

RNTPC Paper No. A/TM/541C
For Consideration by
the Rural and New Town
Planning Committee
on 30.4.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/541

- Applicant** : Lin Chi Ching Yuen Buddhist Association represented by Toco Planning Consultants Limited
- Premises** : G/F, Tai Hak Tin Temple within Lin Chi Ching Yuen, Lot 1197 (part) in D.D. 131, Tsing Shan Tsuen, Yeung Tsing Road, Tuen Mun, New Territories
- Floor Area** : 54.33m²
- Lease** : Building Lot subject to the following salient conditions:
- (a) Shall be used for residential purposes only
 - (b) No structure erected or to be erected on the lot shall contain more than two storeys or exceed a height of 25 feet above mean formation level of the land on which it stands
 - (c) No grave shall be made on the lot, nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Government, Institution or Community” (“G/IC”)
[Restricted to a maximum building height of three storeys excluding basement floor(s)]
- Application** : Proposed Columbarium

1. The Proposal

- 1.1. The applicant seeks planning permission to use the G/F of Tai Hak Tin Temple (大黑天殿) (the Premises) located within a religious institution named Lin Chi Ching Yuen (蓮池淨苑) for a proposed columbarium. The Premises falls within an area zoned “G/IC” on the approved Tuen Mun OZP No. S/TM/35 (**Plan A-1**). According to the Notes of the OZP, ‘Columbarium’ use in the “G/IC” zone requires planning permission from the Town Planning Board (the Board).
- 1.2. According to the applicant, the existing columbarium of Lin Chi Ching Yuen, namely Po Yan Hall (報恩堂) and Hoi Wui Hall (海會堂) at Lot 1188 in D.D. 131, have been in operation since 1970s (**Drawing A-1**). Due to the land ownership complication, there may be difficulties in lease modification for

columbarium use in these two buildings. In order to regularise the existing columbarium in a flexible way, the applicant proposes to consolidate the niches from Po Yan Hall and Hoi Wui Hall to the G/F of Tai Hak Tin Temple. Po Yan Hall and Hoi Wui Hall would then be decommissioned and converted for religious use. Tai Hak Tin Temple is a two-storey building and is currently used as a reception room and a meditation room on the G/F and 1/F respectively.

- 1.3. The Premises is the subject of a previous application (No. A/TM/465) rejected by the Committee on 21.8.2015. Same as the previous application, the proposed columbarium under the current application involves the G/F of Tai Hak Tin Temple only, but with slight reduction of niches from 1,220 to 1,210. The current proposal as compared with the previous application is provided below:

	Previous Rejected Application (No. A/TM/465) (a)	Current Application (b)	Difference (b) – (a)
Floor	G/F only	G/F only	-
Total Floor Area	Not exceeding 52.7m ²	Not exceeding 54.33m ² *	+1.63m ² *
No. of Niches	1,220	1,210	-10

*The total floor area was adjusted to tally with the detailed floor plan submitted to the Private Columbaria Licensing Board (PCLB).

- 1.4. The Premises will accommodate 1,210 niches, including 822 sold niches and 388 unsold niches, in two new halls, namely New Po Yan Hall and New Hoi Wui Hall (**Drawings A-2 and A-3**). The proposed niche accommodation schedule is as follows:

	Tai Hak Tin Temple				Total
	New Po Yan Hall		New Hoi Wui Hall		
	Single-Urn Niche	Double-Urn Niche	Single-Urn Niche	Double-Urn Niche	
Sold (Occupied)	61	17	244	0	322
Sold (Vacant)	78	16	406	0	500
For Sale	301	87	0	0	388
Subtotal	440	120	650	0	1,210

- 1.5. The proposed columbarium can be accessed via footpaths (partly flights of steps) which lead to Yeung Tsing Road (**Plans A-1a and A-2**). In order to minimise the potential traffic impact generated by the proposed columbarium, traffic and crowd management measures are proposed by the applicant. The major proposed measures include closure of Lin Chi Ching Yuen and the proposed columbarium on Ching Ming and Chung Yeung Festivals and their shadow periods (i.e. the two weekends before and after the festival days) and adoption of a mandatory visit-by-appointment system. No parking space will be provided within Lin Chi Ching Yuen. Visitors will be encouraged to visit the columbarium by public transport.

1.6. According to the applicant, an eco-furnace with built-in electrostatic preceptor would be provided within Lin Chi Ching Yuen for burning of joss paper to minimise potential air quality impact (**Drawing A-1**).

