

**Withdrawn by Applicant**

MPC Paper No. Y/K9/12B  
For Consideration by  
the Metro Planning Committee  
on 17.3.2.2020

**APPLICATION FOR AMENDMENT OF PLAN**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/K9/12**

- Applicant** : Salvation Benevolent Association Limited represented by Toco Planning Consultants Limited
- Plan** : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/26
- Application Site** : 37 Winslow Street, Hung Hom, Kowloon
- Site Area** : About 130.2m<sup>2</sup>
- Lease** : (a) Hung Hom Inland Lot (HHIL) No. 238 s.F RP and 238 s.G which is held under Government lease subject to a lease term of 75 years renewable for 75 years commencing on 1.1.1901  
(b) Subject to “Noisy Noisome or Offensive Trade or Business” clause
- Zoning** : “Residential (Group A) 4” (“R(A)4”)
- Proposed Amendment** : To rezone the application site from “R(A)4” to “Government, Institution or Community” (“G/IC”)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) from “R(A)4” to “G/IC” on the Hung Hom OZP (**Plan Z-1**). The Schedule of Uses for the proposed “G/IC” zone is the same as the current “G/IC” zones on the OZP in which ‘Religious Institution’ is a Column 1 use while ‘Columbarium’ is a Column 2 use. The building height (BH) restriction of the proposed “G/IC” zone is 6 storeys, which is the same as the BH of the existing building at the Site. The applicant intends to submit subsequent s.16 planning application for the columbarium in the religious institution (i.e. Salvation Benevolent Association 普眾善舍) at the Site to comply with requirements for licence application under Private Columbaria Ordinance (PCO). On 25.6.2004, the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) approved a planning application (No. A/K9/185), at the same subject site, for the conversion of an existing commercial/residential building into a 6-storey religious institution subject to conditions, among others, that no niche and incineration of worshipping materials should be carried out within the site. Hence, the columbarium use within the Site contravenes the condition of the approved religious institution use.

- 1.2 According to the applicant, the major development parameters of the existing building with columbarium at the Site are as follows:

Site Area	Not exceeding 130.2m <sup>2</sup>	
Plot Ratio (PR)	5.35 (about)	
Gross Floor Area (GFA)	693.36m <sup>2</sup>	
Floor Uses	G/F	Entrance lobby, religious institution office and worship hall
	1/F	Religious and ceremony room
	2/F	Worshipping area (temporary niches & memorial photo-plates)
	3/F	Religious institution office and toilets
	4/F	Worshipping area (temporary niches & memorial photo-plates)
	5/F	Columbarium (permanent niches)
BH	6 storeys (about 24.94mPD)	
No. of Niches <sup>1</sup>	2,142	
Eco-furnace	1	

- 1.3 The indicative floor plans and elevation drawings of the religious institution cum columbarium are at **Drawings Z-1 to Z-2**.
- 1.4 Car parking facilities will not be provided at the Site and visitors are expected to use public transportation or use the carparks nearby. The applicant will specify explicitly in the “agreement for use of the columbarium niches” that no parking facility is available at the Site for visitors, and all visitors will be notified by the applicant to use public transportation to access the Site during Ching Ming and Chung Yeung Festivals. The applicant will continuously monitor the nearby carparks and update parking spaces availability for visitors in need.
- 1.5 To minimize any potential environmental impacts associated with operation of columbarium at the Site, the applicant will use smokeless joss paper furnace and all incense burning will be replaced by eco-friendly offerings (i.e. electronic incense offering, flowers and fruits) to control air pollution nuisance associated with incense smoke generation at the Site.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 26.2.2019 **(Appendix I)**
  - (b) Supplementary Planning Statement received on 26.2.2019 **(Appendix Ia)**
  - (c) Further Information (FI) received on 28.6.2019 (FI 1) **(Appendix Ib)**

<sup>1</sup> According to the applicant, 2,142 niches out of 2,543 existing niches were sold as at 30.6.2017 (i.e. pre-cut-off columbarium under PCO). The applicant indicated that this application only involves the sold niches (i.e. 1,805 permanent niches (229 occupied) and 337 temporary niches (all occupied)).

