

RNTPC Paper No. A/TP/681A
For Consideration by the
Rural and New Town Planning
Committee on 26.8.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/681

- Applicant** : The Lotus Association of Hong Kong represented by KJL Limited
- Site** : Lots 1119 S.A, 1119 S.C, 1253, 1254 S.A, 1254 S.B, 1254 S.C, 1254 RP, 1260 S.A and 1270 S.A in D.D. 6 and Adjoining Government land, Pun Chun Yuen, Shek Lin Road, Tai Po, New Territories
- Site Area** : About 19,600.9 m² (including Government land of about 655.1 m² (3.3%))
- Lease** : (a) Lots 1119 S.A, 1119 S.C, 1260 S.A and 1270 S.A demised for orchard use and restricted to:
- (i) no building be erected; and
 - (ii) no grave be made on, nor human remains be interred in, or deposited
- (b) Lot 1253 demised for house use
- (c) Lot 1254 S.A demised for orchard use with a building not exceeding 121.4m²
- (d) Lots 1254 S.B, 1254 S.C and 1254 RP demised for orchard use
- Plan** : Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/30
(Draft Tai Po OZP No. S/TP/29 at the time of submission)
- Zoning** : “Green Belt” (“GB”)
(at the time of submission and remains unchanged on the extant OZP No. S/TP/30)
- Application** : Columbarium within a Religious Institution

1. The Proposal

- 1.1 The applicant seeks planning permission to regularize an existing columbarium use within a religious institution named Pun Chun Yuen (半春園) at the application site (the Site). The Site falls within an area zoned “GB” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Columbarium (within a Religious Institution or extension of existing Columbarium only)’ in “GB” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The applied columbarium use confines within G/F of three existing buildings (the Premises), viz Si Qin Temple¹ (思親堂), Ti Tsang Temple (地藏殿) and Koon Yum Temple² (觀音殿). The Premises have been converted for columbarium use without a valid planning permission.
- 1.2 According to the applicant, G/F of Ti Tsang Temple and Si Qin Temple were converted for columbarium use with first niches subscribed in 1972 and 1981 respectively. G/F of Koon Yum Temple was initially for storage use but has currently been converted into a columbarium without any ashes interred. Besides, there is a total of 3,257 ancestral tablets accommodated on 1/F of Ti Tsang Temple (1,335 tablets) and Koon Yum Temple (1,922 tablets), which does not form part of the Premises under the application.
- 1.3 There is currently a total of 4,488 niches at the Premises (including 2,013 niches on G/F of Ti Tsang Temple, 1,208 niches on G/F of Si Qin Temple and 1,267 on G/F of Koon Yum Temple). In order to comply with building requirements of the Licence Application under the Private Columbarium Ordinance (PCO), the applicant proposes the alterations and additions (A&A) works on G/F of Ti Tsang Temple (**Drawings A-4 and A-5, and Appendix If**) to remove the unauthorized building works (UBW) of which 990 niches will be affected. Some of the niches will be cancelled and the affected ashes will be relocated to niches on G/F of Koon Yum Temple where no ashes are interred currently. After the removal of UBW, new walls will be constructed on G/F of Ti Tsang Temple to provide 336 new single niches. A total of 3,834 niches will be accommodated in the Premises as proposed under the application upon completion of the A&A works, i.e. 654 niches less compared to the existing provision. The development parameters of the Premises are highlighted as follows:

Gross Floor Area of the Premises	Si Qin Temple	62.8m ²
	Ti Tsang Temple	96.1m ²
	Koon Yum Temple	116.2m ²
	Total	275.1m²

¹ The applicant has submitted one set of Specified Instrument (SI) application (viz. an exemption and TSOL) for the columbarium use on G/F of Si Qin Temple. An approval-in-principle for TSOL and Exemption Application was issued on 14.5.2021 and 24.6.2022 respectively. According to PCO, private columbarium applying for exemption is not required to comply with the planning-related requirements. However, the columbarium use on G/F of Si Qin Temple is included in the planning application for impact assessments in a holistic manner.

