

Previous s.16 Planning Applications covering the Premises

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Gross Floor Area</u>	<u>Date of</u>	<u>Approval</u>
			<u>(GFA) and No. of</u>	<u>Consideration</u>	
			<u>Car Parking</u>	<u>(MPC/TPB)</u>	
			<u>Spaces Involved</u>		
1.	A/TW/346	Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic GFA Restriction for a Period of 3 Years	about 4,820m ² 177	25.6.2004 Approved by MPC (3 years)	(1)
2.	A/TW/388	Renewal of Planning Application for Temporary Shop and Services (Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic GFA Restriction for a Period of 3 Years	about 4,841.27m ² 177	1.12.2006 Approved by MPC (3 years)	(2)
3.	A/TW/407	Renewal of Planning Approval for Temporary Shop and Services (Motor-Vehicle Showroom) Use and Temporary Minor Relaxation of Non-domestic GFA Restriction for a Period of 3 Years	about 4,333m ² 156	21.8.2009 Approved by MPC (3 years)	(3), (4)
4.	A/TW/435	Renewal of Planning Approval for Temporary Shop and Services (Motor-Vehicle Showroom) Use and Temporary Minor Relaxation of Non-domestic GFA Restriction for a Period of 3 Years	about 4,333m ² 156	18.1.2013 Approved by TPB on review (3 years)	(4), (5)
5.	A/TW/474	Renewal of Planning Approval for Temporary Shop and Services (Motor-vehicle Showroom) Use and Temporary Minor Relaxation of Non-domestic Gross Floor Area Restriction for a Period of 3 Years	about 4,333m ² 156	8.1.2016 Approved by MPC (3 years)	(4), (6), (7)

Similar Application in “R(A)” zone

<u>Application No.</u>	<u>Proposed Uses</u>	<u>Location</u>	<u>Gross Floor Area (GFA) and No. of Car Parking Spaces Involved</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Conditions</u>
A/TW/402	Proposed Shop and Services (Temporary Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic GFA Restriction For a Period of 3 Years	Portion of Car Park at 6/F, Discovery Park, 398 Castle Peak Road – Tsuen Wan, Tsuen Wan	about 4,600m ² 160	19.12.2008 Approved by MPC (3 years) (Revoked on 19.6.2009)	(3), (4)

Approval Conditions

- (1) the permission should cease to have effect on 25.6.2007 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed;
- (2) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board (TPB);
- (3) the provision of fire service installations within ____ months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (4) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
- (5) the provision of water supplies for firefighting and fire service installations within ____ months from the date of commencement of planning approval to the satisfaction of the Director of Fire Services or of the TPB;
- (6) the provision of minimum number of car parking spaces: 519 for residents, 36 for visitors and 262 for commercial, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (7) the provision of fire service installations within ____ months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that:
- (i) The proposed “Shop and Services (Motor-vehicles Showroom)” use at the Premises is in breach of the lease conditions and thus a waiver is required for the proposed use. Following the approval of the Application No. A/TW/435, a temporary waivers dated 22.12.2014 to permit the purpose of a showroom for the display or the display and the sale of motor vehicles at the Premises with an area of 4,270m², for a fixed term of three months commencing from 2.6.2013 and thereafter quarterly was issued (“the 2014 Waiver Letter”). Under the 2014 Waiver Letter, the owner is required to make available and maintain a minimum of 672 car parking spaces for use by the owners or occupiers of the residential units of the development in accordance with the approved MLP. Following the approval of Application No. A/TW/474, approval has been given to revise the parking requirement to make available and to maintain a minimum of 519 car parking spaces for use by the owners or occupiers of the residential units, a minimum of 36 car parking spaces for use by the bona fide guests, visitors or invitees of the residents of the residential units and a minimum of 262 car parking spaces for commercial use of the development on the Lot shall be maintained and provided under the waiver. According to the provision of the Waiver Letter, the owner is also required to obtain and renew the planning permission prior to the expiry of the permission. In the event that the owner is unable to provide the said permission prior to the expiry of any permission, the Government may at its sole discretion revoke the waiver granted and the Premises shall again subject to the car parking requirements under the existing lease conditions.
 - (ii) As the implementation of the current scheme under the application would result in part of the floor area covered by the Waiver Letter no longer be used for the purpose of showroom for motor vehicles, the owner of the Premises would have to apply to Lands Department for revision of the Waiver Letter to effect the reduced area for the motor-vehicles showroom under application. The proposal to revise Waiver Letter will only be considered upon his receipt of formal application from the applicant. There is no guarantee that the application, if received by Lands Department, will be approved and he reserve his comment on such. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions, including inter alia, payment of waiver fees and administrative fee, as may be imposed by Lands Department.
 - (iii) The applicant should be asked to provide physical separation between the revised showroom and the area of the 20 number of parking spaces.

- (iv) The proposed use of the loading and unloading spaces for parking of private motor vehicles is in breach of the lease conditions and thus a waiver is required for the proposed use. There is no guarantee that the application, if received by the Lands Department, will be approved and he reserves his comment on such. The application will be considered by the Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium/waiver fee and administrative fee.
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- (i) the subject temporary motor-vehicle showroom is under a temporary building permit (TBP) and temporary occupation permit (TOP) which have expired on 21.8.2012 and no application of renewal has been received up to the present moment. The owner/applicant is advised to submit application for renewal of TBP and TOP for the temporary motor-vehicle showroom. The floor plan layout in the Supporting Planning Statement does not tally with the approved plan under the above TPB and TOP.
 - (ii) The proposed alteration and addition works with plans approved on 25.9.2008 with amendment approved on 19.2.2009 and consent renewed on 21.12.2009 have not yet been commenced/implemented.
- (c) to note the comments of Director of Fire Services that:
- (i) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
 - (ii) For the proposed mitigation measure on making use of the emergency vehicular access for holding private vehicles, it should be noted that there should be no parking of vehicles along the access.
 - (iii) Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply the "*Code of Practice for Fire Safety in Buildings*" which is administrated by the Building Authority.