

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/542

<u>Applicant</u>	Bagnols Limited represented by Llewelyn-Davies Hong Kong Limited
<u>Application Site</u>	Castle Peak Town Lot No. 26, 1 Tin Hau Road, Tuen Mun, New Territories
<u>Site Area</u>	About 2,840m ²
<u>Lease</u>	Castle Peak Town Lot (CPTL) No. 26 (a) Industrial and/or godown purposes or both (excluding any offensive trade declared under the Public Health and Municipal Services Ordinance); (b) Erection of a factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters
<u>Plan</u>	Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
<u>Zoning</u>	"Industrial" ("I") <i>[Restricted to a maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 85mPD, or the plot ratio and building height of the existing building, whichever is the greater]</i>
<u>Application</u>	Proposed Commercial Uses including Office cum Shop and Services/ Eating Place/ Place of Recreation, Sports or Culture/ Art Studio/ Audio-visual Recording Studio/ Design and Media Production/ Research, Design and Development Centre (Wholesale Conversion of an Existing Building)

1. The Proposal

- 1.1 The applicant seeks planning permission for wholesale conversion of an existing 18-storey industrial building (IB) at No. 1, Tin Hau Road, Tuen Mun (the Site) to a commercial building including office, shop and services, eating place, place of recreation, sports or culture; art studio, audio-visual recording studio, design and media production as well as research, design and development centre (**Plan A-1**). The existing IB comprises an eastern tower with 11 storeys and a western tower with 18 storeys.

- 1.2 The Site is zoned “Industrial” (“I”) on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35 (**Plan A-1**). According to the Notes of the OZP of the “I” zone, ‘Office (not elsewhere specified)’, ‘Eating Place (not elsewhere specified)’, ‘Shop and Services (not elsewhere specified)’ and ‘Place of Recreation, Sports or Culture’ uses are under Column 2 which require planning permission from the Town Planning Board (the Board), while ‘Art Studio’ ‘Audio-visual Recording Studio’, ‘Design and Media Production’, and ‘Research, Design and Development Centre’ are always permitted.
- 1.3 According to the applicant, upon conversion, the total GFA will be reduced from an existing GFA of about 30,996.86m² to 29,072.32m² due to conversion of 4/F to ancillary car park which shall be disregarded from GFA and PR calculation.¹ According to the building plans for the existing IB approved by the Building Authority on 5.10.1971, 4/F is for factory use and the GFA has been taken into account in GFA calculation. There is no change to the existing building bulk and the building height (18 storeys, 67.516mPD (at the main roof)). In echo of the Chief Executive’s 2018 Policy Address to encourage revitalisation of IBs aged 15 years of above, about 10% of the GFA (i.e. about 2,907.23m²) will be designated for specified uses, including small-scale studios for arts and cultural practitioners (i.e. ‘Art Studio’ use), workshops for young entrepreneurs in the creative industries (i.e. ‘Office’ and ‘Audio-visual Recording Studio’ and ‘Design and Media Production’ uses), sports and recreational uses (i.e. ‘Place of Recreation, Sports or Culture’ use) as well as incubation space for innovation and technology start-ups (i.e. ‘Office’ and ‘Research, Design and Development Centre’ uses).
- 1.4 Comparison of the development parameters and provision of internal transport facilities of the existing IB and the current proposal are as follows:

Major Development Parameters	Existing IB	After Conversion
Site Area	About 2,840m ²	About 2,840m ²
Total Non-Domestic GFA	About 30,996.86m ²	About 29,072.32m ² <ul style="list-style-type: none"> • Office: About 7,623m² • Eating Place, Shop and Services, Place of Recreation, Sports or Culture, ‘Designated Portion’ for ‘Specified Uses’#: About 20,441m² • Ancillary uses (for facilities such as E&M and plant rooms): 1,008m²
Plot Ratio	Not more than 10.914	Not more than 10.236
Site Coverage	77.3%	77.3%
Building Height	About 67.516mPD	About 67.516mPD

¹ GFA concessions, exemptions and non-accountable GFA (including ancillary car park) claimed or as may be claimed by the applicant are subject to the Building Authority (BA)’s approval at building plan submission stage.

