

MPC Paper No. Y/K9/19A
For Consideration by
the Metro Planning Committee
on 23.12.2022

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

APPLICATION NO. Y/K9/19

- Applicant** : Salvation Benevolent Association Limited represented by Toco Planning Consultants Limited
- Plan** : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/28 (currently in force)
- (Draft Hung Hom OZP No. S/K9/27 (in force at the time of submission. The zoning and development restrictions for the Site remain unchanged on current OZP))
- Application Site** : 37 Winslow Street, Hung Hom, Kowloon
- Site Area** : About 130.2m²
- Lease** : (a) Hung Hom Inland Lot (HHIL) Nos. 238 s.F RP and 238 s.G subject to a lease term of 75 years renewable for 75 years commencing on 1.1.1901
- (b) Subject to “noisy, noisome or offensive trade or business” clause
- Zoning** : “Residential (Group A) 4” (“R(A)4”)
- Maximum plot ratio (PR) of 7.5 for domestic building or 9.0 for a building that is partly domestic and partly non-domestic and a maximum building height (BH) of 80mPD, or PR and BH of the existing building, whichever is the greater.
- Proposed Amendment** : To rezone the application site from “R(A)4” to “Government, Institution or Community (1)” (“G/IC(1)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “R(A)4” to “G/IC(1)” on the Hung Hom OZP (**Plan Z-1**) to regularize the existing religious institution cum columbarium development. Under the proposed Schedule of Uses for the “G/IC(1)” zone, all uses including ‘Religious Institution’ and ‘Columbarium (4/F and 5/F only)’ will be Column 2 uses with the maximum number of niches specified as 2,142

(Appendix II). The proposed BH restriction of the “G/IC(1)” zone is six storeys, which is the same as the BH of the existing building at the Site.

- 1.2 On 25.6.2004, the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) approved a planning application (No. A/K9/185) at the Site, for the conversion of an existing six-storey commercial/residential building into a religious institution (the Approved Scheme) subject to conditions, among others, that no niche and incineration of worshipping materials should be carried out within the Site (**Appendix III**). According to the current submission and the Private Columbarium Licensing Board (PCLB)’s website, the applicant converted the existing building into a religious institution cum columbarium (namely Salvation Benevolent Association 普善眾舍) in 2006 and has been in operation with a joss burner since the same year. The existing columbarium is not permissible under the OZP (i.e. neither Column 1 nor Column 2 uses) and the incineration activities contravene the conditions of the approved religious institution use.
- 1.3 On 26.2.2019 and 14.1.2021, the same applicant submitted two s.12A applications (Nos. Y/K9/12 and Y/K9/14) for amendment of plan to rezone the Site from “R(A)4” to “G/IC” and “G/IC(1)” respectively (both with ‘Columbarium’ as a Column 2 use) with proposals similar to that of the current application. Both applications were subsequently withdrawn by the applicant after issue of the papers and before the scheduled Committee meetings. Details of the previous applications are provided in paragraph 5 below.
- 1.4 The major development parameters and uses by floor under the current proposal are tabulated below. The indicative floor plans, section and elevation plans are at **Drawings Z-1a to Z-1h** and **Drawings Z-2a and Z-2b**.

Site Area	130.2m ² (about)
PR	5.35 (about)
Gross Floor Area (GFA)	697.26m ² (about)
BH	6 storeys (about 24.94mPD)
No. of Niches ¹ (existing)	2,142
No. of Memorial Photo-Plates ² (existing)	1,207

¹ Under the current application, the columbarium at the Site involves a total of 2,142 niches (temporary and permanent) sold before 30.6.2017, and of which 566 are occupied (**Appendix Ia**). In the previous application (No. Y/K9/14), the number of occupied niches are 540.

² As clarified by the applicant (**Appendix Ib**), memorial photo-plates are only provided on 4/F. There are a total of 1,207 memorial photo-plates in which 321 are sold and occupied, 828 are sold but unoccupied and 58 are unsold.

Main Floor Uses	Approved Scheme under Application (No. A/K9/185)	Current Proposal ³
G/F	Shop and showroom of Buddhist publication (佛道文化圖書館)	Entrance lobby, religious institution office and worship hall
1/F	Study room for Buddhist (課堂研習室) and general office	Religious and ceremony hall
2/F	Meeting rooms and reading room for Buddhist (頌經室)	Multi-functional area for religious use and holding area for visitors
3/F		Religious institution office and toilets
4/F		Worshipping area/Columbarium (niches and memorial photo-plates)
5/F	Display of archives and statue of Buddha (供奉佛像)	Columbarium
R/F	E&M	Eco-furnace and E&M

