TOCO PLANNING CONSULTANTS LTD.

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顧問有限公司達材都市規劃

西林寺基金有限公司 香港新界沙田 上禾輋 198 號

有關沙田西林寺就私營骨灰安置所條例向食環署申請暫免法律責任書及骨灰龕牌照之進度報告

就西林寺向食環署作出上述申請一事,由於涉及較長和複雜的申請程序,並需符合規劃、地政、建築、消防安全、環境衛生、機電安全、交通及人流管理等嚴格要求,因此本公司希望向貴司作出進度報告,以釋除大家對申請牌照時需要較長時間之疑慮。有關過去及最新的申請情況細述如下:-

見附件一

第一階段:正式提交暫免法律責任書及牌照申請之工作(於 2018 年 3 月 21 日完成) 西林寺正式聘請本公司,以確保在 3 月 29 日前向食環署提交暫免法律責任書及牌照申請,工作包括:

- 1. 提交截算前骨灰安置所的牌照和其他指明文書之申請表格;
- 2. 提交申請團體之相關文件及申請人及相關人士詳情陳述書;
- 3. 提交全套政府批地文件土地規劃資料;
- 就地盤運作骨灰龕用途向地政署提交短期免責申請;
- 5. 提交初步供訪客使用的衞生設施及在節日期間所作的安排;及
- 6. 提交申請牌照之行動計劃。

見附件二

第二階段: 跟進暫免法律責任書及牌照申請之前期工作(於 2018 年 9 月 3 日完成) 本公司在確認食環署在 3 月 29 日前收到第一階段之文件後進行以下工作:

- 1. 組織專業團隊,包括認可人士、註冊結構工程師及註冊消防裝置承辦商;
- 2. 就第一階提交之文件與食環署緊密聯絡,並提供補充資料及修改文件,以確保符合有關部門的嚴格要求;
- 3. 協助認可人士及消防顧問,提交就申請牌照及暫免法律責任書符合建築物規定的 相關資料及圖則,以證明地盤的符合相關建築物條例及消防安全:
- 協助認可人士及註冊結構工程師,提交申請牌照符合結構安全的顧問報告及圖則,以證明地盤內的結構物安全;
- 5. 協助西林寺及認可人士,提交就申請牌照及暫免法律責任書的場地和樓面布局圖,包括詳細的龕位資料 (清楚列明場內每棟、每層、每房、每牆的龕位編號,每個龕位屬單/雙人位,及截算、刊憲和目前現況是否已出售灰位/安放骨灰);及
- 6. 就上述文件仔細覆核數次才向食環署正式提交,因為每份文件需要西林寺及認可 人士簽名核實,當中涉及法律責任。

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<u>第三階段:就牌照申請符合城規要求之前期規劃工作(於2018年9月21日完成)</u>

由於西林寺現時位於『鄉村式發展』用途區,骨灰龕用途沒有機制容許向城規會作出規劃申請,因此必先向城規會作出 s.12A 更改用途區申請,將地盤改為『政府、機構或社區 (1)』用途區,以准許日後向城規會作出 s.16 規劃申請,以符合就牌照申請所需的城規要求。於是本公司在提交暫免法律責任書及牌照申請後,積極進行以下規劃工作:

- 1. 對地盤及規劃背景、及最新的骨灰龕法例作出詳細研究:
- 2. 對地盤的用途,包括骨灰龕、道路及泊車作出安排,以符合最新要求;
- 3. 就 s.12A 更改用途區申請組織專業團隊,包括園境師、交通工程師及環境顧問;
- 4. 與園境師對地盤作出園景及視覺景觀改善,及作出地形及樹木調查;
- 5. 協助交通工程師作出交通評估及人流安排;
- 6. 與環境顧問商討爲地盤的環境及污水排放作出評估及安排;
- 7. 編寫規劃報告書,附以詳細規劃理據支持申請;及
- 8. 待收到認可人士就第二階段製訂的建築圖則後,將所有文件整合成規劃報告書。