providing responses to departmental and public comments with a revised Environmental and Sewerage Impact Assessment (ESIA) (*accepted but not exempted from publication and recounting requirements*)

- (d) FI 2\* received on 16.8.2019 providing responses to (Appendix Ic) departmental and public comments with a revised ESIA
- (e) FI 3\* received on 26.8.2019 providing responses to (Appendix Id) departmental comments and amended pages of Traffic Impact Assessment (TIA)
- (f) FI 4\* received on 19.11.2019 providing responses to (Appendix Ie) departmental comments with a revised ESIA

(\* accepted and exempted from publication and recounting requirements)

- 1.7 At the request of the applicant, the Committee on 3.5.2019 and 20.9.2019 agreed to defer a decision for two months respectively so as to allow more time for the applicant to submit FI to address departmental comments. *After the deferral, the applicant submitted FI on 19.11.2019. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.2.2020 for consideration of the application has been rescheduled, and the Town Planning Board has agreed to adjourn consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.*

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and the FIs at **Appendices Ia to Ie**. They are summarized as follows:

- (a) The proposed rezoning aims at regularizing the sold and occupied niches of the existing columbarium at the Site and is in line with the spirit and requirements of the PCO.
- (b) The existing building of the Salvation Benevolent Association was completed in 2005. The proposed “G/IC” zone will ensure proper planning control on the columbarium use within the Site.
- (c) The Site is suitable for columbarium use as it is located in close proximity to public transport facilities, including Hung Hom and Ho Man Tin MTR stations, buses and minibuses along Wuhu Street and Gillies Avenue South.
- (d) The proposed religious institution and columbarium uses are compatible with the adjacent land uses in Hung Hom which are predominantly occupied by traditional funeral services with mortuary, funeral parlours, columbaria, coffin stores and funeral florists (**Drawing Z-3**).

- (e) The proposed “G/IC” zone will not jeopardize the comprehensive residential redevelopment in the area since the Site is a corner site within “R(A)4” zone and not within the predominant residential neighborhood.
- (f) The subject building is enclosed with building façade designed in communal style. The building is visually compatible with the surrounding area and visual impact is not anticipated.
- (g) Small scale development will not result in any significant impacts on traffic, environmental, drainage, sewerage, fire safety and visual aspects of the locality.
- (h) The application will not set an undesirable precedent for similar applications in view of its unique site location, development scale, strong background for funeral services in the area and new policy initiatives.
- (i) Salvation Benevolent Association is a religious building under single ownership which is totally different from those pre-cut-off columbaria that are located at individual premises within residential buildings. It will not cause land use conflict with adjacent residential uses.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on satisfying the “Owner’s Consent/Notification” requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the owner of the building. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

#### **List of Information of Private Columbaria issued by the Development Bureau**

- 4.1 The List of Information of Private Columbaria (“the List”) issued by the Development Bureau comprises Part A and Part B. Part A of the List refers to private columbaria which are in compliance with user restrictions in the land leases and the statutory town planning requirements, and are not illegally occupying Government land. Part B of the List refers to private columbaria made known to the Lands Department (LandsD) and/or Planning Department (PlanD) that do not fall under Part A of the List. The subject columbarium is one of the private columbaria under Part B of the List. According to the information as at December 2019 provided by FEHD, out of the 27 private columbaria in Hung Hom under Part B of the List (last updated in March 2018), 17 have ceased business operation and a total of 10 columbaria (including the subject site) under Part B of the List are still in operation in the surrounding areas of the Site (**Plan Z-3**).

### Private Columbaria Ordinance

- 4.2 The PCO, which regulates the operation of private columbaria through a licensing scheme, came into effect on 30.6.2017. The deadline of submitting applications to the PCLB for licence, and exemption or temporary suspension of liability (TSOL) in respect of pre-cut-off columbaria has expired by the end of 29.3.2018.
- 4.3 Based on the information provided by the applicant, the subject columbarium at the Site may be considered as a pre-cut-off private columbarium (i.e. commenced operation before 8 a.m. on 18.6.2014) but not a dated columbarium (i.e. did not commence operation before 1.1.1990). Hence, the columbarium is not eligible for application for an exemption. According to prevailing policy, if it has to apply for licence, it will have to satisfy all statutory and government requirements (including building, planning and land-related requirements) and a management plan in respect of the columbarium must be submitted to PCLB.