	(at the main roof)	(at the main roof)
Total no. of storeys	18	18
• Internal Transport Facilities		
• Private car parking spaces	18	122
• Motorcycle parking space	0	6
• Loading/Unloading (L/UL) – Light goods vehicle (LGV) bays	0	19
Heavy goods vehicle (HGV) bays	17	0

About 10% of the GFA (i.e about 2,907.23m²) will be designated for specified uses

1.5 The main uses by floor in the proposed development is summarised below:

Floor	Main Uses	
G/F	Entrance lobby, eating place/ shop and services, ancillary car park and L/UL areas	
1/F to 3/F	Eating place/ shop and services	
4/F	Ancillary car park	
	Eastern Tower	Western Tower
5/F to 9/F	Office/ Shop and Services/ Place of Recreation, Sports and Culture	Designated portion (for uses such as art studio/ audio-visual recording studio/ design and media production/ information technology and telecommunications industries/ research, design and development centre)
10/F	Office	Office
11/F-17/F	-	Office

1.6 The vehicular run-in/out point of the development is located at San Hop Lane (**Drawing A-10**). The floor plans and section plan of the proposed development submitted by the applicant are at **Drawings A-1 to A-9**. The proposed development is anticipated to be completed in 2022.

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

- (a) Application form received on 24.6.2019 **(Appendix I)**
- (b) Supplementary Planning statement **(Appendix Ia)**
- (c) Applicant's letter dated 21.6.2019 providing replacement pages of the supplementary planning statement **(Appendix Ib)**

- (d) Applicant's letter dated 4.7.2019 providing clarification on the proposed uses **(Appendix Ic)**
 - (e) Further Information (FI) received on 13.9.2019 providing responses to departmental comments and enclosed with revised Traffic Impact Assessment (TIA) Sewerage Impact Assessment (SIA), and architectural drawings **(Appendix Id)**
[The FI was accepted but not exempted from publication and recounting requirements.]
 - (f) FI received on 8.11.2019 providing responses to departmental comments and replacement pages of Environmental Review (ER), SIA and TIA **(Appendix Ie)**
[The FI was accepted and exempted from publication and recounting requirements.]
 - (g) FI received on 16.12.2019 providing responses to departmental comments **(Appendix If)**
[The FI was accepted and exempted from publication and recounting requirements.]
 - (h) FI received on 23.12.2019 providing response to departmental comments **(Appendix Ig)**
[The FI was accepted and exempted from publication and recounting requirements.]
- 1.8 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2019 and 1.11.2019. On 16.8.2019 and 1.11.2019, the Committee agreed to defer making a decision on the application for a total of four months (two months in each deferment) as requested by the applicant in order to address the comments from relevant Government departments. Subsequently, the applicant submitted FI on 13.9.2019, 8.11.2019, 16.12.2019 and 23.12.2019 **(Appendices Ie to Ig)**. The application is scheduled for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 7 of the planning statement **(Appendix Ia)**. They can be summarised as follows:

- (a) The proposal is in line with the Government's policy initiatives to encourage wholesale conversion of IBs aged 15 years or above. Some of the proposed commercial uses require prior planning permission from the Board before application to the Lands Department for exemption on the waiver fees for wholesale conversion. The applicant therefore seeks planning approval for in-situ wholesale conversion of the subject building from industrial to commercial use with dedication of 10% of GFA for specified uses. The Site is wholly owned by the applicant. Upon approval of the application, the applicant could

implement the proposed development in due course so as to ensure timely completion to provide commercial uses in the area.

