

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/508

- Applicants** : CHI Wing and LAW Oi Ying represented by DeSPACE (International) Limited
- Premises** : Workshops No. 14-16, G/F, Man Lee Industrial Building, 13 Kin Hong Street, Kwai Chung
- Floor Area** : About 48m²
- Lease** : Kwai Chung Town Lot No. 216 (the Lot)
(a) held under New Grant No. 5480 as varied or modified by a Modification Letter dated 12.12.1978
(b) expires on 30.6.2047
(c) for general industrial and/or godown purposes excluding offensive trades
(d) the premises is subject to a waiver letter dated 2.10.1987 permitting the use of canteen for the lifetime of the subject building
- Plan** : Approved Kwai Chung Outline Zoning Plan No. S/KC/32 (the OZP)
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio of 9.5
(b) maximum building height of 130 metres above Principal Datum
- Application** : Proposed Industrial Use (including industrial undertakings involving the use/storage of dangerous goods)

1. The Proposal

- 1.1 The applicants seek planning permission to use the application premises (the Premises) for ‘Industrial Use’ (including industrial undertakings involving the use/storage of dangerous goods¹), in support of its manufacturing of Chinese medicinal oils. The Premises falls within an area zoned “OU(B)” on the approved Kwai Chung OZP No. S/KC/32 (**Plan A-1**). According to Schedule II of the Notes of the “OU(B)” zone under the OZP applicable to industrial or industrial-office (I-O) building, ‘Industrial Use (not elsewhere specified)’ in an industrial

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).

building (IB) is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises, with a total floor area of about 48m², is currently a canteen which occupies three workshop units on G/F of an existing IB, namely Man Lee Industrial Building (the subject IB) (**Plans A-2 to A-4**). The applicants propose to undertake alteration and addition (A&A) works to convert the Premises for manufacturing of Chinese medicinal oils, in which a floor area of about 18m² (37.5% of the area of the Premises) will be partitioned into two dangerous goods stores and separated from the remaining part of the Premises as workshop (**Drawings A-1 and A-2**). Separate entrances for the workshop and each dangerous goods store will be provided to meet the fire safety requirements under the Code of Practice for Fire Safety in Buildings 2011 (FS Code). According to the proposed scheme, the entrance of the workshop is located at the existing corridor on G/F of the subject building, while those of the dangerous goods stores are opened at Kin Hong Street (**Drawing A-1**). Other fire safety measures, such as block wall with suitable fire resistance, fire extinguisher, fire hose wheel and emergency light, bucket of sand, etc., will be provided in the Premises.
- 1.3 According to the applicants, the dangerous goods stores will be used for storage of 1,300 litres of Turpentine, 1,300 litres of Eucalyptus Oil and 700 kilograms of Camphor, which are classified as Dangerous Goods in Class 3 and Class 4 respectively under the Dangerous Goods Ordinance (Cap. 295) administered by the Fire Services Department (FSD). These substances are three essential ingredients for making the Chinese medicine oils registered under the Chinese Medicine Ordinance (Cap. 549). The medicinal oils are in stable condition during the manufacturing process involving only physical mixing without any heating process, and the medicinal oils will be filled into bottles before packing.
- 1.4 In support of the application, the applicants have submitted the following documents:
 - (a) Application Form received on 11.9.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) received on 11.9.2024 (**Appendix Ia**)
 - (c) 1st Further Information (FI) received on 10.10.2024* (**Appendix Ib**)
 - (d) 2nd FI received on 24.10.2024* (**Appendix Ic**)

* exempted from publication and recounting requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application, as set out in the SPS and FI at **Appendices Ia to Ic**, are summarised as follows:

- (a) The proposed dangerous goods stores are small in scale (about 18m²) which support manufacturing of Chinese medicinal oils at the Premises. The proposed use is compatible with other industrial uses in the subject IB and the surrounding. There is no aggregate fire hazard of dangerous goods in the IB.

