

RNTPC Paper No. Y/TM/23C
For Consideration by
the Rural and New Town
Planning Committee
on 25.6.2021

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

APPLICATION NO. Y/TM/23

- Applicant** : Tin Kwong Lun Yee Limited represented by Toco Planning Consultants Limited
- Site** : Lots 1744 S.A, 1744 S.B, 1744 S.C, 1744 S.F, 1744 S.G, 1744 S.H and 1744 S.I in D.D. 132, Hing Fu Street, Tuen Mun
- Site Area** : About 3,137 m²
- Lease** : Lots 1744 S.A to S.C in D.D. 132 (about 2,230m² or 71%)
(i) Building Licence No. 816, 815 and 852
(ii) Height Restriction of 25 feet and 2 storeys
(iii) no grave shall be made on nor shall any human remains be interred in, or deposited on the land
- Lots 1744 S.F to S.I in D.D. 132 (about 907m² or 29%)
(i) Orchard Lot
(iv) no grave shall be made on nor shall any human remains be interred in, or deposited on the land
- Plan** : Approved Tuen Mun Outline Zoning Plan No. S/TM/35
- Zoning** : “Green Belt” (“GB”)
- Proposed Amendment** : To rezone the application site from “GB” to “Government, Institution or Community” (“G/IC”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “GB” to “G/IC” with a maximum building height restriction of 2 storeys to continue the existing religious institution and regularise the existing columbarium uses on the Site, under the name of Tin Kwong Lun Yee (TKLY) (天罡隆義) (**Plan Z-1**). The applicant has not provided a tailor-made Notes for the Site. According to the Notes of the OZP for “G/IC” zone, ‘Religious Institution’ is always permitted under Column 1 while ‘Columbarium’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board).

- 1.2 According to the applicant, the existing three 2-storey buildings at the Site (**Plans Z-2 and Z-4a**) were built in 1960s for residential use but abandoned after the erection of power pylons and overhead transmission lines (OHLs) across the Site in 1980s. The applicant took over the Site and renovated the buildings for religious institution and columbarium uses since 2009. The Site is currently occupied by three 2-storey buildings for religious uses and columbarium niches with temporary structures for ancillary uses without planning permission (**Plans Z-2 and Z-4a to 4c**).
- 1.3 The applicant has submitted an indicative scheme to support the proposed rezoning for religious institution and columbarium use. The indicative scheme involves the retention of the existing three 2-storey buildings and no additional building is proposed and the ash interment layout inside the three building blocks will remain the same as of 30.6.2017¹. The existing temporary structures at the Site will be demolished and turned into internal vehicular access, car parks, loading/unloading (L/UL) spaces and landscape area. Some new temporary structures are proposed for ancillary uses including toilet. The open space is proposed for landscape area, pedestrian circulation and emergency vehicular access (**Drawings Z-2 to Z-5**).
- 1.4 The Site is involved in three previous planning applications (No. A/TM/147 for proposed residential development submitted by a different applicant; No. Y/TM/8 (rejected by the Committee on 19.4.2013) and 13 (withdrawn by the applicant on 28.5.2014) both for rezoning the Site for religious institution and columbarium uses by the same applicant). Application No. Y/TM/8 was rejected by the Rural and New Town Planning Committee (the Committee) on 19.4.2013. Details of the previous applications are summarised at paragraph 6 below and **Appendix II**.
- 1.5 A comparison of the major development parameters of the last rejected application (No. Y/TM/8) and the current application is as follows:

	Previous Application No. Y/TM/8 (rejected by the Committee on 19.4.2013) (a)	Current Application No. Y/TM/23 (b)	Difference (b) – (a)
Site Area	About 3,172 m ²	About 3,137 m ²	- 35m ²
Plot Ratio	0.19	0.155	- 0.035
Proposed GFA	About 607m ²	About 489.16m ²	- 117.84m ²
Site Coverage	About 10%	About 7.816%	- 2.184%
No. of Blocks	4	3	- 1 block
Building Height	1 – 2 storeys (5.62m – 7.5m)	2 storeys (about 6.2m)	- 0.5m to +0.58m
Uses	<u>Block 1</u> Columbarium, toilets	<u>Block 1</u> Columbarium, staircase, store room	No temple block

¹ The application is to fulfil the planning-related requirement for application of licence for the subject columbarium development under the Private Columbaria Ordinance (Cap. 630) (PCO) which was enacted on 30.6.2017.

