



Section 16 Application No. A/NE-TKL/754

Annex 1 - Response to Comments Table

No.	Comments Received	Our Responses
1.	<i>Comments from Fanling District Rural Committee received on 6 May 2024</i>	
a	<p>本會認為申請資料不詳及太空泛，屬那一範疇「臨時工場及貨倉」？及「相關填土工程」又是什麼？實際批作什麼用途？有疑問是貴處對上述標題申請有何睇法？清晰瞭解？本會暫不會對此資料不詳的申請作出意見，避免對雙方(申請人及粉嶺軍地北的鄉民)也不公平。若貴處有更詳盡資料，請轉發給本會。</p>	<p>The Application Site has been used for workshop and storage uses since 1990 and the purpose of this Application is to continue the existing use and upgrade the existing storage facilities due to the rising demand for storage and warehouse facilities. The Proposed Development is in line with the Government's "Action Plan on Modern Logistics Development" and aims to satisfy the needs generated by the existing and future development in the Northern New Territories.</p> <p>The existing use on the Application Site remains unchanged and it will continue to store only non-polluting and non-dangerous goods. The proposed modification on the site will solely involve extension of covered areas and land filling works. While a substantial portion of the Application Site has already been filled by concrete, only a minor portion of land for about 335 sq.m. will be filled by concrete of about 0.3 metre in height under this Application to tally with the existing paved site.</p> <p>We also obtained support from the Fanling District Rural Committee. Please refer to the attached in Appendix.</p>
2.	<i>Comments from Environmental Protection Department received on 14 May 2024</i>	
b	<p>According to the planning statement, about 6 staff would be on site. The applicant shall advise the sewage disposal means (e.g. connection to public sewer, septic tank and soakaway system, portable toilet) and the location of on-site sewage disposal facility (if applicable).</p>	<p>There will be portable toilet located adjoining the structure. The toilet should be maintained in a state that will not deter the workers from using them. The collected sewage/wastewater should be discharged into the foul sewer or transferred to the Government sewage treatment works by a licensed collector.</p>



3.	<i>Comments from Agriculture, Fisheries and Conservation Department received on 14 May 2024</i>	
c	<p><u>From agricultural perspective</u> The subject site falls within the “AGR” and “OS” zones and is generally occupied by some structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The subject site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the subject site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.</p>	<p>The predominant uses in the vicinity of the Application Site are brownfield operations. They are warehouses and factories such as logistic companies and recycling centres which store goods and materials as well as engage in manufacturing and production activities. The Application Site is paved with concrete and has been accommodating workshop/storage uses in the past 20 years.</p> <p>Also, according to Town Planning Board Planning Guidelines No. 13G, the Application Site falls within both Category 1 and Category 2 areas for open storage and port back-up uses. The “AGR” zone falls within Category 2, which is considered as areas “mostly without clear planning intention or fixed development programme; areas to be affected by major upcoming infrastructural projects; areas within or close to clusters of open storage, port back-up or other types of brownfield sites / temporary uses”. As long as concerns of departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years subject to the approval of the Town Planning Board.</p>
d	<p><u>From nature conservation perspective</u> The applicant should avoid impact to the Ng Tung River nearby during construction and operation of the proposed use should the application be approved.</p>	<p>Noted. Upon receiving planning permission from the Board, the Applicant would strictly follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental impact to the Ng Tung River.</p>
4.	<i>Comments from Urban Design and Landscape Section, Planning Department received on 14 May 2024</i>	
e	<p><u>Landscape Observations and Comments</u> With reference to the aerial photo of 2023, the site is located in an area of miscellaneous rural fringe landscapes character comprising of open storages and temporary</p>	<p>The Application Site is situated in rural area which is already surrounded by warehouses, temporary structures, and workshop activities. As the proposed warehouse structure will be kept to a maximum height of 15m,</p>



