

RNTPC Paper No. A/I-CC/22A
for consideration by the
Rural and New Town Planning
Committee on 22.12.2017

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/I-CC/22

- Applicant** : Wong Wai Tsak Tong (WWTT) (黃維則堂) represented by Ove Arup & Partners Hong Kong Limited
- Site** : Lot No.4 (Part) in D. D. Cheung Chau, Cheung Chau
- Site Area** : About 1,400m²
- Lease** : - Old Schedule Lot with the description of 'Dry Cultivation and Waste'
- Lease term of 75 years commencing from 1.7.1898 and renewable for 24 years. The lease has been extended to 30.6.2047 under the provisions of the New Territories Leases (Extension) Ordinance (Cap.150)
- Plan** : Approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7
- Zoning** : "Green Belt" ("GB")
- Application** : Proposed Religious Institution (Temple) and Columbarium (within a Religious Institution)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed religious institution (temple) and columbarium (within a religious institution) at the application site (the Site) (**Plans A-1 to A-3**). According to the applicant, the proposed temple is for members of WWTT, indigenous villagers as well as other worshippers alike to pay tribute to 'Kwun Yum' (觀音). The columbarium will be open to local in need of columbarium facilities while catering for the territorial demand for columbarium provision. The Site falls within "GB" zone on the OZP. According to the Notes of the OZP, 'Religious Institution' and 'Columbarium (within a Religious Institution or extension of existing Columbarium only)' within the "GB" zone require planning permission from the Town Planning Board (the Board).
- 1.2 The Site is located next to the existing Cheung Chau Cemetery and in the vicinity of Cheung Chau Columbarium and Cheung Chau Crematorium. According to the Indicative Architectural Layouts (**Drawings A-2 to A-5**) submitted by the

applicant, the proposed development comprises 4 one-storey structures of 3m to 5.5m high, including a temple, two columbarium structures providing 300 niches, a caretaker office, with open area and a Statue Square with a 'Kwun Yum' statue (about 3m tall) within the Site. Each columbarium structure accommodates 150 niches which are distributed evenly on both sides of the wall i.e. 75 niches on each side. A suspended platform will be built for the connection of the structures on the same level. According to information submitted by the applicant, the gross floor area (GFA) of the temple, columbarium structures and caretaker office are 49m², 100m² and 5m² respectively, adding up to a total GFA of 154m², or a plot ratio (PR) of about 0.11. The site coverage (SC) of the proposed development is about 11%. The site plan, floor plans, layout plan, section plans and landscape master plan (LMP) submitted by the applicant are at **Drawings A-1 to A-5 and A-7**. The proposed major development parameters are summarised as follows:

Proposed Development Parameters	
Site Area (about)	1,400 m ²
Total GFA* (about)	154 m ²
Temple	49 m ²
Columbarium	100 m ²
Caretaker Office	5 m ²
PR (about)	0.11
SC* (about)	11%
Absolute building height (BH)	
Temple	5.5 m
Columbarium	5 m
Caretaker Office	3 m
No. of structures	4
No. of storeys	1
No. of niches	300
Completion year	2020
(* The proposed GFA and SC have excluded the non-accountable GFA for the deck area (about 150m ²) which is exempted according to Building (Planning) Regulations (Chapter 123F), subject to the Building Authority's approval at the building plan submission stage)	

- 1.3 According to the Supplementary Planning Statement submitted by the applicant, the operation hours of the proposed temple are from 9:00 a.m. to 5:00 p.m. daily. The Site has no vehicular access. Neither parking space nor loading/unloading space are provided therein. Access to the Site is via the existing footpaths within the Cheung Chau Cemetery (**Plan A-4 and Drawing A-4**). According to the Main Pedestrian Routes to Cheung Chau Cemetery presented in the Traffic Impact Assessment (TIA) submitted by the applicant, there are three main pedestrian routes to Cheung Chau Cemetery via San Wan Road, Tsan Tuen Road and Cheung Chau Peak Road West (**Drawing A-8**).

- 1.4 According to the TIA submitted by the applicant, during the peak hour (1:30 p.m. to 2:30 p.m.) of Ching Ming Festival Day, two-way visitor flows per hour of 118 (48 incoming and 70 outgoing) and 15 (8 incoming and 7 outgoing) are anticipated to be generated by the proposed columbarium and the proposed temple respectively.
- 1.5 According to the Supplementary Planning Statement, there will be no burning chamber for burning of effigies and paper offerings at the proposed development. A toilet will be provided for staff use, and portable toilets will be provided to serve the visitors. Service provider will be appointed to provide regular maintenance and suction cleaning to the portable toilets for treatment works.
- 1.6 According to the Tree Survey Plan (**Drawing A-6**) submitted by the applicant, 9 existing trees will be felled, 38 existing trees will be retained and 23 compensatory trees will be planted. According to the LMP (**Drawing A-7**) submitted by the applicant, seating area will be provided at the Statue Square and planters will be provided on the suspended platform next to the columbarium structures.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 25.4.2017 (Appendix I)
 - (b) Supplementary planning statement including indicative architectural layouts, landscape proposals, TIA and visual appraisal received on 25.4.2017 (Appendix Ia)
 - (c) Further information (FI) including responses to comments of relevant government departments, updated indicative architectural layouts, a revised Tree Preservation Proposal and a revised table for the TIA received on 14.6.2017
[Accepted but not exempted from publication and recounting requirements] (Appendix Ib)
 - (d) FI including technical clarification/responses to comments of relevant government departments received on 18.7.2017
[Accepted and exempted from publication and recounting requirements] (Appendix Ic)
 - (e) FI including responses to comments of relevant government departments received on 11.9.2017
[Accepted and exempted from publication and recounting requirements] (Appendix Id)
 - (f) FI including new technical assessment (level of service assessment (additional locations)), responses to departmental comments, plans concerning access arrangement and scheme comparison with clarification on the scope of construction area received on 24.10.2017 (Appendix Ie)

[Accepted but not exempted from publication and recounting requirements]

- (g) FI including clarification on the titles of plans (**Appendix If**) concerning access arrangement received on 31.10.2017
[Accepted and exempted from publication and recounting requirements]

- (h) FI including responses to comments of relevant (**Appendix Ig**) government departments received on 8.12.2017
[Accepted and exempted from publication and recounting requirements]

1.8 The application was originally scheduled for consideration by the Committee of the Board on 11.8.2017. On 11.8.2017, the Committee agreed to defer making a decision on the application for one month as requested by the applicant in order to allow sufficient time for preparation of further information/technical clarifications to address the departmental comments. The applicant subsequently submitted FI on 11.9.2017, 24.10.2017 and 8.12.2017 (**Appendices Id, Ie and Ig**) in response to departmental comments. The application has been scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia** and the clarifications/supplementary information at **Appendices Ib, Ic, Id, Ie and Ig**. They are summarised as follows:

- (a) a temple would be provided for the local community. The proposed development would not only allow worshipping by members of WWTT but also indigenous villagers and other worshippers alike who also share the same religious beliefs;
- (b) the use of land would be optimised. The Site has been abandoned since 1898. The applicant anticipates that the land would be left vacant for another hundred years, which would be a waste of land resources, if the Site is not used for the proposed religious institution;
- (c) landscape quality and visual amenity would be enhanced. Existing vegetation which are of poor qualities and in poor health condition will be replaced by healthy and new vegetation. The proposed Tree Compensation Plan will adopt 1:1 tree compensation ratio. Tree compensation species are designed to diversify existing species mix. Besides, the proposed development is designed to create an open layout with peaceful, serene and tranquil atmosphere and to provide green opportunities which enhance the overall visual amenity in the area;
- (d) the proposed development is compatible with surrounding land uses. The Site is fully enclosed by existing topography and well shielded by vegetation

around, providing a serene and tranquil environment for paying tribute to 'Kwun Yum'. The proposed columbarium within the proposed religious institution is compatible with the immediately adjacent "Other Specified Uses" annotated "Cemetery" ("OU(Cemetery)") zone which is intended for funeral-related facilities use. Sensitive receivers including residential places are located farther away;

- (e) the development scale and intensity of the proposed development, which is of low-density, low-rise and involves only four structures, are compatible with the local context and in harmony with the surrounding environment;
- (f) the development parameters of the proposed development are in line with the Town Planning Board Guidelines No.10 (TPB-PG No.10) for 'Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance'. The main planning criteria stipulated in the TPB-PG No.10 are complied;
- (g) the proposed development can offer an alternative choice of columbarium for the locals and others, cater for the territorial demand and is in line with Government policy of columbarium development; and
- (h) the proposed development will have no adverse traffic, environmental and ecological, visual and landscape, drainage and sewerage impacts.

3. **Compliance with the 'Owner's Consent/Notification' Requirements**

The applicant is the sole 'current land owner'. Detailed information would be deposited at the meeting for Members' inspection.

4. **Town Planning Board Guidelines**

TPB-PG No.10 for 'Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance' (**Appendix II**) is relevant to this application. The relevant assessment criteria are extracted as follows:

- (a) there is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the PR, SC and BH should be compatible with the character of surrounding areas;
- (c) applications for Government, Institution or Community (G/IC) uses must demonstrate that the proposed development is essential and no alternative

sites are available. The PR of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses;

- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of G/IC facilities in the general area;
- (g) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (h) any proposed development on a slope or hillside should not adversely affect slope stability.

5. Previous Applications

- 5.1 The Site is part of the sites of two previous planning applications (No. A/I-CC/15 and No. Y/I-CC/3) which were also submitted by WWTT, the same applicant of this application (**Plan A-1**).
- 5.2 On 22.6.2012, the applicant submitted a s.16 application (i.e. A/I-CC/15) for proposed Religious Institution and Columbarium (within a Religious Institution) at a site of about 7,000m². Number of niches proposed was initially 20,000 and subsequently reduced to 6,500. However, the application was withdrawn by the applicant on 29.4.2013.
- 5.3 On 11.9.2013, the applicant submitted a s.12A application (i.e. Y/I-CC/3) for proposed rezoning of a site (about 4,384m²) from "GB" to "Other Specified Uses" annotated "Columbarium" ("OU(Columbarium)"). Number of niches proposed was 6,500. The application was rejected by the Rural and New Town Planning Committee (the Committee) on 17.7.2015 for the following reasons:
 - (a) the proposed columbarium development would pose potential adverse impacts on the pedestrian network and ferry service of the area, especially during Ching Ming and Chung Yeung Festivals;
 - (b) the proposal could cause adverse impact on public order and safety;
 - (c) no strong planning justification to rezone the application site from "GB" to "OU(Columbarium)";

- (d) there was still land available in the existing "OU(Cemetery)" zone adjoining the application site to accommodate additional niches; and
- (e) the approval of the proposed rezoning would set an undesirable precedent for similar applications within the "GB" zone.

6. Similar Application

There is no similar application within the "GB" zone in the Cheung Chau area.

7. The Site and Its Surrounding Areas (Plans A-1 to A-3, photos on Plans A-4 to A-6 and Drawing A-8)

7.1 The Site is:

- (a) located at the slope of an upland area on the south-western part of Cheung Chau (**Plan A-2**);
- (b) mainly a concave slope covered with natural vegetation, including large trees, grass and shrubs (**Plan A-6**); and
- (c) accessible via existing footpaths within the Cheung Chau Cemetery (**Plan A-2**). According to the Main Pedestrian Routes to Cheung Chau Cemetery presented in the TIA submitted by the applicant, there are three main pedestrian routes to Cheung Chau Cemetery via San Wan Road, Tsan Tuen Road and Cheung Chau Peak Road West (**Drawing A-8**). There is no vehicular access to the Site.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and east are slope areas covered with dense trees and shrubs, which are zoned "GB" (**Plan A-3**);
- (b) to the northwest about 60m from the Site is a village (i.e. Round Table 3rd Village), which is zoned "Residential (Group D)" ("R(D)"). Another village (i.e. Lutheran Village), which is also zoned "R(D)", is located some 120m to the northeast (**Plan A-1**);
- (c) to the west and south, there are existing Cheung Chau Cemetery, Cheung Chau Columbarium and Cheung Chau Crematorium, all of which are zoned "OU(Cemetery)" (**Plan A-1**). Currently, the Cheung Chau Columbarium provides 3,335 niches and will be expanded by the Government to provide an additional 1,400 niches in Q3 2018 tentatively; and
- (d) to the further south is the Cheung Chau Catholic Cemetery, which is zoned "OU(Cemetery)" (**Plan A-1**).

