

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/I-TOF/5**

- Applicant** : Mr. FAN Mook Hay represented by Raymond Chan Surveyors Limited
- Premises** : G/F of Two Existing Buildings, Lung Ngam Monastery, No. 47, Wang Hang Village, Tai O, Lantau Island, New Territories
- Floor Area** : About 123.3m<sup>2</sup>
- Lease** : Lot 47 in D.D. 313L  
- Mixed Agricultural and Building Lot held under Block Government Lease as varied by a Building Licence No. 248
- Plan** : Approved Tai O Fringe Outline Zoning Plan (OZP) No. S/I-TOF/2
- Zoning** : “Government, Institution or Community” (“G/IC”)  
- Restricted to a maximum building height of 2 storeys
- Application** : Proposed Columbarium

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed columbarium at the application premises (the Premises) within a monastery namely Lung Ngam Monastery in Wang Hang Village, Tai O. The Premises fall within an area zoned “G/IC” on the approved Tai O Fringe OZP No. S/I-TOF/2 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Columbarium’ is a Column 2 use in the “G/IC” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are located on G/F of two existing buildings namely Buildings 1 and 2 within Lung Ngam Monastery which is administered by Shing Sum Tong formed by groups of local fishermen in Tai O since 1932. According to the applicant, there are 901 occupied/partially occupied niches on G/F and 1/F of Building 1 with the maximum interment capacity of 1,201. The G/F and 1/F of Building 2 are now vacant. Under the current proposal, all of the currently occupied niches in Building 1 will be relocated and

rearranged to the G/F of Buildings 1 and 2 due to building and structural safety reasons, including the Means of Escape (MoE) requirements for compliance with the Buildings Ordinance. The total number of niches (901) and interment capacity (1,201) will remain unchanged, and the 1/F of Buildings 1 and 2 shall be vacated upon the completion of relocation works (**Plans A-4a to A-4d**). The proposed relocation and rearrangement of niches would not require building construction works and only building upgrading, refurbishment and renovation works would be involved. The proposed development parameters and layout of G/F of Buildings 1 and 2 are shown in **Drawings A-1 and A-2** and summarised as follows:

	<b>G/F of Building 1</b>	<b>G/F of Building 2</b>	<b>Total</b>
Floor Area of Premises	About 62.5m <sup>2</sup>	About 60.8m <sup>2</sup>	About 123.3m <sup>2</sup>
Number of Niches	385	516	901

Type of Niches	Number of Sold and Fully Interred Niches	Number of Sold and Partially Interred Niches	Maximum Ash Interment Capacity
Single Niches	654	0	654
Double Niches	135	78	426
Triple Niches	19	0	57
4-set Niches	13	0	52
6-set Niches	2	0	12
Sub-total	823	78	1,201
Grand Total	901		

- 1.3 According to the Environment Assessment (EA) and Traffic Impact Assessment (TIA) carried out by the applicant, the proposed columbarium will not cause insurmountable adverse impact on environment, sewerage and traffic in the area. According to the applicant, the opening hours of the Premises is from 9:00 a.m. to 5:00 p.m. daily. Visit-by-appointment arrangement would be adopted on the festival days of Ching Ming Festival and Chung Yeung Festival. There is no direct vehicular access to the Site. The Site is mainly accessible by the public via the footbridge connecting to Lung Shing Street and further to the roadside bus stop on Tai O Road and Tai O Bus Terminal in town centre which is the main arrival point of Tai O about 10 minutes of walking distance away. There are also other local footpaths linking up Sun Ki Street and Tai O Road via Wang Hang Village (**Plan A-2**). To minimise environmental impacts, the operation of proposed columbarium would not involve any burning ritual papers and joss sticks nor any other incense burning activities. Chanting activity will be prohibited and only quiet reminiscence and remembrance activities (i.e. worship/praying) will be allowed. Additional portable toilets would be provided within Lung Ngam Monastery during the festival days in addition to the existing toilet of the monastery with current septic tank and soakaway system (**Drawing A-3**). The abovementioned arrangements will be incorporated into the management plan to be submitted to the Private Columbaria Licensing Board (PCLB) during the application stage of licence/exemption under Private Columbaria Ordinance (PCO) (Cap. 630) for review and approval.