	<p>structures mainly within the “OS” zone, farmland and clusters of tree group. The proposed use under this application is considered not incompatible with its surrounding environment. According to our site record taken on 24.4.2024, this site is mainly hard paved with temporary structures and storage of materials. Existing trees of common species are observed along the southern and eastern site boundary and will be in conflict with the proposed warehouse structure. Noting that tree information, proposed tree treatment and landscape treatment/ mitigation measures are not provided, potential impact on the landscape resources cannot be reasonably ascertained.</p>	<p>similar to that of existing structures and trees, it will not generate additional landscape and visual impacts to the existing surrounding character.</p> <p>There are shrubs located in the concerned Government land. Besides, there are three existing tree groups mainly comprises of <i>Leucaena Leucocephala</i> that are situated along the southern and eastern site boundary are about 15m in height, with only one tree group of about 5 nos. of tree situated within the Application Site only. This species of trees is an invasive and exotic tree which is categorized as undesirable species.</p> <p>Refer to <u>Annex 7</u> for the Existing Tree Groups.</p> <p>For about the <i>Leucaena Leucocephala</i> tree group that is located along the southern boundary and another tree group that is located along the upper part of the eastern boundary, as they fall within the government land, they are maintained and managed by the Government. Therefore, they will be kept to maintain the existing landscape environment.</p> <p>For the remaining <i>Leucaena Leucocephala</i> tree group that located in the central part along the eastern boundary, which comprise around 5 number of the tree. These trees have poor form with low amenity value and therefore they will be felled. It is proposed to plant 5 number of <i>Elaeocarpus chinensis</i> along the boundary, providing plant spacing of about 3m to 5m and a soil depth of 1200mm.</p> <p>Please see the updated Proposed Land Filling and Tree Location at <u>Annex 3</u>.</p>
f	<p><u>Detailed Comments / Advisory Comments</u> The applicant should provide basic information (e.g. species, size, general conditions and tree photos) on existing trees within and along the site boundary, proposed tree treatment and landscape treatment/</p>	Noted.



	mitigation measures for TPB's consideration.	
g	According to Annex 2 & 3 - Indicative Layout Plan and Proposed Land Filling, the proposed ingress/egress and extent of land filling are in close proximity to the existing trees within and along the site boundary. The applicant is reminded to offset the proposed works, e.g. ingress/egress, vehicular access, 1.5m metal fencing and extent of land filling, to avoid damage to the existing trees.	Noted. Upon acquiring planning permission from the Board, the Applicant would strictly follow the relevant requirements and devise appropriate measures to avoid damage to the existing trees.
h	The applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.	The concerned application does not involve the felling of any trees. Should any tree works be required, the Applicant would seek approval from relevant departments prior to commencement of the works.
5.	<i>Comments from Transport Department received on 14 May 2024</i>	
i	The applicant should substantiate the traffic generation and attraction from and to the site and the traffic impact to the nearby road links and junctions	Only an average of 6 staff members will be arriving at the Application Site for operation. They will commute by public transport or private cars. It is estimated that there will only be 2 roundtrips of Medium Goods Vehicles per peak operation hour for the delivery of materials and 2 roundtrips of private car per peak operation hour for commuting purpose which will not cause a significant impact on trip generation and trip attraction around the Application Site. Thus, it is not anticipated to have any adverse traffic impact to the nearby road links and junctions, such as Sha Tau Kok Road and Ping Che Road.
j	The applicant shall illustrate on the layout plan the size of the proposed parking provision and loading/unloading spaces of the site	Noted. The layout plan (<u>Annex 2</u>) is revised accordingly.



k	<p>The applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to the subject site from Sha Tau Kok Road and exiting from the subject site to Sha Tau Kok Road, preferably using swept path analysis. The applicant shall also clarify whether the vehicles could leave the site with its head towards the vehicular entrance after head-in parking. Furthermore, the applicant shall also demonstrate the satisfactory manoeuvring of vehicles entering into and exiting from the east-most loading/unloading space.</p>	<p>A turning circle with a diameter of 11.6m is provided within the Application Site, thus vehicles could leave the site with its head towards the vehicular entrance after head-in parking.</p> <p>Currently, there are medium goods vehicles entering and exiting the site for operational purpose which ensures the adequacy of the width of the road for the medium goods vehicles to access from Sha Tau Kok Road already.</p> <p>Having said that, the adjacent planning application No. A/NE-TKL/735 also utilise exactly the same local road to pass through Kwan Tei area to reach the Sha Tau Kok Road. It is noteworthy that Transport Department has no objection for this route as well.</p> <p>We have already demonstrated that there is satisfactory manoeuvring of vehicles entering to the subject site from the existing ingress/egress point to the local road. Transport Department also has no objection for planning application No. A/NE-TKL/735 to reach to Sha Tau Kok Road by the local road. It is affirmative that there is satisfactory manoeuvring of vehicles entering to the subject site from Sha Tau Kok Road and existing ingress/egress point from the subject site to Sha Tau Kok Road.</p>
l	<p>The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety.</p>	<p>A "Pedestrian accident blackspot ahead" sign will be placed at the entrance of the site. A temporary staff station will also be placed at the entrance to manage traffic condition when the vehicle(s) enter and exit the site.</p>
m	<p>The vehicular access between the site and Sha Tau Kok Road is not managed by TD. The applicant shall seek comment from the responsible party.</p>	<p>Well noted. The Applicant will contact the responsible party.</p>
6.	<p><i>Comments from Lands Department received on 22 May 2024</i></p>	
n	<p>The application site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to</p>	<p>The site is currently being used for storage purpose. However, redevelopment of the structures erected on the Application Site and its covered area are proposed in this application. The unauthorized structures</p>