8. Planning Intention

The "GB" zone is primarily intended for defining the limits of development areas by natural features and to protect the natural landscape, as well as to provide passive recreational outlets for local population and visitors. There is a general presumption against development within this zone.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) The subject lot is held under the Block Government Lease of D. D. Cheung Chau which does not contain any tree preservation clause.
- (b) The applicant should be reminded that encroachment onto government land should be avoided and all the compensatory trees shall be confined within the boundary of the subject lot.
- (c) If the application is approved by the Board, the lot owner will need to apply for lease modification for the proposed development.
- (d) The applicant should be reminded that no government land should be encroached upon and no work should be carried out on government land unless prior approval or consent from LandsD is obtained. There is no guarantee that LandsD would consider the grant of any right over the government land to the applicant.
- (e) The subject site forms part of Lot No. 4 in D.D. Cheung Chau ("the Lot") which is an Old Schedule Lot. The Government is not obliged under the lease to guarantee any right of way to the Lot and it is a matter for the Lessee to make his own arrangement to acquire access to the Lot.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) With the additional data provided by the applicant, Transport Department (TD) projects that the additional passengers generated by the proposed columbarium with 300 niches during the most peak hour period for either Cheung Chau bound or Central bound would certainly cause additional pressure on the ferry service plying between Central and Cheung Chau, though it would not reach an unacceptable level.

- (b) The response of the FI (**Appendix Ig**) provided by the applicant in response to his requirement for the provision of a crowd management scheme is considered acceptable.

9.1.3 Comments of the Commissioner of Police (C of P):

Having reviewed the crowd management and public safety issue especially during festival days, C of P has no objection to the application.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) No objection to the subject application from environmental planning point of view.
- (b) There is no existing/planned sewerage for the Site. The applicant is required to make his/her own provision for the collection and treatment of sewage arising from the proposed development, if the subject application is going to be approved.

Urban Design and Visual

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The proposed development is considered not incompatible with the surroundings.
- (b) According to the visual appraisal submitted by the applicant, the proposed development will be effectively screened off by the surrounding topography/vegetation and would not generate significant adverse impact on the surrounding.

Landscape

9.1.6 Comments of CTP/UD&L, PlanD:

- (a) He maintains his views of reservation to the application from landscape planning point of view, since approval of the proposed Religious Institution (Temple) and Columbarium (within a Religious Institution) would set an undesirable precedent for further "Religious Institution (Temple) and Columbarium (within a Religious Institution)" developments leading to encroach and degradation of the "Green Belt" zone.
- (b) Should the Board approve the application, he would recommend the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) If the Site does not abut on a 'Specified Street' of not less than 4.5m wide, the development intensity of the proposed development should be subject to determination under Building (Planning) Regulation (B(P)R) 19(3) by the Building Authority (BA) upon formal submission of building plan for any proposed new buildings. B(P)R 18A refers.
- (b) Access to the Site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified upon building plan submission.
- (c) The proposed development should be provided with Emergency Vehicular Access (EVA) under B(P)R 41D and Means of Escape to street under B(P)R 41, and may need to be resolved with Fire Services Department and LandsD upon building plan submission.
- (d) Before any new building works are to be carried out on the Site, the prior approval and consent from the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (BO).
- (e) For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (f) Detailed comments under the BO on individual sites for private developments such as permissible PR, SC, EVA, private streets and/or access roads, open space, compliance with sustainable building design guidelines, etc. will be formulated at the building plan submission stage.
- (g) If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

Nature Conservation

9.1.8 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) No strong views on the subject application. Only 9 trees will be affected, which are mainly common species. Regarding the FI (**Appendix Ib**), it is noted that the number of trees to be felled (i.e. 9) is the same as that of the previous submission and the extra trees surveyed due to the updated tree survey boundary are to be retained. DAFC has no comment on the FI.
- (b) Based on field observation in May 2017, the Site was a piece of farmland with grass and shrubs, but the farming activities have apparently ceased. There are some woodland areas to the east of the Site, but they should not be affected by the proposed development.
- (c) As regards the 'seasonal marsh' mentioned in the public comments, the field observation reveals that the area concerned is dry in nature and covered with weeds and seedlings of common tree species and there is no wetland plant species noted on site. In view of the above, DAFC has no particular comment on the ecological evaluation mentioned in the planning statement of the subject application.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) No specific comment on the application subject to fire service installations and water supplies for firefighting being provide to the satisfaction of Fire Services Department. Detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans.
- (b) The arrangement of EVA shall comply with Section 6, Part D of *The Code of Practice for Fire Safety in Buildings 2011* which is administered by BD.

Water Supply

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) No objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Policy Aspect

9.1.11 Comments of the Secretary of Food and Health (SFH) and Director of Food and Environmental Hygiene (DFEH):

- (a) The Private Columbaria Ordinance (the Ordinance), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal.
- (b) Under the Ordinance, only private columbaria that have obtained a licence may sell or newly let niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the Ordinance or specified by the Private Columbaria Licensing Board (the Licensing Board), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to the Licensing Board for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimise other adverse impact that operation of the columbarium may have on the neighbourhood.
- (c) In determining whether to approve an application for a licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations.
- (d) With regard to the niche spaces in Cheung Chau Columbarium, according to the latest information from ArchSD, the Cheung Chau Columbarium Extension project providing an additional 1,400 new niches is scheduled to be completed by Q3 2018 tentatively. It is anticipated that the niche supply in Cheung Chau Columbarium can cope with the demand up to 2026. Based on the actual demands in the forthcoming years, FEHD will put up further proposal to provide additional niches in Cheung Chau Columbarium under his purview at suitable juncture.
- (e) The coffin burial spaces in public cemeteries are subject to the 6-year exhumation policy, by which the coffin burial grounds could be reused after the completion of exhumations in a 8-year cycle. It is anticipated that the burial grounds in Cheung Chau Cemetery could cope with the demands for the next 40 years.
- (f) The concerned footpath falls within the land allocation of Cheung Chau Cemetery under FEHD's purview. The management and maintenance of the said footpath are within FEHD's jurisdiction. It is considered that the proposed entrance and access arrangement of the proposed religious institution are not acceptable as all goers must route through the footpath within the boundary of Cheung Chau Cemetery under FEHD's management.

9.1.12 Comments of the Secretary of Home Affairs (SHA):

- (a) Under the prevailing policy, land grant cases relating to religious facilities by religious organisations may be allowed a concessionary premium of 2/3 of the best alternative full market value with their policy support. The conditions that have to be satisfied for the Home Affairs Bureau to consider giving the aforesaid policy support are as follows:
 - (i) the applicant has to be a bona fide religious organisation;
 - (ii) the application has to be a charitable organisation under section 88 of the Inland Revenue Ordinance (IRO); and
 - (iii) the facilities concerned are for places of worship and ancillary use.
- (b) They would normally adopt the same principles in considering planning applications related to religious facilities. Since the applicant is not a tax-exempted charitable organisation under section 88 of the IRO, they are unable to comment on the planning application.

Heritage

9.1.13 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) No graded historical building or new item pending grading assessment by the Antiquities Advisory Board within the Site.
- (b) The Cheung Chau Boundary Stone No. 5 ('the Stone'), which is a historical item, is in close proximity to the Site. Antiquities and Monuments Office of Leisure and Cultural Services Department should be consulted prior to the commencement of works which may cause any damage(s)/disturbance(s) to the Stone.

District Officer's Comments

9.1.14 Comments of the District Officer (Islands), Home Affairs Department (DO(Is), HAD):

- (a) Traffic impact, transportation and pedestrian flow during festive dates at Cheung Chau should be considered.
- (b) It should be noted that Island District Council (IsDC) member Mr. KWONG Koon-wan once raised the motion (有關反對在長洲興建大型私營骨灰龕場的動議) at IsDC meeting on 15.12.2014 regarding an earlier application (Y/I-CC/3), in which traffic and influx of crowd during grave sweeping seasons were some of IsDC members' main concerns. The motion was passed by the IsDC. Mr. KWONG Koon-wan would again raise a similar motion (有關反對在長洲興建私營靈灰安置所的動議) at the IsDC meeting.

- (c) Apart from DC members, it is noted that Cheung Chau Rural Committee and 反對長洲興建私營骨灰龕場大聯盟 formed by people of villages nearby (Sai Wan Care Village, Self Help Care Village, Ying Sin Leung Care Village, Round Table Second Village, Round Table Third Village and Cheung Chau Lutheran Village) have expressed strong objection to the application all along, with impacts on traffic being one of their major concerns.

9.2 The following government departments have no comment on the application:

- (a) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department;
- (b) Head of the Sustainable Lantau Office, Civil Engineering and Development Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Chief Engineer/Land Drainage Division, Drainage Services Department; and
- (e) Director of Marine.

10. Public Comments Received During Statutory Publication Period

10.1 On 2.5.2017, 23.6.2017 and 3.11.2017, the application and the FI submitted by the applicant were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 23.5.2017, 14.7.2017 and 24.11.2017 respectively, a total of 932 public comments objecting to the application were received from Cheung Chau Rural Committee (**Appendix IIIa**); a member of Islands District Council (**Appendix IIIb**), members of WWTT (**Appendix IIIc**), 4 green groups (**Appendices IIId to IIlg**) and 915 local concern group/ residents and individuals (**Appendices IIIh to IIIi**). Also, 1 public comment providing views on the application was received (**Appendix IIIj**). Samples of the public comments objecting to the application submitted in the form of standard letters are at (**Appendices IIIk, IIIl and IIIm**). All the public comments received are deposited at the Board's Secretariat for Members' reference.

10.2 The objecting comments are summarised as follows:

- (a) The proposed development is not in line with the planning intention of the "GB" zone. Approving the application will set an undesirable precedent. The nearby public cemetery would be a more appropriate location for columbarium development.
- (b) The proposed development would cause adverse impacts on various aspects, including environmental hygiene, noise, air quality, public order, sewerage, municipal waste and price inflation. It would also create nuisance and psychological impacts to the local residents. Ecological impact of the proposed development is not comprehensively assessed.
- (c) The capacity of ferry service as well as the ferry pier will be further overloaded by the visitors brought by the proposed development. The

footpaths to the proposed development are narrow and steep which are insufficient for large pedestrian flow. Also, the footpaths are not easily accessible by emergency support, such as fire services and police when there is an accident. The capacities of local facilities and eating places may be stretched to their limit.

- (d) There is adequate supply of public niches in Cheung Chau and adequate land for future public columbarium development. Some commenters consider the proposed development unnecessary and contrary to the tradition of Cheung Chau. The columbarium in Cheung Chau should be reserved for local/islands residents only.
- (e) The need of a new 'Kwun Yum' temple is questionable. There is already an existing 'Kwun Yum' temple in Cheung Chau which is more convenient than the proposed development. Some commenters allege that construction of the 'Kwun Yum' temple is an excuse of the applicant to operate private columbarium and make profit. The applicant has applied for proposed columbarium for several times and local residents are disturbed.
- (f) The proposed development, if implemented, may lead to further expansion by phases and further increase in number of niches which would cause further impacts on Cheung Chau and its residents.
- (g) The Executive Committee of WWTT cannot represent WWTT without consulting other members of WWTT.

