

**Appendix II of
RNTPC Paper No. A/ST/953**

**Previous Application at
Part C of Workshop 6, Level L1, Wah Yiu Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin, N.T.**

Application approved by the RNTPC

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (m²) (About)	Date of Consideration	Approval Conditions
1.	A/ST/212	6 (Level L1)	Showroom (Industrial Pneumatic Machineries) [#]	70	4.9.1992 (lapsed)	Nil

The applied use ceases operation or there is a change of use of Premises under application. Hence, the planning permission granted has lapsed.

**Appendix III of
RNTPC Paper No. A/ST/953**

**Similar Applications for Shop and Services at
Levels L1 and L2 of Wah Yiu Industrial Centre**

Applications approved by the RNTPC

No.	Application No.	Application Premises	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)						
<i>Level L1</i>						
1.	A/ST/456	8	Retail Shop (Selling Paint and newspaper) [#]	29.5	22.5.1998 (lapsed)	Nil
2.	A/ST/588	9B	Wholesale Centre (Stationery)	25	9.1.2004	Nil
3.	A/ST/606	10 (Part)	Retail Shop (Roasted Meat Shop) [#]	21.9	15.10.2004 (lapsed)	(a)
4.	A/ST/705	6 (Portion A)	Showroom and Retail Shop [~]	19	25.6.2010 (revoked)	(b), (c), (d), (e)
5.	A/ST/716	6 (Portion B) (Part)	Shop and Services (Retail Shop) [~]	24.46	15.10.2010 (revoked)	(b), (c), (d), (e)
6.	A/ST/739	6 (Portion A)	Shop and Services (Showroom and Retail Shop) [@]	19	18.3.2011 (expired)	(b), (f), (g), (h)
<i>Level L2</i>						
7.	A/ST/230	11	Building Material Shop [#]	5	6.11.1992 (lapsed)	Nil
Total :				25m² (Only A/ST/588 is covered by valid planning permission)		
Uses NOT applicable for the maximum permissible limit of 460 m ² for aggregate commercial floor area on the ground floor of an industrial building (with sprinkler system)						
<i>Level L1</i>						
8.	A/ST/257	7 (Part)	Local Provisions Store [#]	7	19.2.1993 (lapsed)	(i), (j), (k), (l)
9.	A/ST/415	8 (Part)	Local Provisions Store [@]	15	24.1.1997 (expired)	(b)
10.	A/ST/475	7 (Part)	Local Provisions Store [#]	9.6	30.10.1998 (lapsed)	Nil
11.	A/ST/677	7C	Fast Food Counter [~]	13.26	13.3.2009 (revoked)	(b), (c), (d), (e)
12.	A/ST/682	10 (Part)	Proposed Shop and Services (Fast Food Shop) [~]	19.06	10.7.2009 (revoked)	(b), (c), (d), (e)
13.	A/ST/697	7C	Fast Food Shop [~]	13.26	23.4.2010 (revoked)	(b), (f), (g), (h)
14.	A/ST/702	10 (Part)	Shop and Services (Fast Food Shop) [@]	19.06	30.7.2010 (expired)	(b), (m), (n)

No.	Application No.	Application Premises	Applied Use	Floor Area (About)(m ²)	Date of Consideration	Approval Condition(s)
15.	A/ST/728	7C	Shop and Services (Fast Food Shop) [@]	13.26	23.12.2010 (expired)	(b), (f), (g), (h)
16.	A/ST/932	10 (Part)	Shop and Services (Fast Food Shop)	20	22.9.2017 (revoked)	(b), (o), (p)

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 three years and had already expired.

~ A/ST/677, A/ST/682, A/ST/697 A/ST/705, A/ST/716 and A/ST/932 were revoked due to the non-compliance with approval condition by the specified date.

Approval Conditions

- (a) The provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (b) Approved for a period of three years.
- (c) The submission of fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (d) The implementation of fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (e) If any of the above planning conditions (b) or (c) 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.
- (f) The submission of fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (g) The implementation of fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (h) If any of the above planning conditions (f) or (g) 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.
- (i) To ensure that the subject store would be completely separated from other industrial uses in the same industrial building by materials having a fire resistance period of at least 2 hours;
- (j) To ensure that loading/unloading activities would be undertaken within the subject industrial building;
- (k) Any use of the premises other than the part under application for retail purpose would require planning permission from the Town Planning Board; and
- (l) The cockloft within the premises has been erected without the approval of and consent from the Building Authority and may be subject to enforcement action under the Buildings Ordinance.

- (m) the implementation of the fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (n) if the above planning condition (m) 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.
- (o) The submission and implementation of a fire service installations proposal within 6 months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (p) If the above planning condition (p) 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 Town Planning Board upon review

No.	Application No.	Application Premises (Unit)	Applied Use	Floor Area (m ²) (About)	Date of Consideration	Rejected Reasons
1.	A/ST/214	9 & 10 (Level L1)	Restaurant	344	29.1.1993	R1, R2, R3

Rejected Reasons

- R1. There is no strong justification to sacrifice the industrial ground floor space for restaurant use.
- R2. The subject restaurant would attract people who are not workers in the subject industrial building and would expose them to fire and life risks which they are neither aware of nor prepared to face.
- R3. The approval of the application would set an undesirable precedent which may prompt similar conversion of industrial ground floor spaces for non-industrial uses.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) 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;
- (c) to apply to the District Lands Officer/Sha Tin, Lands Department (DLO/ST, LandsD) 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;
- (d) 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; and
 - (ii) the subdivision of the unit/ premises should comply with the provisions of Buildings Ordinance/ Building (Minor Works) Regulations. The applicants should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works, if any.
- (e) to note the comment 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 applicants are 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 applicants 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.