2nd Further Information

Proposed Temporary Open Storage for a Period of 3 Years
in "Other Specified Uses" annotated "Port Back-up Uses" Zone,
Lot 138 (Part) in D.D. 52, Fu Tei Au, Sheung Shui, New Territories

(S.16 Planning Application No. A/NE-FTA/287)

(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. TSANG Yee Shun; Tel: 2675 1745)		
(1)	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). No right of access via GL is granted to the application site.	Noted. The applicant will submit a Short Term Waiver (STW) once the current application is approved by the Town Planning Board. The applicant will also cease to occupy the GL.
(2)	I must point out that the following irregularities covered by the subject planning application have been detected by this office: <u>Unauthorised structures within the said private lot covered by the planning application</u> There are unauthorised structures on the private lot. The lot owner should immediately rectify/regularize the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.	
(3)	The following irregularities not covered by the subject planning application have been detected by this office: <u>Unauthorised structure within the said private lot(s) not covered by the planning application</u>	

	There is unauthorized structure extended from the said private lot to Lot No. 137 RP in D.D. 52 not covered by the subject planning application. The lot owners should immediately rectify/regularize the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice. <u>Unlawful occupation of Government land not covered by the planning application</u> The GL adjoining the said private lot has been fenced off and illegally occupied with unauthorised structures without permission. Any occupation of Government land without Government's prior approval is an offence under Cap. 28. LandsD objects to the planning application since there is illegal occupation of GL outside the application site which regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorised structures as demanded by LandsD. This office reserves the rights to take necessary land control action against the illegal occupation of Government land without further notice.	
(4)	Subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owners shall apply to this office for Short Term Waivers (STW) to permit the proposed structures. 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 whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fees and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the	

	lot owner(s)/applicant 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.	
(5)	Unless and until the unauthorised structures and the unlawful occupation of Government land are duly rectified by the lot owner/applicant, 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.	