

**TOWN PLANNING BOARD GUIDELINES FOR  
APPLICATION FOR DEVELOPMENT/REDEVELOPMENT WITHIN  
"GOVERNMENT, INSTITUTION OR COMMUNITY" ZONE FOR USES OTHER THAN  
GOVERNMENT, INSTITUTION OR COMMUNITY USES  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board (the Board) and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 22315000.

The Guidelines are liable to revision without prior notice. The Board will only make reference to the Guidelines current at the date on which it considers an application.)

## 1. Scope and Application

- 1.1 "Government, Institution or Community" ("G/IC") zones are designated on statutory plans to reflect the existing Government, Institution or Community (GIC) uses and to reserve sites for future provision of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, also serve as "breathing space" within a high-rise and high-density environment. Some areas/sites are also zoned "G/IC" to cater for unforeseen future demands and for which no specific GIC uses have been designated for the time being.
- 1.2 Over the years, due to changing demographic structure and revisions to the standards and requirements of provision of GIC facilities, some existing or planned facilities may become surplus, obsolete or under-utilised while some others may require in-situ expansion or reprovisioning elsewhere so as to meet the current and anticipated future operational needs. In these circumstances, opportunities exist for some "G/IC" sites to be developed/redeveloped for non-GIC uses or for a mixture of GIC and non-GIC uses.
- 1.3 Use of "G/IC" sites for non-GIC uses which fall within Column 2 of the Notes for the "G/IC" zone may or may not be permitted with or without conditions on application to the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The planning permission system will enable the Board to maintain adequate planning control over the use of "G/IC" sites and yet allow sufficient flexibility in accommodating the changing aspirations and requirements of the community, and sometimes to meet demand for better utilisation of the site potential.
- 1.4 Applications for development/redevelopment within a "G/IC" zone for non-GIC uses will be considered by the Board on individual merits and in accordance with the main planning criteria set out in paragraph 2 below.
- 1.5 As a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the "G/IC" zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted.
- 1.6 If the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided

for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance.

- 1.7 This set of Guidelines is applicable to both development and redevelopment of "G/IC" sites for non-GIC uses, including a mixture of GIC and non-GIC uses.

## 2. Main Planning Criteria

- 2.1 In general, sites zoned "G/IC" are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular "G/IC" site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a "G/IC" site, the applicant should satisfactorily demonstrate the following:
  - a. in the case of a "G/IC" site designated with specific uses,
    - i. the application site is no longer required for the designated GIC uses, or adequate reprovisioning of the designated GIC uses is provided either in-situ or elsewhere; and
    - ii. there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities; or
  - b. in the case of an undesignated "G/IC" site, the application site is no longer required to be reserved for any GIC uses; and
  - c. the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- 2.2 The proposed development should not adversely affect the normal operation of the existing GIC facilities nor delay the implementation of the planned GIC facilities, if any, within the "G/IC" site. Temporary reprovisioning, if necessary, should be provided prior to the completion of the proposed development.
- 2.3 The proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas.
- 2.4 The scale and intensity of the proposed development should be in keeping with that of the adjacent area. In this regard, development restrictions stipulated on the statutory plan for similar development in the locality and the prevailing development restrictions administratively imposed by the Government on nearby similar developments (e.g. development restrictions in Special Control Areas and plot ratios in accordance with the density zones under the HKPSG) would be taken into consideration.
- 2.5 The scale and design of the proposed development should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area. Where one of the planning intentions of the existing/designated GIC development on the site is to serve as a "breathing space" or visual break within a high-rise and high-density environment, the proposed development should be designed in such a way that this planning intention would not be undermined.
- 2.6 The proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- 2.7 There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the HKPSG and to the

satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.

- 2.8 The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
- 2.9 The proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.
- 2.10 For "G/IC" sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas. A master landscape plan (including a detailed survey of the existing trees, proposals on preservation of the trees, tree transplanting, compensatory planting and, where appropriate, an indication of the proposed hard finishes of all landscape areas, slopes and retaining structures) should be submitted to the Board for consideration.
- 2.11 The design and layout of the proposed development should have regard to the preservation of any existing buildings of historical or architectural values on or adjoining the application site.
- 2.12 The financial viability of a development/redevelopment proposal in support of the GIC elements to be provided, the status of the land under lease and the planning gains to be brought about by the proposed development would also be part of the considerations of the Board when assessing the proposal. However, the amount of weight to be given to these considerations would depend on the circumstances and merits of each case. Under normal circumstances, planning considerations such as land-use compatibility, traffic and environmental impacts, and landscape and urban design concerns would take precedence.
- 2.13 All other statutory or non-statutory requirements of relevant Government departments should be met.

