

Section 16 Planning Application for Proposed Temporary Warehouse for Storage of Metal and Construction Materials for a Period of 3 Years with Filling of Land at Lots 172 and 174 RP (Part) in D.D. 84 and adjoining Government Land, Ping Che, Ta Kwu Ling, New Territories

Department	Date	Comments	Responses to Departmental Comments
Lands Department (LandsD)	26.8.2024	<p>1. The application site comprises Old Schedule Agricultural Lots 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. No right of access via Government land (GL) is granted to the application site.</p> <p>2. The application site is already being used for the uses under the application. The substantial structures erected do not tally with the proposed layout plan of this application.</p> <p>3. I must point out that the following irregularities covered by the subject planning application have been detected by this office:</p> <p><u>Unauthorised structures within the said private lots covered by the planning application</u> LandsD has reservation on the planning application since there are unauthorised structures on the private lots which 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><u>Unlawful occupation of Government land adjoining the said private lots with unauthorised structure covered by the planning application</u> The GL within the application site (about 172m² as mentioned in the application form) has been fenced off and illegally occupied with unauthorised structure without any 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 illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owners should immediately cease the illegal occupation of GL and remove the unauthorised structure as demanded by LandsD. This office reserves</p>	<p>Noted.</p> <p>The application site was a piece of non-agricultural land with existing structures long before the IDPA Plan was implemented. Furthermore, aerial photo No. A21849 taken on 27.07.1990 shows that the application site was being utilised for storage use immediately prior to the gazettal of the IDPA Plan. The current application intends to regularise existing structures on the application site. The proposed layout plan has been revised to tally with the existing site condition (Figure 4 refers).</p> <p>Ditto.</p> <p>Noted. The current application intends to regularise existing structures on the private lots and concerned government land. The applicant will apply to the LandsD for a short-term tenancy should the current application be approved.</p>

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		<p>the rights to take necessary land control action against the illegal occupation of Government land without further notice.</p> <p>4. The following irregularity not covered by the subject planning application has been detected by this office:</p> <p><u>Unauthorised structure within the said private lots not covered by the planning application</u></p> <p>There is unauthorised structure extended from the said private lots to Lot No. 171 in D.D. 84 not covered by the subject planning application. The lot 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>5. The lot owners shall remove the unauthorised structures not covered by the subject planning application and cease the illegal occupation of the Government land immediately 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 this office for Short Term Waiver (STW) by all owners of the lots and Short Term Tenancy (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. The STW and STT, if approved, will be subject to such terms and conditions including the payment of date-back waiver fee from the first date the unauthorised structures were erected/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 and land control action for any unlawful occupation of Government land. Besides, given the</p>	<p>The current application intends to regularise existing structure on the application site. The proposed layout plan has been revised to tally with the existing site condition (Figure 4 refers). Should the application be approved, the applicant will apply to the LandsD for a short-term waiver and short-term tenancy.</p> <p>Ditto.</p>

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		proposed use is temporary in nature, only erection of temporary structures will be considered.	
Transport Department (TD)	2.9.2024	(i) The applicant shall demonstrate the satisfactory maneuvering of the goods vehicles entering and exiting the subject site, maneuvering within the subject site and into/out of the parking and loading/unloading spaces, preferably using the swept path analysis;	Please refer to the attached swept path analysis demonstrating there is sufficient space for maneuvering of the goods vehicles entering and exiting the subject site, maneuvering within the subject site and into/out of the loading/unloading spaces. Sufficient maneuvering space is available for the parking space.
		(ii) The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and	To improve the safety of pedestrians at the access point of the application site, road signs are proposed to alert drivers and pedestrians, encourage them to proceed in a caution manner. The applicant will also ensure the operators to drive their vehicles in a restricted speed in order to ensure operation safety within the application site.
		(iii) The proposed vehicular access between Ping Che Road and the application site is not managed by TD. The applicant should seek comments from the responsible party.	Noted.