

Further Information

Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years in “Agriculture”, “Government, Institution or Community” and “Open Storage” Zones and area shown as ‘Road’, Various Lots in D.D. 89 and Adjoining Government Land, Fu Tei Au, Sheung Shui

(Application No. A/NE-FTA/271)

(i) A RtoC Table:

Departmental Comments		Applicant’s Responses
1. Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) (Contact Person: Mr. HO Kwok-leung; Tel: 2675 1777)		
(a)	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. The applicant will submit Short Term Waiver (STW) and Short Term Tenancy (STT) applications to rectify the applied use erected on the concerned lots and occupation of Government Land (GL) after planning approval has been obtained from the Town Planning Board (the Board). No structure will be used for domestic use.
(b)	The application site is already being used for the uses under the application.	

<p>(c)</p>	<p>The private lots and portion of the GL in the application site are covered by the following Short Term Waivers (STWs) and Short Term Tenancy (STT). The applicant is not the waiveree/tenant of the STWs/STT. As there are breaches on the built-over-area and other aspects, this office reserves the rights to take enforcement action for irregularities as appropriate.</p> <table border="1" data-bbox="264 432 1169 1086"> <thead> <tr> <th>STT/STW No.</th> <th>Lot No(s). in D.D. 89</th> <th>Purpose</th> </tr> </thead> <tbody> <tr> <td>STT 1469</td> <td>GL</td> <td>Storage</td> </tr> <tr> <td>STW 1245</td> <td>Lot No. 411 (portion)</td> <td>Office and ancillary use to a container yard</td> </tr> <tr> <td rowspan="2">STW 1249</td> <td>Lot No. 416 (portion)</td> <td>Ancillary use to a container yard</td> </tr> <tr> <td>Lot No. 423 (portion)</td> <td>Office and ancillary use to a container yard</td> </tr> <tr> <td>STW 1250</td> <td>Lot No. 417 RP (portion)</td> <td>Ancillary use to a container yard</td> </tr> <tr> <td>STW 1269</td> <td>Lot No. 418 S.A. (portion)</td> <td>Container vehicle park</td> </tr> </tbody> </table>	STT/STW No.	Lot No(s). in D.D. 89	Purpose	STT 1469	GL	Storage	STW 1245	Lot No. 411 (portion)	Office and ancillary use to a container yard	STW 1249	Lot No. 416 (portion)	Ancillary use to a container yard	Lot No. 423 (portion)	Office and ancillary use to a container yard	STW 1250	Lot No. 417 RP (portion)	Ancillary use to a container yard	STW 1269	Lot No. 418 S.A. (portion)	Container vehicle park	
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<p>(d)</p>	<p>The following irregularities covered by the subject planning application have been detected by her office:</p> <p>(a) <u>Unauthorised structures within the application site covered by the planning application</u></p>																					

	<p>There are unauthorized structures on most of the application lots. LandsD has reservation on the planning application since the unauthorized structures on Lot Nos. 408 S.A RP, 408 S.B RP, 410, 412, 414 & 436 all in D.D. 89 are already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD.</p> <p>(b) <u>Unlawful occupation of Government land adjoining the said private lots with unauthorised structures covered by the planning application</u></p> <p>The GL within the application site (about 374 m² as mentioned in the application form) has been fenced off / illegally occupied with unauthorised structures without any permission. 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 without further notice.</p>	
(e)	<p>The following irregularities <u>not</u> covered by the subject planning application have been detected by her office:</p> <p>(a) <u>Unauthorised structures extended to the adjoining private lots not covered by the planning application</u></p> <p>There are unauthorized structures extended from application site to the adjoining private lots (i.e. Lot Nos. 404 S.A, 419 RP, 420 & 421 in D.D. 89) which is not covered by the subject planning application. The lot owners 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. The unauthorised structures to the adjoining private lots and GL not covered by the planning application will be demolished by the applicant after planning permission has been obtained from the Board.</p>

	<p>(b) <u>Unlawful occupation of Government land with unauthorised structures not covered by the planning application</u></p> <p>The GL adjoining the application site has been fenced off / illegally occupied with unauthorised structures without permission. The Government land 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 Cap. 28. This office reserves the rights to take necessary land control action against the illegal occupation of Government land without further notice.</p>	
(f)	<p>The lot owners/applicant shall remove the unauthorized structures and cease the illegal occupation of the GL immediately and include the adjoining Government land not covered by the subject planning application in the subject planning application for 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 a STW and STT to permit the structures erected/to be erected and the occupation of the Government land. 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 waiver fee/rent and administrative fee as considered appropriate to</p>	
(g)	<p>Unless and until the unauthorized structures and the unlawful occupation of Government land are duly rectified by the lot owners/applicant or entirely</p>	

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	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.	
(h)	The applicant should comply with all the land filling requirements imposed by relevant Government departments. GL should not be disturbed unless with prior approval.	Noted.