## **5. Previous Application**

- 5.1 There is no previous rezoning application in respect of the Site.
- 5.2 The Site is the subject of a previous s.16 planning application (No. A/K9/185) for converting an existing 6-storey commercial/residential building in an area zoned “R(A)” into a religious institution (without columbarium use) which was approved by the Committee on 25.6.2004 with conditions in relation to building structure and fire safety; and no niche and incineration of worshipping materials should be carried out within the Site (**Plan Z-1**). The subject columbarium use at the Site is also in contravention of the condition of the approved application.

## **6. Similar Application**

- 6.1 There is no similar application for rezoning a site from “R(A)4” to “G/IC” on the Hung Hom OZP. However, there is an application (No. Y/K9/11) for rezoning a site at 23 Winslow Street from “R(A)4” to “R(A)7” zone with ‘Columbarium’ included as a Column 2 use that requires planning permission from the Board. The rezoning application was to allow the applicant to submit subsequent s.16 planning application for the ‘columbarium’ use (i.e. 上善軒) at the G/F of an existing commercial/residential building at that application site (**Plan Z-1**). On 16.3.2018, the Committee decided not to agree to the application mainly on the grounds that the proposed “R(A)7” zone to facilitate a columbarium use was not in line with the planning intention of the “R(A)” zone, and the ‘Columbarium’ use was in conflict with the residential use within the subject building and in the surroundings. The applicant failed to demonstrate that the columbarium use would not create adverse traffic impact on the area. Approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would result in aggravation of land use conflict/incompatibility and adverse traffic impact in the residential area. Details of the application are

summarized in **Appendix II**.

- 6.2 There is also an application (No. Y/K9/13) for rezoning a site at 34-42B Baker Street from “R(A)4” to “R(A)7” with ‘Columbarium’ included as a Column 2 use which requires planning permission from the Board. *On 6.3.2020, the Committee agreed to defer making a decision on the application in order to allow more time for the applicant to prepare FI to address departmental comments.*

**7. The Site and Its Surrounding Areas (Plans Z-1 and Z-2 and site photos on Plans Z-4 to Z-10)**

**7.1 The Site is:**

- (a) currently occupied by a 6-storey building built in 1992. The building was converted into a religious institution by the applicant in 2006 upon obtaining planning permission from the Committee. Although the planning approval condition clearly stated that there should be no niche in the approved religious institution, FEHD advised that there was columbarium use on the Site since 2006;
- (b) currently used by Salvation Benevolent Association for religious institution and columbarium use (with temporary niches on 2/F and 4/F and permanent niches on 5/F) (the columbarium is not a permitted use in “R(A)4” zone) (**Plans Z-6 to Z-8**); and
- (c) a corner site within a “R(A)4” zone located at the junction of Winslow Street and Lo Lung Hang Street.

**7.2 The surrounding areas have the following characteristics:**

- (a) adjoining the Site to the northeast and northwest are clusters of residential developments zoned “R(A)4” with commercial uses on G/F (some with columbaria and/or funeral-related businesses) (**Plan Z-9**);
- (b) to the southwest and south across Winslow Street is a “Comprehensive Development Area” (“CDA”) zone occupied by two godown buildings, namely China Travel Hip Kee Godown Company (Hong Kong) Limited Godown Nos. 1 and No. 2 respectively (**Plan Z-10**). These are intended for non-residential uses and to screen funeral related uses further southwest; and
- (c) further south of the “CDA” zone are three funeral parlours and the Kowloon Public Mortuary (**Plans Z-2 and Z-10**) which are zoned “Other Specified Uses” annotated ‘Public Mortuary Funeral Depot & Funeral Parlour’.

## **8. Planning Intention**

The planning intention of “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. ‘Religious Institution’ use requires planning permission from the Board and ‘Columbarium’ use is not a permitted use under “R(A)” zone.