- (b) The applicants will provide suitable fire safety measures on site to the satisfaction of the Director of Fire Services (D of FS) to ensure all operations at the Premises will not cause fire hazards. The dangerous goods stores will be subject to annual inspection by FSD.
- (c) The applicants will submit general building plans (GBP) and apply for Dangerous Goods Licence after obtaining approval from the Board; and will follow the Buildings Ordinance (BO), the Dangerous Goods Ordinance and all other relevant code of practices and guidelines in providing fire safety measures.
- (d) The proposed use will not cause adverse traffic, environmental and sewerage impacts on the surrounding area. The loading/unloading activities will be carried out at car park floor in the subject IB (**Drawing A-3**) and the traffic frequency of transporting the dangerous goods is low, i.e. around once a day. The manufacturing process involves only physical mixing of materials with no heating involved. No by-product nor noise will be produced. Negligible gaseous and odour emissions are thus anticipated. No effluent will be discharged outside the Premises.

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

The applicants are not the “current land owner” but have 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 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 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

There is no similar application within the “OU(B)” zone for the applied use within the OZP.

7. The Premises and Its Surrounding Areas (Plans A-1 and A-2 and Site Photos at Plans A-3 to A-4)

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

7.2 The subject IB has the following characteristics:

- (a) completed in 1982 with 17 storeys (including LG/F and a car park floor between LG/F and G/F). The subject IB is sandwiched between two other IBs to the north and south with pedestrian and vehicular accesses at the lower Kin Chuen Street on LG/F to the west, and pedestrian access at the upper Kin Hong Street on G/F to the east; and
- (b) its major floor uses are as follows:

Floor	Main Uses
LG/F	Workshop, warehouse, office and locked premises
Car park floor	Car park and loading/unloading space
G/F	The Premises (currently used for canteen), workshop, warehouse, fast food shop ² and locked premises
1/F-14/F	Workshop, warehouse, office and locked premises

7.3 The surrounding areas have the following characteristics:

- (a) located at the western part of the Castle Peak Road/Wo Yi Hop Road Industrial Area, and is surrounded mainly by industrial and I-O buildings in the area;

² It is the subject of planning application No. A/KC/367 approved by the Metro Planning Committee (the Committee) on 3.6.2011.

- (b) to its further north is the Dorsett Tsuen Wan Hong Kong Hotel and further southeast across Wo Tong Tsui Street is the Kwai Chung Estate (**Plan A-2**); and
- (c) served by various modes of public transport including buses and public light buses on Castle Peak Road – Kwai Chung and Tai Wo Hau Road, with MTR Tai Wo Hau Station located at about 550m to the northwest of the subject IB (**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 telecommunication 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/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within the Lot, which is held under New Grant No. 5480 as varied or modified by a Modification Letter dated 12.12.1978 (the Lease) with lease term expiring on 30.6.2047. According to the Lease, the Lot is restricted to industrial and/or godown purposes excluding offensive trades. The grantee shall comply with all the provisions of the Dangerous Goods Ordinance, any regulations made thereunder and any amending legislation in the event of the Lot or any part thereof being used for godown purposes or for the storage of petroleum products or dangerous goods and the method of storage of goods and the nature and the volume or the quantity of the goods stored on the Lot shall be subject to the approval of D of FS;
- (b) the Premises is also subject to a waiver letter dated 2.10.1987 permitting the use of canteen for the lifetime of the subject building (the Waiver Letter). Should planning approval be given to the planning application, owner of the Premises should apply to LandsD to terminate the Waiver Letter prior to the implementation of the proposed use; and

- (c) once the Waiver Letter has been terminated, the proposed Industrial Use (including industrial undertakings involving the use/storage of dangerous goods) would be permissible under the Lease subject to the approval of D of FS.

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) before any new building works are to be carried out on the Premises, prior approval and consent of the Building Authority should be obtained unless they are exempted building works, designated exempted works or minor works commenced under the simplified requirements under BO; and
- (c) an Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO.

Fire Safety

9.1.3 Comments of 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; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of GBP or referral from the licensing authority.

Environment

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

- (a) the following key issues are noted from the application: (i) the ingredients of Chinese Medicinal oils are not odourous and not volatile at room temperature and pressure. The medicinal oils are in stable condition during manufacturing process. The manufacturing process will only involve physical mixing without any heating process and then filling the medicinal oils into bottles before packing. No by-product nor noise will be produced. Negligible gaseous and odour emissions are thus anticipated; (ii) the subject site will apply split-type air-conditioning system with no openable windows; and (iii) the subject site has been already hard-paved and no excavation works will be involved during the proposed A&A works. No land contamination issue is anticipated; and

- (b) in view of the above information and clarification by the applicants, no insurmountable environmental impact is anticipated. Hence, he has no objection to the subject application.

