

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

APPLICATION NO. Y/KC/13

<u>Applicant</u>	Electric Vehicles (Hong Kong) Limited represented by PlanArch Consultants Limited
<u>Site</u>	24-28 Wing Lap Street, Kwai Chung
<u>Site Area</u>	About 929m ²
<u>Lease</u>	Kwai Chung Town Lot (KCTL) 330 (i) To be expired on 30.6.2047 (ii) Restricted to a combination of uses including industrial, godown, office in direct support of an industrial operation, office ancillary to godown, information technology and telecommunications industries, research, design and development centre, audio-visual recording studio, design and media production, workshops for repair of goods, cargo handling and forwarding facilities and showrooms and excluding offensive trades
<u>Plan</u>	Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29 (currently in force. The zonings and development restrictions for the site remain unchanged on the current OZP) Draft Kwai Chung OZP No. S/KC/28 (in force at the time of submission)
<u>Zoning</u>	“Industrial” (“I”) [Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 105mPD, or the PR/BH of the existing building, whichever is the greater]
<u>Proposed Amendment</u>	To rezone the application site from “I” to “Other Specified Uses” annotated “Columbarium(2)” (“OU(Columbarium)(2)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “I” to “OU(Columbarium)(2)” on the draft Kwai Chung OZP No. S/KC/28 (in force at the time of submission) for columbarium development. The zoning and development restrictions for the Site remain unchanged on the current OZP No. S/KC/29 (**Plans Z-1 to Z-2**). The proposed development will be a 14-storey building with one basement level, with pedestrian access at ground level from Wing Lap Street and a separate vehicular access from Wing Kei Road. The applicant has submitted an indicative scheme to support the proposed rezoning (**Drawings Z-1 to Z-9** and

Appendices I, Ia, Ic, Id, If to Ij). Major development parameters are set out as below:

Site Area	929m ²
Total Gross Floor Area (GFA)	8,825m ²
Plot Ratio (PR)	Not more than 9.5
Building Height (BH)	Not more than 105 mPD
No. of Storeys	14 over 1 level of basement
Site Coverage (SC)	Over 15m: about 60%
	Below 15m: 100%
No. of Niches	20,000
Parking/layby facilities	
- Private Car Parking Spaces	1 (5m x 2.5m)
- Private Car Parking Spaces for disable	1 (5m x 3.5m)
- Bus	2 (12m x 3.5m)
- Light Goods Vehicle	1 (7m x 3.5m)
Proposed Main Uses by Floor	
Basement	E&M facilities, Transformer Room
G/F	Accessible private car park space with bus lay-by facilities, E&M facilities and lobby
1/F	Communal space with movable partitions and waiting areas for buses
2/F to 13/F	Columbarium use

- 1.2 The proposed Notes for the “OU(Columbarium)2” zone are at **Appendix II** where the ‘Columbarium’, ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ uses are under Column 2 and a maximum number of niches of 20,000 is stipulated in the Remarks.
- 1.3 To address the traffic impacts brought about by the development proposal, special traffic arrangements and junction improvement works are proposed by the applicant. Owner/Operator Arranged Bus (OAB) service will be arranged on festival days by providing direct bus services with drop-off/pick-up at two major transport nodes, one at Tai Ho Road and one at Kwai Chung Container Port Road (**Drawings Z-16 to Z-17a**). On top of the existing/special traffic and crowd management measures implemented by the Hong Kong Police Force during festival days at (i) the taxi and private cars drop-off area at Wing Lap Street; and (ii) KMB/GMB stations at Wing Kei Road as observed by the applicant in his 2017 survey (**Drawing Z-18**), the applicant proposes to deploy traffic controllers at nearby Tsuen Wan West and Kwai Fong MTR stations/taxi stands/KMB and GMB stations to coordinate queuing and direct worshippers using the OAB services (**Drawings Z-16a and Z-17a**). Junction improvement works at Kwai Tai Road/Kwai Tsing Road, Kwai Fuk Road/Hing Fong Road and Kwai Fuk Road/Wing Kei Road are proposed to address the traffic concerns (**Drawings Z-19 to Z-22**). Besides, temporary traffic management at Wing Kei Road/Kwai Hei Street on festival days would also be provided (**Drawing Z-23**).
- 1.4 The operating hours will be from 8 am to 6 pm and special arrangement can be made for other time periods. The proposed columbarium will adopt earlier opening hours

on festival days in order to diffuse visitors. Visitors are required to make a prior appointment. The applicant estimated that there will be 4,540 visitors entering and 3,330 visitors leaving the Site during peak hours at festival days. No burning of incense, candles, ritual paper, treasures, paper replicas and etc. is allowed. No visitor parking will be provided within the development. There are escalators servicing G/F to 13/F. One passenger lift will be provided to connect basement to upper levels. The lobby and the communal area on 1/F will serve as waiting area and for queuing up for the shuttle bus at G/F in case of significant number of visitors. A turntable on G/F will be provided for vehicle manoeuvring.