- 1.5 There is no car park at the Site. Thus, visitors are expected to use public transport or use the carparks nearby. In the submission, the applicant will enforce the requirements stipulated in the proposed management plan submitted for approval by the Private Columbaria Affairs Office (PCAO) that: (i) to specify explicitly in the ‘agreement for use of the columbarium niches’ that no parking facility is available at the Site, (ii) to introduce a ‘Member-Only Scheme’ to allow purchasers only to enter the Site during peak grave sweeping periods, (iii) to notify visitors to use public transport to access the Site during peak grave sweeping periods, and (iv) to continuously monitor the nearby carparks and update parking spaces availability. The management plan also suggests other traffic and crowd management measures to be implemented for reasonable times during the peak grave sweeping periods including: (a) a visit-by-appointment booking/admission control system, (b) the indication of two most direct pedestrian routes from nearby MTR Stations to the Site (**Drawing Z-3**), (c) a one-way worshipper’s flow/tidal flow system within the Site to minimize conflict between arriving/departing visitors, and (d) a contingency plan to deploy additional security personnel when needed.
- 1.6 The applicant will use smokeless joss paper furnace and all incense burning will be replaced by eco-friendly offerings (i.e. electronic incense offering, flowers and fruits) to control air pollution nuisance associated with incense smoke generation at the Site.

³ All floor uses under the current proposal reflects the existing uses except the niches on 2/F that are proposed to be relocated to 4/F

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

- (a) Application form received on 20.5.2022 (Appendix I)
- (b) Supplementary Planning Statement received on 20.5.2022 (Appendix Ia)
- (c) Further Information (FI) 1 received on 12.10.2022 and 13.10.2022[#] (Appendix Ib)
- (d) FI2 received on 24.11.2022 [#] (Appendix Ic)

Remarks:

* *accepted and exempted from publication requirement*

[#] *accepted but not exempted from publication and recounting requirement*

1.8 On 12.8.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to respond to departmental comments and public comments.

2. Justifications from the Applicant

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

Regularization of Existing Columbarium Use

- (a) The existing religious institution use at the Site was approved by the Board on 25.6.2004 (under Application No. A/K9/185) and has been in operation since 2006. The approval granted by the Board demonstrates that the Site is suitable for non-domestic use. Thus, the proposed rezoning of the Site from “R(A)4” to “G/IC(1)” zone is well justified and will ensure proper planning control on the operation of columbarium and regularise the sold or occupied niches at the Site. It is in line with the Government’s policy and the requirements of the Private Columbarium Ordinance (PCO).

Land Use Compatibility

- (b) The Site is suitable for columbarium use. It is located in close proximity to public transport facilities, including MTR stations, buses and minibuses along Wuhu Street and Gillies Avenue South (**Drawing Z-3**). The proposed religious institution and columbarium uses are also compatible with the adjacent land uses in Hung Hom predominantly occupied by traditional funeral services with coffin stores, mortuary, parlours and columbaria (**Drawing Z-4**).
- (c) The proposed zoning will not jeopardize the comprehensive residential redevelopment in the area since the Site lies outside the residential neighbourhood. In view of the special land use character in the Hung Hom West area, there were hardly any major residential redevelopments in the area for many years. According to the applicant’s study on sites zoned “R(A)” within the Hung Hom OZP, there is sufficient supply of housing land in

the area as most sites are occupied by old residential buildings with residual PR. The Site with an area of 130.2m² only represents less than 0.05% of the total area zoned as “R(A)” on the OZP. Moreover, the proposed rezoning of the Site from “R(A)4” to “G/IC(1)” zone will not hinder the comprehensive residential development of other nearby sites.

- (d) Land use compatibility should not be determined by the distance between the columbaria or funeral-related facilities and residential developments. There are five such facilities located at less than 40m from residential developments in the territory (i.e. Sin Hing Tung in Tuen Mun, Kun Chung Temple in Tai Po, the Chinese Permanent Cemetery in Aberdeen, the Hong Kong Cemetery in Happy Valley and the Kowloon Public Mortuary in Hung Hom). Appropriate planning control should be provided to avoid the possible nuisance and interface problem.
- (e) Besides, it is also noted that the Board has recently approved two similar rezoning applications (Nos. Y/ST/42 and Y/ST/47) on 4.12.2020 and 10.9.2021 considering that the columbaria may not cause nuisance to the local residents as they do not share a common access.
- (f) While not forming part of this application, the applicant also suggested to designate a strip of “G/IC” zone along the northern side of Winslow Street and the southern side of Baker Street (exact location not specified) to create a buffer between the funeral parlours and the possible future redevelopment for residential use in the “R(A)4” zone to the north of Winslow Street. All funeral related businesses can be relocated into the suggested “G/IC” zone. This may also provide an opportunity for resolving issues such as land use conflict and illegal parking in the area.
- (g) The proposed rezoning will not result in the revived proliferation of columbarium use in the area since new columbarium establishment should be regarded as “Post-cut-off Columbarium”. The columbarium at the Site is the only approved religious building under single ownership in the area. It is totally different from those columbaria that are located at individual premises within residential buildings. The proposed “G/IC(1)” zone is a tailor-made zoning for the Site and it will not set an undesirable precedent for similar applications.

