

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/535

- Applicant** : Tung Lum Nien Fah Tong Limited represented by Tracesplus Limited
- Premises** : G/F, Blocks 7 & 8, Tung Lum Nien Fah Tong, 29 Tung Lam Terrace, Fu Yung Shan, Tsuen Wan
- Floor Area of Premises** : About 295.38m²
- Lease** : Lot 1233RP in D.D. 453
(a) New Grant No. 4488 as varied by a Modification Letter dated 9.1.1996 and the Particulars and Conditions of Extension of Lease Term dated 9.12.1996 with a lease term up to 30.6.2047
(b) restricted for religious purposes only at the northern portion of the lot, of which the Gross Floor Area (GFA) shall not be more than 2,969m² of which not more than 755m² may be used as domestic quarters for religious purpose only
(c) restricted for a non-profit-making Home for Aged People together with such domestic quarters as may be approved by the Director of Social Welfare at the southern portion of the lot, of which the GFA shall not be more than 1,350m²
(d) not more than 2 storeys
- Plan** : Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/36
[currently in force]

Approved Tsuen Wan OZP No. S/TW/35
[in force at the time of submission of the application. The zoning and development restrictions for the application premises remain unchanged on the current OZP.]
- Zoning** : “Government, Institution or Community (6)” (“G/IC(6)”)

[subject to a maximum GFA of 4,395m², a maximum building height (BH) of 2 storeys including car park and a maximum site coverage (SC) of 35%]
- Application** : Columbarium

1. The Proposal

- 1.1 The applicant seeks planning permission for the columbarium use at the application premises (the Premises) located within Tung Lum Nien Fah Tong (東林念佛堂) (TLNFT) at the foothill of Fu Yung Shan (**Plan A-1**). TLNFT falls within an area zoned “G/IC(6)” on the draft Tsuen Wan OZP No. S/TW/36. According to the Notes of the OZP for “G/IC(6)” zone, ‘Columbarium’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The columbarium at the Premises is currently operating without valid planning permission.
- 1.2 With a total site area of about 6,260m², TLNFT consists mainly of a 2-storey worshipping hall, a 2-storey home for the aged (i.e. Tung Lum Home for the Aged) and some other 1-2 storey structures including dining hall and dormitories (**Plans A-2 and A-5**). The Premises is located on G/F of two adjacent 2-storey structures, i.e. Blocks 7 and 8¹ (with a total footprint of about 295.38m²) (**Plan A-6**) at the northern portion of the TLNFT site (the Site). The Site is connected to the two-lane two-way road (namely Fu Yung Shan Road) via an existing single track two-way access road (namely Tung Lam Terrace) on Government land without footpath (Photo 2 at **Plan A-4**). It is separated from the nearby villages including Pak Tin Pa Tsuen, Ma Sim Pai Village, San Tsuen and Muk Min Ha Tsuen by slopes of about 6m to 15m high and there is separate vehicular access to TLNFT via Tung Lam Terrace branching off from Fu Yung Shan Road (**Plans A-1 and A-3**).
- 1.3 According to the applicant, TLNFT was established in 1952. The applicant advises that TLNFT started selling columbarium niches in 1969, and there are currently a total of 6,052 niches of various urn capacity within the Premises (**Plans A-2 and A-6**). The major development parameters and occupancy status of the columbarium use are shown in **Drawings A-1 to A-3a** and summarised as follows:

Floor Area of Premises	About 295.38 m ² - about 87.3 m ² [G/F of Block 7 (感恩堂)] ² - about 208.08 m ² [G/F of Block 8 (報恩堂/報親堂)] ²	
Number of Niches	<i>For sale</i> [^]	<u>5,053</u> - 2,053 sold and fully/partially interred - 313 sold but not yet interred - 2,687 unsold
	<i>Not for sale</i> [^]	<u>999</u> For ascetics and religious practitioners only, of which 34 niches have been interred

¹ According to the applicant, Blocks 7 and 8 were designated as joss hall and open store respectively with reference to the General Building Plan (GBP) approved by the Buildings Department (BD) in 1968 (**Drawing A-2**). BD comments in paragraph 10.1.5 are also relevant.

² According to the applicant, 1/F of Blocks 7 and 8 accommodate dormitories for ascetics and religious practitioners and ancestral tablets respectively.

	Total	6,052
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[^] The numbers of niches for sale and not for sale will be stipulated in the management plan to be submitted to the Private Columbarium Licensing Board (PCLB) during licensing stage.