- 1.5 A dedicated management fund for large scale maintenance and renovation works will be set up and a professional property management company will be hired to ensure the sustainable operation of the proposed columbarium in the long term. Owners' Corporation may be set up to monitor the operation and the funds.
- 1.6 The Site is the subject of two previous s.12A applications submitted by the same applicant under Application Nos. Y/KC/7 and Y/KC/9, both for a proposed industrial-cum-columbarium development for 20,000 niches. Application No. Y/KC/7 was withdrawn by the applicant on 14.7.2016 while Application No. Y/KC/9 was rejected by the Metro Planning Committee (the Committee) on 17.3.2017.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 8.8.2017 **(Appendix I)**
 - (b) Planning Statement **(Appendix Ia)**
 - (c) Letter dated 20.9.2017 from the applicant requesting for deferment **(Appendix Ib)**
 - (d) Letter received on 8.12.2017 enclosing a table of responses to departmental comments, new Landscape Master Plan (LMP), revised figures for Traffic Impact Assessment (TIA), photomontages and floor plans **(Appendix Ic)**
 - (e) Letter received on 26.1.2018 enclosing a table of responses to departmental comments **(Appendix Id)**
 - (f) Letter dated 12.2.2018 from the applicant requesting for deferment **(Appendix Ie)**
 - (g) Letter received on 30.4.2018 enclosing a table of responses to departmental comments with the revised routing plans of the owner/operator arranged bus **(Appendix If)**
 - (h) Letter received on 5.7.2018 enclosing a table of responses to departmental comments and a revised TIA **(Appendix Ig)**
[Accepted and not exempted from publication and recounting requirement]
 - (i) Letter received on 21.9.2018 enclosing a table of responses to departmental comments, a revised G/F layout plan and a revised TIA **(Appendix Ih)**
[Accepted and not exempted from publication and recounting requirement]
 - (j) Letter received on 24.9.2018 providing clarification on typing mistakes in the response to comments table **(Appendix Ii)**

of 21.9.2018 submission and replacement of Vertical Transport Assessment of 3.7.2018 submission
[Accepted and not exempted from publication and recounting requirement]

- (k) Letter received on 30.1.2019 enclosing a table of responses to departmental comments, a revised TIA and a revised Vertical Transport Assessment
[Accepted and not exempted from publication and recounting requirement] (Appendix Ij)

- 1.8 The application was originally scheduled for consideration by the Committee on 27.10.2017. On 13.10.2017, 2.3.2018 and 21.12.2018, the Committee agreed to defer making a decision on the application for a total of six months as requested by the applicant in order to allow sufficient time for preparation of supplementary information to address the departmental comments. The applicant submitted further information (FI) (**Appendices Ic to Ij**) as detailed in paragraph 1.7 above in response to departmental comments. The application has been 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 **Appendices Ia to Ij** and summarised as follows:

Meeting Need for Private Columbarium Niches

- 2.1 The demand for columbarium niches is ever-increasing and the provision of private columbarium plays an important role in the supply. This proposed columbarium will provide 20,000 niches to meet the community need and choices to the public.

In Line with Government Policies on Columbarium facilities

- 2.2 There is a shortage of columbarium niches in Hong Kong and private columbaria play an important role in the market. The Government proposes to increase the supply of columbarium facilities by District-based Columbarium Development Scheme and Conversion of Industrial Buildings into Columbarium Facilities. The proposed columbarium will be properly registered and meeting all statutory and government requirements (including the Private Columbaria Ordinance) and with proper and sustainable operation. The proposal is in line with government policy in the provision and operation of private columbarium.

Compatible with the Surrounding Developments

- 2.3 The proposed development is considered compatible with the surrounding developments as it is adjacent to existing cemetery and columbarium facilities including Tsuen Wan Chinese Permanent Cemetery (TWCP), Tsuen Wan Columbarium, Kwai Chung Crematorium & Columbarium (KCCC) and Kwai Chung Public Mortuary. It is at the fringe of the industrial area and away from residential developments.

- 2.4 The design and layout of the proposed redevelopment will respect the adjacent buildings and the surrounding land uses. The overall plot ratio of 9.5 for the development is compatible with the surrounding building height profile. Besides, the columbarium does not allow burning of incense, ritual paper, etc., and will be a clean operation properly managed by professional management company. The proposed redevelopment will have insignificant adverse impacts on the neighbourhood.