### 3. In-situ Conversion of "G/IC" Building for non-GIC Uses

- 3.1 With the exception of the criteria under para. 2.4, 2.5, 2.10 and 2.11 mentioned above, this set of Guidelines is also applicable to proposed in-situ conversion for non-GIC uses of an existing "G/IC" building, or part thereof, within the "G/IC" zone.

**Similar s.16 Applications for Columbarium  
Within the same G/IC zone on the Tuen Mun OZP**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
<b>Filial Park 思親公園 (6,265 niches and 7,150 ancestral tablets)</b>			
A/TM/373 <sup>1</sup>	Proposed Religious Institution with Columbarium Use	18.7.2008	(4), (6) and (9)
A/TM/527 <sup>2</sup>	Proposed Columbarium and Religious Institution Use	19.7.2019	(1) and (2)
<b>Fat Yuen Ching Shea 佛緣精舍 (9,160 niches)</b>			
A/TM/398	Proposed Columbarium	30.11.2012 [approved on review]	(2) to (5)
<b>Shan Yuan 善緣 (5,000 niches)</b>			
A/TM/387	Proposed Columbarium	21.8.2009 [revoked on 4.4.2012]	(4),(6) and (8)
A/TM/437	Columbarium	20.7.2012	(1) and (6)
<b>Shan Guo 善果 (8,000 niches)</b>			
A/TM/441	Proposed Columbarium	5.4.2013	(2) to (4), (6) to (7)

<sup>1</sup> The first application for columbarium use with 5,000 niches at the Site (Application No. A/TM/255) was approved by the Committee on 28.1.2000. Subsequently, Application Nos. A/TM/306, A/TM/316 and A/TM/373 were related to minor amendments to the approved scheme.

<sup>2</sup> The application is for addition of 1,265 niches and 7,150 ancestral tablets within the existing columbarium.

**Approval Condition(s)**

- (1) Submission and implementation water supply for of fire fighting and fire service installations
- (2) Maximum number of niches (or with ancestral tablets) at the Site
- (3) Submission and/or implementation of traffic and crowd management plan (TCMP) (including the traffic impact assessment (TIA))
- (4) Submission and/or implementation of emergency vehicular access (EVA), water supply for fire fighting and fire services installation proposal.
- (5) Submission and/or implementation of remedial works
- (6) Submission and/or implementation of landscape and tree preservation proposal (or with tree survey report)
- (7) Submission and/or of the design of the vehicular drop-off area adjoining the site and the footpath connect to the site
- (8) Submission and/or implementation of stormwater disposal facilities
- (9) Implementation of drainage proposals

## Rejected Applications

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Sin Sam Tong at Tsing Shan Tsuen 善心堂 (2,000 niches)			
A/TM/434	Proposed Columbarium Use	18.5.2012 (Rejected by TPB)	(1) to (3)
Tai Hak Tin Temple 大黑天殿 (1,220 niches)			
A/TM/415	Proposed Columbarium Use	21.8.2015	(4)
Lots 813 RP and 814 RP in D.D. 131 with adjoining Government Land, Tuen Mun (Not more than 3,000 niches)			
A/TM/531	Proposed Columbarium Use	20.9.2019	(5) to (7)

### Rejection Reason(s)

- (1) Visitors and residents in very close proximity shared same access. Activities of columbarium would cause nuisance to nearby residents and could not be considered compatible with adjacent developments.
- (2) The proposed columbarium would pose potential pedestrian and traffic impacts on the surrounding road network.
- (3) The applicant failed to demonstrate that the proposed columbarium would not result in adverse environmental and landscape impacts on the surrounding areas. No technical assessment and mitigation measure to address such impacts.
- (4) The applicant failed to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.
- (5) The applicant failed to demonstrate that the proposed columbarium would not cause adverse traffic impact to the surrounding areas and that the proposed Crowd Management Plan can be effectively implemented.
- (6) The proposed development is not in line with TPB Guidelines No. 16 in that it is not compatible with the surrounding GIC and residential uses;
- (7) Approval of the application would set an undesirable precedent for other similar applications which may lead to sporadic columbarium developments in this part of the "G/IC" zone which will cause nuisance to nearby residents and students.

