

RNTPC Paper No. A/TM/589A
For Consideration by
the Rural and New Town
Planning Committee
on 19.4.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/589

- Applicant** : Flourish Marketing Communications Limited represented by Urbantraces Limited
- Premises** : Unit 2B, G/F, Parklane Centre, 25 Kin Wing Street, Tuen Mun, New Territories
- Floor Area** : 42.35m² (about)
- Lease** : Tuen Mun Town Lot (TMTL) 370
(a) held under New Grant No. 3002 dated 18.9.1992
(b) Restricted to industrial and/or godown purposes (excluding offensive trades) and multi-storey vehicle park
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/38
- Zoning** : “Industrial” (“I”)
[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater]
- Application** : Shop and Services (Real Estate Agency)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for shop and services (real estate agency). The Premises is located on the G/F of an existing building, known as Parklane Centre (the Building) (**Plans A-1 to A-2**). According to the Notes of the OZP for the “I” zone, ‘Shop and Services (not elsewhere specified) (ground floor only, except in wholesale conversion of an existing building and 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 currently being used as a real estate agency without valid planning permission.
- 1.2 The Premises, fronting Kin Wing Street, occupies a portion of Unit 2 on the G/F with a total floor area of about 42.35m². The G/F floor plan of the Building and

the layout plan of the Premises submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments on 20.12.2023 **(Appendix I)**
- (b) Further Information (FI) received on 8.3.2024 **(Appendix Ia)**
[Accepted and exempted from publication and recounting requirements]

1.4 On 16.2.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are in **Appendices I and Ia**. They are summarised as follows:

- (a) the Premises is surrounded by both existing and planned commercial developments with commercial and retail uses, which are compatible with the applied use;
- (b) the Premises is well served by public transportation and no parking space will be required for the applied use. The development scale is relatively small which would not jeopardise the overall land supply for industrial use. Adverse traffic and environmental impacts to the surroundings are not anticipated;
- (c) the genuine industrial and manufacturing activities have been phased out gradually by other uses such as office and commercial uses. The applied real estate agency will facilitate this gradual transformation by providing services to the industrial building owners and users; and
- (d) the fire services installation for the Premises will be modified and submitted in accordance with the requirements of the Fire Services Department (FSD).

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

The applicant is not a “current land owner”, but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by sending notice to the lot owner by registered post. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) is relevant to this application. For a proposed commercial use in an industrial building, the following main planning criteria are relevant:

- (a) 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) The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network.
- (c) The FSD should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Aggregate commercial floor areas on the G/F of an existing industrial building with and without sprinkler systems should as a general principle not exceeding 460m² and 230m² respectively. Separate means of escape should be available for the commercial portion.

5. Previous Applications

The Premises is involved in three previous applications (No. A/TM/270, A/TM/336 and A/TM/403). Application No. A/TM/403 for proposed conversion of all industrial floor spaces of the Building, including the Premises, to shop and services use was approved with conditions by the Committee on 18.3.2011. The planning permission subsequently lapsed on 19.3.2019. The other two applications (No. A/TM/270 and A/TM/336) covering part of the Premises for temporary shop and services (retail shops for selling stationery and lighting for factories) use were approved by the Committee with conditions on a temporary basis for five years on 8.12.2000 and 11.11.2005 respectively mainly on the grounds that they were in line with TPB PG-No. 25D as no adverse impacts on the environment and infrastructure of the surrounding area were anticipated and the applied uses were not incompatible with the surrounding industrial/industrial-related uses. The two planning permissions lapsed on 9.12.2005 and 12.11.2010 respectively. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There were three similar applications submitted by a different applicant on the G/F of the Building. Applications No. A/TM/390, A/TM/404 and A/TM/412 were approved by the Committee with conditions on a temporary basis for a period of three years in 2009, 2010 and 2011 respectively for shop and services use including convenience store and retail shop for selling lighting for factories at other G/F units of the Building. These applications were approved mainly on the considerations that they complied with TPB PG-No. 25D and had no adverse traffic, environmental and fire safety impacts given the small scale of the applied uses. These planning permissions were revoked or had lapsed. Details of the

applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

- 6.2 There is currently no valid planning permission on the G/F of the Building subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the G/F with sprinkler system according to TPB PG-No. 25D. Should the subject planning application be approved, the floor area of the Premises (i.e. 42.35m²) will be counted towards the aggregate commercial floor area of the Building¹, which will not exceed the maximum permissible limit of 460m².

7. The Premises and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Premises is:

- (a) currently occupied by a real estate agency; and
- (b) located on the G/F of the Building with a direct street frontage at Kin Wing Street.

- 7.2 Based on the site inspection conducted on 4.1.2024, the existing main uses of the Building by floors are summarised below :

Floor^[1]	Main Uses
G/F	Real estate agency (The Premises) , carpark, convenience store ^[2] , retail shop ^[2]
1/F to 8/F	Carpark
9/F	Food factory and office
10/F to 11/F	Warehouses
12/F	Office and warehouse
15/F	Factory
16/F	Food factory and courier services

^[1] 4/F, 13/F and 14/F of the Building are omitted.

^[2] No valid planning permission.

- 7.3 The surrounding areas are predominated by industrial buildings with a commercial building, a cooked food market and an open space cluster located to the north across Kin Wing Street.

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.

¹ Taking account of the applied use at the Premises and the existing commercial uses on G/F, the aggregate commercial floor area will be 198.35m².

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 III** and **IV** respectively.

Trade and Industry

- 9.2 Comments of the Director-General of Trade and Industry (DG of TI):
- (a) she has reservation on the application for conversion of the Premises to ‘shop and services (real estate agency)’ use on a permanent basis. Nevertheless, she would have no comment if the application is approved on a temporary basis which will not jeopardise the long-term planning intention of industrial-related use for the Premises; and
 - (b) according to the 2020 Area Assessments of Industrial Land in the Territory (“2020 Area Assessments”) released in December 2021 by the Planning Department, there is an estimated deficit of land for industrial uses. The 2020 Area Assessments also recommended retaining Site A15 (**Plan A-5**), where the Premises is located, as “I” zone.

10. Public Comments Received During Statutory Publication Period

On 29.12.2023, 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 portion of Unit 2 on the G/F of the Building to shop and services (real estate agency) use. While 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, commercial uses in industrial buildings within the “I” zone may be permitted on application to the Board based on individual merits and the planning assessment criteria set out in TPB PG-No. 25D.
- 11.2 The applied use involves a floor area of about 42.35m² and is located on the G/F of an existing building with direct frontage onto Kin Wing Street (**Plan A-2**). In view of the nature of operations and the small scale of the applied use, it is considered not incompatible with other uses on the G/F of the Building which comprise mainly car parks and shop and services use, as well as the surrounding developments.
- 11.3 As confirmed by the Director of Fire Services (D of FS), the Building is protected by a sprinkler system and subject to a maximum permissible limit of

460m² for aggregated commercial floor area on the G/F in accordance with TPB PG-No.25D. Should the application be approved, the aggregated commercial floor area on the G/F of the Building will be 42.35m², which is within the maximum permissible limit of 460m². In this regard, D of FS has no objection in principle to the application subject to fire service installations and equipment being provided to his satisfaction.

- 11.4 The applied use generally complies with the relevant considerations set out in TPB PG-No. 25D including the fire safety and traffic aspects. Relevant government departments including FSD, Buildings Department and Transport Department have no in-principle objection to or no adverse comment on the application.
- 11.5 There are three similar applications and three previous applications for proposed shop and services use involving the Premises and other G/F units of the Building. These applications were all approved mainly on the grounds that they were generally in compliance with the Board's guidelines for commercial use in industrial buildings; had no adverse fire safety and traffic impacts; and the applied uses were not incompatible with the adjoining units. Approving the current application is in line with the Committee's previous decisions.
- 11.6 The applicant has applied to use the Premises as a shop and services use on a permanent basis. Nevertheless, considering the comments from DG of TI and the recommendations of the 2020 Area Assessments to retain Site A15 (**Plan A-5**), where the premises is located as "I" zone, it is recommended to grant a temporary approval of five 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, the Planning Department has no objection to the application on a temporary basis for a period of five 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 five years until **19.4.2029**. The following conditions of approval and advisory clauses are suggested for Members' reference.

Approval Conditions

- (a) the submission of fire service installations and equipment proposal for the application premises within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.10.2024**;
- (b) in relation to (a) above, the implementation of the fire service installations and equipment proposal for the application premises within **9** months from the date of the planning approval to the satisfaction of the Director

of Fire Services or of the Town Planning Board by **19.1.2025**; and

- (c) if any of the above planning condition (a) or (b) 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 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 20.12.2023
Appendix Ia	FI received on 8.3.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout of the Premises submitted by the Applicant
Drawing A-2	G/F Floor Plan of the Building submitted by the Applicant
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial photo
Plan A-4a to 4b	Site photos
Plan A-5	2022 Area Assessments - Site A15

**PLANNING DEPARTMENT
APRIL 2024**