



LCH Planning and Development
Consultants Limited

**Section 16 Application for Proposed Shop and Services use at
portion of Godown A on Ground Floor, Block A of Tung Chun
Industrial Building, Kwai Chung**

Planning Statement Report

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July 2024
Report : Version 1.2



Executive Summary

(in case of discrepancy between English and Chinese versions, English version shall prevail)

This Application is submitted to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”) for proposed ‘Shop and Services’ use (“**the Proposed Use**”) at portion of Godown A on Ground Floor, Block A of Tung Chun Industrial Building, 9-11 Cheung Wing Road, Kwai Chung (“**the Subject Premises**”)

The Subject Premises falls within an area of “Other Specified Uses” annotated “Business” (“**OU(B)**”) zone on the Approved Kwai Chung Outline Zoning Plan No. S/KC/32 (“**the OZP**”), with a site area of approximately 53 sq.m. According to the Notes of the OZP for “OU(B)” zone, ‘Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and Ancillary Showroom which may be permitted on any floor)’ is Column 2 uses which require planning permission from the Board.

The Subject Premises consists of portion of Godown A on the ground floor, and it will only involve minor alterations and additions which will not cause any change to the building bulk. The Proposed Use will be utilized as a retail store operated by The Salvation Army and serve the public in the surrounding area.

This Application aims to serve as a retail store to serve the local community, including the surrounding residential and industrial development. In view of the small-scale operation and directly abut to Cheung Wing Road, the proposed use is not incompatible with the industrial and residential uses in the surrounding area, which would not jeopardize the long-term planning intention. The Proposed Use also complies with the fire safety requirements and the Town Planning Board Guidelines. There will be no adverse traffic and environment impacts as well.

In view of the above justifications, we would sincerely seek the favourable consideration of the Board to approve this Application.



內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請根據《城市規劃條例》第 16 條，就位於新界葵涌昌榮路 9-11 號同珍工業大廈 A 座部分地下 (下稱「**申請地點**」)，向城市規劃委員會 (下稱「**城規會**」) 申請作擬議「商店及服務行業」用途 (下稱「**擬議用途**」)。

申請地點現時於《葵涌分區計劃大綱核准圖編號 S/KC/32》(下稱「**核准圖**」) 劃作「其他指定用途 (商貿)」地帶，地盤面積佔約 53 平方米。根據核准圖有關「其他指定用途 (商貿)」地帶的註釋，「商店及服務行業(未另有列明者) (只限設於地面一層，但在經大規模改建的現有建築物則無此限制附屬陳列室 #可能獲准設於任何一層，不在此限)」屬於「其他指定用途 (商貿)」地帶的第二欄用途，需要獲得城規會的規劃許可。

申請地點位於大廈地下的倉庫 A (部分)，只會進行輕微改動及加建工程，不會影響樓宇的高度和體積。擬議用途將被用作由救世軍經營的零售商店，為周圍地區的公眾提供服務。

此申請旨在作為一間零售商店，為當地社區提供服務，包括周圍的住宅和工業發展區。由於擬議用途規模細小且直接毗鄰昌榮路，所擬議用途不會與周邊地區的工業和住宅用途有衝突，亦不會對長遠規劃有任何影響。是次規劃申請亦符合消防安全要求和城市規劃委員會指引，預計不會對交通和環境造成負面影響。

鑒於以上提出的依據，我們真誠地尋求城規會批准該申請。



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1 INTRODUCTION

1.1 The Application

- 1.1.1 We are commissioned by the Applicant to prepare and submit on its behalf this planning application for proposed 'Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and Ancillary Showroom which may be permitted on any floor)' use hereinafter referred to as the "**Proposed Use**") at portion of ground floor in Block A of Tung Chun Industrial Building, 9-11 Cheung Wing Road, Kwai Chung (**Figure 1 and Figure 2**) (hereinafter referred to as the "**Subject Premises**") to the Town Planning Board ("**the Board**") under Section 16 of the Town Planning Ordinance ("**the Ordinance**").
- 1.1.2 The Subject Premises falls within the "Other Specified Uses" annotated "Business" zone ("**OU(B)**") on the Approved Kwai Chung Outline Zoning Plan No. S/KC/32 ("**the OZP**") (**Figure 3**). According to Schedule II for industrial or industrial-office building of the Notes of the OZP for "OU(B)" zone, 'Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and Ancillary Showroom which may be permitted on any floor)' use is the Column 2 use which may be permitted with or without conditions on application to the Board.
- 1.1.3 The proposed change of use mainly involve minor alteration and addition works which does not involve any change to the current building bulk of Tung Chun Industrial Building (hereinafter referred to as "**the Subject Building**"). No change regarding the building height, gross floor area and site coverage of the Subject Building is anticipated.



