

Table A

Responses-to-Comments Table

Departmental Comments		Applicant’s Responses
A.	Comments of Head of Geotechnical Engineering Office, Civil Engineering and Development Department (Contact Officer: Ms. Y H LAM, Tel: 2762 5389)	
1.	With reference to “GEO Advice Note for Planning Applications” (Appendix I), the site meets criterion (iii) for the requirement of Geotechnical Planning Review Report (GPRR) submission. Therefore, a GPRR should be submitted with the planning application.	A Report of GPR is now attached in Annex A for consideration.
B.	Comments of Sai Kung and Islands District Planning Office, Planning Department (Contact Officer: Ms. Sylvia LAM, Tel: 2158 6165 / Mr. Benjamin LEE, Tel: 2158 6144)	
1.	<p>Noting from Para. 1.4 of Planning Statement (PS) that “...<i>on-site excavation and filling of land associated with future maintenance and/or erection/replacement of fence barrier works at different operation stages...</i>” and Application Form that the proposed filling and excavation are of 1.5m in depth, please clarify the followings:</p> <p>(a) the extent of the proposed excavation and filling of land within the application site supplemented with a detailed plan indicating each of the location, scale and site formation levels of the proposed works;</p> <p>(b) whether the proposed excavation and filling of land would only be limited to maintenance / erection / replacement of fence barrier, and whether there will be further excavation and filling of land in other parts of the application site for private garden purposes (e.g. concrete steps and paving etc.).</p>	<p>(a) The anticipated excavation and filling of land within the Application Site will likely be triggered by the three following situations:</p> <p>(i) to replace/re-provide/maintain the existing barrier fence wall running alongside the south, east and north of the Application Site (“the Site”). Subject to the detailed design of the new barrier fence wall, if required, the total extent in this situation will be around 2.16m² [i.e. 0.3m (l) x 0.3m (w) x 24 existing structural post concrete bases] with a maximum depth of 0.6m below ground (Figure F1 of Annex B); and/or</p> <p>(ii) to re-plant/remove those damaged (e.g. by typhoons)/dead plants within the Site during the operational phase after obtaining approval of this planning application. The extent of the excavation/filling of land will cover the entire site; and/or</p> <p>(iii) to undertake the necessary slope stability/slope repair/maintenance works of the Site to comply with relevant required standards. Subject to detailed design requirements, it may cover the entire site under this particular situation, if necessary.</p> <p>(b) Apart from the above-mentioned three situations, no other additional item related to excavation and filling of land is anticipated.</p>

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2.	Please clarify and indicate the existing structures/features within the application site on plan.	Figure F1 of Annex B shows the existing barrier fence wall at the Site.
3.	Noting from Para. 5.2 of PS that “ <i>Upon approval of this application, the Applicant will include another piece of GL closely abutting her house lot D’or, Tai Wong Kung, Po Toi O, Sai Kung</i>) within “V” zone as one STT application”, please clarify the extent of the whole existing private garden for the subject house and the proposed use(s) for each portion.	Figure F6 of Annex B shows the indicative extent of the existing private garden associated with House G (erected on Lot No. 210 RP in D.D. 241).
C.	Comments of Chief Town Planner/Urban Design and Landscape, Planning Department (Contact Officer: Ms. Isabella TSUI, Tel: 3565 3951)	
1.	According to Planning Statement paras. 3.3, 4.2 & 4.3, the Applicant repeatedly claimed to “ <i>retain all existing vegetation and trees in-situ within the Subject Site</i> ”. However, the proposed excavation and fill of land of 150 sqm (i.e. the entire site area) up to 1.5m would actually damage any tree/vegetation cover in-situ which is opposite to the Applicant’s intention to protect and conserve the existing vegetation/tree. Please review and clarify the intention of proposed excavation/filling.	Please refer to the Response to Item B1 above for details.
2.	Planning Statement para. 3.4 mentioned “ <i>planting of new trees/removal of dead trees, or erection/replacement of roadside fence barriers</i> ”. Please provide a plan showing i) the locations of the existing trees (including dead trees) within the Site, ii) the proposed locations of new trees and iii) the alignment and height of the roadside fence barrier.	Figures F1 to F5 of Annex B show the approximate location of existing plants within the Site, and the alignment of the existing barrier fence wall with heights indicated.
3.	Please provide a conceptual landscape plan for the proposed temporary private garden for Town Planning Board’s consideration.	Figures F1 to F5 of Annex B show the indicative existing landscape arrangements within the proposed temporary private garden.
D.	Comments of Director of Environmental Protection (Contact Officer: Mr. Henry LEUNG, Tel: 2835 2512)	
1.	Having regard to the scale and nature of the proposed	Noted.