Technical Aspects

- (h) The applicant proposed two pedestrian access routes to the Site from Ho Man Tin MTR Station and Hung Hom MTR Station which would have low pedestrian flow especially during weekends and public holidays (**Drawing Z-3**) and will implement the proposed traffic and crowd management measures. The Site can be operated in a safe, orderly and smooth fashion during those periods.
- (i) The façade of the subject building is designed in communal and modern style which is visually compatible with the surrounding and the columbarium is hardly visible by the public (**Plan Z-4**).
- (j) The small scale development will not result in significant impacts on traffic, environmental, drainage, sewerage, fire safety and visual aspects of the locality.

Relevant Government departments had no objections to the previous rezoning applications (Nos. Y/K9/12 and Y/K9/14) for regularizing the existing columbarium at the Site except Planning Department (PlanD) which raised concerns on land use incompatibility.

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

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

4. **Background**

List of Information of Private Columbaria issued by the Development Bureau

- 4.1 The List of Information of Private Columbaria (“the List”) previously issued by the Development Bureau comprised Part A and Part B. Part A of the List referred to private columbaria which were in compliance with user restrictions in the land leases and the statutory town planning requirements, and were not illegally occupying Government land. Part B of the List referred to private columbaria made known to the Lands Department (LandsD) and/or PlanD that did not fall under Part A of the List. According to the Director of Food and Environmental Hygiene (DFEH), 24 out of the total 27 private columbaria in Hung Hom in Part B of the List have ceased business operation and the remaining three (including the columbarium at the Site) are still in operation as at 1.12.2022 (**Plan Z-3**).

Private Columbaria Ordinance

- 4.2 The PCO, which regulates the operation of private columbaria through a licensing scheme, has come into effect since 30.6.2017. The deadline of submitting applications to the PCLB for licence, and exemption or temporary suspension of liability (TSOL)⁴ in respect of pre-cut-off columbaria had expired on 29.3.2018.
- 4.3 Based on the information provided by the applicant, the subject columbarium, which has been in operation since 2006 at the Site, may be considered as a pre-cut-off private columbarium (i.e. commenced operation before 8 a.m. on 18.6.2014) but not a dated columbarium (i.e. did not commence operation before 1.1.1990). Hence, the columbarium is not eligible for application for an exemption. According to prevailing policy, if it has to apply for licence, it will have to satisfy all statutory and government

⁴ TSOL (暫免法律責任書): An operator of a pre-cut-off private columbarium in seeking a licence or an exemption may apply to the PCLB for TSOL if he/she needs time to work towards meeting the relevant requirements. TSOL would enable the columbarium to continue operating and providing services before a licence or exemption is granted. During the period, the columbarium could not sell/let out any new or unoccupied niches.

requirements (including building, planning and land-related requirements) and a management plan in respect of the columbarium must be submitted to PCLB.

- 4.4 The operator of the private columbarium at the Site has submitted both a licence and TSOL applications to PCLB. On 12.10.2022, the TSOL application of the columbarium at the Site was approved in principle by the PCLB with a validity period of three years from 12.10.2022 to 11.10.2025. During this validity period, the applicant should take all necessary steps to achieve compliance with the requirements for the licence application.

Kowloon City District Urban Renewal Forum

- 4.5 The Winslow Street area in which the Site is located was within the study boundary in the Consultancy Study on Urban Renewal Plan for Kowloon City (URP) by the Kowloon City District Urban Renewal Forum (DURF) (the Study). The Study, concluded in 2014, identified that the cluster of funeral and related businesses/activities (such as on-street hearse and illegal car parking, sacrificial rites and joss paper burning activities) in the area, have been causing traffic problem, nuisances and psychological impact on the local residents. During the Public Engagement of the Study, the public generally suggested to relocate the funeral and related businesses away from Hung Hom.
- 4.6 Besides, in view of the existence of a mixture of buildings in need of redevelopment and relatively new buildings, the area was proposed as a 'Mixed Redevelopment and Rehabilitation Area' under the URP. The positioning and urban renewal vision of this area are to enhance local character and the living quality by improving the pedestrian environment and connectivity and capitalizing on the opportunities of new railway service so as to mitigate the conflict of incompatible land uses.