- (b) The proposed dedication of 10% of GFA for small-scale studios for arts and cultural practitioners, workshops for young entrepreneurs in the creative industries, sports and recreational uses and incubation space for innovation and technology start-ups is in response to government's call to support the development of the art and cultural sector, creative industries and sports and recreational sector in Hong Kong.
- (c) There is a decrease in the use of the "I" zone in Tuen Mun for manufacturing/workshop over the years with reference to the Area Assessment of Industrial Land in the Territory conducted in 2005, 2008 and 2014. On the contrary, the use of the "I" zone for office and other uses (including shop and services, eating places etc.) has increased over the same period. Through wholesale conversion, the subject building would be revitalised for commercial use to respond to the market demand for more commercial space. It would also serve the needs of the users in the surrounding area and provide diverse employment opportunities to the locality.
- (d) The proposed commercial uses at the Site will be compatible with the surrounding land uses, which are mainly occupied by "Residential (Group A)" ("R(A)"), "Government, Institution or Community" ("G/IC"), "Other Specified Uses" annotated "Business" ("OU(B)"), "Commercial" ("C") and "Comprehensive Development Area" ("CDA"). It will also be compatible with the remaining "I" zone with two approved applications (Nos. A/TM/424 and A/TM/464) within the same street block for wholesale conversion of IBs for commercial uses (office, shop and services, eating place and private club). The proposed wholesale conversion could act as a buffer between the riverside open space to the east and the remaining "I" zone to the west.
- (e) The Site is conveniently accessible via public transport services with the West Rail Tuen Mun Station and Light Rail Station located within 100m to the Site. The riverside open space along the Tuen Mun River Channel also connects the Site with the neighbouring industrial areas and residential development. The excellent accessibility of the Site makes it an ideal location for accommodating commercial uses to the benefit of diverse users.
- (f) Approval of the current application will not be a precedent as the Board has already approved a number of similar applications for wholesale conversion of IBs for commercial uses in the industrial area of Tuen Mun.
- (g) Technical assessments conducted for the proposed development concluded that the proposal is sustainable from all the major aspects, including traffic and environmental. The proposed sewer upgrading works under the approved planning application (No. A/TM/464) in the vicinity of the Site is expected to be completed before the population intake of the proposed development. If the required upgrading works is not completed/ undertaken by other parties, the applicant will follow up/ undertake the upgrading works to ensure that the upgraded sewer is available prior to the population intake.

- (h) The proposed development is generally in line with the Town Planning Board Guidelines on Use/Development within “I” Zone (TPB-PG No. 25D) in that the location of the proposed development is easily accessible to public transport facilities; there is a genuine need in the provision of office and other commercial floor space; there is a decline in the use of the “I” zone for manufacturing/workshop uses; the proposed development will enhance the general amenity and environment by the riverside open space; the latest Code of Practice for Fire Safety will be duly observed and complied with; and the proposed development would not affect the traffic conditions in the local road network.

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

TPB PG-No. 25D (**Appendix II**) is relevant to this application. Although the current application is for wholesale conversion of an IB to commercial building including office, shop and services, eating place etc., the following main planning criteria for a proposed development of office building are also 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.
- (d) There should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department.

5. Background

Area Assessment

- 5.1 Industrial area in Tuen Mun is mainly located in Areas 9, 12 and 16 in Tuen Mun Central. According to the Area Assessments for Industrial Land in the

Territory in 2014 (2014 Area Assessments), the total area of “I” zone in the Tuen Mun Areas 9, 12 and 16 has decreased from about 39.33ha to 29.61ha (-9.72ha) as compared with the last round of exercise (i.e. 2009 Area Assessments). The decrease included rezoning areas from “I” in Area 9 (about 9.65ha) to “CDA(1)”, “CDA(2)”, “OU(B)” and “C(1)” zones in March 2012 which was based on the recommendations in the 2009 Area Assessments and one “I” site in Area 12 (about 0.07ha) was rezoned to “C(1)” in May 2014 according to the Board’s approval to a section 12A application in March 2013. In view of the low and decreasing vacancy of the IBs in the area and their high usage for industrial use, it is recommended to retain the area as “I”.

Policy of Revitalisation of IBs

- 5.2 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 “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 facilities, or sports and recreational uses, etc. Application for special waiver should be received by Lands Department on or before 31.3.2022.

