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Cheryl Tsz Man TSANG/PLAND

寄件者: AI TSANG <[REDACTED]>
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收件者: Cheryl Tsz Man TSANG/PLAND
主旨: MKT/60 Response to LD comment
附件: response to LD comment.pdf

類別: Internet Email

Dear Madam,

We refer to the comments from the Lands Department

We have noted the comments and hereby provide our response. Please find the attached Response to Comment.

Thanks and regards

Carter Tsang
[REDACTED]

MKT-60. Response to comments

Comment 1
he objects to the application;
Response
We acknowledge and respect the stance of the Lands Department. This application seeks to secure the requisite approval at the planning stage. Irrespective of the outcome of the planning application, the applicant will comply with all requirements stipulated by the Lands Department.

Comment 2
the application site (the 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 Site is required to pass through Government Land (GL) but no right of access via GL is granted to the Site;
Response
The applicant is willing to remove all existing structures on the Site and cease any occupation of the adjoining Government Land as soon as possible. The Short Term Waiver (STW) and Short Term Tenancy (STT) applications will be submitted to the Lands Department (LD) immediately upon approval of the planning application.

Comment 3

the following irregularity covered by the subject planning application has been detected by his office:

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

There are unauthorised structures on the said private lot. The lot owner(s) should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Response

The applicant is willing to remove all the existing unauthorised structures on the Site as soon as possible. The Short Term Waiver (STW) application will be submitted to the Lands Department (LD) immediately upon approval of the planning application.

Comment 4

(iv) the following irregularity not covered by the subject planning application has been detected by his office:

Unlawful occupation of Government Land (GL) adjoining the said private lot not covered by the planning application

the GL adjoining the said private lot has been fenced off and illegally occupied with unauthorised structures without permission. The is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the planning application since there is illegal occupation of GL 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 structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against illegal occupation of GL without further notice;

Response

The applicant confirms that the adjoining Government Land (GL) is not included in the subject planning application. The applicant will immediately cease all occupation of the Government Land and remove the fence together with all existing structures on the GL as soon as possible.

Comment 5

the lot owner(s)/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL not covered by the subject planning application immediately, and subject to the approval of the Town Planning Board (the Board) to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for a Short Term Waiver (STW) to permit the structure(s) 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 whole lot basis and will be subject to such terms and conditions including the payment of waiver fee 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; and

unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office objects to the application which must be brought to the attention of the Board when it considers the application.

Response

The applicant is willing to remove all existing structures and cease the occupation of the Government Land (GL) not covered by the subject planning application immediately.