- 1.4 To maintain sustainable funding for the management and maintenance of TLNFT and to control the increase in traffic impact, the applicant has proposed to limit selling of niches to a maximum of 150 per year.
- 1.5 According to the submitted Traffic Impact Assessment (TIA) (**Appendix Ie**), to monitor and provide control to the number of visitors, a ‘visit-by-appointment’ arrangement will be implemented by which visitors will need to book available time slots (one hour each) in advance via telephone or online system. Staff of TLNFT will strictly enforce the aforesaid arrangement such that no visitor can enter the premises without advanced booking. The applicant will notify niches’ owners about the arrangement before festival days and stipulate the arrangement in the purchase agreement of niches.
- 1.6 To facilitate visitors’ trip to the columbarium during Ching Ming and Chung Yeung festival days and their shadow periods³, the applicant has proposed a special traffic arrangement by providing shuttle bus service from/to MTR Tsuen Wan Station (**Drawings A-4** and **A-5**). The shuttle bus will have service capacity of 24 seats and operate 10 round trips per hour, with estimated round trip time of about 20 minutes, allowing a maximum of 240 visitors per hour.
- 1.7 Tung Lam Terrace, which is an existing single track two-way access road connecting TLNFT to Fu Yung Shan Road (**Plan A-4**), which also serves Lotus Villa to the west of TLNFT near the road junction. The applicant has proposed to implement a temporary traffic arrangement to restrict vehicles from turning into Tung Lam Terrace from Fu Yung Shan Road (**Drawing A-6**) during festival days and their shadow periods. Only Lotus Villa residents’ vehicles⁴ and shuttle buses will be allowed to turn into Tung Lam Terrace. The applicant has also proposed arranging traffic wardens to assist traffic and crowd management at Tung Lam Terrace such that other visitors from Fu Yung Shan Road can walk along Tung Lam Terrace in a safe manner (**Drawing A-1** and **A-6**). The applicant anticipates that most visitors would arrive and leave TLNFT using the shuttle bus service.
- 1.8 The applicant has indicated that relevant Government departments including the Transport Department (TD) and the Hong Kong Police Force (the Police) will be consulted in advance of festival days to discuss the details of the shuttle bus service and the temporary traffic arrangement in relation to the columbarium use at TLNFT taking into consideration of the future traffic conditions. The abovementioned traffic and operation arrangements will be incorporated into the management plan to be submitted to PCLB during licensing stage.
- 1.9 Smokeless incense, electric candles or alike are proposed at the Premises to replace burning of joss paper, joss stick and candles in order to improve air quality and

³ Shadow periods are the weekends before and after Ching Ming and Chung Yeung festival days.

⁴ Ingress/egress of Lotus Villa is located at Tung Lam Terrace at about 100m to the west of the Site.

avoid causing nuisance to visitors and air sensitive receivers nearby, which will also be stipulated in the management plan to be submitted to PCLB.

1.10 In support of the application, the applicant has submitted the following documents:

- (a) Application form with Supplementary Planning Statement received on 6.1.2023 (**Appendix I**)[@]
- (b) Further Information (FI) received on 18.7.2023* (1st FI) (**Appendix Ia**)[@]
- (c) FI received on 23.8.2023* (2nd FI) (**Appendix Ib**)[@]
- (d) FI received on 29.9.2023* (3rd FI) (**Appendix Ic**)[@]
- (e) FI received on 10.11.2023* (4th FI) (**Appendix Id**)[@]
- (f) FI received on 13.12.2023* (5th FI) (**Appendix Ie**)[@]
- (g) FI received on 12.1.2024[#] (6th FI) (**Appendix If**)[@]
- (h) FI received on 19.1.2024[#] (7th FI) (**Appendix Ig**)[@]

**Accepted but not exempted from the publication and recounting requirements*

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@ In hard copy and separately sent to Members. The submission is available for public inspection at the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix I**, which are summarised as follows:

Meeting FEHD's requirements

- (a) the subject planning application is to support the subsequent processing of the licence application for the subject pre-cut-off columbaria under the Private Columbaria Ordinance (PCO);

Meeting the community and cultural need

- (b) TLNFT is located at the foothill of Fu Yung Shan area in Tsuen Wan. There are a number of monasteries/temples, elderly homes and religious institutions in the area. Most of these religious institutions have been established in the area for decades and have formed a “monastery belt”. There has always been a need for the provision of niches and the subject columbarium use will help meet the community and cultural need;

