

CONTROLLING OFFICER'S REPLY

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(Question Serial No. 3701)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Ms Bernadette LINN)
Director of Bureau: Secretary for Development

Question:

It was reported in the press in January 2015 that the site granted to the Ma On Shan Promotion of Livelihood and Recreation Association by way of short term tenancy to operate a social enterprise café and a bicycle service point had been changed to fee-paying carparking purpose without authorisation. District Lands Office/Shan Tin (DLO/Shan Tin) confirmed that this was in breach of the tenancy agreement. We have learnt that the fee-paying carpark has still been in operation since a written warning was issued to the site tenant by DLO/Shan Tin. Will immediate action be considered to terminate the tenancy? If no, what are the reasons?

Asked by: Dr Hon Fernando CHEUNG Chiu-hung (Member Question No. 372)

Reply:

A site at Hang Tai Road, Ma On Shan is let to the Ma On Shan Promotion of Livelihood and Recreation Association through short term tenancy which permits the tenancy area ("the premises") to be used as a social enterprise for the following purposes:

- (i) restaurant;
- (ii) bicycles repairing and parking;
- (iii) open-air exhibition;
- (iv) parking of buses;
- (v) parking of not more than 15 private cars ancillary to the uses under items (i) and (iii) or ancillary to the office use under item (vi); and
- (vi) office ancillary to the use or uses permitted under items (i), (ii), (iii) and (iv); or
- (vii) any combination of items (i) to (vi) above.

District Lands Office/Shan Tin (DLO/Shan Tin) received complaints in January 2015 that part of the premises was used as a public fee-paying car park. DLO/Shan Tin promptly inspected the premises and found that part of the premises was operated as a public fee-paying car park which was considered as a breach of the tenancy condition. A warning letter was then

issued requiring the tenant to rectify the breach. The tenant rectified the breach by reducing the number of private car parking spaces from 25 to the permitted number of 15; removing the notice board that showed day and night parking rates of the public car park; and putting up a notice board at the car park entrance indicating that the parking spaces are provided for private cars ancillary to the permitted uses. Subsequent site inspections revealed that the breach was purged.

DLO/Shu Tin inspected the premises again earlier this year and found no irregularities.

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