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

- (a) application form with attachments received on 28.8.2024; (Appendix I)
- (b) supplementary information received on 3.9.2024; and (Appendix Ia)
- (c) further information (FI) received on 19.11.2024\*. (Appendix Ib)

*\* accepted and exempted from publication and recounting requirement*

1.5 On 25.10.2024, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendices I, Ia and Ib**, which are summarised as follows:

- (a) Lung Ngam Monastery has been administered by Shing Sum Tong, which was formed by groups of local fishermen in Tai O, since 1932. The existing niches are the interment rights of the ancestors of local fishermen who had made donation for construction of Lung Ngam Monastery. There is genuine need of retaining the columbarium to serve the local needs (i.e. need of worship, reminiscence and remembrance of ancestors);
- (b) in order to address building and structural safety reasons, particularly for compliance with Buildings Ordinance on the provision of MoE, the subject planning application proposes the relocation and rearrangement of the existing niches from two storeys of an existing building to G/F of two existing buildings. The total number of niches and ash interment capacity remain unchanged. While no building construction work is required, the relocation would involve building upgrading, refurbishment and renovation works only;
- (c) the subject planning application is to support the application to PCLB for licence/exemption under PCO, allowing Government's monitoring over the operation and management of the private columbarium;
- (d) the proposed columbarium is in line with the planning intention of the "G/IC" zone, providing Government, Institution or Community (GIC) facilities to serve the community needs of the local fishermen in Tai O and is compatible with the religious institutional use at Lung Ngam Monastery on the same lot, the surrounding village and rural nature. Meanwhile, there is no planned GIC facilities within the Lung Ngam Monastery and the Premises; and
- (e) the EA and TIA demonstrate that the proposed columbarium will not cause insurmountable adverse impact on environment, sewerage and traffic aspects in the area.

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

The applicant is not the “current land owner” of the Premises but has complied with the requirements 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. 31B) by notifying the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 The Premises are situated in two 2-storey buildings within Lung Ngam Monastery. Building 1 is currently for columbarium use while Building 2 is vacant. According to the record, both G/F and 1/F of Building 1 were used as columbarium immediately before the first publication in the Gazette of notice of draft Tai O Fringe Development Permission Area (DPA) Plan No. DPA/I-TOF/1 on 4.6.2010.
- 4.2 Lung Ngam Monastery had applied for licence/ temporary suspension of liability (TSOL) under PCO for the existing private columbarium which involves G/F and 1/F of Building 1. On 21.9.2020, PCLB refused the application as the applicant failed to submit documents to prove to the satisfaction of the PCLB on land-related, planning-related, building-related, fire safety, environmental protection and other requirements under the PCO. The appeal submitted by Lung Ngam Monastery was also dismissed on 11.11.2021 by the Private Columbaria Appeal Board. The existing private columbarium is not under any specified instrument<sup>1</sup> of PCO.

### **5. Previous Application**

Part of the Premises (i.e. G/F of Building 2) is the subject of a previous s.16 application (No. A/DPA/I-TOF/5) submitted by another applicant for proposed columbarium use with additional 1,600 niches on G/F and 1/F of Building 2 (total 3,400 niches in both Buildings 1 and 2 taking into account the then existing 1,800 niches on G/F and 1/F of Building 1 at that juncture). The application was rejected by the Board upon review on 18.10.2013 mainly on the grounds that the applicant failed to demonstrate that the proposed columbarium was sustainable in terms of the capacities of existing and planned transport infrastructure of the area; and would set an undesirable precedent for similar applications within the “G/IC” zone. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

### **6. Similar Application**

There is no similar application within the same “G/IC” zone of the OZP.

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<sup>1</sup> According to the PCO, the operation of a private columbarium must be covered by a licence, an exemption or a TSOL (a specified instrument).

