

Responses-to-Comments

Proposed Temporary Office with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone, Various Lots in in D.D. 109 and Adjoining Government Land, Kam Tin, Yuen Long, New Territories

(Application No. A/YL-KTN/980)

- (i) Majority of the application site (the Site) (i.e. about 3,995 m², 79%) will be remained as soiled ground for healthy plants/trees growth while the remaining portion of the Site (i.e. about 1,092 m², 21%) is proposed to be filled with concrete of not more than 0.2 m (about) in depth for site formation of structures and circulation space (**Plan 1**). Two existing trees within the Site will be preserved and well-maintained by the applicant during the planning approval period.
- (ii) A RtoC Table:

Departmental Comments		Applicant’s Responses
1. Comments of Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) (Contact Person: Ms. Samuel HUI; Tel.: 3565 3957)		
(a)	Noting that the proposed filling of concrete and vehicle circulation space maybe in conflict with 1 no. of existing tree. The applicant is advised to adjust the layout of land filling to minimize the impact on the existing tree within the site.	A revised plan showing the filling of land of the Site is provided (Plan 1). Two existing trees identified within the Site will be preserved and well-maintained by the applicant during the planning approval period.
2. Comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) (Contact Person: Ms. Sofia CHENG; Tel.: 2443 1072)		
(a)	The Government land within the application site (about 52m ² as mentioned in the application form) has been fenced off on or after 28.3.2017 without aby 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 unlawful occupation of Government Land (GL) and regularization would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the unlawful occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action	Noted. The applicant will submit Short Term Waiver (STW) and Short Term Tenancy (STT) applications to rectify the applied use erected on the concerned lots and Government Land (GL) after planning approval has been obtained from the Town Planning Board.

	<p>against the illegal occupation of Government land without further notice.</p>	
(b)	<p>The lot owner(s)/applicant shall cease the unlawful occupation of the Government land and subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for an Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structure(s) erected and the occupation of the Government land. The application(s) for STW and/or STT will be considered by the Government in its capacity as landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment for waiver fee/rent 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(s)/applicant 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 and land control action for any unlawful occupation of Government land.</p>	
(c)	<p>Unless and until the unlawful occupation of Government land are duly ratified by the lot owner(s)/applicant, please take it as his office's objection to the application which must be brought to the attention of the Town Planning Board when they consider the application.</p>	