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

(a) Application Form received on 19.6.2019 **(Appendix I)**

(b) Planning statement and technical assessments received on 19.6.2019 **(Appendix Ia)**

(c) Further information (FI) received on 5.2.2021 enclosing a consolidated planning statement report on previous FI and updated technical assessments
(not exempted from publication and recounting requirements) **(Appendix Ib)**

(d) FI received on 11.2.2021 providing responses to comments of Environmental Protection Department (EPD)
(exempted from publication and recounting requirements) **(Appendix Ic)**

(e) FI received on 1.3.2021 enclosing responses to departmental comments, amended pages of Traffic Impact Assessment (TIA) and updated Management Plan
(not exempted from publication and recounting requirements) **(Appendix Id)**

(f) FI received on 13.4.2021 enclosing responses to comments of Food and Environmental Hygiene Department (FEHD)
(exempted from publication and recounting requirements) **(Appendix Ie)**

(g) FI received on 16.4.2021 enclosing updated master layout plan, internal layout and section plans for the proposed columbarium
(exempted from publication and recounting requirements) **(Appendix If)**

[FIs received between 15.10.2019 and 8.1.2021 were superseded and not attached]

1.8. On 16.8.2019, 13.12.2019 and 10.7.2020, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application as requested by the applicant. The applicant submitted FI

between 15.10.2019 and 16.4.2021. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia and Ib**. They are summarised as follows:

- (a) The proposed development is in line with the government policy objectives in that the columbarium facility of Lin Chi Ching Yuen was first established in the 1970s, and niches have been placed in Lin Chi Ching Yuen since then. However, due to the land ownership complications which have affected the management of the columbarium in Lin Chi Ching Yuen, the applicant proposes to relocate the niches in the existing Po Yan Hall and Hoi Wui Hall to the Premises. The current application is submitted to seek sympathetic consideration by the Board to allow Lin Chi Ching Yuen to comply with the town planning requirements under the Private Columbaria Ordinance (PCO). It will also allow the existing unsold niches to be put up for sale to meet the demand for niches and to improve the financial situation of Lin Chi Ching Yuen for upgrading the temple and promoting religious services.
- (b) The proposed development is in line with the general planning intention in that the Premises is located within an area zoned “G/IC” with monasteries in existence. The proposed development is not incompatible with the surrounding land uses. It also complies with the Board’s Guidelines for application within “G/IC” zone because the proposed development is intended mainly to serve the followers of Lin Chi Ching Yuen and the general public. It will not jeopardise the provision of G/IC facilities within Lin Chi Ching Yuen. Moreover, the proposed development is low-rise and small-scale in nature, which is compatible with the rural character of the locality.
- (c) The Premises is located in a secluded environment at the southern part of Tsing Shan Tsuen in Tuen Mun and well segregated from the sparsely located domestic uses at the northern part of Tsing Shan Tsuen Area by mature trees, level difference and numerous religious institutions.
- (d) The Premises is accessible via a footpath which leads from Yeung Tsing Road. It is about 7 and 8 minutes walking distance from Tsing Shan Tsuen Light Rail Transit (LRT) Station and Lung Mun LRT Station and is well-served by a wide array of franchised bus and Green Minibus routes at Tsing Wun Road and Lung Mun Road.
- (e) The TIA has demonstrated that the proposed development would not pose adverse traffic impacts to the road and pedestrian network in the vicinity. The junction and footpath capacity analysis concluded that with implementation of the proposed traffic and crowd management measures, the junction and footpath analysed have capacity to accommodate the expected traffic and pedestrian growth and the additional demand generated by the proposed columbarium when it is fully occupied.
- (f) The proposed development will not generate any significant environmental impacts on air quality, noise and sewerage. An eco-furnace with built-in electrostatic

preceptor is proposed for burning of joss paper to minimise potential air quality impact. The normal opening hours of Lin Chi Ching Yuen and the Premises are 9:30a.m. to 4:30p.m. Ancestral worshipping activities will take place indoor and are solemn in nature. The proposed columbarium is not designed for conducting any funeral ceremony. Adequate toilet facilities have been provided within Lin Chi Ching Yuen. There are newly constructed municipal sewers available for connection with the proposed development. The submitted SIA concluded that there is no unacceptable sewerage impact generated from the proposed development.

