

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

APPLICATION NO. Y/TW/15

- Applicant** : Longest Profit (Hong Kong) Limited represented by Vision Planning Consultants Limited
- Site** : Lots 613RP, 614 and 1229 in D.D. 453, and adjoining Government Land, Lo Wai, Tsuen Wan
- Site Area** : About 2,250m² [including Government land of about 660m² (29%)]
- Lease** : Lots 613RP and 614 in D.D. 453
(a) Old Schedule Lots held under Block Government Lease
(b) expires on 30.6.2047
(c) restricted to agricultural purpose
- Lot 1229 in D.D. 453
(a) held under New Grant No. 4363
(b) expires on 30.6.2047
(c) restricted to private residential purpose
(d) not more than 4 village houses and building height (BH) not exceeding 25 feet
(e) no grave shall be made, nor shall any human remains be interred therein or deposited thereon
- Plan** : Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/34
[*Approved Tsuen Wan OZP No. S/TW/33 at the time of submission of the application. Zoning of the application site remains unchanged.*]
- Zoning** : “Green Belt” (“GB”)
- Proposed Amendment** : To rezone the application site from “GB” to “Government, Institution or Community (10)” (“G/IC(10)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “GB” to “G/IC(10)” on the draft Tsuen Wan OZP No. S/TW/34 (the OZP) for columbarium development with ‘Columbarium’ as a Column 1 use. The Site is currently occupied by a columbarium named Wing Shing Yuen in an existing 2-storey building structure. According to the Notes for the current “GB” zone, except for those within a religious institution or extension of existing

columbarium, there is no provision for s.16 planning application for columbarium use.

- 1.2 According to the applicant, the 2-storey building structure was converted for columbarium use on both floors in 2010 without planning permission, providing a total of 8,850 niches. The breakdown of their sale and occupation conditions (**Appendix Ie**) are shown as follows:

Sale and Occupation Condition		No. of Niches
Sold and Occupied	• Single-urn niche	103
	• 4-member niche	0
	Sub-total	103
Sold and Unoccupied	• Single-urn niche	181
	• 4-member niche	0
	Sub-total	181
Unsold Niches	• Single-urn niche	8,386
	• 4-member niche	180
	Sub-total	8,566
Total No. of Niches		8,850

- 1.3 The applicant proposes to redevelop the columbarium on the Site into a 2-storey columbarium with provision of not more than 3,000 single-urn niches, including 284 niches that have been sold (i.e. 103 occupied and 181 unoccupied) and 50 niches to be offered free of charge to local villagers with financial difficulties.
- 1.4 According to the applicant, the proposed “G/IC(10)” zone is intended primarily for the provision of columbarium to serve the needs of society. The applicant proposes to stipulate ‘Columbarium (with a total of not exceeding 3,000 niches, of which not less than 50 niches should be offered free of charge to local villagers with financial difficulties)’ as a Column 1 use which is always permitted, and ‘Columbarium’ for additional niches as a Column 2 use which requires planning permission from the Town Planning Board (the Board). He also proposes to incorporate key development parameters and management/operational measures in the Remarks under the Notes, including the total GFA, maximum BH, maximum number of columbarium niches, minimum number of niches to be offered free of charge to local villagers with financial difficulties, maximum limit of selling of niches per year and the operation arrangements as set out in the Management Plan to be approved by the Private Columbarium Licensing Board (PCLB). The proposed Notes of the OZP for the “G/IC(10)” zone is appended in **Appendix Ia-1**.
- 1.5 According to the indicative scheme (**Drawings Z-1 to Z-4**) submitted by the applicant, the proposed columbarium has two levels including a covered parking and loading/unloading (L/UL) area on the ground floor (G/F), and a main hall and 7 columbarium halls providing not more than 3,000 niches on the first floor (1/F).
- 1.6 A total landscaped area of about 423m² within the Site is proposed. According to the Tree Preservation Proposal (**Drawing Z-6** and Annex B in **Appendix Ib**), 4 out of 10 existing trees (not Old and Valuable Trees nor rare species) within

the Site will be affected by the proposed redevelopment and will be transplanted to the proposed landscaped area. Besides, 10 new trees in heavy standard size are proposed.

- 1.7 Development parameters of the indicative redevelopment scheme are set out as below:

Major Development Parameters	Indicative Redevelopment Scheme
Site Area	About 2,250m ²
Total GFA	Not more than 1,900m ²
Plot Ratio (PR)	About 0.85
Site Coverage (SC)	Not more than 57%
No. of Storeys	Not more than 2 storeys
Maximum BH (at main roof level)	Not more than 9.25m / 117.4mPD
No. of Niches	Not more than 3,000 single-urn niches (including not less than 50 niches offered free of charge to local villagers with financial difficulties)
Parking Spaces <ul style="list-style-type: none"> • Private car • Motorcycle 	3 (including 1 disabled parking) 2
L/UL Spaces <ul style="list-style-type: none"> • Taxi • Light Goods Vehicle (LGV) 	1 1

- 1.8 The Site is accessible through a local track on Government land between the Site and Lo Wai Road (**Plans Z-2 and Z-6**). To facilitate the redevelopment, the applicant proposes to widen the local track to a single 2-lane carriageway of minimum 6m wide with a pedestrian footpath of 2.5m wide on the southern kerbside (**Drawing Z-5**). The applicant will design, build and maintain the widened local track at his own cost with no claim to the Government and to the satisfaction of relevant Government departments.

