

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/545

- Applicant** : Sky Dragon International Capital Limited represented by
Teammix Architects Limited
- Site** : Lot No. 513 in D.D. 131, No. 184 C, Tsing Shan Tsuen, Tuen
Mun, New Territories
- Site Area** : About 789.68m²
- Lease** : “Garden Lot” subject to the below salient condition:

no grave shall be made on, nor shall any human remains be
interred in, or deposited on the land sold either in earthenware
jars or otherwise
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Government, Institution or Community” (“G/IC”)
*[maximum building height restriction of three storeys excluding
basement floor(s)]*
- Application** : Proposed Columbarium

1 The Proposal

- 1.1 The applicant seeks planning permission for the development of a proposed 3-storey columbarium. The application site (the Site) falls within an area zoned “G/IC” on the approved Tuen Mun OZP No. S/TM/35 (**Plan A-1**). According to the Notes for the “G/IC” zone on the OZP, ‘Columbarium’ use is under Column 2 which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a vacant building structure of 2-storeys which according to the applicant, will be demolished.
- 1.2 The proposed development will provide a total of 3,066 niches to be accommodated in a 3-storey building (10.5m) with plot ratio of 0.79 and a total floor area of about 625.8m². Apart from the columbarium, there will be meeting rooms, office, stores, assembly halls and toilets. The building will be served by a lift and a roof top garden (**Drawings A-1 to A-4**). In the outdoor area, there will

be seating benches and 4 car parking spaces (1 mini-van, 2 private cars and 1 accessible parking). According to the applicant, the proposed columbarium is accessible via a local path connecting to Wan Shan Road (**Drawing A-6**) and various footpaths connecting to Yeung Tsing Road and Lung Mun Road/Tsing Wun Road.

- 1.3 The major development parameters of the proposed columbarium are shown as below:

Site Area (m ²)	About 789.68m ²
No. of Niches	3,066 (a) 2,886 couple member niches (each for 2 sets of ash) (b) 180 family member niches (each for 8 sets of ash)
Total GFA (m ²)	625.8
Total Plot Ratio	About 0.79
Total Site Coverage	27%
No. of Building Structures	1
Maximum Building Height	Below 10.5m
No. of Storeys	3
Private Open Space	300m ² (including 150m ² roof garden)

- 1.4 The proposed development involves one 3-storey building with columbarium niches, storage room, and assembly halls on each floor. Meeting rooms, offices and toilets are also provided on ground floor. The sewage to be generated will be discharged by connecting to the public sewerage system. No furnace will be provided within the application site and no burning of ritual paper or incense sticks will be allowed.
- 1.5 The opening hours of the proposed columbarium is from 9:00 a.m. to 5:00 p.m. daily. In order to control the number and time of visitors, a visit-by-appointment system will be implemented. The applicant has submitted a Traffic Impact Assessment (TIA), a Sewerage Impact Assessment (SIA), an Environmental Assessment (EA) and a management plan in support of the application. While 4 parking spaces are provided within the Site, no vehicles will be allowed to enter the proposed development during Ching Ming and Chung Yeung Festivals and the preceding and following week of the two festival dates except for the disabled. Shuttle bus service is also proposed during Ching Ming and Chung Yeung Festivals and the preceding and following two Saturdays and Sundays of the two festival dates to provide direct connection between West Rail Tuen Mun station and the Site (**Drawing A-7**). Only visitors travelling by shuttle bus are allowed to enter the Site. A Traffic and Crowd Management Plan (TCMP) will be implemented by the applicant during Ching Ming and Chung Yeung Festival periods. The proposed TCMP includes traffic diversion at Yeung Tsing Road,

visit-by-appointment system and deployment of staff for assisting visitors accessing and leaving the Site (**Drawing A-8**) etc. A “compliance with house rules” clause will be included in the niche sales contract to ensure that the niche purchasers and the associated visitors will comply with all the house rules.

