

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

APPLICATION NO. Y/TM/24

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| <u>Applicant</u> | : Filial Praise Niches (Hong Kong) Limited represented by Brighspect Limited |
| <u>Site</u> | : Lots 1744 S.D ss.1 (Part) and 1744 S.D RP (Part) in D.D. 132, Hing Fu Street, Tuen Mun, New Territories |
| <u>Site Area</u> | : About 1,175 m ² |
| <u>Lease</u> | : (i) New Grant No. 2745 (ii) Orchard Lot with Building Licence No. 814 (iii) Permitted Building Area of 975ft ² (iv) Height Restriction of 25 feet and 2 storeys (v) No grave shall be made on nor human remains be interred in, or deposited on the land sold either in the earthenware jars |
| <u>Plan</u> | : Draft Tuen Mun Outline Zoning Plan No. S/TM/38 (the OZP) <i>(currently in force)</i> Approved Tuen Mun Outline Zoning Plan No. S/TM/35 <i>(in force at the time of submission)</i> |
| <u>Zoning</u> | : “Green Belt” (“GB”) <i>(no change to zoning and restrictions for the application site)</i> |
| <u>Proposed Amendment</u> | : 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” for proposed columbarium use, under the name of Filial Praise Niches (FPN) (光孝仙苑) (**Plan Z-1**). The applicant has not provided a tailor-made Notes for the proposed “G/IC” zone at the Site. According to the Notes of the OZP for “G/IC” zone, ‘Columbarium’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board).

- 1.2 The Site is accessible via a local track leading from the cul-de-sac of Hing Fu Street (**Plan Z-2**). It is fenced, formed, and occupied by a two-storey building with columbarium settings and three other structures. There is a semi-sunken area along the southeastern edge of the Site previously used for the display of ancestral tablets. According to the applicant, the interred ashes and the ancestral tablets previously deposited/displayed at the Site had been removed since 2018, and the columbarium operation at the Site has ceased.
- 1.3 According to the applicant, a total of 5,670 niches will be provided in the existing two-storey main building. The proposed scheme submitted by the applicant is at **Drawings Z-1 to Z-5**. Major development parameters of the proposed columbarium are as follows:

| | |
|---|--|
| Site Area | About 1,175 m ² |
| Total Floor Area ¹ | About 517.3 m ² |
| Plot Ratio | About 0.44 |
| Site Coverage | 26.1% |
| No. of Blocks | 4 (including the existing main building and the existing structures for office, pantry and toilet) |
| Maximum Building Height (BH) | Existing main building and office: 2 Storeys Pantry and toilet: 1 Storey |
| Total No. of Niches ² | 5,670 |
| No. of Parking Spaces and Loading/Unloading Space | Nil |
| Operation Hours | 9:00 a.m. to 5:00 p.m. daily [No operation on Ching Ming and Chung Yeung Festivals, the two weekends before and after the festival days, and the following day of the general holiday that falls on Sundays ("the shadow periods")] |

¹ The total floor area and the counting of BH have excluded the semi-sunken basement portion.

² It is proposed to make use of the existing main building to accommodate the niches for columbarium use.

- 1.4 According to the applicant, the columbarium will provide a total of 5,670 double-urn niches. A breakdown of the niches in terms of sale and occupation conditions is shown as follows:

| Occupation Condition of Niches | No. of Niches (Double-urn) |
|---------------------------------------|----------------------------|
| Sold and Occupied before 30.6.2017* | 2 [^] |
| Sold but Unoccupied before 30.6.2017* | 514 |
| Unsold Niches | 5,154 |
| Total | 5,670 |

* The date when the Private Columbaria Ordinance (PCO) (Cap. 630) comes into effect.

[^] The applicant carried out alternative ash disposal procedures approved by the Director of Food and Environmental Hygiene (DFEH) under PCO. The two sets of interred ashes were returned to eligible claimants. According to FEHD's latest inspection, no deceased ash was detected.

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

- 1.5 The Site is accessible via a local track partly on private lots and partly on government land (GL) leading from the cul-de-sac at Hing Fu Street (**Plan Z-2**). To minimise the potential traffic impact generated by the columbarium, traffic and crowd management measures (**Drawings Z-6 to Z-9**) are proposed by the applicant. According to the TIA and TCMP, the major proposed measures include closure of the columbarium during Ching Ming and Chung Yeung Festivals and the shadow periods. A visit-by-appointment system will be implemented to control the number of visitors for the rest of the operation days. While no on-site parking space will be provided for visitors (except for elderly and disabled persons with prior permission), there are several existing carparks providing hourly parking in the vicinity. A temporary pick-up and drop-off area at Hing Fu Street and other traffic arrangements will be provided in the festival days. Visitors will be advised to visit the columbarium by public transport and road signage will be provided to guide them to the Site. There will be a waiting area of about 60m² and staff stationing within the Site to ensure the pedestrian circulation is unobstructed. The above restrictions will be strictly implemented and incorporated to the sales and purchase agreements of the niches.