Management Plan

- 1.9 To support the application, the applicant has proposed a number of crowd control and operation arrangements which are submitted in the form of Management Plan. A Management Plan will be submitted to the PCLB for consideration and approval at the licensing stage. The draft Management Plan (Appendix II of **Appendix Ia**) includes background information and operation of the proposed columbarium, such as fire and emergency plan, arrangements for visitors and internal traffic/pedestrian circulation (**Drawings Z-7 and Z-8**), prohibition of burning of paper offerings as well as on-site manpower and security deployment, which are summarised as follows:

Crowd Control Arrangement

- (a) the operating hours of the proposed columbarium are from 9:00am to 5:30pm, 7 days a week. The columbarium will be closed on both Ching

Ming and Chung Yeung Festival Days, the two weekends before and after, as well as the public holidays in between. The applicant will notify all buyers regarding the actual closure days each year in accordance with the procedure as set out in the Management Plan;

- (b) a mandatory ‘visit-by-appointment’ scheme is proposed to control the number of visitors. All visitors are required to make an appointment at least 2 days in advance before the visit. There will be a total of 17 visit sessions per each operation day and a maximum of 59 visitors in each session. Each successful appointment will be given a confirmation number and each assigned visit will be limited to 30 minutes. If visitors arrive before the assigned timeslot, they would be guided to the designated waiting area on G/F;
- (c) visitors are encouraged to use public transport. For visitors with disabilities requiring to visit by private vehicle, they must reserve a parking space in advance, otherwise they will be refused to enter;

Operation Arrangement

- (d) no burning of incense, joss papers or candles will be allowed and no burning facilities will be provided within the Site; and
- (e) it is proposed to limit the selling of niches to not more than 500 per year such that the overall operation performance in accordance with the final Management Plan could be closely monitored by the PCLB at different occupancy stages. The selling limit could be reduced at any stage when necessary.

Technical Assessments

- 1.10 Various technical assessments have been conducted by the applicant, including Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Fresh Water and Flushing Water Demand Assessment (FW&FWDA), Visual Impact Assessment (VIA) and Tree Preservation Proposal (TPP).

Redevelopment Arrangement

- 1.11 During redevelopment, all existing niches will be temporarily stored in Office/Guard House. The applicant has started informing all pre-cut-off buyers (i.e. niches sold before 18.6.2014) regarding the arrangements during redevelopment stage, including the temporary visit arrangement as well as crowd control and operation management upon completion.
- 1.12 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and clarification letter received on (Appendix I) 11.12.2020
 - (b) Planning Statement (including TIA, SIA, DIA, (Appendix Ia)

- FW&FWDA and VIA) received on 11.12.2020
- (c) Further Information 1 (FI 1) received on 10.2.2021 in response to departmental and public comments enclosing a new TPP # (**Appendix Ib**)
 - (d) FI 2 received on 4.3.2021 in response to departmental comments ^ (**Appendix Ic**)
 - (e) FI 3 received on 1.4.2021 in response to departmental comments enclosing new information showing the proposed road widening works # (**Appendix Id**)
 - (f) FI 4 received on 16.6.2021 providing a breakdown on number of niches ^ (**Appendix Ie**)

^ accepted and exempted from publication and recounting requirements

accepted but not exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia** and FIs at **Appendices Ib to Id**, which are summarised below:

Suitable Location for Private Columbarium

- (a) the Site is located in the Fu Yung Shan foothill area which is intermixed with existing temples and monasteries at different scales, some of which contain columbarium use. When considering the previous application (No. Y/TW/9) in 2017, Metro Planning Committee (the Committee) was generally of the view that the area was suitable for columbarium developments (Minutes of the 575th MPC Meeting at Appendix V of **Appendix Ia**). Given that there is no material change in the land use planning circumstances of the area since 2017 and with the incorporation of comments raised by relevant Government departments and the Committee in previous applications, the current proposal represents a positive, pro-active and good example with enforceable mitigation measures against the potential management challenges in practice;

In Line with the Government Policy Objectives

- (b) if the Committee agrees to the application, a total of 2,666 new private columbarium niches (excluding 284 sold and 50 for charity purposes) will be provided to meet the increasing public demand for such type of private columbarium facilities. On the basis of selling a maximum of 500 niches per year and without any odd situation occurred throughout the implementation phase, it will take at least 5.34 years to reach the capacity of the proposed columbarium;

Meaningful Social Responsible Scheme

- (c) the applicant is committed to offer 50 columbarium niches free of charge to local villagers with financial difficulty. Prior to the submission of this application, the applicant has consulted the local village representatives regarding this social

responsible scheme and was well supported;

Considerate Controllable Operation Modes

- (d) apart from the closure of operation during special festival periods and the execution of ‘visit-by-appointment’ in the normal operation hours, the applicant is also committed to limit the maximum selling of columbarium niches to 500 per year such that the PCLB and other Government departments can closely monitor the proposed columbarium at different capacity stages, particularly the potential impact on local road system. When necessary, the applicant can suggest appropriate mitigation measures (i.e. reducing the annual maximum of sales) until the certain situation has been resolved to the satisfaction of the PCLB;

Example of Good Practice

- (e) if any existing columbaria can consider undertaking non-conventional traffic and operation arrangements as proposed under the current proposal, it would improve positively the over-congested traffic and environmental problems during special festival periods;

No Adverse Technical Impact

- (f) the TIA¹ (Appendix VI in **Appendix Ia**) demonstrated that the proposed columbarium will not cause additional adverse impact on the operation of Lo Wai Road on normal weekdays and weekends, provided that the proposed columbarium will be closed for visitors during the special festival days and their shadow periods. The applicant will submit the same proposed traffic arrangements to PCLB for future monitoring and enforcement purposes;
- (g) the VIA (Appendix XI in **Appendix Ia**) and photomontages (**Drawings Z-9 to Z-11**) demonstrated that the proposed columbarium will blend in well with its surrounding developments and local natural setting. No significant adverse visual impact is envisaged at the concerned Fu Yung Shan foothill area; and
- (h) the SIA, DIA, FW&FWDA and TPP demonstrated that the proposed columbarium will not cause any significant adverse sewerage, drainage, water supply and tree impacts.

