

**Proposed Vehicle Repair Workshop for Lorry, Coach and Container Vehicle
 with Ancillary Office and Electricity Transformer Station for a Period of 3 Years
 Lots 778 (part), 783 (part) and 784 (part) in D.D. 77
 and Adjoining Government Land, Ping Che, New Territories
 S.16A Planning Application No. A/NE-TKL/769
 Further Information No.2**

Departmental Comments Conveyed via Sha Tin, Tai Po and North District Planning Office

Items	Comments	Responses
1	Comments of the Lands Department (received on 11 September 2024)	
1.1	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.	Noted.
1.2	The application site is already being used for the uses under application.	Noted.
1.3	Lot Nos. 783 and 784 are covered by Short Term Waivers (STW) No. 1242 for the purpose of workshop and open storage of building materials and construction machine accessories. The use and the total site coverage of the existing structures erected on site had far exceeded the 1,010m ² permitted under the STW. This office reserved the rights to take enforcement action for the breach of STW.	Noted. After gaining the planning approval, the Applicant will apply modification of STW No. 1242 regarding the total site coverage of the existing structures erected on site, which shall be in line with the content under this S.16 Planning Application.
1.4	<p>I must point out that the following irregularity covered by the subject planning application has been detected by this office:</p> <p><u>Unlawful occupation of Government land adjoining the said private lots covered by the planning application</u></p> <p>No consent is given for inclusion of GL (about 61m² mentioned in the application form) in the application site. The Applicant should be reminded that 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 not cover by the planning application without further notice.</p>	Noted. After gaining the planning approval, the Applicant will apply to Lands Department for the use of the concerned Government land under Short Term Tenancy (STT).

Items	Comments	Responses
1.5	<p>The following irregularities not covered by the subject planning application have been detected by this office:</p> <p><u>Unauthorised structures within Lot No.778 in D.D. 77 not covered by the planning application</u></p> <p>There are unauthorised structures within the said private lot not covered by the subject planning application. 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>	<p>Noted. All temporary structures occupying Lot 778 (part) in D.D. 77 within the Application Site have been reflected under this Application (i.e. the Pump Room and Water Tank). The Applicant is not the owner of Lot 778 to deal with any structures within other parts of Lot 778 outside this Application Site.</p>
1.6	<p>The lot owners shall either (i) remove the unauthorised structures not covered by the subject planning application immediately; or (i) include the unauthorised structures in the subject planning application for the 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 modification of the STW and a Short Term tenancy (STT) to permit the structures erected/to be erected and the occupation of the GL. 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 back-dated waiver fee/rent from the first date the erection of unauthorised structures and occupation of GL 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 proposed use is temporary in nature, only erection of temporary structure will be considered.</p>	<p>Noted. Please refer to our response to Item 1.5 above.</p>
1.7	<p>Unless and until the unauthorised structures not covered by the planning application are duly rectified by the lot owners 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>	<p>Noted.</p>

Complied by: KTA Planning Limited
 Date: 12 September 2024
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