



回地政署的提問

1. The application site ("the Site") comprises Old Schedule Agricultural Lot Nos. 1156 RP (Part), 1157 (Part) and 1158 (Part) in D.D.130 ("the 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 and Government land.

2. I must point out that the following irregularities covered by the subject planning application have been detected by this office:

Unlawful occupation of Government land adjoining the Lot No. 1156 RP in D.D.130 covered by the planning application

The Government land within the Site (about 60m<sup>2</sup> as mentioned in the application form) has been illegally occupied with unauthorised structure (i.e. an electricity box with CCTV) without any permission. Any occupation of Government land without Government's prior approval is an offence under Cap. 28.

2 我等監控設施只作為防盜用途，我等並不知識有關設施被定為構築物，得到貴署的通知，是次申請如獲得批准，我等會向地政署作出規範化申請。

A portion of GL at the northwestern end of the Site abutting onto Wong Kong Wai Road formed part of an existing footpath leading to adjoining lots. As such, Short Term Tenancy application to cover this strip of Government land by way of direct grant would not be considered from land administration point of view. This office reserves the rights to take necessary land control action against the illegal occupation of Government land without further notice.

2.1 有關政府土地我等只作為出入通道用途，有關地塊上的構築物我等會在短期內拆除。

3. The following irregularities not covered by the subject planning application have been detected by this office:

Unauthorised structure<sup>®</sup> within the Lots not covered by the planning application

There are:

- (i) unauthorised toilet on the Lot No. 1156 RP in D.D.130 and a storage with porch straddled Lot Nos. 1156RP and adjoining Lot No. 1159 both in D.D.130; and
- (ii) unauthorised car chargers and distribution box on adjoining Lot No. 1159 in D.D.130 in connection with the operation of the existing vehicle park

not covered by the subject planning application. The Lots 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 有關 Lot no1159 並非我等租用範圍，其住客租用我等停車位，電箱為其汽車充電我等無權禁止，唯有取消其租用我等停車位，但 Lot no1159 占用人是否拆除其設施我等沒有權力干涉。同時我等已通知有關租用人禁止使用停車位進行充電事宜，否則取消其使用車位的權利。

4. The Lots owner/applicant shall either (i) remove the unauthorised structures not covered by the subject planning application immediately; or (ii) include the unauthorised structures 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 amendment as aforesaid required, apply to this office for an 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 Lands Department (LandsD). In addition, LandsD reserves the right to take enforcement action against the Lots owner/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future.

4 我等會依照地政署的要求除位於我等申請範圍內違規的構築物，但位於非我等範圍內的物品在權力所限下我等不可能完成，懇請見諒。

5. Unless and until the unauthorised structures are duly rectified by the Lots owner/applicant or entirely included in the subject planning application and the unlawful occupation of Government land is ceased, 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.

5 我等會依照地政署的要求除位於我等申請範圍內違規的構築物，但位於非我等範圍內的物品在權力所限下我等不可能完成，懇請見諒。

6. The Site is accessible via a strip of Government land leading from Wong Kong Wai Road. This office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement.

6 有關地塊我等清楚明白地政署不會處理有關保養及維修事宜，在有須要時我等會自行出付資金進行維修保養的工作。

7. As regards the proposed ingress and egress as attached to the planning application would encroach upon the footway under the management of Transport Department ("TD") and the maintenance of Highways Department ("HyD"), comments from TD and HyD should be sought.

7 是次申請如獲批准我等會向(HyD)作出申請事宜。

8. Please notify the applicant of our comments/requirements as stated above.

#### Part B: Advisory Comments for the Applicant

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 Lots 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

P.B 我等清楚及明白地政署的聲明，在有需要時我等會遵守地政署的要求經營我等的停車場。

回應渠務署的提問

2. Please be advised that I have no objection to the above application from public drainage viewpoint, and have the following comments: -

(a) Should the application be approved, a condition should be included to request the applicant to implement the drainage proposal for the subject site to ensure that it will not cause adverse drainage impact to the adjacent areas. The applicant could make reference to DSD Technical Note No. 1 - Technical Note to prepare a "Drainage Submission" in [https://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage Submission.pdf](https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf).

