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Sheren Si Wai LEE/PLAND

寄件者: Jeremy Wan [REDACTED]
寄件日期: 2025年02月03日星期一 15:59
收件者: Sheren Si Wai LEE/PLAND
副本: [REDACTED]
主旨: RE: Planning Application No. A/NE-TKL/780 - Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years
附件: Entrance.jpeg; Fence removed on GL.jpeg; Unauthorised structures demolished 2.jpeg; Unauthorised structures demolished.jpeg; (Updated) Planning Statement - L497-500 03.02.25.pdf
類別: Internet Email

Dear Sheren,

I refer to your email of 19/11/2024 in respect of the above matter.

The fences originally occupying the Government land have been removed. The unauthorized structures within the Lot Nos. 497, 498, 499 and 500 in D.D. 87 have also been demolished as shown in the attached photos.

The usage in the planning application is temporary warehouse. All the construction materials stored at the site will be entirely within the covered structures.

In light of the usage of the application, page 16 of the planning statement, in particular, has been revised and attached herewith for your information.

I should be grateful if you would consider our application at your earliest convenience.

Should you have further enquiries, please feel free to contact Ms. Christine Luk or me on [REDACTED].

Thank you very much.

Best Regards,
Jeremy Wan

Professional Consultancy Department

Tel: [REDACTED]
Fax: [REDACTED]

From: Sheren Si Wai LEE/PLAND [mailto:sswlee@pland.gov.hk]

Sent: Tuesday, November 19, 2024 11:59 AM

To: [REDACTED]
Cc: [REDACTED]

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Subject: Planning Application No. A/NE-TKL/780 - Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

Dear Ms. Luk,

LandsD's comment have been received, please follow up:

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.

2. I must point out that the following irregularity covered by the subject planning application has been detected by this office:

Unauthorised structures within the said private lots covered by the planning application

There are unauthorised structures on the private lots. 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.

3. The following irregularity not covered by the subject planning application has been detected by this office:

Unlawful occupation of Government land not covered by the planning application

The GL adjoining the application site has been fenced off and illegally occupied with unauthorised structure without permission. The GL 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 offence under Cap28. This office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.

4. The lot owner shall either (i) cease the illegal occupation of the GL not covered by the subject planning application immediately; or (ii) include the adjoining GL being illegally occupied 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 Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures erected/to be erected and occupation of GL. The STW/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 on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the unauthorised structures were erected/occupation of GL 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 nature, only erection of temporary structures will be considered.

5. Unless and until the unlawful occupation of GL is duly rectified by the lot owner 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.

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6. Please notify the applicant of our comments/requirements as stated above.

Part B: Advisory Comment

7. Lot No.497 in D.D. 87 is covered by Letter of Approval (LoA) No. 5165 for purpose of erection o temporary structures. This office reserves the rights to take enforcement action for irregularities and cancel the LoA as appropriate.

Besides, I note from P.16 of your Planning Statement that *“According to paragraph 1.4 of TPB PG-No. 13G revised by the TPB in April 2023, “Open Storage” uses relate to activities carried out on a site for which the greater part of the site (i.e. generally assumed to be more than 50% of the site area) is uncovered and used for storage, repair or breaking other than container-related uses. **The development proposal of an uncovered area of about 60% strictly follows the relevant requirement as stipulated in the guideline(s).**”* Please clarify if the construction materials to be stored at the Site are entirely within the covered metal structure OR are stored open-air.

Regards,
Sheren Lee
TP/N3, PlanD
2158 6391