Traffic Arrangement and No Adverse Traffic Impact to Local Road Network

- 2.5 In response to Transport Department's (TD) comment on the previous s.12A application regarding the bus lay-bys, the scheme has provided bus lay-bys for passenger pick-up/set-off within the building (**Drawing Z-2**). There will be no adverse impact on traffic network in Kwai Chung district.

Proposed Compensation for Loss of Industrial Floor Space

- 2.6 The site is currently zoned for "Industrial" use and the proposed columbarium development will affect the provision of industrial floor space. In order to compensate the loss, the project proponent will invest on another piece of industrial land and redevelop it to its full potential to provide industrial floor space.

Planning Gain

- 2.7 The proposed redevelopment would have significant planning gains, which will serve to meet urgent community needs for columbarium niches, optimise the use of scarce land resources by changing an under-utilised industrial building into more compatible use and significantly improve the visual and landscape environment.
- 2.8 In view of the demand for columbarium in Hong Kong, the proposal will benefit the general public by providing additional niches while the neighbourhood environment will be enhanced. As demonstrated by the technical assessments, the proposed redevelopment is compatible with the surrounding environment and will not generate adverse traffic, visual, landscape and environmental impacts on the neighbourhood.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Previous Applications (Plan Z-1 and Appendix III)

- 4.1 There are two previous s.12A applications at the same site submitted by the same applicant under Application Nos. Y/KC/7 and Y/KC/9 to facilitate a proposed industrial-cum-columbarium development for 20,000 niches. Application No. Y/KC/7 was withdrawn by the applicant on 14.7.2016 whilst Application No. Y/KC/9 was rejected by the Committee on 17.3.2017 on the grounds that the application site was situated in a major industrial area and was surrounded by industrial buildings which are still in active operation; the proposed development was

considered incompatible with the surrounding developments which are predominately industrial in character; there was no strong justification for sacrificing industrial land for columbarium development; the applicant failed to demonstrate that the proposed columbarium development would not have adverse traffic and crowd management impact nor the proposed mixed uses are feasible and can meet relevant statutory requirements such as the Fire Safety Code under the Buildings Ordinance; and the approval would set an undesirable precedent for similar applications falling within the same “I” zone.

- 4.2 Comparing the scheme under the previous Application No. Y/KC/9 and the current scheme, the former is to rezone the Site from “I” to “Other Specified Uses” annotated “Industrial and Columbarium”. A 17-storey industrial block and columbarium block with 20,000 niches was proposed, which would be separated by a common wall except on basement floor, ground floor and roof floor. The current application is solely for columbarium development with the same number of proposed niches. Both s.12A applications propose to put ‘Columbarium’ under Column 2 use.

5. Similar Applications (Plans Z-1, Z-6 and Appendix IV)

- 5.1 There are four similar s.12A applications (Nos. Y/KC/1, Y/KC/3, Y/KC/5 and Y/KC/14) within the “I” zone on the Kwai Chung OZP for columbarium development.
- 5.2 Application No. Y/KC/1, which is located within different “I” zone in the area, was rejected by the Committee on 26.11.2010 on the grounds that the proposed development was not compatible with the surrounding land uses. There was no assessment in the submission that the proposed development would not result in adverse traffic and environmental impacts on the surrounding areas. There was also no information on the special crowd management measures during the Ching Ming and Chung Yeung festival days and the month before and after these festivals to ensure public safety, and the setting of an undesirable precedent.
- 5.3 Application Nos. Y/KC/3, Y/KC/5 and Y/KC/14 are located within the same “I” zone of the current application. Application No. Y/KC/3 was partially agreed by the Committee on 13.12.2013 on the ground that the application site was suitable for columbarium use due to land use compatibility with the nearby cemetery, crematorium and columbaria. With 'Columbarium' as a Column 2 use, appropriate control could be imposed through the planning application mechanism to address the concerns of the relevant Government departments. The Committee, however, did not agree to the scale of the proposed development with 50,000 niches as submitted by the applicants on the proposal that it would have crowd management and traffic impacts. The Committee requested PlanD to examine a suitable development option for the site with a view to recommending appropriate development restrictions for the "OU(Columbarium)" zone for the consideration of the Committee. The Committee subsequently agreed to PlanD's suggestions on 21.3.2014 to restrict the development intensity of the site to not higher than 50mPD and have not more than 23,000 niches. The OZP was subsequently amended on 9.5.2014 to reflect the approved rezoning application on the subject site. On 14.9.2016, the Committee approved the s.16 application No. A/KC/437 at this site with a set of approval

conditions for a proposed columbarium development with building height of 50mPD and 23,000 niches.

