

**Appendix II of  
RNTPC Paper No. A/ST/986**

**Previous Applications for Shop and Services at  
Workshop 10 (Part), Level L1, Wah Yiu Industrial Centre,  
2-12 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 (m <sup>2</sup> ) (About)	Date of Consideration	Approval Conditions
1.	A/ST/606	10 (Part) (Level L1)	Retail Shop (Roasted Meat Shop)#	21.9	15.10.2004 <b>(lapsed)</b>	(b)
2.	A/ST/682	10 (Part) (Level L1)	Proposed Shop and Services (Fast Food Shop)*~	19.06	10.7.2009 <b>(revoked)</b>	(a), (c), (d), (e)
3.	A/ST/702	10 (Part) (Level L1)	Shop and Services (Fast Food Shop)*@	19.06	30.7.2010 <b>(expired)</b>	(a), (f), (g)
4.	A/ST/932	10 (Part) (Level L1)	Shop and Services (Fast Food Shop)*~	20	22.9.2017 <b>(revoked)</b>	(a), (h), (i)

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

\* The floor area will not be counted up to the aggregate commercial floor area based on the TPB-PG No. 25D.

~ A/ST/682 and A/ST/932 were revoked due to the non-compliance with approval conditions by the specified date.

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

**Approval Conditions**

- (a) Approved for a period of three years.
- (b) The provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (c) The submission of fire safety measures within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010.
- (d) The implementation of fire safety measures within nine months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010.
- (e) If any of the above planning conditions (c) or (d) 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.
- (f) The implementation 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 TPB by 30.10.2010.
- (g) If any of the above planning condition (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 and implementation of a fire service installations proposal within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 22.3.2018.

- (i) If the above planning condition (h) 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.

**Applications rejected by the Town Planning Board upon review**

<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/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.

**Appendix III of  
RNTPC Paper No. A/ST/986**

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

Applications Approved by the RNTPC/TPB in the Past 10 Years and Applications with Valid Permanent Approval Granted by the RNTPC/TPB

No.	Application No.	Application Premises	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/588	9B	Wholesale Centre (Stationery)	25	9.1.2004	Nil
2.	A/ST/705	6 (Portion A)	Showroom and Retail Shop~	19	25.6.2010 <b>(revoked)</b>	(a), (b), (c), (d)
3.	A/ST/716	6 (Portion B)(Part)	Shop and Services (Retail Shop)~	24.46	15..10.2010 <b>(revoked)</b>	(a), (b), (c), (d)
4.	A/ST/739	6 (Portion A)	Shop and Services (Showroom and Retail Shop) <sup>@</sup>	19	18.3.2011 <b>(expired)</b>	(a), (e), (f), (g)
5.	A/ST/953	6 (Portion C)	Shop and Services (Real Estate Agency)	8.42	1.6.2018	(a), (h), (i)
6.	A/ST/973	7C	Shop and Services (Retail Shop and Fast Food Shop)	13.26	209.2019	(a), (h), (i)
<b>Total :</b>				<b>46.68m<sup>2</sup></b> (A/ST/588, A/ST/953 and A/ST/973 are covered by valid planning permissions)		
Uses <b>NOT</b> applicable for the maximum permissible limit of 460 m <sup>2</sup> for aggregate commercial floor area on the ground floor of an industrial building (with sprinkler system)						
7.	A/ST/697	7C	Fast Food Shop~	13.26	23.4.2010 <b>(revoked)</b>	(a), (e), (f), (g)
8.	A/ST/728	7C	Shop and Services (Fast Food Shop) <sup>@</sup>	13.26	23.12.2010 <b>(expired)</b>	(a), (e), (f), (g)

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

~ A/ST/705, A/ST/716 and A/ST/697 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 approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- (c) 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.
- (d) 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.
- (e) 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.

- (f) 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.
- (g) If any of the above planning conditions (e) or (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 and 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 Town Planning Board.
- (i) If the above planning condition (h) 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) 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 jeopardized;
- (c) shorter compliance period is imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration will not be given by the Committee to any further application;
- (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. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate and the means of escape of the existing adjoining premises shall not be adversely effected;
  - (ii) adequate access facilities for persons with disability should be provided. Building (Planning) Regulation 72 and Design Manuel: Barrier Free Access 2008 are relevant;
  - (iii) 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; and
  - (iv) the applicant is also advised to engage an authorised person to co-ordinate the building works, if any.
- (e) to note the comment of the Director of Fire Services that:
  - (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority; and
  - (ii) the applicant should comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.

- (f) to note the comment of the Director of Food and Environmental Hygiene that:
- (i) the operation of the fast food shop should not cause sanitary nuisance to its surrounding environment;
  - (ii) the management(s), owner(s), operator(s) of the fast food shop should properly remove / arrange to remove and dispose of the waste / refuse including waste water generated from the operation of the fast food shop at their own expenses; and
  - (iii) the activities in the fast food shop and removal of waste / refuse should not cause any environmental nuisance to the surroundings.