

Response-to-Comment (RtC)

**Proposed Temporary Shop and Services, Eating Place and Public Vehicle Park
(excluding Container Vehicle) with Ancillary Facilities and Associated Excavation of Land
for a Period of 3 Years in “Village Type Development” Zone
Lot 139 (Part) in D.D. 96, Pun Uk Tsuen, Lok Ma Chau, Yuen Long, New Territories**

(S.16 Application No. A/STT/33)

(i) An RtC table:

Departmental Comments		Applicant’s Responses
1. Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)		
(a)	Existing water mains will be affected as shown on the plan. The cost of any necessary diversion shall be borne by the proposed development.	Under the current scheme, no site formation work or erection of structure will take place at the waterworks reserve i.e. within 1.5 meters from the center line of the water main. Free access will be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
(b)	In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 meters from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.	
(c)	No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan.	Noted. Under the current scheme, no trees or shrubs are proposed at the application site (the Site).
(d)	Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains and in close vicinity of the site.	Noted.

Departmental Comments		Applicant's Responses
2. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)		
(a)	<p><u>Unauthorised structure(s) within the said private lot covered by the planning application</u></p> <p>LandsD has reservation on the planning application since there is/are unauthorised structure(s) on the Lot No. 139 in D.D. 96 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD.</p>	<p>Noted. Upon obtaining relevant planning permission from the Town Planning Board (the Board), the applicant will submit an application for Short Term Waiver (STW) to DLO/YL, LandsD for the erection of the structures under the proposed scheme.</p>
(b)	<p><u>Unauthorised structure(s) within the said private lot(s) not covered by the planning application</u></p> <p>There is/are unauthorised structure(s) within the said private lot(s) not covered by the subject planning application. The lot owner(s) should immediately rectify/apply for regularisation on 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 strictly confine the proposed development within the site boundary applied for under the current planning application.</p> <p>Upon obtaining relevant planning permission from the Board, the applicant will submit an application for STW to DLO/YL, LandsD for the erection of the structures under the proposed scheme.</p>
(c)	<p>If the planning application is approved, the lot owner(s) shall apply to this office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee/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>Noted. Upon obtaining relevant planning permission from the Board, the applicant will submit an application for STW to DLO/YL, LandsD for the erection of the structures under the proposed scheme.</p>

(ii) The applicant provides the following information as per the comments of the District Planning Officer/Fanling, Sheung Shui and Yuen Long East, Planning Department (DPO/FSYLE, PlanD):

- the proposed development serves to meet the local demand for eating place, shops, and space for real estate agencies. The nearest eating place is about 1.4 km from the Site (near Tun Yu Road) and no public transportation is available in between. Moreover, the nearest store selling household items and daily necessities, as well as real estate agency are both located about 1.5 km away in the village proper of San Tin. As such, there is substantial need for the proposed development at the Site and its proximity;
- the 3 nos. of light goods vehicle parking space are for the operation of the public vehicle park; and
- it is anticipated that the proposed development would accommodate about 8 nos. of staff.