Landscape Measures

- 1.6 According to the applicant, no major tree clearance or site formation work has been carried out since the Site was acquired in 2010. The existing pond and open space have been refurbished to uplift the visual amenity and aesthetics of the Site. Additional greenery area with potted plants is proposed to further enhance the environment (**Drawing Z-2**).

Environmental Measures

- 1.7 To minimise air pollution from worshipping activities, burning of joss paper is not allowed and no joss furnace will be provided at the Site. Besides, the applicant has obtained a licence under the Water Pollution Control Ordinance (WPCO) for the discharge of commercial trade effluent into underground septic tanks and soakaway systems. No public announcement system or fixed noise source will be installed at the Site. The road traffic noise arising from the proposed columbarium is minimal on normal and festive days.
- 1.8 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 26.6.2020 and (**Appendix I**) replacement pages
 - (b) Further information (FI) received on 5.4.2024 (**Appendix Ia**) enclosing the Consolidated Report[@]

[Supporting planning statement received on 26.6.2020 and FIs received on 29.3.2021, 18.6.2021*, 9.11.2021*, 12.11.2021*, 19.1.2022*, 30.3.2022*,*

17.6.2022, 30.6.2022*, 29.8.2022@, 6.9.2022@, 13.9.2022*, 22.11.2022*, 14.12.2022*, 30.3.2023*, 8.5.2023*, 18.7.2023*, 22.9.2023*, 11.10.2023*, 22.11.2023@, 4.12.2023*, 26.1.2024*, 12.3.2024@ and 22.3.2024@ were superseded and not attached]*

** Accepted but not exempted from publication and recounting requirements*

@ Accepted and exempted from publication and recounting requirements

- 1.9 On 18.9.2020, 5.2.2021, 10.9.2021 and 3.3.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each.

2. Justifications from the Applicant

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

- (a) The proposed “G/IC” zone will provide land for government, institution or community facilities serving the needs of the local residents and/or a wider district, region or territory. It is also intended to provide land for uses directly related to or in support of the work of the government, organisations providing social services to meet community needs and other institutional establishments. Rezoning the Site from “GB” to “G/IC” could increase land supply for ‘Columbarium’ use to meet the need for such use.
- (b) The Site is served by public transport services including light rail stops and bus terminus. It is about 10-15 minutes walking distance away from Po Tin Bus Terminus and Tin King Light Rail Stop. As there is no parking space provided at the Site, the applicant encourages visitors to park their cars at nearby car parks in Po Tin Estate and Kin Sang Commercial Complex (**Drawing Z-6**). The Site will be closed during Ching Ming and Chung Yeung Festivals and the shadow periods.
- (c) The Site is located on the hillside surrounded by trees, temples, graves, columbaria, high voltage overhead power cables and the Castle Peak Firing Range. There are very few residential dwellings after the shutdown of mines and the subsequent installation of pylons and overhead lines. In this regard, the columbarium use at the Site will not have adverse impacts on the surrounding environment or will not be incompatible with the surrounding land uses. No adverse landscape and environmental impacts, including air quality, sewerage and noise, are anticipated.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining written consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Zoning History of the Site

- 4.1 The Site is located at the northwestern fringe of Tuen Mun New Town. It 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, while ‘Columbarium (within a Religious Institution or extension of existing Columbarium only)’ is a Column 2 use subject to planning permission from the Board, ‘Columbarium’ is neither a Column 1 nor Column 2 use.

Existing Building on the Site

- 4.2 According to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), the Site is covered by a building licence No. 814 issued on 16.1.1960. Aerial photo taken in 1982 also shows that there was a structure on the Site. Details of the lease conditions are provided in paragraph 9.1.2 below.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

- 6.1 There are four similar s.12A planning applications (No. Y/TM/8, 23, 25 and 26) within the same “GB” zone. Details of these applications are summarised in **Appendix II** and the locations are shown on **Plan Z-1**.
- 6.2 Applications No. Y/TM/8 and 23 covered the same religious institution and columbarium use named Tin Kwong Lun Yee (TKLY) (天罡隆義). Application No. Y/TM/8 for proposed religious institution and regularisation of the existing columbarium use (6,000 niches) was rejected by the Committee on 19.4.2013 on the grounds of insufficient information to demonstrate that the proposed road widening was acceptable and implementable; insufficient information to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts; and setting undesirable precedent. Application No. Y/TM/23 for proposed religious institution and regularisation of the existing columbarium use (11,094 niches) was subsequently agreed by the Committee on 25.6.2021 on considerations that the applied development was not incompatible with surrounding land uses, there would be insignificant traffic impact with the implementation of the proposed road improvement works and traffic and crowd management measures, and no adverse comment from relevant government departments on the application.
- 6.3 Relevant proposed amendments to the approved Tuen Mun OZP No. S/TM/35 to reflect the agreed development proposal of application No. Y/TM/23 were considered by the Committee on 24.6.2022. The Committee