## **9. Comments from Relevant Government Bureau/Departments**

9.1 The following Government bureau/departments have been consulted and their views on the application are summarized as follows:

### **Columbarium Policy**

9.1.1 Comments of the Director of Food and Environmental Hygiene (DFEH) (including Private Columbaria Affairs Office of FEHD):

- (a) The PCO, which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30.6.2017 upon gazettal. Under the PCO, only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by the PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to the PCLB for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimize any adverse impact that operation of the columbarium may have on the neighborhood. In determining whether to approve an application for a licence, the PCLB must have regard to the public interest and may have regard to any other relevant considerations.
- (b) Regarding the private columbarium named Salvation Benevolent Association at the Site, a set of specified instrument (SI) application (viz. a licence and TSOL) in respect of a pre-cut-off columbarium was received by the PCLB. The pre-cut-off status of the said private columbarium is under verification and the applicant is required to provide relevant documents for the PCAO’s processing<sup>2</sup>. It is noted that the total number of niches (2,142 nos.) proposed for the licence application is same as that proposed for the current planning

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<sup>2</sup>As relevant document have not been submitted by the applicant for PCAO’s verification on pre-cut-off status of private columbarium, PCAO cannot offer any comment on whether the columbarium at the Site is a “pre-cut-off columbarium” at this stage.

application. The SI application is being processed by the PCAO according to the prevailing procedure and the niche information proposed for the licence application is subject to verification by PCAO.

### **Land Administration**

#### **9.1.2 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):**

- (a) No objection to the application.
- (b) The Site falls within HHIL No. 238 s.F RP and 238 s.G which is held under Government Lease subject to a lease term of 75 years renewable for 75 years commencing on 1.1.1901. The said lease is subject to “Noisy Noisome or Offensive Trade or Business” clause (OTC).
- (c) The applicant proposes to rezone the Site to “G/IC” which shall require a further s.16 application permission for columbarium use in the Site. The proposal for both permanent and temporary storage of niches is in breach of the OTC.
- (d) If the rezoning and subsequent planning application for the columbarium are approved by the Board, the lot owner has to apply to LandsD for a lease modification or temporary waiver of any breach of lease conditions. However, there is no guarantee that the lease modification or temporary waiver application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium or waiver fee and administrative fee as may be imposed by LandsD.

### **Traffic**

#### **9.1.3 Comments of the Commissioner for Transport (C for T):**

He requested the applicant to demonstrate the parking demand of the subject columbarium and provide a modal split percentage of peak hour person trips in the TIA. The applicant subsequently provided further information (FI) to address his comments. The FI demonstrated that the vacant parking spaces in the area can satisfy the parking demand generated from the subject columbarium during Ching Ming Festival. The FI also provided a detailed breakdown of peak hour person trips by different transportation mode, of which the vast majority of the trips



generated would be by bus or MTR/walk. He has no further comments on the TIA.

9.1.4 Comments of the Commissioner of Police (C of P):

Traffic Impact

- (a) There is a cluster of columbaria (including the Site) in the residential area of Hung Hom, it is reasonably believed that some of the columbarium visitors are local residents who walk there on foot; some of the non-local resident visitors resort to various public transport facilities sufficiently available in the vicinity; and only an insignificant proportion of visitors use private vehicles.
- (b) According to the information from FEHD, the Site started columbarium business in 2006. Police records show that traffic complaints/accidents in Hung Hom columbaria cluster is relatively insignificant in the past 13 years (from 2006 to 2018). These historical data do not support an anticipation that the Site will cast adverse traffic impact on the surrounding area.
- (c) Despite the above, in the extreme scenario of full occupation of the 2,543 niches existing at the Site and also those of all other columbaria in the cluster, adverse traffic impact may possibly occur to a certain extent.

Overcrowding During Ching Ming and Chung Yeung Festivals

- (d) The crowd management issue in Hung Hom columbaria cluster (including the Site) did not incur special police attention during Ching Ming and Chung Yeung Festivals in the past 13 years (from 2006 to 2018).
- (e) There is no police record of columbarium-related complaints against the Site and in the surrounding areas of the Site from 2006 till now, except enforcement actions against unlicensed columbaria by FEHD.
- (f) Having considered the existing traffic condition in the vicinity of the concerned location, particularly for the prevalent traffic problems in connection with the funeral industry, it is advised to take the possible adverse impact on traffic, such as rising demand of parking spaces, increasing pedestrian and vehicular flow, into account when considering the application.

