

By mail and fax

規 劃 署

屯門及元朗規劃處
新界沙田上禾輦路一號
沙田政府合署 14 樓



Planning Department

Tuen Mun and Yuen Long
District Planning Office
14/F., Sha Tin Government Offices,
No. 1, Sheung Wo Che Road,
Sha Tin, N.T.

來函編號 Your Reference: HYN/J0770A-49
本署編號 Our Reference: () in TPB/A/YL-MP-172
電話號碼 Tel. No.: 2158 6287
傳真機號碼 Fax No.: 2489 9711

3 August 2010

Dear Sir,

**Compliance with Approval Condition (e)
Proposed Land and Pond Filling for Permitted New Territories Exempted House
Development in "Village Type Development" Zone,
Lots 3235 S.A to S.F, 3235 RP, 3236 S.A to S.G, 3236 RP, 3237 S.A to S.I, 3237 RP, 3238 S.A to
S.F, 3238 RP, 3239 S.A to S.D, 3239 RP, 3244 S.A to S.D, 3244 RP, 3245 S.A to S.K and 3245
RP in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(Planning Application No. A/YL-MP/172)**

I refer to your above-referenced letter dated 12.3.2010 reporting the completion of the drainage works including flood relief mitigation measures as well as email dated 21.5.2010 on Ground Levels at the Government Land and email dated 24.5.2010 on Silt Deposit at Private Drainage Channel in an attempt to comply with condition (e) of the application.

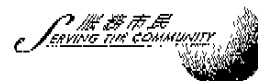
Upon examination of your submission, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD, contact officer: Mr. Terry KEA at 2300 1627) states that his department has carried out site inspections recently and considers the drainage facilities implemented on site are satisfactory. The land survey record also indicates that the land filling levels on the Government land are below +3.50mPD. As such, approval condition (e) is considered as having been complied with.

You are reminded of the following:

- all drainage facilities on the private land lots should be properly maintained at all times at your own cost; and
- to consult DLO/YL or to seek the relevant lot owner's consent as regards all drainage works to be carried outside the lot boundary or his jurisdiction.

Besides, you are reminded to fulfill the following conditions as confirmed by WONG & POON Solicitors in his letter ref. EW/DW/AK/C06/23521/YL/sy dated 6.5.2009 and recorded in our previous letter of the same reference dated 28.7.2009 issued to you regarding the compliance of approval condition (d) of the application. The conditions are reiterated below and our previous letter is also enclosed for your easy reference:

我們的抱負 — 「透過規劃工作，使香港成為一個充滿創意的國際城市。」
Our Vision — "To plan to make Hong Kong a World City of Vision."



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(i) Condition 1

The owners of the private lots (Owners) shall maintain the drainage facilities which have been constructed on their lots and shall take up its maintenance cost. These drainage facilities refer to the drainage facilities located at downstream section of the drainage system, upstream of which is maintained by the Government. Any damage or obstruction caused to the drainage faculties shall be made good by the Owners, or by the Government at the cost of the Owners in case of emergency. The cost of such emergency work shall be paid on demand to the Government by the Owners. The Government shall incur no liability to the Owners in respect of undertaking such emergency work as well as any other actions, claims and demands arising out of any damage of obstruction to the drainage faculties.

(ii) Condition 2

Permit the Government, his officers, contractors, his or their workmen and such other persons as may be authorized by them with or without tools, equipment, plant, machinery or motor vehicles the right of free ingress, egress and regress to, from and through the lot at all times for the purpose of carrying out any works in relation to the inspection, operation, maintenance, repairing, renewing, replacement and alteration of any storm-water drains on Government land. The Government, his officers, contractors, his or their workmen shall have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the Owners arising out of or incidental to the exercise by him or them of the right of ingress, egress and regress conferred under this undertaking, and no claim shall be made against him or them by the Owners in respect of any such loss, damage, nuisance or disturbance.

Yours faithfully,



(Ms. M. F. LIU)
for District Planning Officer/
Tuen Mun and Yuen Long
Planning Department

C.C.

CE/MN, DSD
DLO/YL

(Attn: Mr. Terry KEA)
(Attn: Mr. M K CHING)

Fax: 2770 4761
Fax: 2473 3134

] w/o encl.
]

Internal

CTP/TPB
Site Record

] w/o encl.
]

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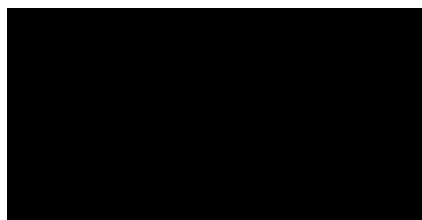
屯門及元朗規劃處
新界沙田上禾輦路一號
沙田政府合署14樓

By Fax **Planning Department**

Tuen Mun and Yuen Long
District Planning Office
14/F., Sha Tin Government Offices,
No. 1, Sheung Wo Che Road,
Sha Tin, N.T.

