1st Further Information

Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land for a Period of 3 Years in "Agriculture" Zone', Lot 1475 S.B RP (Part) in D.D. 83, Lung Yeuk Tau, Fanling, New Territories

(S.16 Planning Application No. A/NE-LYT/884)

(i) The applicant would like to submit a response-to-comments table for the consideration of government bureaux/departments:

Comments of the Commissioner for Transport (C for T) (Contact Person: Mr. POON Chi Hang, Gary, Tel.: 2399 2549)		
(1)	Please advise whether only vehicles actively registered under Cap. 374 (the Road Traffic Ordinance) are allowed to be parked within the application site (the Site).	Only vehicles actively registered under Cap. 374 (the Road Traffic Ordinance) are allowed to be parked within the application site (the Site).
(2)	Please also supplement swept path analysis showing the satisfactory maneuvering of PC-type vehicles entering and leaving the Site.	Noted. Please find swept path analysis at **Appendix II**. The swept path analyses have demonstrated that sufficient spaces are provided for all vehicles to manoeuver when entering/leaving the Site.
(3)	Please propose traffic mitigation and control measures, e.g. traffic signs and road markings, to ensure the safety of pedestrians and cyclists crossing the run-in/out outside the site when vehicles are entering and leaving the Site.	Staff will be deployed by the applicant to direct vehicles entering/exiting the Site. This is to ensure pedestrian safety from passing through the Site entrance. 'Beware of Pedestrian' and 'Stop' signs will be shown at the ingress/egress to ensure pedestrian safety.
(4)	The local access road linking from Sha Tau Kok Road – Lung Yeuk Tau is not managed by this Department. The applicant should obtain consent from relevant land owners and maintenance authorities on using this road;	Noted.

(5)	No parking at local access road linking from Sha Tau Kok Road – Lung Yeuk Tau is allowed.	Noted.
(6)	No vehicle is allowed to queue back to or reverse onto/ from the local access road linking from Sha Tau Kok Road - Lung Yeuk Tau and public road at any time.	Noted.
Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) (Contact Person: Mr. LAM Kai Yu, Kelvin, Tel.: 2675 1847)		
(1)	The Site comprises Old Schedule Agricultural Lot No. 1475 83 RP in DD. 83 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. The proposed ingress/ egress of the application site is required to pass through Government Land (GL) but no right of access via GL is granted to the Site;	Noted. The applicant will submit a Short Term Waiver (STW) once the current application is approved by the Town Planning Board.
(2)	The private lot is covered by Modification of Tenancy (MOT) No. 38286 for domestic purposes, but its cancellation is under processing. His office reserves the rights to take necessary enforcement action of breach is detected;	
(3)	There are structures erected on the private lot concerned. Records of Surveyed Squatter Structures were found thereon, but their conformity is subject to further investigation. His office reserves the rights to take necessary enforcement action if breach is detected;	
(4)	The following irregularities not covered by the subject planning application have been detected:	

	<u>Unauthorised structures within the said private lot not covered by the planning application</u> There are unauthorised structures within the said private lot not covered by the subject planning application. The lot owner/applicant should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;	
(5)	The lot owner/applicant shall either (i) remove the unauthorised structures not covered by the subject planning application immediately; or (ii) include the unauthorised structures in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for an Short Term Waiver (STW) to permit the structures 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 owner for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future. Unless and until the unauthorised structures are duly rectified by the lot owner or entirely included in the subject planning application, this office would	

	have adverse comment to the application which must be brought to the attention of the Town Planning Board when consider the application;	
(6)	Notwithstanding the above, according to the prevailing land policy, no STW applications for domestic purposes would be considered; and	
(7)	The lot owner/applicant should comply with all the land filling requirements imposed by relevant Government departments.	
Comments of the Director of Agriculture, Fisheries and Conservation (DAFC) (Contact Person: Mr. LAU Yun-kwan, Tel.: 2150 6931)		
(1)	The Site falls within the "Agriculture" zone and is generally vacant with some structures. Part of the site is also being used for farming. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.	Noted. The Site is surrounded in rural character with an intermix of temporary structures for workshops, warehouses, and residential structures, the proposed development with no structure provided is considered not incompatible with the surroundings. Furthermore, as there are no active agricultural activities within the Site, the proposed development would not frustrate the long-term planning intention of the "AGR" zone and would better utilise precious land resources in the New Territories.
Comments of the District Planning Officer/Sha Tin, Tai Po and North, Planning Department (DPO/FSYLE, PlanD) (Contact Person: Mr. NGAN Pak Lun, Peter, Tel.: 2158 6094)		
(1)	Regarding Drawing No. Plan 5, land filling of the whole site is proposed which may lead to tree felling. This contradicts with the Application Form which states that no tree felling will be involved. Please clarify.	Noted. According to a tree survey conducted by the applicant, 5 nos. of trees were identified within the site boundary. No OVT or protected species has been identified. Due to land filling in the Site, all identified trees are proposed to be felled. A landscape proposal is provided by the applicant (**Appendix III**) where 5 new trees (i.e.

		Bauhinia Blakeana) (T1 to T5) are proposed to be planted at the southeastern portion of the Site as a landscape buffer. The proposed 5new trees will be planted at least 1.2m soil depth for better tree health. The new proposed trees are for mitigating any potential visual and landscape impact (if any) towards nearby sensitive receivers. The new trees planted within the Site will be maintained by the applicant in good condition during the planning approval period.
(2)	Please note that the Secretariat of the Board has received a number of public comments expressing objection or concern on the current application. The applicant should take note of these public comments and provide responses as appropriate.	The Site is located in close vicinity of some existing residential and village settlements (e.g. Chung Yuen, Ma Liu Shui San Tsuen, Queen's Hill Estate etc.), which demand for public parking spaces has always been very high. Although public franchised buses and minibus services are provided at Sha Tau Kok Road - Lung Yeuk Tau, some of the surrounding locals and villagers still rely on private cars for commuting due to overcrowded public transport, limited destinations and infrequency of public transport services, as well as their own travelling destinations to remote villages. The filling of land is to facilitate a flat surface for vehicle parking and circulation area uses. Such land filling is considered necessary and has been kept to minimal to meet the operational needs of the proposed development. The applicant will strictly follow the '*Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites*' issued by the Environmental Protection Department and statutory requirements under relevant pollution control ordinances to minimise adverse environmental impacts and nuisance to the surrounding area.

		The applicant will strictly comply with all environmental protection / pollution control ordinances, i.e. *Water Pollution Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance* etc. at all times during the planning approval period.