TLNFT and the Premises existed already before the gazettal of the first Tsuen Wan OZP

- (c) TLNFT was established in 1952 and the Premises was already in existence before the gazettal of the first Tsuen Wan OZP. According to the GBP approved by the Buildings Department (BD) in 1968, the Premises were designated as joss hall and open store respectively;

In support of the Government's green initiatives in niches operation

- (d) the applicant supports the Government's green initiatives to better manage joss paper burning in niches operation as recommended in the "Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria, and Similar Places" issued by the Environmental Protection Department (EPD). The applicant proposed to replace the burning of joss paper, joss stick and candles by smokeless incense, electric candles or alike to improve the air quality and avoid nuisance to visitors and air sensitive receivers nearby;

The proposal is feasible in terms of traffic

- (e) the sale of 150 niches per year along with the slow intake for niches for ascetics/religious practitioners demonstrates a possible control over the traffic impact;
- (f) the TIA (**Appendix Ie**) recommended visit-by-appointment system, shuttle bus service and temporary traffic arrangement (as stated in paragraphs 1.4 to 1.7 above) to minimise traffic impacts during Ching Ming and Chung Yeung festival periods. A sensitivity test was carried out to demonstrate that the concerned road junctions and links would operate at capacities in year 2043 (i.e. the full occupancy year);
- (g) there would not be adverse traffic impacts from the proposed 5,053 urns for sale and 999 urns for ascetics/religious practitioners⁵ when the proposed traffic management and crowd control plan are in place;
- (h) there is no plan for further expansion to the existing development scale as approved on the 1968 GBP; and
- (i) arrangements on traffic aspects will be incorporated into the management plan to be submitted to PCLB during licensing stage.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines (TPB PG-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' (**Appendix II**) is relevant to this application. The relevant criteria of the Guidelines are summarised as follows:

⁵ The revised TIA has not taken into account the 999 urns for ascetics/religious practitioners given its slow intake rate (i.e. only 37 urns of those were occupied between 1952 and 2019) and that the ascetics/religious practitioners are usually disassociated with their family members and there will be unlikely any visitors.

- (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 circumstances, 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 jeopardised;
- (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 TD. Adequate vehicular access arrangements should be provided to the satisfaction of the TD; 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

Zoning History of the Site

- 5.1 TLNFT was zoned partly “Green Belt” (“GB”) and partly “Village Type Development” (“V”) on the statutory plans of Tsuen Wan before 2003. In 2003, the land use review conducted by the Planning Department (PlanD) recommended to rezone a number of long-established religious institutions and elderly homes in Fu Yung Shan/Lo Wai area to “G/IC” to reflect their existing and committed uses. Taking into account the existing and committed monastery/elderly home uses⁶ approved under three planning applications (Nos. A/TW/110, A/TW/179 and A/TW/303) (paragraph 6 below refers), the Site was rezoned to “G/IC(6)” with maximum GFA, BH and SC reflecting the as-built conditions so as to control the intensity of future redevelopment within TLNFT.

⁶ No columbarium use was identified under the 2003 land use review.

The PCO

- 5.2 The PCO, which regulates the operation of private columbaria through a licensing scheme, has come into operation since 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 management plan setting out such measures during the licence application stage. The Government departments will reflect to the PCLB their views on suitable mitigation measures that should be followed up by individual cases. Comments from the Director of Food and Environment (DFEH) in respect of the PCO are summarised in paragraph 10.1.1 below.

6. Previous Applications

TLNFT is the subject of three previous applications (Nos. A/TW/110, A/TW/179 and A/TW/303) (**Plan A-1**) submitted by the same applicant. The first and second applications (Nos. A/TW/110 and A/TW/179) covering the Premises were approved by the Committee on 9.2.1990 and 15.10.1993 respectively for redevelopment of some existing buildings into worshipping hall, dormitory, dining hall, kitchen and latrine falling within an area zoned partly “GB” and partly “V”. On 6.7.2001, the third application (No. A/TW/303) was approved for developing an extension to the existing Tung Lum Home for the Aged for kitchen and activity room uses falling within an area zoned “GB”. These applications did not involve redevelopment nor addition/alteration works to the Premises under the current application, and were approved on the grounds of compatibility with the surrounding land uses and no adverse technical impacts.

