

Section 16 Planning Application for Proposed Temporary Warehouse (excluding Dangerous Goods Godown) and Open Storage of Construction Material and Machineries with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years at Various Lots in D.D. 87 and Adjoining Government Land, Kong Nga Po, Sheung Shui, New Territories

Department	Date	Comments	Responses to Departmental Comments
Lands Department	15.9.2025	1. The application site comprises Government land (GL) and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are to be erected without the prior consent of the Government. The applicant is required to seek permission to erect structures on GL but no right of access via GL is granted to the application site.	<p>Noted. The current application aims to better utilize available land resources that have previously been developed and used as a pigsty. It is intended to utilize GL directly connecting to private lots as access for the proposed use.</p> <p>The proposed use allows better utilization of the application site, offering favorable relocation options for future relocations of brownfield operations in the New Territories, thus allowing smooth implementation of the New Development Areas whilst ensuring the continuity of local businesses. The applicant is committed to managing to subject GL at their own cost.</p>
		2. Lot No. 347 RP in D.D. 87 is currently covered by Modification of Tenancy (MoT) No. 38957 for erection of temporary structures for dwelling, bathroom, kitchen and shade. This office reserve the rights to take enforcement action for any irregularities and cancel the MoT as appropriate.	Noted. It is intended to utilize the application site for the proposed use, existing structures would be demolished and replaced by new temporary structures.
		<p>3. I must point out 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></p> <p>There are unauthorised structures on the private lots. The applicant 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>A majority of the application site has been operated as a pigsty by the former user which is under a valid Pigsty Farm Licence (No.LK148) issued by Agriculture, Fisheries and Conservation Department (AFCD) for the erection of these structures for agricultural purposes including incorporating the government land (See Attached). Therefore, the existing farm structures are not considered unauthorized as they has been approved by relevant government departments under the process of granting the Farm Licence. Regarding the occupation of government land, a tolerance fee was paid for the occupation of government land, and an application for a Short-Term Tenancy was submitted by the former user in 2023 pending for reply from the Lands Department.</p> <p>As operations of the pigsty gradually ceased in 2024, leaving the application site idle and unutilized, the applicant became the new owner of the lots in 2025 and intends to utilize the application site for the proposed use, submitting the current application to activate the idle</p>

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		<p><u>Unlawful occupation of Government land adjoining the said private lots with unauthorised structures covered by the planning application</u></p> <p>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 structures as demanded by LandsD. Notwithstanding the applicant's submission and the Town Planning Board's approval (if any) of the subject planning application, this office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.</p>	<p>site. At present, the application site is partly occupied by the applicant, who has not engaged in any operations on government land.</p> <p>The current application aims to utilize the application site by demolishing the existing structures and constructing new temporary ones. The applicant is committed to removing the existing structures at their own expense upon approval of this application. They will apply to the Lands Department for a Short-Term Waiver and Short-Term Tenancy to permit the erection of structures within the private lots and the occupation of government land within the application site boundary, contingent upon approval of the current application. The applicant intends to utilize the application site along with the government land only after receiving the necessary planning approvals. Therefore, there will be no occupation of government land by the applicant prior to the application's approval.</p>
		<p>4. The following irregularities <u>not</u> covered by the subject planning application have been detected by this office:</p> <p><u>Unauthorised structures extended from Lot No. 361 RP in D.D. 87 to adjoining private lot not covered by the planning application</u></p> <p>There are unauthorised structures extended from Lot No. 361 RP in D.D. 87 to adjoining 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><u>Unlawful occupation of Government land not covered by the planning application</u></p> <p>The GL adjoining Lot No. 361 RP in D.D. 87 has been illegally occupied with unauthorised structures without permission.</p>	<p>The structures extended from Lot No. 361 RP in D.D. 87 to adjoining private lot is not owned/ utilized by the applicant. The applicant is committed to liaise the adjoining lot owner in removing the subject structures, so as to utilise the application site as intended.</p> <p>The applicant is committed to removing the unauthorised structures not covered by the subject planning application within the application site.</p>

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		<p>The GL being illegally occupied is not included in the application. 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 GL without further notice.</p>	<p>It is intended to utilize the application site with government land after receiving planning approval, hence, there will be no occupation of government land by the applicant before the application is approved.</p>
		<p>5. The lot owners shall <u>either</u> (i) remove the unauthorised structures not covered by the subject planning application and cease the illegal occupation of the GL immediately; or (ii) include the unauthorised structures in the subject planning application for 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 amendments as aforesaid required, apply to this office for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures to be erected and the occupation of GL. The applications for STW and STT will be considered by the Government in its capacity as a land owner and there is no guarantee that they will be approved. In particular, notwithstanding the approval of the Town Planning Board, the GL might be capable of separate alienation, hence, the size of GL (if approved under the STT) is subject to further consideration by the Government and would not necessarily follow the size of the GL in the subject planning application. Besides, the STW would be processed on whole lot basis. And the STW and the STI, if approved, will be subject to such terms and conditions including the payment of backdated waiver fee/rent from the first date when the unauthorised structures were erected and the occupation of GL as well as administrative fees 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 breach(s) already in existence or to be detected at any point in time and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection</p>	<p>The lot owners is committed to removing the unauthorised structures not covered by the subject planning application within the application site. It is intended to utilize the application site along with the government land only after receiving the necessary planning approvals. Therefore, there will be no occupation of government land by the applicant prior to the application's approval.</p> <p>Upon approval of the application, the applicant will apply to the Lands Department for a Short-Term Waiver and Short-Term Tenancy to permit the structure(s) erected within the private lots and the occupation of Government land within the application site boundary upon approval of the current application.</p>

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		of temporary structure(s) will be considered.	
		6. Unless and until the unauthorized structures and unlawful occupation of GL are duly rectified by the lot owners, 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.	Ditto.