

**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/TPB)</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>(not for temporary 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 approved for 3 years [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 approved for 3 years [revoked on 3.8.2017]	(1), (4), (5), (6), (7), (8), (9), (10)

**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 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.

**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the proposed development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications.
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises Old Schedule Agricultural Lots held under 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 to be erected thereon for the purpose of "Eating Place with Ancillary Parking Spaces". The Site is accessible to Tong Yan San Tsuen Road via Government land (GL). Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW(s) holder will still need to apply to her office for modification of the STW's conditions if there is any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) 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 LandsD;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (f) 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;
- (g) 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, 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 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 minimize oily fume, cooking odour and noise impact as required under the Air Pollution Ordinance and Noise Control Ordinance.

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is reminded to conduct routine vegetation maintenance works, such as irrigating the trees and removing weeds regularly throughout the period. Stacked material and debris should be removed at least 1m from all trees. The applicant shall take reference to the following information/guideline published by the GLTM Section, DEVB for tree maintenance: (i) 私人物業樹木護理資料 Information About Tree Maintenance For Private Properties ([https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)); (ii) 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance ([https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf));
- (i) 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;
- (j) to note the comments of the Director of Fire Services that for the submitted FSIs proposal, the applicant is advised that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to his Department. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Director of Food and Environmental Hygiene that whenever the restaurant licensees wish to include an outside seating accommodation (OSA) into their licensed premises, they are required to submit application to his 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, his department will refer it to the relevant departments including the Buildings Department, the Transport Department, the Fire Services Department, PlanD, the 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;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of BD, they are unauthorized 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) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized 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 license, 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 maybe 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; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.