

Replies from Government Departments regarding the Lack of Consultation over New Columbarium at the Chinese Christian Cemetery in Pokfulam

Food and Environmental Hygiene Department

Private cemeteries in Hong Kong are governed by the Private Cemeteries Regulation (Cap. 132BF) (the Regulation). Section 4(1) of the Regulation stipulates that no building works shall be carried out in a private cemetery without the consent in writing of the Director of Food and Environmental Hygiene. According to the Food and Environmental Hygiene Department's (FEHD) current arrangements for processing applications from operators of private cemeteries, approval for building works within the boundaries of private cemeteries would be given if the proposed works comply with all relevant statutory requirements, the proposed buildings are considered by the Buildings Department to be structurally safe, relevant departments do not raise any objection, the use of the cemeteries is in line with the zoning of the site and the proposal will not give rise to public hygiene concerns.

2. According to records, the consultant acting on behalf of the Hong Kong Chinese Christian Church Union (HKCCCU) submitted an application to FEHD together with the approval letter from the Buildings Department to build a columbarium within the boundary of the Chinese Christian Cemetery at Victoria Road on 16 September 2010. In Buildings Department's approval letter, it was stated that other relevant departments including Transport Department, Highways Department, Planning Department and Lands Department had no in-principle objection to the application. Having considered the above factors, FEHD gave consent in accordance with section 4(1) of the Regulation to the application on 29 November 2010.

3. To address the concerns raised by local community and their requests for the owner of the cemetery to meet with the Southern District Councillors and local residents, FEHD has asked the HKCCCU to actively consider the requests and to strengthen its liaison and communication with the District Council and the local community.

Lands Department

The Chinese Christian Cemetery in Pokfulam is situated at the private land of Inland Lot No. 7760 R.P. & Extension (“the Lot”). The Lot is held under Government Lease for the purpose of a cemetery for Protestant Christian Chinese for a lease term of 999 years from 25 December 1883. There are no restrictions on the development parameters under the lease.

The Chinese Christian Cemetery is included in Part A of The Information on Private Columbaria announced by the Government : Private columbaria compliant with user restrictions in the land leases and the statutory town planning requirements and are not illegally occupying Government land. Columbarium use for Protestant Christian Chinese is permitted at the Lot under the lease.

In general, when application for modification of lease to implement a proposed development at private lot is processed, local consultation will be conducted according to the applicable practice.

Buildings Department

The Building Authority (BA) is empowered under the Buildings Ordinance (BO) to enforce and control the design, planning and construction of private buildings and associated works in order to ensure safety and health standards. The BO aims to regulate the planning, design and construction of buildings and associated works on private land, and for this purpose, to prescribe building design and construction standards regarding building structure, fire safety and sanitation.

The Buildings Department (BD) shall approve building plans according to the BO and the allied regulations. If the plans comply with the relevant requirements under the BO and the allied regulations, the BD is obliged to approve the plans. Otherwise, the BD should disapprove the plans under section 16(1) of the BO.

For the concerned case, the BD firstly received the application for approval of plans for the development proposal from the Hong Kong Chinese Christian Churches Union in August 2000. The BD processed the application in accordance with the BO and referred the plans to the relevant Government departments (including the Planning Department (PlanD), Transport Department (TD), Fire Services Department (FSD),

Highways Department (HyD), Lands Department (LandsD) etc.) for examination in their areas of concern according to the centralized plan processing system. Since no objection to the proposal was received from these Government departments and the proposal was in compliance with the BO, the building plans were approved by the BD in February 2001 and the Hong Kong Chinese Christian Churches Union and their Authorized Person were notified of the comments of the relevant Government departments.

Regarding Mr. Zimmerman's request to compel the developer to reduce the size of the columbarium, please be advised that the Building Authority has no such powers under the BO.

