

**APPLICATION FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TW/542**

<b><u>Applicant</u></b>	Flourish Marketing Communications Limited
<b><u>Premises</u></b>	Workshop No.52, G/F, Wing Fung Industrial Building, 40-50 Sha Tsui Road, Tsuen Wan
<b><u>Total Floor Area of Premises</u></b>	About 36.2m <sup>2</sup>
<b><u>Lease</u></b>	Tsun Wan Inland Lot 30 (Conditions of Sale No. UB5105) (a) To be expired on 30.6.2047 (b) Restricted to industrial purposes
<b><u>Plan</u></b>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/37
<b><u>Zoning</u></b>	“Other Specified Uses” annotated “(Business)” (“OU(B)”)  (a) maximum plot ratio (PR) of 9.5 (b) maximum building height (BH) of 100 metres above Principal Datum (mPD)
<b><u>Application</u></b>	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Real Estate Agency)’ for a period of 3 years (**Plans A-1 and A-2**). According to the Notes of the OZP for Schedule II of the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services’ on G/F is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises located on G/F of the subject industrial building (IB) fronting Sha Tsui Road (**Plans A-2 and A-4**) has a floor area of about 36.2m<sup>2</sup> and is currently occupied by a real estate agency. It is the subject of three approved applications submitted by the same applicant for the same temporary use with the latest permission valid until 3.7.2024 (**Plan A-1**). There is no change in the development scheme compared with that under the latest permission. The floor plan and fire services layout plan of the Premises are shown in **Drawings A-1 and A-2** respectively.
- 1.3 In support of the application, the applicant submitted an application form with plans

including fire service layout plan on 27.5.2024 (**Appendix I**).

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

The justifications put forth by the applicant in support of the application are detailed in the submitted application form at **Appendix I**, and are summarised as follows:

- (a) there are only limited ground floor spaces in buildings in the vicinity for commercial uses; and
- (b) the premises is easily accessible which would facilitate real estate deals.

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

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent from the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

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

The Town Planning Board Guidelines No.22D for Development within “OU(B)” Zone (TPB PG-NO. 22D), which was promulgated in September 2007, is relevant in the following aspects:

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses;
- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;
- (c) the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas on G/F of an existing industrial/I-O building with and without sprinkler systems should as a general principle not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merits. The above limits on commercial floor area do not apply to uses which are ancillary to or for the purposes of supporting the industrial

activities and the routine activities of the workers in the industrial or I-O building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use; and

- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

## **5. Previous Applications**

The Premises is the subject of three previous planning applications (Nos. A/TW/471<sup>1</sup>, A/TW/499 and A/TW/524) submitted by the same applicant for the same ‘Shop and Services (Real Estate Agency)’ use, which were approved on a temporary basis for 3 years with conditions by the Metro Planning Committee (the Committee) between 2015 and 2021 respectively (Plan A-2). The grounds of approval were that the applied use was considered generally in line with the planning intention, it would not induce adverse traffic and infrastructural impacts and FSD had no in-principle objection to the application. Details of these applications are summarised at **Appendix II**. The approval conditions of the latest application have been complied with and the planning permission expired on 3.7.2024.

## **6. Similar Applications**

6.1 There are 11 similar applications for ‘Shop and Services’ use within the “OU(B)” zone on the approved Tsuen Wan OZP No. S/TW/37 (**Plan A-1**), including 10 on a permanent basis and one for a period of 5 years. Among these applications, 10 of them were approved by the Committee with conditions on similar grounds as mentioned in paragraph 5 above, except application No. A/TW/442 covering three premises was partially approved by the Committee for shop and services in two premises, while the shop and services at the remaining premises without a separate means of escape was rejected. Four of the 10 applications on a permanent basis were revoked between 2014 and 2023 due to non-compliance of approval conditions. Details of the aforementioned applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6.2 There is no other approved commercial use on G/F of the subject IB.

## **7. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4 and A-5)**

7.1 The current conditions of the Premises are detailed in paragraph 1.2 above.

---

<sup>1</sup> Under application No. A/TW/471, the Premises was zoned “Industrial” (“I”) and the applied use was for permanent basis. A temporary approval of three years, instead of a permanent approval, was recommended in order not to jeopardise the long term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. The zoning was subsequently changed from “I” to “OU(B)” in 2016.