- (g) The application is intended only to relocate the columbarium niches currently accommodated in Po Yan Hall and Hoi Wui Hall to the Premises without changing the building bulk. In view of the considerable distance from domestic uses, the level difference and the surrounding mature trees, the proposed development is unlikely to result in significant visual impact on the surrounding area.
- (h) There are a number of approved similar cases of columbarium developments in the “G/IC” zone and most of them are located within the existing religious institutions. All these kinds of columbarium applications had received favourable consideration by the Board. The proposed development with only 1,210 niches is of small-scale in nature when compared to other approved schemes. It is also justified by the planning and technical assessments.

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

The applicant is not a ‘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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consents of two ‘current land owners’. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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

- (a) as a general rule, for sites zoned “G/IC”, a major portion of the proposed development should be dedicated to GIC and other uses including public open space. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the “G/IC” zone and, unless with very strong justifications and under special circumstance, planning permission for such development would not be granted;
- (b) in general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised;

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

5. **Background**

Tsing Shan Tsuen Cluster

According to the information provided by FEHD, there are 13 private columbaria in Tsing Shan Tsuen (the cluster area) (**Plan A-1b**) submitted applications for Specified Instrument under the PCO. Out of these 13 private columbaria, six columbaria have obtained planning approval and the remaining seven are yet to obtain planning permission from the Committee. FEHD advised that there are an overall of about 17,000 niches in the cluster area (all on the western side of Yeung Tsing Road) that have already been sold. According to FEHD, the number of sold and interred niches is 7,436 and sold but yet to be interred is 9,758. The aggregated niche data are compiled based on the niche information provided by the private columbaria in 2017 but yet to be verified by FEHD.

6. **Previous Application**

The Premises is the subject of a previous s.16 application (No. A/TM/465) for columbarium use with 1,220 niches. The Committee rejected the application on 21.8.2015 on the ground that the applicant failed to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.

7. **Similar Applications**

Within the same G/IC zone

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

Approved Columbaria

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

Rejected Columbaria

- 7.3. The three rejected columbaria are Sin Sam Tong (善心堂) (No. A/TM/434), a site located to the east of Yeung Tsing Road (No. A/TM/531) and a site to the west of Filial Park (No. A/TM/545). Sin Sam Tong was rejected by the Committee on 18.5.2012 for reasons of incompatibility with the adjacent developments; failure to demonstrate the pedestrian and vehicular traffic impacts could be satisfactorily addressed; and adverse environmental and landscape impacts on the surrounding areas. Application No. A/TM/531 was rejected by the Committee on 20.9.2019 as the applicant failed to demonstrate that the proposed columbarium would not cause adverse traffic impact on the surrounding area and the proposed Crowd Management Plan can be effectively implemented; the proposed columbarium is not in line with the TPB PG-No. 16 in that it is not compatible with the surrounding GIC and residential uses; and approval of the application would set an undesirable precedent for other similar applications. Application No. A/TM/545 was rejected by the Committee on 15.9.2020 as the applicant failed to demonstrate that the proposed columbarium development would not result in adverse impacts on traffic and pedestrian circulation as well as pedestrian safety in the area. The forth rejected application was Application No. A/TM/415 in relation to Shan Guo which was rejected on review on 8.6.2012 but subsequently the columbarium was approved under s.16 application (No. A/TM/441) mentioned in paragraph 7.2 above.

Application being processed

- 7.4. There is one planning application (No. A/TM/560) for columbarium use being processed (**Plan A-1**). The application was deferred on 26.2.2021.

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

- 7.5. The Committee has considered five applications involving two sites for columbarium use in other “G/IC” zones on the Tuen Mun OZP. Three were approved and the remaining two were rejected. Details of these applications are summarised in **Appendix IIb** and their locations are shown in **Plan A-1**.
- 7.6. Tsing Chung Sin Yuen (青松仙苑) in Tuen Mun North is subject to three applications with total number of 113,000 urns. The first application (No.

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

A/TM/259) was approved on 18.2.2000 for addition of a columbarium building (16,000 urns) on the considerations that the increase was minor, no adverse impact was expected, and the use was compatible with the existing columbarium use on-site and surrounding GIC uses. Subsequently, two applications for regularisation of three existing columbarium structures (No. A/TM/267) (97,000 urns) and amendments to the approved scheme (No. A/TM/329) were approved on 8.9.2000 and 10.6.2005 respectively on similar grounds.

