



香港地質岩石保育協會  
Association for Geoconservation, Hong Kong

30 August 2011

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BY EMAIL

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Dear Sirs,

OBJECTION to Proposed Lease Modification/Land Exchange  
to permit columbarium use on Lot Nos. 79 and 96 in Demarcation District  
No. 27 Shui Mong Tin, Ma Shi Chau, Tai Po, New Territories  
(File Ref.: DLO/TP45/TMS/61) (File Ref.: HAD TP G /17/ 35/20/9 Pt.1)

Association for Geoconservation, Hong Kong strongly objects captioned proposal because of the following reasons:-

1. The invaluable geological and ecological significance of Ma Shi Chau will be destroyed by the columbarium development. Being designated as the Site of Special Scientific Interest since 1982, a protected Special Area in 1999 and Hong Kong National Geopark since 2009, Ma Shi Chau is the key site of studying the 280 million years old rock formation as well as other spectacular geological features including faults and folds, tombolo, shell beach, differential weathering and quartz veins etc etc. The unnamed islet near Yim Tin Tsai, vegetated with dense woodlands, is a popular roosting ground for egrets and herons. Ma Shi Chau is, therefore, one of our invaluable geological heritages, an invaluable outdoor museum showcasing the geological diversities of Hong Kong. The development of columbarium would destroy the uniqueness, naturalness and aesthetic of our geological heritage.

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2. The entire area is not capable of supporting heavy traffic of over thousands of visitors of a columbarium with 3,000 burial plots during the festive season. Land route to Shui Mong Tin is by hiking via San Mun Tsai village and the Yim Tin Tsai peninsula which already have a lot of graveyards construction. Large scale pedestrian traffic is unsuitable. Sea route need to hire a boat from San Mun Tsai and get off on the beach as there is no pier. The development of private roads and pier would cause further adverse impact on the important geological and ecological environment. Massive visitors would also cause bottleneck at San Mun Tsai. Nothing has been explained in the Information Notes about the heavy traffic mitigation and destruction to the environment if construction of roads and pier
3. Pollution to Ma Shi Chau and Tolo Harbour is unacceptable. The sewage from over thousands of visitors and the burning of sacrificial offerings would definitely pollute the air and water of Ma Shi Chau and Tolo Harbour. No mitigating measures are mentioned in the Information Notes.
4. Lack of transparency, information and public consultation - since Ma Shi Chau is of such important geological and ecological significance, the general public should have the right to be consulted instead of the current so-called consultation directing only to the Tai Po district residents by Lands Department via the Tai Po District Office, Home Affairs Department. Are there any hidden agenda between the Government and the land owner?
5. The Government's encouragement of "destroy first and apply later" which is trashing our entire countryside. Our association has been reporting the illegal developments on the site to Lands Department as well as Planning Department, Environmental Department, Building Department and others since Sep.2008. It is entirely unacceptable that Lands Department has not taken up close monitoring and surveillance which led to breach of lease conditions and illegal occupation of Government land. The explanation that no one was caught red handed on the site and therefore no prosecution of illegal occupation on Government land exemplified the loose monitoring and inefficiency of Lands Department. Even worse, no immediate lease enforcement actions had been taken by Lands Department after 28 Sep 2009 the deadline for demolishing the construction expired. There is no justification for allowing the culprit to



continue the illegal operation and to buy time for submitting captioned proposal. Ecovandalism should not be legalized by granting the lease modification or land exchange. Otherwise, there is no justice in Hong Kong.

6. Favouritism towards influential individuals at the expense of public interests. In the “Information on Private Columbaria” by Development Bureau on 17 December, 2010, Shui Mong Tin, Ma Shi Chau Lot Nos. 79 and 96 in DD 27 is categorised under Part B. It clearly states the land lease is not permitted for columbarium. However, no action has been taken against the owner in continue selling illegal urns which was evidenced by advertisement in the following website as of 22 Dec 2010 :-  
[http://www.tradeit.com.hk/Selling/results/next\\_221967/4\\_0\\_0\\_0.html;jsessionid=2BF0269F1D5FD4570FD37DB90BBBD87E](http://www.tradeit.com.hk/Selling/results/next_221967/4_0_0_0.html;jsessionid=2BF0269F1D5FD4570FD37DB90BBBD87E). There were activities inside the illegal columbarium and in the beach right in front of the main entrance (Appendix I – photos showing the activities taken on 19 Dec 2010). The public interest for buying illegal urn is totally neglected and prejudiced by allowing the owner to continue the marketing and selling activities.
7. Breach of the EIA Ordinance - under the EIA Ordinance, all projects partly or wholly in a SSSI are designated projects which thus require an Environmental Permit (EP) and EIA. Since Shui Mong Tin is in the Ma Shi Chau SSSI and access to the columbarium is via the Yim Tin Tsai and Ma Shi Chau SSSI, it would be a breach of EIA Ordinance if there is no EIA report submitted by the applicant or if so, why not published for public investigation. Since access to the columbarium is via Government land, the application must not be approved for inappropriate use of Government land.
8. Inconsistent Government Policy – under the new Enclave Policy of the Country Parks Authority of May 2011, Shui Mong Tin is Enclave No. 77 which should be made into an extension of the existing Special Area under the Country Parks Ordinance. This new policy announced by the Chief Executive in his 2010-2011 policy address clearly stipulates that land in private ownership does not deter it from being protected for reason of its important value. The Lands Department approval of the application would be inconsistent with the new Enclave Policy. We would like to know the comments of Planning Department, Environment



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Department and Agriculture, Fisheries and Consultation Department in respect of the adverse impact of the illegal columbarium on the invaluable SSSI, special area and Hong Kong National Geopark.

Based on captioned reasons, we therefore strongly object to the proposal for lease modification/land exchange to permit columbarium use or other large scale development of the site which are incompatible to our nature conservation. We request the Government to urgently pursue the New Enclave Policy of Country Parks Authority of May 2011 to draft the private land lots of Shui Mong Tin as conservation area under the Development Permission Area Plan. The developer must immediately reinstate the land.

The decline of the application is highly appreciated.

Regards,

Cindy Choi (signed)

Convener: Publicity/Public Relationship

Association for Geoconservation, Hong Kong

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cc:

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Appendix 1

PHOTOS OF SHUI MONG TIN DATED 19 DECEMBER 2010



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