- 5.4 Application No. Y/KC/5 was rejected by the Committee on 13.3.2015 on the grounds that the application site was situated in the inner part of an industrial area and was surrounded by industrial buildings which are still in active operation. The proposed development was considered not compatible with the surrounding land uses; it would set an undesirable precedent for similar applications falling within the same "I" zone; there was no strong justification for sacrificing industrial land for columbarium development; and there was a lack of effective enforcement mechanism to ensure that the proposed development would not result in adverse traffic impacts on the surrounding areas.
- 5.5 Application No. Y/KC/14 for rezoning the application site from "I" to "OU(Columbarium)(2)" with a total of 25,000 niches (up to 100,000 urns) is currently under processing, which was deferred by the Committee on 1.2.2019 as requested by the applicant.
- 5.6 There are also other s.12A applications for proposed columbarium development within the same "I" zone including Application Nos. Y/KC/6, Y/KC/7, Y/KC/10 and Y/KC/12 (**Plan Z-6**). Nevertheless, these applications were withdrawn by the applicant.

6. The Site and Its Surrounding Areas (Plans Z-1 to Z-2 and Z-6 and photos on Plans Z-3 to Z-4b)

6.1 The Site:

- (a) was previously occupied by a 3-storey industrial building which was demolished;
- (b) is currently occupied by a proposed industrial building under construction (**Plans Z-4a and Z-4b**); and
- (c) abuts Wing Kei Road and Wing Lap Street.

6.2 The surrounding areas have the following characteristics (Plans Z-2, Z-3 and Z-5**):**

- (a) the Site is surrounded by industrial buildings which are in active operation;
- (b) there are a number of cemetery/columbarium developments nearby within the area¹ (**Plan Z-5**);
- (c) to the south is a proposed private columbarium development at the junction of Wing Lap Street and Kwai Hei Street under Application No. A/KC/437, which was approved by the Committee on 14.9.2016 providing a total of 23,000 niches. To the further south across Kwai Hei Street is a site proposed

¹ There are a total of 204,212 (comprising 90,712 existing and 113,500 planned) niches/graves/memorial plaques in the area, amongst which, 77,776 are public and 126,436 are private.

for Kwai Chung Park (**Plan Z-5**);

- (d) to the southwest is the KCCC managed by FEHD with 9,276 niches, and to the further west and northwest is the TWPCPC with 81,436 niches/graves², which include 72,869 existing ones and 8,567 planned ones (**Plan Z-5**);
- (e) to the further south of TWPCPC are planned public columbarium sites at Ex-Incinerator and Kwai Tai Road which are currently under technical assessment/studies for columbarium development with a total of 68,500 niches (**Plan Z-5**);
- (f) to the further north is a planned columbarium site at Tsing Tsuen Road which was rezoned from “I” to “OU(Columbarium)” on 9.5.2014 and will provide 20,000 niches and 2,000 memorial plaques (**Plan Z-5**); and
- (g) the nearest residential area is Kwai Shing West Estate which is about 450m to the northeast of the Site (**Plan Z-1**).

7. Planning Intention

The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are always permitted in the “I” zone.

8. Comments from Relevant Government Departments

- 8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Site is restricted for a combination of uses including industrial, godown, office in direct support of an industrial operation, office ancillary to godown, information technology and telecommunications industries, research, design and development centre, audio-visual recording studio, design and media production, workshops for repair of goods, cargo handling and forwarding facilities and showrooms and excluding offensive trades. The proposed columbarium use contravenes the existing lease conditions is not acceptable under the lease and the proposed parking provisions do not comply with the existing parking requirements under lease;

² According to FEHD, TWPCPC which is managed by the Board of Management of the Chinese Permanent Cemeteries (BMCPCC) is a private cemetery specified in the 5th Schedule of the Public Health and Municipal Services Ordinance, Cap.132.

- (b) regarding the proposed daily operation arrangement, proposed vertical circulation and traffic/ crowd control management, it is considered that they are not enforceable under lease and shall not be imposed under the land lease. The management and operation plan/measures should be regulated by the Private Columbarium Ordinance; and
- (c) should the rezoning application be approved and subject to the successfully obtaining of planning approval for the proposed columbarium use under s16 application in the future, the applicant is required to apply for a lease modification. The application, if approved by LandsD acting in its capacity as the landlord at its discretion, would be subject to such terms and conditions as shall be considered appropriate by LandsD including, inter alia, payment of premium and administrative fee. There is no commitment that the Government will approve the lease modification.

Industrial Land Supply

8.1.2 Comments of the Director General of Trade and Industry (DG of TI):

- (a) he notes that the 2014 Area Assessments of Industrial Land in the Territory (Area Assessments) have already revealed that the total industrial stock in Hong Kong would not be able to meet the future demand for industrial uses. The proposed rezoning would induce loss of industrial land and may set an undesirable precedent for similar rezoning applications within the “I” zone, thus further jeopardising the provision of industrial floor space;
- (b) it was stated in the planning statement that the project proponent will invest on another piece of industrial land and redevelop it to its full potential to provide industrial floor space. It is understood that there is no concrete plan for such redevelopment proposal; and
- (c) given the above and considering that the Area Assessments have recommended retaining the “I” zone where the subject site is located in view of the low and decreasing vacancy rate of the industrial buildings in the area and their high usage for industrial uses, he has reservation on this application.

