

Responses-to-Comments

Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Parking of Container Vehicles and Office for a Period of 3 Years and Filling of Land in "Agriculture" Zone, Various Lots in D.D. 82, Ping Che Road, Ta Kwu Ling, New Territories

(Application No. A/NE-TKL/778)

(i) The applied use involves logistic activities with storage, packaging and consolidation of goods for distribution. The uncovered area is reserved for parking of container vehicle and circulation space to support the operation of the application site (the Site). The applicant will strictly follow the applied scheme, and no open storage activities will take place within the Site at any time during the planning approval period.

(ii) A RtoC Table:

Departmental Comments		Applicant's Responses
1. Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD)		
(a)	She objects to the application.	Noted. The unauthorised structures erected on the concerned lots and Government land (GL) will be demolished by the applicant after planning approval has been obtained from the Town Planning Board to facilitate the proposed scheme. The applicant will strictly follow the proposed scheme, and no structure will be erected on the GL. No structure is proposed for domestic use.
(b)	The Site comprises Old Schedule Agricultural Lot 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 Site.	
(b)	The Site is already being used for the uses under the application. Lots 1090 S.A RP, 1090 S.B and 1109 in D.D. 82 are covered by Short Term Waiver ("STW") No. 1644 for Logistic Centre with Ancillary Facilities (Office and Toilet). However, the existing structures erected are not tally with the planning application and exceeded the permitted total built-over-area of the planning permission granted on 24.12.2021. Her office reserved the rights to take enforcement action for the breach of STW. PlanD should critically consider the application which does not reflect the existing condition on site;	
(c)	The following irregularities covered by the planning application have been detected by her office:	Noted. The applicant will apply for relevant approval to rectify the applied use accordingly.

	<p><u>unauthorised structures within the said private lots covered by the planning application</u></p> <p>there are unauthorised structures on the private lots. The lot owner should immediately rectify the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;</p> <p><u>unlawful occupation of GL not covered by the planning application</u></p> <p>the GL adjoining the Site has been fenced off and illegally occupied with unauthorised structure without permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;</p>	
(d)	<p>The lot owner shall either (i) remove the unauthorised structures and cease the illegal occupation of the GL not covered by the planning application immediately; or (ii) include the unauthorised structures in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification as required, apply to her office for STW conditions where appropriate. The modification of STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. If approved, it will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date the structures were erected and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner 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 GL. Besides, given the proposed use is temporary in</p>	

	nature, only erection of temporary structures will be considered; and	
(e)	Unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner or entirely included in the application, it should be taken as her office's objection to the application which must be brought to the attention of the Board when they consider the application.	