

27. 斜坡維修 MAINTENANCE OF SLOPES

- (1) 批地文件規定，「承批人」須自費維修斜坡。
- (2) 批地文件第(43)(a)條特別批地條款規定：「倘若有或已有任何土地遭削去、移走或向後退入，或任何建造、填土或任何類型的斜坡處理工程，不論是否已經地政總署署長事先書面同意，無論在該地段範圍內或任何政府地段，如是為了或是有關構成、平整或發展該地段或相關的任何部分，或根據特別條款下「承批人」須做的任何其他工程，或為任何其他目的，「承批人」須自費進行和建設於當時或在其後任何時間有必要或可能需要的斜坡處理工程、護土牆或其他承托、防護、排水或任何其他附屬工程，以保護及支撐該地段及任何相鄰或毗鄰該地段的政府土地或租用土地，並避免和防止其後出現滑土、山泥傾瀉或地陷的情況。「承批人」須時刻於特此已同意批准的年期內，自費維持該土地、斜坡處理工程、護土牆或其他承托、防護、排水或任何其他附屬工程在維修充足及良好的狀況，以令「署長」滿意。」。
- (3) 每名住宅物業擁有人均須分擔維修工程的費用。
- (4) 該斜坡、護土牆及有關構築物已經或將會在發展項目所位於的土地內或之外建造之圖則在第151頁列出。
- (5) 根據公契，管理人有權根據「政府批地書」及按照「斜坡維修指南及斜坡維修手冊」，以及不時由適當的政府部門就維修斜坡、護土牆及有關的構築物而發出的指南，聘請合資格的人員檢查、維持及保養斜坡及護土牆，及執行任何必要的工程，以保持其在妥善及維修充足和狀態良好。管理人亦有權向業主收取由管理人因進行有關斜坡及護土牆的保養、維修及任何其他工程而已經或將會合法產生的一切費用。

備註：根據公契發展項目的所有擁有人均須分擔維修工程的費用。

- (1) The Land Grant requires the Grantee to maintain slopes at its own costs.
- (2) Special Condition No.(43)(a) of the Land Grant stipulates that “Where there is or has been any cutting away, removal or setting back of any land, or any building-up or filling-in or any slope treatment works of any kind whatsoever, whether with or without the prior written consent of the Director, either within the lot or on any Government land, which is or was done for the purpose of or in connection with the formation, levelling or development of the lot or any part thereof or any other works required to be done by the Grantee under these Conditions, or for any other purpose, the Grantee shall at his own expense carry out and construct such slope treatment works, retaining walls or other support, protection, drainage or ancillary or other works as shall or may then or at any time thereafter be necessary to protect and support such land within the lot and also any adjacent or adjoining Government or leased land and to obviate and prevent any falling away, landslide or subsidence occurring thereafter. The Grantee shall at all times during the term hereby agreed to be granted maintain at his own expense the said land, slope treatment works, retaining walls or other support, protection, drainage or ancillary or other works in good and substantial repair and condition to the satisfaction of the Director”.
- (3) Each of the residential owners is obliged to contribute towards the costs of the maintenance work.
- (4) The plan for the slopes, retaining walls and related structures constructed or to be constructed, within or outside the land on which the development is situated is set out on page 151.
- (5) Under the Deed of Mutual Covenant, the Manager shall have the authority to engage qualified personnel to inspect, keep and maintain in good substantial repair and condition, and carry out any necessary works in respect of any of the Slopes and Retaining Walls in compliance with the Government Grant and in accordance with the Slope Maintenance Guidelines and the Slope Maintenance Manual and all guidelines issued from time to time by the appropriate government department regarding the maintenance of slopes, retaining walls and related structures and to collect from the Owners all costs lawfully incurred or to be incurred by the Manager in carrying out such maintenance, repair and any other works in respect of the Slopes and Retaining Walls.

Note: Under the Deed of Mutual Covenant all owners of the development are obliged to contribute towards the costs of maintenance work.