本公司於 8 月中得悉規劃署與食環署就截算前的骨灰龕有了新共識和安排,所有該類別的 規劃申請,龕位數目必須獲得食環署確認,城規會才會考慮申請。但本公司明白到申請骨 灰龕牌照時需時,因此本公司在得到沙田規劃專員的同意下已向規劃署提交「前期規劃申 請」,申請程序與城規申請相近,規劃署會將規劃報告書代爲分發給部門詢問意見。

第四階段: 跟進暫免法律責任書及牌照申請之中期工作及前期規劃申請工作(進行中) 本公司將進行以下工作,並與食環署緊密聯絡,希望暫免法律責任書能盡快批給西林寺:

- 等待食環署將第二階提交之文件分派給有關部門,包括屋宇署、消防署、警務處、環保署、地政署等等,在需要時提供補充資料;
- 2. 聘請電業工程顧問,提交相關證書;以符合機電工程要求;
- 3. 與交通顧問製訂更詳細的交通管理方案,內容包括訪客入場管制、交通及人流安排、保安管理、人手調配、緊急應變方案及投訴處理等等,以符合發牌要求;
- 4. 聘請會計顧問安排財務方案,內容包括經營策略、業務內容、營運及維修保養、 收支表、現金流量表、財務安排及風險分析等等,以確保骨灰龕可持續地運作;
- 5. 就環保署要求在地盤內提供環保化寶爐及臨時廁所一事,向有關公司索取報價, 並與環境顧問提供專業意見,以符合牌照申請所需的環境衛生要求;
- 6. 就已提交的前期規劃申請,與規劃署緊密聯絡,在需要時提供補充資料;及
- 7. 跟進並要求食環署盡快到場確認龕位數目,以加快向城規會作出正式規劃申請。

本公司已向食環署提出請求盡快到場確認龕位數目,但鑒於牌照組只有 12 名衞生督察來處理 144 份骨灰龕牌照申請,因此需時處理大量工作而未能可以即時確認資料。本公司已向規劃署知會食環署的難處,希望城規申請可以彈性處理以加快西林寺取得牌照。

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第五階段:就牌照申請符合城規要求之中、後期規劃工作(需時約 1.5 年) 當食環署確認西林寺的龕位數目後,本公司將向城規會提交正式的規劃申請,工作包括:

- 根據前期規劃申請所收到的部門意見將規劃報告書修改,然後向城規會提交 s.12A 更改用途區申請,將地盤改爲『政府、機構或社區(1)』用途區;
- 2. 與主要政府部門進行磋商,包括規劃署、地政署、運輸署、警務處、環保署、城市設計小組、園景小組、消防署、渠務署、土力工程署等多個部門;
- 3. 對公眾反對意見及政府部門意見作出回應,提交補充資料報告書;
- 4. 出席規劃聆訊會議,整個 s.12A 更改用途區申請過程大約需時 6 個月;
- 6. 假如 s.12A 申請順利獲得通過,城規會將要求規劃署在大約 6 個月內將規劃大綱圖修改,然後將草圖展示供有關人士提出申述,爲期兩個月。本公司將在這段時間觀察城規會有否收到反對申述;
- 6. 當爲期兩個月的申述過程屆滿時,城規會將展示所接納的申述,以供公眾提出意見,爲期三星期。假若有收到西林寺相關的反對申述,本公司將對這些申述作出反對,並出席申述聆訊會議,整個規劃申述過程大約需時6個月;
- 7. 如沒有收到反對申述,本公司將立即向城規會提交 S.16 規劃申請,工作如下:
 - a) 因應上回申請之規劃文件及規劃聆訊對計劃作出修訂;
 - b) 與顧問團隊對地盤內的佈局及安排作出改善,並加強規劃理據支持申請;
 - c) 向城規會提交 S.16 規劃申請,對反對計劃者的意見作出分析及評論;及
 - d) 提交補充資料報告書以詳細回應反對者及部門意見。
- 8. 當 s.16 規劃申請獲得通過後,本公司需協助貴司處理規劃許可附帶條件。