² According to the Food and Environmental Hygiene Department (FEHD)’s record, the applicant has submitted one set of SI application (viz. a licence and temporary suspension of liability (TSOL)) for the columbarium use on G/F of Ti Tsang Temple and Koon Yum Temple, an approval-in-principle for TSOL Application was issued on 14.5.2021.

- 1.4 The layout and section plans of the Premises are shown in **Drawings A-2 to A-8**. Amongst the 3,834 niches, 2,466 are sold and occupied (about 64% of the total), 417 are sold but yet to be interred (about 11% of the total), 712 niches (about 19%) are available for sale and 239 niches (about 6%) will not be for sale as proposed by the applicant (with subscribers' information lost) (**Appendix Ic**). A detailed account of the location and number of the columbarium niches is as follows:

	Si Qin Temple	Ti Tsang Temple (upon completion of A&A works)	Koon Yum Temple (upon receipt of relocated ashes)	Total
Total No. of Niches	1,208	1,359	1,267	3,834
• Sold and Occupied	Single: 894 Double: 18	Single: 0 Double: 873	Single: 493 Double: 188	Single: 1,387 Double: 1,079
• Sold but not yet Occupied	Single: 56 Double: 1	Single: 0 Double: 140	Single: 165 Double: 55	Single: 221 Double: 196
• For Sale	Single: 0 Double: 0	Single: 336 Double: 10	Single: 0 Double: 366	Single: 336 Double: 376
• Vacant and Not for Sale (with subscribers' information lost)	239	0	0	239

Traffic Impact and Traffic and Crowd Management Plan

- 1.5 According to the applicant, the operation hour of Pun Chun Yuen is between 9am and 4pm daily. The Site is accessible via Shek Lin Road leading to Kam Shan Road to the east (**Plan A-1b**). A total of 27 parking spaces for private cars, 3 for motorcycles and 2 loading/unloading (L/UL) bays for light goods vehicles will be provided to serve its daily operation on normal days (**Drawing A-10**).
- 1.6 A traffic impact assessment (TIA) (**Appendices If and Ig**), including a traffic and crowd management plan (TCMP) to be implemented during Ching Ming and Chung Yeung Festival Days as well as the shadow period (i.e. Saturdays, Sundays and public holiday(s) within the two weeks immediately before and after the Festival Days), is submitted in support of the application (**Drawing A-11**). A gist of key measures under the TCMP is set out below.
- a visit-by-appointment system restricting to a maximum of 100 visitors per 30-minute session;
 - provision of enhanced free shuttle service between Pun Chun Yuen and Kam Shek New Village (**Drawing A-9**);
 - reservation of on-site parking with duration restricted up to 1 hour;

- suspension of some parking spaces for provision of queuing area for shuttle service;
 - two passenger pick-up / drop-off points will be designated at the main entrance on Shek Lin Road and within Pun Chun Yuen outside Ti Tsang Temple for boarding and alighting of passengers so that no passengers' pick-up / drop-off will be carried out along the carriageway of Shek Lin Road and Pun Chun Yuen Road;
 - implementation of one-way pedestrian flow within the Site;
 - deploying sufficient number of staff to ensure smooth traffic and crowd control; and
 - designating holding areas for each building to accommodate up to about 300 to 400 visitors at one time.
- 1.7 A traffic improvement scheme for a narrow section of Shek Lin Road between Kam Sham Road and Yat Wing Garden is proposed in consultation with the Transport Department (TD) (i.e. new road markings and traffic signs) (**Drawing A-12**). The submitted TIA concludes that with the implementation of above TCMP and traffic improvement scheme, adverse traffic impact arising from the columbarium use on surrounding areas is not envisaged, taking into account the cumulative traffic generated by the columbaria in the vicinity.

Environmental Impact

- 1.8 In terms of sewerage impact, two existing public toilets within the Site are connected to the public sewerage system and the Sewerage Impact Assessment (SIA) (**Appendix Ia**) submitted by the applicant demonstrates that no adverse sewerage impact on existing sewerage network is anticipated. Besides, traditional joss paper burning is not allowed within the Site, and eco-friendly joss paper burners have been provided and used under existing house rules. Only three joss sticks per person per visit provided by the applicant would be allowed. Hence, no adverse environmental impact is anticipated.

