

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TW/511**

- Applicant** : Panten Investment Limited represented by DeSPACE (International) Limited
- Site** : 12-16 Fui Yiu Kok Street, Tsuen Wan
- Site Area** : About 558.812m<sup>2</sup>
- Lease** : Tsuen Wan Town Lot (TWTL) 150;  
(a) Held under New Grant No. 4748;  
(b) To be expired on 30.6.2047; and  
(c) Restricted to general industrial and/or godown purposes excluding offensive trades
- Plan** : Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
- Zoning** : “Industrial” (“I”)  
  
[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 100 metres above Principal Datum (mPD) or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Wholesale Conversion of an Existing Building for Eating Place, Shop and Services, Office, Art Studio (excluding those involving direct provision of services or goods), Information Technology and Telecommunications Industries and Research, Design & Development Centre  
(Wholesale Conversion of an Existing Industrial Building)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for wholesale conversion of an existing 13-storey industrial building (IB) at 12-16 Fui Yiu Kok Street (namely Pylon Tower), Tsuen Wan (the Site), to a commercial development with eating place, shop and services, office, art studio (excluding those involving direct provision of services or goods), information technology and telecommunications industries and research, design and development centre (the Proposed Scheme) (**Plan A-1**).
- 1.2 The Site is zoned “Industrial” (“I”) on the approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33 (**Plan A-1**). According to the Notes of the OZP of the “I” zone, ‘Eating Place (not elsewhere specified)’, ‘Shop and Services (not

elsewhere specified) and ‘Office (not elsewhere specified)’ uses are under Column 2 which require planning permission from the Town Planning Board (the Board), while ‘Art Studio (excluding those involving direct provision of services or goods)’, ‘Information Technology and Telecommunications Industries’ and ‘Research, Design and Development Centre’ uses are always permitted.

- 1.3 The existing 13-storey IB was completed in 22.3.1972. According to the applicant, the Proposed Scheme is in line with the Chief Executive’s 2018 Policy Address (2018 PA) to encourage wholesale conversion of IBs aged 15 years or above by providing 10% of total GFA for Specified Uses prescribed by the Government upon completion of such conversion works<sup>1</sup>.
- 1.4 The Proposed Scheme will retain the existing building structural frame and there will have no increase in gross floor area (GFA), PR and site coverage (SC) of the existing IB which will remain as 5418.868m<sup>2</sup>, 9.7 and 100% (3/F and below) and 75% (4/F and above) respectively. The subject IB will be converted into a commercial building through alterations and additions works to the internal layouts. The existing cockloft floor will be demolished<sup>2</sup>. The GFA loss resulting from demolition of the cockloft will be recovered by adding a new floor on top of the existing building, rendering an increase in overall BH by 4.8m (i.e. BH increases from 45.72mPD to 50.52mPD) while the total number of storeys, i.e. 13 storeys, remain unchanged. Two new motorcycle parking bays will be provided and loading/unloading (L/UL) facilities for light goods vehicle (LGV) will increase from 3 bays to 5 bays in order to tie in with requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). The existing ingress and egress of the Site at Fu Yiu Kok Street also remain unchanged. Relevant floor/section plans of the Proposed Scheme are shown at **Drawings A-1 to A-8**.
- 1.5 The main uses by floor under the Proposed Scheme (**Drawings A-1 to A-8**) are summarised as follows:

<b>Floor</b>	<b>Proposed Uses</b>
G/F	Eating Place and/or Shop and Services, Parking Spaces and L/UL Spaces, E&M Facilities
1/F to 4/F	Eating Place and/or Shop and Services
5/F to 10/F	Office, Research, Design and Development Centre, Art Studio (excluding those involving direct provision of services or goods) and Information Technology & Telecommunications Industries
11/F to 12/F	Office and Designate Portion for Specified Uses (Research, Design and Development Centre)

- 1.6 In support of the application, the applicant submitted the following documents:
- (a) Application form received on 30.10.2019 (**Appendix I**)
  - (b) Supporting Planning Statement (SPS) received on (**Appendix Ia**)

<sup>1</sup> According to the applicant, the proposed ‘Specified Uses’ to be accommodated in the Designated Portion might include the use of innovation and technology industries in accordance with Lands Administration Office (LAO Practice Note No. 6/2019).