6. Previous Application

The Site is not the subject of any previous application for wholesale conversion.

7. Similar Applications

- 7.1 Since the promulgation of policy measures to encourage wholesale conversion of old IBs in 2010, there are nine similar applications for wholesale conversion for the lifetime of the building within the same “I” zone in Area 12 or an area zoned “I” or previously zoned “I” in Area 9 of Tuen Mun (Application Nos. A/TM/403, 413, 420, 424, 464, 478, 481, 482 and 483).² These applications were approved with conditions between 2011 and 2016 by the Committee.
- 7.2 These applications were for wholesale conversion of existing IBs into commercial uses including office with or without shop and services/eating place or private club. They were approved mainly on grounds including the proposed uses not incompatible with the adjacent land uses; the development meeting TPB PG-No. 25D; the development meeting the Government policy to encourage the conversion of IBs introduced in 2010; and the proposed use not having adverse traffic and / or environmental impacts. Details of these applications are summarised in **Appendix III** and the location of the sites are

² The application site for Nos. A/TM/413 and 420 were zoned “I” at the time of section 16 application (i.e. 2011). The applications were approved by the Committee on 19.8.2011 and 20.5.2011 respectively. The Sites were rezoned from “I” to “C(1)” under the draft Tuen Mun OZP No. 29 in 2012 based on the recommendations in Area Assessment 2009.

shown on **Plan A-1**.

8. **The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Site is:

- (a) located at the northeastern corner of Tuen Mun Industrial Area 12 bounded by Pui To Road to its north and Tin Hau Road to its west (**Plans A-1 to A-3**);
- (b) currently being occupied by an IB of 18 storeys known as Playmates Factory Building, which was completed in 1977 (for stage I) and 1981 (for stage II). It consists of a podium with two towers on top, namely the 11-storeys eastern tower and 18-storeys western tower; and
- (c) has the following existing uses:

Floor	Main Uses	
G/F	Car park	
1/F to 3/F	Warehouse	
4/F	Warehouse & Office	
	Eastern Tower	Western Tower
5/F to 10/F	Warehouse & Office	Warehouse
11/F – 14/F	-	Vacant
15/F	-	Office
16/F – 17/F	-	Vacant

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate south is a mix of IBs (i.e. Mai Kei Industrial Building and No. 3 Tin Hau Road) and commercial developments i.e. A Sun Plaza and Gold Sun Industry Building, which are being converted for the approved uses (**Plan A-2**);³
- (b) to its west across Tin Hau Road is a cluster of industrial buildings (**Plans A-1 and A-3**);
- (c) to its east is Pui To Road Rest Garden and Tuen Mun River Channel. To the further east about 60m are West Rail Tuen Mun Station and Tuen Mun LRT Station (**Plan A-3**); and
- (d) to its north across Pui To Road is Tuen Mun Industrial Area 9 with a cluster of IBs with some GIC facilities (**Plan A-2**).

³ They were the subject of planning applications (Nos. A/TM424 and 464) for wholesale conversion of existing industrial buildings to office/ office cum shop & services, private club and eating place, approved with conditions by the Committee on 20.1.2012 and 19.6.2015 respectively. The buildings are being converted for the approved uses.

9. Planning Intention

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.