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to develop a religious institution (temple) and a columbarium (within a religious institution) at the Site which is located next to the existing Cheung Chau Cemetery and in the vicinity of Cheung Chau Crematorium. The Site is mainly a concave slope covered with natural vegetation, including large trees, grass and shrubs. According to DAFC, the Site was a piece of farmland with grass and shrubs, but the farming activities have apparently ceased. The proposed development comprises 4 one-storey structures of 3m to 5.5m high, including a temple, two columbarium structures providing 300 niches, a caretaker office, with open area and a Statue Square with a 'Kwun Yum' statue (about 3m tall) within the Site. A suspended platform (about 304m²) will be built for accommodating the structures on the same level. The Site is part of the site of a previous s.12A application (No. Y/I-CC/3) for proposed rezoning of a site from "GB" to "Other Specified Uses" annotated "Columbarium" ("OU(Columbarium)") providing 6,500 niches within 5 interconnected buildings of 12m to 14m high (2-3 storeys), which was rejected by the Committee on 17.7.2015 mainly on the grounds that the proposed development would pose potential adverse impacts on the pedestrian network and ferry service of the area; causing adverse impact on public order and safety; no strong planning justification to rezone the site from "GB" to "OU(Columbarium)"; land still available in the existing "OU(Cemetery)" zone to accommodate additional niches; and setting an undesirable precedent for similar applications within the "GB" zone.

- 11.2 The Site falls within the “GB” zone, which is primarily intended for defining the limits of development areas by natural features and to protect the natural landscape, as well as to provide passive recreational outlets for local population and visitors. There is a general presumption against development within this zone. The proposed temple and columbarium uses are not in line with the planning intention of “GB” zone. There is no strong justification in the submission for a departure from the planning intention.
- 11.3 According to the TPB PG-No.10 for ‘Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance’, any new development within a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. Moreover, applications for G/IC uses must demonstrate that the proposed development is essential and that no alternative sites are available. To this end, it is noted that there is an existing ‘Kwun Yum’ temple at Kwun Yam Beach in Cheung Chau (Plan A-7). The applicant fails to demonstrate that the proposed development at the Site is essential and no alternative sites are available. The application does not comply with relevant criteria as set out in the TPB PG-No.10.
- 11.4 The Site is located next to the existing Cheung Chau Cemetery, Cheung Chau Columbarium and Cheung Chau Crematorium, all of which fall within “OU(Cemetery)” zone for cemetery and related uses (Plan A-2). Although the proposed temple and columbarium uses are considered not incompatible with the adjoining cemetery and other related uses from land use perspective, no strong justification has been provided by the applicant to support that the Site, which is covered with natural vegetation within “GB” zone, should be developed into a religious institution and columbarium uses.
- 11.5 According to the application, the proposed development comprises a ‘religious institution’ and ‘columbarium within a religious institution’. Of the 3 single-storey structures in the proposed development, one structure is for proposed temple use and two structures are for proposed columbarium use. Based on the information submitted by the applicant, the GFA of the proposed temple and columbarium are 49m² and 100m² (or 31.8% and 64.9% of the total GFA) respectively. The applicant claims that the proposed columbarium is ancillary to the temple but also indicates that the proposed columbarium will be open to anyone in need, providing alternatives to locals and meeting territorial demand. In this connection, according to DFEH, the Cheung Chau Columbarium Extension project providing an additional 1,400 new niches is scheduled to be completed by Q3 2018 tentatively. It is anticipated that the niche supply in Cheung Chau Columbarium can cope with the demand up to 2026. Based on the actual demands in the forthcoming years, FEHD will put up further proposal to provide additional niches in Cheung Chau Columbarium under his purview at suitable juncture.
- 11.6 Although the proposed development with 3 single-storey structures would not generate adverse visual impact on the surrounding and is not incompatible with the nearby environment, CTP/UD&L, PlanD advises that approval of the application would set an undesirable precedent for further “Religious Institution (Temple) and Columbarium (within a Religious Institution)” developments leading to encroach and degradation of the “Green Belt” zone.

- 11.7 Although concerned departments have no objection to the proposed development in terms of crowd management, environmental, sewage, drainage and geotechnical aspects, as advised by DLO/Is, LandsD, the entrance of the proposed development is likely to encroach onto a strip of government land which does not form part of the Site (Plans A-2, A-4 and A-5). DFEH, being the department responsible for the management and maintenance of Cheung Chau Cemetery including the related footpaths, also considers the proposed access arrangement, which relies on the existing footpath of the Cheung Chau Cemetery, unacceptable. No prior approval has been given to the applicant on using the government land at the proposed entrance nor footpath of the Cheung Chau Cemetery. According to TD's projection, the additional passengers generated by the proposed columbarium with 300 niches during the most peak hour period for either Cheung Chau bound or Central bound would certainly cause additional pressure on the ferry service plying between Central and Cheung Chau, though it would not reach an unacceptable level. The applicant fails to demonstrate that the proposed development would not have any adverse impact on the public ferry services serving Cheung Chau.
- 11.8 Approval of the proposed development would set an undesirable precedent for similar applications within "GB" zone on the OZP. The cumulative impacts of approving similar applications would have adverse effect on the integrity of the existing "GB" zone at the southwestern upland area of Cheung Chau and result in degradation of the natural environment and rural landscape character and overstrain the capacity of public ferry services serving Cheung Chau.
- 11.9 A total number of 932 public comments have been received objecting to the application mainly on the aspects including planning intention, the potential adverse impacts brought by the proposed development, the capacity of public transport and infrastructure and the genuine intention of the applicant as set out in paragraph 10 above. In this regard, paragraphs 11.1 to 11.8 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the "GB" zone, which is primarily intended for defining the limits of development areas by natural features and to protect the natural landscape, as well as to provide passive recreational outlets for local population and visitors. There is a general presumption against development within this zone. There are no strong justifications to warrant a departure from this planning intention;
 - (b) the proposed development does not comply with the TPB-PG No.10 for 'Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance' in that the applicant fails to demonstrate that the proposed development at the application site is essential and that no

alternative sites are available;

- (c) the applicant fails to demonstrate that the proposed access arrangement is acceptable and that the proposed development would not have any adverse impact on public ferry services serving Cheung Chau; and
- (d) approval of the proposed development would set an undesirable precedent for similar applications within the “GB” zone on the OZP. The cumulative impact of approving such similar applications would have adverse effect on the integrity of the existing “GB” zone and result in general degradation of the natural environment and rural landscape character and overstrain the capacity of public ferry services serving Cheung Chau.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.12.2021, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the maximum number of niches within the Site should not exceed 300;
- (b) no burning of effigies and paper offerings is allowed within the Site;
- (c) the provision of EVA, fire service installations and water supplies for firefighting before operation to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 25.4.2017
Appendix Ia	Supplementary planning statement including indicative architectural layouts, landscape proposals, TIA and visual appraisal received on 25.4.2017
Appendix Ib	FI including responses to comments of relevant government departments, updated indicative architectural layouts, a revised Tree Preservation Proposal and a revised table for the TIA received on 14.6.2017
Appendix Ic	FI including technical clarification/responses to comments of relevant government departments received on 18.7.2017
Appendix Id	FI including responses to comments of relevant government departments received on 11.9.2017
Appendix Ie	FI including new technical assessment (level of service assessment (additional locations)), responses to departmental comments, plans concerning access arrangement and scheme comparison with clarification on the scope of construction area received on 24.10.2017
Appendix If	FI including clarification on the titles of plans concerning access arrangement received on 31.10.2017
Appendix Ig	FI including responses to comments of relevant government departments received on 8.12.2017
Appendix II	Town Planning Board Guidelines No.10 (TPB-PG No.10) for 'Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance'
Appendix IIIa	Public comments from Cheung Chau Rural Committee
Appendix IIIb	Public comments from a member of Islands District Council
Appendix IIIc	Public comments from members of Wong Wai Tsak Tong
Appendix IIId	Public comments from Hong Kong Bird Watching Society
Appendix IIIe	Public comments from Kadoorie Farm and Botanic Garden Corporation
Appendix IIIf	Public comments from World Wild Fund For Nature Hong Kong
Appendix IIIg	Public comments from Designing Hong Kong Limited
Appendix IIIh	Public comments from local concern group
Appendix IIIi	Public comments from Cheung Chau residents and individuals
Appendix IIIj	Public comment providing views on the application
Appendix IIIk	Sample of Standard Letter A
Appendix IIIl	Sample of Standard Letter B
Appendix IIIm	Sample of Standard Letter C
Appendix IV	Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	G/F Floor Plan
Drawing A-3	Roof Plan
Drawing A-4	Layout Plan
Drawing A-5	Section Plans
Drawing A-6	Tree Survey Plan
Drawing A-7	Landscape Master Plan
Drawing A-8	Main Pedestrian Routes to Cheung Chau Cemetery

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-6	Site Photos
Plan A-7	Location Plan of the existing 'Kwun Yum' temple in Cheung Chau

**PLANNING DEPARTMENT
DECEMBER 2017**

TPB PG-NO. 10

TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

- 1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.
- 1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.
- 1.3 The main purposes of the "GB" zone include the following :
 - a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;
 - b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and
 - c. to provide additional outlets for passive recreational uses.
- 1.4 To preserve the character and nature of the "GB" zone, the only uses which will always be permitted by the Town Planning Board (the Board) are compatible uses which are essential and for public purpose such as waterworks, water catchment areas, nature reserves, agriculture, forestry and certain passive recreational uses. Other uses, including government/institution/community (G/IC), residential development and public utility installations will require planning permission from the Board and each proposal will be assessed on its individual merits. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria

- a. There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.
- b. An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.
- c. Applications for New Territories Exempted Houses with satisfactory sewage disposal

facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers.

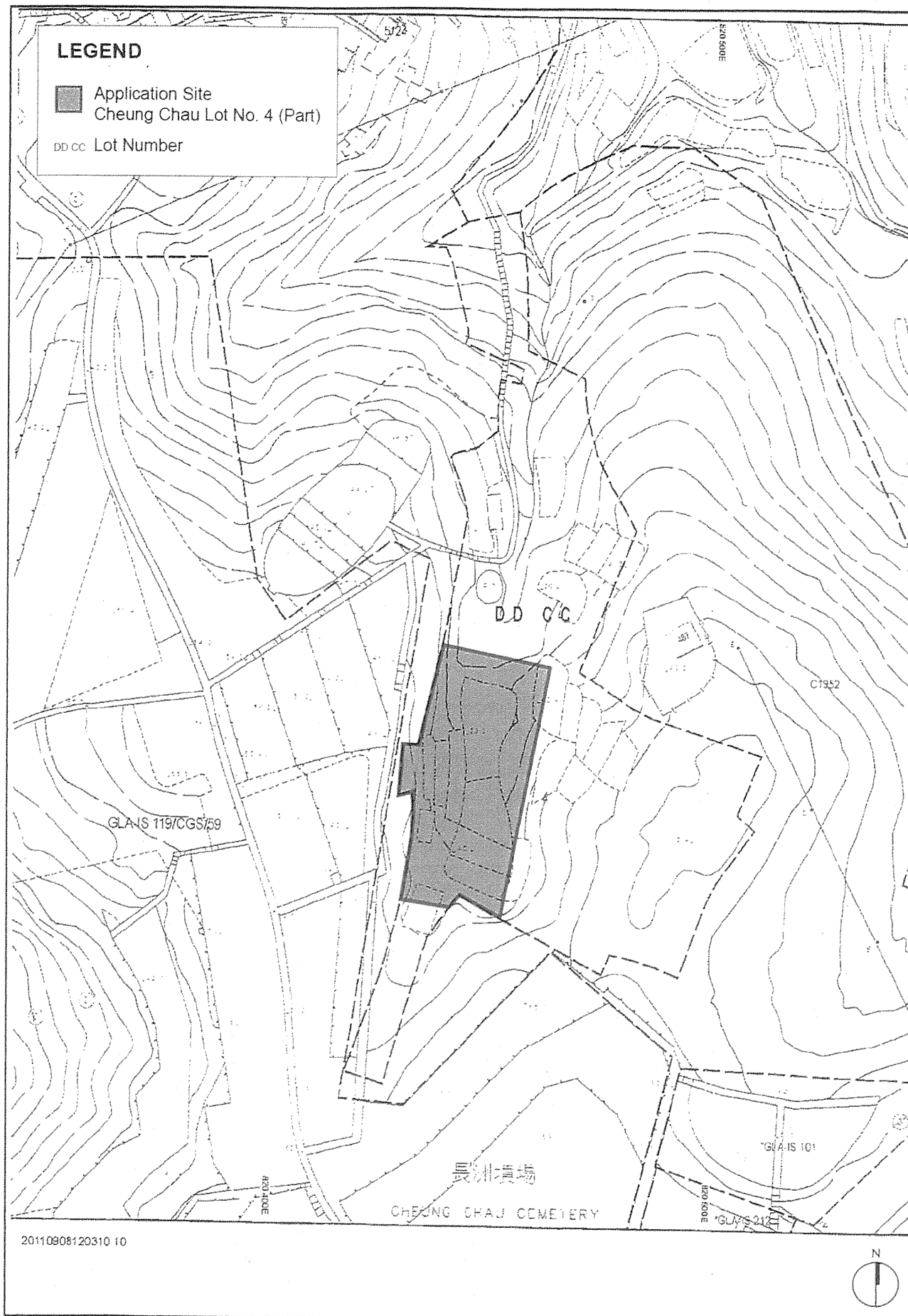
- d. Redevelopment of existing residential development will generally be permitted up to the intensity of the existing development.
- e. Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- f. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.
- g. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- h. The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- i. The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- j. The proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.
- k. The proposed development should not overstrain the overall provision of G/IC facilities in the general area.
- l. The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.
- m. Any proposed development on a slope or hillside should not adversely affect slope stability.