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

- 3.1 The applicant is the sole “current land owner” of the private land within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

¹ The TIA has taken into account the planned columbarium in Lo Wai area (i.e. extension of Yuen Yuen Institute (see details in paragraph 7.2(f)), various existing columbaria in Lo Wai area which have submitted applications to PCLB for consideration, and the proposed residential development involving 458 units at Hilltop Road which was the subject of a s.12A application partially agreed by the Committee on 1.9.2020 (rezoned to “Residential (Group B) 8” on the draft Tsuen Wan OZP No. S/TW/34 (**Plan Z-1**)).

- 3.2 The “owner’s consent/notification” requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB-PG No.31A) is not applicable on the Government land portion.

4. Background

Zoning Background of the Fu Yung Shan Area

- 4.1 The Fu Yung Shan area where the Site locates was first designated as “GB” on the statutory plan of Tsuen Wan in 1963. In 1981, eastern part of the Site, together with a long strip of land along Sam Dip Tam was rezoned from “GB” to “Open Space” (“O”) based on the recommendation of the Tsuen Wan New Town – Landscape and Recreation Study.
- 4.2 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 area to “G/IC” to reflect their existing and committed uses. As the columbaria formed part of the religious institutions providing services to the general public, there was no intention to remove but to contain them. However, all new columbaria would require planning permission. To preserve the existing natural landscape, the areas outside these religious institutions and elderly homes were proposed to be rezoned to “GB”. Since the Site was not identified as a religious institution at that juncture, the eastern part of the Site was recommended to be rezoned from “O” back to “GB” on 5.9.2003. During the OZP exhibition period, no objection on the Site was received. The “GB” zone of the Site remains unchanged since then.

The Private Columbarium Ordinance (PCO)

- 4.3 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 a 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.

5. Previous Applications

- 5.1 On 19.7.2016, application No. Y/TW/9 was submitted to rezone the Site to “G/IC(10)” to facilitate the redevelopment of the Site for a 2-storey

columbarium building with 3,000 niches. The proposed traffic management measures included mainly the provision of shuttle bus services and not allowing the use of private cars and taxis during special festival periods. The application was considered by the Committee on 17.2.2017 and not agreed for the following reasons:

- (a) the applicant failed to demonstrate that the proposed traffic management measures are practical, implementable and enforceable and the proposed columbarium development would not have adverse traffic impact on the surrounding area; and
- (b) approval of the application would set an undesirable precedent for similar application, and the cumulative impacts of which would result in overstraining the traffic capacity and causing adverse traffic problem to the area.

5.2 A comparison of the development parameters under the previous and current applications is set out as follows:

Development Parameters	Y/TW/9 (rejected on 17.2.2017)	Y/TW/15 (current application)	Difference
	(a)	(b)	(b) – (a)
Site Area	about 2,270m ²	about 2,250m ²	-20m ² (-0.9%)
PR	about 0.264	about 0.85	+0.586 (+222%)
SC	Not more than 40.25%	Not more than 57%	+16.75% (+41.6%)
Total GFA	600m ² *	Not more than 1,900m ²	+1,300m ² (+217%)
No. of Building Blocks	3	3	No Change
No. of Storeys	2 storeys	Not more than 2 storeys	No Change
Maximum BH	115.2mPD	117.4mPD	+2.2m (+1.9%)
No. of Niches	Not more than 3,000	Not more than 3,000	No Change
Parking Spaces			
- Private car	13 (including 1 for disabled)	3 (including 1 for disabled)	-10 (-77%)
- Motorcycle	2	2	No Change
L/UL Spaces	1	2 (including 1 for taxi and 1 for LGV)	+1 (+100%)

*The total GFA under No. Y/TW/9 excluded the GFA for plant rooms, basement car park at LG/F and lift (i.e. about 540m²), which was assumed to be GFA non-accountable.

6. Similar Applications

- 6.1 There are two similar s.12A applications (Nos. Z/TW/7 and Z/TW/8) involving rezoning of “GB” sites for columbarium development in Tsuen Wan (**Plan Z-1**).
- 6.2 Application Nos. Z/TW/7 and Z/TW/8 were submitted to rezone the Yuen Yuen Institute (YYI) complex² and Western Monastery (WM) complex³ both from “GB” and “O” to “G/IC”. Both applications intended to reflect the existing/planned religious institutional uses with existing columbarium facilities and social welfare facilities, and were agreed by the Committee on 4.4.2003 and 25.7.2003 respectively. On 5.9.2003, the draft Tsuen Wan OZP No. S/TW/18 incorporating the amendments related to the agreed rezoning requests was exhibited for public inspection. The YYI and WM complexes were rezoned to “G/IC(1)” to “G/IC(3)” and “G/IC(4)” on the OZP respectively. On 12.1.2007, a s.16 application (No. A/TW/379) for a columbarium of 20,000 niches at the YYI extension mainly fell within “G/IC(3)” zone with a minor portion encroached onto the adjacent “GB” zone was approved by the Board upon review.

