos containing material.
- (c) The following advisory clause for waste management is suggested to be included:

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.

Sewerage and Drainage

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

- (a) He has no comment on the application from the public drainage and sewerage perspectives.
- (b) Should the application be approved, an approval condition should be imposed to request the applicant to submit and implement the sewerage improvement proposal at the

applicant's costs, as proposed by the applicant, to the satisfaction of the Director of Drainage Services or of the Board.

Building Matters

10.1.7 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 application site, the prior approval and consent of BD 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) Noting the proposed development is a hotel, the applicant's attention is drawn to Building (Planning) Regulation 23A and the design requirements for hotel as outlined in PNAP APP-40.
- (d) If the proposed use under application is subject to the issue of a licence, the applicant is reminded that the area intended to be used 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 in the building plan submission stage.

Fire Safety

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

- (a) He has no in-principle objection to the proposal subject to the following conditions/ requirements are fully complied with:

water supplies for firefighting, emergency vehicular access provision and fire service installations being provided to the satisfaction of his Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) Regarding the existing PFS adjacent to the application building, the rationale and prime concerns for the provision of Durasteel panels as suggested by the applicant are noted. Prior consent must be obtained from him should there be any alteration to the dangerous goods storage provision(s) at the adjoining PFS.

- (c) As long as the existing licensing conditions and the implemented fire safety measures of the adjoining PFS is in no circumstances undermined or jeopardized, he has no adverse comments to the proposed conversion and erection of Durasteel panels at the external wall in the northeastern part of the Site (**Drawings A-1 and A-9**). The applicant is reminded that all dimensions of proposed installation and existing walls should be clearly indicated on relevant submission and any necessary prior consent, approval or permission from other Government departments or agencies in relation to the proposed installation should be sought. Hence, he suggests the imposition of an approval condition to require the applicant to submit and implement mitigation measures against the fire and explosive hazards associated with the adjoining PFS to his satisfaction or of the Board.
- (d) Regarding the public concerns on the dangerous goods stored in the bus depot in the vicinity which will pose danger to tourists/visitors, the concerned bus depot currently has valid licences for storage of Dangerous Goods within the purview of the Dangerous Goods Ordinance (Cap. 295). According to his record, the fire safety provisions have been maintained in order and the storage thereto is satisfactory.

Others

10.1.9 Comments of the Commissioner for Tourism (C for Tourism):

The proposed hotel development will help increase the provision of hotel facilities and broaden the range of accommodation for visitors, and support the development of convention, and exhibition, tourism and hotel industries. He has no objection to the proposed hotel development provided that it is agreeable to all relevant Government departments, and that the applicant is able to comply with all requirements laid down by the relevant departments.

10.1.10 Comments of the Chief Officer (Licensing Authority), Home Affairs Department (CO(LA), HAD):

He has the following comments under the Hotel and Guesthouse Accommodation Ordinance (HAGAO):

- (a) At the time of application under HAGAO, an evidence showing that the Building Authority has granted prior approval for the change of use of the premises from industrial use to hotel use and a copy of the occupation permit for the additional 2 storeys on top of the existing building should be submitted.
- (b) The licensing requirements will be formulated after his inspection upon receipt of the application under HAGAO.

10.1.11 Comments of Director of Electrical and Mechanical Services (DEMS):

DEMS has no comments on the application from the electricity supply safety aspect and the applicant should be reminded of his detailed at **Appendix V**.

District Officer's Comments

10.1.12 Comment of the District Officer/Tuen Mun, HAD (DO/TM, HAD):

He has no comment on the application and consultation letters were distributed to the local.

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

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

11. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 10.1.2020. During the statutory public inspection period, six public comments submitted by individuals were received. All of them raised objection to the application. The major grounds are summarised as follows:

- (a) the area is planned for industrial use. The road network in the area cannot cater for the traffic flow and pedestrians induced by the proposed commercial/ hotel development. The surrounding area is unpleasant and will affect the image of Hong Kong as a tourist destination;
- (b) there are many hotels and shopping malls in the area and additional hotel is not needed. The proposed conversion will reduce industrial floor space and affect job opportunities;
- (c) large amount of tourists may give rise to conflict with residents in the area; and
- (d) the proposed conversion will produce large amount of construction waste and pollution. The large amount of petrol and flammable substance stored in the bus depot in the vicinity will pose danger to tourists/ visitors.

12. Planning Considerations and Assessments

The Proposal

- 12.1 The application is for conversion of an existing 15-storey IB to a 17-storey hotel with shop and services and/or eating place with about 10% of the total GFA for specified uses to be accommodated in the Designated Portion in

accordance with the 2018 Policy. The proposed development has a total GFA of about 43,334m², PR of 6.47 and BH of about 67.7mPD (at the main roof) with 943 hotel guest rooms. The proposed development involves demolition of the internal floor slabs of 7/F to 13/F to create a void to allow penetration of sunlight to the swimming pool and the hotel rooms (**Drawings A-5 to A-7**). The applicant proposes to recover the GFA by building 2 storeys above the original rooftop. As compared with the existing IB, there would be no significant change in the resultant non-domestic GFA but there will be changes to the building envelop/bulk and increase in BH by 2 storeys (i.e. from about 60.7mPD to about 67.7mPD). According to Schedule I of the Notes for the "OU(B)" zone for building other than industrial or industrial-office (I-O) building, 'Shop and Services', 'Eating Place', 'Office', 'Information Technology and Telecommunications Industries' and 'Place of Recreation, Sports or Culture' uses are under Column 1 which are always permitted; and 'Hotel' use is under Column 2 which requires planning permission from the Board.

