

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/588

<u>Applicant</u>	:	Hoi Wai Industrial Company Limited represented by Multiple Surveyors Limited
<u>Premises</u>	:	10/F, Hanway Factory Building, 17 San On Street, Tuen Mun, New Territories
<u>Floor Area</u>	:	423m ² (about)
<u>Lease</u>	:	Castle Peak Town Lot (CPTL) No. 22 held under New Grant No. 1567 - Restricted to industrial and/or godown purposes (excluding offensive trades)
<u>Plan</u>	:	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38
<u>Zoning</u>	:	“Industrial” (“I”) <i>[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 85mPD, or the PR/BH of the existing building, whichever is the greater]</i>
<u>Application</u>	:	Proposed Office (Back Office)

1. The Proposal

- 1.1. The applicant seeks planning permission to use the application premises (the Premises) for proposed office (back office) (**Plan A-1**). According to the Notes of the OZP for the “I” zone, ‘Office (not elsewhere specified)’¹ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently used as a laundry workshop.
- 1.2. The Premises is involved in two previous applications (No. A/TM/544 and A/TM/580) for the same use for a period of three years approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2022 respectively (details at paragraph 5 below). Compared with the previous applications, the current application is submitted by the same applicant for the same use at the same Premises with the same development scale.

¹ ‘Office (Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only)’ is a Column 1 use which is always permitted within the “I” zone.

- 1.3. The floor plan of the Premises on 10/F of Hanway Factory Building (the Building) submitted by the applicant is at **Drawing A-1**.
- 1.4. In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|----------------------|
| (a) | Application Form received on 18.10.2023 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 25.10.2023 | (Appendix Ia) |
| (c) | Further Information (FI) received on 24.11.2023 [#] | (Appendix Ib) |
| (d) | FI received on 30.11.2023 [#] | (Appendix Ic) |

[#]accepted and 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 Application Form, SI and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) Due to the growing demand for supporting office spaces for different kinds of businesses in the neighbourhood, particularly with the availability of a more convenient and developed transportation network in recent years, the applicant seeks to optimise the use of the Premises.
- (b) The Premises is the subject of previous applications (No. A/TM/544 and A/TM/580) for proposed office (back office) use which were approved on 6.9.2019 and 11.11.2022 for a period of three years respectively.
- (c) The implementation of the proposal and compliance with approval conditions under the previous application (No. A/TM/580) were held back by the leasing arrangement with the existing tenant. With the leasing arrangement being sorted out, the applicant wishes to re-apply for the proposed conversion.
- (d) The proposed conversion is for back office use with no direct provision of customer services or goods to the public, and the Premises shall mainly be a workplace for in-house staff only. Submission and implementation of a fire service installations (FSIs) proposal will be complied with to the satisfaction of the Director of Fire Services (D of FS) before the operation after obtaining planning approval and respective waiver.
- (e) As no direct provision of customer services will be involved, no large crowd will be expected from the proposed use. The change in worker density for the Premises under the current application for conversion from factory to office with a floor area of 423m² shall only be increased slightly from 17 workers to 22 workers. The increase is considered minimal and shall have no adverse impact on the overall traffic, road and pedestrian network of the vicinity. Besides, two existing car parking spaces under the ownership of the applicant will also be provided for the proposed use

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 Use/Development within “Industrial” Zone (TPB PG-No. 25D) is relevant in the following aspects:

- (a) for a proposed commercial use in an industrial building or on the upper floors of an industrial-office building, it should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds;
- (b) 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 and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network; and
- (c) the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application.

5. Previous Applications

The Premises is the subject of two previous s.16 applications (No. A/TM/544 and A/TM/580) (**Plan A-1**) submitted by the same applicant for the same use. The applications were approved with conditions by the Committee for a period of three years on 6.9.2019 and 11.11.2022 respectively mainly on the consideration that the proposed use generally complied with the TPB PG-No. 25D; no adverse impact would be induced from the proposed use from fire safety, traffic and environmental considerations; and the temporary approval of three years would allow the Committee to better monitor the provision of industrial floor space in the area. The proposed conversion under application No. A/TM/544 has not been implemented² and the planning permission lapsed on 7.9.2022. The permission under application No. A/TM/580 was revoked on 11.5.2023 due to non-compliance with the approval condition regarding submission of water supplies for fire-fighting and FSIs proposal by the specified compliance date.

6. Similar Application

There is no similar application for office use at other units within the Building and the “I” zones on the OZP.