	Previous Application No. Y/TM/8 (rejected by the Committee on 19.4.2013) (a)	Current Application No. Y/TM/23 (b)	Difference (b) – (a)
	<u>Block 2</u> Worshipping area, office, meeting room, shop <u>Block 3</u> Columbarium, toilet <u>Proposed Temple Block</u> Altar, hall	<u>Block 2</u> Columbarium, management office, toilet, staircase, store room <u>Block 3</u> Columbarium, religious use, staircase	
No. of Niches	6,000	11,094	+ 5,094 (+85%)
No. of Car Parking Spaces	5	12 (including 2 disabled parking)	+ 7
No. of Loading/ Unloading Spaces	2	5 (1 for taxi/private car and 4 for shuttle bus)	+ 3

- 1.6 The existing three 2-storey buildings at the Site provides a total of 11,094 sold and unsold niches. The breakdown of their sale and occupation conditions is shown below:

No. of Niches		Block 1	Block 2	Block 3	Total
Sold & Occupied before 30.6.2017	• <i>Single-urn</i>	8	0	0	8
	• <i>Double-urn</i>	0	0	0	0
	• <i>Family*</i>	0	0	0	0
	Sub-total	8	0	0	8
Sold but Unoccupied before 30.6.2017	• <i>Single-urn</i>	928	0	0	928
	• <i>Double-urn</i>	0	0	0	0
	• <i>Family*</i>	0	0	0	0
	Sub-total	928	0	0	928
Unsold Niches	• <i>Single-urn</i>	3,413	0	0	3,413
	• <i>Double-urn</i>	0	2,688	3,914	6,602
	• <i>Family*</i>	0	57	86	143
	Sub-total	3,413	2,745	4,000	10,158
Total No. of Niches		4,349	2,745	4,000	11,094

* For 4 family members

Traffic Impact Assessment (TIA) and Traffic and Crowd Management Plan (TCMP)

- 1.7 The Site is currently accessible via a sub-standard local road leading to Hing Fu Street (**Plans Z-2 and Z-4d**) and part of the road falls within the adjoining private lots. The applicant and the lot owners of the adjoining private lots have signed an agreement on the shared use of the road (Appendix III of

Appendix Ia). The applicant proposes to improve the section of access road between the Site and Hing Fu Street to 5.5m wide with a 1.5m wide footpath on one side and 3 passing bays along the road (**Drawing Z-9**). The applicant also commits to take up the design and construction works and management and maintenance responsibility of the improved the access road (**Appendix Ib**). Car parking and L/UL facilities will be provided at the Site (**Drawing Z-2**).

- 1.8 A TCMP with shuttle bus service, admission control, security management (**Drawings Z-7 and Z-8**) and visit-by-appointment system (VBAS), has been prepared to minimise the traffic impact during the grave-sweeping seasons. The operation hour of TKLY is from 10:00 a.m. to 5:00 p.m. daily (8:00 a.m. to 5:00 p.m. on weekdays during the festival periods of Ching Ming and Chung Yeung Festivals), but closes on Ching Ming and Chung Yeung Festival Days and two weekends before and after the Festival days (9 days in total during each period). The applicant proposes to implement a straight VBAS and only niche owners and their family members with proofs are allowed entering the Site while other visitors requires permission from the applicant. For visits on weekdays during the festival periods, no parking spaces will be provided and visitors are required to take free shuttle bus services from Siu Hong West Rail Station (**Drawing Z-7**) or taxis to the Site in order to control the holding capacity at the Site. The cumulative traffic impact arising from the proposed columbarium developments in the vicinity (**Plan Z-1**) has been taken into account in the TIA (**Appendix Ib**).
- 1.9 With the above measures, the TIA concluded that the potential traffic induced by the religious institution and columbarium uses would not result in adverse traffic impact to the vicinity.

Landscape Master Plan

- 1.10 A planting strip in form of trees row has been proposed along the southeastern side of the Site to minimise the potential visual impact to the locality (**Drawing Z-3**). Spatial landscape garden are also designed in scattered areas within the Site with lawn and leisure sitting areas (**Drawing Z-5**).

Environmental Assessment (EA)

- 1.11 According to the EA (**Appendix Ib**), while on-site joss paper burning is not allowed at present, a smokeless joss paper furnace with dust control measures shall be installed and the applicant will follow the operation practice recommended in EPD's Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places. Septic tank is also proposed for sewage treatment. In addition, wastewater collected by portable toilets will be tankered away by licensed collector. The EA concluded that no adverse impacts on air quality, noise and water quality are anticipated.

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

- (a) Application form received on 16.7.2019 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 17.6.2021 **(Appendix Ib)** enclosing a Consolidated Planning Report on FI

(exempted from publication and recounting requirements)

[FIs received on 4.12.2019, 24.7.2020, 24.12.2020, 11.2.2021, 31.3.2021 and 3.5.2021 were superseded and not attached]

1.13 The location and site access, master layout plan, landscape master plan, photomontages and landscape perspectives, elevation drawing, proposed shuttle bus service, proposed crowd management plan within the Site and proposed road improvement works submitted by the applicant are at **Drawings Z-1 to Z-9** respectively.

1.14 The application was originally scheduled for consideration by the Committee on 4.10.2019. Upon request by the applicant, the Committee on 4.10.2019, 26.5.2020² and 23.10.2020 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments. The applicant submitted FI on 17.6.2021 containing a consolidated planning report on FI **(Appendix Ib)**. The application is now 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 at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) TKLY has submitted applications for both Columbarium Licence and Temporary Suspension of Liability for Pre-cut-off Columbarium (TSOL) to the Private Columbaria Licencing Board (PCLB) on 29.3.2018. In order to obtain the Columbarium Licence, the applicant has to comply with all statutory and government requirements, including town planning, land lease and building safety, within the 3-year validity of TSOL. The proposed rezoning is an essential mechanism to facilitate regularisation of the columbarium ancillary to TKLY. It is in line with the government's intention to take care of the sentiment of the descendants, in particular their wish not to upset the resting place of the deceased as far as practicable.

