

Responses-to-Comments

Proposed Temporary Open Storage of Construction Material and Machinery and Associated Filling of Land for a Period of 3 Years in “Agriculture” Zone, Lots 357 (Part) and 359 (Part) in D.D. 87, Hung Lung Hang, New Territories

(Application No. A/NE-FTA/246)

(i) A RtoC Table:

Departmental Comments		Applicant’s Responses
1. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)		
(a)	<p>Flooding incidents were recorded in the adjoining areas of the proposed development. It is revealed that the area adjoining the application site is subject to overland flows and/or flooding potential. Unless the applicant can submit satisfactory stormwater drainage and site formation proposals to demonstrate that there would be adequate measures provided at the resources of the applicant to ensure capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development and to avoid the site from being eroded and flooded, I do not support the application.</p>	<p>Noted. Further to the discussion with DSD, additional improvement works were proposed including additional channels at bottleneck, and along southern and eastern boundary of the existing stream/channel. Please refer to Section 4.1.3 and Figure 3 of the Drainage Proposal for the improvement works and proposed drainage (Annex 1).</p> <p>With the improvement works as mitigation measures, no unacceptable impact is anticipated.</p>
(b)	<p>The application site is located in the close proximity of an existing streamcourse to the south of the application site, the applicant shall be required to place all the proposed works at least 3 m away from the top of the bank of the existing streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to my satisfaction.</p>	<p>Noted. The proposed works would be at least 3 m away from the top of the bank of existing streamcourse.</p>

(c)	The applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction. DEP and DAFC should be consulted on possible environmental and/or ecological impacts of the development.	Noted.
(d)	The site is in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development.	
2. Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD)		
(a)	The application 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. No right of access via Government Land (GL) is granted to the application site.	Noted.
(b)	The application site is already being used for the uses under the application. The structures erected do not tally with the proposed layout plan of this application.	The application site (the Site) is currently vacant and partly covered with vegetation. No existing operation under the applied use has been observed at the Site in our recent site visit (aerial photo at Annex 2 refers).
(c)	<p><u>Unauthorised structures within Lot No. 357 in D.D. 87 covered by the planning application</u></p> <p>There are unauthorised structures on Lot No. 357 in D.D. 87. The lot owner should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.</p>	The applicant will submit the application for Short Term Waiver (STW) for the proposed structures to DLO/N, LandsD upon obtaining planning permission from the Town Planning Board.

<p>(d)</p>	<p><u>Unlawful occupation of Government land not covered by the planning application</u></p> <p>The Government land adjoining the application site has been illegally occupied with unauthorised structures without permission. The Government land being illegally occupied is not included in the application. Please rectify the extent of the application site with the applicant. Any occupation of Government land without Government’s prior approval is an offence under Cap. 28. This office reserves the rights to take necessary land control action against the illegal occupation of Government land without further notice.</p>	<p>The Site is currently vacant and covered with vegetation. No operation under the applied use has been observed at the Site in our recent site visit (aerial photo at Annex 2 refers).</p> <p>Kindly note that the proposed development, which has yet to be in operation before obtaining relevant planning permission from the Town Planning Board (the Board), will only be confined on the private lots within the Site i.e. <i>Lots 357 (Part) and 359 (Part) in D.D. 87</i>. Please also note that no Government Land will be involved in the proposed development.</p>
<p>(e)</p>	<p>The lot owner/applicant shall remove the unauthorised structures and cease the illegal occupation of the Government land not covered by the subject planning application immediately, and subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, apply to this office for Short Term Waiver (STW) to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee from the first date the unauthorised structures were erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of Government land. Besides, given the</p>	<p>The applicant will submit the application for STW for the proposed structures to DLO/N, LandsD upon obtaining planning permission from the Board.</p>

	proposed use is temporary in nature, only erection of temporary structures will be considered.	
(f)	Unless and until the unauthorised structures and the unlawful occupation of Government land (which regularisation could not be considered according to prevailing policy) are duly rectified by the lot owners/applicant or entirely included in the subject planning application, please take it as this office's objection to the application which must be brought to the attention of the Town Planning Board when they consider the application.	