7. The Site and Its Surrounding Area

- 7.1 The Site:
- (a) is located at the foothill of Fu Yung Shan at the northern fringe of Tsuen Wan New Town (**Plan Z-1** and aerial photo at **Plan Z-4**);
 - (b) is connected to the upper section of Lo Wai Road through an access road on Government land which is share-used by the adjacent developments (**Plan Z-2**); and
 - (c) has a two-storey building currently used as columbarium with a number of ancillary facilities in the open area, including statues, toilets and an incinerator for burning of paper offerings (**Plans Z-5 to Z-7**).
- 7.2 The surrounding area has the following characteristics:
- (a) the upper foothill of Fu Yung Shan is characterised by a temple/monastery cluster predominately occupied by a number of temples, monasteries, religious institutions and their associated social welfare facilities (**Plan Z-1**). The vegetated foothill zoned “GB” intends to provide a buffer between the Tsuen Wan Town Centre to the south and Tai Mo Shan Country Park to the north;
 - (b) two village clusters (i.e. Lo Wai and Sai Lau Kok Tsuen / Pak Tin Pa Tsuen / Muk Min Ha Tsuen) zoned “V” are located in the lower foothill

² The YYI complex comprises YYI and its proposed extension, as well as Yuen Yuen Care and Attention Home for the Aged and Yuen Yuen Home for the Aged.

³ The WM complex comprises WM, Hong Kong Bodhi Siksa Society Limited Care and Attention Home for the Aged and a monk dormitory.

abutting Cheung Pei Shan Road (**Plan Z-1**);

- (c) according to the information provided by the Food and Environmental Hygiene Department (FEHD), there are 8 columbaria for Special Instrument (SI) applications under the PCO within the Lo Wai and Fu Yung Shan Clusters (**Plan Z-1a**), involving about 75,000 niches that have already been sold⁴ and about 9,000 unsold niches. These columbaria include the Site, YYI, WM, Po Kwong Yuen and Tung Po Tor Monastery along Lo Wai Road within the Lo Wai Cluster, as well as Wing Mau Yuen, Chuk Lam Sam Yuen and Tung Lum Monastery within the Fu Yung Shan Cluster;
- (d) two religious institutions named Lung Mo Temple zoned “G/IC(7)” and Tung Kwok Shim Lam zoned “G/IC(8)” to the northeast and southeast of the Site respectively (**Plan Z-1a**) are not the subjects of SI application under the PCO but their columbarium use was reflected in PlanD’s land use review in 2003 as mentioned in paragraph 4.2 above;
- (e) to the northwest and north respectively are the Yuen Yuen Care and Attention Home for the Aged (with a PR of 0.95 and BH of 5 storeys / 138.16mPD⁵) and Yuen Yuen Home for the Aged (with a PR of 0.23 and BH of 1 storey / 118.9mPD) zoned “G/IC(2)” (**Plan Z-2**);
- (f) to the further north are the YYI zoned “G/IC(1)” and its proposed extension zoned “G/IC(3)”⁶. To the northeast across Lo Wai Road is the WM complex zoned “G/IC(4)” (**Plan Z-4**);
- (g) to the southeast, south and southwest across Sam Dip Tam (a watercourse abutting the eastern boundary of the Site) is predominately shrubland with a number of small-scale temples/monasteries in individual “G/IC(8)” zones (**Plan Z-4**); and
- (h) public transport servicing between the Site and Tsuen Wan Town Centre via Lo Wai Road is available (**Plan Z-8**).

8. Planning Intention

The planning intention of the “GB” zone is primarily for the conservation of the existing natural environment amid the built up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive

⁴ According to FEHD, the number of sold and interred niches is about 59,000 and that of sold but yet to be interred is about 16,000 covering 8 columbaria within Lo Wai and Fu Yung Shan Clusters which have submitted application for SI under the PCO. Only one columbarium (i.e. YYI) in the Lo Wai Cluster has already fulfilled the planning-related requirements. The aggregated niche data are compiled based on the 2017 niche information provided by the private columbaria but yet to be verified by FEHD.

⁵ The Yuen Yuen Care and Attention Home for the Aged is the subject of a s.16 application (No. A/TW/398) for minor relaxation of BH restriction from 4 storeys to 5 storeys for permitted social welfare facility, which was approved with conditions by the Committee on 15.8.2008.

⁶ YYI is providing about 50,000 niches in its existing compound and will provide additional 20,000 niches in its extension approved under Application No. A/TW/379. For the extension part, the latest building plans were approved by the Building Authority in 2013, while land exchange is being processed by LandsD.

recreational activities. There is a general presumption against development within this zone.