### **Environmental Aspect**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application.

#### Air Quality and Noise Aspects

- (b) The applicant shall observe and follow the relevant suggestions and requirements in the “*Guidelines on Air Pollution control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places*” and “*Guidelines on Air Pollution Control for Paper Artifacts Burning at Funeral Parlours and Other Places of Worship*” in order to minimize the potential air nuisance arising from burning of paper offerings to the nearby residents. In particular, for effective emission control, the Best Available Technology (BAT) for joss paper furnace shall comprise electrostatic precipitation and water scrubbing as flue gas pretreatment for achieving no visible emissions at discharge.
- (c) Since 2006, there is no complaint related to the environmental impact of the subject religious institution with columbarium use.

#### Sewerage Aspect

- (d) He requested the applicant to clarify the visitors assumption and sewerage capacity calculation in the ESIA reports. The applicant subsequently submitted a revised ESIA Report to address his comments. The revised ESIA demonstrated that the subject columbarium would not create adverse environmental, sewerage and drainage impacts in the area. He has no further comments on the revised ESIA.
- (e) The applicant shall implement the local sewer connection/upgrading/diversion works to the satisfaction of Director of Drainage Services.

### **District Officer's Comments**

#### 9.1.6 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

- (a) Kowloon City District Council (KCDC) had unanimously passed the following resolutions:
- 「要求政府停止繼續於紅磡區內簽發殮葬商牌照」 (18.9.2008)
  - 「反對在九龍城區增設殮儀館」 (12.11.2009)

- 「強烈要求政府立例禁止在民居及鄰近民居設置骨灰龕」  
(12.11.2009)

- (b) The continuous proliferation of funeral service business in Hung Hom has been triggering overwhelming objections from Hung Hom residents. According to the latest information from the website of the FEHD, 48 out of 59 licensed undertakers of burial (that do not debar temporary storage of ashes within licensed premises) in Kowloon are operating in Hung Hom as at 15.1.2019. In the previous undertaker's licence consultation exercises, some respondents expressed that the share of the funeral service business was unproportionally high in Hung Hom when compared to other districts.
- (c) He noted that PlanD has notified the interested KCDC members, Hung Hom Area Committee as well as the Owners' Corporations/ Owners Committee/ Mutual Aid Committees/ Management Committees/ management companies/ residents of buildings and institutions near the Site about the planning application.
- (d) The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be approved, the applicant should take appropriate measures to address the concerns of relevant stakeholders. Apart from that, he has no other comments on this application at this stage.

9.2 The following Government departments have no objection to/no comment on the application:

- (a) Director of Fire Services;
- (b) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (c) Chief Highways Engineer/Kowloon, Highways Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department; and
- (f) Chief Building Surveyor, Buildings Department.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 The application and FI were published for public inspection on 8.3.2019 and 12.7.2019 respectively. During the two statutory public inspection periods, a total of 1,494 public comments were received. 1,264 (84.6%) supported the application and 230 (15.4%) objected to the application.
- 10.2 Standard letters from 1,264 individuals (**Appendix IIIa**) supported the application on the following grounds:

- (a) The current planning application is to regularize the sold niches of the existing columbarium at the Site only and protects the owners of the sold niches.
- (b) The Site is a corner site and is not located within the core commercial/residential area. The proposed uses are compatible with surrounding funeral parlours and funeral-related businesses.
- (c) Sole ownership of the building is different from other columbaria located at individual premises within residential buildings. Approval of the application would not set an undesirable precedent for similar applications.
- (d) Good management of the religious institution and columbarium would not create impacts on residents nearby.
- (e) The subject building is enclosed with building façade designed in communal style which would not create visual impact to the surrounding area.
- (f) The subject religious institution and columbarium are of small scale. It would not create adverse traffic and environmental impacts to the surrounding areas because the applicant will carry out proper crowd management measures and use eco-friendly joss paper furnace.