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 17.7.2019 **(Appendix I)**
 - (b) Planning Statement received on 17.7.2019 **(Appendix Ia)**
 - (c) Further Information (FI) received on 6.1.2020 providing responses to departmental comments and enclosing revised TIA, revised EA and revised SIA and a revised page of Planning Statement **(Appendix Ib)**
[*not exempted from publication and recounting requirements.*]
 - (d) FIs received on 29.4.2020 and 7.5.2020 providing responses to departmental comments and enclosing revised TIA, EA and SIA **(Appendices Ic and Ic(a))**
[*not exempted from publication and recounting requirements.*]
 - (e) FI received on 19.6.2020 providing responses to departmental comments and enclosing a revised TIA and a management plan **(Appendix Id)**
[*not exempted from publication and recounting requirements.*]
- 1.7 On 6.9.2019, 15.11.2019 and 6.3.2020, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the applicant. The applicant submitted FI from 6.1.2020 to 19.6.2020 (**Appendices Ib to Id**). In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and 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 **Appendices Ia to Id**. They can be summarised as follows:

- (a) The proposed development is in line with the planning intention of the “G/IC” zone under the current OZP No. S/TM/35. Columbarium use is listed in Column 2 of the OZP.

- (b) The proposed development is in line with Government's intention to relieve part of the urgent demand for columbarium niche space in Hong Kong. Statistics from the Census and Statistics Department shows a gradual rising death rate in Hong Kong, coupled with a growing ageing population in Hong Kong, the numbers of deaths and cremations have been gradually rising annually, resulting in an increasing public demand for columbarium facilities. The proposed development with 3,066 niche spaces can facilitate an increased supply of columbarium niches to meet the urgent public demand. The proposed development will allow proper operation of the proposed columbarium use to comply with all requirements in the Private Columbaria Ordinance (PCO).
- (c) The application site is considered suitable for the proposed columbarium as it is located in a secluded environment far away and well segregated from other residential use. The proposed small-scale development is unlikely to pose significant traffic impact on the locality.
- (d) The application site is compatible with the surrounding land uses. It is low-rise and low-density in nature and is located far away from residential settlements. Columbarium use is considered compatible with the local environment amid a number of existing religious institutes e.g. Miu Chong Temple (妙宗寺), Shan Yuan (善緣), Fat Yuen Ching Shea (佛緣精舍).
- (e) The supplementary planning statement has demonstrated that the proposed development would not result in adverse traffic, visual, environmental and sewerage impacts.

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 Town Planning Board Guidelines

Town Planning Board Guidelines No. 16 for 'Application for Development/Redevelopment within "G/IC" zone for uses other than Government, Institution or Community (GIC) Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 16) (**Appendix II**) is relevant to this application. The relevant criteria of the Guidelines are summarised as follows:

- (a) as a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other uses including public open space. 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 circumstance, planning permission for such development would not be granted;
- (b) 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 jeopardized;

- (c) the proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas. The scale and intensity of the proposed development should be in keeping with that of the adjacent area. The proposed scale and design 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;
- (d) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure. There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. Adequate vehicular access arrangements should be provided to the satisfaction of the Transport Department; and
- (e) the proposed development should not cause, directly, or indirectly, the surrounding areas to be susceptible to adverse environmental impacts, otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

5 **Background**

The Private Columbaria Ordinance

- 5.1 The PCO, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017. On 22.11.2017, two policy initiatives were announced by the Government to address the land premium and TIA issues of pre-cut-off columbaria (i.e. a columbarium which was in operation before 8:00 a.m. on 18.6.2014 with interred ashes in niches) seeking a licence. For the policy initiative relating to TIA, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts in processing the licence application from a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. Operators of individual columbaria have the responsibility to provide practicable mitigation measures within their capability and submit a management plan setting out such measures during the licence application stage. The Government departments will reflect to the Private Columbaria Licensing Board their views on suitable mitigation measures that should be followed up by individual cases.

Tsing Shan Tsuen Cluster (Plan A-1b)

- 5.2 The Site falls within an area zoned “G/IC” on the OZP. According to the information provided by the Food and Environmental Hygiene Department (FEHD), there are 15 applications relating to 13 columbaria for Specified Instrument under the PCO within the “G/IC” zone in Tsing Shan Tsuen (the cluster area) (**Plan A-1b**). Amongst the applications for Specified Instrument, five columbaria have obtained planning approval (details please see paragraph 7 below) and the remaining eight are yet to obtain planning permission from the Committee. FEHD advised that there are an overall of about 17,000 niches in the cluster area (all on the western side of Yeung Tsing Road) that have already been sold. According to FEHD, the number of sold and interred niches is 7,436

and sold but yet to be interred is 9,758. The aggregated niche data are compiled based on the niche information provided by the private columbaria in 2017 but yet to be verified by FEHD.