<sup>2</sup> As per the last approved General Building Plan, the existing cockloft floor has an accountable GFA of 183.5 m<sup>2</sup>. The net floor-to-floor height under the structural beam of the cockloft is less than 2m and is considered to be unfavourable for “Eating Place” and “Shop and Services” (**Appendix Ia** refers).

30.10.2019

- (c) Further information (FI) vide letter received on 19.3.2020 (FI1) responding to departmental comments and enclosing revised Traffic Impact Assessment (TIA) and Sewerage Impact Assessment (SIA)<sup>#</sup> (**Appendix Ib**)
- (d) FI2 vide letter received on 19.6.2020 responding to departmental comments and enclosing revised SIA and a chimney survey report <sup>#</sup> (**Appendix Ic**)
- (e) FI3 vide letter received on 7.7.2020 responding to departmental comments and enclosing replacement pages of revised SIA\* (**Appendix Id**)
- (f) FI4 vide letter received on 11.8.2020 responding to departmental comments and enclosing revised SIA, replacement pages of chimney emission report and TIA<sup>#</sup> (**Appendix Ie**)
- (g) FI5 vide letter received on 8.12.2020 responding to departmental comments and enclosing supporting plans of TIA, revised tables of SIA and a parking demand study<sup>#</sup> (**Appendix If**)
- (h) FI6 vide letter received on 15.12.2020 enclosing letter for further clarification regarding the parking provision/arrangement\* (**Appendix Ig**)
- (i) FI7 vide letter received on 28.1.2021 enclosing site photos and a replacement page of the parking demand study\* (**Appendix Ih**)

*Remarks:*

*<sup>#</sup> accepted but not exempted from publication and recounting requirement*

*\* accepted and exempted from publication and recounting requirement*

- 1.7 The application was originally scheduled for consideration by the Committee on 13.12.2019. Upon requested by the applicant, the Committee agreed on 13.12.2019, 17.3.2020, 15.5.2020 and 9.10.2020 to defer making a decision on the application for two months each in order to allow time for the applicants to prepare FI to address departmental and public comments received. With the applicant's FI received on 15.12.2020, the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in at **Appendices Ia** (Section 5 of the SPS refers) to **Ih** and summarised as follows:

#### In Compliance with Government's Policy on Revitalization of IBs

- (a) The proposed wholesale conversion of the existing IB at the Site is in compliance with 2018 PA to better facilitate revitalization of existing IBs in “Commercial” (“C”), “Other Specified Uses” annotated “Business” (“OU(B)”) or “I” zones into non-industrial uses. The Site is eligible to apply to Lands Department (LandsD) for the Special Waiver at a nil waiver fee for wholesale conversion of the existing building. The applicant will designate 10% of the converted GFA for specific policy-driven uses (such as those in relation to innovation and technology industries, etc.) to be decided by the Government, which can fulfil the requirements under the 2018 PA.

#### No Departure from the Planning Intention

- (b) The Proposed Scheme are mainly for commercial, and clean, non-polluting industrial uses with eating places/shop and services uses on the lowest 5 floors and office/clean industrials and other specific uses on the remaining upper floors. Additional commercial, office and clean industrial floor spaces will improve economic efficiency of the existing “I” zone and facilitate revitalisation of the old industrial area in Tsuen Wan.

#### Conformity with Town Planning Board Guideline (TPB PG) No. 25D

- (c) The Proposed Scheme generally meets planning assessment criteria for ‘office’ use in the TPB PG-No. 25D that (i) there is no office building in the subject “I” zone; (ii) the Site is well served by public transport; and (iii) the proposed conversion could help address the existing industrial/residential interface.