7. Similar Applications

- 7.1 There are two similar applications for columbarium use in “G/IC” zone on the Tsuen Wan OZP (**Plan A-1**).
- 7.2 A s.16 application (No. A/TW/379) for proposed religious institution (i.e. temples, library study, museum and administration office, etc.) together with a 20,000-niche columbarium, ancillary retail shops, public coach park, access road and taxi rank within an area predominantly zoned “G/IC(3)” to the north of the existing Yuen Yuen Institute (YYI) was approved with conditions by the Board upon review on 12.1.2007, on the grounds that the proposed development may not be incompatible with the surrounding areas, scale of the proposed development is appropriate and no insurmountable impacts on various technical aspects are anticipated. Under the application, the applicant proposed to provide designated dropping-off and picking-up spaces, turn-around area for vehicles and visitor

gathering/waiting area within the application site, and demonstrated in the TIA that the proposed use would not create adverse traffic impact on Lo Wai Road.

- 7.3 A s.16 application (No. A/TW/530) for regularisation of columbarium use at Western Monastery (WM) (zoned “G/IC(4)”) was approved with conditions by the Committee on 6.5.2022, on the grounds that the columbarium may not be incompatible with the surrounding GIC uses and no insurmountable traffic impact is anticipated. The application premises is about 280m² in area and comprises about 11,046 niches⁷. Under the application, the applicant proposed to provide shuttle bus service between MTR Tsuen Wan West Station and WM, as well as taxi lay-bys within WM during the festival periods, and demonstrated in the TIA that the columbarium use would not induce insurmountable traffic impact onto Lo Wai Road.

8. The Site and Its Surrounding Areas

- 8.1 The location and current conditions of the Premises and TLNFT are detailed in paragraphs 1.1 to 1.3 above.
- 8.2 The surrounding area has the following characteristics (**Plans A-1 to A-3**):
- (a) the foothill of Fu Yung Shan is characterised by a temple/monastery cluster (including TLNFT, Nam Tin Chuk and Chuk Lam Sim Yuen) that forms part of the Fu Yung Shan/Lo Wai ‘monastery belt’, and a large village cluster (including Muk Min Ha Tsuen and Pak Tin Pa Tsuen on the lower foothill to the north of Tsuen Kam Interchange zoned “V”). The Premises is located to the west of Pak Tin Pa Tsuen separated by slopes of about 6m high;
 - (b) to the further northeast at the upper foothill of Fu Yung Shan is the Lo Wai temple/monastery cluster including the long established religious institutions, i.e. YYI and WM zoned “G/IC(1)” and “G/IC(4)” respectively;
 - (c) according to the information provided by FEHD, there are nine columbaria for Special Instrument (SI) applications under PCO within the Fu Yung Shan and Lo Wai clusters (**Plan A-1a**). These columbaria include the Premises, Chuk Lam Sam Yuen and Nam Tin Chuk within the Fu Yung Shan cluster, and YYI, WM, Po Kwong Yuen and Tung Po Tor Monastery within the Lo Wai cluster; and
 - (d) public transport servicing between Fu Yung Shan Road and Tsuen Wan Town Centre via Tsuen Kam Interchange at the further south is available.

⁷ Among the 11,046 niches, 10,586 niches are for sale (of which 1,404 have been sold but yet to be interred and 5,559 are yet to be sold) while the remaining 460 niches are for religious practitioners.

9. Planning Intention

The planning intention of the “G/IC” zone is intended primarily for 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.

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:

Columbarium Policy and Licensing

10.1.1 Comments of DFEH:

- (a) TLNFT submitted a set of the Specified Instrument (SI) applications (viz. licence, exemption and temporary suspension of liability) to PCLB and the applications are being processed by Private Columbaria Affairs Office (PCAO) under FEHD. Based on the latest revised proposed plans submitted by the applicant on 28.9.2021 in support of its SI applications, it was preliminarily noted that the total number of niches proposed for the SI applications, i.e. 6,052 tallies with that under the current planning application. FEHD is still in the course of detailed checking of the niche information to verify its accuracy;
- (b) in accordance with the Application Guide for Private Columbarium Licence and Other Specified Instruments, the applicant of the pre-cut-off columbarium that has not met the planning-related requirements (i.e. the Board’s approval is required) should submit proposed plans (including niche information) certified by qualified persons in respect of the licence application to PCLB before submitting the planning application to the Board. The applicant should submit the planning application to the Board after PCAO has completed vetting of the niche information and accepted such information for further processing of the licence application;
- (c) the applicant should obtain the Board’s consent/approval of its planning application before submitting the management plan to PCLB. The management plan to be submitted by the applicant to PCLB in support of its licence application should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant Government departments and the Board when the Board approves the planning application;