9. Comments from Relevant Government Bureau/Departments

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

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

General Comments

- (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 (TPO) and other requirements prescribed in the PCO or specified by the PCLB, including land-related and building-related right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. Section 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 to the PCLB should cover matters including traffic and public 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), Hong Kong Police Force (HKPF), Fire Services Department (FSD) and PlanD. If a licence application is approved by the PCLB, the Private Columbaria Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;

Comments Specific to the Site

- (b) with regard to the private columbarium at the Site, the PCLB has ceased the vetting of the whole set of SI applications, including Temporary Suspension of Liability (TSOL) and Licence applications, after having considered the circumstances of the case and will hold an open meeting to examine the whole set of applications with a view to determining the applications. When the PCLB determines the aforementioned TSOL and Licence applications, it will refuse the whole set of applications if the

applications do not comply with all the application requirements stipulated in the PCO and those specified by the PCLB in respect of TSOL and Licence applications. Under such circumstances, the columbarium concerned will have to cease operation and the ashes interred in the columbarium must be disposed of lawfully in accordance with the requirements stipulated in the PCO;

- (c) the applicant has been informed of the PCLB's decision of ceasing the vetting of the SI applications in writing on 24.12.2020 and the relevant information has been published at the dedicated website since 29.12.2020. Opening meeting was conducted on 30.4.2021. The PCLB decided to refuse the whole set of applications and the Notice of Decision was issued to the applicant on 24.5.2021;

Enforcement on the Number of Niches Restriction

- (d) regarding the restrictions on the maximum of niches that can be provided in a licensed private columbarium, a licence issued by the 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

Enforcement on Closure and 'Visit-by-appointment' Scheme

- (e) if PCLB decides to approve the licence application, the approved Management Plan will be included in the licensing conditions for the licensee's observance. Private Columbaria Enforcement Team officers of FEHD would conduct inspections to licensed private columbaria in the period of Ching Ming and Chung Yeung Festivals and their shadow periods. Any breach of licensing condition detected, verbal warning, written warning or enforcement notice may be issued to the licensee for rectification. A person holding a SI must comply with the conditions imposed on the SI. Otherwise, he/she has to bear one or more than one of the consequences under the PCO.

Land Administration

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

- (a) the Site comprises three private lots, namely Lots 613 RP, 614 and 1229 in D.D. 453 with lease terms expiring on 30.6.2047 as well as adjoining Government Land of considerable size. Lots 613 RP and 614 in D.D. 453 are old schedule lots held under Block Government Lease demised for agricultural use. Lot 1229 in D.D. 453 is held under New Grant No. 4363 for private residential purposes subject to not more than four village type houses and no

structures exceeding 25 feet in height, and no grave shall be made on the lot, nor shall any human remains whether earthenware jars or otherwise be interred therein or deposited thereon. It is noted that there are unauthorised buildings or structures erected on these lots and illegal occupation of the adjoining Government land;

- (b) the columbarium development contravenes the existing lease conditions within the Site and the proposed access road falls on Government land. If the rezoning application is approved, the applicant will need to apply to LandsD for a land exchange for implementation of the columbarium development. The proposal will only be considered upon receipt of the valid application from the applicant, and there is no guarantee that the land exchange application involving the adjoining Government land, if received by LandsD, will be approved and he reserves his comment on such. The land exchange application involving adjoining Government Land will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, the payment of premium and administrative fee;
- (c) the site area information of the Lots and adjoining Government land as stated in the applicant's submitted documents has not been checked and is subject to verification which will be addressed when handling the aforementioned land exchange application; and
- (d) it is noted that the said measures will form part of the Management Plan to be approved by the PCLB which is responsible for the monitoring and enforcement of the approved measures.

Traffic Aspect

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

- (a) no in-principle objection to the application from traffic management point of view;
- (b) traffic congestion was observed along Lo Wai Road during the Ching Ming and Chung Yeung festival periods. To improve the local traffic situation during these festival periods, TD has been implementing traffic management measure at Lo Wai Road since 2017. The measure involves the temporary closure of Lo Wai Road to all vehicular traffic, except public transport, emergency vehicles and those with permits issued by TD⁷. Special traffic management measures are also currently implemented by YYI

⁷ Drivers of all motor vehicles, except franchised buses, taxis, public light buses, emergency vehicles and those with permits issued by TD, would be prohibited from driving into the closed road during the temporary closure period.

during these festival periods⁸. There is no guarantee that YYI would continue to implement these measures;

- (c) to mitigate the traffic impact arising from the proposed columbarium redevelopment on Lo Wai Road and the nearby roads, the columbarium will be closed for visitors on both Ching Ming and Chung Yeung Festival days, and the two weekends before and after, including the public holidays in between. On other days, a mandatory ‘visit-by-appointment’ scheme will be implemented to control the number of visitors;
- (d) in order to cater for the anticipated traffic flow, the applicant proposed to widen the existing local track on Government land leading to the Site from Lo Wai Road. The applicant undertakes to design, build and maintain the widened local track at his own cost with no claim to the Government and to the satisfaction of relevant Government departments. As such, C for T would have no objection provided that the applicant could resolve the management and maintenance responsibility and any land issues concerning the access road; and
- (e) having considered that the TIA has demonstrated that all road links will operate within their capacities in design year 2026, it is anticipated that the proposed columbarium development would not induce insurmountable traffic impact onto the surrounding road network during operation stage.

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

no objection to the application considering that the applicant proposes to close the columbarium during peak grave sweeping period (i.e. Ching Ming and Chung Yung Festivals) and their shadow periods.

Environment

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

- (a) no objection to the application;
- (b) the SIA concluded that there will be no adverse sewerage impact arising from the proposed development and no sewer upgrading works is required. The implementation of sewerage works for connecting the proposed development to public sewers shall meet the satisfaction of the Drainage Services Department (DSD); and
- (c) it is noted that no burning of incense, joss papers and candles will

⁸ The special traffic management measures implemented by YYI include (i) providing shuttle bus service to/from MTR Tsuen Wan West Station, (ii) requiring all taxis to pick-up and drop-off inside YYI, (iii) providing a Green Mini-bus route pick-up point inside YYI, and (iv) providing a franchised bus running between Tsuen Wan West Town Centre and Lo Wai Road outside YYI.

be allowed and there will be no burning facilities within the Site.