#### Efficient Use of Scarce Land Resources

- (d) The existing IB was completed in the early 1970s which did not undergo any layout conversion works across the years. The Proposed Scheme would allow greatest design flexibility and capacity for the potential tenants to make use of the building for various uses for wider land use flexibility and better land use efficiency. The proposed uses are also considered not incompatible with the surrounding land uses.

#### Meeting Local Demand for More Eating Place and Shops and Services

- (e) The Site is situated at Tsuen Wan East Industrial Area (TWEIA). The proposed uses including ‘eating place’ and ‘shop and services’ can serve workers in the area and residents nearby.

#### In Compliance with Fire Safety Code

- (f) The subject IB was built in 1972. Some modern-day standards or requirement in building structure, fire safety, and facility provision in the existing IB could not be met. Taking the opportunity as provided by the Revitalization Scheme, the Proposed Scheme could address the non-compliance issues.

#### No Adverse Traffic/ Environmental/ Sewerage Impact

- (g) Effort is made to explore the possibility of providing more parking spaces. Owing

to tight spaces and site constraints, it is unable to provide L/UL facilities for heavy goods vehicles and increase parking spaces. In view of the under-provision of proposed parking facilities in the Site, a TIA and parking demand study were carried out in order to study the feasibility if the parking provisions in the vicinity could be an alternative/supplementary solution to meet the private car parking demand (**Appendices Ia, Ie, If, Ig and Ih**). Both the TIA and parking demand study demonstrate that sufficient and surplus car parking spaces are available in the adjacent car parks. The short fall of proposed parking facilities can be absorbed and supplemented by surplus unoccupied car parking in the vicinity.

- (h) The submitted SIA also concluded that the proposed conversion will not cause adverse environmental/sewerage impact.

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

The applicant is the sole ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

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

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

## 5. Background

### Area Assessment

5.1 The Site is at the southern part of the TWEIA, which had been zoned “I” since the first statutory plan of Tsuen Wan. In the 2009 Area Assessments of Industrial Land in the Territory (the 2009 Area Assessments), it was recommended to rezone the northern part of the TWEIA for comprehensive residential development with commercial facilities and open space provision to give impetus for land use restructuring and upgrading the Tsuen Wan East area while the southern part of the TWEIA was recommended to retain as “I”. The 2014 Area Assessments further stated that the total industrial stock in Hong Kong would not be able to meet future demand for industrial uses and was recommended retaining the TWEIA, where the Site is located, as “I” zone due to the decreasing vacancy rate of the IBs, their high usage for warehouse/storage use, and the trend of new industrial developments in the area.

### Policy of Revitalisation of IBs

5.2 As set out in the 2018 PA, to provide more floor area to meet Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, new measures to reactivate the revitalisation of IBs are announced. One of the measures is exemption of waiver fees for wholesale conversion of existing IBs aged 15 years or above in “C”, “OU(B)” and “I” zones for uses permitted under the relevant OZPs, with an additional condition that 10% of the converted floor space should be designated for specified uses prescribed by Government, such as those in relation to the arts and cultural sectors, creative industries, innovation and technology industries, social service 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 Site is the subject of an application (No. A/TW/219) for composite industrial-office (I-O) building which was approved with conditions by the Committee on 5.5.1995. Another application (No. A/TW/377) for proposed temporary shop and services (retail shop) at G/F (portion) of the Site was approved with conditions on a temporary basis by the Committee on 23.12.2005 for a period of 3 years. Details and locations of the previous applications are summarised at **Appendix II** and **Plan A-1**.

## 7. Similar Applications

Since the promulgation of previous policy measures to encourage wholesale conversion of old IBs in 2010, there are a total of four similar applications (Application Nos. A/TW/410, A/TW/415, A/TW/431 and A/TW/476) for wholesale conversion for the lifetime of the existing IB within the “I” zone into commercial uses including office, eating place and shop and services. A/TW/431 was rejected upon review on 1.2.2013 mainly for the reason that the relevant IB which was a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, should be utilised properly to support the logistic industry in Hong Kong. The other three

applications (No. A/TW/410, A/TW/415 and A/TW/476) were all rejected on 22.7.2011, 5.8.2011 and 18.3.2016 respectively mainly on the ground that the approval of the applications would set an undesirable precedent for similar applications without provision of sufficient car parking and L/UL facilities, the cumulative impacts of which would result in adverse traffic impacts in the local road network. Details of the similar applications are summarised in **Appendix III** and the location of the sites are shown on **Plan A-1**.

