

# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號

43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



Your Ref.: DEVB (PL-P)50/31/06/1

Oue Ref.: (48) in Lot1130+1087DD006/AA

21st March, 2014

Secretary for Development,  
Development Bureau,  
17/F., West Wing,  
Central Government Offices,  
2, Tim Mei Avenue,  
TAMAR,  
HONG KONG.

**(Attention: Miss Erica LAM)**

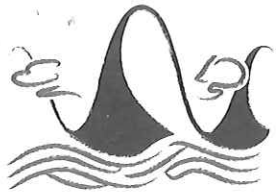
**By Fax 2868 4530 and BY Mail**

**Buddhist Cheung Ha Temple cum Columbarium  
Lots 1130 and 1087 in DD 6  
43-45, Kam Shan Village, Tai Po, N.T.**

We refer to your letter dated 17<sup>th</sup> March, 2014 and return herewith the following documents for your reference and necessary action:---

- (a) Duly completed Reply Slip dated 19<sup>th</sup> March, 2014 which is in response to your Letter dated 17<sup>th</sup> March, 2014; and
- (b) Copies of our letters ref. (29) and (31) in Gland/Lands/AA/01 dated 10<sup>th</sup> and 11<sup>th</sup> March, 2014 to the District Lands Officer/Tai Po. These letters were copied to the Director of Lands and also The Ombudsman, Hong Kong, for reference and necessary action.

Please note that we have no objection to your posting of the above documents to the Development Website under the column "**Letters from the Columbaria Operators**" for the attention and information of the members of the public.



# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號  
43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



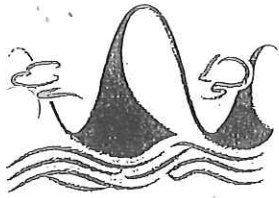
Please contact the undersigned should you have any queries on the above subject.

Yours faithfully,  
For and on behalf of  
BUDDHIST CHEUNG HA TEMPLE LTD.

(Auser Kee-wah AU)  
Administrator



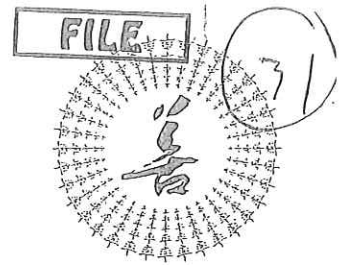
c.c. District Lands Officer/Tai Po,----w/ Enclosures.



# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號  
43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



Your Ref.:(45) in DLO/TP 233/TAT/67

and (53) in DLO/TP 58/263/06 Pt.2.

11<sup>th</sup> March,2014

Our Ref.: (31) in Gland/Lands/AA/01

District Lands Officer/Tai Po,  
District Lands Office, Tai Po,  
Tai Po Government Offices, 1/F.,  
No.1, Ting Kok Road, Tai Po,  
New Territories.

**BY FAX 2650 9896 and POST**

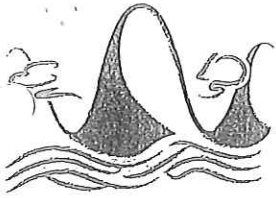
Dear Sirs,

***Application for STT for Garden,  
Incinerator and Smoke Removal Unit and  
adjoining Lots,1087 and 1130 in DD 6  
Kam Shan Village , Tai Po, New Territories***

Thank you for your letter ref. (47) in DLO/TP 233/TAT/67 dated 11<sup>th</sup> March, 2014 and (53) in DLO/TP58/263/06 Pt.2 dated 25 July,2013 on the above subject.

We wish to state further information for your consideration:---

- (a) The plot of Government Land proposed for GARDEN use had actually been used for part of our Cheung Ha Temple for decades of years as our Temple had been established since 1931 or so. The premises had been further renovated in about 2004 under careful planning and strict supervision of professionals. The plot of land had been frequented by Buddhist followers, Buddhists monks and nuns, villagers of Kam Shan Village and members of the public alike.
- (b) Your land search documents indicated that the New Grant Nos. TP4961 and TP5543 for Lots 1130 and 1087 are missing. Our stand is that we are the lessees of the two lots. The Government of Hong Kong SAR is the ruling Government. The Lands Department is the Lands Authority and also the signing signatory for the lessors of the two lots. That is to say the



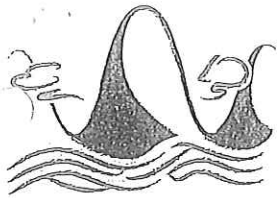
# 佛教長霞淨院有限公司

## BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號  
43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



- (c) Government of the Hong Kong SAR is the FIRST party and we as the Lessees are the SECOND party. The Government caused the missing of the land documents and it is the Government's responsibility to find ways and means to get the Duplicate Lease and/or Counter-Lease and/or Land Grant documents available to us as the Lessees and also members of the public as and when required. Please note that GN570 of 1924 is a general document and the original New Grant Conditions may have special clauses which govern the uses of the Lots. If the Senior Solicitor of LACO cannot help, maybe the Secretary for Justice and/or the Lands Tribunal can provide you with the solutions. Our key point is since the Government lost the Government documents, it is the responsibility of the Government to provide the same to us as the Lessees and to members of the public as when required.
- (d) We are a Buddhist Temple establishment for 80+ years. We have been operating the temple in the bona-fide Buddhist way. We wish to bring the irregularities, if any, back to normal. You stated that there exist some unauthorized building structures on site within our compound. Please kindly show the structures on plans to us. It is because we cannot discover these structures as the relevant New Grants and Grant Plans are not available as aforesaid. It appears from the Lot Index Plan that some portions of existing buildings erected on Lots 1130 and 1087 in DD 6 were built outside the granted lot boundary whereas some portions of the lots were vacant, i.e. without super-structures on site. As the New Grants are missing as mentioned in the foregoing paragraphs, we were unable to ascertain the boundary of the lots versus the buildings erected. Please note however that the buildings were erected decades of years ago, why did/do your offices and/or predecessors take action at the appropriate time? It is totally absurd to demolish the portions of buildings outside the lot boundary now. Thus, we venture to propose that the lot boundaries of the Lots 1130 and 1087 be deal with by way of Rectification of Boundary OR Modification Letter. As we are doing the exercise of rectifying the Lot boundaries of long-existing structures which are part and parcels of the main religious buildings for Buddhism frequented by Buddhists followers, villagers of Kam Shan and others, and it is also impracticable and immoral to do away with these portions of the religious buildings, it is also within



# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號

43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



the meaning and ambit of NTEHs, the advice from the DPO can be waived. It is further noted that plans should be submitted to the Authority for approval before the erection of the buildings on these two lots. Our staff did search on the building plans in the Building Department, Public Records Office and your office vide your memo (38) in DLO/TP 1/25/59 dated 16 Jan.,2013 and we could not locate the relevant plans. Thus, the plans would have been submitted to the Authority presumably in 1929 to 1931, otherwise the buildings could not have been erected on site. For your information, no major structural alterations on these two buildings have been made. The original buildings have been remaining, more or less, intact, on site.

Much has been said/written on the subject. May we propose that a meeting be convened with your officers being the Authority cum Lessors and us being the Lessees together with other offices concerned to sort out the way forward with this case please?

Yours faithfully,

For and on behalf of

BUDDHIST CHEUNG HA TEMPLE LTD.

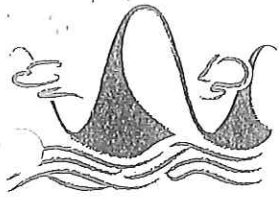
(Auser Kee-wah AU)

Project Manager



c.c. Director of Lands

The Ombudsman, Hong Kong

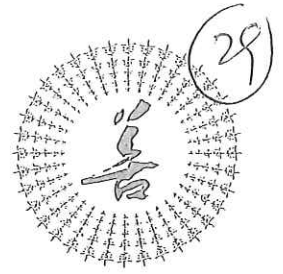


# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號

43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



Your Ref.:(45) in DLO/TP 233/TAT/67

10<sup>th</sup> March,2014.

Our Ref.: (29) in Gland/Lands/AA/01

District Lands Officer/Tai Po,  
District Lands Office, Tai Po,  
Tai Po Government Offices, 1/F.,  
No.1, Ting Kok Road, Tai Po,  
New Territories.

BY FAX 2650 9896 and POST

(Attention: Mr TSANG Chun,Jack)

Dear Sirs,

## *Appeal on Application for STT for Garden,*

*Incinerator and Smoke Removal Unit and*

*Court Case No. FLS 16953/2012, Illegal occupation of Government Land  
adjoining Lots 753A,1087,1130 and 2089 in DD 6*

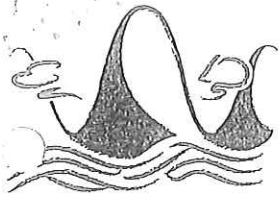
*Kam Shan Village , Tai Po, New Territories*

Thank you for your letter dated 4 February, 2014 on the above subject.

We wish to lodge an appeal on your rejection on the application for the Government Land for Garden purpose by way of Short Term Tenancy as we cannot agree to your simple, single reason on the existence of unauthorized structures on site under application.

Please note that and as stated in our letter dated 01 Sept.,2013 to you:---

- (a) Some parcels of the land were formed as part of the site formation as part of the lease conditions for Lots 1087 and 1130 in DD 6;
- (b) The Granting of STT to us will generate general revenue to the Government as considerable amounts of STT fees have to be collected from us;
- (c) We were issued with the STT 415 and STT 1576 for some parcels of the Government Land under application and these STTs were cancelled on reasons of the existence of columbaria on nearby land and we reckon that the reasons for cancellation of the STTs were unsound.



# 佛教長霞淨院有限公司

BUDDHIST CHEUNG HA TEMPLE LIMITED

香港新界大埔錦山路43 - 45號

43-45, Kam Shan Road, Tai Po, N.T., Hong Kong



- (d) We admit that we have been occupying the land for many years as early as 2002 or even earlier and your office failed to execute the duties on land management versus our great efforts done in repairing and maintaining the grounds for the use of the villagers of Kam Shan and also members of the public.
- (e) In the hope that we can get the STT for GARDEN purpose, we are prepared to deal with the unauthorized structures to your satisfaction if such are clearly pointed out to us.
- (f) In addition, we do not know if your office has any best way out for managing the land in question after the Court Case no. FLS 16953/2012. We opine that the granting of STT to us would be one of the best ways out for managing the land in question.

All in all, we wish to manage the land in question better with the issue of STTs to us and at the same time revenue is generated to Government by the collection of STT fees.

By copy of this letter, Director of Lands and the Ombudsman are requested to examine his case and to offer assistance to us for the issue of STT.

Yours faithfully,

For and on behalf of

BUDDHIST CHEUNG HA TEMPLE LTD.

  
 (Auser Kee-wah AU)  
 Project Manager



c.c. Director of Lands )

With copy of letter dated 01 Sept, 2013

The Ombudsman, Hong Kong )

from Cheung Ha to DLO/Tai Po