

**Previous Application at  
Unit B1 (Portion), G/F, Block 2, Kin Ho Industrial Building**

**Application rejected by the RNTPC**

<b>No.</b>	<b>Application No.</b>	<b>Application Premises (Unit)</b>	<b>Applied Use</b>	<b>Floor Area (m<sup>2</sup>) (About)</b>	<b>Date of Consideration</b>	<b>Rejected Reasons</b>
1.	A/ST/245	B1	Fast Food Shop	215	4.12.1992	R1, R2, R3

**Rejected Reasons**

- R1 There is no strong justification to sacrifice industrial ground floor space for fast food shop.
- R2 Commercial floor spaces are available in the nearby commercial centre within a short walking distance.
- R3 The approval of the application would set an undesirable precedent for similar applications.

**Appendix III of  
RNTPC Paper No. A/ST/949**

**Similar Applications for 'Shop and Services' Use at  
G/F, Blocks 1 and 2 of Kin Ho Industrial Building,  
14-24 Au Pui Wan Street, Fo Tan, Sha Tin, N.T.**

**Applications approved by the RNTPC**

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (About) (m <sup>2</sup> )	Date of Consideration	Approval Condition(s)
Uses applicable for the maximum permissible limit of 460 m <sup>2</sup> for aggregate commercial floor area on the G/F of an industrial building (with sprinkler system)						
1.	A/ST/194	Block 1 C (Portion)	Auto Parts Shop <sup>#</sup>	18	24.1.1992 <b>(lapsed)</b>	Nil
2.	A/ST/225	Block 2 B2	Building Material Shop	53	23.10.1992	Nil
3.	A/ST/268	Block 2 C (Portion)	Retail Shop Selling Marble <sup>#</sup>	20	21.5.1993 <b>(lapsed)</b>	(a), (b), (c), (d)
4.	A/ST/498	Block 1 C2	Retail Shop (selling gifts and flowers) <sup>@</sup>	6	10.9.1999 <b>(expired)</b>	(e)
5.	A/ST/533	Block 1 C2 (Portion)	Retail Shop (selling stationery and packing materials) <sup>#</sup>	24	22.12.2000 <b>(lapsed)</b>	Nil
6.	A/ST/637	Block 1 C2	Shop and Services (Retail Shop) <sup>~</sup>	70.2	16.6.2006 <b>(revoked)</b>	(e), (f), (g)
7.	A/ST/719	Block 1 C5 (Portion)	Shop and Services <sup>~</sup>	33	29.10.2010 <b>(revoked)</b>	(e), (h), (i), (j)
8.	A/ST/722	Block 1 C4 (Portion)	Shop and Services (Real Estate Agency) <sup>~</sup>	18.13	10.12.2010 <b>(revoked)</b>	(e), (h), (i), (j)
9.	A/ST/756	Block 1 C5 (Portion)	Temporary Shop and Services (Real Estate Agency and Retail Shop) for a period of 5 years <sup>~</sup>	33	5.8.2011 <b>(revoked)</b>	(e), (k), (l), (m)
10.	A/ST/758	Block 1 C4 (Portion)	Shop and Services (Real Estate Agency) <sup>@</sup>	20.6	19.8.2011 <b>(expired)</b>	(e), (k), (l), (m)
11.	A/ST/772	Block 1 C2	Shop and Services (Pharmacy, Retail Store) <sup>~</sup>	68.76	10.2.2012 <b>(revoked)</b>	(e), (f), (g)
12.	A/ST/778	Block 1 C5 (Portion)	Temporary Shop and Services (Real Estate Agency and Retail Shop) for a period of 5 years <sup>@</sup>	33	18.5.2012 <b>(expired)</b>	(e), (k), (l), (m)
13.	A/ST/831	Block 1 C2	Shop and Services (Pharmacy and Retail Shop) and Wholesale Trade (Pharmacy) <sup>~</sup>	68.76	22.11.2013 <b>(revoked)</b>	(e), (k), (l), (m)
14.	A/ST/849	Block 1 C4 (Portion)	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years <sup>@</sup>	20.6	8.8.2014 <b>(expired)</b>	(e), (f), (g)