**Similar s.16 Applications for Columbarium Use  
within other “G/IC” zones on the Tuen Mun OZP**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
Ching Chung Sin Yuen 青松仙苑 (113,000 urns)			
A/TM/259	Proposed Addition of Columbarium	18.2.2000	(1)
A/TM/267	Addition of Columbarium Structures	8.9.2000	Nil
A/TM/329	Proposed Addition of Columbarium, tuck shops and toilet (Amendments to an approved under Application No. A/TM/259)	10.6.2005	(1) and (2)

**Approval Condition(s)**

- (1) The submission and implementation of landscaping proposals, including a tree preservation plan.
- (2) The provision of an emergency vehicular access, water supplies for fire fighting and fire services installations.
- (3) No burning activity, as proposed by the applicant, is allowed within the Premises at any time during the planning approval period.
- (4) The submission of a crowd management plan (CMP) and timing of implementation.
- (5) In relation to (4) above, the implementation of the proposed measures identified in the approved CMP.
- (6) The submission and implementation of water supply for fire fighting and fire services installations proposal.
- (7) The submission and implementation of drainage and sewerage proposals including connection to public sewer.

**Rejected Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Gig Lok Monastery at Fu Tei 極樂寺			
A/TM/419	Proposed Columbarium Use (4,900 niches)	1.2.2013 (Rejected by TPB upon review)	(1) to (6)
A/TM/530	Columbarium (1,567 niches and 1,089 ancestral tablets)	29.11.2019	(6) and (7)

**Rejection Reason(s)**

- (1) The applicant failed to demonstrate any planning merits of the proposed development.
- (2) The proposed development with 4,900 niches would pose adverse traffic impact on the surrounding road network. There was doubt on the implementability of the road layout in particular footpath widening on government land as proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed.
- (3) The applicant failed to demonstrate that the effectiveness of the traffic management scheme to ensure that the proposed development would not create adverse traffic impact on the surrounding area, in particular during festival periods.
- (4) The proposed development, which involved trees felling was considered not acceptable. There was doubt on the implementation of the landscape proposal which involved

planting of new trees on government land.

- (5) The applicant failed to demonstrate that the proposed development would not create conflict and cause nuisances to the residents in surrounding areas.
- (6) Approval of the application would set an undesirable precedent for other similar applications within the "G/IC" zone. The cumulative effect of approving such applications would aggravate the traffic congestion in the district and nuisances to the nearby residents.
- (7) The proposed development is not in line with the Town Planning Board Guidelines No. 16 in that the columbarium use, which is in close proximity to the residential developments and sharing the same access road with the adjoining residential development, is not compatible with surrounding areas in land use terms.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) the planning permission is given to the proposed development under application. It does not condone any structures and uses which currently occur on the site but not covered by the application;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
  - i. the proposed columbarium contravenes the existing lease conditions. Also, the Site comprises a considerable size of the adjoining Government land with various structures, fences and gates erected thereon. The applicants will need to apply to LandsD for a lease modification/land exchange for the columbarium development. The proposal will only be considered upon his receipt of formal application from the applicants. There is no guarantee that the application involving Government land of considerable size, if received by LandsD, will be approved and he reserves his comments on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee;
  - ii. access to the Site is via the adjoining Government land and an access road off Yeung Tsing Road. A non-exclusive right of way over such access road has been granted to the owner of Tuen Mun Town Lot No. 462 ('TMTL 462') (i.e. 'Filial Park') as Brown Area under TMTL 462. The applicants' proposal may affect the said Brown Area and the existing access road as constructed and maintained by the owner of TMTL 462. The Government may, upon receipt of the application for a lease modification/land exchange for their columbarium proposal mentioned above, consider granting right of way over the access road and the Government land to the proposed columbarium. If such right of way is granted to the applicants, it will be subject to conditions to be imposed including but not limited to the responsibility to maintain the right of way at his own expense;
  - iii. the applicants are reminded that should the sewer connection affect Government land and any private land, prior consent from the Government or private land owner should be sought; and
  - iv. Government reserves the right to take enforcement action as may be considered appropriate against any breach of lease conditions and any unauthorised occupation of Government land;
- (d) to note the comments of Comments of the Director of Food and Environmental Hygiene (DFEH) that