- 7.7. The proposed redevelopment of Gig Lok Monastery (極樂寺) including 4,900 columbarium niches in Tuen Mun North (No. A/TM/419) was rejected on 1.2.2013 by the Board on review for the reasons of failure to demonstrate planning merits; failure to demonstrate that the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily address; failure to demonstrate the effectiveness of the traffic management scheme; unacceptable tree felling and doubt on the landscape proposal; failure to demonstrate no conflicts and nuisances to the residents in surrounding areas; and undesirable precedent. On 19.4.2013, the applicant lodged an appeal to the Town Planning Appeal Board against the Board's decision in refusing the application. The appeal was withdrawn by the applicant on 6.2.2014. Application No. A/TM/530 for regularisation of 1,567 niches and 1,089 ancestral tablets for Gig Lok Monastery was rejected by the Committee on 29.11.2019 for the reasons of incompatibility with the adjoining residential developments and undesirable precedents for other similar applications which would cause nuisance to the residential neighbourhood. The applicant applied for a review of the Committee's decision on 24.12.2019. On the applicant's request, consideration of the application was deferred by the Committee on 11.12.2020.

8. The Premises and its Surrounding Areas (Plans A-1 to A-3 and photos on Plan A-4a to A-4d)

- 8.1. The Premises is:

- (a) located within a religious compound known as Lin Chi Ching Yuen (**Plans A-2 and A-3**);
- (b) within the G/F of a 2-storey structure namely Tai Hak Tin Temple currently being used as reception room (**Plans A-4b and A-4c**); and
- (c) accessible via footpaths (partly flights of steps) with a width of mostly about 1.2m linking to Yeung Tsing Road (**Plans A-1a, A-2, A-4a to A-4b, A-4d**).

- 8.2. The surrounding areas have the following characteristics:

- (a) the area is predominated by temples and other religious institutions (**Plans A-1a and A-2**);
- (b) to the immediate west is a temple '智仁閣'. To the further west are religious institutions known as Kwong Lau Yuen (光留園) (**Plans A-1a and A-2**);

- (c) to the south is columbaria obtained planning permissions known as Fat Yuen Ching Shea (佛緣精舍) (No. A/TM/398) and Shan Yuan (善緣) (No. A/TM/437). Fat Yuen Ching Shea, Shan Yuan and the Premises share a footpath linking to Yeung Tsing Road (**Plan A-1a**);
- (d) to the immediate north and east are orchards. To the northeast is a temple ‘妙宗寺’ (**Plan A-2**); and
- (e) dwellings are found about 80m to the northeast of the Site. The main cluster of residential houses of Tsing Shan Tsuen is located about 250m to its further north (**Plans A-1a and A-2**).

9. Planning Intention

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

10. Comments from the Relevant Government Departments

- 10.1. The following Government departments have been consulted and their views on the application and public comments (if any) are summarised as follows:

Licensing

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

- (a) The Private Columbaria Ordinance (Cap.630) (the PCO), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017. Under the PCO, only private columbaria that have obtained a licence can 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 Private Columbaria Licensing Board (PCLB), including land-related, 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 TD, the Police, Fire Services Department (FSD) and the Planning Department (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.

- (b) The current application involves relocation of ashes from Hoi Wui Hall (海會堂) and Po Yan Hall (報恩堂) to Tai Hak Tin Temple (大黑天殿) within Lin Chi Ching Yuen (蓮池淨苑). However, according to his record, Lin Chi Ching Yuen submitted two sets of applications for specified instruments [viz. one set for a licence, exemption and temporary suspension of liability (covering only niches already sold before 30 June 2017) and another set for a licence and temporary suspension of liability (covering only niches unsold as at 30 June 2017)] at Lot Nos. 1188 & 1197 in DD 131 and adjoining Government Land, 180 Tsing Shan Tsuen, Tuen Mun (i.e. Po Yan Hall and Hoi Wui Hall). According to the documents submitted by the applicant so far, the ash interment only involves in Po Yan Hall and Hoi Wui Hall instead of Tai Hak Tin Temple. The applicant has submitted revised proposed plans to include the Tai Hak Tin Temple in the application site boundary for two sets of application of specified instruments under the PCO. However, the information of proposed niches for the two sets of specified instrument application is subject to clarification by the applicant. Thus, verification of niche information under licence application cannot be conducted by the PCAO at this juncture.
- (c) The niche information proposed for the licence application as a basis to comment on those stated in the management plan is subject to clarification by the applicant and verification by PCAO.
- (d) As regards the applicant's proposed measures of 'closing the columbarium during Ching Ming and Chung Yeung Festivals and two weekends before and after the festival days', the PCAO will have no comments provided that:
 - (i) the applicant undertakes to lock up the Lin Chi Ching Yuen including the columbarium during the proposed closure periods;
 - (ii) the proposed period of closure of the columbarium is clearly stated in the proposal (e.g. during Ching Ming Festival and Chung Yeung Festival Days and the two weekends before and after the two festival days);
 - (iii) as some niches in the columbarium (located at Hoi Wui Hall and Po Yan Hall at present) have already been sold, the applicant undertakes to:

- inform the affected parties (including the purchasers of the sold niches) in writing that these measures are proposed by the applicant and will be implemented if its planning application and licence application are approved; and
 - remind the concerned parties by letter, email, fax, SMS and any possible notification means of the total closure of the columbarium during the specified periods at least one month in advance of each closure period; and
- (iv) for future buyers of the interment rights of niches in the concerned columbarium, the applicant undertakes to state clearly in the sales agreements that the columbarium will be completely closed during the specified periods and a ‘visit-by-appointment’ arrangement will be adopted for the specified periods and explain these arrangements to the potential buyers before entering into the sales agreements.
- (e) If the 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 specified instrument must comply with the conditions imposed on the specified instrument. Otherwise, he/she has to bear one or more than one of the consequences under sections 40 and 64 of the PCO.
- (f) The applicant should note the advisory comments on the management plan in **Appendix IV**.

Land Administration

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

- (a) The Premises falls within Lot No. 1197 in D.D.131 (the lot) which is governed by New Grant No. 1666 dated 16.9.1971. The area of the lot is 600 square feet (about) (i.e. 55.74m² (about)). According to the lease conditions, the lot is a building lot subject to the following lease conditions, inter alias:
- (i) the lot shall be used for private residential purposes only;
 - (ii) no structure erected or to be erected on the lot shall contain more than two storeys or exceed a height of 25 feet above mean formation level of the land on which it stands; and

- (iii) no grave shall be made on the lot, nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon.
- (b) The applicant seeks planning permission from the Board to relocate the existing 1,210 niches from Po Yan Hall and Hoi Wui Hall (both within Lot 1188 in D.D. 131 but outside the Site) into the Premises. The existing columbarium use is in breach of the lease conditions of Lot 1188 in D.D. 131. A warning letter issued by this office on 21.3.2017 has been registered in the Land Registry.
- (c) The proposed columbarium use at the lot contravenes the existing lease conditions of Lot 1197 in D.D. 131. Besides, the proposed eco-furnace and holding area proposed in the Management Plan falls outside the Premises but within the Scheme Area and is within unleased Government land (**Drawing A-1** and **Plan A-2a**). If planning approval is given to the application and covers the proposed furnace, holding area and access on Government land, the applicant will need to apply to the LandsD for a lease modification for the proposed columbarium use at the lot and a short term tenancy. The application will only be considered upon his receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application are approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee.
- (d) The applicant advised in the FI dated 1.3.2021 (**Appendix Id**) that the site area and the proposed GFA of the Premises were revised to 54.33m². According to his record, no approval has been given by his office and no Certificate of Exemption under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) has been issued to the existing building/structure now standing on the lot and under application. All rights of the Government are reserved including ascertaining the dimension of the structures and taking any actions as may be appropriate. The applicant should also note the comments of Buildings Department (BD) in paragraph 10.1.9(b) and paragraphs (d)(i) to (iv) in **Appendix IV**, in particular paragraph (d)(ii).
- (e) The applicant proposed that Hoi Wui Hall and Po Yan Hall, where the existing niches are located, would be used for religious use only if the existing niches therein could be relocated. The registered owner of the lot will need to apply to LandsD for a lease modification to permit the religious use at the lot. The application will only be considered upon receipt of the formal application from the registered owner of the lot. There is no guarantee that the

application, if received by LandsD, will be approved and he reserves his comments on such. The application will be considered by LandsD acting in the capacity of landlord at sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee.

- (f) It is noted that there may be other encroachment of adjacent Government land. All rights of the Government are hereby reserved. The applicant should be reminded that occupation of any Government land without permission will not be allowed.