2 THE SUBJECT PREMISES AND SURROUNDINGS

2.1 Current Condition of the Subject Premise

2.1.1 The Subject Premise is located within Godown A on the ground floor in Block A of Tung Chun Industrial Building, which is adjacent to Cheung Wing Road. It is surrounded by several industrial buildings, and is just adjacent to Blossom Residence. **Figure 1** illustrates the location of the Subject Premise and its immediate vicinity.



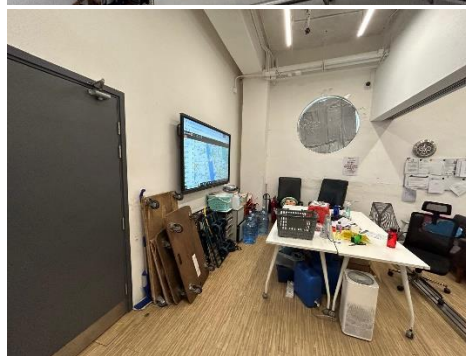
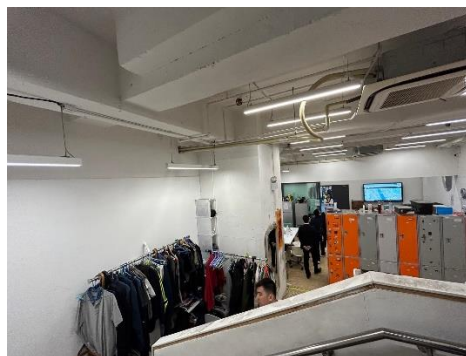
Front view of the Subject Premise



View from Cheung Wing Road

2.2 The Proposal

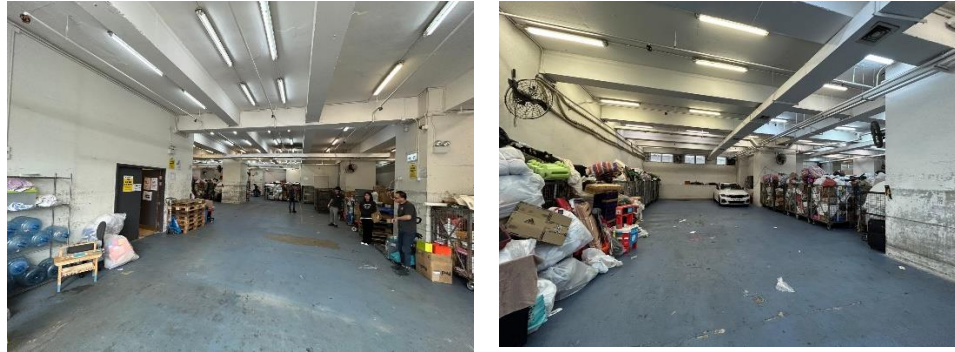
2.2.1 It is proposed to convert portion of Godown A on the ground floor of the Subject Building to shops and services use, providing affordable goods to the neighbourhood. The Application Site covers a total of about 53 square meters ("sq.m.") at the northwest area of Godown A. It aims to finish the conversion by the end of 2024, upon approval of this application. Refer to **Figure 2** for the Site Plan.





Interior of the Application Site

- 2.2.2 The remaining portion of Godown A outside the Application Boundary is currently used as storage purpose to store collected recycled materials. Its usage will remain the same upon approval of the application.



Interior of the remaining portion of Godown A

- 2.2.3 The Ground Floor of the Subject Building only consists of two workshops, namely Godown A and Godown B. These workshops are separated by the lift lobby, and there are also E&M rooms present. Upon completion, the Proposed Development will have an individual and direct entrance to Cheung Wing Road at the northwest corner of the Application Site, while the remaining portion of Godown A is directly accessible from Cheung Wing Road with a separate entrance. No entrance from the Proposed Development will be opened to the lift lobby or existing Godown portion.
- 2.2.4 Subject to the future operation mode, the Subject Premises is intended to operate from 8a.m. to 9p.m., from Monday to Sunday including public holidays.