Advisory Clauses

- (a) to note the comments of the Secretary of Food and Health and Director of Food and Environmental Hygiene that the Private Columbaria Ordinance (the Ordinance), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal. Under the Ordinance, only private columbaria that have obtained a licence may sell or newly let niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the Ordinance or specified by the Private Columbaria Licensing Board (the Licensing Board), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to the Licensing Board for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimise other adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for a licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations;
- (b) to note the comments of District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the lot owner will need to apply for lease modification for the proposed development. No government land should be encroached upon and no work should be carried out on government land unless prior approval or consent from LandsD is obtained. There is no guarantee that LandsD would consider the grant of any right over the government land to the applicant;
- (c) to note the comments of Director of Environmental Protection that the applicant should make his/her own provision for the collection and treatment of sewage arising from the proposed development;
- (d) to note the comments of Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to consult Antiquities and Monuments Office of Leisure and Cultural Services Department regarding the Cheung Chau Boundary Stone No. 5 ('the Stone'), which is a historical item situated in close proximity to the Site, prior to the commencement of works which may cause any damage(s)/disturbance(s) to the Stone;
- (f) to note the comments of Chief Building Surveyor/New Territories East 1 &

Licensing, Buildings Department, including the followings:

- (i) if the site does not abut on a 'Specified Street' of not less than 4.5m wide, the development intensity of the proposed development should be subject to determination under Building (Planning) Regulation (B(P)R) 19(3) by the Building Authority (BA) upon formal submission of building plan for any proposed new buildings. B(P)R 18A refers;
- (ii) access to the site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified upon building plan submission;
- (iii) the proposed development should be provided with Emergency Vehicular Access (EVA) under B(P)R 41D and Means of Escape to street under B(P)R 41, and may need to be resolved with Fire Services Department and LandsD upon building plan submission;
- (iv) before any new building works are to be carried out on the Site, the prior approval and consent from the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (BO);
- (v) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (vi) detailed comments under the BO on individual sites for private developments such as permissible PR, SC, EVA, private streets and/or access roads, open space, compliance with sustainable building design guidelines, etc. will be formulated at the building plan submission stage; and
- (vii) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.



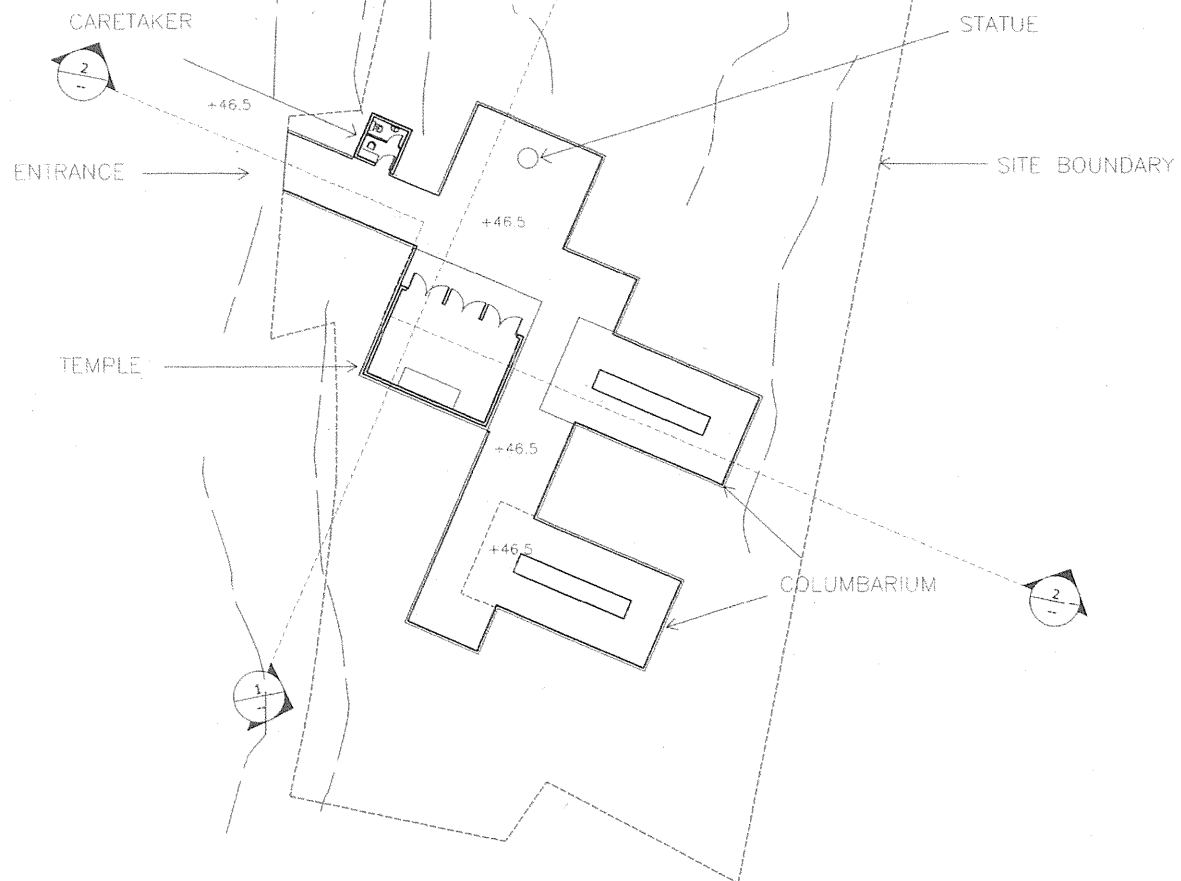
S16 Application for Proposed Temple (With Ancillary Columbarium) at Cheung Chau D.D. Lot No. 4 (Part) Cheung Chau

Figure Title	Scale	Date	Figure No.
Lot Index Plan	N/A	Mar 2017	4

(來源：申請人於2017年4月25日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 25.4.2017)

參考編號
REFERENCE No.
A/I-CC/22

繪圖
DRAWING
A - 1



G/F FLOOR PLAN

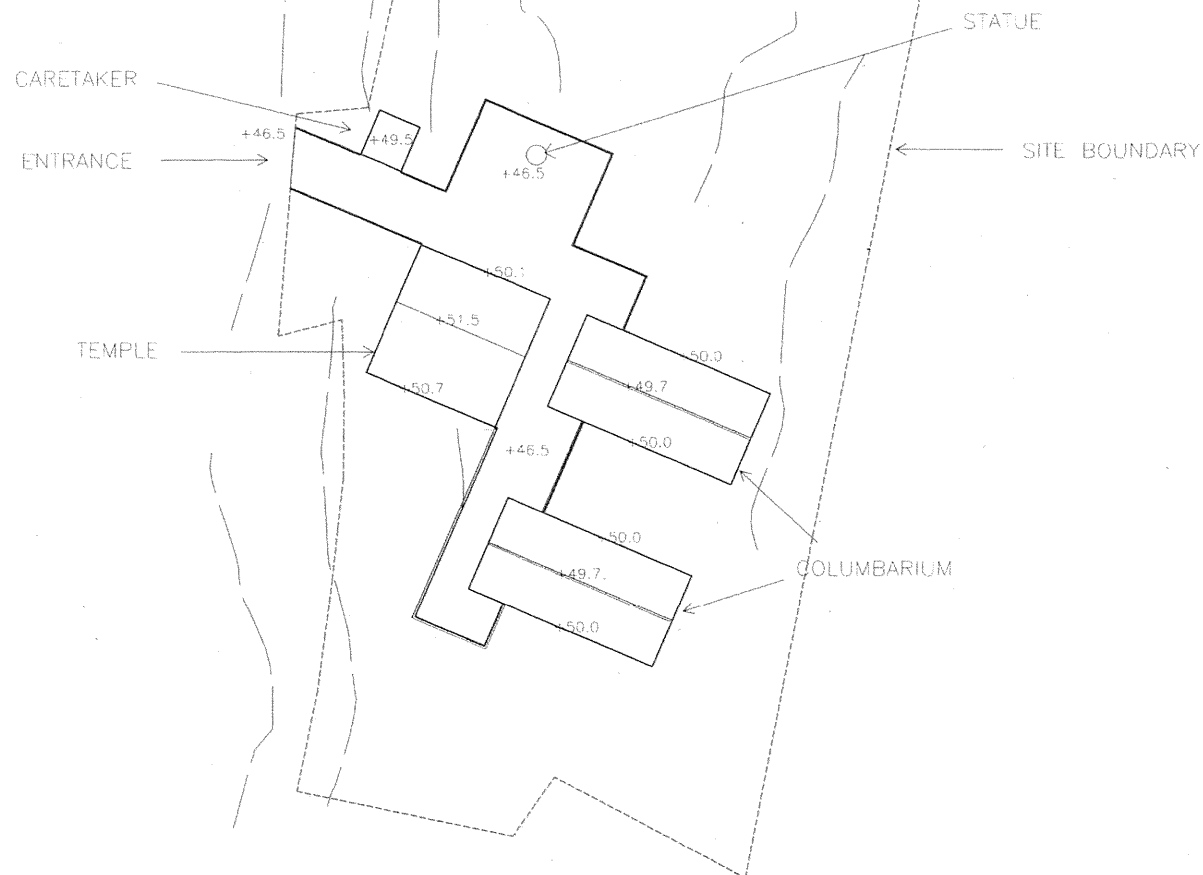
6/6/2017

AGC
DESIGN LTD

(來源：申請人於2017年6月14日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 14.6.2017)