10.3 The 230 objecting comments includes 217 individuals (201 in standard letters) (**Appendix IIIb**), 1 from a Legislative Council member (Dr Hon Helena Wong Pik Wan), 1 from the Democratic Alliance for the Betterment and Progress of Hong Kong (with 160 signatures), 1 from Tuen Mun DC member Ms. Ho Hang Mui, 2 from a property management company of nearby building (Fok Lin Building), 7 from Owners' Corporations of nearby residential buildings (Wei King Building, Yue Sun Building, Hing Lee Building, Wah Lai Building and Wing Fung Building) and 1 from the Alliance for the Concern over Columbarium Policy (各界關注骨灰龕法案大聯盟) (**Appendix IIIc**). The main reasons for objecting to the application are summarized as follows:

- (a) Columbarium use is incompatible with the surrounding areas which are mainly residential in nature.
- (b) The columbarium is too close to residential areas.
- (c) The columbarium use would create adverse traffic, environmental (air and noise) impacts, fire safety concerns and nuisance to the area.
- (d) The columbarium use at the Site is not in line with the scheme in planning application (No. A/K9/185) previously approved by the Committee in 2004 at the Site which is for religious institution without columbarium.
- (e) Approval of the application would set an undesirable precedent for similar applications.

- (f) The ‘social benefits to locality’ as claimed by the applicant is nonsense. Operation of the columbarium is profit-making in nature but not religious as claimed.

- 10.4 A full set of the public comments received on the application and the FI are deposited at the Town Planning Board’s Secretariat for Members’ inspection and reference.

## **11. Planning Considerations and Assessments**

- 11.1 The applicant proposes to rezone the Site from “R(A)4” to “G/IC” (with ‘Columbarium’ as a Column 2 use) to regularize the religious cum columbarium use<sup>3</sup>. Subsequent s.16 planning application is required for ‘Columbarium’ use under the proposed “G/IC” zoning. The applicant proposes to impose BH restriction of 6 storeys for the proposed “G/IC” zone at the Site, which is the BH of the existing building.

### Planning Intention

- 11.2 The surrounding areas of the Site are zoned “R(A)4” with planning intention for high-density residential developments and ‘Columbarium’ use is not a permitted use under the “R(A)” zone.
- 11.3 ‘Religious institution’ use at the Site was approved under application No. A/K9/185 in which the G/F is for shop and showroom, 1/F for study room and general office, 2/F to 4/F for meeting room and reading room and 5/F for display area of archives and statue of Buddha. However, it was stated clearly as one of the approval conditions that there should be no niches. The existing columbarium uses on 2/F, 4/F and 5/F contravene this approval condition; and the non-compliance has been ongoing since 2006. The proposal to rezone the Site from “R(A)4” to “G/IC” to facilitate columbarium use is not in line with the planning approval nor planning intention of the residential neighbourhood.

### Land Use Compatibility

- 11.4 The Site is located within an area with predominantly residential buildings, despite some of the G/F and upper floor of the residential buildings, including the buildings adjacent to the Site, are occupied by columbaria and funeral-related businesses (**Plans Z-3 and Z-10**). Although there are some funeral parlour and mortuary to the south and southwest of the Site, they are separated by two “CDA” zones (currently occupied by godown developments) serving as buffer area separating the residential area and the funeral related developments. According to information from FEHD (as at December 2019), 17 out of the 27 private columbarium in Hung Hom under Part B of the List had ceased operation (as mentioned under para. 4.1 above). The subject building is one of the private columbarium still in operation.

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<sup>3</sup> The columbarium at the Site involves a total of 2,142 niches sold before 30.6.2017 (1,805 permanent niches and 337 temporary niches), with 566 of them already occupied.

Although there is no residential use within the subject building, the proposed rezoning to “G/IC” zone to facilitate continuous operation of columbarium use at the Site is not compatible with the surrounding land uses which are predominantly residential in nature.

- 11.5 The area in which the Site is located is included in the Consultancy Study on Urban Renewal Plan for Kowloon City commissioned by the Kowloon City District Urban Renewal Forum (KC DURF) (the Study). One of the findings of the Study was that Winslow Street and Gillies Avenue South in the area is clustered with a number of funeral and related businesses, creating nuisance to the nearby residents, including on-street hearse parking in the area causing traffic problem and psychological impact on the local residents. Moreover, some undertakers in the area allow their customers to store their ancestors’ ashes in their shops, and also carry out on-street sacrificial rites and joss paper burning activities. During the public engagement of the Study, the public generally requested the relocation of the funeral and related businesses away from Hung Hom. Although DEP advised that there is no environmental impact-related complaints arising from the columbarium/religious institution, DO/KC advised that local residents and KCDC members have all along raised concerns on the nuisance caused by the operation of undertaker’s funeral related and columbarium uses.