2.3 Land Status

- 2.3.1 The Subject Premises falls within the boundary of Kwai Chung Town Lot No. 9 (“the Lot”).
- 2.3.2 The Lot is subject to New Grant No. TW4497 dated 19 May 1966. According to the Lease, the Lot is restricted to “general industrial/godown/open storage purposes excluding any trade” and the proposed “Shop and Services” use is not permissible under the Lease.
- 2.3.3 Upon permission with or without conditions of this planning application, the Applicant shall apply for and obtain short-term waiver from the Lands Department for the Subject Premise, in order to relax user restriction of the New Grant.

2.4 Surrounding Context

- 2.4.1 Kwai Chung is an urban area within Tsuen Wan New Town in the New Territories. It is located in the south-west of the New Territories. It is divided into three areas, namely Upper Kwai Chung, Central Kwai Chung and Lower Kwai Chung. Upper Kwai Chung and Lower Kwai Chung are mostly



comprised of residential buildings, including private and public housing as well as villages, while industrial areas are clustered in Central Kwai Chung and a small cluster of industrial buildings are also found in Upper Kwai Chung. There are three major roads in Kwai Chung which are Cheung Wing Road, Kwai Chung Road and Castle Peak Road – Kwai Chung.

- 2.4.2 The Subject Premise is located at Upper Kwai Chung where a cluster of industrial buildings is found. To its north is mainly residential area, with village clusters situated at its northwest, and several public housing development such as Ning Fung Court, Shek Yam Estate and On Yam Estate are located at its northeast. Clusters of industrial buildings and a small portion of residential buildings are located at the south of the Subject Premises.
- 2.4.3 The Subject Premises is within 15 minutes walking distance from Kwai Hing MTR station. It is also accessible from Cheung Wing Road, connecting the Application Site to Kwai Chung and Tsuen Wan. There are bus stops and minibuses stops within 5 minutes walking distance from the Subject Premises.



3 PLANNING CONTEXT

3.1 Statutory Planning Context

3.1.1 The Subject Premises falls within an area designated as “Other Specified Uses” annotated “Business” zone on the Approved Kwai Chung Outline Zoning Plan No. S/KC/32 (also known as the “OZP”). The planning intention of the “OU(B)” zone is “intended primarily for general business uses”.

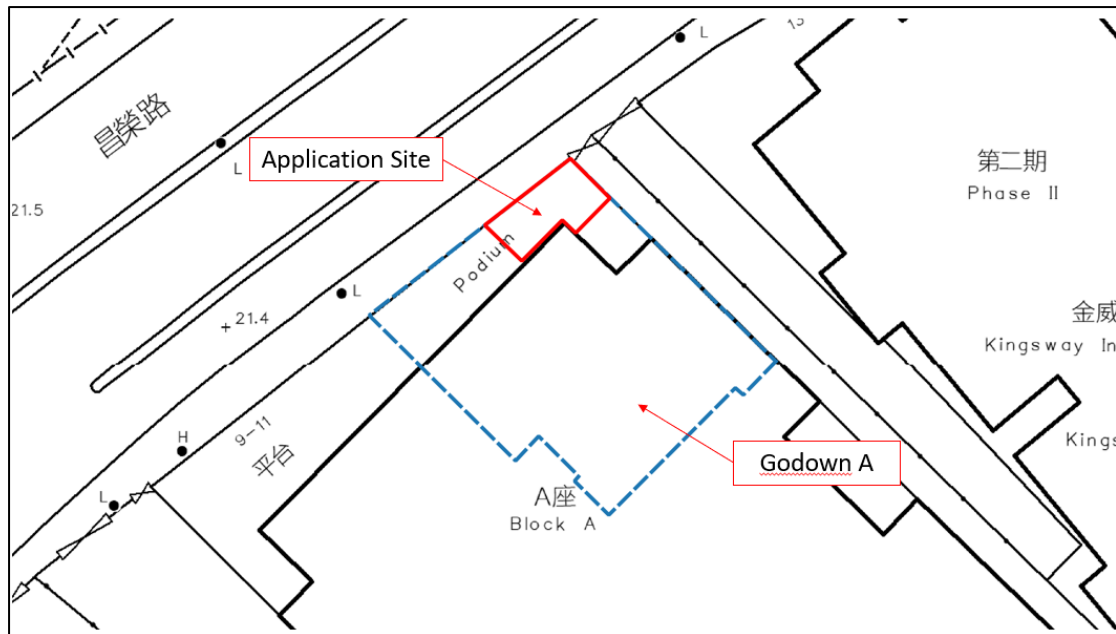


Diagram 1 The Application Site and the Godown A

Illustrated for reference only. Not to scale. (Sources: Town Planning Board and Lands Department, HKSAR Government)

3.1.2 According to Schedule II for industrial or industrial-office building of the Notes of “OU(B)” zone of OZP, ‘Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and Ancillary Showroom which may be permitted on any floor)’ use is the Column 2 use which require permission from the Board.