5. Previous Applications

- 5.1 The Site is the subject of a previous s.16 planning application (No. A/K9/185) for converting an existing six-storey commercial/residential building into a religious institution (without columbarium use) approved by the Committee on 25.6.2004 with conditions to forbid columbarium niches and incineration of worshipping materials within the Site (**Plan Z-1** and **Appendix III**). The six-storey building at the Site was subsequently converted by the applicant into a religious institution cum columbarium with a joss paper burner in 2006.
- 5.2 On 26.2.2019 and 14.1.2021, the current applicant submitted two s.12A applications (Nos. Y/K9/12 and Y/K9/14) for amendment of plan to rezone the Site from "R(A)4" to "G/IC" and "G/IC(1)" respectively with 'Columbarium' as a Column 2 use to regularize the use at the Site with similar proposals as the current application, including the number of niches (i.e. the same number of sold niches (2,142)). The applications were scheduled for consideration by the Committee on 17.3.2020 and 24.9.2021, but the applicant withdrew the applications on 13.3.2020 (i.e. 4 days before the scheduled meeting date) and 21.9.2021 (i.e. 3 days before the scheduled meeting date) after issue of the papers.

6. Similar Applications

There were two applications (Nos. Y/K9/11 and 13) submitted by other applicants for rezoning two sites at 23 Winslow Street and 34-42B Baker Street respectively, both from “R(A)4” to “R(A)7” zone to include ‘Columbarium’ in Column 2 of the Notes (**Plan Z-1**). On 16.3.2018 and 4.9.2020 respectively, the Committee decided not to agree to the applications mainly on the grounds that the ‘Columbarium’ use was in conflict with the residential use within the subject buildings and in the surroundings; approval of the applications would set an undesirable precedent for other similar applications; and the cumulative effect of approving such applications would result in aggravation of land use conflict/incompatibility in the residential area. For Application No. Y/K9/11, the applicant also failed to demonstrate that the columbarium use would not create adverse traffic impact on the area. Details of the applications are summarized in **Appendix IV**.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-3 and site photos on Plans Z-4 to Z-7)

7.1 The Site is:

- (a) currently occupied by a six-storey building built in 1992 and is used by the applicant for religious institution cum columbarium use (with memorial photo-plates on 4/F and niches on 5/F) (the columbarium is not a permitted use in “R(A)4” zone). According to the applicant and PCLB’s website, the existing columbarium at the Site has been in operation since 2006 and is supported by one joss paper burner. A joss paper furnace is located at the roof of the existing building (**Plan Z-6**); and
- (b) a corner site located at a street block predominated by old tenement buildings (mostly less than or around 100m² in site area) at the junction of Winslow Street and Lo Lung Hang Street.

7.2 The surrounding areas have the following characteristics:

- (a) adjoining the Site to the northeast and northwest are clusters of residential developments zoned “R(A)4” with commercial uses on G/F (some with funeral-related businesses). There are various large-scale comprehensive residential developments under construction, including Baker Circle, along Gilles Avenue South, Baker Street and Whampoa Street to the east of the Site (**Plan Z-3**);
- (b) to the southwest and south across Winslow Street are two “Comprehensive Development Area” (“CDA”) zones occupied by two godown buildings, namely China Travel Hip Kee Godown Company (Hong Kong) Limited Godown No. 1 and No. 2 respectively. These “CDA” zones are restricted to non-residential uses and to provide screening from the existing funeral facilities to the further southwest; and

- (c) further south of the “CDA” zone are three funeral parlours and the Kowloon Public Mortuary which are zoned “Other Specified Uses” annotated “Public Mortuary, Funeral Depot & Funeral Parlour” (“OU(PMFDFP)”). As at 1.12.2022, most of the private columbaria in Hung Hom have ceased business operation and only three (including the columbarium at the Site) are still in operation (**Plan Z-3**).

8. Planning Intention

The planning intention of “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. ‘Religious Institution’ use requires planning permission from the Board and ‘Columbarium’ use is not a permitted use in “R(A)” zone. According to the Notes of the OZP, on land designated “R(A)4”, a maximum BH restriction of 100mPD would be permitted for sites with an area of 400m² or more. This is to avoid pencil-like buildings to be developed on small lots and to encourage amalgamation of sites for more comprehensive development, including the provision of parking and L/UL and other supporting facilities.

9. Comments from Relevant Government Bureau/Departments

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

Columbarium Policy

- 9.1.1 Comments of the DFEH (including PCAO of Food and Environmental Hygiene Department (FEHD)):

- (a) Under the PCO, only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by the PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, electrical and mechanical safety, environmental protection, etc. Moreover, s.18(2) of the PCO stipulates that the PCLB may grant a licence only if a management plan submitted by the applicant has been approved by the PCLB. The management plan submitted by the licence applicant to the PCLB should cover matters including traffic and transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. For cases in which planning permission has been given by the Board, the management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approved the planning application. In considering the

management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including Transport Department (TD), the Police, Fire Services Department (FSD) and PlanD. If a licence application is approved by the PCLB, the PCAO will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments.

