

27. 斜坡維修

MAINTENANCE OF SLOPES

1. 每名住宅擁有人均須分擔維修斜坡及護土牆工程的費用。
2. 公契第III部第13(c)(xii)條訂明「管理開支」應包括檢查、維修及保養斜坡及護土牆的費用，根據「批地文件」或公契，並按照《斜坡維修指南》和《斜坡維修手冊》的要求，該維修保養的責任由所有擁有人負責。
3. 公契第VIII部第74(b)條訂明：-
“74.(b)擁有人必須根據「批地文件」及本契約，並按照《斜坡維修指南》和《斜坡維修手冊》的要求自費保養及執行有關斜坡及護土牆的所有工程。管理人（為本條款目的包括業主委員會及業主立案法團）現獲所有擁有人授以全權聘請合資格人員檢查、維持及維修斜坡及護土牆，以保持其在妥善及維修充足的良好狀況，並進行任何必要的工程，以遵守「批地文件」及本契約的要求，以及按照《斜坡維修手冊》和所有由有關政府部門不時發出有關保養斜坡、護土牆及相關結構的指引。所有擁有人須向管理人支付其因進行這等保養維修工程及任何其他工程而招致的費用。倘若管理人經過一切合理努力而仍未能向所有擁有人收取所需的工程費用，則管理人不會因執行任何該等「批地文件」及本契約有關要求而負上個人責任，該責任仍須由擁有人負責。”
4. 附於公契並只為識別目的而顯示在已經或將會在發展項目所位於的土地範圍內或之外建造的斜坡及護土牆或有關構築物的圖則已在第85頁列出。
5. 根據公契，管理人獲擁有人授權進行斜坡及護土牆的維修工程。

備註：根據公契，發展項目的全部擁有人均須分擔斜坡及護土牆維修工程的費用。

1. Each of the residential owners is obliged to contribute towards the costs of the maintenance work of the Slopes and Retaining Walls.
2. Clause 13(c)(xii) of Section III of the Deed of Mutual Covenant stipulates that the Management Expenses shall cover the cost of inspecting, repairing and maintaining the Slopes and Retaining Walls the maintenance of which is the liability of the Owners under the Government Grant or the Deed of Mutual Covenant and in accordance with the Slope Maintenance Guidelines and the Slope Maintenance Manual.
3. Clause 74(b) of Section VIII of the Deed of Mutual Covenant stipulates that: -
“74. (b) The Owners shall at their own expense maintain and carry out all works in respect of the Slopes and Retaining Walls as required by the Government Grant and this Deed and in accordance with the Slope Maintenance Guidelines and the Slope Maintenance Manual. The Manager (which for the purpose of this Clause shall include the Owners’ Committee or Owners’ Incorporation) is hereby given full authority by the Owners to engage suitable qualified personnel to inspect keep and maintain in good substantial repair and condition, and carry out any necessary works in respect of the Slopes and Retaining Walls in compliance with the Government Grant and this Deed and in accordance with 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. All Owners shall pay to the Manager all costs lawfully incurred or to be incurred by it in carrying out such maintenance, repair and any other works. The Manager shall not be personally liable for carrying out any such requirements of the Government Grant and this Deed which shall remain the responsibility of the Owners if, having used all reasonable endeavours, it has not been able to collect the costs of the required works from all Owners.”
4. The plan annexed to the Deed of Mutual Covenant for identification purpose only showing the Slopes and Retaining Walls or related structures constructed, or to be constructed, within or outside the land on which the development is situated is set out on page 85.
5. Under the Deed of Mutual Covenant, the Manager has the owners’ authority to carry out the maintenance work of the Slopes and Retaining Walls.

Remark : Under the Deed of Mutual Covenant all owners of the development are obliged to contribute towards the costs of the maintenance work of the Slopes and Retaining Walls.

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