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (About) (m <sup>2</sup> )	Date of Consideration	Approval Condition(s)
15.	A/ST/855	Block 1 C2	Shop and Services (Pharmacy and Retail Shop) and Wholesale Trade (Pharmacy) <sup>#</sup>	69.29	28.11.2014 <b>(expired)</b>	(e), (k), (l), (m)
16.	A/ST/872	Block 1 C5 (Portion)	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency, Retail Shop) for a Period of 3 Years	33	17.4.2015	(e), (h), (i), (j)
17.	A/ST/926	Block 1 C4 (Portion)	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years <sup>~</sup>	20.6	28.7.2017 <b>(revoked)</b>	(e), (f), (g)
<b>Total :</b>				<b>86m<sup>2</sup></b>	(Only A/ST/225 and A/ST/872 are covered by valid planning permissions)	

Uses **NOT** applicable for the maximum permissible limit of 460 m<sup>2</sup> for aggregate commercial floor area on the G/F of an industrial building (with sprinkler system)

18.	A/ST/497	Block 1 C5A	Local Provisions Store <sup>@</sup>	10	10.9.1999 <b>(expired)</b>	(e)
19.	A/ST/519	Block 1 C3 (Part)	Shop and Services (Fast Food Shop) <sup>#</sup>	27	16.6.2000 <b>(lapsed)</b>	Nil
20.	A/ST/549	Block 1 C5	Fast Food Shop <sup>#</sup>	17	5.10.2001 <b>(lapsed)</b>	Nil
21.	A/ST/781	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years <sup>~</sup>	48	6.7.2012 <b>(revoked)</b>	(e), (f), (g)
22.	A/ST/824	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years <sup>~</sup>	48	16.8.2013 <b>(revoked)</b>	(e), (h), (i), (j)
23.	A/ST/845	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years <sup>~</sup>	48	22.8.2014 <b>(revoked)</b>	(e), (f), (g)
24.	A/ST/899	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years <sup>~</sup>	48	15.7.2016 <b>(revoked)</b>	(e), (k), (l), (m)

<sup>#</sup> The applied uses ceases operation or there is a change of use of the premises under application. Hence, the planning permission granted has lapsed.

<sup>@</sup> The planning permission was valid on a temporary basis of 3 years and had already expired.

<sup>~</sup> A/ST/637, A/ST/719, A/ST/722, A/ST/756, A/ST/772, A/ST/781, A/ST/824, A/ST/831, A/ST/845, A/ST/899 and A/ST/926 were revoked due to the non-compliance with approval condition by the specified date.

### Approval Conditions

- (a) The shop should be completely separated from the industrial uses in the workshop unit by materials of at least 2-hour fire resistance period.
- (b) Loading/unloading activities should be undertaken within the subject industrial building.

- (c) Any use of any part of the premises other than that under application, for retail purpose will require planning permission from the Town Planning Board.
- (d) The cockloft within the premises has been erected without the approval of the Building Authority and may be subject to enforcement action under the Buildings Ordinance.
- (e) Approved for a period of three years.
- (f) The submission and implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (g) If the above planning condition (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.
- (h) The submission of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (i) The implementation of the fire safety measures within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (j) If any of the above planning conditions (h) or (i) (as stated above) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.
- (k) The submission of the fire safety measures within three months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (l) The implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (m) If any of the above planning conditions (k) or (l) (as stated above) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

**Recommended Advisory Clauses**

- (a) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the Premises will not be jeopardized;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop shall not be adversely affected; and
  - (ii) the subdivision of the unit/ premises should comply with the provisions of Buildings Ordinance/ Building (Minor Works) Regulations. The applicant should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works, if any.
- (d) to note the comments of the Director of Fire Services that:
  - (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
  - (ii) means of escape separated from the industrial portion should be available for the subject unit;
  - (iii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and
  - (iv) the applicant should pay attention to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” if the application is approved.