- (b) Regarding the private columbarium named 普眾善舍 at the Site, a set of the specified instrument (SI) application (viz. a licence and TSOL) in respect of a pre-cut-off columbarium was received by the PCLB and the applications are being processed by the PCAO. For a pre-cut-off columbarium, the applicant shall prove to the satisfaction of the PCLB that the private columbarium meets the eligibility criteria in terms of ash interment layout, ash interment capacity and the extent of land occupation for a licence application made in respect of a pre-cut-off columbarium under s.19(1)(a)-(c) of the PCO.
- (c) According to the documents submitted by the applicant so far, the ash interment involves 2/F, 4/F and 5/F. The applicant has yet to submit revised plans nor information on the proposal of relocation of niches from 2/F to 4/F and 5/F be implemented in her application of SI. Thus, verification of niche information under licence application cannot be conducted by the PCAO at this juncture.
- (d) As regards the applicant's proposed measures in the management plan of 'visit-by-appointment' system during peak grave sweeping festival periods, the PCAO will have no comments provided that:
 - (i) the applicant undertakes to (a) inform the affected parties (including the purchasers of the sold niches) in writing that the House Rules, special traffic arrangements and a Visit-By-Appointment System arrangement during the grave sweeping festival periods are proposed by the applicant and will be implemented; and (b) remind the concerned parties by letter, email, fax, SMS and any possible notification means of the above-mentioned arrangements during grave sweeping festival periods at least one month in advance of each period;
 - (ii) for future buyers of the interment rights of niches, the applicant undertakes to state clearly in the sales agreements that above-mentioned arrangements during grave sweeping festival periods will be adopted and explain these arrangements to the potential buyers before entering into the sales agreements;
 - (iii) the applicant should keep a register for the 'visit-by-appointment system' for all the visitors, to record the information include (but not limited to): the date and time of visit session, niche no. to be visited,

the name of visitors, the no. of visitors, the time of leaving the columbarium, the date of booking and the means of booking, etc., so that monitoring on compliance of such mandatory 'visit-by-appointment system' arrangement could be conducted by FEHD staff on the spot.

Land Administration

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

- (a) No objection to the application.
- (b) The Site falls within HHIL Nos. 238 s.F RP and 238 s.G (the Lots) which are held under the Government Lease subject to a lease term of 75 years renewed for 75 years commencing on 1.1.1901. The said lease is subject to "noisy, noisome or offensive trade or business" clause (OTC).
- (c) The applicant proposes to rezone the Site to "G/IC(1)" which shall require a further s.16 application for columbarium use at the Site. The proposed columbarium use and storage of niches are in breach of the OTC.
- (d) If the rezoning and subsequent planning application for the columbarium are approved by the Board, the Lots owner has to apply to LandsD for a lease modification or temporary waiver for the proposed use. However, there is no guarantee that approval will be given. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event any such application is approved, it will be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD.

Traffic

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

After considering the submitted TIA and FIs, he has no comment on the application from the traffic engineering viewpoint given that the applicant would implement crowd management and deploy sufficient security personnel to ensure no flow disruption to nearby buildings and shops during the peak grave sweeping periods.

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

He has no adverse comment, in principle, on the proposed plan from traffic policing point of view, but provides the following comments:

- (a) In terms of vehicular flow, the degree of traffic impact is directly proportional to the increase in number of columbaria in the area, which determines the amount of visitors in the area during the peak grave sweeping periods. In view of the long distance between the MTR stations and bus stops and the Site, it is expected that the public will reach the Site/the area by taxis, shuttle buses and private vehicles. It is noted that many visitors would visit the parlour area (i.e. Winslow Street, Baker Street and Lo Lung Hang Street) during the grave sweeping periods to purchase/request for funeral-related products or services, which would definitely increase the traffic flow and crowd in the area.
- (b) In fact, the parlour area is one of the major traffic concerns in the Hung Hom Division. Complexing with three large scale funeral parlours and funeral-related shops, the illegal parking and street obstruction issues are major concerns in the area. Between January 2022 and June 2022, 177 traffic complaints were received and 80 traffic accidents were recorded in the area.

Building Aspect

9.1.5 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

No objection in principle to the application subject to the comments below:

- (a) The “no objection in principle” should not be construed as approval under the Buildings Ordinance (BO). All building works and change in use are subject to compliance with the BO and its allied regulations.
- (b) Conversion of existing premises for use as columbaria would likely constitute a material change in use of the building in the context of section 25(1) of the BO.
- (c) The design dead load and imposed load for columbaria should comply with Building (Construction) Regulations and the Code of Practice for Dead and Imposed Loads 2011.
- (d) According to Item 5d of Table B1 of the Code of Practice for Fire Safety in Buildings 2011 (FS Code), the occupancy factor for a columbarium is 2m² of usable floor area per person. Adequate means of escape should be provided for the subject premises in accordance with Building (Planning) Regulation 41(1) and the FS Code. An Authorized Person should be appointed to coordinate all building works in accordance with the BO. The applicant is required to observe the licensing requirements imposed by the relevant licensing authority.
- (e) Granting of any planning permission should not be construed as an acceptance of any unauthorized building works (UBW) on site under the

BO. Enforcement action may be taken to effect the removal of all UBW in the future. The applicant's attention is drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-47 that Building Authority has no powers to give retrospective approval or consent for any UBW. The applicant's attention is also drawn to PNAP APP-154 for Design Requirements for Columbarium Facilities.