**7. The Premises and Their Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a to A-4d)**

**7.1 The Premises are:**

- (a) located on G/F of Buildings 1 and 2 in the middle part of Lung Ngam Monastery (**Plans A-3 and A-4b**). G/F and 1/F of Building 1 are currently for columbarium use. G/F and 1/F of Building 2 has been vacant and are not in active use;
- (b) situated near the main building, pagoda and other temporary structures of Lung Ngam Monastery at the foothill of Sze Shan next to Wang Hang Village; and
- (c) not directly accessed by vehicles but accessible via the footbridge over a river channel leading to Tai O Road and the town centre of Tai O via Lung Shing Street. There are also other local footpaths linking up Sun Ki Street and Tai O Road via Wang Hang Village.

**7.2 The surrounding areas are predominantly rural in nature with some fishponds and village houses with the following characteristics:**

- (a) to the immediate east of the Premises are vegetated slopes of Sze Shan in Lantau North Country Park.
- (b) to the further south are mainly village houses, domestic structures and some vacant premises in Wang Hang Village zoned “Village Type Development”, and Wah Kwong Temple zoned “G/IC”.
- (c) to the immediate west across the paved footpath is a river channel with a footbridge connecting to Lung Shing Street. To the further west about 250m are Lung Tin Estate and Tin Lee Court, and also Tai O Wing On Street in the town centre of Tai O.
- (d) to the further north are fish ponds, village houses zoned “Residential (Group D)”, the Permitted Burial Ground Site No. BUR6L and Tai O Cemetery zoned “Other Specified Uses” annotated “Cemetery” at the foothill of Sze Shan in about 200m distance.

**8. Planning Intention**

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

## **9. Comments from Relevant Government Departments**

- 9.1 The following Government bureaux/departments (B/Ds) have been consulted and their views on the application are summarised as follows:

### **Columbarium Policy and Licencing**

#### **9.1.1 Comments of the Director of Food and Environmental Hygiene:**

- (a) since the previous application of pre-cut-off licence/TSOL concerning part of the Premises (Building 1) was ceased under section 86(12) of PCO in 2021, any subsequent application for specified instruments submitted for the private columbarium will be regarded as post-cut-off columbarium. Thereby the provisions in respect of ashes capacity for pre-cut-off private columbarium under PCO would not be applicable to the private columbarium;
- (b) the applicant is required to submit post-cut-off licence application in respect of a columbarium accompanied by a set of proposed plans, which must show all the required particulars such as ash interment layout and capacity in accordance with section 25 of PCO. The maximum number of niches and ash interment capacity as proposed on the plans for the private columbarium would depend on the comments from various concerned B/Ds, such as the condition established by the Board, land lease agreement, and building-related requirements. etc. Upon the issuance of licence in respect of a post-cut-off columbarium, the proposed plans will be approved to restrict the interment layout and capacity of ash interment in future operation;
- (c) if a post-cut-off-licence application is approved by PCLB, the Private Columbaria Affairs Office (the PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments; and
- (d) his recommended advisory clauses are at **Appendix III**.

### **Land Administration**

#### **9.1.2 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):**

- (a) Lot 47 in D.D. 313L (the Lot) is held under Block Government Lease as varied by a Building Licence No. 248. It is a mixed agricultural and building lot. According to LandsD's record, the Lot currently comprises 0.23 acre of building land and 0.8 acre of agricultural land;
- (b) the application premises, i.e. Buildings 1 and 2, are within the Lot. A no-objection letter was issued on 7.1.1987 allowing erection of two New

Territories Exempted House within the Lot. The applicant shall ensure that the application premises comply with the requirements in the no-objection letter;

- (c) no lease enforcement action has been taken against the Lot;
- (d) the Lot is not subject to any specific user restriction save for a clause prohibiting any noisy, noisome or offensive trade or business (OTC). The proposed use of the application premises as columbarium is considered acceptable under the lease governing the Lot provided that the operation of the proposed columbarium in the two buildings will not breach the OTC; and
- (e) if planning approval be given to the subject planning application, the applicant is not required to seek a lease modification from LandsD. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

### **Traffic**

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

based on the submitted TIA, he has no objection to the application from traffic engineering point of view.