來函編號 Your Reference: HYN/J0770A-31
本署編號 Our Reference: () in TPB/A/YL-MP/172
電話號碼 Tel. No.: 2158 6287
傳真號碼 Fax No.: 2489 9711

28 July 2009



Dear Sir,

Compliance with Approval Condition (d)
Proposed Land and Pond Filling for Permitted New Territories Exempted House
Development in "Village Type Development" Zone,
Lots 3235 S.A to S.F, 3235 RP, 3236 S.A to S.G, 3236 RP, 3237 S.A to S.I, 3237 RP, 3238
S.A to S.F, 3238 RP, 3239 S.A to S.D, 3239 RP, 3244 S.A to S.D, 3244 RP, 3245 S.A to S.K
and 3245 RP in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(Planning Application No. A/YL-MP/172 under s.16 of Town Planning Ordinance)

I refer to your letter of 13 July 2009 regarding the submission of a drainage proposal in an attempt to comply with approval condition (d) on the submission of a drainage proposal including flood relief mitigation measures.

Upon consultation with CE/MN of DSD, they have no further comments on your submitted drainage proposal. You are reminded that DLO/YL or relevant lot owners should be consulted as regards all proposed drainage works to be carried outside the lot boundary or your jurisdiction. You shall also fulfil the following two conditions as confirmed by WONG & POON Solicitors in their letter ref. EW/DW/AK/C06/23521/YL/sy dated 6.5.2009:

Condition 1

The owners of the private lots (Owners) shall maintain the drainage facilities which have been constructed on their lots and shall take up its maintenance cost. These drainage facilities refer to the drainage facilities located at downstream section of the drainage system, upstream of which is maintained by the Government. Any damage or obstruction caused to the drainage facilities shall be made good by the Owners, or by the Government at the cost of the Owners in case of emergency. The cost of such emergency work shall be paid on demand to the Government by the Owners. The Government shall incur no liability to the Owners in respect of undertaking such emergency work as well as any other actions, claims and demands arising out of any damage or obstruction to the drainage facilities.

- 2 -

Condition 2

Permit the Government, his officers, contractors, his or their workmen and such other persons as may be authorised by them with or without tools, equipment, plant, machinery or motor vehicles the right of free ingress, egress and regress to, from and through the lot at all times for the purpose of carrying out any works in relation to the inspection, operation, maintenance, repairing, renewing, replacement and alteration of any stormwater drains on Government land. The Government, his officers, contractors, his or their workmen shall have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the Owners arising out of or incidental to the exercise by him or them of the right of ingress, egress and regress conferred under this undertaking, and no claim shall be made against him or them by the Owners in respect of any such loss, damage, nuisance or disturbance.

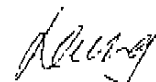
In view of the above comments from CE/MN of DSD, your submitted drainage proposal is considered satisfactory and planning condition (d) is considered as having been complied with.

Please note that there is no guarantee for DLO/YL to grant approval to anybody to enter and occupy any Government land with or without a planning permission. Appropriate land control action would be taken against any unauthorised occupation or land/pond filling activities on Government land.

Please also observe the requirement of planning condition (a) which stipulates that no land and pond filling on site would be allowed until the flood relief mitigation measures had been implemented to the satisfaction of DSD or of the Town Planning Board. The flood relief measures was agreed and you were so informed via our letter dated 24 March 2009. However, it is noted that your client has not implemented the agreed temporary flood relief mitigation measures. In view of the recent heavy rainfalls, your client is **strongly** advised to construct the agreed temporary flood relief mitigation measures immediately, which is proposed to be situated on private land only, to alleviate the flood risk in the area. If planning condition (a) is not complied with during the planning approval period, the approval given should cease to have effect and should be revoked immediately without further notice.

Should you have any queries on the above, please contact Mr Terry Kea of DSD at 2300 1627, Mr MK Ching of DLO/YL at 2443 3240 or the undersigned.

Yours faithfully,



(Ms M L LEUNG)
for District Planning Officer/
Tuen Mun and Yuen Long
Planning Department

c.c. CE/MN, DSD (Attn: Mr Terry KEA)
DLO/YL (Attn: Mr M. K. CHING)
CTP/TPB (Attn: Ms Karina MOK)

MLL/ACYL/AYMC/