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Clerk to Panel on Food Safety and Environmental Hygiene
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By Email only

16 September 2010

Dear Sir/Madam,

Re: Public Consultation on Review of Columbarium Policy

(A) WWF's view on the existing regulation on private columbarium development

It is of prime concern that the rural areas in the New Territories, comprising environmentally sensitive natural habitats, has fallen as constant targets of unauthorized development and environmental destruction activities, such as land filling, excavation, and tree felling. Recently, a number of environmental destruction activities were recorded in relation to the development of private columbarium facilities, where the geographical locations may be rather remote without direct road access, such as Mong Tung Wan on Lantau Island and Shui Mong Tin adjacent to Ma Shi Chau Special Area. Due to the rising demand for private columbarium facilities, we worry that the “destroy first and develop later” approach would be adopted by developers to facilitate columbarium development in the future.

Plugging the loophole of the Town Planning Ordinance (TPO)

The Planning Department currently has limited enforcement power in areas with the coverage of statutory Outline Zoning Plans (OZPs) which are not previously covered by Development Permission Area Plans (DPAP). Examples include Tai Po, Ma On Shan, South Lantau and Lamma. Even environmentally destructive activities, such as land filling and excavation, have been reported in areas with conservation zonings, as

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the Planning Department has not been empowered to take enforcement actions against such activities due to the existing loophole in the TPO.

A recent example of such sites is Mong Tung Wan at which there is a proposal to erect a private columbarium. The proposed site has been adversely affected by the suspected unauthorized tree felling, land excavation and encroachment onto the government land¹. The proposed site is located within “Green Belt” (“GB”). Pursuant to the South Lantau Outline Zoning Plan (No. S/SLC/15), the planning intention of that Green Belt is “... *primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features*”. Although the site is within “GB”, the Planning Department has no enforcement power to take action against those activities, as the South Lantau OZP has not been covered by a DPAP.

WWF urges the Government to plug such a loophole by amending the TPO Cap. 131 to give the Planning Department statutory enforcement power over those OZPs that have not been covered by DPAP. It is a matter of principle that, regardless whether there is DPAP coverage or not, the land zoned for conservation purposes should be protected from environmental destruction.

Covering the areas adjacent to or surrounded by the country parks with DPAPs

After the Tai Long Sai Wan incident, the public is concerned over the increasing development pressure on land with high landscape and conservation value. The incident has proven the need for a comprehensive review of existing land policies concerning private land adjacent to or surrounded by country parks. A widely-publicized example is the unauthorized columbarium development at Shui Mong Tin which is adjacent to the Ma Shi Chau Special Area without the planning control by a DPAP². WWF urges the government to speed up the process to incorporate those pocket areas adjacent to or surrounded by country parks into the ongoing programme

¹ Association for Geoconservation, Hong Kong
http://www.rocks.org.hk/Intelligence/mong_tong_wan/GreenLantauAssoLetter_Columbarium_Mong_Tung_Wan.pdf

² Association for Geoconservation, Hong Kong
http://www.rocks.org.hk/Intelligence/shui_mong_tin/Summary_AGHK_MSC_followup_actions_Ch.pdf

of DPAPs. Moreover, the government should set up an inter-departmental taskforce to coordinate and review the conservation, planning and land policies concerning private land adjacent to country parks.

(B) WWF's view on the proposed licensing scheme for the regulation of private columbaria

WWF welcomes the idea of a licensing scheme because it can help protect the ecologically sensitive areas that are privately owned from the impact of unauthorized columbarium development. Nevertheless, in addition to the existing statutory requirements, we opine that the following environmental aspects should be highlighted and considered before a license being issued.

Hill fire risk

Any columbarium development should not increase the hill fire risks to its surrounding areas by proper layout designs and effective management measures. For instance, burning joss sticks and paper should be properly controlled and only be allowed in designated areas or with proper equipment.

Stream pollution

Columbarium development should avoid ecologically sensitive areas such as Ecologically Important Stream (EIS)³ and Water Gathering Ground (WGG). In case a private columbarium is located near a natural stream, the potential impacts from water pollution in both the construction and operation phases should be minimised and fully addressed⁴. In particulars, measures should be taken to control surface runoffs from columbarium development facilities discharging to natural streams via storm water drains.

³ The need to protect ecologically important stream is also recognised by the Environment, Transport and Works Bureau in its Technical Circular No. 5/2005.

⁴ The need to protect natural stream is recognised by the Environment, Transport and Works Bureau in its Technical Circular No. 5/2005.

Based on the rationale as stated above, WWF strongly recommends the licensing authority to impose stringent conditions in licence issuing so as to protect our natural environment from adverse impacts arising from private columbarium development.

Thank you for your attention.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Alan Leung', with a stylized flourish underneath.

Dr. Alan Leung
Conservation Manager, Terrestrial