Traffic and Crowd Management

8.1.3 Comments of the Commissioner for Transport (C for T):

- (a) he does not support the application since the TIA submitted (**Appendix Ij**) has failed to demonstrate that the proposed development would not have adverse traffic and crowd management impact in the area particularly during the festive period. The cumulative effect of approving such applications would aggravate the traffic impact in the area;

- (b) the applicant's latest FI (**Appendix Ij**) cannot address his following concerns:
 - (i) the "Level of Service" (LOS) assessments for the affected footpaths, especially Wing Lap Street and Kwai Hei Street, do not reflect the actual conditions and are not correct;
 - (ii) Wing Lap Street will be closed to all vehicular traffic (except for emergency vehicles) according to the previous issued traffic notice. The proposed taxi and private car drop off points at Wing Lap Street violates the subject traffic notice; and
 - (iii) the proposed road marking modification in facilitating the provision of OAB pick-up point at Kwai Hei Street may be in conflict with relevant TPDM standards; and
- (c) detailed comments on the TIA are appended at **Appendix V**.

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

Traffic

- (a) he has reservation on the application;
- (b) the Site is located within an industrial area in Kwai Chung and adjacent to two existing columbaria, namely the KCCC and the TWCPC. All facilities would provide more than 100,000 niches in the future. The proposed columbarium would provide 20,000 niches more in the vicinity following with around 4,000 estimated visitors in peak hours on Ching Ming Festival. It is a serious concern to the 2m width footpath at Wing Kei Road outside the proposed Site to accommodate the big crowd;
- (c) he has serious doubt on the junction capacity assessments that the traffic impact by the applicant's proposed development is acceptable. Over 100 traffic complaints including vehicle obstruction, illegal parking and traffic congestion at Wing Kei Road were received in last year. The proposed facility may aggravate the traffic problem in the area;

Crowd Management

- (d) he has extreme concern over the junction performance on J4, J7 and J9 (**Drawings Z-17** and **Z-17b**) since all these junctions are anticipated to operate over the designed capacity; and
- (e) he has reservation on the proposed mitigating measures since the performance of captioned three junctions is not mentioned in the FI (**Appendix Ij**). The applicant should devise proper mitigating measures and should not rely on the crowd management measures carrying out by the HKPF. The applicant should figure out the

feasible mitigating measures and state the road link performance in the report.

8.1.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) regarding the applicant's proposed backup arrangement (i.e. the existing railings at the Container Port Road will be temporarily removed in case there is insufficient space at the Container Port Road PTI for the proposed OAB services during peak hour on Sunday and/or Festival Day) (**Appendix Ij** and **Drawing Z-17a**), he considered it as not acceptable. The applicant shall explore all possible measures and review the arrangement again to cater for the proposed OAB; and
- (b) regarding the applicant's two proposals for the OAB layby at Tai Ho Road by either constructing a new 26m long layby at planting area outside Nina Tower (TWTL 353) near Yeung Uk Road (Option A) or extending the existing layby outside Nina Tower PTI from 21m to 26m (Option B) as stated in the FI (**Appendix Ij**), the applicant shall also approach Lands Department and the lot owner of TWTL 353 to clarify the interface issue between the footbridge at Tai Ho Road and the proposed layby (**Drawings Z-21a** and **Z-21b**).

Environment

8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application;
- (b) from sewerage point of view, it is not anticipated that there would be any insurmountable sewerage issue on the proposed development. Should the rezoning application be approved, a Sewerage Impact Assessment (SIA) shall be submitted during the subsequent s.16 application;
- (c) he notes from the supporting planning statement that the traditional worship rituals, such as burning of incense, candles, ritual paper, treasures, paper replicas and etc. will be strictly prohibited to avoid causing environmental nuisance and no visitor parking will be provided; and
- (d) he expects that the applicant will select a proper location for fresh-air intake during detailed design stage of the redevelopment to avoid potential environmental nuisances/impact. Should the rezoning application be approved, the applicant is advised to address such consideration in the subsequent s.16 application.

Building Matters

- 8.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

he has no comment under the Buildings Ordinance. The applicant is advised to note the design requirements for columbarium facilities under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-154. Detailed comments will be given at building plan submission stage.

Fire Safety

- 8.1.8 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection to the application in principle subject to water supplies for firefighting and fire services installations being provided to his satisfaction; and
- (b) EVA provision shall comply with the standards in the Code of Practice for Fire Safety in Buildings 2011.

Landscape and Visual

- 8.1.9 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design

- (a) the site is located within an area predominantly industrial in character with industrial buildings to its north, east and southeast. It is unlikely that there will be any increase in the perceivable bulk of the future development under the proposed “OU(Columbarium)(2)” zone comparing to the built form permitted under the current “I” zone. Based on the photomontages submitted by the applicant, significant visual impact to the surroundings is not anticipated; and
- (b) regarding the indicative scheme, the applicant should consider reducing the coverage of the footprint to allow building setback along Wing Lap Street and Wing Kei Road for landscape treatment at grade for contribution to a more pleasing pedestrian environment. The width of the existing footpaths along Wing Lap Street and Wing Kei Road are respectively 2m and 3.5m. Considering that the proposed columbarium development would possibly generate more traffic and visitors to the area especially during grave-sweeping seasons and given the opportunity of redevelopment, building setback at street level to help reduce pedestrian and vehicle conflict and to create a more pleasing pedestrian environment particularly at the visitor entrance on Wing Lap Street is advisable.

Landscaping

- (d) the proposed columbarium is considered not incompatible with the surrounding landscape character. There is no vegetation within the Site and no adverse landscape impact is anticipated; and
- (e) she has no objection to the application in view of the revised Landscape Proposal in the submitted FI (**Appendix Ic**).

Licensing Requirement

8.1.10 Comments of the Secretary for Food and Health (SFH) and Director of Food and Environmental Hygiene (DFEH):

- (a) Provision and licensing requirement for private columbarium

The Private Columbaria Ordinance (the Ordinance), which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30 June 2017. Under the Ordinance, a private columbarium must obtain a licence before it sells or newly lets out niches. Under the Ordinance, the Private Columbaria Licensing Board (the Licensing Board) is established to regulate the operation and management of columbaria. The Licensing Board started to accept applications for specified instruments from columbaria on 30 December 2017. Columbaria seeking a licence must comply with the statutory requirements under the Ordinance, including those relating to land leases or other land instruments, town planning and building and fire safety. The applicant must also submit a management plan to satisfy the Licensing Board that adequate measures would be taken to minimise the traffic, environmental and other adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for a licence or exemption (if applicable), the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations.

- (b) Site specific comments

To address possible local concerns over the columbarium use at the subject site, consideration could be given to requiring the project proponent to devise practicable and effective transport and crowd control arrangements during the grave-sweeping periods to the satisfaction of the authorities concerned, observe and maintain building safety and fire safety requirements to the satisfaction of the authorities concerned; implement mitigation measures (such as prohibition of joss papers, candles and incenses burning activities within or outside the columbarium site) to minimise the nuisance that may be caused to the neighbourhood, arrange proper refuse collection and disposal, ensure adequate toilet provisions to meet the demand during normal days and the increased usage rate during the grave-sweeping periods, and provide greening (where possible), etc.

District Officer's Comments

8.1.11 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

He has posted the application on the notice boards at his office, the Tai Wo Hau Estate Community Centre and the Kwai Shing Community Hall and has not received any comments on the application.

8.1 The following Government departments have no comment on the application:

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Project Manager (New Territories West), Civil Engineering and Development Department (PM (NTW), CEDD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) Director of Leisure and Cultural Services (DLCS).

9. Public Comments Received During Statutory Publication Period

On 18.8.2017, 20.7.2018, 5.10.2018 and 15.2.2019, the application was published for public inspection. During the statutory public inspection periods, a total of 1,029 public comments were received (**Appendix VI**³) with 16 comments submitted by six Kwai Tsing District Council (K&T DC) members and 1,013 comments submitted by individual members of public. All of them object to the application mainly on the following grounds:

- (a) the proposed development would result in adverse traffic impacts including traffic congestion, large pedestrian flow, pedestrian safety, illegal parking and adverse environmental impacts including noise and air pollution;
- (b) the proposed development is not compatible with the industrial use designated for the site and the surrounding environment and would reduce industrial land supply. Besides, the approval of this application, together with the previous approved rezoning application on the same street, would encourage similar applications within the same zone;
- (c) the existing niches and graves together with the new planned niches provided by the public and private columbaria in the coming years would transform the area into a 'Columbarium City';
- (d) the proposed development would result in adverse psychological impacts to the residents and workers nearby;
- (e) the proposed development is not necessary as there are adequate cemetery and columbarium facilities in the area including TWCPD, Tsuen Wan Columbarium,

³ Soft copy of the public comments received is sent to Members of the Committee via electronic means and a set of hard copy is deposited at the TPB Secretariat for Members' inspection. A full set of the public comments is also provided to the applicant in **Appendix VI**.

KCCC and Kwai Chung Public Mortuary; and

- (f) similar rezoning applications have been rejected by the Board.

10. Planning Considerations and Assessments

- 10.1 The application is to rezone the Site with an area of 929m² from “I” to “OU(Columbarium)2” to facilitate the development of a 15-storey columbarium building (including basement floor) with a total of 20,000 niches (**Drawings Z-1 to Z-9**). The applicant proposes to include ‘Columbarium’ under Column 2 of the Notes of the proposed “OU(Columbarium)2” zone and the maximum number of niches shall not exceed 20,000. OAB services will be arranged on festival days providing drop-off/pick-up services at Tai Ho Road and Kwai Chung Container Port Road. Junction improvement works and temporary traffic management on festival days are also proposed (**Drawings Z-19 to Z-23**). The operating hours will be from 8 am to 6 pm and special arrangement can be made for other time periods. The applicant estimated that there will be 4,540 visitors entering and 3,330 visitors leaving the Site during peak hours at festival days.

Planning Intention and Land Use Compatibility

- 10.2 The Site is surrounded by industrial developments which are still in active operation. Two industrial lots within the same “I” zone in the area were recently sold in September 2016 and June 2017 for industrial use (**Plan Z-6**). The proposed columbarium development located in the inner part of the “I” zone is considered incompatible with the surrounding developments which are predominately industrial in character. The existing “I” zone is considered appropriate to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space.

Industrial Land Supply

- 10.3 Based on the Area Assessment study conducted by PlanD in 2014, the southwest Kwai Chung area is the largest “I” area in Kwai Tsing/Tsuen Wan district and the overall vacancy rate of the area was about 1.6%, compared with a 7.2% vacancy rate in 2009 Area Assessment. The subject “I” zone is recommended to be retained given the prevalent active and high usage for industrial uses and low vacancy rate, and there is no strong justification for sacrificing industrial land for columbarium development at the Site. The approval of the application would result in loss of industrial land. In this regard, DG of TI has reservation on the application.

Columbarium Developments in Kwai Chung

- 10.4 In Kwai Tsing District, there are currently two existing cemetery/columbarium (i.e. KCCC and TWCPD) providing a total of 90,712 niches/graves. A total of three sites were planned for columbarium developments and were supported by K&T DC (**Plan Z-5**). Among them, a site at Tsing Tsuen Road was rezoned from “I” to “OU(Columbarium)” on 9.5.2014 which will provide 20,000 niches and 2,000 memorial plaques. Another sites (at Ex-Incinerator and Kwai Tai Road) located to

the south of TWCP are currently under technical assessment/studies for public columbarium development which will provide a total of 68,500 niches. After including these three proposed columbaria and the existing columbaria (i.e. KCCC with 9,276 niches and TWCP with 81,436 niches/graves) in Kwai Chung, together with the proposed private columbarium development which will provide 23,000 niches at Wing Kin Road (Application No. A/KC/437) approved by the Committee in 2016, there will be altogether about 204,200 (comprising 77,776 public and 126,436 private) niches/graves/memorial plaques within Kwai Chung OZP. In addition, another s.12A application for proposed private columbarium development (Application No. Y/KC/14) with 25,000 niches (up to 100,000 urns) is currently under processing, which was deferred by the Committee on 1.2.2019. Due considerations should be given to the cumulative effects of columbarium developments in Kwai Chung.

- 10.5 Since the approval of a rezoning application (No. Y/KC/3) within the same “I” zone in the area in 2014, this has induced similar rezoning applications including Y/KC/5, Y/KC/6, Y/KC/7, Y/KC/9, Y/KC/10, Y/KC/12 and Y/KC/14 for proposed columbarium developments within the same “I” zone in the area⁴ (**Plan Z-6**). Application Nos. Y/KC/5 and Y/KC/9 were rejected by the Committee of the Board on 13.3.2015 and 17.3.2017 respectively (see rejection reasons in paragraph 5.3 and 5.4 above) whilst Application No. Y/KC/14 is currently under processing. The cumulative effect of approving similar applications for columbarium development would aggravate adverse traffic impact and adversely affect supply of industrial floor space.

Traffic Impact and Crowd Management

- 10.6 In view of a number of existing and planned columbarium developments in the vicinity of the Site, there would be a great traffic volume generated during the festival periods. The crux of the traffic issue is whether the road networks and public transport facilities will have enough capacity to cater for the cumulative traffic impacts of the proposed columbarium development. Although the applicant has proposed specially-arranged bus service with pick-up/drop-off points at Tai Ho Road and the PTI at Container Port Road, it fails to demonstrate that the proposed development would not have adverse traffic and crowd management impacts in the area. There are a number of outstanding issues in the submitted TIA which are yet to be properly addressed by the applicant, such as the accuracy of the “Level of Service Assessments” for the affected footpaths and the effectiveness of the proposed traffic management measures (including the shuttle bus services). In this regard, the C for T and C of P have reservation on the application from the traffic and crowd management point of view. The approval of the application will set an undesirable precedent and encourage similar applications falling within the same “I” zone. The cumulative effect of approving such applications would aggravate the adverse traffic impact in the area.

