

**Previous Applications Covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/161	Proposed Extension of School Building	1.3.2002	(1), (2), (3)
2	A/YL-TYST/674	Proposed Eating Place with Ancillary Parking Spaces <i>(for permanent use)</i>	25.4.2014 approved for 3 years [revoked on 25.10.2014]	(1), (4), (5), (6), (7), (8), (9), (10)
3	A/YL-TYST/740	Proposed Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	3.7.2015 [revoked on 3.10.2015]	(1), (4), (5), (6), (7), (8), (9), (10)
4	A/YL-TYST/789	Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	3.2.2017 [revoked on 3.8.2017]	(1), (4), (5), (6), (7), (8), (9), (10)
5	A/YL-TYST/878	Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	2.3.2018	(4), (5), (6), (7), (9), (10), (11), (12)

**Approval Condition(s):**

- (1) Submission and/or implementation of the landscape and/or tree preservation proposal(s) (including tree preservation scheme/tree survey).
- (2) Submission and/or implementation of drainage proposal.
- (3) Provision of emergency vehicular access and fire services installations.
- (4) No operation between 11:00 p.m. and 12:00 p.m. is allowed on the site.
- (5) No outdoor seating accommodation, as proposed by the applicant, is allowed at the site.
- (6) No sound or audio equipments, as proposed by the applicant, are allowed to be used in the open areas of the site.
- (7) No queuing and reverse movement of vehicle onto/from public road are allowed at any time.
- (8) Submission of run-in/out proposal and provision of run-in/out.
- (9) Submission and/or implementation of fire service installations proposal.
- (10) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (11) Maintenance of existing trees and landscape planting on the site.
- (12) Reinstatement of the site to an amenity area upon expiry of planning permission.

**Appendix IV of RNTPC  
Paper No. A/YL-TYST/961**

**Advisory clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 1355 RP in D.D.121 is covered by Short Term Waiver (STW) No. 4174 to permit structures erected thereon for the purpose of "Eating Place with Ancillary Parking Spaces". The Site is accessible from Tong Yan San Tsuen Road via government land (GL). Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Road;
- (e) to note the comments of the Director of Environmental Protection that regarding the sewerage/effluent discharge, air/oily fume and noise aspects, sewage discharge from the Site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soak-away pit should be provided. The applicant should design and maintain the septic tank and soak-away pit according to the Professional Persons Environmental Consultative Committee (ProPECC) Note No. 5/93 requirements. Any effluent discharge from the Site should also comply with the requirements under the Water Pollution Control Ordinance. The applicant is also reminded of his obligation to take appropriate measure to minimise oily fume, cooking odour and noise impact as required under the Air Pollution Ordinance and Noise Control Ordinance.
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;

- (g) to note the comments of the Director of Fire Services that the applicant should make clarification on the fire services installation (FSI) provision for the subject temporary eating place with outside seating accommodation (OSA). Such FSI provision should be indicated in the form of FS notes on the submitted FSIs proposal for consideration. 2 additional nos. of 9L water type fire extinguishers should be provided at the proposed OSA. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), or application for licence for the subject eating place/OSA is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (h) to note the comments of the Director of Food and Environmental Hygiene that her department's facilities will not be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such operation/business, the applicant should arrange disposal properly at their own expenses. Proper licence/permit issued by her department is required if there is any food business/catering service/activities regulated by her under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. The operation of any eating place should be under a food licence issued by her department. If the operator intends to operate a restaurant business in the territory, a restaurant licence should be obtained from her department in accordance with Cap. 132. For the operation of other types of food business, relevant food licences should also be obtained from her department in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence should be obtained from her department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. The application for food business licences under Cap.132, if acceptable by her department, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. Whenever restaurant licensees wish to include an OSA into their licensed premises, they are required to submit application to her department by filling in the application form together with 8 copies of proposed layout cum OSA plan and 5 copies of 1:1000 location map for approval. If the application of OSA is acceptable for further processing, her department will refer it to the relevant departments including such as Buildings Department (BD), Transport Department, Fire Services Department, Planning Department, Home Affairs Department, LandsD for clearance. A Letter of Requirements on the captioned would be issued if no objection was raised by the departments concerned and the OSA licence will be issued upon full compliance of all the requirements; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. If the proposed use under application is subject to issue of a licence, the applicant is reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety

and other relevant requirements as may be imposed by the licensing authority. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.