第六階段:就牌照申請符合地政要求工作及跟進牌照申請之後期工作(需時約1年)當 s.16 規劃申請獲得通過後,本公司將進行牌照申請的最後階段工作,包括:

- 1. 聘請產業測量師,協助處理改契工作,包括商討改契條款及補地價事宜;
- 2. 向發牌委員會提交有關符合規劃及土地規定之文件;
- 3. 根據規劃申請時提交的交通及環保建議,更新西林寺的管理方案及衛生安排;及
- 4. 向發牌委員會提交補充資料,讓西林寺盡快取得骨灰龕牌照。

政府曾在多個公開場合表明會妥善處理歷史遺留下來積累多年的(骨灰龕)問題,以避免引致社會不安。貴司已就牌照、規劃及地政申請聘請了最專業的顧問團隊,鑒於西林寺歷史悠久,交通方便,加上政策大力支持,本公司對貴寺取得牌照表示相當樂觀。

達材都市規劃顧問有限公司

陳達材 執行董事

二零一八年十一月五日

第3頁共3頁

附件一: 完成第一階段之工作

TOCO PLANNING CONSULTANTS LTD.

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Secretariat of Private Columbaria Licensing Board Private Columbaria Affairs Office 6/F, Lui Kee Education Services Centre, 269 Queen's Road East, Wan Chai, Hong Kong

顧問有限公司達材都市規劃

Dear Sir/ Madam,

20 March 2018

Applications for "Pre-cut-off Columbarium Licence" and "Temporary Suspension of Liability" for Sai Lam Temple Lot Nos. 63, 296 (Part), 331 RP (Part) and 393 B RP (Part) in D.D. 185 No.198 Sheung Wo Che, Sha Tin

We submit herein, on behalf of Sai Lam (Salvation) Foundation Ltd., an application for a Private Columbarium Licence and an application for a Temporary Suspension of Liability for "Pre-cut-off Columbarium" under the Private Columbaria Ordinance. The applications are intended to regularise the existing columbarium named Sai Lam Temple at the captioned lots in Sha Tin.

Please find attached an authorisation letter and a set of file with necessary documents in support of the columbarium applications for your attention. The Applicant has employed an Authorised Person (AP) – Ir. Dr. LO Man-Chiu, Raymond of Leadtops Raymond Ltd. to undertake the necessary technical assessments for the applications such as building-related requirements, structural and fire safety requirements, electrical and mechanical safety requirements, and drawings prepared by AP. These outstanding documents will be submitted in due course.

Please contact the undersigned or my colleague Mr. Daniel Wei at 28950168 if you have any queries and additional information pertinent to the applications. For queries in relation to the niche count or operation of the columbarium, please contact Ms. Sandy Chung of Sai Lam Temple at 98380879. For queries in relation the building matter, please contact our AP $\stackrel{.}{-}$ Dr. Raymond Lo at 94531075.

Yours faithfully.

Toco Planning Consultants Ltd.

Ted Chan

Managing Director



附件二:完成第二階段之工作

TOCO PLANNING CONSULTANTS LTD.

Principal County County No. 10 (1994) N. Standard County C



顧問有限公司達材都市規劃

Secretariat of Private Columbaria Licensing Board Private Columbaria Affairs Office Room 501-502, 5/F, Trade Square, 681 Cheung Sha Wan Road, Kowloon, Hong Kong

Dear Sir/ Madam,

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3 September, 2018

Applications for "Pre-cut-off Columbarium Licence" and "Temporary Suspension of Liability" for Sai Lam Temple Lot Nos. 63, 296, 331 RP (Part) and 393 B RP (Part) in D.D. 185 No.198 Sheung Wo Che, Sha Tin

We refer to our application submitted on 20.3.2018.