**8. The Site and its Surrounding Areas (Plans A-1 and A-2, and photos on Plans A-3 to A-5)**

8.1 The Site:

- (a) is abutting Fui Yiu Kok Street within the TWEIA;
- (b) is currently occupied by a 13-storey IB with an Occupation Permit issued on 22.3.1972 for workshop use; and

8.2 According to information available in the office, the major uses of the subject building by floor<sup>3</sup> are summarised below:

<b>Floor</b>	<b>Main Uses</b>
G/F	Internal Transport Facilities, Storage and E&M Facilities
Cockloft	Storage
1/F to 11/F	Workshop

8.3 The surrounding areas have the following characteristics:

- (a) the neighbouring buildings to the immediate east, south and west are mainly industrial in TWEIA under active operation;
- (b) to the immediate north across Fui Yiu Kok Street are three commercial and service apartment developments, namely Chelsea Court, H Cube, and Indi Home; and
- (c) is well served by various modes of public transport including bus, public light bus and taxi. MTR Tsuen Wan West Station is located about 600m to the west.

**9. Planning Intention**

9.1 The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are also always permitted in this zone.

---

<sup>3</sup> Drawings A-9 to A-15 showing the existing condition of the subject IB are provided by the applicant (**Appendix Ih**).

- 9.2 As stated in the Explanatory Statement of the OZP, provision of industrial land in Tsuen Wan has been made in conjunction with the industrial land planned for Kwai Chung and Tsing Yi to ensure that sufficient land is set aside for industrial developments to provide employment for the labour force in Tsuen Wan New Town.

## **10. Comments from Relevant Government Departments**

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

### **Policy**

#### 10.1.1 Comments of the Secretary for Development (SDEV):

- (a) Under the current revitalization scheme for IBs announced in the 2018 PA, LandsD will consider valid applications on or before 31.3.2022 for exemption of waiver fees in relation to the wholesale conversion of existing IBs aged 15 years or above in “C”, “OU(B)” and “I” zones for uses permitted under the relevant OZPs, with a condition that 10% of the converted floor space should be designated for specified uses prescribed by the Government. Where a proposed use applied for requires planning permission from the Board, it must be obtained before the relevant special waiver application is submitted to LandsD;
- (b) the applicant has proposed reserving 10% of the converted floor space at part of the 11/F and 12/F for innovation and technology industries. It is noted that some other upper floors may also be put to such always permitted uses as “Arts Studio (excluding those involving direct provision of services or goods)” and “Research, Design and Development Centre”. With this flexibility in the proposal, SDEV supports the application in principle, subject to its compliance with relevant requirements under the new revitalization scheme and departments’ assessments of technical feasibility and planning parameters; and
- (c) 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.

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

- (a) noted that the 2014 Area Assessments released on 11.8.2015 by the Planning Department have revealed that the total industrial stock in Hong Kong would not be able to meet future demand for industrial



uses. The 2014 Area Assessments had also recommended retaining the TWEIA, where the Site is located, as “I” zone due to the decreasing vacancy rate of the IBs, their high usage for warehouse/storage use, and the trend of new industrial developments in the area. As such, he is concerned over the further depletion of industrial premises. It is also noted from the applicant’s submission that the Site is currently used for general industrial/godown uses and the proposed conversion may have impact on the existing operators; and

- (b) nevertheless, in view of the Government’s policy on revitalization of IBs as announced in 2018 PA to meet Hong Kong’s changing social and economic needs and makes better use of valuable land resources, and as it is noted that some clean/non-polluting industries (e.g. “Information Technology and Telecommunication Industries”. “Research, Design and Development Centre”, etc) are proposed to be retained in the proposal, he has no comment on the application.