² In light of the special work arrangement for government departments due to the novel coronavirus infection, the meetings originally scheduled for 21.2.2020 and 30.3.2020 for consideration of the application have been re-scheduled. The request for deferral was considered by the Committee on 26.5.2020.

- (b) The Site is located relatively far away and segregated from residential developments (about 164m from Po Tin Estate). The existing buildings at the Site are low-rise in nature and they are unable to be viewed from nearby residential developments. The proposed traffic, environmental, landscaping and ancillary facilities within the Site will help minimise potential visual impact and allow the visitors to commemorate their ancestors in a convenient and peaceful environment. In addition, the Site is compatible with the adjacent land uses where a number of religious and institutional uses are located.
- (c) The rezoning proposal would not significantly affect the “GB” zone. Nevertheless, the Site was previously occupied by the three existing buildings under building licences for domestic use, access roads, garden and shrubs since 1960s, before the gazettal of the first Tuen Mun OZP in 1983 which designated the surrounding area including the Site as “GB” zone since then. However, the Site has not functioned as “GB”. The Site has been abandoned for more than 20 years after the construction of power pylons and OHLs across the Site in 1980s which makes the Site not suitable for residential use. The proposed “G/IC” zone is more appropriate and it is considered compatible with the character of surrounding environment.
- (d) The proposed rezoning is in line with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) that the proposal is compatible in scale and land use of the surroundings. The technical assessments demonstrated that the proposal would not have significant traffic, noise, air quality, sewerage, drainage, landscape and visual impacts. The Site is privately owned by the applicant and is suitable for the proposed development. Approval of the rezoning proposal will not set an undesirable precedent for other similar applications in the area.

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

The applicant is the sole “current land owner” of the lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Zoning History of the Site

- 4.1 The Site falls within the northwestern portion of Tuen Mun New Town. The Site has been zoned “GB” since the gazettal of the first Tuen Mun OZP on 29.7.1983 with no change to zoning since then. Under the Notes of the OZP for “GB” zone, ‘Columbarium (within a Religious Institution or extension of existing Columbarium only)’ is a Column 2 use subject to planning permission from the Board.

The Private Columbaria Ordinance

- 4.2 PCO, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017. On 22.11.2017, two policy initiatives were announced by the Government to address the land

premium and TIA issues of pre-cut-off columbaria (i.e. a columbarium which was in operation before 8:00 a.m. on 18.6.2014 with interred ashes in niches) seeking a licence. For the policy initiative relating to TIA, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts in processing the licence application from a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. Operators of individual columbaria have the responsibility to provide practicable mitigation measures within their capability and submit a management plan setting out such measures during the licence application stage. The Government departments will reflect to PCLB their views on suitable mitigation measures that should be followed up by individual cases.

Three Existing Buildings

- 4.3 According to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), the three existing buildings on the Site are subject to building licences. The occupation permits of respective buildings were issued in 1964. According to the lease conditions, no grave shall be made on nor shall any human remains be interred in, or deposited on the land.

5. Previous Applications

- 5.1 The Site is involved in three previous applications (No. A/TM/147, Y/TM/8 and Y/TM/13). Application No. A/TM/147 for proposed residential development was approved with conditions by the Committee on 19.6.1992 but had not commenced. Application No. Y/TM/8 for rezoning the Site from “GB” to “G/IC” for a religious institution and columbarium use was rejected by the Committee on 19.4.2013; while application No. Y/TM/13 for rezoning the Site from “GB” to “G/IC” for a religious institution and columbarium use was withdrawn by the applicant on 28.5.2014. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan Z-1a**.
- 5.2 Application No. A/TM/147 was submitted by a different applicant for residential development of redeveloping the existing 3 buildings to 3 duplex houses and was approved by the Committee on 19.6.1992 with conditions mainly on the grounds that the proposed development was in line with the TPB-PG No. 10 for development within “GB” zone to redevelop existing residential development within the intensity permitted; no significant site formation, landscape and infrastructural impacts were envisaged; and the proposed development would not be incompatible with the adjoining developments. The Board on 10.6.1994 agreed to extend the planning permission for 2 years until 19.6.1996. Building plans for the approved scheme had been submitted during 1992 and 1994 but were all disapproved by the Buildings Department (BD) for reason, among others, on the design of the access road. The planning permission expired on 19.6.1996 and the approved scheme had not commenced.

- 5.3 Application No. Y/TM/8 submitted by the same applicant for amendment to the OZP by rezoning the Site from “GB” to “G/IC” for religious institution and columbarium development (6,000 niches) was rejected by the Committee on 19.4.2013 on grounds that the applicant had not provided sufficient information in the submission to demonstrate that the proposed road widening is acceptable and implementable and would not have adverse landscape impact; insufficient information in the submission to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause nuisance to the nearby residents during the Ching Ming and Chung Yeung Festivals; and approval of the application would set an undesirable precedent for other similar applications within the “GB” zone.
- 5.4 Application No. Y/TM/13 submitted by the same applicant for amendment to the OZP by rezoning the Site from “GB” to “G/IC” for religious institution and columbarium development (3,000 niches³). The applicant withdrew the application on 28.5.2014.

