

**Similar S.16 Application for Place of Recreation, Sports or Culture  
within “Industrial” zone on the Sha Tin Outline Zoning Plan**

**Application Rejected by the RNTPC/TPB in the Past 10 Years**

<b>Application No.</b>	<b>Uses / Development</b>	<b>Date of Consideration</b>	<b>Rejected Reasons</b>
A/ST/835	Proposed Temporary Recreation, Sports or Culture (Fitness, Dance and Thai-Boxing Centre) for a Period of 3 Years	21.2.2014*	R1, R2, R3

\*Rejected by the Committee on 20.6.2014 upon review for the same reasons

- R1 The proposed development is not compatible with the existing uses in the subject industrial building which is predominately industrial in character.
- R2 The proposed development does not comply with the Town Planning Board Guidelines No.25D in that the D of FS does not satisfy on the risks likely to arise or increase from the proposed use under application. The proposed development is considered unacceptable from the fire safety point of view.
- R3 The approval of the application would set an undesirable precedent for other similar applications for ‘Place of Recreation, Sports or Culture’ use within industrial buildings which is unacceptable from the fire safety point of view.

**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 five 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 jeopardised;
- (c) to note the comment of the District Lands Officer/Shu Tin, Lands Department that the owner of the Premises is required to apply for a waiver from LandsD to effect the proposal. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and there is no guarantee that the waiver application for the proposal will be approved. In the event the waiver is approved, it would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD at its sole discretion;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) the applied use should comply with the requirements under the Buildings Ordinance. For instance, the studio should be separated from the adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes and should not result in the discharge value of existing staircases being exceeded;
  - (ii) if the applied use results in more than 30 persons in accordance with the Code of Practice for Fire Safety in Buildings 2011, 2 numbers of exit doors should be provided and such doors should open in the direction of exit;
  - (iii) adequate access facilities for persons with disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 are relevant; and
  - (iv) the applicant should engage an authorised person to ensure the proposed change in use comply with the Buildings Ordinance and allied regulations, and to co-ordinate the buildings works, if any; and
- (e) 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) the applicant should comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Buildings Department; and
  - (iii) the applicant should comply with the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.