Geotechnical Impact

- 1.9 The revised Geotechnical Planning Review Report (GPRR) submitted by the applicant concludes that most registered slope features within the Site will not be affected, and stability analysis for one slope feature will be carried out before any works conducted at Ti Tsang Temple.
- 1.10 The location plan, floor plans and section plans of Si Qin Temple, Ti Tsang Temple and Koon Yum Temple; the shuttle service route; and TCMP are shown on **Drawings A-1 to A-11**.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 29.12.2021 (**Appendix I**)
 - (b) Planning statement and technical assessments received on 29.12.2021 (**Appendix Ia**)

- (c) Supplementary information received on 12.1.2022 **(Appendix Ib)** providing clarification on the number of niches in Si Qin Temple and a revised floor plan
- (d) Further Information (FI) received on 26.1.2022* **(Appendix Ic)** providing clarification on the niches not available for sale and breakdown of niches in Si Qin Temple
- (e) FI received on 9.2.2022^ providing a GPRR **(Appendix Id)**
- (f) FI received on 15.3.2022^ providing responses to departmental comments, revised TIA and GPRR **(Appendix Ie)**
- (g) FI received on 5.7.2022^ providing responses to departmental and public comments, revised TIA and clarification on background information of the application **(Appendix If)**
- (h) FI received on 10.8.2022* providing replacement pages of the submitted TIA **(Appendix Ig)**

(* accepted and exempted from publication requirements)

(^ accepted but not exempted from publication requirements)

1.12 On 6.5.2022, the Committee agreed to the applicant's request to defer making a decision on the application for two months to allow more time for the applicant prepare FI in support of the application. The latest FI was received on 10.8.2022 and 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 the planning statement and FIs at **Appendices Ia to Ig**. They can be summarized as follows:

- (a) the Site is located in an area with predominately rural landscape character where similar religious institutions with columbarium uses could be found in the vicinity. Existing village houses are located to the east and separated by Tolo Highway. The applied use is compatible with the surrounding environment;
- (b) the first niches of Ti Tsang Temple were subscribed in 1972, before the first publication of the statutory plan in 1980. The application is to regularize the existing columbarium use within the Site. A Licence Application and TSOL for G/F of Ti Tsang Temple and Koon Yum Temple, and Exemption Application and TSOL for G/F of Si Qin Temple have been submitted under PCO and are under processing by the Private Columbarium Affairs Office (PCAO);
- (c) the application is in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town

Planning Ordinance (the TPO)' (TPB PG-No. 10) as no new building is involved, existing natural landscape would not be affected and no adverse visual and landscape impacts are anticipated;

- (d) TIA including the TCMP is submitted to demonstrate the application is acceptable in traffic term. Several traffic and crowd management measures and traffic improvement scheme as mentioned in paragraphs 1.6 and 1.7 above are proposed in consultation with TD. TIA concludes that nearby junctions, road links and footpaths could accommodate the additional traffic and pedestrian demand arising from the columbarium use with the implementation of TCMP and traffic improvement scheme;
- (e) environmental mitigation measures and good operational practice as mentioned in paragraph 1.8 above would be adopted to ensure no adverse environmental impact arising from the applied use. Besides, the submitted SIA demonstrates that the existing sewerage network could cater for the sewage generated within the Site and no adverse sewerage impact is anticipated. Nuisance is not anticipated; and
- (f) there are similar applications for columbarium use approved in the vicinity of Kam Shan/Shek Kwu Lung area. Approval of the current application would be in line with these precedent cases.

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 sending notification to the current land owner via registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For government land, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

TPB PG-No. 10 is relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Private Columbarium Ordinance (PCO)

- 5.1 The PCO, Cap.630, 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. Operators of individual columbaria have the responsibility

of providing practicable mitigation measures within their capability and submit Management Plan setting out such measures during the licence application stage. The government departments will reflect to the Private Columbaria Licensing Board (PCLB) their views on suitable mitigation measures that should be followed up by individual cases.