3.1.3 Thus, permission from the Board is required for the Column 2 uses in the Subject Premises.



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OTHER SPECIFIED USES (Cont'd)

For "Business" Only (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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Schedule II: for industrial or industrial-office building[@]

Ambulance Depot	Broadcasting, Television and/or Film Studio
Art Studio (excluding those involving direct provision of services or goods)	Cargo Handling and Forwarding Facility (Container Freight Station, free-standing purpose-designed Logistics Centre only)
Bus Depot	Industrial Use (not elsewhere specified)
Cargo Handling and Forwarding Facility (not elsewhere specified)	Mass Transit Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
Eating Place (Canteen only)	Off-course Betting Centre
Government Refuse Collection Point	Office (not elsewhere specified)
Government Use (not elsewhere specified)	Petrol Filling Station
Information Technology and Telecommunications Industries	Place of Recreation, Sports or Culture (not elsewhere specified)
Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods ^A)	Private Club
Office (excluding those involving direct provision of customer services or goods)	Shop and Services (not elsewhere specified) (ground floor only except Ancillary Showroom [#] which may be permitted on any floor)
Public Convenience	Vehicle Repair Workshop
Public Transport Terminus or Station	Wholesale Trade
Public Utility Installation	
Public Vehicle Park (excluding container vehicle)	
Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation	
Recyclable Collection Centre	
Research, Design and Development Centre	
Shop and Services (Motor-vehicle Showroom on ground floor, Service Trades only)	
Utility Installation for Private Project	
Warehouse (excluding Dangerous Goods Godown)	

In addition, for building without industrial undertakings involving offensive trades or the use/storage of Dangerous Goods^A, the following use is always permitted :

Office

(Please see next page)



OTHER SPECIFIED USES (Cont'd)

For "Business" Only (Cont'd)

In addition, the following uses are always permitted in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building, provided that the uses are separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion :

In addition, the following use may be permitted with or without conditions on application to the Town Planning Board in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building provided that the use is separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion :

Commercial Bathhouse/Massage Establishment
Eating Place
Educational Institution
Exhibition or Convention Hall
Institutional Use (not elsewhere specified)
Library
Off-course Betting Centre
Office
Place of Entertainment
Place of Recreation, Sports or Culture
Private Club
Public Clinic
Religious Institution
School (excluding kindergarten)
Shop and Services
Training Centre

Social Welfare Facility (excluding those involving residential care)

@ An industrial or industrial-office building means a building which is constructed for or intended to be occupied by industrial or industrial-office purpose respectively as approved by the Building Authority.

Δ Dangerous Goods refer to substances classified as Dangerous Goods and requiring a licence for their use/storage under the Dangerous Goods Ordinance (Cap.295).

Ancillary Showroom requiring planning permission refers to showroom use of greater than 20% of the total usable floor area of an industrial firm in the same premises or building.

Planning Intention

This zone is intended 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.

(Please see next page)



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OTHER SPECIFIED USES (Cont'd)

For "Business" Only (Cont'd)

Remarks

- (1) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum total plot ratio of 9.5, or the plot ratio of the existing building, whichever is the greater.
- (2) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building heights in terms of metres above Principal Datum (mPD) as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (3) On land demarcated for a 15m-wide building gap from Castle Peak Road to the east-west aligned section of Tai Lin Pai Road as shown on the Plan, no new development (except minor addition, alteration and/or modification not affecting the building height of the existing building) or redevelopment of an existing building shall exceed the maximum building height restriction of 25mPD.
- (4) A minimum 4m-wide non-building area from the lot boundary abutting Lam Tin Street and a minimum 3.5m-wide non-building area from the lot boundary abutting Chun Pin Street (except 1 Chun Pin Street) and Ta Chuen Ping Street (except 26-38, 68, 70, 85-89 and 93 Ta Chuen Ping Street) shall be provided.
- (5) In determining the maximum plot ratio for the purpose of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (6) Where the permitted plot ratio as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (1) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (1) above may thereby be exceeded.
- (7) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height/building gap restrictions stated in paragraphs (1) to (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (8) Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the non-building area restrictions as shown on the Plan or stated in paragraph (4) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)