6 Previous Application

There is no previous planning application on the Site.

7 Similar Applications (Plan A-1)

Within the same “G/IC” zone

- 7.1 There are 15 planning applications for columbarium use within the same “G/IC” zone. Amongst the applications, ten of them relating to five columbaria were approved with conditions; four of them were rejected and the remaining one is being processed. Details of these similar applications are summarised in **Appendix III** and their locations are shown in **Plans A-1 and A-1a**.

Approved applications

- 7.2 The five approved columbaria are Filial Park (思親公園)¹ (Applications No. A/TM/255, 306, 316, 373 and 527 for additional niches), Fat Yuen Ching Shea (佛緣精舍) (Application No. A/TM/398), Shan Yuan (善緣) (Applications No. A/TM/387 and 437), Shan Guo (善果) (Application No. A/TM/441) and Sha Law Ching Shea (娑羅精舍) (Application No. A/TM/537). They were approved with conditions on similar considerations including not incompatible with the surrounding land uses; generally in line with the planning intention of the “G/IC” zone; and unlikely to have any significant adverse traffic, visual or environmental impacts.

Rejected applications

- 7.3 The three rejected columbaria are Sin Sam Tong (善心堂) (Application No. A/TM/434), Lin Chi Ching Yuen (蓮池淨苑) (Application No. A/TM/465) and a site located to the east of Yeung Tsing Road (Application No. A/TM/531). Sin Sam Tong was rejected by the Committee on 18.5.2012 for reasons of incompatibility with the adjacent developments; failure to demonstrate the pedestrian and vehicular traffic impacts could be satisfactorily addressed; and adverse environmental and landscape impacts on the surrounding areas. Lin Chi Ching Yuen was rejected by the Committee on 21.8.2015 as it failed to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed. Application No. A/TM/531 was rejected by the Committee on 20.9.2019 as the applicant failed to demonstrate that the proposed columbarium would not cause adverse traffic impact on the surrounding area and that the proposed Crowd

¹ Application No. A/TM/255 was the first application approved by the Committee for the Filial Park columbarium development with 5,000 niches on 28.1.2000. Subsequently, Applications No. A/TM/306, A/TM/316 and A/TM/373 were related to minor amendments to the approved scheme.

Management Plan could be effectively implemented, the proposed columbarium was not in line with the TPB PG-No. 16 in that it was not compatible with the surrounding Government, Institution or Community and residential uses, and approval of the application would set an undesirable precedent for other similar applications. The fourth rejected application was Application No. A/TM/415 in relation to Shan Guo (善果) which was rejected on review on 8.6.2012 but subsequently the columbarium was approved under s.16 application No. A/TM/441 mentioned in the paragraph 7.2.

Applications being processed

- 7.4 One planning application for columbarium use is being processed (**Plan A-1**). Application No. A/TM/541 for provision of 1,210 niches at Lin Chi Ching Yuen (蓮池淨苑) was deferred on 10.7.2020 as requested by the applicant.

