

Planning Application No. A/TM-LTY/516

	Departmental Comments	Responses
	Lands Department	
1	<p><u>Part A: General and Adverse Comments</u></p> <p>My comments/observations based on the applicant's information are as follow:</p> <ol style="list-style-type: none"> The application site ("the Site") comprises an Old Schedule Agricultural Lot No. 3870 in D.D.124 ("the 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. I must point out that the following irregularities covered by the subject planning application have been detected by this office: <u>Unauthorised structure within the Lot covered by the planning application</u> There is an unauthorised structure on the Lot. The Lot owner(s) 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. The following irregularities <u>not</u> covered by the subject planning application have been detected by this office: <u>Unauthorised structure(s) within the Lot not covered by the planning application</u> There is an unauthorised structure (i.e. an electric meter box) within the Lot not covered by the subject planning application. The Lot owner(s) 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. The Lot owner/applicant shall either (i) remove the unauthorised structure not covered by the subject planning application immediately; or (ii) include the unauthorised structure in the subject planning application for the 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 <u>amendment</u> as aforesaid required, apply to this office for a Short Term Waiver ("STW") to permit the structures 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 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/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. Unless and until the unauthorised structures are duly rectified by the Lot owner/applicant or entirely 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. The Site is accessible to/from Shun Tat Street via a strip of Government land and private lots. This office does not carry out maintenance works for the said Government land nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement. Please notify the applicant of our comments/requirements as stated above. <p><u>Part B: Advisory Comments for the Applicant</u></p> <p>This office reserves the right to take lease enforcement actions as considered appropriate against any unauthorised erection/extensions/alterations of the structures erected or to be erected within the Lot or any unauthorised occupation of Government land at any time irrespective of whether planning permission will be given or not. Enforcement action will be taken should any structure or structures be found erected without prior approval given by this office or be in breach of the approval given.</p>	<p>申請人知悉。</p> <p>申請人已清拆現場的違規構築物，只剩下一個臨時貨櫃（是掛了中電電箱和電錶的），因電力安全問題，暫不能移除。</p> <p>如申請獲城規會批准，申請人會移除和 Layout 不吻合的構築物，並會按照批准的 Layout 擺放構築物，並會向地政處申請短期豁免書（STW），也會繳交相關費用。</p>

	Departmental Comments	Responses
	Transport Department	
1	<p>It is noted that the applicant had sought consent from the land owner for the use of access route between Shun Tat Street and the application site. Nevertheless, the access route is not managed by Transport Department. A right-of-way is not guaranteed.</p>	<p>申請人知悉。 申請人已和相關地主協商道路使用權和維修責任等，能正常出入申請地點。</p>
2	<p>No queuing and/or waiting of motor vehicles from the site onto Shun Tat Street should occur, and no motor vehicles shall be permitted to reverse into and out of the site onto Shun Tat Street.</p>	<p>申請人知悉。 申請人保證不容許任何與本場地相關的車輛於信達街公共道路上排隊或停留等候。</p>

	Departmental Comments	Responses
	Buildings Department	
1	<p>Part A: General Comments</p> <p>There is no record of approval by the Building Authority (BA) for any structures at the application site.</p> <p>(i) In this application 2 nos. of structures are noted. The proposed shelter, in particular size and height is not commensurate with the claimed use stated in paragraph 9 of “申請摘要”, “不涉及汽車維修、汽車美容、洗車、拆卸及工場用途”。 Before any new building works are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBWs). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;</p> <p>(ii) In connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;</p> <p>(iii) If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.</p> <hr/> <p>Part B: Advisory Comments for the Applicant</p> <p>The applicant's attention is drawn to the following points:</p> <p>(iv) If any existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Excmpted House), they are unauthorised under BO and should not be designated for any approved use under the captioned application;</p> <p>(v) For UBWs erected on the leased land, including the existing structures under the application, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBWs as and when necessary.</p>	<ol style="list-style-type: none"> 1. 申請用途的構築物 1 的遮雨棚和構築物 2 的辦公室是停車場的附屬設施，構築物 1 的遮雨棚內會停泊 2 部輕型貨車及用作遮蔭用途，不涉及汽車維修、汽車美容、洗車、拆卸及工場用途。 2. 申請人知悉，會按照規定設相關緊急車輛通道。 3. 申請地點的停車場出入口有 6 米闊。 4. 如申請獲城規會批准，申請人會按照指引向相關部門申請興建構築物的申請。