### **Environmental and Sewerage**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) based on the information provided by the applicant that no additional niches are being proposed, only minor upgrading work/redecoration of the existing buildings may take place at the Premises, no burning of ritual papers and joss sticks will be involved, and only quiet operation activities (i.e. worships/praying) will be carried out at the Premises, he has no comment on the application from environmental planning perspective; and
- (b) he has not received any environmental complaints at the Premises in the past five years.

### **Landscape**

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

the proposed relocation of existing niches within two buildings will not affect the landscape character of the surrounding environment and adverse landscape impact is not anticipated. She has no objection to the application from landscape planning perspective.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the application subject to fire service installations (FSIs) being provided to the satisfaction of the Director of Fire Services; and
- (b) his recommended advisory clauses are at **Appendix III**.

### **Building Matters**

#### 9.1.7 Comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) he has no in-principle objection under the Buildings Ordinance to the proposed use on the Site; and
- (b) his recommended advisory clauses are at **Appendix III**.

#### 9.2 The following departments have no comment or no objection to the application:

- (a) Executive Secretary (Antiquities and Monuments) Antiquities and Monuments Office, Development Bureau;
- (b) Commissioner of Police (C of P);
- (c) Head (Sustainable Lantau Office), Civil Engineering and Development Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (f) Chief Engineer/Land Drainage, DSD;
- (g) Chief Highway Engineer/New Territories East, Highways Department;
- (h) Chief Town Planner/Central Enforcement and Prosecution, PlanD;
- (i) Director of Agricultural, Fisheries and Conservation;
- (j) Director of Electrical and Mechanical Services; and
- (k) District Officer/Islands, Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Period**

10.1 On 6.9.2024, the application was published for public inspection. A total of 1,370 public comments, including 1,353 supporting comments from the Concern group of Lung Ngam Monastery Columbarium and individuals (**Appendix IVa**), 12 comments from individuals providing views (**Appendix IVb**), two objecting comments from individuals (**Appendix IVc**) and three public comments from individuals did not indicate their stands or views on the application (**Appendix IVd**) were received.

10.2 The major grounds of supporting comments (**Appendix IVa**) are summarised as follows:



- (a) the proposed columbarium use meets the genuine needs of the local community;
- (b) the columbarium use at Building 1 was in existence immediately before the first publication in the Gazette of the notice of the DPA Plan;
- (c) the proposed columbarium use is in line with the latest policy intention of proposed amendments to the PCO with a view to averting massive displacement of interred ashes;
- (d) there is no other columbarium facilities in Tai O;
- (e) families of the deceased hope to keep the existing niches in Lung Ngam Monastery; and
- (f) the proposed columbarium use will not increase the number of niches nor induce adverse impact to the surroundings.

10.3 The 12 public comments (**Appendix IVb**) **provide views** on the application that the unique local culture in Tai O and the emotional linkage of residents should be respected by retaining the Lung Ngam Monastery.

10.4 One of the opposing public comments (**Appendix IVc**) considers the proposed columbarium is intended for commercial purpose than serving the local needs. Another opposing comment does not provide detailed reason of her objection.

## **11. Planning Considerations and Assessments**

11.1 The applicant seeks planning permission for a proposed columbarium at the Premises on G/F of the two existing buildings (Buildings 1 and 2) of Lung Ngam Monastery. Building 1 is currently for columbarium use while Building 2 is vacant. According to the record, both G/F and 1/F of Building 1 were used as columbarium immediately before the first publication in the Gazette of notice of draft Tai O Fringe DPA Plan No. DPA/I-TOF/1 on 4.6.2010. The current proposal is for relocation and rearrangement of occupied niches on G/F and 1/F of Building 1 due to building and structural safety reasons. There is no change to the number of niches and ash interment capacity and no new niche and additional ash interment capacity is proposed.