Within other “G/IC” zones on Tuen Mun OZP

- 7.5 The Committee has considered five applications involving two sites for columbarium use in other “G/IC” zones on the Tuen Mun OZP. Three were approved and the remaining two were rejected. Details of these similar applications are summarised at **Appendix III** and their locations are shown in **Plan A-1**.
- 7.6 Tsing Chung Sin Yuen (青松仙苑) with 113,000 urns in Tuen Mun North (Application No. A/TM/259) was first approved on 18.2.2000 for addition of a columbarium building (16,000 urns) on the considerations that the increase was minor, no adverse impact was expected, and the use was compatible with the existing columbarium use on-site and surrounding GIC uses. Subsequently, two applications for regularisation of three existing columbarium structures (No. A/TM/267) and amendments to the approved scheme (No. A/TM/329) were approved on 8.9.2000 and 10.6.2005 respectively on similar ground (**Plan A-1**).
- 7.7 The proposed redevelopment of Gig Lok Monastery (極樂寺) including 4,900 columbarium niches in Tuen Mun North (Application No. A/TM/419) was rejected on 1.2.2013 by the Board on review for the reasons of failure to demonstrate (i) planning merits, (ii) the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily addressed, (iii) the effectiveness of the traffic management scheme and (iv) no conflicts and nuisances to the residents in surrounding areas; unacceptable tree felling and doubt on the landscape proposal and undesirable precedent. On 19.4.2013, the applicant lodged an appeal to the Town Planning Appeal Board against the Board’s decision in refusing the application. The appeal was withdrawn by the applicant on 6.2.2014. A new application for regularisation of 1,567 niches and 1,089 ancestral tablets for Gig Lok Monastery (Application No. A/TM/530) was received on 3.8.2018. The application was rejected by the Committee on 29.11.2019 for the reasons of incompatibility with the adjoining residential developments and undesirable precedents for other similar applications which would cause nuisance to the residential neighbourhood. The applicant applied for a review of the Committee’s decision on 24.12.2019. The application was deferred on 28.8.2020 as requested by the applicant.

8 The Site and its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is :

- (a) currently occupied by a vacant two-storey building; and
- (b) accessible via a local path connecting to Wan Shan Road (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) developments in the vicinity of the Site are mainly rural in character with scattered residential dwellings, graves, monasteries and vacant land;
- (b) to its immediate north and northeast are religious institutions, orchards and residential dwellings;
- (c) to its east are a religious institution with columbarium use namely Filial Park (思親公園) (with planning permission under Applications No. A/TM/373 and A/TM/527), a columbarium known as Sha Law Ching Shea (娑羅精舍) (with planning permission under Application No. A/TM/537) and a columbarium known as Shan Guo (善果) (with planning permission under Application No. A/TM/441) which is under construction;
- (d) to its south are vacant land and orchard. To the further south is a public open-air temporary car park;
- (e) to its immediate west are residential dwellings and religious institutions. To the further west and southwest are religious institutions, columbarium buildings of the approved s.16 applications No. A/TM/437 (Shan Yuan 善緣) and A/TM/398 (Fat Yuen Ching Shea 佛緣精舍) for columbarium use, and a columbarium namely Lin Chi Ching Yuen (蓮池淨苑) (Application No. A/TM/541 which is under processing); and
- (f) to its further east and south across Yeung Tsing Road and San Shek Wan North Road are secondary schools, Independent Commission Against Corruption (ICAC) Training Camp and Tuen Mun Children and Juvenile Home (**Plan A-3**).

9 Planning Intention

The planning intention of “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10 Comments from Relevant Government Departments

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

Licensing

10.1.1 Comments of the Director of Food and Environmental Hygiene (DEFH):

- (a) The Private Columbaria Ordinance (the PCO), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal.
- (b) 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 planning-related requirements and other requirements prescribed in the PCO 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. Once the applicant submitted the relevant specified instrument (SI) application to the Licensing Board, a licence applicant is required to submit a management plan to the Licensing Board for approval. In determining whether to approve an application for a licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations. 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. She has no specific comment on the management plan (**Appendix Id**) submitted by the applicant.
- (c) She trusts that concerned departments will offer their professional advice/comments on the TIA from the traffic and crowd management perspectives.
- (d) The Licensing Board has not received any application for specified instruments from the applicant “Sky Dragon International Capital Limited” so far.

Land Administration

10.1.2 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site falls within Lot No. 513 in D.D.131 (“the Lot”) which is governed by New Grant No. 2683. Pursuant to the Gazette Notice

No. S.18 dated 25.1.1918 for the sale of the Lot, it is a “Garden Lot” and subject to the following salient condition:

no grave shall be made on, nor shall any human remains be interred in, or deposited on the land sold either in earthenware jars or otherwise.