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

- (a) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Commissioner for Transport (C for T);
- (e) Commissioner of Police; and
- (f) District Officer (Kwai Tsing), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, a total of 31 public comments were received. Among them, there were 11 supporting comments from individuals (**Appendix II-a**) and 20 comments objecting to or expressing concerns on the application including 19 from individuals and one from the Incorporated Owners of Man Lee Industrial Building (i.e. the subject IB) (**Appendix II-b**). The major grounds of public views are summarised as follows:

Supporting Views (11)

- (a) There is an increasing demand for Chinese medicine which could be addressed by the applied use.
- (b) The Premises is small in size and compatible to the industrial uses in the surroundings.
- (c) The applied use would not cause adverse environmental and traffic impacts.
- (d) The applicants have undertaken to provide fire safety measures and to comply with relevant regulations and code of practices. The fire safety concern could be addressed.

Objecting Views (20)

- (e) The Premises is situated at the entrance of the subject IB facing Kin Hong Street and thus the escaping route through the only corridor on G/F may be blocked in case of fire.
- (f) The proposed use is not compatible with the surrounding industrial uses and street activities at Kin Hong Street.

- (g) Concerns on public safety, including risks of explosion, leakage and fire, as well as the resulting impacts on air quality, sewerage and building safety.

11. Planning Considerations and Assessments

- 11.1 The application is for the proposed 'Industrial Use' (including industrial undertakings involving the use/storage of dangerous goods) at the Premises within an IB. According to the applicants, the proposal is for manufacturing of Chinese medicinal oils involving the use/storage of dangerous goods i.e. Turpentine, Eucalyptus Oil and Camphor without any heating process.
- 11.2 The Premises on G/F of the subject IB is small in size with 48m² only, in which a floor area of 18m² (i.e. about 37.5%) will be used for dangerous goods stores. It is considered not incompatible with the industrial and industrial-related uses in the subject IB and surrounding developments which are predominantly industrial and I-O in nature with mainly workshop and warehouse uses on G/F. According to the applicants, GBP will be submitted for the future A&A works for the proposed use in which relevant requirements under BO and FS Code should be observed in providing means of escape and other relevant fire safety measures. Application for Dangerous Goods Licence will also be submitted to FSD after obtaining planning approval from the Board.
- 11.3 The application complies with TPB PG-No. 22D in that it would not induce adverse fire safety, environmental and traffic impacts on the developments within the subject IB and the adjacent areas. Fire safety measures including block wall with suitable fire resistance, fire extinguisher, fire hose wheel and emergency light, bucket of sand, etc. are proposed, and D of FS has no objection in principle to the application subject to imposing approval condition requiring timely provision of fire service installations as recommended in paragraph 12.2(a). Besides, the applicants are required to obtain the necessary licence for dangerous goods store under the Dangerous Goods Ordinance and comply with FS Code mentioned in paragraph 11.2 above. DEP has no objection to the application and considers that no insurmountable environmental impact is anticipated. Other relevant Government departments including C for T, CBS/NTW of BD, CE/C of WSD and CE/MS of DSD have no comment on/no objection to the application.
- 11.4 Regarding the public comments received, the supporting comments are noted. For the objecting comments and concerns on building, fire safety and environmental aspects, the departmental comments in paragraph 9 and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 8.11.2028, 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 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 the 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 recommended advisory clauses are attached 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 to 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 applicants.

14. Attachments

Appendix I	Application Form received on 11.9.2024
Appendix Ia	SPS received on 11.9.2024
Appendix Ib	1 st FI received on 10.10.2024
Appendix Ic	2 nd FI received on 24.10.2024
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Layout Plan
Drawing A-2	Section Plan

Drawing A-3

Transportation Route to the Application Site

Plan A-1

Location Plan

Plan A-2

Site Plan

Plans A-3 to A-4

Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**