

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/536

<u>Applicant</u>	: Singapore Headway Medicine Co. represented by DeSPACE(International) Limited
<u>Premises</u>	: 3/F, Excelsior Industrial Building, 68-76 Sha Tsui Road, Tsuen Wan
<u>Floor Area</u>	: About 1,866.6m ²
<u>Lease</u>	: Remaining Portion of Tsuen Wan Inland Lot No. 35 (TWIL 35 RP) - restricted for industrial or godown purposes or both, excluding offensive trade
<u>Plan</u>	: Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/36 <i>[Approved Tsuen Wan OZP No. S/TW/35 at the time of submission of the application. Zoning and restrictions of the application site remain unchanged.]</i>
<u>Zoning</u>	: “Other Specified Uses” annotated “Business” (“OU(B)”) (a) maximum plot ratio of 9.5 (b) maximum building height of 100mPD
<u>Application</u>	: Proposed Industrial Use (including industrial undertakings involving the use/storage of dangerous goods)

1. The Proposal

- 1.1 The applicant seeks 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 occupies the whole 3/F² of an existing industrial building, namely Excelsior Industrial Building, which falls within an area zoned

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).

² According to the Occupation Permit (OP) issued by the Building Authority (BA) on 7.7.1981 and the general building plan (GBP) approved by the BA, the 3/F of the existing building is indicated as a workshop for non-domestic use (**Drawing A-1**).

“OU(B)” under the draft Tsuen Wan OZP No. S/TW/36 (**Plan A-1**). According to Schedule II of the Notes of “OU(B)” zone under the OZP applicable to industrial or industrial-office (I-O) building, ‘Industrial Use’ involving the use/storage of dangerous goods in an industrial building is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

- 1.2 According to the applicant’s submission, the workshop on 3/F is currently vacant³. The applicant proposes to undertake addition and alteration works to convert the Premises with a total floor area of about 1,866.6m² for manufacturing of Chinese medicinal oils. The proposed dangerous goods store in the Premises has a floor area of about 20.91m² (about 1.1% of the area of the Premises) and will be partitioned to separate it from the remaining part of the workshop (**Drawing A-1**). It will be used for storage of 1,350 litres of Turpentine (松節油) and 800 kilograms of Camphor (樟腦), which are classified as dangerous goods in Category 3 and 4 respectively under the Dangerous Goods Ordinance (Cap. 295), administered by the Fire Services Department (FSD). These substances are two of the essential ingredients for making registered Chinese medicines. The applicant also proposes fire safety measures at the dangerous goods store, such as block walls with fire resistance, self-closing fire door with fire resistance and fixed open glass louvre or window without glazing.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 22.3.2023 (Appendix I)
 - (b) Supplementary Planning Statement received on 22.3.2023 (Appendix Ia)
 - (c) Further information (FI) 1 vide letter received on 27.4.2023 enclosing responses to departmental and public comments [#] (Appendix Ib)
 - (d) FI2 vide letter received on 4.5.2023 enclosing responses to departmental comments and revised layout plans [#] (Appendix Ic)

[# Accepted and exempted from the 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 Supplementary Planning Statement, FI1 and FI2 at **Appendices Ia, Ib and Ic**. They are summarised as follows:

- (a) The proposed dangerous goods store supports manufacturing of Chinese medicinal oils at the Premises. The proposed use is compatible with other industrial uses in the subject building.

³ Previous operations at the Premises have ceased and machines and furniture are being removed.

- (b) Neither the subject building nor the Premises is currently listed in the Industrial Buildings with licenced Dangerous Goods Store (New Territories and Island). The subject building where the Premises is located at is separated from the nearest residential buildings by Tai Chung Road. Hence, there is no aggregate fire hazard of dangerous goods in the subject building and the industrial use with storage of dangerous goods at the Premises is compatible with the surrounding area.
- (c) The applicant will provide suitable fire safety measures on site to the satisfaction of the Director of Fire Services (D of FS) to ensure any operation at the Premises would not cause fire hazards. The dangerous goods store will be subject to annual inspection by FSD.
- (d) The applicant will submit GBP to the Buildings Department and apply to FSD for Dangerous Goods Licence for storage of dangerous goods accordingly after obtaining approval from the Board; and will follow the Buildings Ordinance (BO), the Code of Practice for Fire Safety in Buildings 2011 (FS Code), the Dangerous Goods Ordinance (Cap. 259) and all other relevant code of practices as fire safety measures.
- (e) The proposed floor area for dangerous goods store only accounts for a small portion of the overall floor area of the Premises. The frequency of loading/unloading the dangerous goods is low, around once every three days. Hence, it is a small-scale dangerous goods store and will not cause adverse traffic and environmental impacts.