11.2 Lung Ngam Monastery falls within an area zoned “G/IC” on the OZP. The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The application should be comprehensively assessed taking into account the land use compatibility of the columbarium with its neighbouring uses, and the traffic and environmental impacts arising from the development.

- 11.3 The Premises are located on G/F of the two existing buildings of Lung Ngam Monastery surrounded by main building, pagoda and other temporary structures of the monastery. The proposed columbarium at the Premises will not involve new building construction works, but only building upgrading, refurbishment and renovation works of two existing buildings. Moreover, the Premises are mainly accessible by the public via the footbridge leading to the Lung Shing Street and the town centre of Tai O in a walkable distance, without passing through existing village settlements in the vicinity. Besides, the Permitted Burial Ground BUR6L and Tai O Cemetery are located about 200m to the north while to the immediate east is vegetated slopes of Sze Shan in Lantau North Country Park. From land use compatibility point of view, the proposed columbarium is considered not incompatible with the surroundings areas.
- 11.4 On technical side, various measures are proposed by the applicant to minimise the traffic and environmental impacts, including the visit-by-appointment arrangement, operations on worship, reminiscence and remembrance activities, and contingency measures during the festival days. According to the TIA and EA submitted by the applicant, the proposed columbarium will not cause insurmountable adverse impact on environment, sewerage and traffic aspects in the area. To this end, C for T and DEP have no adverse comment on/no objection to the application from traffic engineering and environmental planning perspectives respectively. As the proposed relocation and rearrangement of existing niches within two buildings will not affect the landscape character of the surrounding environment with no anticipated adverse landscape impact, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective. Other relevant Government departments including CBS/NTE1&L, BD, C of P and CE/HK&I, DSD have no adverse comment on/no objection to the application.
- 11.5 DFEH advises that the previous application of pre-cut-off licence/TSOL concerning part of the Premises (Building 1) was ceased under the PCO in 2021. Therefore, the applicant is required to submit post-cut-off licence application to allow operation and management of the proposed columbarium under the PCO. Detailed management plan would be submitted to PCLB for review and approval in licensing stage. Upon approval under PCO, PCAO would oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments.
- 11.6 A previous application (No. A/DPA/I-TOF/5) at part of the Premises (Building 2) for proposed columbarium with additional 1,600 niches was rejected by the Board upon review on 18.10.2013 on the grounds that the application failed to demonstrate that the proposed columbarium is sustainable in terms of the capacities of existing and planned transport infrastructure of the area; and would set an undesirable precedent for similar applications within the "G/IC" zone. However, the current application is different from the previous rejected application as it only involves the relocation and rearrangement of existing niches due to the building and structural safety reasons without new niche and additional ash interment capacity. Moreover, relevant technical assessments in this application have demonstrated that the proposed columbarium would not cause adverse environmental, traffic and technical impacts on the surrounding area. Relevant B/Ds have no adverse comment on/no objection to the application.

- 11.7 Regarding the concerns raised in the public comments as detailed in paragraph 10 above, the Government departments' comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.6 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **10.1.2029**, and after the said date, the permission shall cease to have effect unless before the said date the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses are suggested for Member's reference:

### Approval Condition

the maximum number of niches within the application premises should not exceed 901.

### Advisory Clauses

the recommended advisory clauses are attached at **Appendix III**.

- 12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

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

## **14. Attachments**

<b>Appendix I</b>	Application form with attachments received on 28.8.2024
<b>Appendix Ia</b>	Supplementary Information received on 3.9.2024
<b>Appendix Ib</b>	Further Information received on 19.11.2024
<b>Appendix II</b>	Previous Case
<b>Appendix III</b>	Recommended Advisory Clauses

<b>Appendices IVa to IVd</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan (G/F of Building 1)
<b>Drawing A-2</b>	Layout Plan (G/F of Building 2)
<b>Drawing A-3</b>	Block Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**