參考編號
REFERENCE No.
A/I-CC/22

繪圖
DRAWING
A - 2



ROOF PLAN

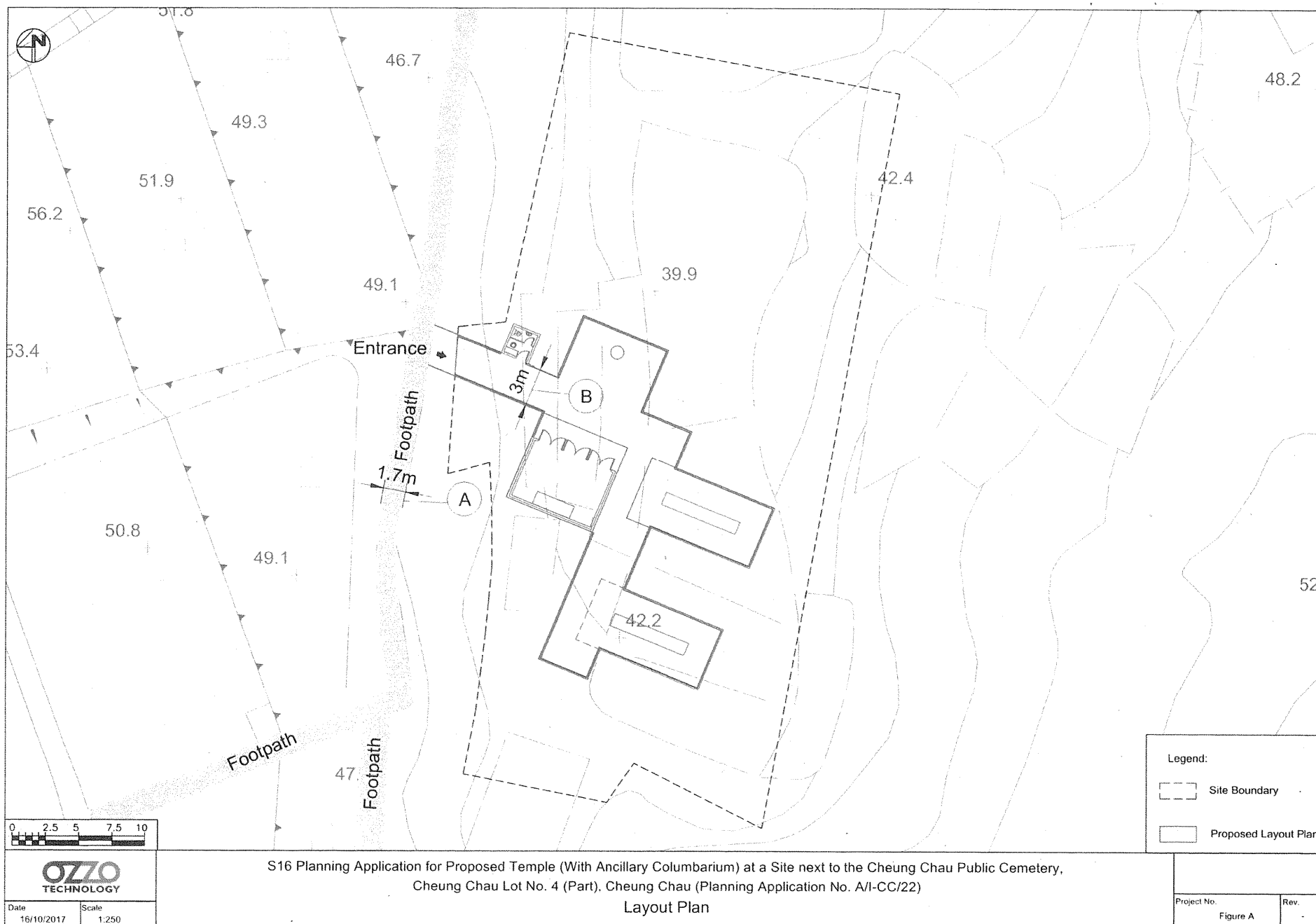
6/6/2017

AGC
DESIGN LTD

(來源：申請人於2017年6月14日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 14.6.2017)

參考編號
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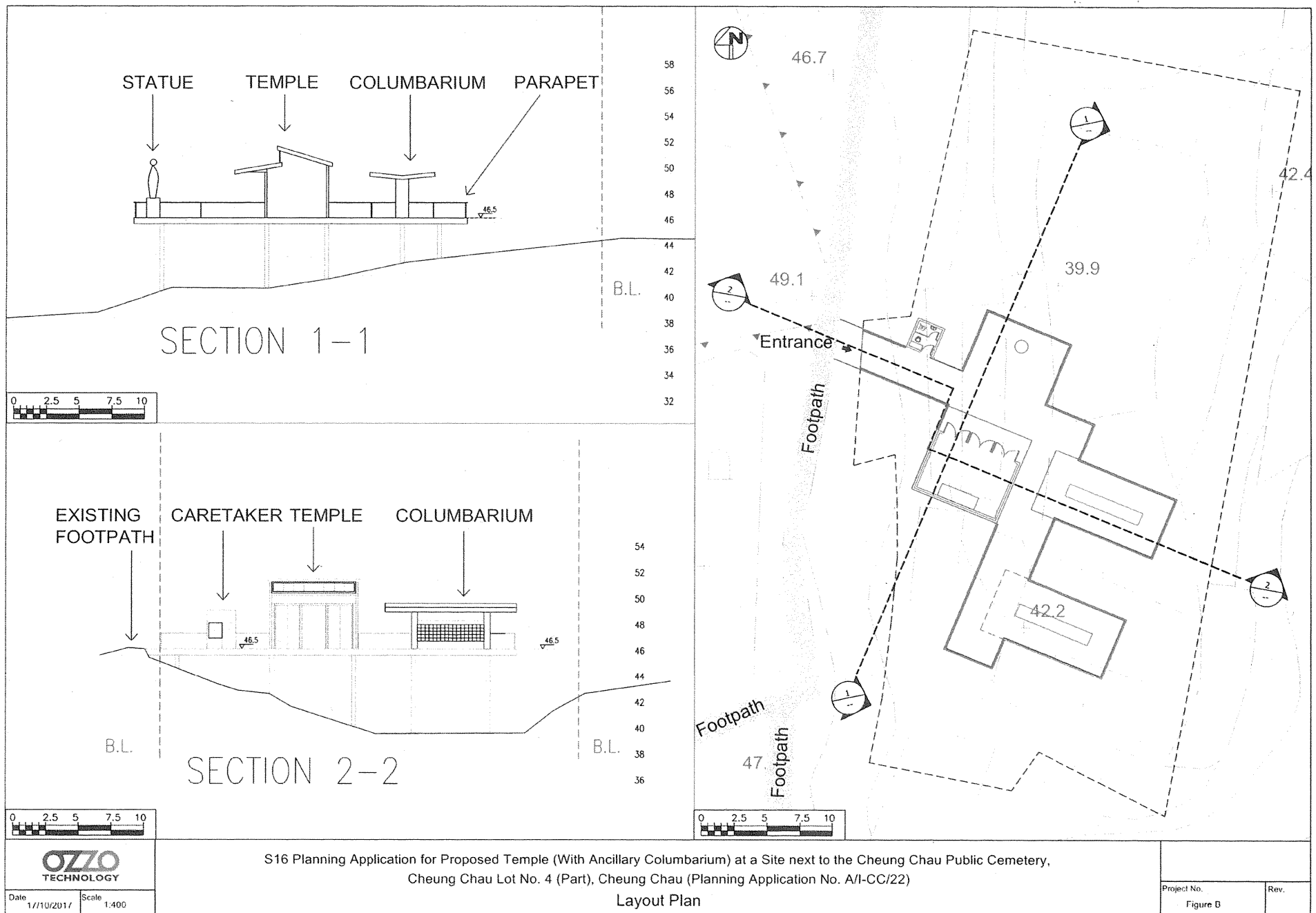
繪圖
DRAWING
A - 3



(來源：申請人於2017年10月31日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 31.10.2017)

參考編號
REFERENCE No.
A/I-CC/22

繪圖
DRAWING
A - 4



(來源：申請人於2017年10月31日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 31.10.2017)

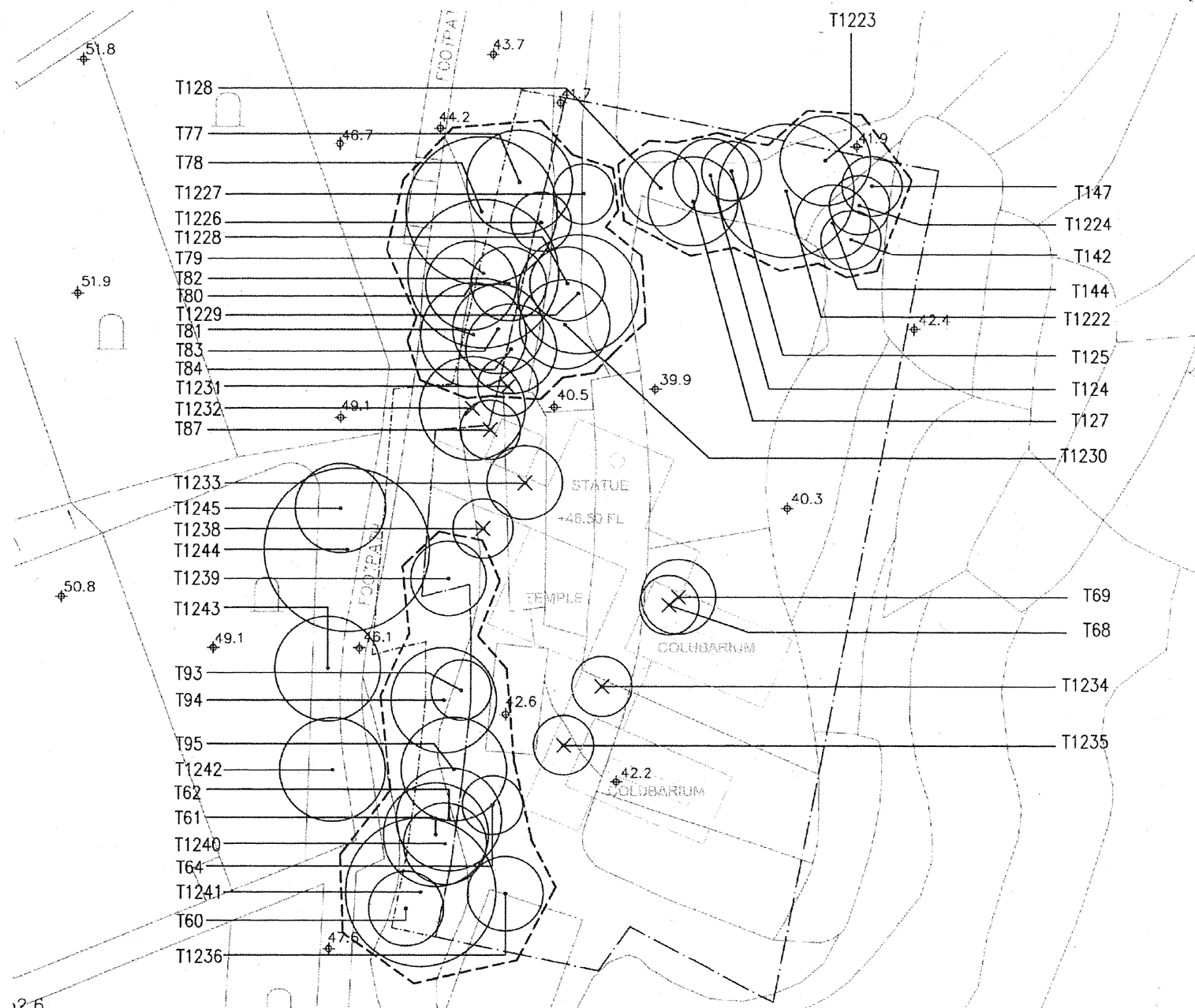
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REFERENCE No.
A/I-CC/22

