

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/FSS/293**

<b><u>Applicant</u></b>	: Advantage AC&R Equipment Supplies Company Limited represented by Lanbase Surveyors Limited
<b><u>Premises</u></b>	: Workshop 2 (Portion), G/F, Poly Centre, No. 15 Yip Fung Street, On Lok Tsuen, Fanling, New Territories (Lot 5347 in D.D. 51)
<b><u>Floor Area</u></b>	: 104.367m <sup>2</sup>
<b><u>Lease</u></b>	: Lot No. 5347 in D.D. 51 held under New Grant No. 12248 for industrial or godown purposes or both excluding offensive trades
<b><u>Plan</u></b>	: Draft Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/27
<b><u>Zoning</u></b>	: “Industrial” (“I”) [maximum plot ratio of 5 and maximum building height of 65m (excluding basements)]
<b><u>Application</u></b>	: Proposed Dangerous Goods Godown (Storage of Refrigerant)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed dangerous goods (DG) godown (storage of refrigerant) at the premises, which falls within an area zoned “I” on the OZP. According to the Notes of the OZP for “I” zone, “Dangerous Goods Godown” is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The premises is located on the ground floor of an existing industrial building known as Poly Centre in the On Lok Tsuen Industrial Area (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed DG godown will occupy part of the Workshop 2 on the ground floor involving a total floor area of about 104.367m<sup>2</sup>, with a total refrigerant storage capacity of 453.997m<sup>3</sup>. The proposed DG godown will be partitioned by two-hour fire resistant walls to satisfy the fire safety requirements. The DGs will only be stored within the premises. There is no manufacturing and processing of refrigerants within the premises. The stored refrigerants will be transported to/from the premises around 3 to 8 times a month. The premises is accessible from Yip Wo Street. The location and layout plans submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application form and supplementary information **(Appendix I)**  
received on 26.7.2023
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 13.9.2023 and **(Appendix Ib)**  
15.9.2023 \*

*\* 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, supplementary information, planning statement and FI in **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use is in line with the planning intention of the “I” zone. There are other similar applications for similar DG godown uses (involving the storage of paint materials and refrigerant) approved in the same “I” zone;
- (b) the proposed use is compatible with the surrounding land uses, which include industrial, industrial-related and godown uses;
- (c) the applicant would implement the required fire safety precaution and safety measures and adopt fire safety as the top considerations in the proposed layout of the proposed use. The applicant is willing to provide further reinforcement/maintenance works to the satisfaction of relevant departments, and the applicant will be required to obtain a license to use the premises for a DG godown. As such, fire safety risk is not anticipated;
- (d) as the refrigerants will only be stored, but will neither be manufactured nor used within the premises, adverse environmental impacts are not anticipated; and
- (e) there will be only a low frequency of transportation of refrigerants to/from the premises (3 to 8 times monthly). Due to safety reasons concerning the loading/unloading of refrigerants, such loading/unloading activities will be undertaken along Yip Wo Street outside the no stopping zone. As the number of vehicles visiting the premises will be less than one per day for loading/unloading, no significant traffic impact is anticipated.

## **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 obtaining the consent of the owner. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Previous Application**

The premises is not involved in any previous application.

#### **5. Similar Applications**

- 5.1 There are three similar applications (Nos. A/FSS/166, 168 and 205) within the same “I” zone on the OZP, and are located on the ground floor of their respective locations for various proposed DG godown uses (including storage of refrigerant and dangerous goods store for storage of paint materials). They were approved by the Rural and New Town Planning Committee (the Committee) of the Board from 2006 to 2011 on similar grounds that they are small in scale and on the ground floor of an industrial building, they are not incompatible with the surrounding industrial uses, and they are not expected to result in adverse impacts (including fire safety, environment and traffic impacts).
- 5.2 Details of these similar applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

#### **6. The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

- 6.1 The Premises is:
- (a) located within an existing workshop on the ground floor of an existing industrial building (Poly Centre); and
  - (b) accessible from Yip Wo Street.
- 6.2 The surrounding areas have the following characteristics:
- (a) Poly Centre is an existing six-storey industrial building;
  - (b) the ground floor of Poly Centre is mainly used for godown, workshop, parking spaces and loading/unloading area bays while the upper floors are mainly occupied by godowns, offices and workshops, etc.;
  - (c) Poly Centre is surrounded by existing industrial buildings, including Hong Leong Plaza and Wo Fung Building to the south; On Wui Centre to the northwest; and Lincoln Centre to the east with an existing metered carpark situated in between; and
  - (d) to the immediate northwest is another existing industrial building known as Dormind Industrial Building, with an approved similar application for proposed DG godown (storage of refrigerant) under planning application No. A/FSS/168 (**Plan A-2**).