Drainage and Sewerage

9.1.6 Comments of the Chief Engineer/Mainland South, DSD (CE/MS, DSD):

no adverse comment on the application subject to the following comments:

- (i) the SIA in support of the application needs to meet the full satisfaction of the Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA are subject to views and agreement of EPD. Presumably, the proposed sewerage works will be implemented by the applicant at his own costs; and
- (ii) the applicant is reminded that the whole site falls within the Tsuen Wan Drainage Tunnel Protection Zone (TWDTPZ) and the drainage tunnel passes through the Site underground (**Plan Z-3**). As such, the proposed development is limited under the requirements of DSD's Practice Note (PN) No. 2/2017 – "Assessment on the Effects of Construction Activities on Drainage and Sewage Tunnels and their Associated Structures" in respect of the TWDTPZ. Calculations should also be submitted demonstrating that the change in pressure and differential movement, etc. are in compliance with DSD PN No. 2/2017, and the applicant shall note that there is no guarantee that the indicative development plans would satisfy our requirements and there is no claim to the Government in this respect.

Nature Conservation

9.1.7 Comment from Director of Agriculture, Fisheries and Conservation (DAFC):

as the Site is a developed area with existing buildings/structures, he has no comment on the application from the nature conservation point of view.

Urban Design and Landscape Aspects

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

Urban Design and Visual

- (a) the Site is located at a hilly area surrounded by a number of temples and monasteries. The existing developments in the area are generally with BHs ranging from 1 to 4 storeys;
- (b) comparing with the existing site context, the proposed

redevelopment will bring a slight increase in BH from about 115.9mPD (as measured from survey records) to 117.4mPD. Notwithstanding, the proposed redevelopment remains low-rise in nature. Given the context and as illustrated in the submitted photomontages, the proposed development shall be able to blend in with the surrounding rural setting;

Landscape

- (c) the Site is currently occupied by an existing columbarium and there is no significant landscape resource within the Site. The proposed use is not incompatible with the surrounding environment. In view that further significant adverse landscape impact arising from the proposed redevelopment is not anticipated, there is no objection to the application from landscape planning perspective; and
- (d) it is noted that 4 existing trees are proposed to be felled and transplanted to the proposed landscaped area. The applicant is reminded that approval of the application does not imply approval of tree preservation/removal scheme under the lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal as appropriate.

Building Matters

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

no objection to the application under Buildings Ordinance (BO) subject to the following comments:

- (i) 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 the Building Authority (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;
- (ii) if the Site does not abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under Building (Planning) Regulation (B(P)R) 19(3) during plan submission stage;
- (iii) the Site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under B(P)R 41D. It is noted that the Site involves portion of government land leading to Lo Wai Road. Agreement from LandsD should be sought;

- (iv) if any unauthorized building works (UBW) is found, enforcement action may be taken by the BA to effect the removal of the UBW in accordance with the prevailing enforcement policy for control of UBW;
- (v) as the proposed use under application is subject to the issue of a licence, the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (vi) the columbarium should comply with the design and construction requirements as stipulated in PNAP APP-154; and
- (vii) detailed comments will be given in the building plan submission stage.

Fire Safety

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

- (a) no in-principle objection to the application subject to water supplies for fire-fighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and application for licence and temporary suspension of liability; and
- (c) the emergency vehicular access provision in 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 Building (Planning) Regulation 41D which is administered by BD.

9.2 The following Government department have no comment on the application:

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

10. Public Comments Received During Statutory Publication Period

10.1 The application and its FIs were published for public inspection. During the statutory public inspection periods, a total of 436 public comments⁹ were

⁹ A public comment was submitted without indicating the stance nor providing comment on the application. As such, it is regarded as an invalid comment.

received, including 412 supporting the application (of which 406 comments were submitted in 13 standard proformas, samples at **Appendix IIa**), 13 objecting to the application (samples at **Appendix IIb**) and 11 providing comments on the application (samples at **Appendix IIc**). A full set of the public comments is deposited at the meeting for Members' inspection.

Supporting Views (412 comments)

10.2 The supporting comments are mainly from a member of the Tsuen Wan East Area Committee, the Tsuen Wan Lo Wai Village Office and members of the public. Their views are summarised as follows:

- (a) the proposal would meet the local demand for more columbarium niches. The provision of 50 columbarium niches for charity purposes would also reduce the financial burden of local villagers;
- (b) the proposed development is far away from residential areas and is compatible with the surrounding religious institution and columbarium;
- (c) the proposed arrangement in managing vehicles and pedestrian flow would reduce pedestrian vehicle conflict and maintain a comfortable environment and orderly worship at the Site; and
- (d) the proposed development would not create adverse traffic impact on Lo Wai Road due to the proposed closure of operation during Special Festival Periods.