繪圖
DRAWING
A - 5

LEGEND

- SITE BOUNDARY
- TREE SURVEY BOUNDARY
- GRAVEYARD
- EXISTING LEVELS
- TREE TO BE RETAINED
- X

 TREE TO BE FELLED
- TREE PROTECTION ZONE (TPZ)
- PROPOSED LAYOUT PLAN
- PROPOSED LEVELS



ARUP

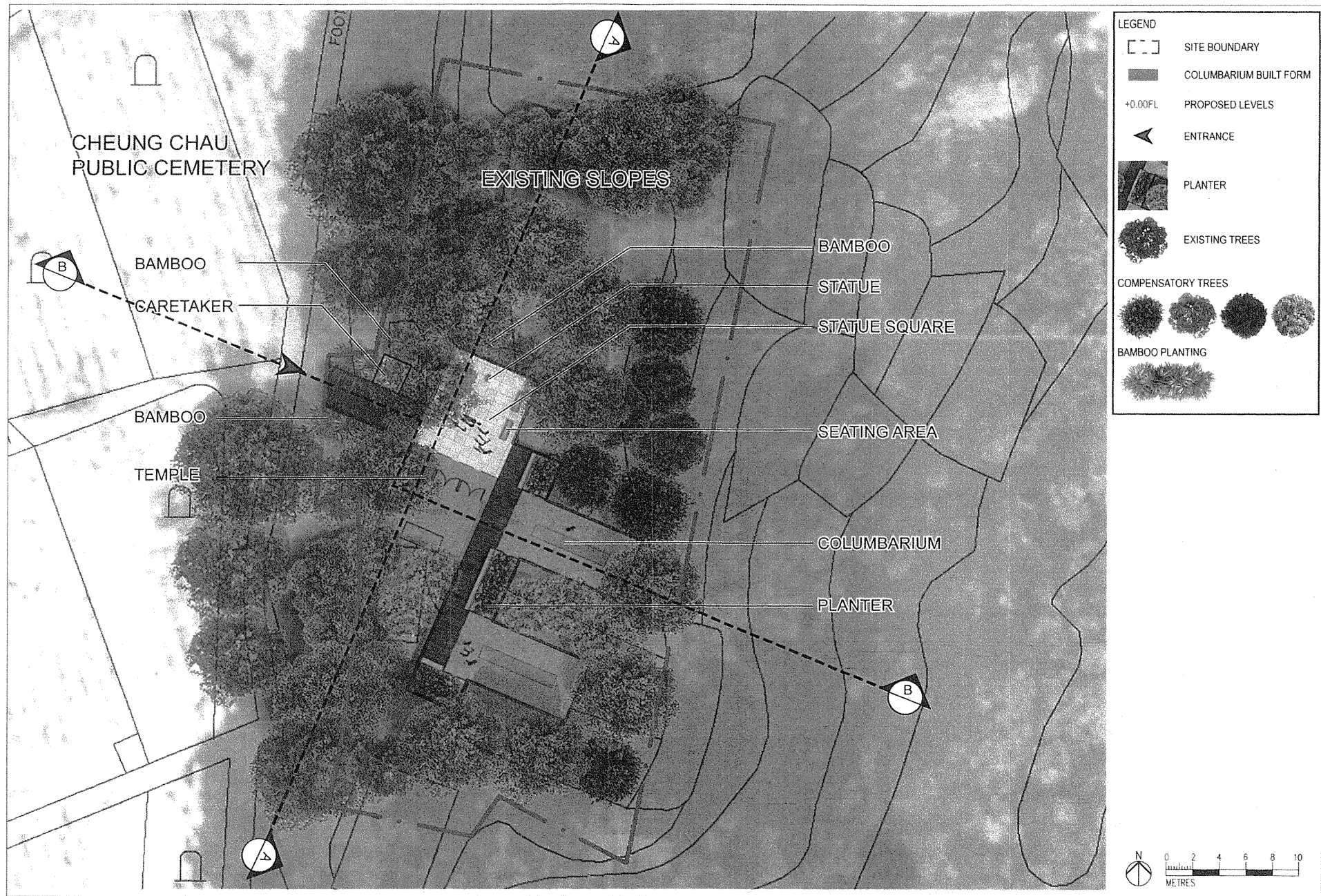
S16 Application for Proposed Temple (With Ancillary Columbarium) at Cheung Chau I.D. Lot No. 4 (Part), Cheung Chau Island
 Tree Survey Plan

AS SHOWN JUN 2017 1.1

參考編號
 REFERENCE No.
A/I-CC/22

繪圖
DRAWING
A - 6

(來源：申請人於2017年6月14日提交)
 (SOURCE : SUBMITTED BY APPLICANT ON 14.6.2017)



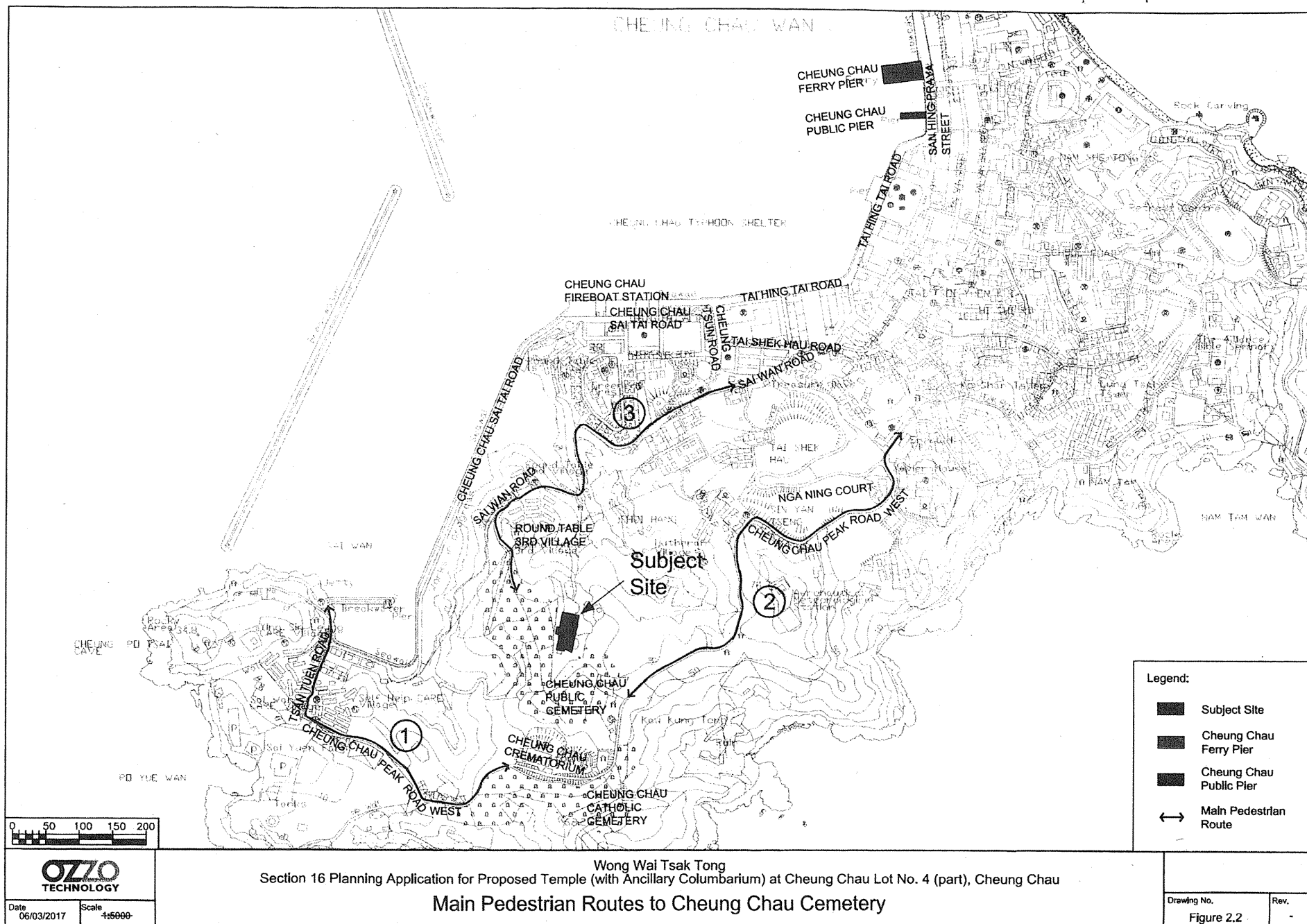
ARUP

S16 Application for Proposed Temple (With Ancillary Columbarium) at Cheung Chau D.D. Lot No. 4. (Part), Cheung Chau Island
 Figure Title
 Landscape Master Plan (Ground Level)

(來源：申請人於2017年6月14日提交)
 (SOURCE : SUBMITTED BY APPLICANT ON 14.6.2017)

參考編號
 REFERENCE No.
 A/I-CC/22

繪圖
 DRAWING
 A - 7



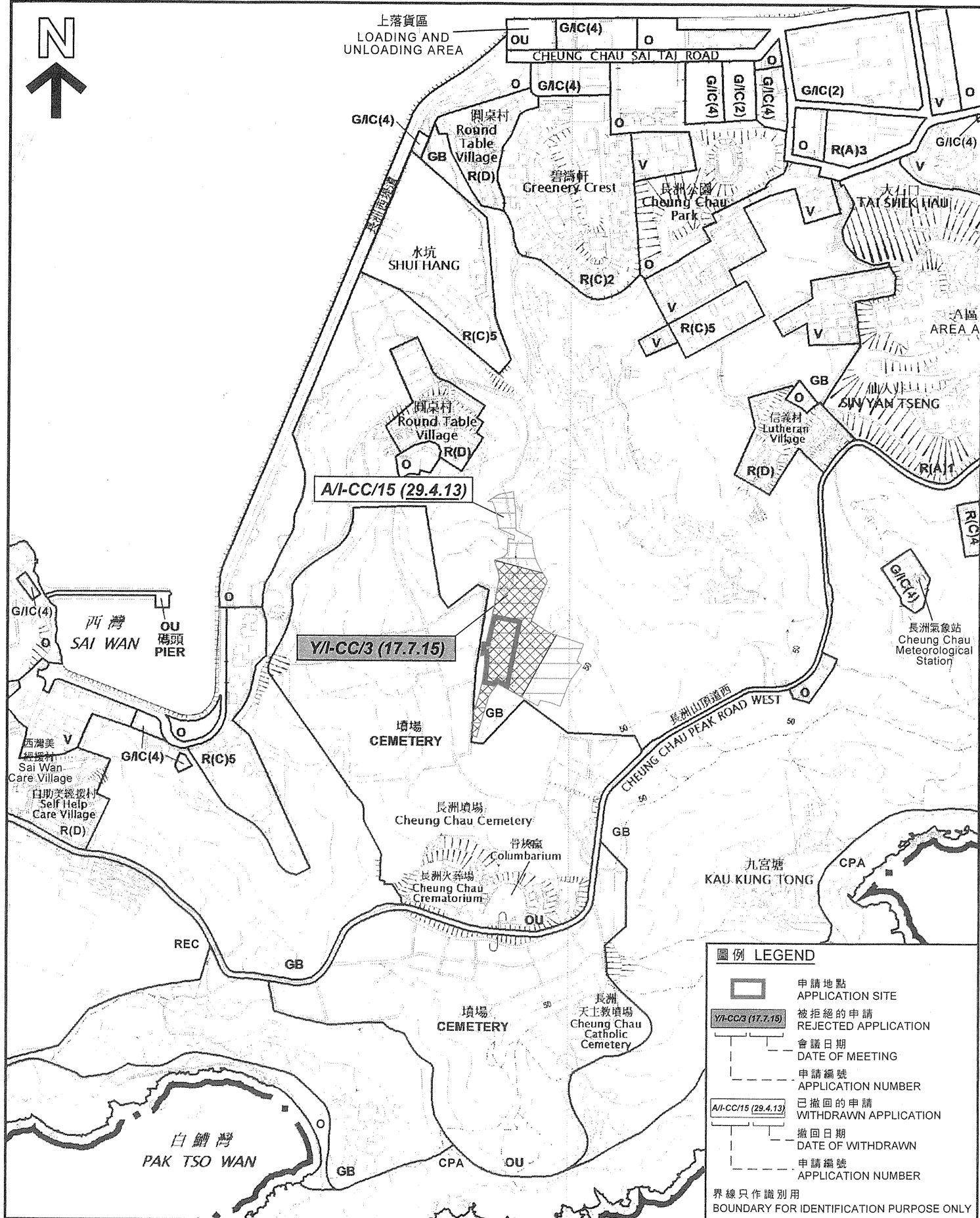
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(SOURCE : SUBMITTED BY APPLICANT ON 25.4.2017)

參考編號
REFERENCE No.
A/I-CC/22


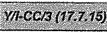


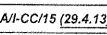


繪圖
**DRAWING
A - 8**



上落貨區
LOADING AND
UNLOADING AREA



圖例 LEGEND

-  申請地點
APPLICATION SITE
-  Y/I-CC/3 (17.7.15)
被拒絕的申請
REJECTED APPLICATION
-  會議日期
DATE OF MEETING
-  申請編號
APPLICATION NUMBER
-  A/I-CC/15 (29.4.13)
已撤回的申請
WITHDRAWN APPLICATION
-  撤回日期
DATE OF WITHDRAWN
-  申請編號
APPLICATION NUMBER

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

位置圖 LOCATION PLAN

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲, 長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