- (d) regarding the restrictions on the maximum number of niches that can be provided in a licensed private columbarium, a licence issued by PCLB (if the licence application is approved) together with the approved plans and imposed licensing conditions will specify the maximum number of niches and maximum number of sets of ashes that may be interred within the licensed area. It is up to PCLB to decide whether any other restrictions should be imposed having regard to the circumstances of each case; and
- (e) prior approval should be obtained from FEHD regarding the arrangement of refuse collection situated at Tung Lam Terrace beyond the grave sweeping hours on the festival days and their shadow periods.

Land Administration

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

- (a) columbarium use at the Premises which is restricted for religious use only contravenes the existing lease conditions. If the subject application is approved by the Committee, the lot owner is required to apply to LandsD for a lease modification for implementation of the proposal. The proposal will only be considered upon LandsD's receipt of the valid application from the lot owner. There is no guarantee that the lease modification application, if received by LandsD, will be approved and DLO/TW&KT, LandsD reserves comments on such. The lease modification application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the lease modification application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, the payment of premium and administrative fee;
- (b) the "Access Route" as shown in **Drawing A-1** passes through a piece of Government land held under Government Land Licence No. TW3706 which is terminable by the Government at any time by giving 3 months' prior cancellation notice;
- (c) Tung Lam Terrace is situated on a piece of Government land and does not form part of the 'public road. In particular, the front portion of Tung Lam Terrace which branches off Fu Yong Shan Road forms part of the Brown Area of Lot No. 1500 RP in DD. 453 (i.e. Lotus Villa). According to the lease conditions governing Lotus Villa, the owners and visitors of Lotus Villa are granted with the non-exclusive right-of-way at all times to pass and repass over and through the said Brown Area;
- (d) for regularisation of the subject columbarium use and implementation of the proposed traffic management

measures/temporary traffic arrangement (collectively referred to as “the measures”), a non-exclusive right-of-way over Tung Lam Terrace, subject to approval, will be granted under the aforementioned lease modification, provided that the applicant is required to seek the agreement from all the owners/occupiers of Lotus Villa in respect of the proposed measures. The proposed measures shall form part of the operational measures/management plan to be approved by the PCLB which is responsible for the monitoring and enforcement of the approved measures; and

- (e) the application is silent on the bulk/GFA of existing buildings/structures erected on the Lot. LandsD reserves comments on the development intensity of the Lot including the application premises. His office also reserves its comments on the proposed schematic design which would only be examined in detail during the building plan submission stage upon completion of the lease modification. There is no guarantee that the schematic design as presently contained in the subject planning application if reflected in future building plan submission(s) will be acceptable under lease.

Traffic

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

according to the TIA, with the implementation of the ‘visit-by-appointment’ arrangement to control number of visitors, shuttle bus service and the proposed temporary traffic arrangement, the traffic impact due to the applied development will be minimal. Therefore, he has no comments on the application from a traffic engineering and transport operation perspective as long as the arrangement and measures could be implemented and strictly complied with under the management plan to be submitted to PCLB during licensing stage, including the followings:

- (a) FEHD confirmation that the proposed administrative measures will be implemented including the implementation of ‘visit-by-appointment’ arrangement, shuttle bus service and temporary traffic arrangement. In this regard, agreement shall be obtained from FEHD to undertake monitoring of the strict implementation of the aforementioned measures;
- (b) temporary traffic arrangement at Tung Lam Terrace and Fu Yung Shan Road during festival days and their shadow periods (detailed temporary traffic arrangement is subject to TD’s and the Police’s further review);
- (c) provision of ten 24-seater shuttle bus service between the Site and MTR Tsuen Wan Station during festival days and their shadow

periods (the detailed routing is subject to Transport Operations (New Territories) Office of TD's further review); and

- (d) the applicant's liaison with FEHD to arrange the refuse collection vehicle to arrive beyond the grave sweeping hours on festival days and their shadow periods to enhance traffic safety.

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

no comments on the proposed temporary traffic arrangement.

