

Previous Applications at the Site

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration	Approval Conditions
1.	A/TW/219	Composite Industrial-Office Building	5.5.1995 (Approved with conditions)	(1) to (7), (9)
2.	A/TW/377	Temporary Shop and Services (Retail Shops) for a Period of 3 Years	23.12.2005 (Approved with conditions on a temporary basis)	(8)

Approval Conditions

- (1) Every unit within the composite Industrial-Office (I-O) building shall be designed, constructed and made suitable for both industrial and office uses. A pure office building or a pure industrial building or a building with discrete horizontal and/or vertical segregation into purely office and industrial portions will not be allowed. Where building design requirements for industrial and office buildings differed, then the more stringent requirements have to be adopted. The building design shall be to the satisfaction of the Director of Buildings or of the Town Planning Board.
- (2) Both heavy and noxious industrial operations and pure office activities unrelated to any industrial operations will not be permitted.
- (3) The provision of parking facilities for cars and goods vehicles as well as loading/unloading spaces in accordance with the Hong Kong Planning Standards and Guidelines as if the whole building were an industrial building and to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- (4) The provision of parking facilities for private cars of office users in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- (5) The design of the layout of the area designated for the parking of private cars and for the parking, loading/unloading and manoeuvring of goods vehicles to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- (6) The provision of separate entrances and lift lobbies for goods and for passengers to the satisfaction of the Director of Buildings or of the Town Planning Board.

- (7) The design and provision of the car-lift and waiting spaces to the satisfaction of Commissioner for Transport or of the Town Planning Board.
- (8) The provision of fire resistance construction and design, means of escape and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (9) The permission shall cease to have effect on __.__.____ unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

**Similar Applications in the “Industrial” (“I”) zone in Tsuen Wan East Industrial Area
or an Area Previously Zoned “I” in Tsuen Wan**

Rejected Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration	Rejection Reasons
1.	A/TW/410	Wholesale Conversion of an Industrial Building for Proposed Shop and Services Uses	22.7.2011 (Rejected)	(1) to (3)
2.	A/TW/415	Wholesale Conversion of an Industrial Building for Proposed Shop and Services and Eating Place Uses	5.8.2011 (Rejected)	(1) and (3)
3.	A/TW/431	Wholesale Conversion of an Industrial Building for Proposed Office, Shop and Services Uses	1.2.2013 (Rejected upon review)	(4) and (5)
4.	A/TW/476	Proposed Wholesale Conversion of An Existing Building for Eating Place, Shop and Services and Office	18.3.2016	(3), (6), (7)

Rejection Reasons

- (1) the car parking proposals were not acceptable in respect of the unsatisfactory car parking layout and insufficient car parking (and loading/unloading bay provision) space provision.
- (2) the traffic impact assessment in the submission was not acceptable as it was based on insufficient provision of car parking spaces and failed to adequately assess the traffic impacts generated by the proposed development.
- (3) approval of this application would set an undesirable precedent for similar applications for wholesale conversion of existing industrial building without adequate provision of /necessary supporting car parking (and loading/unloading) facilities, the cumulative impact of which might result in adverse traffic impacts (or aggravate the traffic problem on the local road network) in the Chai Wan Kok Industrial Area.
- (4) the subject building, a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, was considered well positioned to provide warehouse floor space to support the logistics industry in Hong Kong.

- (5) approval of the application would set an undesirable precedent for other similar applications within the "Industrial" zones of Tsuen Wan area. The cumulative effect of approving such applications would result in a cumulative loss of industrial floor space for logistics uses in the area.
- (6) the applicant fails to demonstrate that the proposed development would not have adverse traffic impact on the road network in the area.
- (7) the proposed wholesale conversion does not comply with the Town Planning Board Guidelines for Use/Development within "Industrial" Zone (TPB PG-No. 25D) in that the applicant fails to provide sufficient car parking and loading/unloading facilities.

Recommended Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/ granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain necessary approval. If the building design elements and the GFA concession are not approved/ granted by BA and the Lands Authority and major changes to the current scheme are required, a fresh section 16 application to the Town Planning Board may be required;
- (b) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (c) to note the comments of the Secretary for Development (SDEV) that the exact location and designated use(s) in relation to the 10% designated floor space, as well as the mode of operation of the designated portion, will be determined by Development Bureau (DEVB) in consultation with relevant parties after LandsD has received the owner's application for a special waiver for wholesale conversion. In this subsequent process, DEVB will ensure that the approved designated use(s) must fall within the uses to be covered by the planning permission;
- (d) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT) and Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):
 - (i) the proposed wholesale conversion of an existing industrial building into a commercial building for the subject 6 uses as detailed in the application is in breach of the existing lease conditions industrial user restriction and not acceptable under lease. The car parking provision upon conversion should also be subject to Transport Department's comment. The proposal and the application for a lease modification / special waiver will only be considered upon LandsD's receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by 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, restriction on alienation of the Designated Portion and payment of administrative fee, etc.;

- (ii) the applicant may refer to the LandsD Lands Administration Office Practice Note No. 6/2019 (“the PN”) for the prerequisites, no change to existing building structure/bulk, requirements of the Designated Portion and Specified Uses for application of a special waiver; and
 - (iii) comments on the details of the proposed conversion works, GFA calculation/exemption, existing building bulk, Specified Uses, location/design of Designated Portion, etc. as proposed by the applicant in the Supporting Planning Statement are reserved and will be given until a formal application for a special waiver is submitted to LandsD.
- (e) to note the comments of Director of Environmental Protection (DEP):
- (i) 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 legislature requirements and prevailing guidelines on proper waste management for the proposed development.
- (f) to note the comments of Director of Fire Services (FSD):
- (i) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his Department at the present stage. The applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) the applicant is advised to appoint an Authorised Person/Registered Structural Engineer/Registered Geotechnical Engineer and submit the required plans to the Building Authority for approval in accordance with the BO. His position under the BO is hereby reserved;
 - (ii) all proposed building works/ change of use are subject to compliance with the current provision of the BO and allied regulations;
 - (iii) adequate means of escape should be provided in accordance with Building (Planning) Regulations (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code), in particular interchange of required staircases and temporary refuge spaces should be provided according to B8.2 and B30 of FS Code respectively;
 - (iv) access and facilities for persons with disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;

- (v) natural lighting and ventilation should be provided to the offices or kitchens in accordance with B(P)R 30 and 31;
- (vi) while the proposed new floor on the top of the subject building would result in a new building, the sustainable building design requirements and pre-requisites under PNAP APP-151 & 152 would be applicable to proposed development if GFA concessions are claimed for any green/amenity features and/or non-mandatory/non-essential plant rooms;
- (vii) the proposed demolition of the existing cockloft floor would result in excessive headroom at G/F, GFA of which would be double counted, unless the use of justified; and
- (viii) detailed comments under the BO can only be provided in the building plan submission stage.