	<p>be erected without the prior approval of the Government. No right of access via Government land (GL) is granted to the application site.</p> <p>Lot Nos. 77 S.A, 82 S.A, 82 RP in D.D. 83 is covered by a Short Term Wavier (STW) No. 772 for the purpose of a rolling mill. The applicant is not the STW holder.</p> <p>The application site is already being used for the uses under the application. The structures erected do not tally with the STW 772 nor the proposed layout plan of this application.</p>	<p>will be removed and the applicant will apply for STW for the proposed structure upon approval of the planning application.</p>
q	<p>I must point out that the following irregularities covered by the subject planning application have been detected by this office:</p> <p>(a) Unauthorised structures within the said private lots covered by the planning application</p> <p>There are unauthorised structures on the private lots. 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>	<p>Well noted. The applicant is going to apply STW for all structures within the concerned private lots upon approval of this planning application.</p>
	<p>(b) Unlawful occupation of Government land adjoining the said private lots with unauthorised structures covered by the planning application</p> <p>Portion of the GL within the application site (about 570 m² as mentioned in the application form) has been illegally occupied with unauthorised structure without any</p>	<p>According to the digital orthophoto as attached in <u>Annex 8</u>, all existing structures are situated within the concerned private lots only and no unlawful structures erected on the government land is observed.</p> <p>Before the submission of the planning application, the latest land survey report has been submitted to Survey and Mapping Office to illustrate the</p>



	<p>permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. LandsD objects to the planning application since there is illegal occupation of Government Land (GL) which regularization would not be considered according to the prevailing land policy. The lot owners should immediately cease the illegal occupation of GL. This office reserves the rights to take necessary land control action against the illegal occupation of Government land without further notice.</p>	<p>situation. Staff of the Lands Department are welcome to re-inspect the site for our clarification.</p>
r	<p>The following irregularity not covered by the subject planning application has been detected by this office:</p> <p><u>Unauthorised structures within the said private lots not covered by the planning application</u></p> <p>There are unauthorised structures within Lot Nos. 77 S.A and 78 S.B in D.D. 83 which is not covered by the subject planning application. The lot owners 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>	<p>Redevelopment of the existing structures has been proposed in the subject planning application. The unauthorized structures will be removed and replaced by the proposed structures with a total covered area of about 1,650 sq.m. The proposed structures are covered by the subject application and STW will be applied for all the proposed structures.</p>
s	<p>The lot owners/applicant shall cease the illegal occupation of the GL and <u>either</u> (i) remove the unauthorised structures not covered by the subject planning application immediately; <u>or</u> (ii) include the unauthorised structures in the subject planning application for the further consideration by the relevant departments <u>and</u>, subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification or amendment as aforesaid</p>	<p>According to the latest digital orthophoto as attached at Annex 8, all existing structures are situated within the concerned private lots only and no unlawful structures erected on the government land is observed.</p> <p>For the redevelopment of the structures erected on the Application Site, the location and dimension of the structure have been indicated and fully incorporated into our layout plan. Upon approval of this planning application, STW of the structure will be applied. Therefore, there shall not be any unauthorized structures.</p>



	<p>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 waiver fee 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 proposed use is temporary in nature, only erection of temporary structures will be considered.</p>	
t	<p>Unless and until the unauthorised structures and the unlawful occupation of Government land are duly rectified by the lot owners/applicant or the unauthorised structures not covered by the subject planning application are 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.</p>	<p>Well noted and please refer to above responses.</p>