3.2 Town Planning Board Planning Guideline

3.2.1 The TPB PG-No. 22D Town Planning Board Guideline for Development within “Other Specified Uses (Business)” Zone stipulates that commercial uses in an industrial and industrial-office building will be subject to the following main and relevant planning criteria:

- a) temporary permission for ancillary showroom use exceeding 20% of the total UFA of an industrial firm in industrial buildings;
- b) aggregate commercial floor areas on the ground floor of an existing industrial building with or without sprinkler systems should as a general principle not exceed 460 sq.m. and 230 sq.m. respectively.
- c) separate means of escape should be available for the commercial portion.

3.2.2 Besides, where partial conversion of an industrial or I-O building to any use requiring planning permission is proposed, it must be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations.

3.2.3 As the total area of the Application Site is about 53 sq.m. which does not exceed 230 sq.m. and a separate means of escape is available on the northwestern corner of the Subject Premise which is separated for the industrial portion of the building, this application satisfies the aforesaid requirement.

3.3 Similar Approved Applications for Shop and Services Use

3.3.1 There are four similar applications for temporary shop and services on the Approved Kwai Chung Outline Zoning Plan No. S/KC/32 which falls within “OU(B)” zone approved by the Town Planning Board in the past ten years. The details of the applications are summarized as follows and in Figure 4:

Application No.	Date of Approval	Applied Use
A/KC/443	17/03/2017	Shop and Services (Pharmacy)
A/KC/432	23/10/2015	Shop and Services
A/KC/423	31/10/2014	Proposed Shop and Services
A/KC/421	31/10/2014	Shop and Services

3.4 High Demand for Affordable Goods in the Vicinity

3.4.1 The Application Site is surrounded by residential developments including public housing estate, transitional housing and clusters of villages. The public housing estates such as Shek Yam Estate, On Yam Estate and Lei Muk Shue Estate are located at the northern and eastern area of the Application Site. In addition, the transitional housing development, Blossom Residence, is



situated opposite to the Application Site across Cheung Wing Road. They mainly accommodate the low-income groups of society.

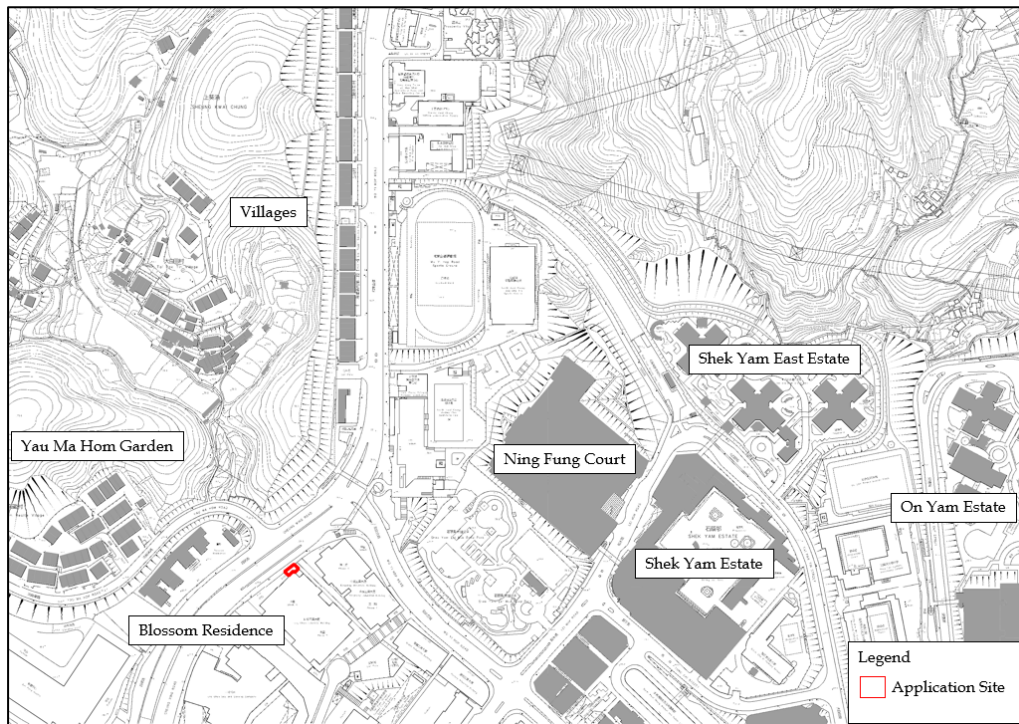


Diagram 2 Residential Development in the Vicinity

(Source: Hong Kong Geodata Store, HKSAR Government)

4 PLANNING ASSESSMENT & JUSTIFICATIONS

4.1 Provision of Affordable Goods to the Neighbourhood

4.1.1 The strategic positioning of the proposed 'Shop and Services' use which is surrounded by public and transitional housings that mainly accommodate low-income families has a profound impact on the high demand for the affordable goods in the community. The Application Site is located at a convenient location to the surrounding neighbourhoods.