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	development, it will unlikely cause major pollution under EPD's ambit. Therefore, EPD has <u>no in-principle objection</u> to the application from environmental planning perspective.	
2.	Notwithstanding the above, the proposed excavation and filling of land as well as erection/replacement of roadside fence barriers would involve earthworks and/or building works falling within a "CA" zone. In this regard, please remind the applicant that all projects involving earthworks, dredging works and other building works partly or wholly in a conservation area are designated projects which require an environmental permit for their construction and operation unless the works belong to exception (a) - (o) under Item Q.1 of the Environmental Impact Assessment Ordinance (EIAO).	Noted. Upon approval of this planning application, the Applicant will actively liaise with EPD on all required worked related to excavation/filling of land, if necessary.
	In this regard, as the subject site has been used as a private garden at the present moment that may involve earthworks and / or building works within CA zone. EPD has referred the case to the Environmental Compliance Division of EPD to investigate whether any enforcement action would be required.	Noted.
E.	Comments of District Lands Officer/Sai Kung (Contact Officer: Mr. WONG Hing Yan, Tel: 2792 5187)	
1.	No objection to the application;	Noted.
2.	The application site (the Site) comprises government land (GL) and is not covered by any Short Term Tenancy (STT). An application for STT for the purpose of private garden to regularise the illegal occupation of the Site and the GL adjoining Lot No. 210 RP in D.D. had been submitted by the present owner of Lot No. 210 RP in D.D. 241. The said STT application was rejected by his office on 24.6.2024 as the proposed use did not fall within Column 1 or 2 uses of the "Conservation Area" zone under the Outline Zoning Plan;	Noted.

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<p>3. Land enforcement action is being taken against illegal occupation of both the GL within the Site and the GL adjoining Lot No. 210 RP in D.D. 241. No land enforcement action has been taken against the local access road adjoining the Site;</p>	<p>Noted.</p>
<p>4. The following irregularities covered by the planning application have been detected by his office: <u>Unlawful occupation of GL with unauthorised structures covered by the planning application</u> The GL within the Site has been fenced off/illegally occupied with unauthorized structures without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the right to take necessary land control action against the illegal occupation of GL without further notice;</p>	<p>Noted.</p>
<p>5. The following irregularities <u>not</u> covered by the planning application have been detected by his office: <u>Unlawful occupation of GL with unauthorised structures not covered by the planning application (i.e. the GL adjoining Lot No. 210RP in D.D. 241)</u> the GL adjoining Lot No. 210 RP in D.D. 241 has been fenced off/illegally occupied with unauthorized structures without permission and is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the right to take necessary land control action against the illegal occupation of GL without further notice;</p> <p>If the planning application is approved, the applicant shall apply to his office for a STT to permit the occupation of GL. The application for STT will be considered by the Government in its capacity as landlord and there is no guarantee that it will be approved. The STT,</p>	<p>Noted. Upon approval of this Planning Application, the Applicant will liaise with the LandsD on all land administrative procedures in connection with the STT application and other land control matters related to the Site.</p>

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<p>if approved, will be subject to such terms and conditions including the payment of rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.</p>	
<p>F. Comments of the Director of Food and Environmental Hygiene (Contact Officer: Mr. Raymond CHAN, Tel: 3141 1231)</p>	
<p>1. There was no record related to illegal dumping activities and/or relevant environmental complaints on the subject site. While FEHD has no adverse comment on the subject planning application, our advisory comments are provided as follows:</p> <ul style="list-style-type: none"> (i) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected; (ii) Proper licence / permit issued by FEHD is required if there is any activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132), Places of Public Entertainment Ordinance (Cap.172) and other relevant legislation for the public; (iii) For any waste generated from the such activity / operation, the applicant should arrange disposal properly at their own expenses. The work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. 	<p>Noted.</p>