- (b) There are some existing structures on the Site and no permission has been given by this office for the erection of such. The Site is currently accessible through a road branching off from Wan Shan Road. Portions of the access road are private lots. The road is not maintained by LandsD and no right of way has been given by the Government over the Government land portion of the access road.
- (c) The applicant proposes to demolish the existing structures and erect a new building for columbarium use on the Site. The proposed 3-storey columbarium building with 3,066 niches and GFA of 625.8m² does not comply with the existing lease conditions.
- (d) If planning approval is given by the Board, the applicant will need to apply to LandsD for land exchange for the implementation of the proposal. The proposal will only be considered upon receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and she reserves her comment on such. There is also no guarantee that any right of access to the Site will be given and the applicant shall make his own arrangement. The application will be considered by LandsD acting in the capacity of 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 premium and administrative fee.
- (e) Irrespective of whether planning permission will be given to the proposed development, LandsD reserves the right to take enforcement action or land control action as may be considered appropriate should there be any breach of lease conditions or unauthorised occupation of Government land detected.

Traffic

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

Without the provision of a detailed assessment on traffic related issues as mentioned below, he does not agree with the conclusions given in the TIA that the proposed columbarium would not have adverse traffic impacts on the adjacent road network. His detailed comments on the revised TIA and the Management Plan are set out in **Appendix IV** and summarised as follows:

- (i) The TIA is not acceptable. The cumulative traffic impact has not been properly assessed and has been underestimated as the additional vehicular trips attracted by the approved and planned columbaria in the vicinity of the Site has not been taken into account properly.
- (ii) The section of Wan Shan Road between Yuan Ming Monastery and Cheung Ming Ching Shea and the access road connecting the Site with Wan Shan Road are local single track access roads. It is noted that some sections of these local single track access roads are quite substandard in terms of gradient and road width even under the 'single track access road with passing bay' criteria, which leads to doubtful feasibility in terms of the overall road capacity. It is also questionable whether the widths of the access road are sufficient and safe for two-way shuttle buses with a service headway of around 10 minutes. Besides, the roads would also be used by vehicles of local villagers. The applicant should assess whether the existing local single track access roads were suitable/adequate to serve the development or if upgrading works are required.
- (iii) The width of the existing footpath is not desirable and the footpath is not provided continuously along the access road. Such may lead to safety problems since the access road is already serving 2-way give-way traffic.
- (iv) Although the applicant proposed imposition of House Rule in Sale Agreement to restrict visitors to use their shuttle bus service only, she has reservation on the effectiveness of these administrative measures. The applicant should seek the comments of FEHD and the Police on the practicality and enforceability of the administrative measures. Relevant contingency plans should also be prepared in case the visitors do not follow the administrative measure.

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

The revised TIA and the new management plan has addressed most of his concerns. The applicant has proposed to provide shuttle bus services for all visitors during the festive periods and its shadow periods. However, the applicant failed to give details on the shuttle bus services. As such, the applicant is required to provide the following additional information for his assessment:

- (i) the required number of shuttle buses to meet the expected ridership level;
- (ii) how many shuttle bus routes are proposed and sketches showing the routes;
- (iii) location of each pick-up/drop-off point; and
- (iv) whether permission has been granted by TD for shuttle bus routes.

10.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The vehicular / pedestrian access arrangement shall be commented by the Transport Department.
- (b) Only a section of Wan Shan Road near the junction with Yeung Tsing Road is maintained by this department. His department does not and will not maintain any access connecting the Site and the concerned section of Wan Shan Road or Yeung Tsing Road.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) He has no objection to the application.
- (b) As indicated in paras. 2.4.11 and 3.3.8 of the FI received on 7.5.2020 (**Appendix Ic(a)**), burning of joss paper/joss stick within the Site will be prohibited and no furnace will be provided. No adverse air pollution, noise and water quality impact are anticipated during the operation phase of the proposed development. Also, the proposed sewage flow has been reduced and there are newly constructed municipal sewers which have been available for connection to the proposed development.

Urban Design & Landscape

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

Urban Design

- (a) The applicant seeks planning permission for a proposed columbarium on a piece of land with a site area of 789.7m² in Tsing Shan Tsuen. The proposal involves a development of a three-storey building (i.e. building height of 10.5m) and provides 3,066 niches. Given the proposed columbarium is small in scale and it is surrounded by buildings with building height ranges from 2 to 5 storeys, adverse visual impacts from the proposed columbarium to the surroundings is not anticipated.

Landscape

- (b) She has no objection to the application from landscape planning perspective.

