

Developer of private cemetery disputes order to demolish

Scmp 23.9.2009

Cheung Chi-fai

The developer of a private cemetery on a Tai Po island has disputed an order to demolish unauthorised structures on Ma Shi Chau.

A person who attended a meeting with Lands Department officials and representatives of developer Union Lucky Development and concern groups yesterday said the delegate described the order as unfair. Lands officials were "picking out bones in eggs", meaning they were being harsh, and had only stepped up enforcement after media reports, the person said, quoting the delegate.

While Union Lucky was willing to comply with parts of the order such as demolishing the offices, the representative said removal of the platforms was unreasonable.

The platforms, believed to be part of the burial ground, were not additional structures, had existed before the cemetery was built and had been terraces formed decades ago for farming, the developer's delegate said. The developer only reinforced the terrace for geotechnical reasons.

The views were raised in the meeting after reports about the private cemetery on Ma Shi Chau, earmarked as a geopark island.

Last Thursday, the department issued a written warning to Union Lucky, which owns two private lots at the southern tip of Ma Shi Chau, and asked it to clear any illegal structures and platforms at the site by September 28.

The site, though outside the proposed boundary of the geopark, was being turned into a cemetery for urns with up to 3,000 places for sale for between HK\$90,000 and HK\$200,000.

The controversy is not about black or white because there is grey too

A person quoting the representative
of the developer in a meeting

The department said the structures breached the land lease conditions for an agriculture site under the old government leases dating back 100 years.

"The controversy is not about black or white because there is grey too, and different people might have different perspectives. But all these have now been politicised," said the

person, quoting the representative of the developer.

He said the representative raised questions with officials over the removal order and enforcement policy, which could not be answered.

The representative insisted that Union Lucky's development was in line with the land lease, and questioned why lands officials turned a blind eye to similar breaches in the New Territories, which officials would have been aware of.

The person said Union Lucky's representative did not indicate whether the cemetery would still be run after complying with the order. The cemetery was compatible with an existing burial ground at Sam Mun Tsai near the island, the developer's delegate said.

A senior lands official yesterday admitted that Union Lucky had raised a "different perspective" on the removal order, but refused to elaborate. "We will seek legal advice on that and we have nothing further to report at this stage," he said.

But another person familiar with the situation said the problems were now being dealt with at the policy bureau level. "We want to see more clarification, such as whether the works and land use are legal or illegal."