多謝貴署的提議，在有需要時我等會依照貴署的指引制定有關排水建議書。

(b) The applicant is reminded that he is required to maintain his drainage facilities/system properly and rectify them if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of any damage and/or nuisance caused by failure of his facilities/system.

我等會經非進行巡查的工作，防止渠道阻塞或損壞，一經發現即時展開維修及保養的工序。

(c) The applicant should construct and maintain the proposed drainage facilities whether within or outside the subject lots at his own expense.

我等會自行承擔維修及保養渠道的工作。

(d) The site is in an area where public sewerage connection is not available. Environmental Protection Department (EPD) should be consulted regarding sewage treatment/disposal facilities for the proposed development.

我等申請場地不會設置手洗間，亦不會申請水錶，及禁止在停車場內進行清洗汽車事宜，因此不會產生污水問題。

3. In response to Para. 3(iii) of your MUR, please be advised that I have no specific comments on the drainage proposal submission from public drainage viewpoint. Nevertheless, as regards the photo records submitted by the applicant in "LTY 512 SI submission" demonstrating the implementation of the drainage proposal, I have the following comments from public drainage viewpoint: -

Specific Comments

(a) Photo records of catchpits CP1 and CP2 are missing. Please supplement.

(b) Photo records of the U-channels at the upstream of CP3 and upstream of CP1 are missing. Please supplement.

(c) Photos 1, 2 & 5 refer. Steel decking plates were laid on top of the U-channels, such practice should be avoided since it may obstruct surface runoff collection by the U-channels. Please review.

(d) In all the photo records, the U-channels and catchpits were covered by grating and the internal conditions are unknown. Please provide photo records demonstrating the sizes and internal conditions of the U-channels and catchpits. The applicant is reminded that the sizes of the U-channels and catchpits should tally with the accepted drainage proposal, and the internal conditions should be free of silt/debris/obstructions.

有關來函第三項 a-d 項的問題，因申請人剛往歐洲旅遊未能及時安排進行申請地點拍攝工作，希望有關問題在日後履行附帶條件內再作提供給貴署審議。

#### General Comments

(e) The applicant should be advised that the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve his obligations to ensure that (i) the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity; and (ii) the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to accommodate all discharge water collected from his lot and all upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary.

我等排水系統絕對不會影響對鄰近地方的流水，我等會保持我等及鄰近渠道暢通和狀況良好，在有需要時我等同意須協助下游排水系統進行後續升級改造工程。

(f) The existing discharge location to which the applicant proposed to discharge the stormwater from the subject site is not maintained by DSD. The applicant should identify the owner of the existing discharge location to which the proposed connection will be made and obtain agreement from the owner prior to commencement of proposed works.

在有需要時我等會向民政事務署作出申請接駁渠道事宜。

(g) The applicant should make good all the adjacent affected areas upon the completion of the drainage works.

我等完全同意政府或其代理人自由進入場地進行檢查排水系統的工作。

(h) The cover levels of proposed U-channels and catch pits should be flush with the adjoining ground level.

我等會盡力安排有關提議。

(i)The proposed sand-trap/catchpit should be regularly desilted by the applicant to prevent sand and silt from being washed into the existing drainage system/channel at its downstream.

我等會定期安排作行渠道及集水坑清理工作，防止沙石和淤泥被冲至下游現有的排水系統或渠道。

(j)The applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works, if necessary.

如有需要我等同意政府人員及其代理人隨意自由進入已完成的排水工程現場進行檢查。

(k)The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

是次申請及開發時，我等絕對不會阻碍地表徑流，亦不會對現有天然溪流，村庄排水沟及鄰近區域等造成不利影響。