- (c) With reference to the submitted information and the record of site visit conducted on 16.3.2018, the Site is currently occupied by a small 2-storey building. Only one existing small tree is found abutting its southern boundary and some small trees are in its proximity outside the site boundary. Significant landscape impact arising from the proposed development is not anticipated.
- (d) With the consideration of no sensitive receivers in the proximity, should the Board approve this application, it is not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no in-principle objection to the application from public drainage viewpoint subject to the following conditions:

- (i) The Site is located in an area where no public drainage facility is available for connection. Should the application be approved, a condition requiring the applicant to submit a drainage proposal for the development and to implement and maintain the drainage facilities proposed to the satisfaction of Director of Drainage Services should be stipulated.
- (ii) It is noted that proposed shrub planting and paving will be situated on top of an existing village drain running along the north-eastern boundary of the Site. The clarification submitted by the applicant on 19.6.2020 (**Appendix Id**) regarding interface with existing drains is considered not clear. The applicant should clarify the interface details of the proposed development and the existing drain and to indicate the alignment of the existing drains on the plan and ensure no structure would be built on top of the drainage facilities.
- (iii) As the concerned existing drain is not under DSD's maintenance, the owner and maintenance party of the existing drain should be identified and agreement should be sought from them regarding any proposed modifications and interface issues of the existing drain associated with the proposed development.
- (iv) In general, it is the applicant's responsibility to identify/locate the existing government sewers and stormwater drains to which drainage connections from his site are to be proposed. The applicant should verify the existence of any drains/sewers/utilities and also their exact locations, levels and alignments on site in order to ascertain the positions and levels of the proposed manholes and the associated connection works. The applicant should also verify that the existing government drains/sewers, to which connections are proposed, are in

normal working conditions and capable for taking the discharge from the site.

- (v) The applicant shall meet the full satisfaction of Environmental Protection Department, the planning authority of sewerage infrastructure, for the proposed sewage disposal scheme.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) If there are existing structures which had been erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any approved use under the captioned application unless such are permissible under the Private Columbaria Ordinance (Cap. 630).
- (c) 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.
- (d) If the proposed use under application is subject to the issue of a license, please be reminded that any structure on the 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.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) 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.
- (g) Noting the proposed development is a columbarium, the premises should comply with specified design and construction requirements for columbarium facilities as outlined in PNAP APP-154.
- (h) Detailed comments under the BO will be provided at the building plan submission stage.

Nature Conservation

10.1.10 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site falls within “G/IC” zone on the approved Tuen Mun OZP No. S/TM/35. It is noted from the aerial photo (dated 24 January 2019) at Geospatial Information Hub of LandsD that the Site is currently a developed area. Besides, according to the EA submitted, the land use adjacent to the subject Site mostly are temples and columbaria. As such, he has no adverse comments on the application from nature conservation perspective. However, it is also noted from the aerial photo that there are some trees at the periphery of the Site. Should the application be approved, the applicant should be reminded that the trees surrounding the Site shall not be disturbed and precautionary measures shall be in place before commencement of works on site.

Fire Safety

10.1.11 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of his Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (b) Furthermore, the EVA provision at the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the B(P)R 41D which is administered by BD.

Water Supply

10.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

He has no objection in principle to the application. The water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

Others

10.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

He has no comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the

electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

10.1.14 Comments of the District Officer/Tuen Mun (DO/TM):

- (a) He had distributed consultation letters to the locals concerned and understood that they would provide their comments to the Board direct.
- (b) The Site is located in the vicinity of Tsing Shan Tsuen, one kindergarten, two secondary schools, a post-secondary institution and several existing /proposed columbarium developments. Members of Tuen Mun District Council (TMDC) and the concerned locals living in the vicinity expressed grave concerns about the potential adverse traffic, visual and other environmental impacts brought to the surrounding schools and residential areas when they were consulted on the columbarium application No. A/TM/519² in 2018. Having regard to the similarity of the two planning applications, it is envisaged that TMDC member of the subject constituency and concerned locals living in the vicinity will continue to oppose the proposed development.
- (c) The proposed columbarium is in close proximity to an open channel maintained by her office. She has no adverse comment on the application subject to the following conditions:
 - (i) The existing stream course is a storm water channel. Discharge of effluent from the works site to the channel is not allowed.
 - (ii) The applicant should check and ensure storm water discharged from the works site will not adversely affect the discharging capacity of the drainage system.
 - (iii) The applicant should not block or chock the drainage system during and after the construction period.
 - (iv) The applicant should make good of any damages to the drainage system at his own cost.