Traffic

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

It is noted that all approved columbaria in the vicinity had been taken into account in the applicant's TIA and the cumulative traffic impact had been assessed. He has no objection in principle to the applicant's TIA and Management Plan, subject to the following conditions:

- (a) FEHD's confirmation that the proposed administrative measures (including (i) temporary closure of the proposed columbarium during Ching Ming and Chung Yeung Festivals, two weekends before and after the festival days; (ii) implementation of visit-by-appointment arrangement; and (iii) corresponding specification in usage agreements for columbarium niches) could be enforced by FEHD.
- (b) Details of emergency vehicular access (EVA) to be submitted to BD and FSD for comment.

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

He has no comment on the application. The applicant should be reminded to liaise and make agreement with other columbarium operators in the vicinity of the proposed columbarium regarding the implementation of the proposed traffic and crowd management measures.

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

- (a) The proposed access arrangement should be commented by TD.
- (b) His department does not and will not maintain any access connecting the Site and Yeung Tsing Road. Presumably, the relevant departments will provide their comments, if any.
- (c) The proposed traffic and crowd management measures should be commented by C for T and C of P.

- (d) The applicant/operator of the columbarium should make their own arrangement for the proposed traffic and crowd management measures. Any road marking, signage and street furniture removed should be reinstated to the satisfaction of TD and his department.
- (e) Adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

He has no objection to the application having considered the following:

- (a) An eco-furnace with built-in electronstatic precipitator for joss paper burning is proposed behind Po Yan Hall to replace the existing furnace next to Yuek Sze Temple and EPD's 'Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places' will be followed.
- (b) All wastewater will be discharged into manhole together with the sewage generated from the Premises.

Urban Design and Landscape

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

He has no comment on the application from visual point of view as the current application involves relocation of 1,210 niches from Po Yan Hall and Hoi Wui Hall to an existing Tai Hak Tin Temple. Significant change in built form of an existing building would not be anticipated. Since the application involves conversion of internal use within an existing building, significant landscape impact arising from the application is not envisaged.

Drainage

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

- (a) The Site is located in an area where no public drainage facility is available for connection. Should the application be approved, a condition should be stipulated requiring the applicant to submit drainage proposal for the development and to implement and maintain the drainage facilities proposed in the drainage proposal to the satisfaction of the Director of Drainage Services (D of DS).

- (b) Should the application be approved, a condition should be stipulated requiring the applicant to submit a sewerage connection proposal identified in the SIA for the development and to implement and maintain the sewerage facilities proposed in the sewerage connection proposal to the satisfaction of the D of DS.
- (c) The report needs to meet the full satisfaction of Sewerage Infrastructure Group (SIG) of Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the report are subject to views and agreement of EPD.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site and the Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures are New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121 or the previous Cap. 322), DLO/TM should be in a better position to comment on the application.
- (c) The applicant should note the advisory comments as detailed in **Appendix IV**.

Nature Conservation

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

He has no comment on the application from the nature conservation perspective. It is noted that the Premises is located at the G/F of an existing two-storey building and the application does not involve any changes in the built form of the existing building.

Fire Safety

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

He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.12 Comments of the District Officer/Tuen Mun, Home Affairs Department (DO(TM), HAD):

He had distributed consultation letters to the locals concerned and understands that they would provide their comments (if any) to the Board direct. He noted that the subject columbarium is located in close proximity to several proposed/ planned columbarium developments. It is envisaged that Tuen Mun District Council member of the subject constituency, respective Area Committee members and locals living in the vicinity will be very concerned about the potential adverse traffic, air, and other environmental impacts brought by the proposed columbarium development, especially when the cumulative effects of the adjoining columbarium developments are taken into account.

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

- (a) Project Manager/New Territories West, Civil and Engineering Development Department;
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Engineer/Development (2), Water Supplies Department;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Electrical and Mechanical Services; and
- (f) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office.

11. Public Comments Received During Statutory Publication Period

11.1. The application and relevant FI were published for public inspection. During the three weeks statutory public inspection periods, a total of 2,673 public comments were received including 2,534 supporting comments, 134 objections and five without specifying support or objection (see table below). A full set of the public comments received is deposited at the Secretariat of the Board for Members' inspection and reference.