Environmental Aspect

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

- (a) No objection to the rezoning application as insurmountable environmental impacts arising from the proposed columbarium use is not anticipated.
- (b) The current application is to facilitate the regularization of the existing columbarium use at the Site. Even after the Site is rezoned, a s.16 planning application is still required for the columbarium use at the Site. According to the information provided, the proposed columbarium development will be used for religious, worshipping and ceremonial purposes, storage of niches and burning of tribute items/joss papers by eco-furnace, etc. Smokeless joss paper furnace with dust control measures shall be installed and the recommendations in Environmental Protection Department (EPD) Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temple, Crematoria and Similar Places will be followed. An ESIA is enclosed in the Supplementary Planning Statement to support the rezoning application and the ESIA has concluded that there will be no adverse environmental impact (including air quality, noise, water quality and sewerage impacts) arising from the proposed columbarium development.
- (c) His office has not received environmental impact-related complaints related to emissions from the burning of paper offerings at the Site in the past three years, but has received five related complaints on premises near the Site.

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

He has no further comment on the application understanding that a manhole survey will be conducted in the subsequent s.16 planning application stage should the current application be approved.

District Officer's Comments

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

- (a) While his office has no comment regarding the planning application, he anticipates that local stakeholders, including the nearby residents in Hung Hom, the Kowloon City District Council (KCDC) and Hung Hom Area Committee would have grave concerns on the rezoning application over the potential adverse impact brought by the operation of funeral service businesses on traffic, environmental hygiene and cityscape. In fact, the continuous proliferation of funeral service businesses in Hung Hom has long triggered overwhelming objections from Hung Hom residents. The ongoing redevelopment of the Hung Hom area with construction of high rise residential estates in recent years has exacerbated local concern over the situation.
- (b) According to the information from the website of FEHD, 48 out of 59 licensed undertakers of burial (do not debar temporary storage of ashes within licensed premises) in Kowloon are operating in Hung Hom as at 18.5.2022. In the previous undertaker's licence consultation exercises over the past several years, many respondents expressed dissatisfaction that the share of the funeral service business was proportionally much higher in Hung Hom in comparison to other districts.
- (c) He notes that PlanD has notified the interested KCDC members, Hung Hom Area Committee as well as the Owners' Corporations/ Owners Committee/ Mutual Aid Committees/ Management Committees/ management companies of buildings and institutions near the Site about the planning application and that notified parties have been invited to contact PlanD about any enquiries or comments.

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

- (a) Director of Fire Services;
- (b) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (c) Chief Highways Engineer/Kowloon, Highways Department; and
- (d) Chief Engineer/Construction, Water Supplies Department.

10. Public Comments Received During Statutory Publication Periods

- 10.1 The application and FI were published for public inspection. During the statutory public inspection periods, a total of 905 public comments were received. 865 (95.6%) supported the application and 40 (4.4%) objected to the application.
- 10.2 Two standard letters from 865 individuals submitted during the two statutory public inspection periods (**Appendix Va**) supported the application on the following grounds:
- (a) The applicant has already submitted an application for licence in respect of the existing columbarium at the Site to PCLB. The current planning application is to regularize the sold niches of the existing columbarium at the Site only and protects the owners of the sold niches.
 - (b) The Winslow Street area, where the Site is located, has always been a funeral services cluster. The uses are compatible with surrounding mortuaries, funeral parlours, columbaria and other funeral-related businesses. The Site is served by MTR and public transport.
 - (c) Sole ownership of the building at the Site makes it different from other columbaria located at individual premises within residential buildings. Approval of the application would not set an undesirable precedent for similar applications.
 - (d) The subject building is enclosed with building façade designed in communal style and the columbarium is not easily visible from the outside which would not create visual impact to the surrounding area. Moreover, for the ease of management, niches will only be provided on two floors within the building.
 - (e) The subject religious institution and columbarium are of small scale. During the grave sweeping festival periods, the applicant will ensure that no adverse traffic and environment impacts will be caused with the proper implementation of the crowd management measures and with the use of eco-friendly joss paper furnace.
 - (f) It is noted that a TSOL to 普眾善舍 was issued by the PCLB on 12.10.2022.
 - (g) The application would be able to solve the problem of lack of niches in Hong Kong.
- 10.3 The 40 objecting comments includes one standard letter coordinated by a KCDC member (Mr. LAM Tak-shing) and a Legislative Council/KCDC member (Ms. LEE Wai-king) from 36 individuals (**Appendix Vb**), two from the Owners' Corporation of a nearby residential building (Wah Lai Building, at 2 Lo Lung Hang Street, on the other side of the street facing the Site) (**Appendix Vc**) and two from other individuals (**Appendix Vd**). The main reasons for objecting to the application are summarized as follows:
- (a) Columbarium use at the Site is incompatible with the surrounding areas which are mainly residential in nature. It is also not in line with the planning intention of

“R(A)” zone. Approving the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such applications would result in aggravation of land use conflict/incompatibility and adverse traffic impact in the residential area.