### **Land Administration**

10.1.3 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KC) and the Chief Estate Surveyor/Development Control (CES/DC), LandsD:

- (a) TWTL 150 (“the Lot”) is governed by New Grant No. 4748 (“the NG”) with a term expiring on 30 June 2047. The Lot, with a site area of 6,015ft<sup>2</sup> (or 558.8m<sup>2</sup>), is restricted to general industrial and/or godown purposes excluding offensive trade. Under S.C. 4 of the NG, no building shall be erected on the Lot except a factory and/or a warehouse, ancillary offices and such quarters as may be required for watchmen or caretakers. Under S.C. 13 of the NG, spaces for parking, loading and unloading of motor vehicles shall be provided at a rate not less than 1 vehicle for each 10,000ft<sup>2</sup> or part thereof of gross floor area or 1 vehicle for each 5,000ft<sup>2</sup> or part thereof of site area, whichever is the greater rate;
- (b) there is no PR, GFA or BH restrictions under the NG;
- (c) according to the latest Land Registry Record, the current registered owner of the Lot is “Panten Investment Limited”;
- (d) the proposed wholesale conversion of an existing IB 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 TD’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. The application will be considered by LandsD 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.;

- (e) 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
- (f) 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 SPS are reserved and will be given until a formal application for a special waiver is submitted to LandsD.

### **Traffic**

#### 10.1.4 Comments of Commissioner for Transport (C for T)

- (a) The applicant via FI (**Appendix Ig**) has clarified his difficulties and site constraints for providing alternative parking system within the Site in order to comply with the requirements for car parking provision as stipulated in the HKPSG.
- (b) In view of the applicant’s demonstrated insurmountable difficulties and site constraints through reasonable means, he has no objection in-principle to the application.

### **Environment**

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

- (a) He has no objection to the application; and
- (b) should the application be approved, the following approval condition and advisory clause are recommended to be incorporated:

#### Approval condition

“Submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.”

#### Advisory clause

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

10.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD)

- (a) He has no objection to the application; and
- (b) should the application be approved, the following approval condition is recommended to be incorporated:

Approval condition

“Implementation of the local sewerage upgrading/sewerage connection works as identified in the updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

**Urban Design and Visual**

10.1.7 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) He has no comment from architectural and visual impact point of view; and
- (b) the proposed development consists of one tower block with a BH of 50.52mPD which complies with the BH restriction in the OZP and may not be incompatible with adjacent developments with BH restriction ranging from 100mPD to 205mPD.

10.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) the proposed in-situ conversion of the subject industrial building to a commercial building would involve a top floor extension, rendering a total BH increase 45.72mPD to 50.52mPD, which is still below the permissible BH of 100mPD; and
- (b) according to the applicant, there is no change in the total GFA/PR of the existing building. Considering the site context and nature of the proposal, she does not have any concern on the application from urban design and visual impact points of view.

**Fire Safety**

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

- (a) He has no objection to the application subject to fire services installations and water supplies for firefighting being provided to the satisfaction of his Department and no industrial related activity or process in the subject building. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans; and

- (b) 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.
- (c) should the application be approved, the following approval condition is recommended to be incorporated:

Approval condition

“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.”

**Building Matters**

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

- (a) He has no objection to the application subject to the following comments under the Buildings Ordinance (BO):
  - (i) the applicant is advised to appoint an Authorized 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.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (d) Project Manager (West), West Development Office, Civil Engineering and Development Department (PM(W), WDO, CEDD); and
- (e) District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD).

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

11.1 During the statutory public inspection periods, a total of 13 public comments (**Appendix IV**) were received, including 2 supporting views from individuals, 8 objecting views from individuals and 3 comments from a resident and representatives of the Incorporated Owners of Chelsea Court (**Plan A-2**).