#### Traffic Impact and Crowd Management

- 11.6 As advised by C of P, traffic complaints/accidents occurring in the Hung Hom columbaria cluster is relatively insignificant in the past 13 years (from 2006 to 2018). The crowd management issue in Hung Hom columbaria cluster (including the Site) did not incur special police attention during Ching Ming and Chung Yeung Festivals in the past 13 years (from 2006 to 2018). There is no police record of columbarium-related complaints against the Site and its surrounding area from 2006 till now. Notwithstanding that, he stated that in the extreme scenario of full occupation of the 2,543 niches existing at the Site and also those of all other columbaria in Hung Hom columbaria cluster, there may be potential adverse traffic impact on the area. C for T has no comment on the TIA which concluded that the columbarium use at the Site would not create adverse traffic impact in the area.

#### Environment

- 11.7 The applicant has submitted an ESIA to demonstrate that the columbarium use at the Site would not create adverse environmental and sewerage impacts. DEP and CE/MS of DSD have no adverse comment on the ESIA.

#### Undesirable Precedent

- 11.8 According to the latest information from DEFH, 17 out of the 27 private columbarium in Hung Hom under Part B of the List had ceased operation since March 2018. As at December 2019, there are 10 columbaria (including the Site) operating in the area that do not comply with town planning/land lease requirements (i.e. in Part B of the List), approval of this application would set an

undesirable precedent, encourage similar applications which may reverse the trend for columbarium to cease operation in the past years. The cumulative effect of approving similar applications would result in revived proliferation of columbarium use in the residential area of Hung Hom, thereby aggravating the land use conflict/incompatibility in the residential area, and may worsen the traffic condition and nuisance in the area. The Committee has previously considered an application (No. Y/K9/11) for rezoning a site at 23 Winslow Street from “R(A)4” to “R(A)7” on the Hung Hom OZP to include ‘Columbarium’ as a Column 2 use to facilitate the columbarium use at the G/F of that building to continue operation. The application was not agreed by the Committee on 16.3.2018 for the reasons mentioned in paragraph 6.1 above. Rejection of the application is in line with the decision of the Committee on the above application in the area.

### Public Comments

11.9 Regarding the public comments mentioned in paragraph 10.3 above, the assessment in paragraphs 11.2 to 11.8 above are relevant.

## **12. Planning Department’s Views**

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:

- (a) the Site is situated within a residential cluster. The existing “R(A)” zone is considered appropriate and there is no strong justification to rezone the Site to “G/IC” to facilitate columbarium use which is incompatible with the residential neighborhood; and
- (b) approval of the rezoning application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would result in aggravation of land use conflict and incompatibility with residential neighborhood.

12.2 Alternatively, should the Committee decide to agree/partially agree to the application, the Site would be rezoned to “G/IC” as proposed by the applicant, or other appropriate zoning. The proposed amendments to the Hung Hom OZP would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

## **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.

13.2 Should the Committee decide not to agree or partially agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

**Attachments**

<b>Appendix I</b>	Application form received on 26.2.2019
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI 1 received on 28.6.2019
<b>Appendix Ic</b>	FI 2 received on 16.8.2019
<b>Appendix Id</b>	FI 3 received on 26.8.2019
<b>Appendix Ie</b>	FI 4 received on 19.11.2019
<b>Appendix II</b>	Similar application
<b>Appendices IIIa to IIIc</b>	Samples of public comments
<b>Drawing Z-1</b>	Floor plans
<b>Drawing Z-2</b>	Floor plans and elevations
<b>Drawing Z-3</b>	Land use compatibility plan
<b>Plan Z-1</b>	Location plan
<b>Plan Z-2</b>	Site plan
<b>Plan Z-3</b>	Private Columbaria under Part B of the List of Information of Private Columbaria in Hung Hom
<b>Plans Z-4 to Z-10</b>	Site photos

**PLANNING DEPARTMENT**  
**MARCH 2020**