- (b) The Hung Hom district is saturated with funeral services related businesses, which also leads to the proliferation of shops of illegal undertakers of burial. These activities have long been affecting/disturbing the daily living of local residents both psychologically and physically in terms of the issues on environmental hygiene, noise and air pollution, fire hazard and ownership of common parts of private properties.
- (c) The applicant has failed to demonstrate that the columbarium use would not create adverse traffic impact in the area. The area where the Site is located in is saturated with niches and on-street illegal hearse parking which always induce traffic problem and blockage of pedestrian passage way. Such facility should not be provided in the area.
- (d) Should the application be approved, the local residents would suffer from severe adverse environmental impacts such as noise and air pollution that would affect their health and traffic congestion. Property value would also be diminished.

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

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from “R(A)4” to “G/IC(1)” (with ‘Columbarium’ as a Column 2 use) to regularize the religious cum columbarium use. Subsequent s.16 planning application is required for ‘Columbarium (4/F and 5/F only)’ use under the proposed “G/IC(1)” zoning. The applicant proposes to impose BH restriction of 6 storeys and the maximum number of niches of not exceeding 2,142 for columbarium use for the proposed “G/IC(1)” zone at the Site (**Appendix II**), which are the existing BH and number of niches provided therein. In addition, the Site provides a total of 1,207 memorial photo-plates (**Appendix Ib** and **Plan Z-5**).
- 11.2 Religious institution use was approved in 2004 under Application No. A/K9/185 with various religious uses at the Site as mentioned in paragraph 1.4 above. It was stated clearly in the approval conditions that no niche and incineration of worshipping materials should be carried out within the Site (**Appendix III**) but the non-compliant uses (i.e. columbarium and incineration activities) has been on-going since 2006 immediately after the conversion.

Planning Intention and Land Use Compatibility

- 11.3 The Site and its surrounding areas are zoned “R(A)4” with the planning intention for high density residential developments. The Site is in close proximity/adjacent to residential developments and the area is considered residential in nature with a mixture of relatively new buildings and those in need of redevelopment, as well as funeral-related businesses occupying some premises. As mentioned in paragraph 4.6 above, the URP proposed this area as a ‘Mixed Redevelopment and Rehabilitation Area’ and the positioning and vision of this area are to enhance local character and the living quality and capitalizing on the opportunities of new railway service so as to mitigate the conflict of incompatible land uses. Rezoning the Site to “G/IC(1)” to allow application for ‘Columbarium’ use is not line with both the planning intention for high-density residential use in the neighbourhood and the URP vision. The applicant has failed to provide strong justifications for departure from such planning intention.
- 11.4 On the OZP, the existing funeral parlours and mortuary are contained within the “OU(PMFDFP)” zone located to the southwest of the Site, which is completely separated and screened off from the residential area (“R(A)4” zone) by two “CDA” zones along Winslow Street that are specifically restricted for non-residential uses and currently occupied by godown buildings serving as a buffer area between the incompatible uses (**Plan Z-2**). Furthermore, since the promulgation of the PCO in 2017, only three out of 27 of the private columbaria (including the columbarium at the Site) still remain in operation in the area as mentioned in paragraph 4.1 above (**Plan Z-3**). Thus, the proposed rezoning to facilitate continuous operation of columbarium use at the Site would frustrate the phasing out of these activities within the residential neighbourhood.
- 11.5 As mentioned in paragraph 4.5 above, the KC DURF study concluded that the funeral and related businesses/activities within the Winslow Street area have been causing traffic problem, nuisances and psychological impact on local residents. The public generally suggested the funeral and related businesses to be relocated away from Hung Hom. DO/KC advised that the proliferation of funeral service businesses in Hung Hom has long triggered overwhelming local objections. On the other hand, it was observed that various comprehensive residential redevelopments are currently under construction at sites to the north and northeast of the Site (**Plan Z-3**) which indicates a gradual realization of the urban renewal vision of a ‘Mixed Redevelopment and Rehabilitation Area’ as proposed under the URP.
- 11.6 The applicant has quoted seven cases, including two recently approved rezoning applications for columbarium use, to demonstrate that there are columbaria/public mortuary located near residential developments. Except Kowloon Public Mortuary in the Hung Hom area, the other six cases are located in other districts including Tuen Mun, Fanling, Sha Tin, Aberdeen and Happy Valley. The public mortuary in Hung Hom and the cemeteries in Aberdeen and Happy Valley are situated within zones that are designated for their existing mortuary and cemetery uses, which are uses always permitted within those zones. The columbaria in Tuen Mun, Fanling and Sha Tin were approved by the Rural and New Town Planning Committee in 1995, 2010, 2020 and 2021 respectively, as incompatibility with surrounding site contexts was not anticipated (i.e. situated in existing GIC/temple clusters surrounded by vegetation, segregated from

high rise residential developments, with high fence walls, or not sharing access with nearby/adjacent residential areas). Hence, the cited cases, with different site characteristics, development context and planning background, are considered not suitable for comparison with the current application.

