

2nd Further Information

Proposed Temporary Warehouse and Open Storage of Construction Materials and Machinery and Associated Filling of Land for a Period of 3 Years in “Agriculture” Zone, Lots 335 and 337 in D.D. 87 and Adjoining Government Land, Hung Lung Hang, New Territories

(S.16 Planning Application No. A/NE-FTA/270)

(i) The applicant would like to submit a response-to-comments table for the consideration of government bureaux/departments:

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) (Contact Person: Ms. F. S. SIN, Tel.: 2675 1796)	
(1)	<p>The application 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. The proposed ingress/egress of the application site is required to pass through Government land (GL) but no right of access via GL is granted to the application site.</p>
(2)	<p>I must point out that the following irregularity covered by the subject planning application has been detected by this office:</p> <p><u>Unauthorised structures within Lot No. 335 in D.D. 87 covered by the planning application</u></p> <p>LandsD has reservation on the planning application since there is an unauthorized structure on Lot No. 335 in D.D. 87 which is already subject to lease enforcement actions according to case priority. The lot owner should be rectify the lease breaches as demanded by LandsD.</p>

	<p><u>Unlawful occupation of Government land adjoining the said private lots with unauthorized structures covered by the planning application</u></p> <p>The GL within the application site (about 381 m² as mentioned in the application form) has been fenced off/illegally occupied with unauthorized structures 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 owner should immediately cease the illegal occupation of GL and remove the unauthorized structures as demanded by LandsD. This office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.</p>	
(3)	<p>The lot owner/applicant remove the unauthorized structure and cease the illegal occupation of the GL 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) to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected 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</p>	

	for any breach of the lease conditions, including the breach(es) 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.	
(4)	Unless and until the unauthorized structure 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.	
(5)	This applicant should comply with all the land filling requirements imposed by relevant Government departments. GL should not be disturbed unless with prior approval.	