- 12.2 The Site is subject of a previous application (No. A/TM/523) for wholesale conversion of an existing IB for 'Hotel', 'Shop and Services' and 'Office' uses approved in 2018. As compared with the approved scheme, the major changes to the proposed development include significant increase in number of guestrooms from 599 to 943, deletion of 'Office' use and inclusion of Designated Portion for specified uses in accordance with the 2018 Policy. Major development parameters, including GFA, BH and plot ratio, are largely the same.

Planning Intention

- 12.3 The planning intention of the "OU(B)" zone is primarily for general business uses. Commercial uses such as 'Shop and Services' and 'Eating Place' in a converted "business" building within "OU(B)" zone are always permitted, and 'Hotel' use requires planning permission from the Board. The proposed development is generally in line with the planning intention of the "OU(B)" zone which is to encourage development or redevelopment/conversion of the whole building for commercial and clean industrial uses. The proposed development with BH of about 67.7mPD and PR of about 6.47 does not exceed the relevant restrictions for the "OU(B)" zone under the OZP.

Policy Aspect

- 12.4 Under the 2018 Policy, 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 "OU(B)" zone and it was completed over 15 years ago. About 10% of the GFA (i.e. about 4,333m²) will be designated for specified uses under LAO Practice Note No. 6/2019. SDEV indicates support to the current application, subject to its compliance with relevant requirements under the current revitalisation scheme and departments' assessment of technical feasibility and planning parameters. Regarding the demolition of the floor slabs and recovery of the GFA by addition of two storeys on the original roof floor, CES/DC, LandsD advises that according to PN 6/2019, recovery of total accountable GFA due to demolition of floor slabs as proposed by the applicant will be outside the 2018 Policy and is not permitted. Nevertheless, the applicant advises that details of the scheme will be subject to approval by the relevant Government

departments at the building plans submission stage. CES/DC, LandsD also advises that comments on the details of the conversion works, GFA calculation, GFA accountability, existing building bulk etc. of the proposal will be given upon receipt of special waiver application. In this regard, whether the proposed development can fully meet the requirements set out in PN 6/2019 to apply for special waiver may be dealt with at a later stage.

Land Use Compatibility and TPB Guidelines

- 12.5 The proposed development with 'Hotel', 'Shop and Services' and 'Eating Place' is generally in line with the Town Planning Board Guidelines (TPB PG-No. 22D) for "OU(B)" zone in that it is not incompatible with the surrounding land uses. There are existing school and residential developments to the north and IBs to the west and bus depot to the south (**Plans A-1 and A-2**). The proposed development would help improve the environment by phasing out the existing industrial use.

Technical Aspects

- 12.6 Relevant departments, including C for T, DEP, CE/MN of DSD, CBS/NTW of BD and CHE/NTW of HyD have no adverse comment on/ objection to the application. Appropriate approval conditions and advisory clauses as suggested by departments will be imposed to ensure the proposed wholesale conversion of the industrial building will not cause adverse impacts on the surrounding area. Regarding the risk associated with the adjacent PFS, the applicant has proposed to install a new radiation wall at the proposed development to manage the risks associated with the PFS. D of FS has no objection to the proposed radiation wall. Similar to the previous Application No. A/TM/523, an approval condition requiring the applicant to submit and implement mitigation measures against the fire and explosive hazards associated with the adjoining PFS is recommended.

Previous and Similar Applications

- 12.7 The Site is subject of an approved application (No. A/TM/523) for wholesale conversion of an existing IB for 'Hotel', 'Shop and Services' and 'Office' uses. Besides, there are eleven similar applications for wholesale conversion of the existing IBs into commercial uses within the "I" zones in Tuen Mun since 2010. They were approved mainly on grounds that the proposed uses would not be incompatible with the adjacent land uses; the development complied with TPB PG-No. 25D; the development complied with the Government policy to encourage the conversion of IBs introduced in 2010/2018; and the proposed use would not cause adverse traffic and/or environmental impacts. Approval of the application will be consistent with the Committee's previous decisions.

Public Comments

- 12.8 Regarding the public comments received raising objection to the application, the planning assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 10.7.2024, 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, loading/unloading facilities and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of fire services installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission and implementation of mitigation measures against the fire and explosive hazards associated with the adjoining petrol filling station to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of sewerage improvement proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 13.3 There is no strong reason to recommend rejection of the application.

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
Appendix Ia	Supplementary planning statement
Appendix Ib	FI dated 6.3.2020
Appendix Ic	FI dated 29.5.2020
Appendix Id	FI dated 23.6.2020
Appendix Ie	FI dated 3.7.2020
Appendix II	Previous application
Appendix III	Similar applications
Appendix IV	Public comments received
Appendix V	Advisory clauses
Drawings A-1 to A-7	Floor plans
Drawing A-8	Section plan
Drawing A-9	Plan showing the proposed radiation wall facing the adjoining petrol filling station
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4c	Site photos

**PLANNING DEPARTMENT
JULY 2020**