Objecting Views (13 comments)

10.3 The objecting comments are mainly from Designing Hong Kong Limited, Alliance for the Concern over Columbarium Policy and members of the public including residents of Lo Wai Village and existing developments along Lo Wai Road. Their views are summarised as follows:

- (a) the application is a case of “develop first, apply later”, which violates the lease conditions, the Ordinance and other regulations. Approval of this application would set an undesirable precedent for other similar unauthorised columbarium developments;
- (b) there is concern on whether the applicant is able to inform all buyers regarding the visiting arrangements during and after the redevelopment stage;
- (c) the rezoning is not in line with planning intention of “GB” and there is no strong justification to rezone the Site for the private benefit of the applicant;
- (d) residents of Lo Wai are currently affected by the adverse traffic situation during special festival periods. The columbarium would further aggravate the traffic situation; and

- (e) the columbarium will bring noise and air pollution as well as security problems to the surrounding area.

Providing Views (11 comments)

- 10.4 Public comments providing views / expressing general concerns on the application are mainly from 三疊潭村居民關注組, Kadoorie Farm and Botanic Garden Corporation and members of the public. Their views are summarised as follows:
- (a) no objection to the application providing that the applicant would (i) provide shuttle bus services during special festival periods to avoid creating adverse traffic impact on Lo Wai Road; and (ii) properly monitor and address the nuisance arising from the burning of joss paper / candles, and noise arising from religious rituals;
 - (b) the applicant has not considered providing a direct access via Fu Yung Shan Road which may lessen the strain on Lo Wai Road, and indicating whether alternative sites for columbarium use have been explored; and
 - (c) the Site is very close to two watercourses (**Plan Z-3**), the proposed development would cause potential additional water quality impacts on these watercourses.

11. Planning Considerations and Assessments

The Proposal

- 11.1 The applicant proposes to rezone the Site (**Plan Z-1**) from “GB” to “G/IC(10)” to facilitate the redevelopment of a columbarium, which is currently operating without valid planning permission. According to the redevelopment proposal (**Drawings Z-1 to Z-4**), the columbarium with a BH of 2 storeys will provide not more than 3,000 niches, including 284 niches that have already been sold, 50 niches to be offered free of charge to local villagers with financial difficulties and the rest for sale in phase.
- 11.2 The applicant proposes a set of new Notes of the OZP for the “G/IC(10)” zone (**Appendix Ia-1**) which stipulates that ‘Columbarium (with a total of not exceeding 3,000 niches, of which not less than 50 niches should be offered free of charge to local villagers with financial difficulties)’ as a Column 1 use which is always permitted; provision of additional columbarium niches other than that specified above is considered as a Column 2 use requiring planning permission from the Board; the maximum GFA, SC and BH restrictions; and the requirements of submission of Management Plan to PCLB.

Land Use Compatibility

- 11.3 The Site is located within the temple/monastery cluster at the Fu Yung Shan foothill in Tsuen Wan North. To the immediate north of the Site is a large

cluster of various “G/IC” sub-zones, comprising two long-established religious institutions including YYI and WM and their associated elderly homes (**Plans Z-1 and Z-3**). To the south is predominantly shrubland with a number of small-scale temples/monasteries in individual “G/IC(8)” zones. Columbaria can be found in some of these religious institutions and temples/monasteries along Lo Wai Road, including YYI and WM (**Plan Z-1a**). To the further southeast is the Lo Wai village cluster. Considering that the Site is not within or directly adjacent to the periphery of the existing “V” zone (i.e. with a distance of over 200m), it is considered that there would be limited nuisance to the nearby village houses as caused by the activities in the Site. From a land use point of view, columbarium use at the Site may not be incompatible with the surrounding area.

Development Intensity

- 11.4 The proposed columbarium upon redevelopment involves a PR of about 0.85 and BH of 2 storeys / 117.4mPD. To the immediate northwest of the Site is the Yuen Yuen Care and Attention Home for the Aged with a PR of about 0.95 and BH of 5 storeys / 138.16mPD. To the immediate north the Site is the Yuen Yuen Home for the Aged with an existing PR of about 0.23 and BH of 1 storey / 118.9mPD (**Plan Z-2**). In terms of development intensity, the proposed columbarium is not incompatible with its surrounding developments. CTP/UD&L, PlanD considers the Site upon redevelopment would remain low-rise in nature and shall be able to blend in with the surrounding rural setting.

Traffic Aspect

- 11.5 The Site is accessible via Lo Wai Road, Yi Pei Chun Road and Sam Tung Uk Road (**Plan Z-1**). At present, Lo Wai Road is the only vehicular access serving the nearby columbaria, including YYI and WM (**Plan Z-1a**). Traffic congestion was observed along Lo Wai Road during the Ching Ming and Chung Yeung Festival periods. To improve the local traffic situation during these festival periods, TD has been implementing traffic management measure at Lo Wai Road, i.e. temporary road closure to all vehicular traffic, except public transport, emergency vehicles and those with permits issued by TD. Special traffic management measures are also currently voluntarily implemented by YYI during these festival periods¹⁰. According to TD, there is no guarantee that YYI would continue to implement these measures annually, therefore, it is essential for any proposed columbarium development in the vicinity to implement its own traffic mitigation measures as appropriate.
- 11.6 The applicant proposes that in order not to generate additional traffic volume in Lo Wai area, the columbarium upon redevelopment will be closed during the abovementioned festival days and their shadow periods (i.e. the two weekends before and after, including the public holidays in between). All visitors must make their visits only on other normal weekdays and weekends, and are required to make an appointment at least two days in advance before the visit. In addition, the applicant proposed to widen the existing local track leading to

¹⁰ See footnote 8 on Pg. 14.

the Site from Lo Wai Road at his own cost to cater for the anticipated traffic flow. Considering that the Site will not allow visitors during the abovementioned festival periods and therefore will not affect the traffic situation in the Lo Wai area during the peak grave sweeping period, C for T and C of P have no in-principle objection to the application from the traffic engineering and management perspectives.

