

REVIEW OF APPLICATION NO. A/I-CC/22
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Religious Institution (Temple) and Columbarium (within a Religious
Institution) in “Green Belt” Zone**
Lot No.4 (Part) in D.D. Cheung Chau, Cheung Chau

1. Background

- 1.1 On 25.4.2017, the applicant, Wong Wai Tsak Tong (WWTT) represented by Ove Arup & Partners Hong Kong Limited, sought planning permission to use the application site (the Site) for proposed religious institution (temple) and columbarium (within a religious institution) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Green Belt” (“GB”) on the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7 (**Plan R-1**).
- 1.2 On 22.12.2017, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:
- (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.

1.3 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/I-CC/22A (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 22.12.2017 (Annex B)
- (c) Secretary of the Board's letter dated 12.1.2018 (Annex C)

2. Application for Review

On 18.1.2018, the applicant, under s.17(1) of the Ordinance, applied for a review of the RNTPC's decision to reject the application (Annex D).

3. Justifications from the Applicant

The applicant has not submitted any written representation in support of the review.

4. The Section 16 Application

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

4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by RNTPC was described in paragraphs 7.1 and 7.2 of Annex A. There has been no major changes of the situation since then.

4.2 The Site is:

- (a) located at the slope of an upland area on the south-western part of Cheung Chau (Plan R-2);
- (b) mainly a concave slope covered with natural vegetation, including large trees, grass and shrubs (Plan R-6); and
- (c) accessible via existing footpaths within the Cheung Chau Cemetery (Plan R-2). 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 R-8). There is no vehicular access to the Site.

4.3 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 R-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 R-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 “Other Specified Uses” annotated “Cemetery” (“OU(Cemetery)”) (**Plan R-1**). Currently, the Cheung Chau Columbarium provides 3,335 niches and will be expanded by the Government to provide 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 R-1**).

Planning Intention

- 4.4 There has been no change of planning intention of the concerned “GB” zone, which is mentioned in paragraph 8 of **Annex A** as recapitulated below:

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.

Town Planning Board Guidelines

- 4.5 Town Planning Board Guidelines No.10 for ‘Application for Development within Green Belt Zone under section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are set out in paragraph 4 of **Annex A**.

Previous Applications

- 4.6 The two previous applications at the Site at the time of the consideration of the s.16 application are mentioned in paragraph 5 of **Annex A**. Since then, there has been no additional application. The locations are shown at **Plan R-1**.

Similar Application

- 4.7 There is no similar application in the “GB” zone within the OZP at the time of the consideration of the s.16 application as mentioned in paragraph 6 of **Annex A**. Since then, no additional similar application has been received.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraphs 9.1 and 9.2 of **Annex A**.
- 5.2 For the review application, the following government department has been further consulted and the comments are summarized as follows:

District Officer's Comments

5.2.1 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.
- (c) On 18.12.2017, Mr. KWONG Koon-wan raised a similar motion (有關反對在長洲興建私營靈灰安置所的動議) again at the IsDC meeting regarding the subject application (A/I-CC/22). The motion was passed by the IsDC.
- (d) 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.

5.3 The following government departments have no further views/comments on the review application and maintain their previous views on the s.16 application as recapitulated below:

Land Administration

5.3.1 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

5.3.2 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 of Annex A**) provided by the applicant in response to his requirement for the provision of a crowd management scheme is considered acceptable.

5.3.3 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

5.3.4 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

5.3.5 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

5.3.6 Comments of CTP/UD&L, PlanD:

- (a) She maintains her 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 encroachment and degradation of the “Green Belt” zone.
- (b) Should the Board approve the application, she would recommend the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.

Building Matters

5.3.7 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

5.3.8 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 of Annex A**), 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 is 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

5.3.9 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 provided 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

5.3.10 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

5.3.11 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.

5.3.12 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

5.3.13 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.

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

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

6. Public Comments on the Review Application Received during the Statutory Publication Periods

6.1 On 26.1.2018, the review application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.2.2018, a total of 254 public comments objecting to the application were received from a member of IsDC (**Annex E1**), Cheung Chau Rural Committee (**Annex E2**), 3 green groups (**Annex E3-5**) and 249 local residents and individuals (**Annex E6**). A sample of the public comments objecting to the application submitted in the form of standard letter is at **Annex E7**. All the public comments received are deposited at the Board's Secretariat for Members' reference.

6.2 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.

7. Planning Considerations and Assessments

- 7.1 The subject application is for a review of RNTPC's decision on 22.12.2017 to reject the application for a religious institution (temple) and a columbarium (within a religious institution) at the Site. However, the applicant has not submitted any written representation to support the review application. As there has been no major change in the planning circumstances of the application since the consideration of the application by RNTPC on 22.12.2017, the planning considerations and assessments as set out in paragraph 11 of Annex A remain valid, and are recapitulated in the following paragraphs.
- 7.2 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 is 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.

- 7.3 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.
- 7.4 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 R-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.
- 7.5 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 R-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.
- 7.6 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.
- 7.7 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 encroachment and degradation of the “Green Belt” zone.

- 7.8 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 R-2, R-4 and R-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.
- 7.9 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.
- 7.10 A total number of 254 public comments have been received objecting to the review 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 6 above. A total number of 932 public comments were received at the s.16 application stage objecting to the application mainly on grounds stated in paragraph 10 of **Annex A**. DO/Is also advises 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 have expressed strong objection to the application all along, with impacts on traffic being one of their major concerns, and IsDC passed a motion (有關反對在長洲興建私營靈灰安置所的動議) on 18.12.2017. Planning assessments in paragraphs 7.1-7.9 above are relevant.

8. Planning Department's Views

- 8.1 Based on the assessments made in paragraph 7 and having taken into account the public comments in paragraph 6, and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC on 22.12.2017, the Planning Department maintains its previous view of not supporting the review 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.

8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until 13.4.2022, 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 **Annex F**.

9. Decision Sought

9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.

- 9.2 Should the Board decide to approve the review 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.
- 9.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

10. Attachments

Drawing R-1	Lot Index Plan
Drawing R-2	G/F Floor Plan
Drawing R-3	Roof Plan
Drawing R-4	Layout Plan
Drawing R-5	Section Plans
Drawing R-6	Tree Survey Plan
Drawing R-7	Landscape Master Plan
Drawing R-8	Main Pedestrian Routes to Cheung Chau Cemetery
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4 to R-6	Site Photos
Plan R-7	Location Plan of the existing 'Kwun Yum' temple in Cheung Chau
Annex A	RNTPC Paper No. A/I-CC/22A
Annex B	Extract of minutes of the RNTPC meeting held on 22.12.2017
Annex C	Secretary of the Board's letter dated 12.1.2018
Annex D	Review application submitted by the applicant dated 18.1.2018
Annex E1 to E7	Public comments received on review application during statutory publication period
Annex F	Advisory Clauses

**PLANNING DEPARTMENT
APRIL 2018**

TPB Paper No. 10416

**For Consideration by
The Town Planning Board on 13.4.2018**

**REVIEW OF APPLICATION NO. A/I-CC/22
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Religious Institution (Temple) and Columbarium (within a Religious
Institution) in “Green Belt” Zone
Lot No.4 (Part) in D.D. Cheung Chau, Cheung Chau**