Planning Department

The subject site proposed for the new columbarium falls within an area zoned “Other Specified Uses” (“OU”) annotated “Cemetery” on the approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/15. According to the Notes of the OZP, “Columbarium” use is always permitted within the “OU” annotated “Cemetery” zone.

Buildings Department circulated the building plans submission for the proposed columbarium building in 2009. While the “Columbarium” use is always permitted within the “OU” annotated “Cemetery” zone, Planning Department had suggested in our reply to the Building Departments (which was also copied to the Authorized Person (AP) responsible for the proposed columbarium building) that the height and scale of the proposed columbarium development should be reduced so that it could be more compatible with the character of the surrounding low-rise and low-density developments. Planning Department wrote to the Hong Kong Chinese Christian Churches Union in end 2011 again, reiterating the aforementioned views. Planning Department have further suggested them to explore any possible means to address the public concerns, for example, through landscape treatment and proper architectural design to mitigate the adverse impacts arising from the proposal. Besides, Planning Department suggested them to meet and discuss with the local residents on the matter.

Highways Department

Lands Department and Building Department had sought comment from Highways

Department on the technical issue related to the Development.

Transport Department

Regarding Question 2c:

Notwithstanding the fact that the proposed development does not involve application under S.16 of Town Planning Ordinance that requires the submission of a Traffic Impact Assessment (TIA) for approval, Transport Department (TD) was consulted regarding the TIA prepared by the consultant of the owner of the Cemetery. TD made use of the opportunity to impose a requirement of a pick up / drop off point at Victoria Road very close to the junction of Victoria Road/Consort Rise for the redevelopment of the Cemetery and the consultant had incorporated this requirement in the conclusion of the TIA report.

The TIA identified and assessed seven key junctions in the vicinity of the Cemetery, namely Victoria Road/Mount Davis Road junction, Pok Fu Lam Road/ Mount Davis Road junction, Victoria Road/Sandy Bay Road junction, Victoria Road/Consort Rise junction, Victoria Road/ Sassoon Road junction, Pok Fu Lam Road Mid-block Crossing & Victoria Road/Shaw Wan Drive junction, and concluded that only the junction of Victoria Road / Sandy Bay Road which would operate beyond its capacity during the peak hours of Ching Ming and Chung Yeung Festival Periods. To improve the junction performance during these periods, the consultant recommended a traffic management scheme of temporarily prohibiting during the peak hours of the two Festival Periods the right-turning traffic movement from Victoria Road onto Sandy Bay Road. With this traffic management measure, this junction would operate within its design capacity.

Regarding Question 2d:

To facilitate members of the public to visit the cemeteries in Pokfulam area in a safe and orderly manner, special traffic and transport arrangements will be implemented during Ching Ming and Chung Yeung Festivals and the preceding and subsequent Saturdays and Sundays to ensure smooth traffic in the vicinity of the cemeteries.

The section of Consort Rise between Victoria Road and Bisney Road will be re-routed as one-way southbound. Bus operators will strengthen the bus services

operating in the area subject to the passenger situation. When the number of grave sweepers reduces, the Police may resume normal traffic arrangement earlier as appropriate.

The Transport Department (TD) will issue Transport Department Notice (TDN) to remind the public of the special traffic and transport arrangements for the cemeteries in Pokfulam area in advance. While the TDN would be uploaded onto the TD's website for public browsing, members of the public may also call the 1823 Government Hotline for further enquiry on the road closure and traffic and transport arrangements. In formulating these special arrangements, we have taken into consideration the comments and concerns of the locals in ensuring the public to visit the cemeteries in a safe and orderly manner, as well as smooth traffic in the area along Pokfulam Road and Victoria Road. In the light of the special transport needs of the public to visit the cemeteries, the TD has also arranged additional special bus services. Moreover, members of the public are advised to use public transport services as far as possible.

The TD will liaise closely with the Police to, inter alia, adjust the temporary traffic management measures as appropriate.

Secretariat, Southern District Council

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