

LO, WONG & TSUISOLICITORS & NOTARIES
AGENTS FOR TRADE MARKS & PATENTS**盧王徐律師事務所**Solicitor in charge: Johnny Wong
Clerk in charge:Tel No.: 2514 1517
Tel No.:By: Fax and Post
2868 4530

Our ref.: 64611/JW/vw

Your ref.:

Date: 16th November 2010Development Bureau,
9/F., Murray Building,
Garden Road,
Hong Kong.

Dear Sirs,

Re : Yan Hau Chung Tze

We have instructions to act for Grand Step International Limited and your letter to our client dated 3rd November 2010 has been referred to us for handling.

Whilst we note that the Government is preparing the publication of the Information on Private Columbarium (Part A and Part B), we note that you have already decided that the above Private Columbarium would be included in Part B with the Town Planning Land/Lease Information as set out in your said letter. We therefore fail to see the purpose of having the form enclosed filled in and returned to you. Moreover, our client was only allowed to tick one box and if more than one box has been ticked, you would proceed to publish the information relating to the above Private Columbarium as set out in the said letter in any event.

In the meantime, we note that whilst you claimed in Column 6 of your said letter that "the user restrictions provisions in the relevant land lease are still under consideration and investigation by District Lands Office/Shatin, you claimed that so far as the Town Planning Information as listed in Column 5 is concerned, you allege that "Sha Tin Outline Zoning Plan Zoning : Village Type Development Not in compliance with planning requirements (unless it is an existing use)". In this connection, we are instructed by our client to claim an existing use in respect of the above Private Columbarium.

You would note that the Planning Ordinance (Cap.131) was enacted as a result of the Melhado case where government lost the case whereby enforcement action against the use of open storage on agricultural land under the Block Lease (the then Block Crown Lease) could not be substantiated. The

Partners

*Charles T.L. Wong
王德良
*William H.C. Tsui JP
徐廣全
Johnny C.K. Wong MR
王志強
Colin K.Y. Tse
謝國賢
Henson Lam
林君良
Mendy Chong
張文迪

Consultants

#Stephen W.K. Lo
盧維幹
Janny H.L. Tin
田巧玲
Y.H. Yip
葉任雄
Kenneth M.H. Lee
李文傑
Marlene S. Courbet
顧基賢
#*Christine B.C. Fan
范碧枝
S.Y. Chan SBS JP
陳樹楨

Solicitors

Jeff T.Y. Wong
黃天佑
Kenny K.Y. Cheng
鄭健一

China Appointed Attesting
Officer
中國委託公證人
* Notary Public
國際公證人

Suites 1706 ~ 1708, 17th Floor, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong
香港干諾道中168-200號信德中心招商局大廈17樓1706至1708室

Tel 電話: 2514 1511 Fax 傳真: 2810 0635

e-mail 電郵: info@lowongtsui.com.hk Document Exchange No.: DX-075037 Sheung Wan

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Planning Ordinance was then introduced so as to stop all open storage uses such as container yards, lorry and container vehicle parks, storage of scrap metal and wrecked cars, on agricultural land not enforceable under the lease conditions. Unless such uses could be confirmed by air photos as existed before the enactment of the Ordinance, and termed "Exist Uses", planning approval from the Town Planning Board will be required for any subsequent change of land usage. The Planning Department will take enforcement and prosecution action against the landowners of the agricultural land for change of use as evidenced by air photos taken before and after the enactment of the Ordinance.

However, for any building existed before the enactment of the Ordinance, the "existing use" of the building should be the user as restricted under the lease and the current use of the building would remain unchanged. In this case, the user of the building has always been unrestricted and should remain unrestricted, the question of "change of use" could not be substantiated. Certainly, for new development of buildings, planning approval in order to comply with the zonal plans will be required but not for building existed long before the enactment of the Ordinance. The use of the building existed before the Planning Ordinance will be constrained by the lease and not by the zonal use unless upon complete redevelopment.

In view of the above, we reserve all our client's rights even though our client is prepared to fill in and hereby return the enclosed form to you.

Nothing herein or in the form returned to you shall prejudice any of our client's rights in respect of which we hereby reserve.

Yours faithfully,



JW/vw

致: 發展局規劃組
香港中環美利大廈九樓
傳真: 2868 4530

有關仁孝宗祠
新界沙田火炭禾寮坑路禾寮坑村 7-10 號

- 本人謹代表上述私營骨灰龕同意列載於私營骨灰龕資料(第二部分)內第五欄及第六欄的規劃及土地/契約資料。
- 本人謹代表上述私營骨灰龕同意列載於私營骨灰龕資料(第二部分)內第五欄的規劃資料，但並不同意列載於第六欄的土地/契約資料。
- 本人謹代表上述私營骨灰龕同意列載於私營骨灰龕資料(第二部分)內第六欄的土地/契約資料，但並不同意列載於第五欄的規劃資料。
- 本人謹代表上述私營骨灰龕並不同意列載於私營骨灰龕資料(第二部分)內第五欄及第六欄的規劃及土地/契約資料。

註: 請只選取其中一項。如閣下選取多於一項，我們將按封面信所載的規劃及土地/契約資料於第二部分內公布。
政府對第二部分內的私營骨灰龕保留追究權利。政府公布資料並非代表已豁免任何法定規定及/或契約條款的違反。

簽署:

名稱(請以正楷填寫):

(英文) POON TAK MING

(中文) 潘 德 明

職銜:

(英文) Director

(中文) 董事

公司/骨灰龕名稱:

(英文) GRAND STEP INTERNATIONAL LTD

(中文) 宏進國際有限公司

電話號碼:

9231 1618

公司蓋印:

日期:

16/11/2010

