

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/528

- Applicant** : Master Arch International Limited represented by KTA Planning Limited
- Premises** : Workshop A, G/F, Wong's Factory Building, 368-370 Sha Tsui Road,
Tsuen Wan
- Floor Area** : About 52.4m²
- Lease** : Tsuen Wan Town Lot (TWTL) 126 (New Grant No. 4697)
(about 1,765m²)
(a) to expire on 30.6.2047
(b) restricted to industrial and/or godown purposes, excluding offensive trades
- Plan** : Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/34
- Zoning** : "Comprehensive Development Area (3)" ("CDA(3)")

(a) total maximum plot ratio (PR) restriction of 5.0, of which a minimum PR of 4.5 shall be for domestic use
(b) maximum building height (BH) of 100 metres above Principal Datum
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed 'Shop and Services' use. The Premises occupies Workshop A¹ on G/F of an existing industrial building (IB), namely Wong's Factory Building (the subject building), which falls within an area zoned "CDA(3)" on the draft Tsuen Wan OZP No. S/TW/34 (**Plan A-1**). According to the Notes of the OZP for "CDA" zone, 'Shop and Services' is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The existing¹ and proposed G/F plans submitted by the applicant, are at **Drawings A-1** and **A-2** respectively. The applicant has not indicated the

¹ Workshop A is shown on the set of building plan submission approved by the Building Authority on 25.5.2021 (**Drawing A-1**).

exact use of the proposed shop and services.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 26.8.2021 (Appendix I)
- (b) Supporting Planning Statement (SPS) received on 26.8.2021 (Appendix Ia)
- (c) Further information (FI) received on 24.9.2021 providing responses to departmental comments* (Appendix Ib)
- (d) FI received on 5.10.2021 providing supplementary information* (Appendix Ic)

Remarks:

** accepted and exempted from publication and recounting requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in **Appendix Ia** and are summarised as follows:

- (a) the Premises only occupies a small portion of G/F of the subject building. The proposed development is expected to exist during the lifetime of the building only and would not jeopardise the future implementation of the planning intention of “CDA(3)” zone;
- (b) the convenient location of the Premises is desirable for shop and services use serving residents nearby;
- (c) the Premises is small in size. The fire safety concern will be properly addressed by equipping with sprinkler system. The Premises is the only available space on G/F of the subject building to be converted for non-industrial use and thus cumulative impact is not anticipated; and
- (d) The Premises has easy access to car parking and loading/unloading (L/UL) area within the subject building. The operation of the proposed development will not affect traffic along Sha Tsui Road.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines (TPB PG-No. 18A) for “Submission of Master

Layout Plan (MLP) under section 4A(2) of the Town Planning Ordinance” promulgated in September 2003 is not applicable to this application as according to the Guidelines, submission of MLP and supporting information including various detailed assessments is not required for an application for change of use in an existing building within a “CDA” zone (irrespective of whether building works are undertaken) before completion of comprehensive development in the “CDA” zone, unless it is considered necessary by relevant Government departments.

5. Previous Applications

There is no previous application at the Premises.

6. Similar Application

There is no similar application for permanent ‘Shop and Services’ use in respect of the subject building or IBs within other “CDA” zones.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2 and photos on Drawing A-3 and Plans A-3 to A-4)

7.1 The Premises:

- (a) is located at G/F of the subject building, i.e. Wong’s Factory Building, with direct shop frontage at Sha Tsui Road; and
- (b) is bounded by two pedestrian accesses to the lift hall on both sides and the lift hall itself at the back. The remaining G/F area is mainly the carpark and L/UL area with plant rooms/E&M facilities.

7.2 The subject building has the following characteristics:

- (a) is a 24-storey IB completed in 1975 and is currently under renovation. According to the building plan approved on 9.2.2021, the PR of the IB is 14.98;
- (b) is equipped with a sprinkler system;
- (c) is located at the northern part of Tsuen Wan East Industrial Area (TWEIA); and
- (d) is currently vacant.

7.3 The surrounding areas of the subject building have the following characteristics:

- (a) to its immediate south, southwest and west within the same “CDA(3)” zone are all IBs namely Edward Wong Industrial Centre (which has been

demolished recently), 1 Wang Wo Tsai Street and Bosun Industrial Building;

- (b) to the west just outside the “CDA(3)” zone at Sha Tsui Road is Fortune Commercial Building, a 22-storey commercial/office development with retail shops on G/F under “Commercial (5)” (“C(5)”) zone;
- (c) to the north across Sha Tsui Road is New Haven, a residential development under “Residential (Group A)10” zone;
- (d) to its immediate east and further east are Wang Wo Tsai Street Garden and Sheung Chui Court which are zoned “Open Space” and “Residential (Group 19)” respectively; and
- (e) to the south and southeast across Wang Wo Tsai Street and further southeast are mainly IBs in TWEIA under “CDA(5)”, “CDA(6)” and “CDA(4)” zones.

