

***Disclaimer:*** Pursuant to paragraph 23 of the Tender Notice, the Government will only answer questions of a general nature concerning Hung Shui Kiu Town Lot No. 18, Hung Shui Kiu Town Lot No. 19 (“HSKTL 19”), Hung Shui Kiu Town Lot No. 20, Hung Shui Kiu Town Lot No. 21, Hung Shui Kiu Town Lot No. 23 (“HSKTL 23”) and Hung Shui Kiu Town Lot No. 24 (“HSKTL 24”) (collectively “the Lots”) and the tender exercise and will not provide legal or other advice in respect of the Conditions of Sale or any other documents referred to in the Tender Notice (including its annexes) or any statutory provisions relating to the Lots. Prior to submitting any tender for the Lots, prospective purchasers of the Lots may seek independent professional advice on issues concerning the Lots.

**Q1:**

**Would a business involving storage of wines on the Enterprise and Technology Park (E&TP) sites be allowed? Would the wines be seen as dangerous goods?**

**A1:**

Fire services regime

According to the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295E), alcoholic beverages containing not more than 35% alcohol by volume (ABV) is not subject to the Dangerous Goods Ordinance (DGO)(Cap. 295); for alcoholic beverages with ABV more than 35% (also known as UN 3065), it is classified as Class 3 dangerous goods (DG), i.e. flammable liquids, but if it is stored in packaged form in industrial, general or special premises and the water capacity of each receptacle does not exceed 5 litres, a “store and use licence” is not required provided the quantity does not exceed 6,250 litres. If the place in which those receptacles are stored is protected throughout by automatic sprinkler installations, the exempt quantity is raised to 12,500 litres. If the water capacity of any receptacle exceeds 5 litres, a licence is not required only if the quantity does not exceed 2,500 litres.

Land sale documents

Please refer to the respective Conditions of Sale governing HSKTL 19, HSKTL 23 and HSKTL 24, including but not limited to:

- (a) Special Conditions Nos. (5) and (8)(b) of the respective Conditions of Sale governing HSKTL19 and HSKTL 24; and

(b) Special Conditions Nos. (6) and (9)(b) of the Conditions of Sale governing HSKTL 23,

as well as other relevant parts of the tender document for information.

Planning regime

If the proposed uses would involve storage of wine in quantities beyond the exemption limits for the licensing requirements under the DGO, it would fall within the definitions of 'Dangerous Goods Godown' which is not a permitted use within the "OU(E&TP)" zone. If the proposed uses only involve storing small quantities of wine that are exempted from the licensing requirements under the DGO, and provided that such storage would not generate environmental nuisance and would comply with the relevant ordinances, it may be considered as 'Non-polluting Industrial Use (excluding industrial undertaking involving the use/storage of Dangerous Goods)', which is always permitted within the "OU(E&TP)" zone.

On a related matter, subject to the business mode and functional characteristics of the proposed uses, the premises where goods (i.e. bottles of wine) are sold to the public could be classified as 'Shop and Services', and the place of business for conducting clerical, administrative, documenting and other business or industrial-related work could be considered as akin to 'Office' use. Both 'Shop and Services' and 'Office' are always permitted within the "OU(E&TP)" zone.