² Application No. A/TM/519 was an application for a similar columbarium proposal submitted by the same applicant on 28.2.2018 and withdrawn on 1.8.2018.

- (v) His office will not maintain any drainage works that is connected by the applicant.

10.2 The following departments have no comment/objection to the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Head of the Geotechnical Engineering Office/Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager/West, CEDD (PM/W, CEDD); and
- (d) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO).

11 Public Comments Received During Statutory Publication Periods (to be updated)

11.1 The application and the subsequent FIs were published for public inspection on 26.7.2019, 17.1.2020, 15.5.2020 and 26.6.2020. A total of 190 comments were received during the statutory publication periods from three TMDC members including one former member, Incorporated Owners of Riche House, village representatives (VRs) of Yeung Siu Hang Tsuen and Tsing Shan Tsuen, the Alliance for the Concern Over Columbarium Policy, residents of Lung Mun Oasis and individual members of the public, objecting to the application or expressing concerns. Amongst the public comments received, 164 are submitted in various standard comment forms. Samples of the comments received are at **Appendices V-1 to V-10**. A full set of public comments received would be deposited at the meeting for Members' inspection.

11.2 Among the public comments received, 184 objected to the application. The remaining comments, expressed concerns on the application with one without specifying any views or comments, were submitted by members of the public and the VR of Yeung Siu Hang Tsuen. The major objection grounds/comments are summarised as follows:

- (a) the numerous existing columbaria in the area have caused nuisance and air pollution to the area affecting students and residents in the vicinity. The situation will worsen if the application is approved. The residents also feel aggrieved that there have been many planning applications for columbarium use in the area;
- (b) there are already around 40,000³ niches in Tsing Shan Tsuen. The narrow access road is a dead-end road. Approval of the application will aggravate the problems of traffic congestion, insufficient parking, illegal parking and cause danger to pedestrians. Emergency service would also be affected;
- (c) additional visitors would cause security and hygiene concerns to local residents;
- (d) the site involves unauthorised building works which contravenes lease conditions and BO. The operator failed to comply with the Demolition Order

³ FEHD advised that there are an overall of about 17,000 niches in Tsing Shan Tsuen Cluster (**Plan A-1b**).

issued by BA ten years ago;

- (e) the effectiveness of the proposed temporary traffic measures is in doubt and whether it has been verified in the TIA is uncertain;
- (f) shortage of columbarium will be relieved by the proposed public columbarium in Tsang Tsui with more than 160,000 niches;
- (g) most of the columbaria in the area are privately-operated with niche prices not affordable by locals. The proposed columbarium will only benefit a few stakeholders; and
- (h) it is hoped that Tsing Shan Tsuen will be developed as a more diverse community rather than monoculture.

12 Planning Considerations and Assessments

The Proposal

- 12.1 The application is for a proposed 3-storey building with building height of 10.5m, and total GFA of 625.8m² for columbarium use with 3,066 niches comprising 2,886 double niches and 180 family niches to be provided within the Site. A private open space of about 300m² is proposed at-grade and on roof garden area. The Site is accessible via a local path connecting to Wan Shan Road. Four parking spaces are proposed at the Site (**Drawings A-1 and A-8**) but no vehicles will be allowed to enter the proposed development during Ching Ming and Chung Yeung Festivals and the preceding and following week of the two festival dates except for the disabled. Shuttle bus service is proposed during Ching Ming and Chung Yeung Festivals and the preceding and following two Saturdays and Sundays of the two festival dates to provide direct connection between West Rail Tuen Mun station and the Site (**Drawing A-7**). Only visitors travelling by shuttle bus are allowed to enter the Site. A TCMP which includes traffic diversion at Yeung Tsing Road, visit-by-appointment system and deployment of staff for assisting visitors accessing and leaving the Site will be implemented by the applicant during Ching Ming and Chung Yeung Festival periods. (**Drawing A-8**).

Planning Intention and Land Use Compatibility

- 12.2 The Site falls within an area zoned “G/IC” on the Tuen Mun OZP. The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. As for the columbarium use, it is under Column 2 which requires planning permission from the Board. The acceptability of the proposal should be comprehensively assessed taking into account the land use compatibility of the Site with its neighbouring uses, and the traffic and environmental impacts arising from the development.