Building Matters

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

- (a) no objection to the application;
- (b) there is no record of approval by the Building Authority (BA) for Block 7 at the Site. Based on the information provided, he is uncertain at this stage whether the building falls within the ambit of the Building Ordinance (BO). In this connection, the applicant is advised to engage an Authorized Person (AP) to seek his professional advice before carrying out any proposed works/change in use. For Block 8, its Occupation Permit was granted on 11.8.1969. Although unauthorised flat roof structures and lane/yard were found at Block 8, they are not subject to enforcement action under the prevailing unauthorised building works (UBW) enforcement policy;
- (c) all existing building works exempted from BO do not come under the control of BO, and are not unauthorised for the purpose of BO;
- (d) his no objection to the application should not be construed as an acceptance of any existing building works or UBW on site under BO;
- (e) the applicant is reminded that under BO, no person shall commence or carry out any building works without having first obtained approval and consent from BA before commencement of works unless they are exempted under s.41 of BO, or fall within minor works under the Building (Minor Works) Regulation. Otherwise they are UBW, an AP should be appointed as the coordinator for the proposed building works in accordance with BO;
- (f) as the columbarium use under application is subject to the issue of licence, the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

- (g) the columbarium should comply with the design and construction requirements as stipulated in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-154. Detailed comments will be given in the building plan submission stage.

Environment

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

- (a) no objection to the application in view that the application is to regularise the existing columbarium use;
- (b) there is no environmental complaint against the columbarium use at the Premises received in recent years; and
- (c) the applicant has undertaken that there will be no burning of joss paper/stick and candle at the Premises. The applicant shall be reminded that the operation of columbarium use shall comply with the relevant requirements of relevant environmental pollution control ordinances.

Fire Safety

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

- (a) no comments on the application; and
- (b) for any proposal related to pre-cut-off private columbarium as classified by FEHD, application of Licence, Exemption and Temporary Suspension of Liability under PCO Cap. 630 and relevant fire safety requirements for the licensing of private columbarium shall be observed.

10.2 The following Government departments have no objection to/no comments on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/New Territories West, Highways Department;
- (d) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (e) Head of the Geotechnical Engineering Office, CEDD; and
- (f) District Officer (Tsuen Wan), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

- 11.1 The application and FIs were published for public inspection on 20.1.2023, 28.7.2023, 1.9.2023, 6.10.2023, 21.11.2023 and 19.12.2023. During the

statutory public inspection periods, a total of 68 public comments were received from village representatives of Muk Min Ha Village, Pak Tin Par Village and San Tsuen and individuals (**Appendix III, Plans A-1 and A-3**). All these comments raised objections to the application and expressed concerns and among the objecting comments, 62 were submitted with one standard proforma.

11.2 The objecting grounds/comments are summarised as follows:

- (a) the columbarium is in close proximity to Pak Tin Pa Village, Muk Min Ha Village, Ma Sim Pai Village and Chun Sam Yuen, which will bring nuisance to nearby residents and the traffic impact brought by the columbarium use is underestimated in respect of traffic/pedestrian capacity and parking provision;
- (b) there is doubt as to whether no burning of joss paper/stick policy in the columbarium, as proposed by the applicant, could be implemented; and
- (c) approval of the application would set an undesirable precedent for unlicensed columbarium in the area.

12. Planning Considerations and Assessments

12.1 The application is for columbarium use located on G/F of two adjacent 2-storey structures (with total floor area/footprint of about 295.38m²) within a religious institution in Fu Yung Shan, i.e. TLNFT (**Plans A-1 to A-2**). The applicant indicates that they have been selling niches since 1969. According to the applicant, there are currently a total of 6,052 columbarium niches at the Premises, of which 5,053 niches are proposed for sale while the remaining 999 niches will be reserved for religious ascetics. Amongst the 5,053 niches for sale, 2,687 are yet to be sold (i.e. about 53%).

Planning Intention and Land Use Compatibility

12.2 TLNFT is located at the foothill of Fu Yung Shan and falls within an area zoned “G/IC(6)” on the 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. While ‘Columbarium’ use is not completely in line with the planning intention of the “G/IC” zone, the Premises only occupies a small portion of TLNFT of about 295.38m², which is mainly used as a religious institution and home for the aged.