- i. the Private Columbaria Ordinance (PCO) (Cap.630), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal;
- ii. 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 Ordinance or specified by the Private Columbaria Licensing Board (the Licensing Board), 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 Licensing Board for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimise any adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations;
- iii. all measures proposed by the applicants in support of its planning application that fall within the scope of the management plan specified by the Licensing Board should be included in the management plan to be submitted by the applicant in connection with its licence application under the PCO. The concerned departments (including the Transport Department, the Police, the Fire Services Department and the Planning Department) will be consulted on the management plan and the Licensing Board will take these comments into account in considering whether the management plan should be approved. Under the PCO, the Licensing Board may grant an application for the issue of a licence in respect of a columbarium only if a management plan, submitted by the applicant in respect of the columbarium, has been approved by the Licensing Board. If the Licensing Board decides to approve the licence application, the approved management plan will be included in the licensing conditions and the licensee will be required to implement the approved management plan. There are legal provisions under the PCO to regulate breaches of licensing conditions imposed by the Licensing Board.
- iv. with regard to the applicants' proposed measures of '(1) closing the columbarium during Ching Ming and Chung Yeung Festivals and their shadow periods, (2) 'visit-by-appointment' arrangement and (3) to encourage visitors to use public transport', the Private Columbaria Affairs Office (PCAO) will have no comments provided that:
  - (i) the applicants undertake to lock up the columbarium during the proposed closure periods;
  - (ii) the proposed period of closure of the columbarium is clearly stated in the proposal (e.g. during Ching Ming Festival and Chung Yeung Festival Days and the two weekends before and after the two festival days, including any public holiday between festival days and the two weekends mentioned);

- (iii) as some niches in the columbarium have already been sold, the applicants undertake to :
- inform the affected parties (including the purchasers of the sold niches) in writing that these measures are proposed by the applicants and will be implemented if its planning application and licence application are approved; and
  - remind the concerned parties by letter, email, fax, SMS and any possible notification means of the total closure of the columbarium during the specified periods at least one month in advance of each closure period; and
- (iv) for future buyers of the interment rights of niches in the concerned columbarium, the applicants undertake to state clearly in the sales agreements that the columbarium will be completely closed during the specified periods and a ‘visit-by-appointment’ arrangement will be adopted for other periods and explain these arrangements to the potential buyers before entering into the sales agreements.
- v. regarding the private columbarium named Sha Law Ching Shea at No. 150 Yeung Tsing Road, Tsing Shan Village, Tuen Mun, New Territories (Lot 501 and Lot 533 in D.D. 131 and adjoining Government Land, a set of the specified instrument (SI) application (viz. a licence, exemption and temporary suspension of liability) in respect of a pre-cut-off columbarium was received by the Licensing Board. It is noted that the total number of niches proposed in the licence application is same as that proposed in Application No. A/TM/537. The SI application is being processed by the Private Columbaria Affairs Office (PCAO) according to the prevailing procedure and the niche information proposed for the licence application is subject to verification by PCAO. Further clarification with the applicants on the distribution of niches is required before PCAO could conduct on-site verification to confirm the niche information under application;
- (e) to note the comments of Commissioner for Transport (C for T) that agreement from the relevant management authority shall be sought to secure the required provision of loading/unloading facilities to serve the subject development and to handle emergency situations related to the traffic management. Details of emergency vehicular access (EVA) shall be submitted to the Buildings Department and Fire Services Department for comment.
- (f) to note the comments of Chief Building Surveyor/ New Territories West, Buildings Department (CBS/NTW, BD) that:
- i. if the existing structures are erected on leased land without approval of the BD (not being a NTEH), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application unless such are permissible under the PCO;

- ii. before any new building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - iii. for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
  - iv. if the proposed use under application is subject to the issue of a licence, the applicant is reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - v. the site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
  - vi. noting that the proposed development is a columbarium, the premises should comply with the specified design and construction requirements for columbarium facilities as outline in the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-154; and
  - vii. detailed comments under the BO will be provided at the building plan submission stage;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- i. his department does not and will not maintain any access connecting the Site and Yeung Tsing Road;
  - ii. the applicants/operator of the columbarium should make their own arrangement for the proposed temporary traffic and crowd management measures. Any road marking, signage and street furniture temporarily removed by the applicants/operator of the columbarium should be reinstated to the satisfaction of Transport Department and Highways Department; and
  - iii. adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads and drains;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants are reminded that the trees within and adjacent to the application site shall not be disturbed and precautionary measures shall be in place before commencement of works, if any, on the Site. A watercourse is located at around 20m south to the Site. The applicants should be reminded to perform good site practice so as not to disturb the watercourse nearby;
- (i) to note the comments of Director of Fire Services that:
  - i. detailed fire services requirements will be formulated upon receipt of formal submission of general building plans, if any; and
  - ii. the applicants are advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD; and
- (ii) to liaise with the nearby residents, religious institutions and other parties including Tuen Mun District Council, if required, and to provide them with relevant information of the proposed development to address their concerns.