	Publication Period	Support	Objection	Without specifying support or objection	Total
1.	28.6.2019 – 19.7.2019	108	4	0	112
2.	29.5.2020 – 19.6.2020	138	4	0	142
3.	18.9.2020 – 9.10.2020	272	34	1	307
4.	3.11.2020 – 24.11.2020	362	20	1	383
5.	11.12.2020 – 2.1.2021	437	16	0	453
6.	15.1.2021 – 5.2.2021	431	16	1	448
7.	16.2.2021 – 9.3.2021	373	3	1	377
8.	5.3.2021 – 26.3.2021	413	37	1	451
Total		2,534	134	5	2,673

- 11.2. The 2,534 supporting comments are submitted by individual members of the public. All are in the form of standard comments (samples are in **Appendices III(1) to III(5)**). The main reasons for supporting the application are summarised as follows:
- (a) it is a traditional practice of providing columbarium niches in temple. The columbarium within Lin Chi Ching Yuen has been in operation since 1970s;
 - (b) the applicant has submitted applications for specified instruments to the Licensing Board. The current application is to fulfil the planning related requirements for obtaining licence under PCO;
 - (c) the proposed columbarium is surrounded by trees and slopes and is far away from residential developments. Moreover, there are a number of temples and religious institutions in the vicinity. The proposed columbarium will not be incompatible with the surrounding area;
 - (d) Lin Chi Ching Yuen only has about 1,210 niches and no additional niches are proposed. Therefore, the amount of visitors will be small. In addition, the proposed columbarium is conveniently located and easily accessible by public transport;
 - (e) the revised TIA has taken into account the traffic flow arising from the columbarium in the vicinity and traffic and crowd management measures (including closure of the proposed columbarium on Ching Ming and Chung Yeung Festivals and their shadow periods) are proposed. Therefore, no traffic impact will be caused; and
 - (f) no air pollution will be caused as an eco-furnace will be provided.
- 11.3. The 134 objections including one from the Chairperson of TMDC, four from a TMDC member, one from village representative of Tsing Shan Tsuen, six from village representative of Yeung Siu Hang Tsuen, two from the Incorporated Owners of the Richie Houses, 34 from villagers of Tsing Shan Tsuen including one of them was collectively signed by 60 villagers, three from Hong Chi Morninghill School/ teachers of the School, one from a former DC member and 82 individual members of the public (samples in **Appendices III(6) to III(15)**). 108 of them are in the form of standard comments (**Appendices III(6) and III(7)**). The major objection grounds/concerns are as follows:
- (a) the numerous existing columbaria in the area have caused nuisance and air pollution to the area affecting residents in the vicinity. The residents feel aggrieved;
 - (b) the proposed columbarium contravenes the planning intention, which is for protection of the natural scenery and religious character;
 - (c) there are already many columbaria in Tsing Shan Tsuen causing traffic congestion in the area during Ching Ming and Chung Yeung Festivals. There is also no parking space nearby. The existing roads are narrow and have insufficient capacity to cater for the additional traffic and visitors. Pedestrian safety and emergency service would also be affected;

- (d) the accuracy of the TIA is in doubt as many people stayed at home due to social incidents and the novel coronavirus infection. The effectiveness of the proposed temporary traffic measures is also in doubt;
- (e) the local residents need community centre, recreational and other community facilities rather than columbarium;
- (f) the columbarium use would generate adverse environmental impacts on the surroundings; and hence affect the health of nearby residents;
- (g) the Government has already had its plan to build columbarium in Tsang Tsui in Tuen Mun which could meet the demand for niches;
- (h) most of the columbaria in the area are privately-operated with niche prices not affordable by locals. The proposed columbarium will only benefit a few stakeholders, including the government;
- (i) it is unfair to use government land for columbarium development; and
- (j) there is a licenced squatter on the site. The proposed columbarium will contravene the licence requirement for residential use.

12. Planning Considerations and Assessments

The Proposal

- 12.1. The application is for conversion of one of the existing premises within Lin Chi Ching Yuen for columbarium use. The proposed columbarium with 1,210 niches is located on the G/F of a two-storey structure named Tai Hak Tin Temple (the Premises) (**Drawings A-2 and A-3**). Due to the land ownership issue and anticipated difficulties in lease modification for columbarium use in Po Yan Hall and Hoi Wui Hall (the existing columbarium in Lin Chi Ching Yuen), the applicant proposes to relocate 822 sold niches and 388 unsold niches currently accommodated in these buildings to the Premises after the planning approval is granted.

Planning Intention and Land Use Compatibility

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

- 12.3. The Premises falls within an area which is predominated by religious uses and GIC facilities including approved columbaria (i.e. Filial Park (思親公園), Shan Guo (善果), Shan Yuan (善緣), Fat Yuen Ching Shea (佛緣精舍) and Sha Law Ching Shea (娑羅精舍)); other temples and religious institutions; schools, training camp, Children and Juvenile Home, and scattered village houses (**Plans A-1, A-1a and A-2**). In general, the proposed columbarium use is not incompatible with religious uses and GIC facilities in the “G/IC” zone.