agreed to rezone the application site from “GB” to “G/IC(2)” where ‘Columbarium’ is a Column 1 use (i.e. an always permitted use) and subject to a maximum BH of two storeys and a maximum number of niches for the existing columbarium to streamline the development control process. The approved Tuen Mun OZP No. S/TM/37 incorporating the amendments was gazetted on 12.5.2023.

- 6.4 The other two applications No. Y/TM/25 and 26 covered the two columbaria named Able Fortune Memorial Garden (AFMG) (祥隆精舍) (5,282 niches) and Citifair Memorial Garden (CMG) (益豐精舍) (4,942 niches) were agreed by the Committee on 25.8.2023 mainly on similar considerations as those for the approved application No. Y/TM/23 mentioned in paragraph 6.2 above.
- 6.5 Relevant proposed amendments to the approved Tuen Mun OZP No. S/TM/37 to reflect the agreed development proposals of applications No. Y/TM/25 and 26 were considered by the Committee on 22.9.2023. The Committee agreed to rezone the respective applications site from “GB” to “G/IC(3)” and “G/IC(4)” where ‘Columbarium’ is a Column 1 use (i.e. an always permitted use) and subject to a maximum BH of two storeys and one storey respectively and a maximum number of niches for the existing columbarium to streamline the development control process. The draft Tuen Mun OZP No. S/TM/38 incorporating the amendments was gazetted on 20.10.2023 for public inspection. After considering the respective representation on 8.3.2024, the Board decided not to uphold the representations and propose any amendment to the OZP.

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

- 7.1 The Site is:
- (a) located on a platform at the hillslope in the northwestern fringe of Tuen Mun New Town;
 - (b) fenced, formed, and occupied by a 2-storey building and several temporary structures. A semi-sunken area is located along the southeastern edge of the Site (**Plans Z-4a to Z-4c**);
 - (c) currently vacant; and
 - (d) accessible via a local track leading from the cul-de-sac at Hing Fu Street.
- 7.2 The surrounding areas have the following characters (**Plans Z-2 and Z-4a to Z-4c**):
- (a) mainly vacant/unused land intermixed with parking of vehicles and rural settlements. There are three columbaria in the vicinity including TKLY (天罡隆義) located to the immediate north as well as AFMG (祥隆精舍) and CMG (益豐精舍) located to the further

southeast;

- (b) to the immediate east are overhead lines and to the further east down the slope is a high-rise public housing development named Po Tin Estate with a bus terminus; and
- (c) to the west are vegetated slopes and the 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 government departments have been consulted and their views on the application and the public comments are summarised as follows:

Licencing

9.1.1 Comments of 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. The operator of a private columbarium who applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in PCO or specified by Private Columbaria Licensing Board (PCLB), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. 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 submitted to PCLB should cover matters including traffic and public transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. For cases in which planning permission has been given by the Board, the management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approves the planning application. In considering the management plan submitted by a licence applicant, PCLB will take into account comments provided by concerned

departments including Transport Department (TD), the Police, Fire Services Department and Planning Department (PlanD). If a licence application is approved by PCLB, the Private Columbaria Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;

- (c) according to her record, PCLB refused the two sets of applications for Licence and Temporary Suspension of Liabilities (TSOL) for pre-cut-off columbarium in respect of the applicant in an open hearing on 30.4.2021 as the applicant failed to demonstrate that the columbarium was in operation before the cut-off-time (i.e. 8 a.m. on 18.6.2014). The applicant had been informed of PCLB's decision in writing on 24.5.2021 and the relevant information had been published on the dedicated website. The applicant lodged an appeal against PCLB's decision to the Private Columbaria Appeal Board (PCAB). However, the applicant withdrew the appeal on 2.8.2021;
- (d) the applicant also submitted another application for a licence for post-cut-off columbarium on 7.10.2021 but the application was withdrawn on 25.11.2021. There is no application for the Specified Instrument submitted by the applicant being processed by PCAO thereafter; and
- (e) the applicant subsequently carried out alternative ash disposal procedures approved by DFEH under the PCO. The two sets of interred ashes were returned to eligible claimants and no deceased ash was detected during the inspection on 1.3.2022.

