

## Responses-to-Comments

**Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land in "Agriculture", "Government, Institution or Community" and "Open Storage" Zones and area shown as 'Road', Various Lots in D.D. 89 and Adjoining Government Land, Fu Tei Au, Sheung Shui, New Territories**

## (S.16 Planning Application No. A/NE-FTA/238)

(i) A RtoC Table:

Departmental Comments		Applicant's Responses												
<b>1. Comments of District Lands Officer/North, Lands Department (DLO/N, LandsD) (Contact Person: Mr. Ken HO; Tel: 2675 1777)</b>														
(a)	The application site comprises Old Schedule Agriculture Lots held under the Block Government Lease which contains the restrictions that no structures are allowed to be erected without the prior approval of the Government. No right of access via Government land (GL) is granted to the application site.	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 after planning approval has been obtained from the Board. The unauthorised structures erected on the concerned lots and GL will be demolished by the applicant after planning approval has been obtained from the Board to facilitate the proposed scheme.												
(b)	The application site is already being used for the uses under the application.													
(c)	The private lots and portion of the GL in the application site are covered by the following Short Term Waivers (STWs) and Short Term Tenancy (STT). The applicant is not the waiveree/tenant of the STWs/STT. As there are breaches on the built-over area and other aspects, this office reserves the rights to take enforcement action for irregularities as appropriate.													
	<table border="1"> <thead> <tr> <th>STT/STW No.</th> <th>Lot No(s) in D.D. 89</th> <th>Purpose</th> </tr> </thead> <tbody> <tr> <td>STT 1469</td> <td>GL</td> <td>Storage</td> </tr> <tr> <td>STW 1245</td> <td>Lot No. 411 (portion)</td> <td>Office and ancillary use to a container yard</td> </tr> <tr> <td>STW 1249</td> <td>Lot No. 416 (portion)</td> <td>Ancillary use to a container yard</td> </tr> </tbody> </table>	STT/STW No.	Lot No(s) in D.D. 89	Purpose	STT 1469	GL	Storage	STW 1245	Lot No. 411 (portion)	Office and ancillary use to a container yard	STW 1249	Lot No. 416 (portion)	Ancillary use to a container yard	
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		Lot No. 423 (portion)	Office and ancillary use to a container yard	
	STW 1250	Lot No. 417 RP (portion)	Ancillary use to a container yard	
	STW 1269	Lot No. 418 S.A (portion)	Container vehicle park	
(d)	<p>I must point out that the following irregularities covered by the subject planning application have been detected by this office:</p> <p>(a) <u>Unauthorised structures within the application site covered by the planning application</u>            There are unauthorized structures on the application lots. LandsD has reservation on the planning application since the unauthorized structures on Lot Nos. 408 S.A RP, 408 S.B RP, 414 &amp; 436 all in D.D. 89 are already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD.</p> <p>(b) <u>Unlawful occupation of Government land adjoining the said private lots with unauthorised structures covered by the planning application.</u>            The GL within the application site (about 374 m<sup>2</sup> as mentioned in the application form) has been fenced off / illegal occupied with unauthorised structures without any permission. Any occupation of GL 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>			
(e)	<p>The following irregularities <u>not</u> covered by the subject application have been detected by this office:</p>			Noted.

	<p>(i) <u>Unauthorised structures extended to the adjoining private lots not covered by the planning application</u></p> <p>There are unauthorised structures extended from application site to the adjoining private lots (i.e. Lot Nos. 404 S.A, 419 RP, 420 &amp; 421 S.A in D.D.89) which is not covered by the subject planning application. The lots owners should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.</p> <p>(ii) <u>Unlawful occupation of Government land with unauthorised structures not covered by the planning application</u></p> <p>The GL adjoining the application site has been fenced off / illegally occupied with unauthorised structures without permission. The Government land being illegally occupied is not included in the application. Please clarify the extent of the application site with the applicant. Any occupation of Government land without Government’s prior approval is an offense 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>	
<p>(f)</p>	<p>The lot owners/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL immediately and include the adjoining Government land not covered by the subject planning application in the subject planning application for further consideration by the relevant departments and, subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to this office for a STW and STT to permit the structures erected/to be erected and the occupation of the Government land. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved.</p>	<p>Noted. The applicant will apply for relevant approval to rectify the applied use accordingly.</p>

	<p>The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.</p>	
(g)	<p>Unless and until the unauthorised structures and the unlawful occupation of Government land are duly rectified by the lot owners/applicant or entirely included in the subject planning application, please take it as this office’s objection to the application which must be brought to the attention of the Town Planning Board when they consider the application.</p>	