Traffic Impact

- 12.4. In order to resolve traffic concerns on the capacity of the traffic network in the area, the applicant proposes to close the proposed columbarium and Lin Chi Ching Yuen for visitors during Ching Ming and Chung Yeung Festivals and their shadow periods and adopt ‘visit-by-appointment’ arrangement. In this regard, C for T has no objection provided that DFEH confirms that the administrative measures could be enforced. In this connection, DFEH advises that if the Licensing Board decides to approve the licence application, the PCAO will oversee the monitoring of the implementation of the approved management plan in coordination with other departments. Besides, the approved management plan will be included in the licensing conditions. Private Columbaria Enforcement Team of FEHD will conduct inspections to the licenced private columbaria during 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.
- 12.5. According to the TIA, all the concerned junctions and the road links in the vicinity of the Premises would operate with capacities during normal weekends. The potential traffic impact caused by the columbarium is not significant with implementation of the proposed measures of closing the columbarium during festival periods and the ‘visit-by-appointment’ arrangement. C for T and C of P have no adverse comment on the application.

Town Planning Board Guidelines

- 12.6. According to the TPB PG-No. 16 for application for development/redevelopment within “G/IC” zone for uses other than G/IC uses, the proposed development should not cause significant adverse visual impact, should be sustainable in terms of capacities of existing and planned infrastructure, and should not cause adverse environmental impacts. CTP/UD&L of PlanD has no objection to the application from the visual and landscape perspectives as it only involves conversion of internal use within an existing building and no significant visual and landscape impacts arising from the columbarium use are anticipated. Besides, eco-furnace for joss paper burning is proposed by the applicant and DEP has no objection to the application. Other concerned Government departments including CE/MN of DSD and CE/C of WSD have no comment on /no objection to the proposed columbarium regarding the sewerage, drainage and water supply aspects. On this front, the application is considered not in conflict with the TPB PG-No. 16.

Previous and Similar Applications

- 12.7. The Premises is involved in a previous application (No. A/TM/465) for columbarium use which was rejected by the Committee on 21.8.2015 mainly on the grounds that the applicant failed to satisfactorily address the potential pedestrian safety issue and traffic impact associated with the proposed columbarium. Under the current application, traffic and crowd management measures as stated in paragraph 12.4 are proposed by the applicant and concerned departments have no adverse comment on the application. There are also a number of similar applications for columbarium use approved by the Committee/ Board within the same “G/IC” zone. Approval of the current application is in line with the Committee/ Board’s previous decision for similar approvals.

Public Comments

- 12.8. A total of 2,673 public comments were received, 134 of them objected to the application mainly for reasons relating to traffic congestion and safety problems, environmental nuisance, use of the site for other GIC uses and future niche supply from Tsang Tsui. The departmental comments in paragraph 10 and the planning assessment in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department’s Views

- 13.1. Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraphs 10.1.12 and 11 above, the Planning Department has no objection to the application.
- 13.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 30.4.2025, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the maximum number of niches within the Premises shall not exceed 1,210;
- (b) the submission and implementation of water supply for firefighting and fire services installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of sewerage connection proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

13.3. There are no strong reasons to recommend rejection of the application.

14. Decision Sought

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

15. Attachments

Appendix I	Application form received on 19.6.2019
Appendix Ia	Planning statement and technical assessments received on 19.6.2019
Appendix Ib	FI received on 5.2.2021
Appendix Ic	FI received on 11.2.2021
Appendix Id	FI received on 1.3.2021
Appendix Ie	FI received on 13.4.2021
Appendix If	FI received on 16.4.2021
Appendix IIa	Similar applications within the same G/IC zone
Appendix IIb	Similar applications within other G/IC zones on the Tuen Mun OZP
Appendices III(1) to III(15)	Public comments
Appendix IV	Advisory clauses
Drawing A-1	Master layout plan
Drawing A-2	Internal layout plan
Drawing A-3	Section plan
Plans A-1 and 1a	Location plans
Plans A-1b	Location of columbarium submitted applications for specified instruments to PCLB
Plans A-2 and 2a	Site plans
Plan A-3	Aerial photo
Plans A-4a to 4d	Site photos