Please find enclosed the following additional documents in support of the captioned application for your attention:

- 11 sets of relevant plans for Licence, 8 sets of relevant plans for TSOL, and 6 sets of Niche Information (Annex 13 of the Application Guide refers);
- relevant documents for Buildings Department's Requirement for Licence (Annex 4 and Annex 5 of the Application Guide refers) and a copy for PCLB;
- relevant documents for the compliance of building and fire safety for TSOL (Annex 6 of the Application Guide refers) and a copy for PCLB; and
- relevant documents for Fire Services Department for Private Columbaria (Annex 9 of the Application Guide refers) and a copy for PCLB.

Yours faithfully,

Toco Planning Consultants Ltd.

Ted Chan

Managing Director

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7 - 3 SEP 2018

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PRIVATE COLUMBRATA
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c.c. Pte Columbaria Licensing Team (Attn. Mr. Lo Chi Leung)

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附件三:完成第三階段之工作

TOCO PLANNING CONSULTANTS LTD.

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Room 1410 14-F. Carulol Centre

Room 1410 14:F, Capitol Centre. 5-19 Jardine's Bazaar. Causeway Bay, Hong Kong. Tel: 2895 0168 Fax: 2577 2862

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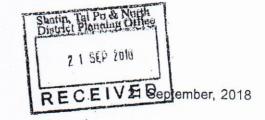
顧問有限公司達材都市規劃

Planning Department
District Planning Branch
New Territories District Planning Division
Sha Tin, Tai Po and North District Planning Office
13/F, Sha Tin Government Offices,
1 Sheung Wo Che Road,
Sha Tin, N.T.

Attn. Mr. LAU Chun Him, Kenny

Dear Sirs.

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Rezoning Request from "V" to "G/IC(1)" for Sai Lam Temple at Lot Nos. 63, 296, 331 RP (Part) and 393B RP (Part) in D.D. 185, Sheung Wo Che No. 198, Sha Tin

We have been commissioned by Sai Lam (Salvation) Foundation Ltd. (the Applicant) to submit a rezoning application from "Village Type Development" to "Government, Institution or Community (1)" covering the captioned private lots on the Approved Sha Tin Outline Zoning Plan No. S/ST/34. The proposed zoning will permit the subsequent submission of a section 16 planning application for the regularisation of a Pre-cut-off Columbarium with 9,507 niches in Sai Lam Temple, Sha Tin.

An application for Columbarium Licence and an application for Temporary Suspension of Liability (TSOL) for Pre-cut-off Columbarium in Sai Lam Temple were submitted by the Applicant to the Private Columbaria Licensing Board (PCLB) on 20.3.2018. During the 3 years of the validity period after obtaining the TSOL, the Applicant has to comply with all statutory and government requirements, including town planning, land lease and building safety. Hence, the present application is submitted and it only covers niches already sold before 30.6.2017, which is in line with the policy initiatives to address the Traffic Impact Assessment issue of Pre-cut-off Columbarium seeking a licence.

We understand there is a new requirement for the planning application applied for columbarium use that only involves the sold and occupied niches before the Pre-cut-off time of Private Columbaria Ordinance, i.e. 30.6.2017. In order to response to the pragmatic and sensitive approach to this form of columbarium applications, the niche information submitted for the licensing application has to be verified by the PCLB. Therefore, it is advised that the planning application should be submitted to the Town Planning Board after the niche count is confirmed.

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In view of the concerns of the public who are frustrated by columbaria rule changes as they could not place their ancestors' urns in the niches they had previously purchased, there is an urgency to reduce social dispute by speeding up the process for obtaining the Columbarium License. Thus, 20 copies of the Planning Statement are enclosed for your initial perusal and comments and circulation before formal submission to the Town Planning Board. Please contact the undersigned or our Mr. Daniel Wei at 28950168 for any additional information pertinent to the captioned application.

Yours faithfully,

Toco Planning Consultants Ltd.

Ted Chan

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Managing Director

cc Client