11.2 The 2 supporting views are that the Proposed Scheme would increase the supply of additional floor space for commercial, retail and office use in the area and encourage the continuity of local businesses and enhancement of community dynamics. The 8 objecting views are mainly on the grounds that approval of the wholesale conversion would (i) increase pedestrian and traffic flows with higher risks to nearby road users; (ii) create adverse impacts on the environment and hygiene with the operation of eating space; (iii) aggravate the existing sewer blockage in the subject IB; and (iv) reduce the supply of industrial floorspace in the TWEIA, thereby increasing rental costs for tenants of the existing IBs. The remaining 3 comments are that they support the proposed conversion to art studios but have reservation on the operation of the proposed eating spaces on G/F due to hygiene, road safety, and traffic noise concerns.

## **12. Planning Considerations and Assessments**

### The Proposal

12.1 The application is for wholesale conversion of an existing 13-storey IB to a 13-storey commercial building comprising eating place, shop and services, office, art studio (excluding those involving direct provision of services or goods), information technology and telecommunications industries and research, design and development centre. About 10% of the GFA (i.e. about 542m<sup>2</sup>) is proposed for specified uses (i.e. ‘Research, Design and Development Centre’) to be

accommodated in the Designated Portion in accordance with 2018 PA to encourage wholesale conversion of old IBs. The Proposed Scheme has a total GFA of about 5419m<sup>2</sup>, PR of 9.7 and BH of not more than 50.52mPD. The proposed development involves demolition of the existing cockloft floor together with the existing external structure and the floor slab. To recover the GFA loss, a new floor is added (**Drawings A-6** and **A-7**) with an increase in BH from 45.72mPD to not more than 50.52mPD while the existing GFA, PR, and SC of the IB remain unchanged. According to the Notes of the OZP of the “I” zone, ‘Eating Place’, ‘Office’ and ‘Shop and Services’ uses are under Column 2 which require planning permission from the Board.

#### Planning Intention and Land Use Compatibility

- 12.2 The planning intention of the “I” zone is to reserve land for general industrial uses to ensure adequate supply of industrial floor space to meet the demand from production-oriented industries. The Site is subject to a maximum BH of 100mPD. While commercial and office nature of the Proposed Scheme is not in line with the planning intention, 3 out of the proposed 6 uses, including ‘Art Studio’, ‘Information Technology and Telecommunications Industries’ and ‘Research, Design and Development Centre’, are always permitted while the remaining 3 uses, i.e. eating place, shop and services and office, may be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the TPB PG-No. 25D. The Proposed Scheme with an increase in BH to not more than 50.52mPD also does not exceed the relevant restriction for the “I” zone under the OZP. The Site is located in the southern part of TWEIA which mainly comprises a cluster of IBs (**Plan A-3**) in active operation. The Proposed Scheme is considered not incompatible with the surrounding land uses.

#### Policy Aspect

- 12.3 Under the 2018 PA, in order 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 the Government. In this regard, the subject IB falls within “I” zone and it was completed over 15 years ago. About 10% of the GFA (i.e. about 542m<sup>2</sup>) will be designated for specified uses under LAO Practice Note No. 6/2019. The Proposed Scheme is in line with Government’s new policy on revitalizing IBs. SDEV indicates policy support to the application.
- 12.4 According to the recommendations of the 2014 Area Assessments, the subject “I” zone in TWEIA is suggested to remain as “I” zone in view of the decreasing vacancy rate of the IBs, their high usage for warehouse/storage use, and the trend of new industrial developments in the area. As the Site is currently used for general industrial/godown uses, the proposed conversion may have impact on the existing operators. While DG of TI is concerned over the depletion of industrial premises, he has no comment on the application in view of the Government’s policy on revitalization of IBs as announced in the 2018 PA to meet Hong Kong’s changing social and economic needs and makes better use of valuable land resources, and noting that some clean/non-polluting industries (e.g. “Information Technology and Telecommunication Industries”, “Research, Design and Development Centre”, etc.) are proposed to be retained in the proposal.

