

Islands District Council

IDC paper 13/2009

Covered platform outside House No. 25
Sok Kwu Wan Main Street, Lamma Island

Purpose

This paper is to provide background information of the captioned case to Members and seek Members' advice on the way of handling the platform in question.

Background

Seafood restaurants/shops have been in existence in Sok Kwu Wan, Lamma Islands for decades. In 1985 and 2003, regularization exercises were conducted to cover the unauthorized extensions/structures and irregularities of the existing restaurants/shops along the water front of Sok Kwu Wan. In the last rationalization exercise conducted in mid-2003, the locals and parties concerned were informed that there would be no further toleration or rationalization for any newly constructed platforms/extensions/structures etc after the one-off rationalization exercise.

At the end of the year 2003, the operator of Rainbow Seafood Restaurant requested to build an extension area to one of his existing platforms. The application was rejected as it was beyond the above cut off date. However, later in 2005, Rainbow Seafood Restaurant went ahead to construct the platform (area about 55 square meters; see attachment) (i.e. the subject illegal platform) with a cover at the area outside House No. 25 Sok Kwu Wan Main Street without approval. In response to the land control actions of District Lands Office /Islands (DLO/Is), the operator sought assistance from the then Secretary for Housing, Planning and Lands (SHPL) who advised that the operator might find a way out by applying to Food and Environmental Hygiene Department (FEHD) for an Outside Seating Area (OSA) licence. DLO/Is therefore temporarily withheld the land control actions pending the result of the operator's OSA application.

In order to operate his food business at the illegal platform, the operator had made application to FEHD for a licence for three times from 2005 to 2007 but they were all rejected by relevant departments because of the reasons such as planned land use and

unauthorized building.

In late-2005 when FEHD first turned down the operator's OSA application, DLO/Is resumed land control actions against the subject illegal platform. As any drastic action to demolish the subject illegal platform might seriously threaten the harmony of the community, Islands District Office (IDO) expressed concern on the matter and advised that the Administration should handle the case with prudence and avoid coming into conflict as far as possible. Moreover, in view of the uniqueness of the street and the operating environment of Sok Kwu Wan, IDO also advised FEHD to exercise flexibility to consider the subject OSA application having regard to the existing approving principles and the framework of departmental guideline. As a result, DLO/Is withheld land control actions again pending the result of the operator's OSA applications.

The Ombudsman has monitored this case since 2006 and supported the taking of immediate land control actions once the operator's OSA application was confirmed unsuccessful. In January 2008 when FEHD informed the operator that his OSA application was unsuccessful, DLO/Is resumed the land control actions and fenced off the site on 23 October 2008 and 28 November 2008 respectively. However, DLO/Is anticipated that it will face great difficulties in taking further action to demolish the subject illegal platform. In addition, DLO/Is has also received strong objections that requested to stop all land control actions and strongly supported regularization of the illegal platform through the grant of a short term tenancy (STT) by the Government.

Advice Sought

As this case is relatively special and has its own unique background, Members are invited to comment on the way of handling the case of the illegal platform. DLO/Is will consider members' advice before taking appropriate follow-up actions.

Attachment

District Lands Office/Islands
February 2009