

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” and “Industrial (Group D)” Zones,
Various Lots in D.D. 84, Ta Kwu Ling, New Territories**

(Application No. A/NE-TKL/757)

- (i) The majority of the application site (the Site) (i.e. about 7,493m², 99.8% of the Site) falls within an area zoned as “Agriculture”. The remaining area (i.e. about 15m², 0.2% of the Site) falls within “Industrial (Group D)” zone (**Plan 1**).
- (ii) All the proposed works will be carried out 3 m away from the top bank of the existing Ping Yuen River that is located at the west of the Site.
- (iii) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out within the Site at any time during the planning approval period.
- (iv) A RtoC Table

Departmental Comments		Applicant’s Responses
1. Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD)		
(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) application to rectify the applied use erected on the concerned lots after planning approval has been obtained from the Town Planning Board (the Board). The unauthorised structures erected on the concerned lots will be demolished by the applicant after planning approval has been obtained from the Board to facilitate the proposed scheme.
(b)	I must point out that the following irregularities covered by the subject planning application have been detected by this office: <u>Unauthorised structures within the said private lot covered by the planning application</u> There are unauthorised structures on Lot Nos. 9 S.A and 9 S.B in D.D.84. As access is not available, the above mentioned unauthorised structures may not be exhaustive. The lot owners should immediately rectify the lease breaches and this office reserves the right to	

	take necessary lease enforcement action against the breaches without further notice.	
(c)	<p>The following irregularities <u>not</u> covered by the subject application have been detected by this office:</p> <p><u>Unauthorised structures within the said private lot not covered by the planning application</u></p> <p>There are unauthorised structures within Lot No. 9 S.B in D.D. 84, which is not covered by the subject planning application but covered by another planning application (No. A/NE-TKL/755) referred to this office for comments on 30 April 2024. The access is also not available, the above mentioned unauthorised structure may not be exhaustive. The lot owner 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>	Noted.
(d)	<p>The STW application (if submitted) referred in para.5 below will be considered on Lot basis. There is no information provided to show the subject planning is related to planning application (No. A/NE-TKL/755) mentioned in para.3 above. The graphical division of the lot submitted in the 2 separate planning application may create complication to the STW application(s) and the Applicant should resolve the complication in submitting the STW application(s).</p>	<p>The applicant will consult the applicant of planning application (No. A/NE-TKL/755) to resolve the complication in submitting the STW application(s) after planning approval has been obtained from the Board.</p>
(e)	<p>The lot owners shall <u>either</u> (i) remove the unauthorised structures pr provide any evidence for these are tolerated structures; <u>or</u> (ii) include the unauthorised structures in the subject planning application for the further consideration by the relevant departments <u>and</u>, 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 an STW to permit the structures</p>	<p>Noted. The applicant will apply for relevant approval to rectify the applied use accordingly.</p>

	<p>erected/to be erected. The applications 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 STW, 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. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.</p>	
(f)	<p>The applicant should comply with all the land filling requirements imposed by relevant Government department. GL should not be disturbed unless with prior approval.</p>	<p>Noted. The applicant will comply with all the land filling requirements imposed by relevant Government department. No GL will be disturbed.</p>