Visual and Other Technical Aspects

- 10.7 The submission has demonstrated that the proposed columbarium use would not bring about significant visual impacts. CTP/UD&L, PlanD considers that the

⁴ Application Nos. Y/KC/6, Y/KC/7, Y/KC/10 and Y/KC/12 were withdrawn.

proposed development would not generate significant impact in terms of built form and visual impacts. He has no objection to the application in view of the revised Landscape Proposal in the submission.

- 10.8 The technical assessments demonstrated that the proposed development would not have adverse environmental, sewerage and drainage impacts on the surrounding area. In this regard, DEP and CE/MS, DSD have no objection to the application. Furthermore, SFH and DFEH have no objection to the application from the columbarium policy point of view subject to the compliance with all statutory and Government requirements.

Public Comments

- 10.9 Regarding the public comments, the above planning assessments and departmental comments in paragraphs 8 are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reasons:

- (a) the Site is situated in the inner part of a major industrial area and is surrounded by industrial buildings which are still in active operation. It is the recommendation of the '2014 Area Assessment of Industrial Land in the Territory' to retain the subject "Industrial" ("I") zone, which is intended to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space. The existing "I" zone for the site is considered appropriate and there is no strong justification to rezone the Site for the proposed columbarium use;
- (b) the proposed columbarium development is considered incompatible with the surrounding developments which are predominately industrial in character with vibrant industrial activities. Given that there is already a large supply of both public and private columbarium niches in Kwai Chung, there is no strong justification for sacrificing potential industrial floor space for the proposed columbarium use;
- (c) the applicant fails to demonstrate that the proposed columbarium development would not have adverse traffic and crowd management impact in the area particularly during festive periods; and
- (d) the approval of the application will set an undesirable precedent and encourage similar applications falling within the same "I" zone. The cumulative effect of approving such applications would aggravate the adverse traffic impact in the area and affect the supply of industrial floor space in the "I" zone.

- 11.2 Alternatively, should the Committee decide to agree/partially agree to the application, appropriate amendments to the draft Kwai Chung OZP No. S/KC/29

together with the suggested Notes for the “OU(Columbarium)2” zone stipulating the maximum number of niches and other appropriate planning controls would be submitted to the Committee for approval prior to gazetting under section 7 of the Town Planning Ordinance.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree or to partly agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

13. Attachments

Appendix I	Application Form received on 8.8.2017
Appendix Ia	Planning Statement
Appendix Ib	Letter dated 20.9.2017 from the applicant requesting for deferment
Appendix Ic	Letter received on 8.12.2017 enclosing a table of responses to departmental comments, new LMP, revised figures for TIA, photomontages and floor plans
Appendix Id	Letter received on 26.1.2018 enclosing a table of responses to departmental comments
Appendix Ie	Letter dated 12.2.2018 from the applicant requesting for deferment
Appendix If	Letter received on 30.4.2018 enclosing a table of responses to departmental comments with the revised routing plans of the owner/operator arranged bus
Appendix Ig	Letter received on 5.7.2018 enclosing a table of responses to departmental comments and a revised TIA
Appendix Ih	Letter received on 21.9.2018 enclosing a table of responses to departmental comments, a revised G/F layout plan and a revised TIA
Appendix Ii	Letter received on 24.9.2018 providing clarification on typing mistakes in the response to comments table of 21.9.2018 submission and replacement of Vertical Transport Assessment of 3.7.2018 submission
Appendix Ij	Letter received on 30.1.2019 enclosing a table of responses to departmental comments, a revised TIA and a revised Vertical Transport Assessment
Appendix II	Proposed Notes of the “OU(Columbarium)2” zone
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Detailed Comments of the Commissioner for Transport
Appendix VI	Public comments [see Footnote 3 under paragraph 9]

Drawings Z-1 to Z-6	Basement to 13/F Plans
Drawing Z-7	Section Plan
Drawings Z-8 to Z-9	Elevations
Drawing Z-10	Landscape Master Plan
Drawings Z-11 to Z-15	Photomontages
Drawings Z-16 to Z-23	Proposed traffic arrangements
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a and Z-4b	Site Photos
Plan Z-5	Existing and Proposed Columbarium Developments in Kwai Chung
Plan Z-6	Site Plan

PLANNING DEPARTMENT
APRIL 2019