4.2 Not Incompatible with the Industrial and Industrial-Office Uses in the Subject Building and the Surrounding Developments

4.2.1 The proposed use is small in scale which involves only a small portion of Godown A which occupies about 53 sq.m. on the ground floor. It should not cause any visual impact as the building bulk remains unchanged. The provision of services is ancillary to the surrounding residential developments which provides affordable daily necessities for the nearby residents, and it is unlikely that the proposed development would cause any interface issues.

4.2.2 The proposed use only involves about 53 sq.m. which is a small-scale operation and there is no material impact to the overall supply of area in the "OU(B)" zone of the Kwai Chung OZP. Therefore, approval of this planning



application would not jeopardize the long-term planning intention of “OU(B)” zone. Provision of the Subject Premises for shop and services would not result in substantial loss of the overall industrial/industrial-office land as well.

4.3 No Adverse Traffic Impact

4.3.1 The proposed commercial use is to cope with the demand in the locality and its operation is small in scale, it should not generate a huge amount of pedestrian flow and traffic flow in the vicinity. The Subject Premises just abut the Cheung Wing Road and is easily accessible by various modes of public transportation. Thus, inclusion and operation of the proposed commercial use should not adversely impact the traffic condition in the local road network.

4.3.2 There are sufficient car parking spaces and loading/unloading bays provided in the Subject Building currently. They will be utilized for the transportation of materials and logistic purposes. It allows smooth transportation without causing disruptions to the surrounding traffic flow which would not cause any adverse traffic impact.

4.4 No Adverse Environmental Impact

4.4.1 The Proposed Use provides non-polluting goods and services to the neighbourhood. It would not generate hazardous waste and gas which would not cause pollution problems. It mainly serves the residents in the surrounding area in the upper Kwai Chung. No pollution is anticipated in regards to the small scale of operation and the nature of operation.

4.5 Compliance with the TPB PG-No. 22D Town Planning Board Guideline

4.5.1 This Application is subject to the 230/ 460 sq.m. rule under the TPB PG-No. 22D. The Subject Premises as equipped with sprinkler system are only about 53 sq.m. of floor area, which is much less than 460 sq.m.. Thus, the said rule is considered complied with.

4.5.2 Besides, since workshops has direct frontage to Cheung Wing Road, which also acts as an individual and separate means of escape of the Subject Premise. The Subject Premises shall be separated from the industrial portion which satisfies the fire safety requirements.

4.5.3 Given to its small-scale operation, it is not anticipated to generate adverse land use, traffic, environmental and fire safety issue. Thus, the relevant Town Planning Board Guideline is considered complied with.

4.6 Precedent Approval for Similar Applications

4.6.1 There are precedent approval planning applications for ‘Shop and Services’ use in the “OU(B)” zone. In the past twenty years, the Town Planning Board has considered 34 planning applications for various ‘Shop and Services’ Use on the G/F of the industrial and I-O buildings within the “OU(B)” zone in the Kwai Chung Industrial/Business Area, of which 27 planning applications



were approved.

- 4.6.2 Approval of this application will not set an undesirable precedent as this is in line with the planning intention and the TPB PG-No.22D.

5 CONCLUSION

- 5.1.1 This Planning Statement Report is submitted to the Town Planning Board in support of the proposed 'Shop and Services' use at Tung Chun Industrial Building, Kwai Chung.

- 5.1.2 This Application is supported with the following planning justifications:

- Provision of Affordable Goods to the Neighbourhood
- Not Incompatible with the Industrial and Industrial-Office Uses in the Subject Building and the Surrounding Residential Developments
- No Adverse Traffic Impact
- No Adverse Environmental Impact
- Compliance with the TPB PG-No. 22D Town Planning Board Guideline
- Precedent Approval for Similar Applications

- 5.1.3 In view of the above, we respectfully request the Board Members to give favourable consideration on this planning application.