10. Comments from Relevant Government Departments

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

Policy

10.1.1 Comments of Secretary for Development, Development Bureau:

- (a) Under the new revitalisation scheme for IBs announced in the 2018 Policy Address, Lands Department (LandsD) will consider valid applications with exemption of waiver fees received on or before 31.3.2022 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 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 designating 10% of the converted floor space at part of 5/F to 9/F to such uses as for small-scale studios for arts and cultural practitioners (covered by ‘Art Studio’ use), workshops for young entrepreneurs in the creative industries (covered by ‘Office’ and ‘Audio-visual Recording Studio’ and ‘Design and Media Production’ uses), sports and recreational uses (covered by ‘Place of Recreation, Sports or Culture’ use), as well as incubation space for innovation and technology start-ups (covered by ‘Office’ and ‘Research, Design and Development Centre’ use). Based on the information given, he considers the proposed floor locations and designated uses acceptable in serving the policy objective to support relevant sectors. In this regard, he recommends the s.16 application for approval by the Board, subject to its compliance with relevant requirements under the new revitalisation scheme and departments’ assessments of technical feasibility and planning parameters. The exact designated use(s) and parameters about the 10% designated floor space will be determined by his Bureau in consultation with relevant parties after LandsD has received the IB owner’s application for a special waiver for wholesale conversion. 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) He has no comment on the application in view of the Government's policy on revitalisation of IBs as announced in Policy Address 2018 to meet Hong Kong's changing social and economic needs and that it will make better use of valuable land resources.
- (b) Nevertheless, he notes that the 2014 Area Assessments released on 11 August 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 Tuen Mun Areas 9 and 12 as 'Industrial' area, where the subject IB is located, as "I" zone due to the low and decreasing vacancy rate of the IBs and their high usage for warehouse/ storage use. The subject IB under the current application is currently used for general industrial and storage uses, hence, the proposed conversion may have impact on the existing operators.

Land Administration

10.1.3 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) and the Chief Estate Surveyor/ Special Duties, LandsD:

- (a) The subject building, namely Playmates Factory Building, is erected on Castle Peak Town Lot No. 26 ('the Lot') which is held under New Grant No. 1554. The Lot is subject to the following salient lease conditions:
 - (i) user: industrial and/or godown purposes (excluding any offensive trade declared under the Public Health and Municipal Services Ordinance); and
 - (ii) type of building: erection of a factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters.
 - (iii) Requirements for parking, loading and unloading of vehicles:
 - at the rate of not less than one vehicle for each 10,000 square feet or part thereof of GFA, excluding any floor area to be used for this purpose, of any building erected on the lot or at the rate of not less than one vehicle for each 5,000 square feet or part thereof of the site area, whichever rate provides the greater amount of such space;
 - of the space provided for parking, loading and

unloading, one half shall be used for parking of private cars and light vans and one half for the parking, loading and unloading of lorries; and

- of the space provided for lorries two-third shall be used for parking and one-third for simultaneous loading and unloading.

(iv) Vehicular access is not permitted at the boundaries of the Lot fronting Pui To Road and Tin Hau Road.

(b) The applicant seeks the permission of the Board for wholesale conversion of an existing industrial building to a commercial development comprising offices cum shop and services/ eating place/ place of recreation, sports or culture/ art studio/ audio-visual recording studio/ design and media production/ research, design and development centre.

(c) The proposed uses do not comply with the lease conditions. According to paragraph 3.1.2 of the planning statement (**Appendix Ia**), it is noted that subsequent application for a special waiver for wholesale conversion may be made. If the applicant wishes to apply for a special waiver for wholesale conversion of the existing building upon approval of the planning application by the Board, he should note and observe the Lands Department Practice Note No. 6/2019, which sets out detailed arrangements (including requirements and conditions) on the application for special waiver for conversion of an entire existing building. The proposal would only be considered upon receipt of formal application from the applicant. The applicant should note that there is no guarantee that the application, if received by his department, will be approved and he reserves comment on such. The application will be considered by his 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 administrative fee.

Traffic

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

- (a) He has no objection to the application subject to the applicant's implementation of the proposed traffic management measures including those to ensure the proper management and operation of the double deck mechanical parking spaces.
- (b) An approval condition requiring the applicant to submit the design and to provide parking facilities, loading/unloading spaces, vehicular access and measures to restrict HGV from accessing the proposed development to the satisfaction of the C for T or of the

Board is recommended.

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

- (a) The proposed traffic access arrangement should be commented by TD.
- (b) If any traffic improvement works are considered necessary by TD (including but not limited to widening of footpath, addition/modification to crossing facilities, etc.) due to applicant's proposal, they should be implemented by the applicant at his own costs to the satisfaction of TD and HyD.

Environment

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

- (a) He has no adverse comment on the application.
- (b) According to the application, the proposed conversion will not involve changes to the existing building bulk. All the proposed uses within the proposed development will be equipped with central air-conditioning system and well gasketed windows. The proposed uses will not rely on openable windows for ventilation under normal circumstances, but would only be opened for maintenance and in case of emergency. The location and height of the fresh air intake will be located with sufficient buffer distance with the roads and chimney exits as stipulated in the HKPSG.
- (c) According to the applicant's SIA, the existing sewerage system is insufficient to cater for the sewage generated from the proposed development. The applicant proposed to upgrade the existing sewer between manholes FMH1021204 and FMH1016481 as diameter 375mm new pipe while the existing sewer between manholes FMH1021204 and FMH1016481 would be upgraded as diameter 450mm new pipe by the applicant of another planning application (No. A/TM/464).
- (d) Noting that the applicant will undertake the sewer upgrading works proposed under No. A/TM/464 if the upgrading works is not completed by other parties, he has no comment on the SIA. Should the application be approved, approval condition on submission of sewer upgrading proposal is recommended.

Drainage and Sewerage

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

He has no objection to the application subject to imposition of the following approval conditions:

- (a) Submission of a drainage proposal for the development and implementation and maintenance of the drainage facilities proposed in the drainage proposal to the satisfaction of his department; and
- (b) implementation of sewer upgrading proposal to the satisfaction of his department.

Fire Safety

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

- (a) He has no objection in-principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction to his Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) No details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his Department at the present stage. Nevertheless, 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 administrated by the Buildings Department (BD).

Building Matters

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

- (a) Carparking spaces, loading & unloading lay-by may be disregarded from GFA 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 Site, prior approval and consent of the Building Authority 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) For UBW erected on the leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an

acceptance of any existing building works or UBW on the Site under BO.

- (d) If the proposed use under application is subject to the issue of a licence, the area intended 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 at the building plan submission stage.

District Officer's Comments

10.1.10 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

She had distributed consultation letters to the locals concerned and understood that they would provide their comments (if any) to the Board direct.

Others

10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

He has no adverse comments on the application and his detailed comments are in **Appendix IV**.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Electrical and Mechanical Services; and
- (e) Project Manager (West), West Development Office, Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Period

The application and the subsequent FI submitted by the applicant were published for public comments on 9.7.2019 and 20.9.2019. One public comment was received indicating support to the application as more local shops and eating places will be introduced to the area (**Appendix V**).

12. Planning Considerations and Assessments

12.1 The application is for wholesale conversion of the existing IB on the Site to a commercial building comprising office, shop and services, eating place, place of

recreation, sports or culture, art studio, audio-visual recording studio, design and media production as well as research, design and development centre. There is no change to the existing bulk and building height (18 storeys, 67.516mPD (at the main roof)). Upon conversion, the total GFA will be reduced from about 30,996.86m² to about 29,072.32m² due to conversion of 4/F to ancillary car park which shall be disregarded from GFA and PR calculation as claimed by the applicant. 10% of the GFA (i.e. about 2,907.23m²) will be designated for specified uses under the Practice Note No. 6/2019 issued by LandsD on 'Application for Special Waiver for Conversion of an Entire Existing Industrial Building' (LAO Practice Note No. 6/2019), including small-scale studios for arts and cultural practitioners, workshops for young entrepreneurs in the creative industries, sports and recreational uses, and incubation space for innovation and technology start-ups.

- 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 proposed uses, including 'Art Studio', 'Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)', 'Research, Design and Development Centre' are always permitted while 'Office', 'Eating Place', 'Shop and Services' and 'Place of Recreation, Sports or Culture' uses 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.
- 12.3 The Site is located on the eastern edge of Tuen Mun Area 12 which comprises a cluster of industrial buildings with some commercial developments and open space (**Plans A-2 and A-3**). To its north west across Pui To Road is Tuen Mun Area 9 which is also an industrial area (**Plans A-3**). The proposed development is considered not incompatible with the surrounding land uses.
- 12.4 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" zone, and 10% of the converted floor space should be designated for specified uses prescribed by 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 2,907.23m²) will be designated for specified uses under LAO Practice Note No. 6/2019. The proposed development is in line with Government's new policy on revitalising IBs. DEVB indicates policy support to the current application.
- 12.5 The Site falls within the Tuen Mun Area 12 mainly for industrial use. According to the recommendations of the 2014 Area Assessments, the subject "I" zone is suggested to remain as "I" zone in view of the low and decreasing vacancy of the industrial buildings in the area and the high usage for industrial use. The current proposal will reduce the floor space for industrial use in the area and affect the existing operators of the subject IB. DG of TI has no comment on the application in view of the Government's policy on revitalisation of IBs as announced in Policy Address 2018 to meet Hong Kong's changing social and economic needs and it will make better use of valuable land resources.

- 12.6 Relevant departments, including C for T, DEP, CE/MN,DSD, CBS/NTW of BD, CHE/NTW of HyD, D of FS, and CTP/UD&L of PlanD have no adverse comment on / objection to the application. Appropriate approval conditions as suggested by relevant departments will be imposed to ensure that the proposed wholesale conversion of the industrial building will not cause adverse impacts to the surrounding area.
- 12.7 The proposed development in general meets the Board's Guidelines TPB-PG No. 25D in that the location of the proposed development is easily accessible to public transport facilities including Tuen Mun MTR station, Tuen Mun LRT station and a number of bus routes on the major roads surrounding the application site. Also, the provision of parking and loading/unloading facilities has met the minimum requirements of HKPSG. Within the same "I" zone or the adjacent "I" zone near the Tuen Mun town centre, a number of applications for wholesale conversion of existing industrial buildings for commercial uses including office use, shop and services, eating place or private club have been approved since 2011 by the Committee, demonstrating that there is a market need for such commercial / office uses in the area.
- 12.8 In order not to jeopardise the potential 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 buildings. An advisory clause would be imposed in this regard.
- 12.9 The Committee has previously approved nine similar applications for wholesale conversion for the lifetime of the building within the same "I" zone in Area 12 or an area zoned "I" or previously zoned "I" in Area 9 of Tuen Mun (**Plan A-1**). They were approved mainly on grounds including that the proposed uses not incompatible with the adjacent land uses; the development meeting TPB PG-No. 25D; the development meeting the Government policy to encourage the conversion of IBs introduced in 2010; and the proposed use not having adverse traffic and / or environmental impacts. The approval of the current application will be in line with the Committee's previous decisions.
- 12.10 There is one supporting public comment.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment 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 3.1.2024, 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 also suggested for Members' reference:

Approval conditions

- (a) to submit the design and to provide parking facilities, loading/unloading spaces, vehicular access and measures to restrict heavy goods vehicles from accessing the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a drainage proposal for the proposed development and the maintenance of the drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of sewer upgrading proposal for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of sewer upgrading proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the design and provision of fire service installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the 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

Appendix I	Application Form with attachments received on 24.6.2019
Appendix Ia	Supplementary Planning statement
Appendix Ib	Applicant's letter dated 21.6.2019
Appendix Ic	Applicant's letter dated 4.7.2019
Appendix Id	FI dated 13.9.2019
Appendix Ie	FI dated 8.11.2019
Appendix If	FI dated 13.12.2019
Appendix Ig	FI dated 23.12.2019
Appendix II	Town Planning Board Guidelines on Use/Development within "I" Zone (TPB PG-No. 25D)
Appendix III	Details of Similar Applications
Appendix IV	Detailed Departmental Comments
Appendix V	Public Comment
Appendix VI	Advisory clauses
Drawings A-1 to A-8	Floor Plans submitted by the applicant
Drawing A-9	Section Plan submitted by the applicant
Drawing A-10	Proposed parking provision, ingress & egress for pedestrians and vehicles
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2020**