7.2 The subject IB has the following characteristics:

- (a) completed in 1980 with 27 storeys (including 1 mezzanine floor) and equipped with a sprinkler system; and
- (b) the major uses of the subject IB by floors are summarised as follows (**Plan A-3**):

Floor	Main Uses
G/F	<b>The Premises</b> (currently in operation), workshops, factory canteen, real estate agency*, retail shop*, computer accessories shop*, transformer rooms and switch rooms ( <b>Plan A-3</b> )
M/F-1/F	Car parks
2/F-25/F	Workshops, Offices, Storage and Showrooms

*Note: \* without valid planning permission*

7.3 The surrounding areas have the following characteristics:

- (a) located in the established industrial/business area in Chai Wan Kok (CWIBA), Tsuen Wan (rezoned from “I” to “OU(B)” in 2016);
- (b) the subject IB within CWIBA is surrounded mainly by industrial, I-O or commercial/office buildings (**Plans A-1 and A-2**); and
- (c) easily accessible by various modes of public transport with MTR Tsuen Wan Station and Tsuen Wan West Station located at about 800m and 500m to the northeast and south of the subject IB respectively (**Plan A-1**).

## **8. Planning Intention**

The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.

## **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:

### **Lands Administration**

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

- (a) the Premises falls within Tsuen Wan Inland Lot No. 30 (the Lot) which is

held under Conditions of Sale No. UB5105 with a term expiring on 30.6.2047. The Lot shall only be used for industrial purposes; and

- (b) the Premises is currently subject to a temporary waiver for the purpose of shop and services (real estate agency) use with a term of 3 years commencing on 1.6.2015 and thereafter quarterly.

### **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 BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) any proposed building works should comply with the prevailing requirements under BO and allied regulations and Code of Practices;
- (d) adequate sanitary fitments complying with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations should be provided to the shop and services areas; and
- (e) 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 provided that:
  - (i) fire services installations and equipment being provided to the satisfaction of FSD. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
  - (ii) mean of escape completely separated from the industrial portion is available for the subject unit;
- (b) the building is provided with a sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 460m<sup>2</sup> in accordance with TPB PG-No. 22D. The applied use should be counted up to the aggregated commercial floor area; and
- (c) the applicant's attention is drawn to 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. For compliance with fire safety requirements for the application, the applicant should be advised to provide 2 sets of layout plan of the subject premises with FS Notes and certificate of FSI (FS 251) demonstrating the annual maintenance of the required FSIs in accordance with the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner for Transport (C for T);
- (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; and
- (h) District Officer (Tsuen Wan), Home Affairs Department.

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

During the statutory public inspection period, no public comment was received.

## **11. Planning Consideration and Assessment**

- 11.1 The application seeks planning permission for the use of 'Shop and Services (Real Estate Agency)' which is currently in operation at the Premises with planning permission firstly granted in 2015. The planning intention of the "OU(B)" zone is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the use would not result in adverse fire safety or environmental impacts. The applied use at the Premises is considered generally in line with the planning intention.
- 11.2 The 'Shop and Services (Real Estate Agency)' use under application is small in size (about 36.2m<sup>2</sup>) and is considered not incompatible with the industrial-related uses in the subject IB and surrounding developments in CWKIBA. The current application is the same as the three previous applications for the same temporary use in terms of area/boundary, development parameters and fire services installations as well as the period of planning permission.
- 11.3 The application complies with TPB-PG No. 22D in that it would not induce possible adverse fire safety, traffic, environmental and infrastructural impacts on the subject IB and adjacent developments. Relevant Government departments consulted including D of FS, DEP, CBS/NTW of BD and C for T have no objection to/no adverse comments on the application.

- 11.4 As confirmed by D of FS, the subject IB is provided with a sprinkler system subject to a maximum permissible aggregate commercial use floor area on G/F of 460m<sup>2</sup> in accordance with TPB PG-No. 22D. Apart from the Premises, there is no approved commercial use on G/F of the subject IB. Should the application be approved, the aggregate commercial floor area on G/F of the subject IB will be 36.2m<sup>2</sup>, which is within the said permissible limit. To address D of FS's relevant comments on fire safety, specific approval condition and advisory clauses on fire safety measures are recommended in paragraph 12.2 below.
- 11.5 The Premises is the subject of three previous temporary approvals for the same use as the current application. There are similar applications for 'Shop and Services' use within the same "OU(B)" zone on the OZP approved by the Committee on a permanent or temporary basis. Approval of the application on a temporary basis of 3 years is consistent with the Committee's previous decisions as detailed in paragraph 5 and 6 above.
- 11.6 There is no public comment received on the application.

## **12 Planning Department's Views**

- 12.1 Based on the consideration and assessment made in paragraph 11, 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 on a temporary basis for a period of three years from 17.7.2024 to 16.7.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission and implementation of the fire safety measures including provision of separate means of escape and fire service installations and equipment within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.1.2025; and
- (b) if the above planning condition (a) is not complied with by the specified date, 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 IV**.

- 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, and the date when the validity of the permission should expire.

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**

<b>Appendix I</b>	Application form with plans and fire service layout plan received on 27.5.2024
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Ground Floor Plan
<b>Drawing A-2</b>	Fire Services Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Existing Uses on G/F of Wing Fung Industrial Building
<b>Plans A-4 and A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**