

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

**APPLICATION NO. A/TM/579**

<b><u>Applicant</u></b>	:	Quickly Limited represented by Kwok & Honour Property Limited
<b><u>Premises</u></b>	:	Unit A (Part), G/F, Tak Wing Industrial Building, 3 Tsun Wen Road, Tuen Mun, New Territories
<b><u>Floor Area</u></b>	:	120.48m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Tuen Mun Town Lot (TMTL) No. 83 held under New Grant No. 2153 - Restricted to industrial and/or godown purposes (excluding offensive trades)
<b><u>Plan</u></b>	:	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/36
<b><u>Zoning</u></b>	:	“Other Specified Uses” annotated “Business” (“OU(B)”) <i>[Restricted to a maximum plot ratio (PR) of 9.5 (including not more than a plot ratio of 1.0 for ‘Shop and Services’ and ‘Eating Place’) and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater]</i>
<b><u>Application</u></b>	:	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. The Premises occupies two portions of Unit A located on the ground floor of an existing industrial building, known as Tak Wing Industrial Building (the Building)(**Plans A-1 and A-2**). According to the Schedule II (for industrial or industrial-office (I-O) building) of the Notes of the OZP for the “OU(B)” zone, ‘Shop and Services (not elsewhere specified) (ground floor only except Ancillary Showroom which may be permitted on any floor)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is subdivided into different parts which are currently used for a real estate agency, an office and a tea shop without valid planning permission.
- 1.2. As shown on **Plan A-2**, one portion of the Premises has direct frontage at Tsun Wen Road while the other portion is at the corner area directly fronting Tsun Wen Road and Kin Wing Street. The plan showing the layout of the G/F of the Building and the Premises is at **Drawing A-1**.

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

- (a) Application Form received on 24.8.2022 (Appendix I)
- (b) Supplementary Information received on 30.8.2022 and 1.9.2022 (Appendix Ia)
- (c) FI received on 14.9.2022 (Appendix Ib)
- (d) FI received on 23.9.2022 (Appendix Ic)

*[(c) and (d) above exempted from publication and recounting requirements]*

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

The justifications put forth by the applicant in support of the application are detailed in the **Appendices**. They can be summarised as follows:

- (a) The industrial development is declining. The use of ground floor workshops as factory is decreasing. The current application allows greater flexibility in the use of the Premises.
- (b) The proposed use would not affect the footpath and there would be no vehicular access to the Premises. It would not create parking and loading/unloading demand and would not generate/attract additional trips to/from the proposed development.

## **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**

The Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) 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 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 the ground floor of an existing industrial/I-O building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. 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/I-O and the routine activities of the workers in the industrial building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use. Separate means of escape should be available for the commercial portion; 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 (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met.

## **5. Previous Application**

There is no previous application at the Premises.

## **6. Similar Applications**

- 6.1. There is no similar application on the G/F of the Building.
- 6.2. There are a total of 10 similar applications for shop and services use on the ground floor of another industrial building within the same “OU(B)” zone (**Plan A-1**). Amongst them, 5 applications were approved with conditions and the remaining 5 were rejected by the Rural and New Town Planning Committee (the Committee) mainly on the ground of fire safety.

## **7. The Premises and its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a and A-4b)**

7.1. The Premises is:

- (a) situated on the ground floor of an existing 22-storey industrial building known as Tak Wing Industrial Building;
- (b) currently used as an office, a tea shop and a real estate agency without valid planning permission, and a warehouse; and
- (c) directly accessible from Tsun Wen Road and Kin Wing Street.

7.2. Based on site inspection conducted on 23.9.2022, the existing main uses of the Building by floors are summarised below :

Floor	Main Uses
G/F	<b>The Premises</b> <sup>[1]</sup> , shops (car plate retailing, real estate agency, engineer shop) <sup>[2]</sup> , owners' corporation office, vehicle repair workshop, vacant shops and loading/unloading area
UG/F	Car park
1/F	School (piano practice room) <sup>[2]</sup> , Workshops, Canteen
2/F	Warehouse
3/F to 21/F	Offices (for trading company, logistics company, design company), Workshops (food factory), Storage

<sup>[1]</sup> The units of the remaining portion of Unit A are locked or vacant.

<sup>[2]</sup> No record of planning approval granted for these shops and school uses.

7.3. The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the subject building is located at the south-eastern part of Tuen Mun Industrial Area 9 which is predominately occupied by industrial buildings;
- (b) to its west and south are industrial buildings and fire station and ambulance depot respectively, and further south is another industrial area (Tuen Mun Industrial Area 12);
- (c) to its north, northeast and northwest are Kowloon Motor Bus (KMB) Overhaul Centre, Bus Depot and godown, and to its east are two hotels; and
- (d) the Tuen Ma Line Tuen Mun Station is situated about 200m to its east.

## 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**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices II** and **III** respectively.

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

On 2.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is to seek planning permission for proposed shop and services use at the Premises within an existing industrial building which falls within an area zoned “OU(B)” on the OZP. Its planning intention 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 induce adverse fire safety and environmental impacts. The proposed shop and services use is considered generally in line with the planning intention.
- 11.2 The proposed use on part of the ground floor of an existing industrial building is considered not incompatible with other uses within the same building which mainly comprises shop and services and vehicle repair workshops on the ground floor and industrial-related offices, warehouses and workshops on the upper floors, and the surrounding industrial and hotel developments.
- 11.3 The proposed use at the Premises complies with TPB PG-No. 22D in that it would not induce adverse traffic, fire safety and environmental impacts on other uses within the Building and the adjacent areas. Relevant Government departments consulted including D of FS, CBS/NTW of BD, C for T and DEP have no adverse comment on/no objection to the application.
- 11.4 As advised by D of FS, the Building is protected by a sprinkler system and subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor in accordance with TPB PG-No. 22D and the proposed use should count towards the aggregate commercial floor area. There is no valid similar application in respect of the ground floor of the Building. Should the Committee approve the application, the aggregated commercial floor area on the ground floor of the Building will be 120.48m<sup>2</sup>, which is within the maximum permissible limit of 460m<sup>2</sup>. Direct accesses are proposed for the Premises with street frontage at Tsun Wen Road and Kin Wing Street. In this regard, D of FS has no objection to the application subject to the provision of fire service installations and equipment as detailed in paragraph 12.2 below.
- 11.5 There are 5 similar approved applications for shop and services on the ground floor of an industrial building within the same “OU(B)” zone. The approval of the current application is in line with the Committee’s previous decisions.
- 11.6 No public comment on the application was received.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments 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 until **14.10.2026** 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 and equipment proposal for the application premise within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.4.2023; 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 at **Appendix III**.

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; and the date when validity of the permission should expire.
- 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**

<b>Appendix I</b>	Application Form received on 24.8.2022
<b>Appendix Ia</b>	Supplementary information received on 30.8.2022 and 1.9.2022
<b>Appendix Ib</b>	FI received on 14.9.2022
<b>Appendix Ic</b>	FI received on 23.9.2022
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout of the G/F of the Building and the application premises submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-2a</b>	Current uses of adjoining units of the application premises
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a and 4b</b>	Site photos