6. **Similar Applications**

- 6.1 There is no similar s.12A planning application for rezoning from “GB” to “G/IC” considered by the Committee within the OZP. However, there are three similar applications for three private columbaria in the vicinity being processed, namely Filial Praise Niches (Kwong Hau Sin Yuen) (光孝仙苑) (No. Y/TM/24), Able Fortune Memorial Garden (祥隆精舍) (No. Y/TM/25) and Citifair Memorial Garden (益豐精舍) (No. Y/TM/26). The locations of these applications are shown on **Plan Z-1**. Besides, there is no s.16 planning application for ‘Columbarium (within a religious institution or extension of existing columbarium)’ use within the same “GB” zone.
- 6.2 The adjacent site, Filial Praise Niches (Kwong Hau Sin Yuen) (光孝仙苑), was involved in a s.12A planning application (No. Y/TM/12) (withdrawn by the applicant on 24.1.2014) for rezoning the concerned site from “GB” to “G/IC” for the development of a columbarium involving 5,670 niches. The applicant has submitted another s.12A application (No. Y/TM/24) to rezone the concerned site from “GB” to “G/IC” for columbarium use for 5,670 niches on 26.6.2020 and is under processing. The applicant submitted FI on 29.3.2021 and 17.6.2021 and the application is tentatively scheduled for consideration in September 2021.
- 6.3 Two other columbaria in the vicinity, namely Able Fortune Memorial Garden (祥隆精舍) (5,418 niches) and Citifair Memorial Garden (益豐精舍) (4,942 niches), have submitted rezoning applications (No. Y/TM/25 and 26) respectively for similar rezoning proposals (to rezone the sites from “GB” to “G/IC” for columbarium use) and are under processing. The Committee agreed to defer consideration of application No. Y/TM/25 on 30.4.2021 upon applicant’s request. For application No. Y/TM/26, the applicant submitted

³ Application No. Y/TM/13 originally involved 5,000 single-urn niches when it was first submitted on 12.8.2013. In response to adverse comments from C for T and C of P, the applicant reduced the number to 3,000 single-urn niches.

FIs on 29.3.2021 and 10.6.2021 respectively. Both applications are tentatively scheduled for consideration in September 2021.

7. The Site and Its Surrounding Areas (Plans Z-1 to Z-4d)

7.1 The Site is:

- (a) located on a platform at the hillslope in the northwestern fringe of Tuen Mun New Town;
- (b) hard paved and occupied by three 2-storey buildings for religious institution and columbarium use and temporary structures for office and ancillary uses without planning permission;
- (c) partly underneath the CLP's 400kV OHLs; and
- (d) accessible via a sub-standard local track leading from the cul-de-sac of Hing Fu Street.

7.2 The surrounding areas have the following characters (Plans Z-2 and Z-4d):

- (a) to the immediate east is OHLs. To the southeast down the hillslope is a vehicle park, rural settlements at Kwong Shan Tsuen and a high-rise public housing development of Po Tin Estate;
- (b) to the immediate south is a columbarium development of Filial Praise Niches (Kwong Hau Sin Yuen) (光孝仙苑) without planning permission. To the further southwest is a cluster of rural settlements intermixed with vehicle park and columbaria (Able Fortune Memorial Garden (祥隆精舍) and Citifair Memorial Garden (益豐精舍)) which do not have planning permissions; and
- (c) to the west and north are vegetated slopes and Tsing Shan Firing Range.

8. Planning Intention

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

9. Comments from Relevant Government Departments

- 9.1 The following bureau and government departments have been consulted and their views on the application and the public comments are summarised as follows:

Licencing Requirement

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

- (a) PCO, which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30.6.2017 upon gazettal.
- (b) Under PCO, only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in PCO or specified by PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to PCLB for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimize any adverse impact that operation of the columbarium may have on the neighbourhood.
- (c) In determining whether to approve an application for a licence, PCLB must have regard to the public interest and may have regard to any other relevant considerations.
- (d) According to his record, the private columbarium named TKLY at the Site submitted two sets of applications for specified instruments (SI) (viz. one set for a licence 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)) in respect of a pre-cut-off columbarium and the applications are being processed by PCAO according to the prevailing procedures. Based on the proposal submitted by the applicant in support of SI applications, it is noted that the total number of 11,094 niches proposed for SI applications tallies with that as shown in the planning application. Having said that, he is still in the course of detailed checking of the niche information to verify its accuracy. Further clarification with the applicant on the niche information (including the breakdown of niches) may be required.

Religious Aspect

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

The applicant has yet obtained a charitable organisation status under the Inland Revenue Ordinance as at 28.5.2021. He is not in a position to comment from the religious point of view.