## **7. 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.

## **8. Comments from Relevant Government Departments**

- 8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

The application premises is situated within Lot No. 5347 in D. D. 51 which is held under New Grant No. 12248 dated 29.10.1986 (“the New Grant”) for a term commencing from 29.10.1986 to 30.6.2047 for industrial or godown purposes or both excluding offensive trades. Special Condition No. 3 of the New Grant stipulates that in the event of the lot or any part thereof being used for godown purposes, the method of storage of goods and the nature and the volume and quantity of the goods stored on the lot shall be subject to the approval of the Director of Fire Services. In addition, the owner shall comply with all lawful requirements of the Director of Fire Services made under the Dangerous Goods Ordinance, any regulations made thereunder and any amendment thereto.

### **Traffic**

- 8.1.2 Comments of the Commissioner for Transport (C for T):  
Noting that there is fire safety concern, he has no comments on the proposal for loading/unloading of dangerous goods on Yip Wo Street. Nevertheless, the applicant shall utilise the existing loading/unloading areas in Poly Centre for other loading/unloading activities.
- 8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTW, HyD):
- (a) no comment on the application from highway maintenance point of view; and
  - (b) it is noted that the application will not change nor alter any existing vehicular run-in/out of the subject industrial building and the application is only for the planning permission for a DG godown within the premises.

### **Fire Safety**

#### 8.1.4 Comments of the Director of Fire Services (D of FS):

no objection in-principle to the application subject to fire service installations (FSIs) being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 8.1.5 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) he has no objection in principle to the planning application under the Buildings Ordinance (BO); and
- (b) his detailed comments are enclosed in **Appendix IV** of this paper.

### **Environment**

#### 8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) no comment on the application; and
- (b) no environmental complaint concerning the premises received in the past three years.

### **District Officer's Comments**

#### 8.1.7 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

no particular comment on the application and no locals' comment on the application has been received.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services;
- (c) Director of Food, Environmental Hygiene;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department; and
- (f) Project Manager (North), Civil Engineering and Development Department.

**9. Public Comments Received During Statutory Publication Period**

The application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. They expressed no comment on the application (**Appendices III-1 and III-2**).

**10. Planning Considerations and Assessments**

- 10.1 The application is for proposed DG godown (storage of refrigerant) at the premises zoned “I”. 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. The proposed DG godown is not in conflict with the planning intention of the “I” zone.
- 10.2 According to the applicant, the premises will only be used for the storage of refrigerants, and refrigerants will neither be manufactured nor used within the premises. The proposed use is considered not incompatible with existing uses within Poly Centre and in the surrounding existing industrial buildings, which mainly comprise godown, workshop and office uses. The applicant would implement the required fire safety precaution and safety measures and will obtain a license to use the premises for a DG godown. D of FS has no objection in-principle to the application subject to FSIs being provided to his satisfaction. DEP has no comment on the application, and has advised that there was no environmental complaint concerning the premises received in the past three years. C for T and C of P have no comment from traffic impact and traffic safety perspective given the limited off-site loading/unloading activities. Other departments consulted, including CE/MN of DSD and DEMS, have no objection to or adverse comment on the application.
- 10.3 There are three similar applications for proposed DG godown uses within the same “I” zone (including a similar application No. A/FSS/168 for the same DG godown use (storage of refrigerant) as the current application in the adjacent Dormind Industrial Building) (**Plan A-2**), which were approved with conditions by the Committee from 2006 to 2011. The Committee’s considerations as stated in paragraph 5.1 are generally applicable to the current application, and approval of this application is in line with the previous decisions of the Committee.
- 10.4 The two public comments received during the statutory publication period expressed no comment on the application.

**11. Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.9.2027, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are in **Appendix IV**.

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

There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form and Supplementary Information received on 26.7.2023
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 13.9.2023 and 15.9.2023
<b>Appendix II</b>	Similar Applications within the same "I" Zone in the Vicinity of the Site
<b>Appendices III-1 and III-2</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Layout Plan

<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
SEPTEMBER 2023**