Other Technical Aspects

- 11.7 The applicant proposes that there will be no burning of incense, joss papers and candles within the Site. In addition, the SIA has demonstrated that there will be no adverse sewerage impact arising from the proposed redevelopment. In this regard, DEP has no objection to the application. In terms of landscape planning, CTP/UD&L, PlanD has no objection considering that further significant adverse landscape impact arising from the proposed redevelopment is not anticipated. DAFC also has no comment on the application from nature conservation perspective considering that the Site and its immediate surrounding is a developed area and there is no landscape resources on the Site. In terms of urban design and visual aspect, CTP/UD&L, PlanD considers that the proposed redevelopment will remain low-rise in nature and shall blend in with the surrounding rural setting. Other Government departments, including CEDD, BD, DSD, FSD, HyD and WSD have no objection to/comment on the application.

Proposed Notes of the OZP

- 11.8 A number of management/operational measures are proposed by the applicant as mentioned in paragraph 1.9 above (i.e. closure during festival periods and ‘visit-by-appointment’ scheme) to address the traffic and environmental concerns of the relevant Government departments and the public. As mentioned in paragraph 1.4 above, the applicant proposes to incorporate the management/operational measures (i.e. the minimum number of niches to be offered free of charge to local villagers with financial difficulties, maximum limit of selling of niches per year and the operation arrangements as set out in the Management Plan to be approved by the PCLB) in the Remarks under the Notes of the new “G/IC(10)” sub-zone. In general, these measures should be scrutinised and monitored through the established licensing mechanism under FEHD / PCLB and would not be effectively governed through the Notes of the OZP. In addition, the applicant’s proposal for stipulating ‘Columbarium’ as a Column 1 use generally deviates from the Master Schedule of Notes for the “G/IC” zone in which ‘Columbarium’ is a Column 2 use. Taking into account the above, it is considered prudent that ‘Columbarium’ use should be put under Column 2 of the relevant zone such that the development details and other technical aspects of the proposed columbarium development would be further considered by the Board upon application under s.16 of the TPO.

Previous Application

- 11.9 The Site is the subject of a previous application (No. Y/TW/9) submitted by the same applicant for rezoning the Site from “GB” to “G/IC(10)” for redeveloping the Site for columbarium use with 3,000 niches. While the application was

rejected on the reasons of adverse traffic impact, traffic concerns have been addressed in the current application as per paragraphs 11.5 to 11.6 above for redevelopment of the Site for the same use, number of storeys and number of niches. As for the development intensity, there is a GFA increase of 1,300m² as compared to the previous application (paragraph 5.2 above refers). It is noted that the previous application had assumed the basement car park and plant rooms (GFA of about 540m²) would be exempted from GFA calculation, while the covered car park and waiting area under the current application have been counted towards GFA calculation.

Public Comments

- 11.10 Regarding the public comments in paragraph 10, the planning assessments above and departmental comments in paragraph 9 are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10, PlanD has no in-principle objection to the application. However, taking into account that the applicant's proposal for stipulating 'Columbarium' as a Column 1 use generally deviates from the Master Schedule of Notes for the "G/IC" zone as stated in paragraph 11.8 above, 'Columbarium' use may be more suitable to be stipulated as a Column 2 use for better planning control. As such, it is recommended that the Committee should partially agree to the application by rezoning the Site to an appropriate zoning with 'Columbarium' as a Column 2 use.
- 12.2 Should the Committee decide to agree or partially agree to the application, appropriate amendments to the Tsuen Wan OZP together with the revised Notes and Explanatory Statement, will be submitted to the Committee for approval prior to gazetting under the Town Planning Ordinance.
- 12.3 Alternatively, should the Committee decide not to agree to the application for amendment, the following reasons are suggested for Members' reference:

the applicant fails to demonstrate that the proposed traffic management measures are practical, implementable and enforceable and the proposed columbarium development would not have adverse traffic impact on the surrounding area.

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 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 11.12.2020
Appendix Ia	Planning Statement and Technical Assessments
Appendix Ia-1	Schedule of Uses of the proposed “G/IC(10)” zone
Appendix Ib	FI 1 received on 10.2.2021
Appendix Ic	FI 2 received on 4.3.2021
Appendix Id	FI 3 received on 1.4.2021
Appendix Ie	FI 4 received on 16.6.2021
Appendices IIa to IIc	Samples of Public Comments
Drawing Z-1	Indicative Master Layout Plan
Drawings Z-2 to Z-4	Indicative Floor Layout Plans and Section Diagram
Drawing Z-5	Plan showing the proposed widening of local access road between the Site and Lo Wai Road
Drawing Z-6	Planting Plan
Drawings Z-7 to Z-8	Proposed Traffic and Pedestrian Flow Management Plans
Drawings Z-9 to Z-11	Photomontages
Plan Z-1	Location Plan
Plan Z-1a	Location of columbaria which have submitted applications for specified instruments to the PCLB
Plan Z-2	Site Plan
Plan Z-3	Existing land uses in the surroundings
Plan Z-4	Aerial photo
Plans Z-5 to Z-7	Site photos
Plan Z-8	General routing of public transport to/from the Site

**PLANNING DEPARTMENT
JUNE 2021**