SCALE 1 : 4 000 比例尺
米 80 0 80 160 米
METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-CC/22

圖 PLAN
A - 1

本摘要圖於2017年12月6日擬備,
所根據的資料為於2015年1月6日
核准的分區計劃大綱圖編號S/I-CC/7
EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON OUTLINE ZONING PLAN No.
S/I-CC/7 APPROVED ON 6.1.2015

CHEUNG CHAU TYPHOON SHELTER
長洲避風塘
CHEUNG CHAU TYPHOON SHELTER

往長洲渡輪碼頭
TO CHEUNG CHAU
FERRY PIER

碼頭
PIER

西湖
SAI WAN

長洲墳場
Cheung Chau Cemetery

可通往申請地點的行人徑
FOOTPATH LEADING TO
THE APPLICATION SITE

長洲墳場
Cheung Chau Cemetery

長洲火葬場
Cheung Chau
Crematorium

長洲骨灰龕
Cheung Chau
Columbarium

長洲墳場
Cheung Chau Cemetery

墳場
CEMETERY

圖例 LEGEND

- 申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY)
- 相關的政府土地
CONCERNED GOVERNMENT LAND
- 其他指定用途
OTHER SPECIFIED USES
- OU
其他指定用途
OTHER SPECIFIED USES
- GB
綠化地帶
GREEN BELT
- R(A)
住宅 (甲類)
RESIDENTIAL (GROUP A)
- R(C)
住宅 (丙類)
RESIDENTIAL (GROUP C)
- R(D)
住宅 (丁類)
RESIDENTIAL (GROUP D)
- V
鄉村式發展
VILLAGE TYPE DEVELOPMENT
- G/I/C
政府、機構或社區
GOVERNMENT, INSTITUTION
OR COMMUNITY
- O
休憩用地
OPEN SPACE
- REC
康樂
RECREATION
- CPA
海岸保護區
COASTAL PROTECTION AREA
- ①
實地照片的觀景點
VIEWING POINT OF SITE PHOTO

平面圖 SITE PLAN

擬議宗教機構 (寺廟) 及靈灰安置所 (設於宗教機構內)
長洲, 長洲丈量約份地段第 4 號 (部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No. 4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

SCALE 1:2 000 比例尺

40 0 40 80 120 160
METRES METRES

本摘要圖於2017年12月6日擬備,
所根據的資料為測量圖編號
14-NW-24A和24B

EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON SURVEY SHEETS No.
14-NW-24A & 24B

規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
A/I-CC/22

圖 PLAN
A - 2



圖例 LEGEND



申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY
FOR IDENTIFICATION PURPOSE ONLY)

本摘要圖於2017年12月6日擬備，
所根據的資料為地政總署
於2016年11月28日拍得的
航攝照片編號E008023C

EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON AERIAL PHOTO No. E008023C
TAKEN ON 28.11.2016
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲，長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

規劃署
PLANNING
DEPARTMENT



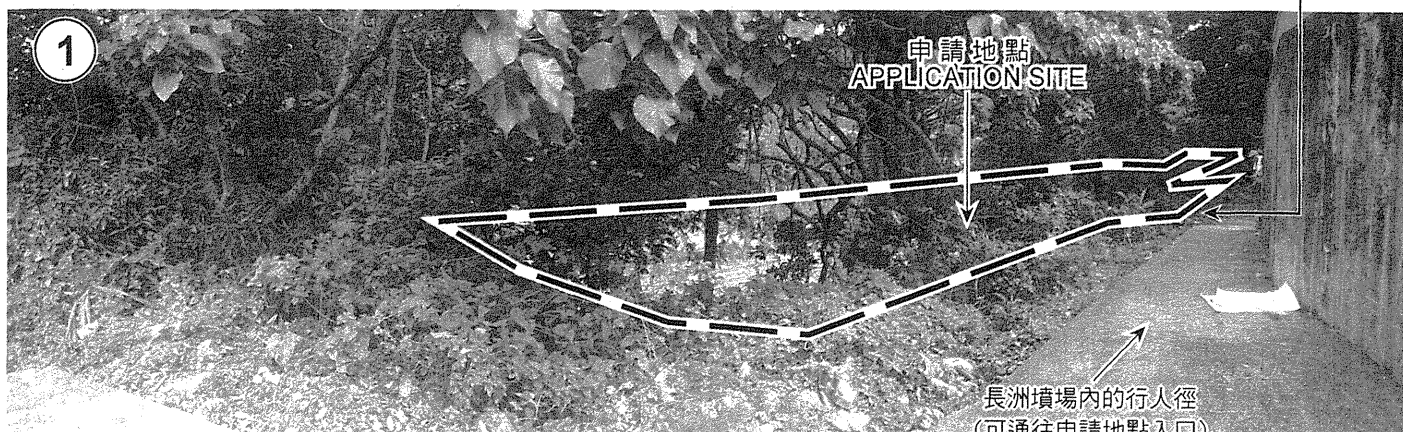
參考編號
REFERENCE No.

A/I-CC/22

圖 PLAN

A - 3

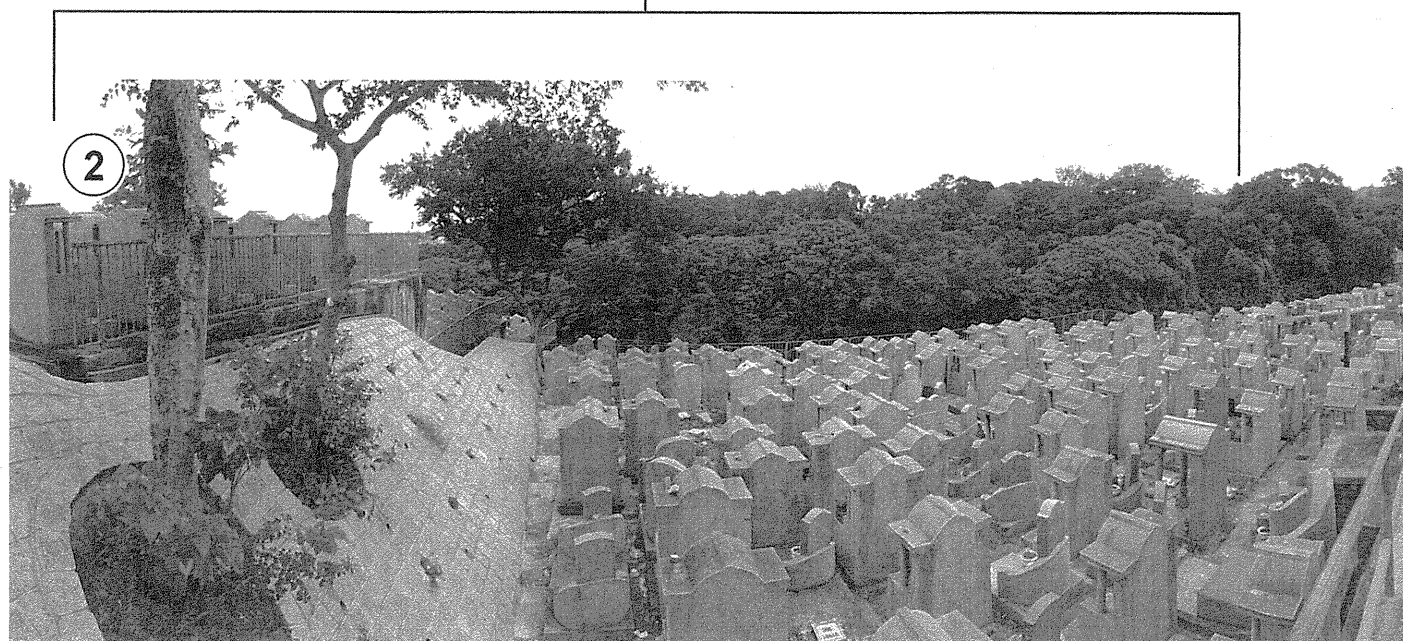
相關的政府土地
CONCERNED
GOVERNMENT
LAND



FOOTPATH WITHIN CHEUNG CHAU CEMETERY
(LEADING TO THE APPLICATION SITE ENTRANCE)

照片攝於2017年5月2日
PHOTO TAKEN ON 2.5.2017

申請地點
APPLICATION SITE



照片攝於2017年12月5日
PHOTO TAKEN ON 5.12.2017

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲, 長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-CC/22

圖 PLAN
A - 4

本圖於2017年12月6日擬備,
所根據的資料為攝於
2017年5月2日和12月5日的實地照片
PLAN PREPARED ON 6.12.2017
BASED ON SITE PHOTOS
TAKEN ON 2.5.2017 & 5.12.2017

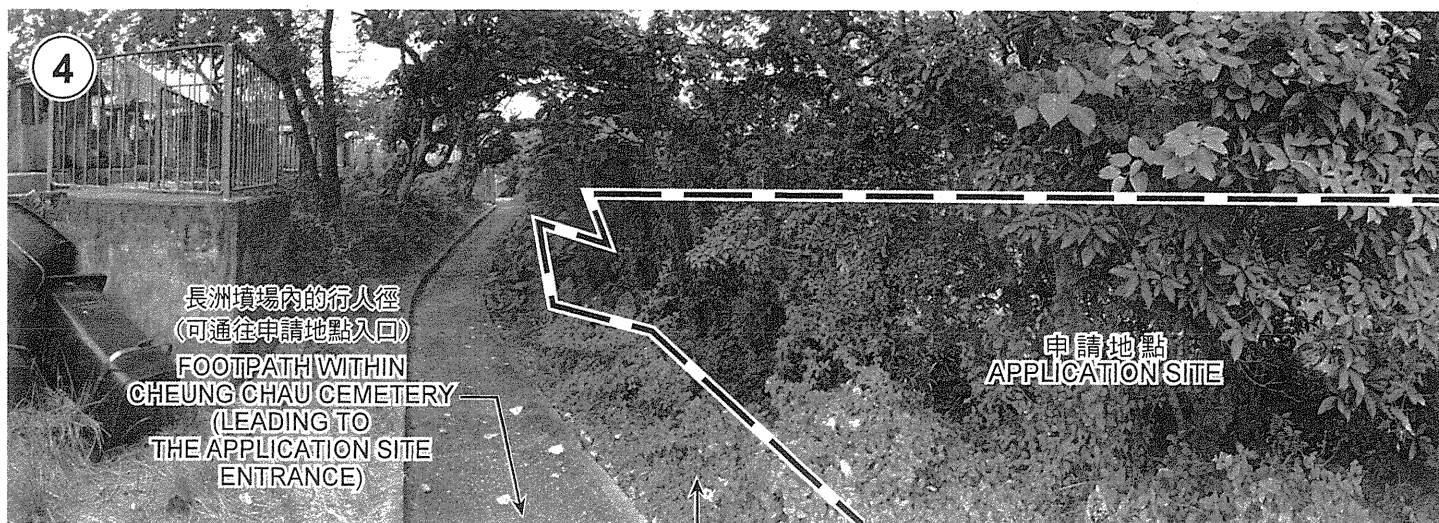
申請地點
APPLICATION SITE

3



長洲墳場內的行人徑
FOOTPATH WITHIN
CHEUNG CHAU CEMETERY

4



長洲墳場內的行人徑
(可通往申請地點入口)
FOOTPATH WITHIN
CHEUNG CHAU CEMETERY
(LEADING TO
THE APPLICATION SITE
ENTRANCE)

申請地點
APPLICATION SITE

相關的政府土地
CONCERNED
GOVERNMENT
LAND

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲, 長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-CC/22

圖 PLAN
A - 5

本圖於2017年12月6日擬備,
所根據的資料為攝於
2017年12月5日的實地照片
PLAN PREPARED ON 6.12.2017
BASED ON SITE PHOTOS
TAKEN ON 5.12.2017



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2017年12月6日擬備，
所根據的資料為攝於
2017年12月5日的實地照片
PLAN PREPARED ON 6.12.2017
BASED ON SITE PHOTOS
TAKEN ON 5.12.2017

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲，長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