Land Administration

9.1.3 Comments of DLO/TM, LandsD:

- (a) The Site comprises 7 private lots namely Lot Nos. 1744 s.A, s.B, s.C, s.F, s.G, s.H and s.I all in D.D. 132. According to the available information, the total area of the said lots is about 3,136.6m². Except s.A, s.B and s.C in which each of them is subject to a building licence, the remaining lots are Orchard Lots.
- (b) The parent lot, Lot No. 1744 in D.D. 132, is held under New Grant No. 2745 sold on 2.5.1918 by way of public auction. The parent lot is an Orchard Lot in which no grave shall be made on nor shall any human remains be interred in, or deposited on the land.
- (c) Each of s.A, s.B and s.C is subject to a building licence and in which the buildings to be erected are subject to, inter alia, a height restriction of 25 feet and 2 storeys. Occupation permit was issued to the respective sections in 1964 in connection with the permission for residential purposes only.

	s.A	s.B	s.C
Building Licence No.	816	815	852
Area of Building	975 ft ² (or 0.03 acre)	975 ft ² (or 0.03 acre)	749 ft ² (or 0.02 acre)

- (d) According to his record, a “Letter B2” was issued by the then District Commissioner, New Territories on 2.12.1971 in respect of the house erected on Lot No. 1744 s.B that was in contrary to the provisions of the Buildings Ordinance (Application to the New Territories) Regulations Cap. 322.
- (e) The proposed columbarium development contravenes the existing lease conditions.
- (f) The applicant has proposed to widen the local access road connecting the Site and Hing Fu Street to 5.5m wide with a 1.5m wide footpath on one side and 3 passing bays along the road (**Drawing Z-9**). The road widening proposal affects other private lots adjoining the Site, the unnamed local access road, the adjoining GL and the existing graves lying on the adjoining slope. It would involve extensive cutting into GL and slope adjoining the access road. As the applicant has proposed to widen the local access road which is managed by the Home Affairs Department (HAD), the applicant should consult HAD on this proposal. The applicant is also required to consult the Transport Department (TD) on whether the proposed road widening

works require statutory gazettal procedures under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). In addition, the proposal should avoid encroachment onto private land and no works affecting GL should be conducted unless prior written approval has been obtained. There is no guarantee that approval will be given for any works on GL. He reserves his rights to make further comments at the detailed design stage and also the rights to take any enforcement action against any unauthorised occupation or works on GL.

- (g) It is noted that the proposed road widening works are in close proximity of a few existing graves. The applicant should ensure that the proposed works would not affect the graves and handle at his own costs any enquiries from the affected descendants in connection with the road works and associated slope works (if any) on the graves.
- (h) The Government does not guarantee any right-of-way to the Site. It is the applicant's sole responsibility to secure a right of access over adjoining private lots owned by the others and to make their own arrangements for acquiring such right-of-way for themselves and their visitors. The applicant has provided a copy of Agreement of Access Road signed by the applicant and the owner of Lots 1744 s.D ss.1 and 1744 s.D RP registered in the Land Registry at Appendix III of **Appendix Ia**. It stated that the right of access would continue automatically upon extension of its lease term. Pursuant to Section 6 of New Territories Leases (Extension) Ordinance (Cap. 150), the term of a lease of which Cap. 150 applies is extended until the expiry of 30.6.2047. There is no guarantee that the lease for the adjoining private lots can be extended beyond 30.6.2047 under the provision of Cap. 150. In case the lease term of the adjoining lots and that for the proposed columbarium at the Site is different, the applicant should seek their own professional advice on the access arrangement and future renewal of columbarium licence (if originally granted), if applicable.
- (i) If planning approval is given to the proposed development at the Site, the applicant will need to apply to LandsD for a lease modification/land exchange for the development proposal. 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 of landlord at its sole discretion. In the event that if 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 the payment of premium and administrative fee as may be imposed by LandsD. The access road widening proposal which affects and involves GL will be examined

and considered in details during the lease modification/land exchange application stage. There is no guarantee that the application, if received by LandsD, will be approved.

- (j) The Government reserves the right to take any enforcement or land control action as may be considered appropriate should any breach of lease conditions or unauthorised occupation of GL is detected.

Traffic

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

- (a) The applicant proposed VBAS to control the number of visitors and they would encourage their visitors to use shuttle bus services provided by the applicant during the grave sweeping periods.
- (b) It is noted that the applicant will take the initiatives to inform the Police to take appropriate actions if serious illegal parking is found. The mechanism has been reflected in the Management Plan (**Drawing Z-8** and paragraph 1.8 above).
- (c) The proposed road between the existing roundabout at Hing Fu Street and the Site will solely serve the proposed development. Hence, TD will not implement and manage the proposed road. The applicant shall consult relevant authorities on the design and management responsibilities of the proposed road.
- (d) From operation viewpoint, the applicant's proposal for provision of shuttle bus service is noted. However, the approval of the application does not imply the granting of approval for non-franchised bus services serving the proposed development. The applicant is required to submit application to TD for consideration near the time of opening of the proposed development. In determining an application for operation of non-franchised bus services, TD will consider the following factors, including:
 - (i) the need for the services to be provided by the applicant;
 - (ii) the level of service already provided or planned by other public transport operators;
 - (iii) traffic conditions in the areas and on the roads where the services are to be provided; and
 - (iv) the standard of service to be provided by the applicant.