² The applicant explained in the submission in support of application No. A/TM/580 that the proposal under application No. A/TM/544 was severely interrupted by the outbreak of COVID-19.

7. The Premises and its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4)

7.1. The Premises is:

- (a) located on the 10/F of the Building which is sandwiched by Tin Hau Road on its east and San On Street on its west in Tuen Mun Area 12 (**Plan A-2**); and
- (b) currently used as a laundry workshop.

7.2. Based on site inspection conducted on 7.11.2023, the existing main uses of the Building by floors are summarised below :

Floor	Current Main Uses
G/F	Carpark, Loading/unloading area
1/F	Warehouse, Office
2/F to 3/F	Warehouse
4/F	Workshop (packaging)
5/F to 6/F	Warehouse
7/F	Food Factory
8/F to 11/F	Laundry (including the Premises on 10/F)

7.3. The surrounding areas have the following characteristics (**Plans A-1 to A-3**):

- (a) the Building is located at the eastern fringe of the industrial area and mainly surrounded by industrial buildings, godowns and commercial/office buildings; and
- (b) Tuen Ma Line Tuen Mun Station and Light Rail Transit (LRT) Tuen Mun Station are located about 230m to the northeast of the Building.

8. 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, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in Recommended Advisory Clauses are provided in **Appendices II and III** respectively.

Trade and Industry

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

- (a) he has reservations on the application for conversion of the Premises to “proposed office (back office)” use on a permanent basis. Nevertheless, he would have no comment if the application is approved on a temporary basis which will not jeopardise the long term planning intention of industrial use for the subject Premises; and
- (b) according to the 2020 Area Assessments of Industrial Land in the Territory (“2020 Area Assessments”) released in December 2021 by Planning Department, there is an estimated deficit of land for industrial uses. The 2020 Area Assessments had also recommended retaining Site A15 in Tuen Mun Area 12, where the Premises is located, as “Industrial” zone.

10. Public Comment Received During Statutory Publication Period

On 27.10.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for the conversion of a workshop on 10/F of the Building for proposed office (back office). The planning intention of the “I” zone 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.
- 11.2 According to the applicant, the proposed office is intended to support other businesses within the “I” zone with no direct provision of customer services or goods to the public. In view of the small scale of the proposed office (423m²) and its nature of operation, and the location of the proposed use is easily accessible by public transport facilities including Tuen Ma Line Tuen Mun Station and LRT Tuen Mun Station, no significant adverse fire safety, traffic and environmental impacts are anticipated. Relevant departments, including D of FS, Commissioner for Transport and Director of Environmental Protection have no adverse comment on the application. The proposed office use generally complies with TPB PG-No. 25D in that no adverse impact would be induced from the proposed use from fire safety, traffic and environmental considerations.
- 11.3 Planning permission for the same use at the Premises was granted on 11.11.2022 (No. A/TM/580) but was revoked on 11.5.2023 due to non-compliance with the approval condition relating to the submission of water supplies for fire-fighting and FSIs proposal, for which the applicant explains that it is due to the leasing arrangement with the tenant operating at the Premises. With the leasing arrangement being sorted out, the applicant undertakes that the approval conditions will be complied with before the operation of the proposed use if the current application is approved. Given that two previous approvals for the same

use have been granted to the Premises in 2019 and 2022 respectively, approval of the current application is in line with the Committee's previous decisions.

- 11.4 As the previous permission was revoked, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 The applicant has applied to use the Premises as an office on a permanent basis. Nevertheless, considering the comments from DG of TI and the recommendations of the 2020 Area Assessments to retain Site A15 in Tuen Mun Area 12 as "I" zone, it is recommended to grant a temporary approval of three years in order not to jeopardise the long-term planning intention of industrial use for the Premises and to allow the Committee to monitor the provision of industrial floor space in the area.

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 on a temporary basis for a period of three years.
- 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 until 8.12.2026. The following approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of water supplies for fire-fighting and fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.6.2024;
- (b) in relation to (a) above, the implementation of the water supplies for fire-fighting and fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.9.2024;
- (c) if any of the above planning condition (a) or (b) is not complied with by the specified date, the planning 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.
- 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 period of which the permission should be valid on a temporary basis.
- 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 18.10.2023
Appendix Ia	SI received on 25.10.2023
Appendix Ib	FI received on 23.11.2023
Appendix Ic	FI received on 30.11.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout of the Premises
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**