

Responses-to-Comments

**Temporary Shop and Services with Ancillary Office
for a Period of 3 Years in “Residential (Group D)” Zone,
Lot 1038 S.B (Part) in D.D. 130, Fuk Hang Tsuen, Tuen Mun, New Territories**

(Application No. A/TM-LTYT/481)

(i) A RtoC Table:

Departmental Comments		Applicant’s Responses
1. Comments of the Director of Electrical and Mechanical Services (DEMS)		
(a)	<p>Please note that there is a high pressure underground town gas transmission pipeline in the vicinity of the proposed temporary shop and service with ancillary office. In this connection, grateful if you could provide an estimation of aggregated population induced from the captioned proposal for our consideration. Your attention is drawn that Quantitative Risk Assessment would be required from the project proponent/consultant to assess the risks posed by the gas installation and hence to identify any mitigation measures to lower the risk levels, if the proposal will result in a significant increase in population.</p>	<p>It is noted that there is a high pressure underground town gas transmission pipeline in the vicinity of the application site (the Site).</p> <p>The Site is the subject of several previous S.16 planning applications (nos. A/TM-LTYT/395 and 430) for the same use, of which the latest application was approved by the Town Planning Board (the Board) on temporary basis for a period of 3 years on 12.08.2022. The applicant currently seeks planning permission to operate the same use (i.e. a small-scaled metalware shop with ancillary facilities) to accommodate about 8 nos. of staff at the Site. It is estimated that the development would attract not more than 15 visitors per day. Given that the current application is of similar scale and nature comparing with the previously approved applications, substantial increase in aggregated population arising from the development shall not be envisaged.</p> <p>In view of the above, the applicant will minimise the number of personnel in the development as far as reasonably practicable.</p>

(b)	The applicant/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of temporary shop and services with ancillary office.	Noted. The applicant will liaise with relevant Government departments and Hong Kong and China Gas Company Limited regarding the issue after obtaining planning permission from the Board.
(c)	The applicant is required to observe the following requirements of the Electrical and Mechanical Services Department's Publications for reference.	Noted.

Departmental Comments		Applicant's Responses
2. Comments of the Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD)		
(a)	The ingress/egress and loading/unloading arrangement should be commented by TD.	Noted.
(b)	Adequate drainage measures shall be provided to prevent surface water running from the application site to the nearby public roads and drains.	Noted. Relevant drainage facilities have been provided by the applicant to mitigate the potential drainage impact to the surrounding areas. Please refer to Appendix II of the original submission.
(c)	Please note that HyD shall not be responsible for the maintenance of any access connecting between the application site and Fuk Hang Tsuen Road. Presumably, the relevant department will provide their comments to you, if any.	Noted.

Departmental Comments		Applicant's Responses
3. Comments of the Commissioner for Transport (C for T)		
(a)	As the local access road between Fuk Hang Tsuen Road and the subject site is not a public road or footpath managed by this Office, comments from relevant authorities and local stakeholders should be sought.	Noted.
(b)	It is noted that a manoeuvring space is reserved within the subject site. Please ensure that no queuing and/or waiting of motor vehicles from the subject site onto adjacent public roads or Government Land would occur and no motor vehicles shall be permitted to reverse into and out of the subject site onto adjacent public roads or Government Land.	Sufficient space is provided for vehicles to manoeuvre smoothly within the Site. No queuing and/or waiting of motor vehicles are permitted to reverse into/out of the Site onto adjacent public roads or Government Land (GL). Staff are deployed at the ingress/egress to direct vehicles during the loading/unloading operations.
(c)	It is noted that vehicular access arrangement will be the same as the previously approved planning applications A/TM-LTY/395 and A/TM-LTY/430. However, the approval condition (d) and (e) (i.e. submission of turn-in/out proposal and its implementation) in A/TM-LTY/395 have not been met, and this Office has not received any notification from the applicant that our advisory clause on the construction and implementation of run-in/out as per HyD standard has been fulfilled with.	<p>Approval condition (d) under planning application no. A/TM-LTY/395 in relation to the submission of a run-in/out proposal was considered complied with by C for T and the Director of Highways on 26.02.2021. The accepted proposal and compliance letter are enclosed at Annex 1.</p> <p>Due to land administrative issue, the implementation of the run-in/out proposal could not be carried out by the applicant during the approval periods of planning application nos. A/TM-LTY/395 and 430.</p> <p>Should the application be approved by the Board, the applicant will continue to liaise with the Lands Department (LandsD) concerning the GL adjoining the Site for implementation of the accepted run-in/out proposal under planning application no. A/TM-LTY/395.</p>

Departmental Comments		Applicant's Responses
4. Comments of the District Lands Officer/Tuen Mun (DLO/TM), LandsD		
(a)	<p><u>Unauthorised structure(s) within the Lot covered by the planning application</u></p> <p>There is an authorised structure on the Lot. The Lot owner(s) should immediately rectify/regularise the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.</p>	<p>The applicant will cease occupation of GL by removing any structure falling within GL. Besides, the applicant will also remove any portion of the existing 2-storey structure which may have fallen onto the adjoining Lot No. 1038 S.A in D.D. 130. After modification works, the existing 2-storey structure will be confined within the site boundary of the current application.</p> <p>Upon obtaining planning permission from the Board, the applicant will rectify the existing 2-storey structure within the Site by submitting an application for Short Term Waiver to DLO/TM, LandsD.</p>
(b)	<p><u>Occupation of Government land adjoining the Lot with unauthorised structures not covered by the planning application</u></p> <p>The Government land adjoining the Lot has been occupied with unauthorised structures including a part of 2-storey building, an electrical box and a ramp without permission. 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>	
(c)	<p>The existing structure may have also encroached onto the adjoining Lot No. 1038 S.A in D.D. 130.</p>	
(d)	<p>The Site is accessible via Fuk Hang Tsuen Road passing through a piece of Government land. This office does not carry out maintenance works for the said Government land nor guarantee that any right-of-way over the Government land to the Site will be given.</p>	
		Noted.