- (e) His comments above were based on the assumptions that the access road (from Hing Fu Street to the Site) allows vehicular access and the applicant has obtained right-of-way of the access road. The applicant should liaise with relevant parties and government departments regarding the right-of-way of the access road and the implementation of the proposed management measures. The applicant should submit revised TIA and/or relevant information if there is significant change on the assumptions of the proposal.

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

- (a) The village roads connecting the Site from the cul-de-sac at the end of Hing Fu Street is not and will not be maintained by his office.
- (b) The crowd management plan shall be commented by TD and the Police. HyD should not be responsible for implementation of the crowd management plan.
- (c) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) He noted that since the applicant is considering to have joss paper burning, a smokeless joss paper furnace with high dust and smoke removal efficiency will have to be installed to minimise any potential environmental nuisance. The applicant shall strictly follow the “Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places” if eco-furnace will be installed.
- (b) As the application does not involve major building construction or demolition work, he has no adverse comments from the air quality and waste management perspectives.
- (c) The applicant has proposed closing the columbarium during the Ching Ming and Chung Yeung Festival Days and weekends before and after that. In addition, the applicant confirmed that all noise sensitive uses will not rely on open windows/doors for ventilation.

- (d) In view of the above, the applicant has fully addressed his comments from the environmental planning perspective and he has no objection to the application.

Urban Design and Landscape

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

Urban Design and Visual

- (a) According to the applicant, no additional buildings have been proposed within the Site. As such, adverse visual impacts would not be anticipated.
- (b) The Master Layout Plan and Landscape Master Plan have drawn some 'pedestrian zones' within internal access. The applicant should pay attention to ensure traffic safety of visitors.

Landscape

- (c) The Site is situated in an area of unsettled valley landscape character, and is surrounded by woodlands and a religious institution to its south. Carpark and public housing estates are found to its further east and southeast. According to his site visit conducted on 2.8.2019, the Site is currently occupied by three 2-storey buildings on a hard-paved platform, with a small tree located outside the entrance gate within the Site. With reference to the submissions (**Appendices Ia and Ib**), such buildings were built in the 1960s. Nevertheless, it is observed from the aerial photos taken in 2008 and 2009 that the existing large trees and vegetation originally located around the buildings within the Site have been removed and the Site was hard paved. Adverse impacts on the existing landscape resources and character have been taken place.
- (d) The applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.

9.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) He has no comment from architectural and visual impact point of view.
- (b) Natural cross ventilation is highly recommended. The application is advised to provide openings/louvre for columbarium walls to achieve natural cross ventilation.

Drainage

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

He has no in-principle objection to the application from public drainage viewpoint.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) Furthermore, the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D which is administered by BD.

Building Matters

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

- (a) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of B(P)R respectively.
- (b) If the Site does not abut a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) during plan submission stage. He reserves his comment on the proposed maximum plot ratio and site coverage at this stage.
- (c) If the proposed plot ratio is based on the assumption that Gross Floor Area exemption will be granted for green/amenity features and non-mandatory/non-essential plant rooms, etc., the pre-requisites in Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 and APP-152 should be complied with.
- (d) Disregarding private carparking spaces from GFA calculation under the Buildings Ordinance (BO) will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage.

- (e) Noting the proposed development is a columbarium, the premises should comply with specified design and construction requirement for columbarium facilities as outlined in PNAP APP-154.
- (f) If there are existing structures which had been erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under BO and should not be designated for any approved use under the captioned application unless such are permissible under PCO (Cap. 630).
- (g) The proposed building may be subject to the issue of various licences and should comply with the building and safety requirements as may be imposed by the relevant licensing authorities.
- (h) His detailed comments on the proposed scheme would only be given during building plan submission stage.

Others

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

- (a) The applicant has assessed the geotechnical feasibility of the proposed access road improvement works in the Geotechnical Planning Review Report (GPRR) (**Appendix Ib**).
- (b) His office has no in-principle objection to the rezoning application subject to the applicant's commitment to undertake a natural terrain hazard study and to provide any mitigation measures as part of the proposed development, as stated in GPRR submitted by the applicant under **Appendix Ib**.

9.1.13 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) There are 400kV extra high voltage OHLs running above the Site, which is within the preferred working corridor of the concerned OHLs as stipulated in the Hong Kong Planning Standard and Guidelines (HKPSG) (**Plan Z-2**).
- (b) According to Chapter 7 of HKPSG, the routing of OHLs should avoid residential areas and environmentally sensitive areas and sufficient space for "preferred working corridor" should be allowed along the alignment of OHLs for maintenance and repair by CLP Power.

- (c) The applicant and his contractors should strictly comply with the followings:
- (i) the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned OHLs as stipulated in HKPSG shall be maintained at any time during and after constriction;
 - (ii) no scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. The applicant shall consult CLP Power on the safety precautions required for carrying out any works near the concerned OHLs;
 - (iii) in any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned OHLs for carrying out any operation, maintenance and repair work including tree trimming;
 - (iv) the applicant and his contractors should observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of the electricity supply lines; and
 - (v) as regards the electric and magnetic fields arising from OHLs, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.

