

慈雲閣(前稱為「香港新界古洞聯鳳互助福利會」)(No known English name)
Licence, Exemption and Temporary Suspension of Liability Applications

According to the comments from District Lands Office/North District (DLO/N), the captioned application site falls within the Kwu Tung North New Development Area and will be affected by the relevant works projects. DLO/N has then issued a letter to notify the applicant that as the proposed area under application will be used for other purposes, the applicant's application for land regularization is not accepted. Thus, it is impossible for the above specified instrument applications to comply with the land-related requirements and the requirements concerning right to use the columbarium premises under the Private Columbaria Ordinance (PCO).

Refusal Reasons for the Private Columbaria Licensing Board to reject the captioned whole set of applications

The Private Columbaria Licensing Board (PCLB) has decided to reject the above Licence, Exemption and Temporary Suspension of Liability (TSOL) applications for the following reasons:

(i) **Non-compliance with the Land-related Requirements:**

This Licence application does not comply with the requirements under Section 18(1)(a)(i) of the PCO and this Exemption application does not comply with the requirements under Section 20(1)(f) of the PCO as the documents submitted by the applicant failed to prove to the satisfaction of the PCLB that these Licence application and Exemption application comply with the requirements under the aforesaid sections of the PCO. The comments from DLO/N pointed out that the application site of this columbarium involves the illegal occupation of unleased land; the application site of this columbarium also involves a Government Land Licence T14329 and the applicant is not the holder of the Government Land Licence; the land instrument for this columbarium does not permit the storage of ashes in the application site and the area under application entirely falls on government land on which the structure and its extension are without approval from DLO/N. The DLO/N also pointed out that the application site for this columbarium falls within the

Kwu Tung North New Development Area and will be affected by the relevant works projects. In addition, according to the written reply from the DLO/N to the applicant on 9 November 2021, the proposed area under application for the above specified instrument applications would be used for other purposes and hence the applicant's application for land regularization was not accepted by the DLO/N;

(ii) **Non-compliance with the Planning-related Requirements:**

This Licence application does not comply with the requirements under Section 18(1)(a)(ii) of the PCO as the applicant fails to submit documents to prove to the satisfaction of the PCLB that this Licence application complies with the requirements under the aforesaid section of the PCO. The comments from Planning Department pointed out that regarding "ash interment" in planning-related requirements, the storage of ashes in the site of this Licence application is not permitted;

(iii) **Non-compliance with the Building-related Requirements:**

This Licence application does not comply with the requirements under Section 18(1)(a)(iii) and Section 19(2) of the PCO and this Exemption application does not comply with the requirements under Section (20)(1)(g) of the PCO as the documents submitted by the applicant failed to prove to the satisfaction of the PCLB that these Licence application and Exemption application comply with the requirements under the aforesaid sections of the PCO. The applicant fails to submit all documents and certificates as required by the Buildings Department for vetting the compliance regarding the building-related requirements of these applications;

(iv) **Non-compliance with the Requirements concerning Right to Use the Columbarium Premises:**

This Licence application does not comply with the requirements under Section 18(1)(b) and Section 19(3) of the PCO and this Exemption application does not comply with the requirements under Section (20)(1)(h) of the PCO as the documents submitted by the applicant failed to prove to the satisfaction of the

PCLB that these Licence application and Exemption application comply with the requirements under the aforesaid sections of the PCO. The comments from DLO/N pointed out that the application site of this columbarium involves the illegal occupation of unleased land; the application site of this columbarium also involves a Government Land Licence T14329 and the applicant is not the holder of the Government Land Licence. The DLO/N also pointed out that the application site for this columbarium falls within the Kwu Tung North New Development Area and would be affected by the relevant works projects. In addition, according to the written reply from the DLO/N to the applicant on 9.11.2021, the proposed area under application for the above specified instrument applications would be used for other purposes and hence the applicant's application for land regularization was not accepted by the DLO/N;

(v) **Non-compliance with the Requirements concerning Management Plan:**

This Licence application does not comply with the requirements under Section 18(2) and Section 23(1)(b)(i) of the PCO as the applicant fails to submit revised management plan to address the latest comments from the Transport Department and Fire Services Department; and

(vi) **Non-compliance with the Requirement concerning Action Plan:**

This TSOL application does not comply with the requirement under Section 23(1) of the PCO as the applicant fails to submit an action plan with a timetable, that complies with the requirements specified by the PCLB, to set out the necessary steps to be taken to achieve compliance, in a timely manner, with the requirements of the Licence application and Exemption application submitted together with the above TSOL application. For compliance with the requirements of Licence application and Exemption application, the comments from DLO/N pointed out that the application site of this columbarium involves the illegal occupation of unleased land; the application site of this columbarium also involves a Government Land Licence T14329 and the applicant is not the holder of the Government Land Licence; the land instrument for this columbarium does not permit the storage of ashes in the application site and the area under application entirely falls on government land on which the structure and its extension are without approval from

DLO/N. The DLO/N also pointed out that the application site for this columbarium falls within the Kwu Tung North New Development Area and would be affected by the relevant works projects. In addition, according to the written reply from the DLO/N to the applicant on 9 November 2021, the proposed area under application for the above specified instrument applications would be used for other purposes and hence the applicant's application for land regularization was not accepted by the DLO/N. Thus, the above written reply of DLO/N to the applicant has stated that the applicant's application for land regularization will not be accepted. Hence, the above Licence application and Exemption application do not comply with the requirements concerning right to use the columbarium premises under Section 18(1)(b) and Section 19(3)(b) (Licence application) and Section (20)(1)(h) (Exemption application) of the PCO. It also does not comply with the land-related requirements under Section 18(1)(a)(i) (Licence application) and Section 20(1)(f) (Exemption application) of the PCO. The action plan with the timetable submitted by the applicant failed to prove to the satisfaction of the PCLB that the actions described in the action plan will enable these Licence application and Exemption application to comply with all relevant requirements prescribed by the PCO and all requirements specified by the PCLB.

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