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 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 Application

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

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

- 7.1 The Premises is situated on 3/F of Excelsior Industrial Building, which is an existing industrial building.
- 7.2 The subject industrial building has the following characteristics:
 - (a) is a 26-storey industrial building completed in 1981 and equipped with a sprinkler system. Car parking and loading/unloading (L/UL) spaces are provided on the first floor of the building with vehicular access from Sha Tsui Road; and
 - (b) is currently used for the following purposes:

Floor	Main Uses
G/F	Workshops
Mezzanine Floor	Store room
1/F	Car parking and L/UL spaces
2/F	Workshops
3/F	The Premises
4/F to 9/F	Workshops
10/F to 15/F	Godown
16/F	Workshops

17/F	Fire refuge floor
18/F to 25/F	Workshops

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

7.3 The surrounding areas have the following characteristics:

- (a) it is an established industrial/business area in Chai Wan Kok, Tsuen Wan (rezoned from “I” to “OU(B)” in 2016);
- (b) the subject industrial building is within the Chai Wan Kok industrial/business area and is surrounded mainly by industrial, I-O or commercial/office buildings in the area (**Plans A-1 and A-2**);
- (c) to the northeast and southwest of the subject building are the Heung Che Street Market and Chai Wan Kok Rest Garden respectively (**Plan A-2**); and
- (d) it is easily accessible by various modes of public transport with MTR Tsuen Wan Station and Tsuen Wan West Station located at about 750m and 450m to the northeast and south 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/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises falls within TWIL 35 RP (the Lot) which is governed by the Conditions of Sale No. 5135 as varied or modified by a Deed of Variation dated 9.3.1978 (the Lease). According to the Conditions, the Lot is restricted for industrial or godown purposes or both, excluding any offensive trade. The proposed industrial use (including industrial undertakings involving the use/storage of

dangerous goods) is permissible under the Lease governing the Lot.

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 subject to the comments below;
- (b) under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the BA before commencement of works unless they are exempted under s.41 of the BO, or call within minor works under the Building (Minor Works) Regulation;
- (c) any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices;
- (d) areas of special hazard should be separated from the rest of the building by fire barriers having adequate fire resistance rating in compliance with the requirements under Clause C13.1 of FS Code;
- (e) as the proposed use under application is subject to the issue of a licence, please be reminded that the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
- (f) detailed comments will be given in the building plan submission stage.

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations and water supplies for fire-fighting being provided to the satisfaction of his department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Environment

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

- (a) no objection to the subject application for industrial use, as the application site is located at an existing industrial building; and
- (b) the manufacturing process and the operation of the subject use shall

comply with the requirements under the environmental pollution control ordinances.

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

- (a) District Officer (Tsuen Wan), Home Affairs Department (DO, HAD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (e) Commissioner of Police (C of P);
- (f) Commissioner for Transport (C for T); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, 27 public comments were received (**Appendix II**). Among them, two were submitted by the respective owners' incorporations of the subject building and a nearby industrial building, while the remaining 25 were sent by individuals, owners and tenants at the subject industrial building. All comments object to or express concerns on the application. The major grounds of objection are summarised as follow:

- (a) concerns on public safety and fire hazards in case of accidental leakage;
- (b) potential adverse traffic and environmental impacts;
- (c) violation of the subject building's deed of mutual covenant;
- (d) incompatible use with other uses in the subject building; and
- (e) insufficient information related to the types of dangerous goods to be stored, potential risk assessments and structural impacts to the subject building.

11. Planning Considerations and Assessments

11.1 The application seeks planning permission to use the Premises for 'Industrial Use' involving the use/storage of dangerous goods within an existing industrial building completed in 1981. Manufacturing of Chinese medicinal oils will be carried out within the Premises and the use/storage of dangerous goods, i.e. Turpentine and Camphor, is necessary for making the oils. The floor area of the proposed dangerous goods store of about 20.91m² only accounts for 1.1% of the area of the Premises.

11.2 The subject industrial building is within the Chai Wan Kok industrial/business area and is surrounded mainly by industrial, I-O or commercial/office buildings (**Plan A-2**). No planning approval for any use involving direct provision of customer services or goods to the general public has been given within the subject building. The proposed industrial use including the use/storage of dangerous goods is considered compatible with the subject industrial building and the surrounding industrial uses. The applicant will need to submit GBP for the additions and alterations works for

the proposed dangerous goods store and apply for a Dangerous Goods Licence from FSD after obtaining approval from the Committee. During GBP submission stage, the applicant will need to obtain approval from the BA pursuant to the FS Code mentioned in paragraph 9.1.2 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 to the application subject to imposing approval condition requiring timely provision of fire service installation as recommended in paragraph 12.2(a). Besides, the applicant is required to obtain the necessary licence for dangerous goods store and comply with FS Code mentioned in paragraph 11.2 above. DEP has no objection to the application. The applicant is required to comply with the requirements under the environmental pollution control ordinances. Other relevant Government departments including C for T, CBS/NTW of BD, CE/C of WSD, CE/MS of DSD DO of HAD and PM(W) of CEDD have no comment on/no objection to the application.
- 11.4 Regarding the public comments received, department 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, it is suggested that the permission shall be valid until 19.5.2027, 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 also suggested for Members' reference:

Approval conditions

- (a) the provision of fire service installations and water supplies for fire-fighting 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 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 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 22.3.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information 1 vide Letter Received on 27.4.2023
Appendix Ic	Further Information 2 vide Letter Received on 4.5.2023
Appendix II	Public Comments Received
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Layout Plan
Drawing A-2	Section Plan
Drawing A-3	Transportation Route of Dangerous Goods within Subject Building
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2023**