12.3 The Fu Yung Shan area, except the villages at the lower foothill adjoining Tsuen Kam Interchange, is predominated by a number of monasteries/temples and elderly homes (**Plan A-1**) and most of these monasteries/temples have been established for decades forming a ‘monastery belt’ in the area. Some of these monasteries/temples include columbarium use, the operation of which is regulated through the PCO (**Plan A-1a**). From land use point of view, the columbarium use under application is considered generally not incompatible with the ‘monastery belt’ which is predominated by religious uses and GIC facilities. The Site is also separated from the nearby villages by slopes of about 6m to 15m

high to avoid potential interface issues, while Lotus Villa is located at the other end of Tung Lam Terrace at its junction with Fu Yung Shan Road and at a distance from the Site (**Plan A-2**). As the Premises is located at the northeastern corner of TLNFT and surrounded by other building structures, the columbarium use is therefore considered not incompatible with the villages in its vicinity.

Traffic and Crowd Management

- 12.4 At present, Tung Lam Terrace is the only single track, two-way vehicular access to TLNFT from Fu Yung Shan Road (**Plan A-2**). The applicant has proposed a number of measures including temporary traffic arrangement to restrict vehicles from using Tung Lam Terrace (**Drawing A-6**), deployment of traffic wardens to assist in the traffic and crowd management, ‘visit-by-appointment’ system and shuttle bus service (**Drawing A-4**) on Ching Ming and Chung Yeung festival days and their shadow periods to address traffic concerns of Tung Lam Terrace.
- 12.5 The submitted TIA has demonstrated that the columbarium would not induce insurmountable traffic impact onto the surrounding road network during operation stage with the implementation of the aforesaid arrangements and measures. C for T has no comments on the application from traffic engineering and transport operation points of view. C of P has no comments on the application from traffic enforcement point of view. DFEH indicates that a management plan including the crowd and traffic management measures should be submitted to PCLB for approval.

Town Planning Board Guidelines

- 12.6 According to the TPB PG-No. 16 for application for development/redevelopment within “G/IC” zone for uses other than G/IC uses, the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure, and should not cause adverse environmental impacts. DEP has no objection to the application in view that the application is to regularise the columbarium use and that there is no environmental complaint received against columbarium use in recent years. Other Government departments including TD, BD, FSD, DSD and WSD have no objection to/adverse comment on the application. On this front, the application is considered in line with the TPB PG-No. 16.

Similar Applications

- 12.7 There are two similar applications approved by the Committee / Board for columbarium use in the ‘monastery belt’ including the Fu Yung Shan and Lo Wai clusters. Approval of the current application is in line with the Committee / Board’s previous decisions for similar applications given the land use compatibility and acceptable traffic and crowd management.

Public Comments

- 12.8 All the 68 public comments received raised objections to/concerns on the application. Regarding the traffic concerns, the planning assessment in paragraphs 12.4 and 12.5 above is relevant. As for the concerns relating to

nuisance and air pollution brought by the burning of joss paper/stick, DEP's comments in paragraph 10.1.6 above 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 above, PlanD has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.1.2028, 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 condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

the total number of niches concerning the columbarium use at the application premises should not exceed 6,052.

Advisory Clauses

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

13.3 Alternatively, should the Committee decided to reject the application, the following reason for rejection is suggested for Members' reference:

The applicant fails to demonstrate in the submission that the applied use would not cause adverse traffic impact to the surrounding area.

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 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.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application form with Supplementary Planning Statement received on 6.1.2023
Appendix Ia	Further Information vide Letter Received on 18.7.2023
Appendix Ib	Further Information vide Letter Received on 23.8.2023

Appendix Ic	Further Information vide Letter Received on 29.9.2023
Appendix Id	Further Information vide Letter Received on 10.11.2023
Appendix Ie	Further Information vide Letter Received on 13.12.2023
Appendix If	Further Information vide Letter Received on 12.1.2024
Appendix Ig	Further Information vide Letter Received on 19.1.2024
Appendix II	Town Planning Board Guidelines TPB PG-No. 16
Appendix III	Public Comments received by the Board
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Land Status Plan of TLNFT
Drawing A-2	Extract of General Building Plan dated 1997
Drawings A-3 to A-3a	Floor Plans of Application Premises
Drawing A-4	Proposed Shuttle Service Routing
Drawing A-5	Proposed Temporary Shuttle Bus Pick-up/Drop-off Point at TLNFT
Drawing A-6	Proposed Temporary Traffic Arrangement on Festival Days
Plan A-1	Location Plan
Plan A-1a	Location of Columbarium which have submitted applications for Specified Instruments to PCLB
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-6	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**