8. Planning Intention

The “CDA(3)” zone² is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure, visual impact, air ventilation and other constraints.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within TWTL No. 126 (the Lot) which is

² The “CDA(3)” zone is the subject of three planning applications for comprehensive residential developments, including: (1) Application No. A/TW/452 (the approved scheme) for a proposed comprehensive residential development was approved by the Metro Planning Committee (the Committee) on 16.1.2015; (2) Application No. A/TW/519 for amendments to the approved scheme with changes in layout/flat numbers but without changing PR and BH was rejected by the Committee on 18.12.2020 on grounds that the applicant failed to demonstrate that the proposed amendments to the approved MLP would not adversely affect the design merits of the approved MLP. There was insufficient planning and design merits to support the proposed amendments to the approved MLP. The applicant applied for a review of the decision of the Committee on 12.1.2021. On 20.8.2021, the Committee deferred making a decision on the review, as requested by the applicant; and (3) Application No. A/TW/527 for amendments to the approved scheme with changes in layout and an increase in PR/BH/flat numbers. On 24.9.2021, the Committee agreed to defer making a decision on the application, as requested by the applicant.

held under New Grant No. 4697 (the New Grant) with a term expiring on 30.6.2047. The Lot is restricted to general industrial and/or godown purposes excluding offensive trades. 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 who, in the opinion of the Commissioner of Labour, are essential to the safety and security of the buildings. According to the recent Land Registry record, the current registered sole owner of the Lot is “Master Arch International Limited”; and

- (b) the proposed ‘Shop and Services’ use is not permissible under the New Grant. If planning approval is given by the Board, the owner of the Premises will need to apply to LandsD for a temporary waiver for implementation of the proposed ‘Shop and Services’ use. There is no guarantee that the application will be approved. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee. Currently, no waiver application for the above proposal has been received by LandsD.

Building Matters

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

- (a) no objection to the application;
- (b) the applicant should be reminded that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) adequate sanitary fitments should be provided to the subject premises; and
- (d) detailed comments will be given in the building plan submission stage.

Fire Safety

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

- (a) no in-principle objection to the application subject to:
 - (i) fire service installations and equipment being provided

to the satisfaction of his department. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans; and

- (ii) means of escape separated from the industrial portion is available for the Premises.
- (b) the building is provided with a sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 460m² in accordance with TPB PG-No. 22D. The proposed use should be counted up to the aggregated commercial floor area;
- (c) regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and
- (d) the applicant is advised to note the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” if the application is approved.

Traffic

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

As there are adequate car parking and L/UL facilities provided within the subject building, the traffic impact arising from the proposed shop and services (i.e. one non-domestic use workshop of approximate 52m²) at the Premises is anticipated as insignificant. He has no objection to the application from traffic management point of view.

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

- (a) Director-General of Trade and Industry (DG of TI);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Services Department (CE/C, WSD);
- (e) Commissioner of Police (C of P);
- (f) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (h) District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD).

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, no public comment has been received.

11. Planning Considerations and Assessments

- 11.1 The subject building where the Premises falls is zoned “CDA(3)”, which is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. Although the concerned “CDA(3)” is the subject of an approved application for a proposed comprehensive residential development², the proposed development would only exist during the lifetime of the subject building and would not jeopardise the long term planning intention of the “CDA” zone. Notwithstanding this, the Premises could be utilised to provide shop and services use in the interim.
- 11.2 The proposed ‘Shop and Services’ use is small in size (52.4m²) and is considered not incompatible with other uses on the remaining area of G/F mainly for carpark use, or the other uses to be accommodated in the same IB mainly comprising workshops. It would not induce adverse fire safety, traffic and infrastructural impacts on the developments within the subject building and adjacent areas. Relevant Government departments including C for T, DEP, CE/MS, DSD and CE/C, WSD have no comment on/no objection to the application. D of FS also has no objection to the application subject to the imposition of approval conditions as set out in paragraphs 12.2(a) to (c) below.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.10.2025, 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 Members’ reference:

Approval Conditions

- (a) the submission and implementation of fire service installations before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the provision of means of escape separated from other industrial portions before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (c) if any of the above planning conditions (a) or (b) is not complied with before operation of the proposed use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

13 Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14 Attachments

Appendix I	Application form received on 26.8.2021
Appendix Ia	SPS
Appendix Ib	FI received on 24.9.2021
Appendix Ic	FI received on 5.10.2021
Appendix II	Recommended advisory clauses
Drawing A-1	Existing G/F Plan
Drawing A-2	Proposed G/F Plan
Drawing A-3	Photo of the Premises
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**