District Officer’s Comments

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

- (a) He has distributed consultation letters to the concerned locals and understand that they will provide their comments, if any, to the Board direct.
- (b) He notes the applicant proposed to provide a total of 11,094 niches at the Site. The Tuen Mun District Council (TMDC) and the concerned locals living in the vicinity have been dissatisfied with the deteriorating traffic and environmental conditions brought by the clustering of development in Tuen Mun. He noted that the Site is in close proximity to Kwong Shan Tsuen, Po Tin Estate, Po Leung Kuk Horizon East Primary School and three planning applications for

columbarium development (i.e. No. Y/TM/24, 25 and 26). It is envisaged that TMDC, villagers and locals living in the vicinity may raise concerns about the potential adverse odour, visual as well as other environmental impacts caused by the subject application, in particular when the cumulative effects of the adjoining proposed columbarium developments are taken into account.

- (c) While no HAD facilities appear to have interface with the application, he notes that a local track linking the cul-de-sac at Hing Fu Street is the primary access to the Site. The concerned local track also serves as a major access to locals living in the vicinity (including villagers of Kwong Shan Tsuen). It is envisaged that they may be concerned about whether the existing roads would be sufficient to serve the Site having regard to the additional traffic flow potentially caused by the worship activities.
- (d) He understands that the widening of the existing access road is proposed by the applicant for the proposed development. He re-iterates that his office only provides ad-hoc maintenance to the existing village road. In case any alteration of the existing access/new access road is to be constructed by the applicant, his office will not take up the maintenance responsibility of the altered/newly constructed access road.

9.2 The following Departments have no comment on or no objection to the application:

- (a) Commissioner of Police (C of P);
- (b) Project Manager (West)(PM(W), CEDD; and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During the Statutory Publication Periods

10.1 The application and its FIs were published for public inspection. During the statutory public inspection periods, a total of 456 public comments were received. Among them, 18 from members of TMDC, Kadoorie Farm and Botanical Garden (KFBG), Designing Hong Kong (DHK), Alliance for the Concern over Columbarium Policy and individuals raised objection to the application (**Appendix III-1 to III-10**). The remaining 438 comments from the Chairman and the Director of Tuen Mun Merchants Association Limited (屯門商會) and individuals support the application, all in the form of a standard letter (samples at **Appendix III-11 to III-15**). The whole set of public comments will be deposited at the meeting for Members' inspection.

10.2 Their views are summarised as follows:

Objecting Views

- (a) the proposed development contravenes the lease conditions;
- (b) the proposed development would bring negative impacts on visual, landscape resources and ecology; adverse traffic impact of the area and potential illegal parking at Hing Fu Street;
- (c) the proposed development would generate noise and odour from ritual ceremonies and burning of joss papers;
- (d) the proposed development is not in line with the planning intention of “GB” zone and incompatible with the surrounding land uses;
- (e) approval of the application would set an undesirable precedent;

Supporting Views

- (f) the proposed development is compatible with surrounding land uses which are mainly religious uses, columbaria and graves;
- (g) the Site is suitable for columbarium use as it is away from residential uses and separated by visual buffer;
- (h) there is no significant environment concerns from the operation of the proposed development; and
- (i) the applicant has submitted an acceptable and implementable Management Plan. No adverse comment from relevant departments.

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from “GB” to “G/IC” with a maximum building height restriction of 2 storeys to continue and regularise the existing religious institution and columbarium development with 11,094 niches at the Site. The applicant has not provided a tailor-made Notes for the Site. According to the Notes of the OZP for “G/IC” zone, ‘Religious Institution’ is a Column 1 use which is always permitted while ‘Columbarium’ is a Column 2 use requiring planning permission from the Board.
- 11.2 According to the information provided by the applicant, the existing three 2-storey buildings on the Site were built in 1960s for residential use and have not been demolished or re-built, but have been renovated for the existing religious institution and columbarium uses since 2009 (**Plans Z-2 and Z-4a to Z-4c**). There are a total of 11,094 niches in the existing buildings, of which 8 niches have been occupied, 928 niches have been sold but not yet occupied and the remaining 10,158 niches are unsold.

Land Use Compatibility

- 11.3 The Site is surrounded by green vegetation on three sides, OHLs running to the east and a columbarium development (Filial Praise Niches (Kwong Hau Sin Yuen) (光孝仙苑) under application No. Y/TM/24) in the immediate south of the Site. The proposed development is located at the fringe of the hillslope of Tuen Mun New Town and bounded by vegetated slope to its east and north and Tsing Shan Firing Range Boundary to its west. The vicinity of the Site is dominated by vacant land, brownfield operations intermixed with columbarium and scattered rural settlement. The nearest high rise residential development is located about 170m away from the Site (**Plans Z-1 to Z-3**). The total plot ratio of the development is about 0.155 (total GFA of about 489.16m²). In view of the above, the proposed development with religious institution and columbarium uses within the existing buildings is considered not entirely incompatible with surrounding land uses.