規劃署
PLANNING
DEPARTMENT

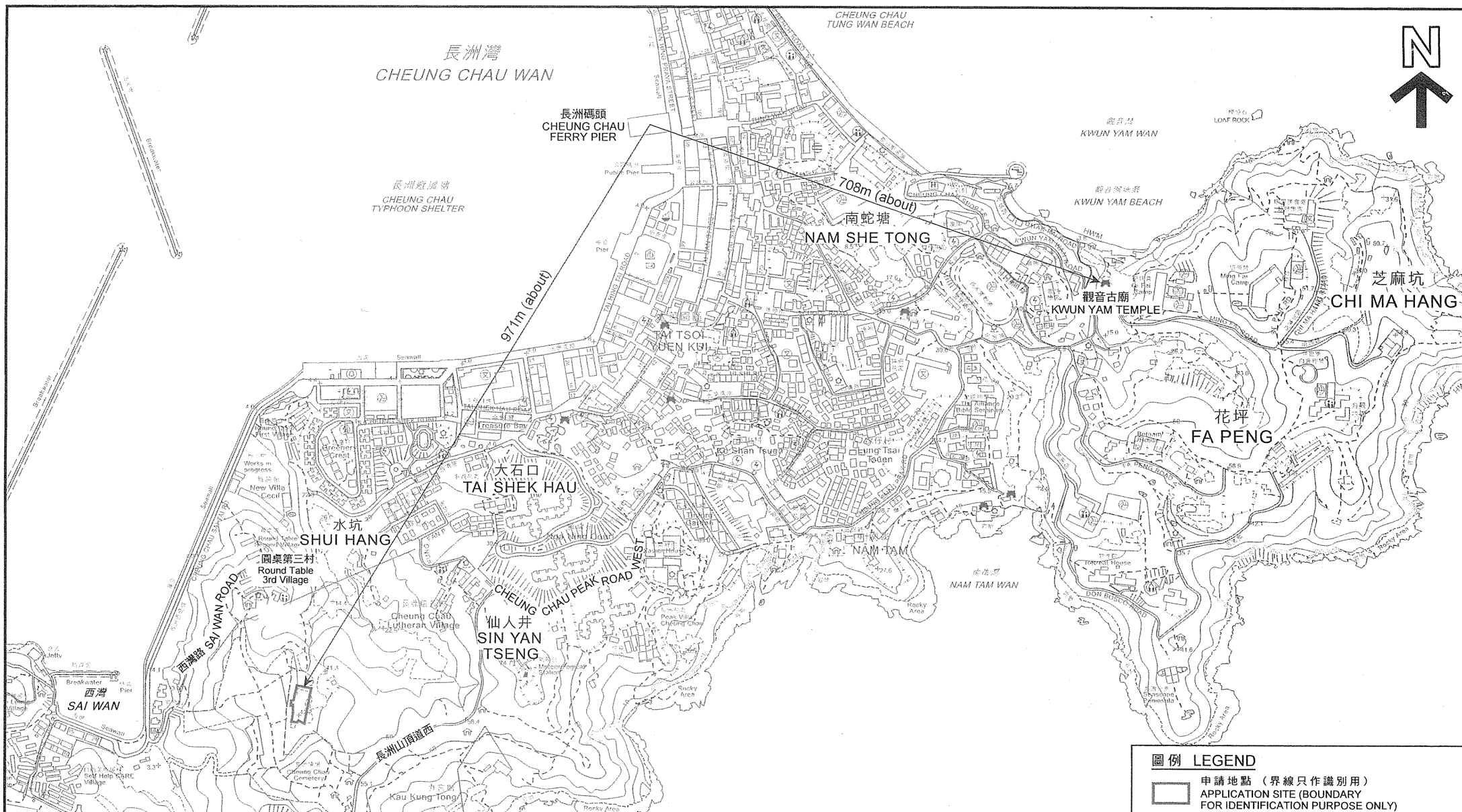


參考編號
REFERENCE No.

A/I-CC/22

圖 PLAN

A - 6



位置圖 LOCATION PLAN

本摘要圖於2017年12月6日擬備，
所根據的資料為地形圖iB5000組別編號14-NW-D
EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON TOPOGRAPHIC MAP iB5000 SERIES
No. 14-NW-D

擬議宗教機構(寺廟)及靈灰安置所(設於宗教機構內)
長洲，長洲丈量約份地段第4號(部分)
PROPOSED RELIGIOUS INSTITUTION (TEMPLE) AND
COLUMBARIUM (WITHIN A RELIGIOUS INSTITUTION)
LOT No.4 (PART) IN D.D. CHEUNG CHAU, CHEUNG CHAU

SCALE 1:7 500 比例尺
METRES 100 0 100 200 300 METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/I-CC/22

圖 PLAN

A - 7

Extract minutes of the 594th RNTPC on 22.12.2017

- 12 -

**Annex B of
TPB Paper No. 10416**

Sai Kung and Islands District

[Mr Richard Y.L. Siu, Ms Amy M.Y. Wu and Mr William W.T. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/22 Proposed Religious Institution (Temple) and Columbarium (within a Religious Institution) in "Green Belt" Zone, Lot 4 (Part) in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. A/I-CC/22A)

22. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) and AGC Design Ltd. (AGC) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ivan C.S. Fu	}	having current business dealings with Arup and AGC; and
Ms Janice W.M. Lai		

Mr Alex T.H. Lai - his firm having current business dealings with Arup.

23. The Committee noted that Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Alex T.H. Lai had tendered apologies for being unable to attend the meeting.

24. The Committee noted that two replacement pages in Appendix III of the Paper regarding the public comment received were dispatched to Member before the meeting. The Committee also noted that the Islands District Council (IsDC) submitted a memo with a copy of the minutes of its meeting held on 18.12.2017 to inform the Planning Department (PlanD) that IsDC had passed a motion opposing the application and convey its member's concerns. The memo and its attachment were tabled for Members' reference.

Presentation and Question Sessions

25. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed religious institution (temple) and columbarium (within a religious institution);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application as approval of the application would set an undesirable precedent for similar developments leading to encroachment onto and degradation of the subject “Green Belt” (“GB”) zone. The Commissioner for Transport considered that the additional passengers generated by the proposed columbarium during the most peak hour period for either Cheung Chau bound or Central bound would certainly cause additional pressure on the ferry service plying between Central and Cheung Chau. The Secretary of Food and Health and the Director of Food and Environmental Hygiene pointed out that the

Cheung Chau Columbarium Extension project providing an additional 1,400 niches was scheduled to be completed by Q3 2018 tentatively and considered that the niche supply in Cheung Chau Columbarium could cope with the demand up to 2026. The proposed entrance and access arrangement of the proposed development were not acceptable as all goers must route through the footpath within the boundary of the Cheung Chau Cemetery managed by the Food and Environmental Hygiene Department. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication periods, a total of 933 public comments were received with one public comment providing views on the application. The remaining 932 public comments received from the Cheung Chau Rural Committee, an Island District Council member, members of Wong Wai Tsak Tong, green groups, local concern groups/residents and individuals objected to the application. Major views and objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. There was no strong justification in the submission for a departure from the planning intention. The application did not comply with relevant criteria as set out in the Town Planning Board Guidelines No. 10 in that the applicant failed to demonstrate that the proposed development was essential and no alternative sites were available. Although the proposed development was considered not incompatible with the adjoining cemetery and other related uses, no strong justification had been provided to support that the site, which was covered with natural vegetation within the “GB” zone, should be developed into religious institution and columbarium uses. The proposed access arrangement, which relied on the existing footpath of the Cheung Chau Cemetery, was unacceptable. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone on the subject Outline Zoning Plan. The

cumulative impacts of approving similar applications would have adverse effect on the integrity of the existing "GB" zone at the southwestern upland area of Cheung Chau and result in degradation of the natural environment and rural landscape character, and overstrain the capacity of public ferry services serving Cheung Chau. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily intended for defining the limits of development areas by natural features and to protect the natural landscape, as well as to provide passive recreational outlets for local population and visitors. There is a general presumption against development within this zone. There are no strong justifications to warrant a departure from this planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No.10 for Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance in that the applicant fails to demonstrate that the proposed development at the site is essential and no alternative sites are available;
- (c) the applicant fails to demonstrate that the proposed access arrangement is acceptable and that the proposed development would not have any adverse impact on public ferry services serving Cheung Chau; and
- (d) approval of the proposed development would set an undesirable precedent

for similar applications within the "GB" zone on the Outline Zoning Plan. The cumulative impact of approving such similar applications would have adverse effect on the integrity of the existing "GB" zone and result in general degradation of the natural environment and rural landscape character and overstrain the capacity of public ferry services serving Cheung Chau."

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

By Registered Post & Fax (2268 3956)

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/I-CC/22

12 January 2018

Ove Arup & Partners Hong Kong Ltd.
5/F, Festival Walk
80 Tat Chee Avenue
Kowloon Tong, Kowloon
(Attn.: Yeung Wing Shan, Theresa)

Dear Sir/Madam,

**Proposed Religious Institution (Temple) and Columbarium
(within a Religious Institution) in “Green Belt” Zone,
Lot 4 (Part) in D.D. Cheung Chau, Cheung Chau**

I refer to my letter to you dated 13.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily intended for defining the limits of development areas by natural features and to protect the natural landscape, as well as to provide passive recreational outlets for local population and visitors. There is a general presumption against development within this zone. There are no strong justifications to warrant a departure from this planning intention;
- (b) the proposed development does not comply with the TPB Guidelines No.10 for Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance in that you fail to demonstrate that the proposed development at the site is essential and no alternative sites are available;
- (c) you fail to demonstrate that the proposed access arrangement is acceptable and that the proposed development would not have any adverse impact on public ferry services serving Cheung Chau; and
- (d) approval of the proposed development would set an undesirable precedent for similar applications within the “GB” zone on the Outline Zoning Plan. The cumulative impact of approving such similar applications would have adverse effect on the integrity of the existing “GB” zone and result in general degradation of the natural environment and rural landscape character and overstrain the capacity of public ferry services serving Cheung Chau.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 22.12.2017 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 2.2.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Richard Siu of Sai Kung & Islands District Planning Office at 2158 6157.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Advisory Clauses

- (a) to note the comments of the Secretary of Food and Health and Director of Food and Environmental Hygiene that the Private Columbaria Ordinance (the Ordinance), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal. Under the Ordinance, only private columbaria that have obtained a licence may sell or newly let niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the Ordinance or specified by the Private Columbaria Licensing Board (the Licensing Board), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to the Licensing Board for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimise other adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for a licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations;
- (b) to note the comments of District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the lot owner will need to apply for lease modification for the proposed development. No government land should be encroached upon and no work should be carried out on government land unless prior approval or consent from LandsD is obtained. There is no guarantee that LandsD would consider the grant of any right over the government land to the applicant;
- (c) to note the comments of Director of Environmental Protection that the applicant should make his/her own provision for the collection and treatment of sewage arising from the proposed development;
- (d) to note the comments of Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to consult Antiquities and Monuments Office of Leisure and Cultural Services Department regarding the Cheung Chau Boundary Stone No. 5 ('the Stone'), which is a historical item situated in close proximity to the Site, prior to the commencement of works which may cause any damage(s)/disturbance(s) to the Stone; and

- (f) to note the comments of Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department, including the followings:
- (i) if the site does not abut on a 'Specified Street' of not less than 4.5m wide, the development intensity of the proposed development should be subject to determination under Building (Planning) Regulation (B(P)R) 19(3) by the Building Authority (BA) upon formal submission of building plan for any proposed new buildings. B(P)R 18A refers;
 - (ii) access to the site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified upon building plan submission;
 - (iii) the proposed development should be provided with Emergency Vehicular Access (EVA) under B(P)R 41D and Means of Escape to street under B(P)R 41, and may need to be resolved with Fire Services Department and LandsD upon building plan submission;
 - (iv) before any new building works are to be carried out on the Site, the prior approval and consent from the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (BO);
 - (v) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (vi) detailed comments under the BO on individual sites for private developments such as permissible PR, SC, EVA, private streets and/or access roads, open space, compliance with sustainable building design guidelines, etc. will be formulated at the building plan submission stage; and
 - (vii) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.