History of the Site

- 5.2 The Site falls within an area which was zoned “GB” on the first statutory plan covering Tai Po area gazetted on 12.12.1980, and the land use zoning remains unchanged since then. As Pun Chun Yuen was in existence before the first publication of the statutory plan, it, as a religious institution, can be considered as ‘existing use’ tolerated under the TPO.
- 5.3 According to the applicant, the first niches of Ti Tsang Temple were subscribed in 1972, and supporting documents were submitted by the applicant during the Licence Application under PCO to claim that the columbarium use on G/F of Ti Tsang Temple is an ‘existing use’. Nevertheless, there is insufficient information to support the claim that the columbarium use on G/F of Ti Tsang Temple was in existence before the first statutory plan. Si Qin Temple and Koon Yum Temple were converted for columbarium uses after the publication of the first statutory plan.

6. Previous Application

The Site is not the subject of any previous planning application.

7. Similar Application

- 7.1 A similar application No. A/TP/652 within the same “GB” zone for religious institution and columbarium uses under the name of Siu Ling Shan (Ling Hin Fat Yuen) (小靈山 (靈顯法院)) and providing a total of 757 niches was approved with conditions by the Committee on 19.7.2019 mainly on consideration that it was not incompatible with the surrounding land uses as the columbarium use is within an established religious institution; situated at a location with considerable separation from residential developments; no adverse traffic impact was anticipated; and generally in line with TPB-PG No. 10 in that no tree were affected and other concerned departments had no objection to or no adverse comment on the application;
- 7.2 Details of the application are shown at **Appendix III** and its location is shown on **Plans A-1a** and **A-1b**.

8. The Site and Its Surrounding Areas (Plans A-1a to A-2 and photos on Plans A-3, A-4a to A-4g)

- 8.1 The Premises are located on G/F of single-storey Si Qin Temple, and G/F of two-storey Ti Tsang Temple currently occupied by columbarium use without

planning permission, and G/F of two-storey Koon Yum Temple which has been converted into a columbarium without any ashes interred (**Plans A-4a to A-4d**);

- 8.2 Other structures within the Site comprise a temple (Tai Hung Po Din, 大雄寶殿), a worshipping hall (Tak Wai Tong, 德煒堂), a Grade 3 historic building (Residence of Wong Se-wai, 黃筱煒故居), an office and other ancillary facilities e.g. toilets (**Plan A-2**).
- 8.3 The Site is:
- (a) located at northeastern fringe of the “GB” zone; and
 - (b) accessible by vehicle via Shek Lin Road and Pun Chun Yuen Road which are local roads connecting to other parts of Tai Po via Kam Shan Road in Shek Kwu Lung/Kam Shan areas;
- 8.4 The surrounding areas have the following characteristics:
- (a) to the east is Tolo Highway and to its further east and northeast are Yat Wing Garden, Shek Kwu Lung and Kam Shek New Village;
 - (b) to the south and north are woodland areas on hilly terrain. About 300m to the further north of the Site is a religious institution with columbarium development, namely Ling Hin Fat Yuen which is the subject of the approved application No. A/TP/652;
 - (c) to the west along Pun Chun Yuen Road are an abandoned columbarium and some temporary structures for domestic and storage uses; and
 - (d) to the further west is the Tai Po Water Treatment Works. The “V” zone of Lin Au Village is located about 520m to the further west of the Site;
- 8.5 There are four columbaria in the vicinity, apart from the similar application No. A/TP/652. One of the columbaria was approved and three rejected by the Committee. Details are as follows:
- (a) application No. A/TP/657 for columbarium use under the name of Poh Yea Ching Shea (般若精舍) within the “G/IC” zone and providing a total of 5,302 niches was approved with conditions by the Committee on 29.11.2019 mainly on consideration that the applied use is not incompatible with the existing religious institution use; the application site is located at a secluded and tranquil location, shielded by roadside slopes and tall trees and separated from village houses; the development is not expected to cause significant visual and landscape impacts and would not pose adverse traffic and environmental impacts on surrounding areas; and
 - (b) Ever Rest Temple (常寂園) under application No. Y/TP/23 within “Open Space” zone was rejected by the Committee on 6.2.2015 mainly for reasons of failure to demonstrate the acceptability of the proposed

traffic arrangement and adverse traffic impact on the surrounding areas. Cheung Ha Ching Shea (祥霞精舍) and Buddhist Cheung Ha Temple (佛教長霞淨院) under application Nos. Y/TP/18, 27 and 29 were rejected by the Committee on 8.11.2013, 26.5.2020 and 4.9.2020 mainly for reasons of incompatibility with the existing village setting in the area, adverse traffic impacts on the surrounding areas, and setting of undesirable precedent for other similar rezoning applications within “Village Type Development” (“V”) zone.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarized as follows:

Columbarium Policy

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

- (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 TPO and other requirements prescribed in the PCO or specified by PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, electrical and mechanical safety, environmental protection, etc. Moreover, Section 18(2) of the PCO stipulates that PCLB may grant a licence only if a management plan submitted by the applicant has been approved by PCLB. The management plan should cover matters including traffic and transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. In considering the management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments. If a licence application is approved by the PCLB, PCAO will oversee the monitoring of the licensee’s implementation of the approved management plan in coordination with other concerned departments;
- (b) PCAO has conducted on-site inspection to Koon Yum Temple and Ti Tsang Temple recently and the existing niche information in

respect of the licence and TSOL is verified. It was confirmed that there are 1,267 no. of niches for Koon Yum Temple and 2,013 no. of niches for Ti Tsang Temple (before removal of UBW and reconstruction of 336 no. of niches). Nevertheless, the total number of niches for Ti Tsang Temple after removal of UBW and reconstruction of 336 newly no. of single niches as proposed by the applicant in planning application are subject to further site inspection for verification by PCAO;

- (c) PCAO has conducted on-site inspection to Si Qin Temple recently and the proposed niche information in respect of an exemption and TSOL was verified. It was confirmed that the total number of niches in Si Qin Temple is 1,208 in which 239 no. of niches are not included in the SI application and 969 no. of niches are under exemption application. The 239 no. of niches should be sealed and not for sale when the applicant has obtained an exemption; and
- (d) the two SI applications mentioned above are being processed by PCAO according to the prevailing procedure. If all the requirements prescribed in PCO and those specified by PCLB for issue of an exemption for Si Qin Temple or a TSOL, or a licence for Ti Tsang Temple and Koon Yum Temple or a TSOL are complied with, PCAO will put forward the case to PCLB for determination with regard to the public interests and any other relevant consideration.

Religious Policy

10.1.2 Comments of the Secretary of Home Affairs (SHA):

the applicant is a charitable organization registered under section 88 of Inland Revenue Ordinance. As advised by the Hong Kong Buddhist Association, the applicant organizes religious activities to promote Buddhism on a regular basis and celebrates various Buddhist festivals. He has no objection to ascertaining that the applicant is a bona fide religious organization.

Land Administration

10.1.3 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site comprises private lots which the lease documents are untraceable and a strip of government land. Lots 1119 S.A, 1119 S.C, 1260 S.A and 1270 S.A in D.D. 6 are demised for orchard uses with no building be erected and no grave be made on, nor any human remains be interred in or deposited thereon. The columbarium use is not permissible on these lots. Lot 1253 is a building lot and Lot 1254 is demised for orchard uses with a

building not exceeding 121.4m² permissible in Section A. Lots 1254 S.B, 1254 S.C and 1254 RP are demised as orchard land but the lease conditions are untraceable. According to the record, the Site is not covered by any modification of tenancy and building licence;

- (c) a warning letter was issued on 20.9.2016 against Lots 1119 S.A and 1260 S.A in respect of the breach of lease conditions for columbarium purposes. Lease enforcement action is currently withheld, as per LandsD's "Internal Guidelines for Processing Regularization Applications and associated Land Administration Works for the Licensing Scheme under the PCO";
- (d) confinement of columbarium uses to the three structures (i.e. Ti Tsang Temple, Koon Yum Temple and Si Qin Temple) within the licensed area is noted. The strip of government land within the Site falls outside the application boundary of TSOL under PCO. Appropriate land control action will be taken against such unlawful occupation of Government land; and
- (e) should the planning application be approved, the applicant is required to submit an application to LandsD for a lease modification/waiver and a short term tenancy. However, there is no guarantee that such application will be approved by LandsD. If it is approved by LandsD acting in its capacity as landlord at its absolute discretion, it will still be subject to such terms and conditions, including but not limited to payment of premium/fee/rent and administrative fees, as may be imposed.

Traffic

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

based on the TIA report, she has no in-principle objection to the application from the traffic engineering point of view provided that the proposed crowd and traffic management measures as detailed in TCMP under the planning application is included in the licence application for the PCLB's approval, and PCAO will be responsible for monitoring the implementation of the management plan, as well as imposition of approval condition requiring the implementation of proposed works for traffic signs and road marking on a section of Shek Lin Road as detailed in the TIA report.

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

he has no comment on the proposed TCMP. For better traffic control and road safety to the general public visiting the columbarium, additional traffic management measures could be explored. The applicant should note the advisory comments as detailed in **Appendix VI**.

Environment and Sewerage

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

- (a) he has no objection to the application having considered that the following operational arrangements are proposed:
 - (i) the operation hours would be between 9am to 4pm during regular and festival days;
 - (ii) “visit-by-appointment” system would be adopted to control the number of visitors; and
 - (iii) no traditional joss paper burning would be allowed within the Site, and eco-friendly joss paper burners would be used;
- (b) the applicant should be reminded to strictly follow the “Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places”;
- (c) no comment on the SIA submitted by the applicant;
- (d) the Site falls within the consultation zones of Tai Po and Tai Po Tau Water Treatment Works. He has no objection to the application from chlorine risk point of view; and
- (e) no environmental complaint has been received on the Site in the past three years.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint; and
- (b) the applicant should note the advisory comments as detailed in **Appendix VI**.

Nature Conservation

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

he has no strong view on the application as the Site is an existing columbarium and there is no new construction works (other than rectification of some UBW).

Urban Design and Landscape

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

- (a) columbarium are accommodated in one single storey and two 2-storey structures ranging from 6.3m to 10.688m in height with a total of 3,834 niches. The application also involves removal of UBW. According to the applicant's submission, the columbarium buildings are existing facilities and no new building structure is anticipated. Given that existing building bulk is not apparently affected under the proposal, she has no comment on the application from visual perspectives; and
- (b) with reference to aerial photo of 2021, the Site is located in areas of settled valleys, uplands and hillsides landscape character comprising woodlands and some village houses at the west. According to the applicant's submission, the Site is occupied by temples with existing shrub and tree plantings, and the existing vegetation and rural ambience will not be affected. Furthermore, the Site is already in operation and this application is to regularize the columbarium use at the Premises. Significant adverse impact on existing landscape character within and surrounding the Site is not anticipated. In view of the above, she has no objection to the application from landscape planning perspective.

Fire Safety

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

no in-principle objection to the application subject to the fulfilment of following requirements:

- (i) any submission involving building works, water supplies for firefighting, emergency vehicular access (EVA) provision and fire service installations should be provided to his satisfaction. Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans details; and
- (ii) all fire safety requirements issued by the licensing authority shall be fully complied with.

Geotechnical

10.1.11 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

based on the revised GPRR submitted by the applicant, he has no geotechnical comment on the application.

Heritage Conservation

10.1.12 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES (A&M), AMO):

- (a) it is noted that Residence of Wong Se-wai in Pun Chun Yuen, a Grade 3 historic building (the Graded Building), is located in the vicinity of the Premises. According to the applicant, no building and construction works will be carried out at or near the Graded Building. In this regard, he has no objection to the application; and
- (b) for any future works within the Site, the applicant is advised to consult AMO before the commencement of such works and ensure that no damage(s)/disturbance(s) would be made to the Graded Building during any proposed works arising from the current application. As a precautionary measure, AMO should be informed immediately in case of discovery of antiquities or supposed antiquities during the course of the works.

Building Matters

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) Conversion of the existing premises for use as a columbarium would likely constitute a material change in use of the building in the context of section 25(1) of the BO. The premises to be converted should comply with the design and construction requirements as set out in Practice Note for Authorized Person (PNAP) APP-154;
- (c) the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO, and any licence applications for which comments from BD is necessary; and
- (d) the applicant should note the advisory comments as detailed in **Appendix VI**.

District Officer's Comments

10.1.14 Comments of the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD):

- (a) no comments on the application; and
- (b) a letter was received from the indigenous inhabitant representatives (IIRs) and resident representatives (RRs) of Lin Au

(Lei Uk) and Lin Au (Cheng Uk) raising objection to the application mainly on adverse traffic impact, illegal parking at Shek Lin Road and impact on pedestrian safety arising from the columbarium use (**Appendix IV**).

- 10.2 The following Government departments have no objection to or no comment on the application:
- (a) Chief Highway Engineer/New Territories East, Highways Department;
 - (b) Chief Engineer/Construction, Water Supplies Department; and
 - (c) Project Manager/North, CEDD.

11. Public Comments Received During Statutory Publication Periods

- 11.1 The application and FIs were published for public inspection on 15.2.2022, 25.3.2022 and 12.7.2022. During the statutory public inspection periods, a total of 165 public comments were received, including two from Tai Po Rural Committee, two from Lam Tsuen Valley Committee, two from IIRs and RRs of Lin Au (Lei Uk) and Lin Au (Cheng Uk), one from IIR of Kam Shan, four from Kadoorie Farm and Botanic Garden Corporation, 83 from villagers of Lin Au based on one standard proforma, 50 from individuals in the form of standard comments and remaining comments by individuals, all objecting to the application. A full set of the public comments received is deposited at the Secretariat of the Board for Members' inspection and samples of the comments are attached at **Appendix V(1) to V(8)**. The main reasons for objection to the application are summarized as follows:

- (a) the application is not in line with the planning intention of the "GB" zone and approval of such would set a precedent for other similar application in this "GB" zone. Besides, the columbarium has been operating without planning permission;
- (b) Shek Lin Road is a single-lane and the only road connecting Lin Au and Tai Po New Town. A popular hiking trail, Wilson Trail Section 8, partly overlapped with Shek Lin Road would attract extra visitors during weekends. Also, illegal parking is often observed at Shek Lin Road and Kam Shan Road. The columbarium use generating additional traffic and visitors will aggravate the traffic condition and cause traffic congestion in the surrounding area especially during festival periods. Pedestrian safety would also be affected; and
- (c) the columbarium use would generate adverse environmental impacts including air and water pollution.

12. Planning Considerations and Assessments

- 12.1 The application is for regularization of the columbarium use within an existing religious institution named Pun Chun Yuen at the Site. As Pun Chun Yuen was in existence before the first publication of the statutory plan, it can be considered

as 'existing use' tolerated under the TPO. The proposed columbarium with 3,834 niches confines within G/F of three existing buildings, viz Si Qin Temple, Ti Tsang Temple and Koon Yum Temple. Due to the removal of UBW on G/F of Ti Tsang Temple, the applicant proposes to relocate some affected niches to the G/F of Koon Yum Temple and new niches will be provided in-situ upon construction of new wall after the planning approval is granted (**Drawings A-4** and **A-5**). There will be no increase in the overall development intensity and building bulk.

- 12.2 The Site falls within an area zoned "GB" on the Tai Po OZP. The planning intention of "GB" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. While the application is not in line with the planning intention of the "GB" zone, the application does not constitute a new development. Instead, it is an application to regularize the existing columbarium use in a religious compound that was established in the 1930s with minor works for removal of UBW. The application should be comprehensively assessed taking into account the land use compatibility of the Premises with its surrounding areas, and the visual, traffic, environmental and other infrastructural impacts arising from the proposed development.
- 12.3 Pun Chun Yuen is located in areas of settled valleys and rural in character comprising woodlands to the north and south and scattered domestic structures to the west. The Site is at a secluded and tranquil location generally shielded by roadside slopes and tall trees as well as separated by the Tolo Highway. The nearest "V" zone of Kam Shek New Village is located about 50m to its east on the opposite side of the Tolo Highway (**Plan A-3**). As the application is to regularize the columbarium use without changes in the overall building bulk and built form of the existing building blocks (except removal of UBW) at the Site, the columbarium use within an existing religious institution compound is considered not incompatible with the surrounding environment. CTP/UD&L of PlanD has no objection to the application and considers that no adverse visual and landscape impacts arising from the columbarium use are anticipated as no new building structure is involved.
- 12.4 The Premises are accessed via Shek Lin Road leading to Kam Shan Road to its east. Car parking spaces will be provided within the Site to serve its daily operation. The applicant proposes to implement the TCMP during the Ching Ming and Chung Yeung Festival Days and shadow periods. In this regard, C for T has no in-principle objection to the proposed traffic and crowd arrangement. As advised by DFEH, upon approval of a licence application by the PCLB, the PCAO will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments.
- 12.5 With the implementation of the proposed TCMP, the TIA concludes that the concerned junctions, road links and footpath sections will still operate with capacity with the proposed columbarium after taking into account the cumulative traffic generated by the columbaria in the vicinity. Having considered the proposed traffic improvement scheme in addition to the

implementation of proposed TCMP, C for T and C of P have no in-principle objection or no adverse comment on the application.

- 12.6 With the submission of SIA (**Appendix Ia**), GPRR (**Appendix Ie**) and supplementary information on environmental mitigation measures including the use of eco-friendly joss paper burners and allowing three joss sticks per person per visit only by the applicant, CE/MN of DSD, H(GEO) of CEDD and DEP have no adverse comment from geotechnical and environmental aspects. DEP also advises that no environmental complaint was received in the past three years.
- 12.7 In view of the above, the application generally complies with the TPB PG-No. 10 in that the development would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape or cause any adverse visual impact on surrounding environment; overstrain the capacity of the existing and planned infrastructure; be susceptible to adverse environmental effects or be the source of pollution; and would not adversely affect slope stability.
- 12.8 As mentioned in paragraph 7.1 above, there is a similar application No. A/TP/652 approved by the Committee for religious institution and columbarium use within the same “GB” zone. Approval of the current application is in line with the Committee’s previous decision for similar approval.
- 12.9 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 11 above, concerned government departments’ comments and the planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, 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 26.8.2026, 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 3,834; and
- (b) the implementation of proposed works for traffic signs and road marking on a section of Shek Lin Road as detailed in the Traffic Impact Assessment report before commencement of operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the columbarium use is not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10) in that the applied use involves building conversion for columbarium use. There is a general presumption against development in "Green Belt" ("GB") zone. There is no strong planning justification for a departure from the planning intention.

14. Decision Sought

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

15. Attachments

Appendix I	Application form received on 29.12.2021
Appendix Ia	Planning statement and technical assessments received on 29.12.2021
Appendix Ib	Supplementary information received on 12.1.2022
Appendix Ic	FI received on 26.1.2022
Appendix Id	FI received on 9.2.2022
Appendix Ie	FI received on 15.3.2022
Appendix If	FI received on 5.7.2022
Appendix Ig	FI received on 10.8.2022
Appendix II	TPB PG-No. 10
Appendix III	Similar application
Appendix IV	Public comments relayed by the DO/TP of HAD
Appendix V(1) to (8)	Public comments received by the Board
Appendix VI	Advisory clauses
Drawing A-1	Site location under lot index plan
Drawing A-2 to A-3	Layout and section plans of Si Qin Temple
Drawing A-4 to A-6	Floor and section plans of Ti Tsang Temple
Drawing A-7 to A-8	Floor and section plans of Koon Yum Temple

Drawing A-9	Proposed shuttle service route
Drawing A-10	Proposed internal transport layout on normal days
Drawing A-11	Proposed traffic and crowd management plan
Drawing A-12	Proposed traffic improvement scheme
Plan A-1a	Location plan
Plan A-1b	Location of columbarium applications in the surrounding areas
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a to A-4g	Site photos

**PLANNING DEPARTMENT
AUGUST 2022**