- 12.3 Area surrounding the Site is predominated by religious uses and GIC facilities including approved columbaria (i.e. Filial Park (思親公園), Shan Guo (善果), Shan Yuan (善緣), Fat Yuen Ching Shea (佛緣精舍) and Sha Law Ching Shea (娑羅精舍)); other temples and religious institutions; schools, training camp, Children and Juvenile Home and scattered residential structures (**Plans A-1b and A-2**). In general, the proposed columbarium use under application is not incompatible with religious uses and GIC facilities.

Traffic Impact and Traffic and Crowd Management

- 12.4 C for T has adverse comments on the application as he does not agree with the conclusions set out in the TIA that the proposed columbarium will not have adverse traffic impact on the surrounding road network. C for T considers that the TIA report is not acceptable given that the cumulative traffic impact has not been properly assessed and has been underestimated as the additional vehicular trips attracted by the approved and planned columbaria in the vicinity of the Site have not been taken into account properly.
- 12.5 The Site is accessible via an local access road connecting to Wan Shan Road (**Plans A-1a and A-2**). According to C for T, the local access road connecting to Wan Shan Road and the section of Wan Shan Road between Yuan Ming Monastery and Cheung Ming Ching Shea are substandard in terms of gradient and road width. C for T has doubts if these roads are sufficient and safe for the two-way shuttle buses as proposed by the applicant. He also considers that the existing footpaths leading to the Site are narrow and not continuous, which may lead to pedestrian safety issue. C of Police raised queries on the details of the proposed shuttle bus service such as the required number of buses, the routes and pick up/drop off points.

TPB Guidelines

- 12.6 The proposed columbarium does not comply with the Board's Guidelines for Application for Development/Redevelopment within "G/IC" zone for uses other than G/IC Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16) in that the applicant fails to demonstrate the proposed development would not cause adverse traffic impact on the surrounding area and fails to provide adequate vehicular access arrangement as mentioned in paragraphs 12.4 and 12.5.

Other technical considerations

- 12.7 Other departments consulted including DFEH, DEP, CE/MN, DSD, D of FS and CTP/UD&L of PlanD have no objection to/adverse comments on the columbarium development subject to the imposition of relevant approval conditions, where appropriate.
- 12.8 A total of 190 public comments were received during the statutory publication periods. 184 commenters objected to the proposed development mainly for reasons relating to traffic congestion, environmental nuisance, use of the Site for other GIC uses and future niche supply from Tsang Tsui. Departmental

comments in paragraph 10 and the planning assessments in paragraphs 12.1 to 12.7 are relevant.

13 Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that the proposed columbarium development would not result in adverse impacts on traffic and pedestrian circulation as well as pedestrian safety in the area.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.9.2024 and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the maximum number of niches within the Site shall not exceed 3,066;
- (b) the submission and implementation of fire services installations and water supply for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

14 Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

15 **Attachments**

Appendix I	Application form received on 17.7.2019
Appendix Ia	Planning statement
Appendix Ib	FI received on 6.1.2020
Appendices Ic and Ic(a)	FIs received on 29.4.2020 and 7.5.2020
Appendix Id	FI received on 19.6.2020
Appendix II	Town Planning Board Guidelines No. 16 (TPB PG-No. 16) for ‘Application for Development/ Redevelopment within “G/IC” zone for uses other than GIC Uses under Section 16 of the Town Planning Ordinance’
Appendix III	Similar applications
Appendix IV	Detailed Comments of Commissioner for Transport
Appendices V-1 to V-10	Public comments received during statutory publication period
Appendix VI	Advisory clauses
Drawing A-1	Master Layout Plan
Drawings A-2 and A-4	Floor Plans
Drawing A-5	Section Plan
Drawing A-6	Existing Transport Facilities in the Vicinity
Drawing A-7	Proposed Route of Shuttle Bus Services
Drawing A-8	Proposed Temporary Traffic Arrangement
Plan A-1	Location Plan
Plan A-1a	Location of Columbarium Applications along Yeung Tsing Road
Plan A-1b	Location of Columbarium Applications within “G/IC” zone on Tuen Mun OZP
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos