

MPC Paper No. A/K9/278A
For Consideration by
the Metro Planning Committee
on 15.7.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K9/278

- Applicant** : AC Precious Metals Refinery Limited represented by Excel Building Consultancy Limited
- Premises** : Portion of Workshop 404, 4/F, Guardforce Centre, 3 Hok Yuen Street East, Hung Hom, Kowloon
- Floor Area** : About 11.725m²
- Lease** (a) Kowloon Marine Lot (KML) No. 113 Section E
(b) Restricted for industrial or godown purposes or both, excluding offensive trade
- Plan** : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/28 (currently in force)

[Draft Hung Hom OZP No. S/K9/27 (in force at the time of submission. The zoning and development restrictions for the Premises remain unchanged on the current OZP)]
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)

[Subject to a maximum plot ratio (PR) of 12 and maximum building height (BH) of 100 meters above Principal Datum, or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Industrial Use (Dangerous Goods Store)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for storage of dangerous goods¹, in support of its precious metals

¹ Dangerous goods refer to substances classified as dangerous goods and requiring a licence for their use/storage under the Dangerous Goods Ordinance (Cap. 295).

manufacturing process. The Premises occupies a portion of Workshop 404² on 4/F of an existing industrial building, namely Guardforce Centre, which falls within an area zoned “OU(B)” on the approved Hung Hom OZP No. S/K9/28 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Industrial Use’ involving the use/storage of dangerous goods in an industrial building requires planning permission from the Town Planning Board (the Board).

- 1.2 According to the submission and site survey conducted on 19.4.2022, other workshops on 4/F are currently occupied by offices or workshops while Workshop 404 (of about 249.16m²) is currently vacant and will be occupied by the applicant for manufacturing of precious metals (**Plan A-3**). The proposed Dangerous Goods store in Workshop 404 has a total floor area of about 11.725m², and will be converted by alterations and additions works (**Drawing A-1**). It will be used for storage of 25 litres of hydrochloric acid, 50 litres of sulphuric acid, 25 litres of nitric acid, 100 litres of ammonia and 750 kilograms of sodium sulphide; all of which are dangerous goods being controlled under the Dangerous Goods Ordinance, Cap. 295³, administered by the Fire Services Department (FSD). These substances will be used in the dissolving, sedimentation, electrolysis and purifying of precious metals in the manufacturing process.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 7.4.2022 (**Appendix I**)
 - (b) Planning Statement received on 7.4.2022 (**Appendix Ia**)
 - (c) Further information (FI) 1 vide letter received on 8.6.2022 enclosing responses to departmental comments and supplementary architectural drawings. # (**Appendix Ib**)

accepted and exempted from the publication and recounting requirement

- 1.4 On 20.5.2022, the Committee agreed to defer making a decision on the application for one month as requested by the applicant in order to allow sufficient time for preparation of FI to address departmental comments. With the FI received on 8.6.2022 (**Appendix Ib**), the application is scheduled for consideration by the Metro Planning Committee of the Board (the Committee) at this meeting.

² According to the Occupation Permit (OP) issued by the Building Authority (BA) on 21.12.1985 and the general building plan (GBP) approved by the BA in 1985, the 4/F of the existing industrial building is indicated as a workshop for non-domestic use. According to the site survey conducted on 19.4.2022 and the current floor layout plan of 4/F submitted by the applicant (**Plan A-3**), the 4/F of the existing building is occupied by eight workshops including Workshop 404 in which the Premises is located.

³ Latest amendments on the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295E) has been in effect since 31.3.2022 to harmonise the local Dangerous Goods Classification system and packing, marking and labelling requirements with the International Maritime Dangerous Goods (IMDG Code). Dangerous goods are categorized into classes according to the hazard(s) and packing groups, etc. of individual substances.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in the Supplementary Planning Statement and FI at **Appendices I to Ib** are summarized as follows:

- (a) The proposed dangerous goods store supports the industrial uses at the subject workshop and is a type of industrial use and is compatible to other industrial uses in the subject building.
- (b) The proposed floor area of the Premises (i.e. 11.725m²) only accounts for a small portion of the overall GFA of the subject building. Hence, it is a small-scale dangerous goods storage and will not cause adverse traffic, sewerage and environmental impacts.
- (c) The applicant will apply to FSD for Dangerous Goods Licenses for the storage of the dangerous goods accordingly after obtaining approval from the Board; and will strictly follow the Buildings Ordinance (BO), the Building (Planning) Regulation (B(P)R), the Code of Practice for Fire Safety in Buildings 2011 (FS Code) and all other relevant guidelines and regulations to minimize the possible risks of accidents during operation at the Premises. .

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. 31A) by notifying the “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) promulgated in September 2007 are 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; and

- (c) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading (L/UL) 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 Application

There is no previous application at the Premises.

6. Similar Applications

While there is no similar application within the “OU(B)” zone of the subject OZP, there are two similar applications (Nos. A/K14/469 and A/K5/832) for a dangerous goods store at portion (i.e. floor area of about 12.7m²) of an existing jeans label manufacturing factory on 4/F of an industrial building in Kwun Tong, and at portion (i.e. floor area of about 7m²) of an existing jewel manufacturing workshop on 1/F of an industrial building in the Cheung Sha Wan within the “OU(B)” zones in the respective OZPs. The applications were approved with conditions by the Committee on 13.5.2005 and 15.10.2021 respectively mainly on the grounds that the proposed dangerous goods stores complied with the TPB PG-No. 22D that the applied use would not induce adverse fire safety, environmental, traffic and infrastructural impacts on the developments within the respective buildings and their adjacent areas and are small in scale.

7. The Premises and Its Surrounding Areas (Drawing A-1, Plans A-1 to A-3 and site photos on Plan A-4)

7.1 The Premises:

- (a) is situated on 4/F of Guardforce Centre, which is an existing industrial building;
- (b) occupies a portion of Workshop 404, which will be used for manufacturing of precious metals; and
- (c) is currently vacant.

7.2 The subject industrial building has the following characteristics:

- (a) is a 15-storey industrial building (including two levels of basement for car parking spaces and godown) completed in 1985 and equipped with a sprinkler system;

- (b) is currently used for the following purposes:

Floor	Main Uses
Lower Basement	Car parking and L/UL spaces
Upper Basement	Godown
G/F	Car parking and L/UL spaces
1/F to 3/F	Workshops
4/F to 12/F	Offices and workshops

- (c) no planning approval for any use involving direct provision of customer services or goods to the general public has been granted within the subject industrial building.

7.3 The surrounding areas have the following characteristics:

- (a) it is an established industrial/business area in Hung Hom (which was rezoned from “Industrial” (“I”) to “OU(B)” in 2001);
- (b) the subject industrial building is within the core of the Hung Hom industrial/business area and is surrounded mainly by industrial, I-O or commercial/office buildings along Hung Hom Road, Hok Yuen Street East and Sung Ping Street, namely, APB Centre, Hilder Centre, Heng Ngai Jewelry Centre, Fu Hang Industrial Building, Fu Hang Industrial Building and Peninsula Square. The nearest residential developments such as Sunshine Plaza, Shung Tze Houses and Laguna Verde, zoned “Residential (Group A)” (“R(A)”) and “Residential (Group B)2” (“R(B)2”), are at about 160m to 210m to the northwest and southeast of the subject building respectively (**Plans A-1** and **A-2**);
- (c) to the northeast and northwest of the subject building are the To Kwa Wan Preliminary Treatment Works and Kowloon City Government Offices respectively (**Plan A-2**); and
- (d) it is easily accessible by various modes of public transport with MTR Whampoa Station and To Kwa Wan Station located at about 500m to the south and northwest of the subject building respectively (**Plan A-1**).

8. **Planning Intention**

The planning intention of “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:

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KE, LandsD):

- (a) No objection to the application.
- (b) The Premises falls within Section E of KML No. 113 (the Lot) which is held under the Conditions of Exchange No. 11128 dated 4.10.1977 as varied or modified by the Modification Letters dated 4.11.1982 and 20.8.1986 (the Conditions). According to the Conditions, the Lot is restricted for industrial or godown purposes or both, excluding offensive trade under the Public Health and Municipal Services Ordinance or any enactment amending the same or substituted therefor. The proposed 'Industrial Use (Dangerous Goods Store)' use at the Premises does not conflict with the lease conditions governing the Lot.

Fire Safety

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

- (a) No objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department.
- (b) The applicant is reminded that only the siting of the proposed dangerous goods store is considered acceptable at the present stage. A Dangerous Goods Licence shall be granted based on the information and materials provided during the formal application for Dangerous Goods Licence.
- (c) The applicant is advised to observe the licensing requirements as stipulated in the amended Dangerous Goods Ordinance that came into effect on 30.3.2022.

Building Matters

9.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) No objection to the application subject to the comments below.
- (b) All building works/change in use should be in compliance with the

BO and its allied regulations.

- (c) The applicant is advised to appoint an Authorized Person to ensure any building works/change of use are in compliance with the BO, in particular:
 - (i) Adequate means of escape should be provided in accordance with B(P)R 41(1) and the FS Code.
 - (ii) The Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 35 and the FS Code.
- (d) For unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by BD to affect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Premises under the BO.
- (e) The applicant's attention is drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no powers to give retrospective approval or consent for any UBW.
- (f) If the proposed use under the application is subject to the issue of a licence, the applicant is reminded that any existing structures on the Premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (g) Detailed comments under the BO will be given at the building plans submission stage.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) No objection to the planning application from environmental planning perspective.
- (b) Based on the information provided, it is considered that adverse environmental impact arising from the proposed use is not anticipated. The applicant must observe and comply with the relevant requirements stipulated in the applicable pollution control ordinances such as Waste Disposal Ordinance and Water Pollution Control Ordinance when operating the proposed use.

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

- (a) District Officer (Kowloon City), Home Affairs Department;
- (b) Commissioner for Transport;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Highway Engineer/Kowloon, Highways Department; and
- (f) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, a total of eight public comments were received. Among them, four were from residents' associations and owners' incorporations of nearby public/private housing developments and industrial buildings (**Appendix II(a)**), four were from individuals as well as a worker at the subject industrial building (**Appendix II(b)**). All were objecting to or having concerns on the application. The major grounds of objection are that the Premises is located near the existing residential and commercial developments in Hung Hom and the storage of dangerous goods may cause safety hazard to the nearby residents/workers and workers of the subject industrial building. Some commenters also opined that the applicant should provide information related to the types of dangerous goods to be stored, the proposed safety measures at the Premises and suggested that the applicant should only be allowed to use cargo lifts between 8pm to 6am for the proposed dangerous goods store.

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission to use the Premises for 'Industrial Use' involving the use/storage of dangerous goods within an existing industrial building completed in 1985 when the site was zoned "I" on the relevant OZP at the time. According to the applicant, Workshop 404, where the Premises is located in, will be occupied by the applicant for manufacturing of precious metals. The proposal is for storage of hydrochloric acid, sulphuric acid, nitric acid, ammonia and sodium sulphide for the own use of the applicant in the manufacturing process for dissolving, sedimentation, electrolysis and purifying of precious metals. The applicant will need to make a general building plan submission for the addition and alteration works for the proposed dangerous goods store and apply for Dangerous Goods Licences from FSD after obtaining approval from the Board.

11.2 The subject industrial building is within the core of the Hung Hom industrial/business area and is surrounded mainly by industrial, I-O or commercial/office buildings, government offices building and a sewerage treatment plant (**Plan A-2**). The nearest residential developments, zoned "R(A)" and "R(B)2" on the OZP, are located about 160m to 210m from the subject building (**Plan A-1**). No planning approval for any use involving direct provision of customer services or goods to the general public has been granted within the subject

building. The floor area of the proposed dangerous goods store is only about 11.725m² which is considered small in scale. During building plan submission stage, the applicant will need to obtain approval from the BA pursuant to the FS Code mentioned in paragraph 9.1.3 above.

- 11.3 The applied use in general complies with TPB PG-No. 22D in that it would not induce adverse fire safety, environmental, traffic and infrastructural impacts on the developments within the subject building and the adjacent areas. D of FS has no in-principle objection the application subject to the stipulation of approval condition in paragraph 12.2(a) below on provision of fire service installations and water supplies for firefighting to his satisfaction. DEP has no in-principle objection to the application as the proposed dangerous goods store will not cause insurmountable environmental impact and the applicant has pledged to follow the relevant legislative requirements in handling the chemicals from its operation. Other relevant Government departments including C for T, CBS/K of BD, CE/C of WSD and CE/MS of DSD have no comment on/no objection to the application.
- 11.4 As mentioned in paragraph 6 above, two similar applications (Nos. A/K14/469 and A/K5/832) for proposed dangerous goods stores within portions of existing workshops in industrial buildings in the “OU(B)” zones in Kwun Tong and Cheung Sha Wan Business/Industrial Areas were approved by the Committee with conditions in 2005 and 2021 respectively.
- 11.5 The public comments received raised objections and concerns above the application mainly on safety hazard grounds. The planning assessments and departmental comments in paragraphs 9 and 11 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 15.7.2026, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the provision of fire service installations and water supplies for firefighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) 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 suggested advisory clauses are attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The proposed dangerous goods store at the Premises is incompatible with other uses within the same building.

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

Appendix I	Application Form Received on 7.4.2022
Appendix Ia	Planning Statement
Appendix Ib	Further Information 1 vide Letter Received on 8.6.2022
Appendices II(a) to II(b)	Public Comments Received
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Existing Uses on 4/F of Guardforce Centre
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2022**