

Previous Applications
at G/F of Kin Ho Industrial Building (Block 1)

No.	Application No.	Application Premises	Applied Use	Floor Area (m ²) (About)	Date of Consideration of RNTPC	Approval Condition
1.	A/ST/194	Block 1 C (Portion)	Auto Parts Shop [#]	18	24.1.1992 (lapsed)	Nil
2.	A/ST/497	Block 1 C5A	Local Provisions Store [@]	10	10.9.1999 (expired)	(a)
3.	A/ST/549	Block 1 C5	Fast Food Shop [#]	17	5.10.2001 (lapsed)	Nil
4.	A/ST/719	Block 1 C5 (Portion)	Shop and Services [~]	33	29.10.2010 (revoked)	(a), (b), (c), (d)
5.	A/ST/756	Block 1 C5 (Portion)	Temporary Shop and Services (Real Estate Agency and Retail Shop) for a period of 5 years [~]	33	5.8.2011 (revoked)	(a), (e), (f), (g)
6.	A/ST/778	Block 1 C5 (Portion)	Temporary Shop and Services (Real Estate Agency and Retail Shop) for a period of 5 years [@]	33	18.5.2012 (expired)	(a), (h), (i), (j)
7.	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	(a), (k), (l), (m)

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

[@] The planning permission was valid on a temporary basis of 3 years and had already expired.

[~] A/ST/719 and A/ST/756 were revoked due to the non-compliance with approval condition by the specified date.

Approval Conditions

- (a) Approved for a period of three years.
- (b) The submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011.
- (c) The implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011.
- (d) If any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

- (e) The submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.11.2011.
- (f) The implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.2.2012.
- (g) If any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.
- (h) The submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.8.2012.
- (i) The provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012.
- (j) If any of the above planning conditions (h) and (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.
- (k) The submission of the fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2015.
- (l) The implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2016.
- (m) If any of the above planning conditions (k) or (l) 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.

**Appendix III of
RNTPC Paper No. A/ST/951**

**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 ²)	Date of Consideration	Approval Condition(s)
Uses applicable for the maximum permissible limit of 460 m ² for aggregate commercial floor area on the G/F of an industrial building (with sprinkler system)						
1.	A/ST/225	Block 2 B2	Building Material Shop	53	23.10.1992	Nil
2.	A/ST/268	Block 2 C (Portion)	Retail Shop Selling Marble [#]	20	21.5.1993 (lapsed)	(a), (b), (c), (d)
3.	A/ST/498	Block 1 C2	Retail Shop (selling gifts and flowers) [@]	6	10.9.1999 (expired)	(e)
4.	A/ST/533	Block 1 C2 (Portion)	Retail Shop (selling stationery and packing materials) [#]	24	22.12.2000 (lapsed)	Nil
5.	A/ST/637	Block 1 C2	Shop and Services (Retail Shop) [~]	70.2	16.6.2006 (revoked)	(e), (f), (g)
6.	A/ST/722	Block 1 C4 (Portion)	Shop and Services (Real Estate Agency) [~]	18.13	10.12.2010 (revoked)	(e), (h), (i), (j)
7.	A/ST/758	Block 1 C4 (Portion)	Shop and Services (Real Estate Agency) [@]	20.6	19.8.2011 (expired)	(e), (k), (l), (m)
8.	A/ST/772	Block 1 C2	Shop and Services (Pharmacy, Retail Store) [~]	68.76	10.2.2012 (revoked)	(e), (f), (g)
9.	A/ST/831	Block 1 C2	Shop and Services (Pharmacy and Retail Shop) and Wholesale Trade (Pharmacy) [~]	68.76	22.11.2013 (revoked)	(e), (k), (l), (m)
10.	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 [@]	20.6	8.8.2014 (expired)	(e), (f), (g)
11.	A/ST/855	Block 1 C2	Shop and Services (Pharmacy and Retail Shop) and Wholesale Trade (Pharmacy) [#]	69.29	28.11.2014 (expired)	(e), (k), (l), (m)
12.	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	20.6	28.7.2017 (revoked)	(e), (f), (g)
Total :				53m²	(Only A/ST/225 is covered by valid planning permissions)	

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (About) (m ²)	Date of Consideration	Approval Condition(s)
Uses NOT applicable for the maximum permissible limit of 460 m ² for aggregate commercial floor area on the G/F of an industrial building (with sprinkler system)						
13.	A/ST/519	Block 1 C3 (Part)	Shop and Services (Fast Food Shop) [#]	27	16.6.2000 (lapsed)	Nil
14.	A/ST/781	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years [~]	48	6.7.2012 (revoked)	(e), (f), (g)
15.	A/ST/824	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years [~]	48	16.8.2013 (revoked)	(e), (k), (l), (m)
16.	A/ST/845	Block 1 C3	Temporary Shop and Services (Fast Food Shop) for a period of three years [~]	48	22.8.2014 (revoked)	(e), (f), (g)
17.	A/ST/899	Block 1 C3	Temporary 'Shop and Services (Fast Food Shop)' for a period of three years [~]	48	15.7.2016 (revoked)	(e), (k), (l), (m)

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

[@] The planning permission was valid on a temporary basis of 3 years and had already expired.

[~] A/ST/637, A/ST/722, 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) 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) 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.

Application rejected by the RNTPC

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (m ²) (About)	Date of Consideration	Rejected Reasons
1.	A/ST/245	Block 2 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.

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 subject premises will not be jeopardized;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) the 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. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate; 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.
- (c) 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 and means of escape completely separated from the industrial portion are available for the subject unit;
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and
 - (iii) 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.