Technical Aspects and TPB Guidelines

- 12.5 Relevant departments, including C for T, DEP, CE/MS of DSD, CBS/NTW of BD, CHE/NTW of HyD, D of FS, and CTP/UD&L of PlanD have no objection to/no adverse comment on the application. Appropriate approval conditions as suggested by relevant departments will be imposed to ensure that the proposed wholesale conversion of the IB will not cause adverse impacts to surrounding areas.
- 12.6 The Proposed Scheme in general meets the Board' Guidelines TPB-PG No. 25D. While the Proposed Scheme will be for commercial uses, some floor space will be allocated for some clean and non-polluting industrial uses. The location of the Site is well served by various modes of public transport including bus, public light bus and taxi. MTR Tsuen Wan West Station is located about 600m to the west (**Plan A-6**). Although there will have under-provision of parking facilities under the Proposed Scheme owing to tight spaces at the Site, the submitted TIA and parking demand study have demonstrated that sufficient and surplus car parking spaces are available from adjacent car parks so that the shortfall of parking facilities at the Site could be compensated by surplus unoccupied car parking in the vicinity. C for T also has no objection to the application in view of site constraints.
- 12.7 To avoid jeopardising the long-term planning intention of the Site, should the Committee decide to approve the application, it is recommended that the approval would be for the lifetime of the building. Upon redevelopment, the Site would need to conform with the zoning and development restrictions on the OZP in force at the time of redevelopment which may not be the same as those of the existing building. An advisory clause would be imposed in this regard.

Similar Applications

- 12.8 Since the promulgation of policy measures to encourage wholesale conversion of old IBs in 2010, there are a total of four similar applications for wholesale conversion for the lifetime of the existing IB within the "I" zone. One of the application (A/TW/431) was rejected on the ground that the relevant IB which was a purposely built and almost fully occupied godown in the proximity of the container terminals in Kwai Chung, should be utilised properly to support the logistic industry in Hong Kong. The remaining 3 applications were rejected mainly on the grounds of insufficient provision of car parking and L/UL facilities in the development. For the subject application, the applicant has demonstrated insurmountable difficulties and site constraints through reasonable means to provide addition car parking spaces and L/UL facilities. Besides, the submitted TIA and parking demand study have demonstrated that sufficient and surplus car parking spaces could be available in the area. Therefore, approval of the application will not be inconsistent with the Committee's previous decisions.

Public Comments

- 12.9 Regarding the concerns raised in the public comments, the planning assessments and departmental comments in paragraph 10 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 5.2.2025, 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 Member's reference:

*Approval conditions*

- (a) 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;
- (b) the submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works as identified in the updated Sewerage Impact Assessment for the proposed development in condition (b) above 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 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

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

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.



**15. Attachments**

<b>Appendix I</b>	Application form received on 30.10.2019
<b>Appendix Ia</b>	SPS received on 30.10.2019
<b>Appendix Ib</b>	FI1 vide letter received on 19.3.2020
<b>Appendix Ic</b>	FI2 vide letter received on 19.6.2020
<b>Appendix Id</b>	FI3 vide letter received on 7.7.2020
<b>Appendix Ie</b>	FI4 vide letter received on 11.8.2020
<b>Appendix If</b>	FI5 vide letter received on 8.12.2020
<b>Appendix Ig</b>	FI6 vide letter received on 15.12.2020
<b>Appendix Ih</b>	FI7 vide letter received on 28.1.2021
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Public comments received during the statutory publication periods
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	G/F and Cockloft Plan (Appendix Ie)
<b>Drawing A-2</b>	1/F and 2/F Plan (Appendix Ia)
<b>Drawing A-3</b>	3/F and 4/F Plan (Appendix Ia)
<b>Drawing A-4</b>	5/F to 10/F Plan (Appendix Ia)
<b>Drawing A-5</b>	11/F and 12/F Plan (Appendix Ia)
<b>Drawing A-6</b>	Roof Plan (Appendix Ia)
<b>Drawing A-7</b>	Section Plan (Appendix Ia)
<b>Drawing A-8</b>	Proposed Vehicular Access (Appendix If)
<b>Drawing A-9 to A15</b>	Site photos provided by the applicant (Appendix Ih)
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4 to A-5</b>	Site Photos
<b>Plan A-6</b>	Pedestrian Access Network in Tsuen Wan

**PLANNING DEPARTMENT  
FEBRUARY 2021**