Traffic and Crowd Management

- 11.4 According to the TCMP submitted by the applicant, the columbarium will strictly implement VBAS, and visitors are not allowed to visit the Site on Ching Ming and Chung Yeung Festival Days and weekends during the festival periods. In order to minimise the potential traffic impact, visitors are only allowed to take free shuttle bus service from Siu Hong West Rail Station to the Site during weekdays of the festival periods. In this regard, C for T has no further comment on the traffic arrangement and crowd management measures. DFEH also advises that if PCLB decides to approve the licence application, the approved TCMP will be included in the licensing conditions and the licensee will be required to implement the approved TCMP.
- 11.5 The Site is accessible via a sub-standard local track leading from Hing Fu Street. The applicant commits to improve the sub-standard local track and take up the design and construction works and management and maintenance responsibility of the improved the access road (**Appendix Ib and Drawing Z-9**). In addition, the applicant has also assessed the anticipated cumulative traffic impact arising from the nearby proposed columbarium developments currently under application (**Plan Z-1**) (**Appendix Ib**). With the implementation of the proposed road improvement works and traffic and crowd management measures in paragraph 11.4 above, the TIA concludes that the potential traffic impact caused by the columbarium is not significant. C for T and C of P have no adverse comment on the TIA and the application from traffic point of view.

Landscape and Visual Impacts

- 11.6 CTP/UD&L of PlanD and CA/CMD2 of ArchSD have no adverse comment on visual aspect. CTP/UD&L of PlanD observed that the Site was extensively paved and the previous dense vegetation and large trees around the buildings within the Site have been removed (**Plan Z-3**). Adverse impact on the existing landscape resources and character have been taken place. Nevertheless, majority of the Site (about 2,230m² or 71%) is covered

by Building Licence with permission for residential purpose as advised by DLO/TM, LandsD. Moreover, the applicant has proposed landscape planting to improve the landscape character at the Site (**Drawing Z-3**).

Other Technical Considerations

- 11.7 Other concerned departments consulted including DEP, DEMS, CE/MN of DSD, CE/C of WSD, H(GEO) of CEDD, D of FS, CBS/NTW of BD and PM(W) of CEDD have no objection to/adverse comment on the application.

Previous and Similar Applications

- 11.8 The Site is involved in an approved previous s.16 planning application (No. A/TM/147) for proposed residential development in “GB” zone which had not commenced mainly due to access road issue during the building plan submission stage and the permission expired on 19.6.1996. The previous s.12A application (No. Y/TM/8) for amendment to the OZP by rezoning the Site from “GB” to “G/IC” for religious institution and columbarium development involving 6,000 niches was rejected by the Committee on 19.4.2013 on the grounds that the applicant has not provided sufficient information in the submission to demonstrate no adverse traffic impact, the proposed road widening was implementable, nuisance to the nearby residents during festival days and undesirable precedent. Compared with the previous application, the total number of niches has been increased to 11,094 niches (i.e. about +85%). Although there is a substantial increase in the proposed number of niches, the applicant in the current submission has addressed the technical concerns, including traffic and environmental impacts and road widening proposal, of relevant government departments, and also taken into account the anticipated cumulative traffic impact arising from the proposed columbarium developments under applications (No. Y/TM/24, 25 and 26) in the area.
- 11.9 There are three similar applications for rezoning from “GB” to “G/IC” within the same “GB” zone to facilitate private columbarium developments (**Plan Z-1**) which are under processing and yet to be considered by the Committee. Each application would be considered based on its individual merits.

Public Comments

- 11.10 A total of 456 public comments were received during the statutory publication periods, of which 18 raising objection to and 438 supporting the application and the grounds of the comments are summarised in paragraph 10 above. The planning assessment and comments of Government departments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendment to the OZP will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance when opportunity arises.

12.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the Site forms an integral part of "GB" zone which covers the wooded hillslopes of Castle Peak and Tsing Shan Firing Range to the west and serves as a buffer to the high density residential development to its east. There is no strong justification to rezone "GB" to "G/IC" to make provision for application for columbarium use. The current "GB" zone for the Site is considered appropriate.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether agree, partially agree, or not to agree to the application.

13.2 Should the Committee decide to partially agree/not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Appendix I	Application form received on 16.7.2019
Appendix Ia	Planning Statement
Appendix Ib	FI received on 17.6.2021 enclosing a Consolidated Planning Report on FI
Appendix II	Previous Applications
Appendices III-1 to III-15	Public Comments
Drawing Z-1	Location and Site Access
Drawing Z-2	Master Layout Plan
Drawing Z-3	Landscape Master Plan
Drawings Z-4 and Z-5	Photomontages and Landscape Perspectives
Drawing Z-6	Elevation Drawing
Drawing Z-7	Proposed Shuttle Bus Service
Drawing Z-8	Proposed Crowd Management Plan
Drawing Z-9	Proposed Road Improvement
Plan Z-1	Location plan
Plan Z-1a	Location of previous applications
Plan Z-2	Site plan
Plan Z-3	Aerial photo
Plans Z-4a to Z-4d	Site photos