Traffic Impact and Crowd Management

- 11.7 C for T has no comment on the TIA. Nevertheless, as advised by C of P, the area around the Site has been one of the major traffic concerns in the Hung Hom area with illegal parking and street obstruction issues. There were 177 traffic complaints received and 80 traffic accidents recorded between January 2022 and June 2022. As the degree of traffic impact is directly proportional to the number of columbaria in the area, especially during the peak grave sweeping periods, the approval of this application would lead to worsening of traffic condition in the area.

Environment

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

Previous and Similar Applications

- 11.9 As mentioned under paragraphs 5.1 and 5.2, the Site is subject to three previous applications (Nos. A/K9/185, Y/K9/12 and Y/K9/14) for proposed religious institution (without columbarium use) and proposed rezoning of the Site from “R(A)4” to “G/IC” and “G/IC(1)” (with ‘Columbarium’ as a Column 2 use) respectively. As the rezoning applications were withdrawn, there is no previous approval for ‘Columbarium’ use within the Site.
- 11.10 Two similar rezoning applications (Nos. Y/K9/11 and Y/K9/13) to provide a mechanism to apply for ‘Columbarium’ use in residential zone were rejected by the Committee in 2018 and 2020 respectively as ‘Columbarium’ use was considered in conflict with the residential use within their respective buildings and in the surroundings; approval of the applications would set an undesirable precedent for other similar applications; and, the cumulative effect of approving such applications would result in aggravation of land use conflict/incompatibility in the residential area (**Appendix IV**). In short, there is no previous approval for ‘Columbarium’ use within the Hung Hom area.
- 11.11 As mentioned previously, 24 out of 27 private columbaria in the area had ceased operation and only three columbaria (including the Site) remain in operation without complying with town planning/land lease requirements as at 1.12.2022. Approval of the current application would set an undesirable precedent and encourage similar applications. The cumulative effect of approving similar applications would result in revived proliferation of columbarium use in the residential area of Hung Hom, thereby aggravating the land use conflict/incompatibility in the residential area, and worsening the traffic condition and nuisance in the area. The Committee has previously considered and rejected two similar cases (paragraphs 6 and 11.10 above). Rejection of the

application is in line with the decisions of the Committee on the above applications in the area.

Public Comments

- 11.12 There were 905 public comments received in which 865 supported and 40 objected to the application. The major reasons of objection are related to land use incompatibility, adverse visual, environmental and traffic impacts on the surrounding area, potential fire hazard, nuisance, safety problems and psychological impacts on local residents and that the columbarium within the Site contravenes the planning intention of “R(A)” zone. The assessment in paragraphs 11.2 to 11.11 above are relevant.

12. Planning Department’s Views

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

the Site is situated within a residential cluster. The existing “R(A)4” zone is considered appropriate and there is no strong justification to rezone the Site to “G/IC(1)” to facilitate columbarium use which is incompatible with the residential neighborhood.

- 12.2 Alternatively, should the Committee decide to agree/partially agree to the application, proposed amendments to the Hung Hom OZP, together with the revised Notes and Explanatory Statement, will be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

13. Decision Sought

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

14. Attachments

Appendix I	Application form received on 20.5.2022
Appendix Ia	Supplementary Planning Statement received on 20.5.2022
Appendix Ib	Further Information (FI)1 received on 12.10.2022 and 13.10.2022
Appendix Ic	FI2 received on 24.11.2022
Appendix II	Notes and maximum building height stipulated on plan for “G/IC(1)” zone proposed by the applicant
Appendix III	Detailed decision of the Committee on Planning Application No. A/K9/185
Appendix IV	Similar planning applications involving proposed rezoning for ‘Columbarium’ use on Hung Hom Outline Zoning Plan
Appendices Va to Vd	Public comments received during the statutory publication periods
Drawing Z-1a to Z-1h	Floor plans submitted by the applicant
Drawing Z-2a and Z-2b	Section and elevation plans submitted by the applicant
Drawing Z-3	Public transport services and parking facilities in the vicinity of the Site submitted by the applicant
Drawing Z-4	Land use compatibility plan submitted by the applicant
Plan Z-1	Location plan
Plan Z-2	Site plan
Plan Z-3	Private Columbaria under Part B of the List of Information of Private Columbaria in Hung Hom
Plans Z-4 to Z-7	Site photos

**PLANNING DEPARTMENT
DECEMBER 2022**