Land Administration

9.1.2 Comments of DLO/TM, LandsD:

- (a) the Site comprises portions of the two private lots namely Lot 1744 S.D ss.1 and Lot 1744 S.D RP both in D.D. 132. According to the Land Registry record, the said two private lots are both owned by Fu Wai Industrial Company Limited. The applicant is not the current registered owner of the Site;
- (b) the parent lot, Lot 1744 in D.D. 132 is held under New Grant No. 2745 and was sold on 2.5.1918 by way of public auction. According to the available record that includes, Tai Po New Grant Register and the auction GN No. S90 of 1918 obtained from the Public Record Office, Lot 1744 in D.D. 132 (i.e. the parent lot) is an orchard lot subject to the special condition that "without the consent of the District Officer, no grave shall be made on nor shall any human remains be interred in,

or deposited on the land sold either in the earthenware jars or otherwise, a covenant to this effect shall be inserted in the Crown Lease of the lot”;

- (c) the subject lots (formerly known as Lot 1744 RP in D.D. 132) are also subject to a Building Licence No. 814 issued on 16.1.1960 with the area of the building permitted at 975 ft² (or 0.03 acre, about 90.58 m²) and in which the buildings to be erected are subject to, inter alia, a height restriction of 25 feet and 2 storeys;
- (d) by virtue of the Deed Poll dated 21.4.1981, Lot 1744 S.D was divided into Lots 1744 S.D ss.1 and 1744 S.D RP. Area of the lots are as follows:

| Lot No. in D.D. 132 | Agricultural Land | Building Land |
|--------------------------------|--|---|
| 1744 S.D ss.1 | About 764.91m ² (8,231 ft ²) | About 60.64m ² (653 ft ²) |
| 1744 S.D RP | About 651.61m ² (7,012 ft ²) | About 60.64m ² (653 ft ²) |

- (e) the applicant proposes to accommodate the proposed columbarium development in the existing buildings now standing on the Site. It is noted that the Building Authority (BA) had in February 2011 served s.24(1) Building Orders against the relevant existing buildings/structures, and retaining structures/walls at the Site. These demolition orders have been registered against the respective lots in the Land Registry;
- (f) according to the development proposal, the BH of the columbarium structure exceeds the height restriction under the lease. It is noted that the applicant has revised the total proposed GFA of the four structures to 517.3 m². The proposed columbarium development contravenes the existing lease conditions;
- (g) according to the Geotechnical Planning Review Report (GPRR) submitted by the applicant, part of the proposed new retaining walls would be located outside of the subject lots. The applicant is aware of the encroachment onto GL and states that permission would be sought from LandsD during the building plan submission stage. Nevertheless, this arrangement is not acceptable from the land administration point of view and the applicant should revise the proposal to confine the relevant geotechnical works within the boundary of the lots so as to avoid encroachment onto the adjoining GL; and

- (h) other detailed comments on the application are at **Appendix III**.

Traffic

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

- (a) it was noted that the applicant proposes closure of the columbarium during Ching Ming and Chung Yeung Festivals, the two weekends before and after the festival days, and the following day of the general holiday that falls on Sundays and adoption of visit-by-appointment to control the number of visitors visiting the Site. Adverse traffic impact is not anticipated from the proposed columbarium as the operation hours are outside the normal traffic peak hours;
- (b) she has no adverse comment on the TIA for the current application from the traffic engineering point of view. Nevertheless, the applicant should submit a revised TIA to reflect the latest traffic condition in subsequent land administrative stages; and
- (c) other detailed comments on the application are at **Appendix III**.

9.1.4 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 are not and will not be maintained by his office; and
- (b) adequate drainage measures shall be provided to prevent surface water flowing from the Site to the public roads and drains nearby.

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

In response to his concerns, the applicant undertakes to seek approval from the Road Management Office (RMO) of his department in advance of their Temporary Traffic Arrangement (TTA) plan and to liaise with other stakeholders on the road closure arrangement. In view of the above, he has no further comment.

Environment

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

- (a) the applicant confirms that burning of joss paper would be prohibited and thus no joss paper furnace of any type is to be provided for use by visitors. As such, no adverse impact on

air quality is anticipated for its operation;

- (b) regarding sewerage disposal, the applicant confirms that the wastewater from the toilet is being discharged to the underground septic tank and soakaway system. A discharge licence under the WPCO has been issued to the premises owner in November 2019; and
- (c) according to the applicant's submission, there is no particular worshipping activity carried out on-site and no public announcement/loudspeaker system nor noisy activity would be allowed at the Site; and there is no fixed noise source in the vicinity. According to the revised Noise Impact Assessment, the applicant demonstrates that the road traffic noise arising from vehicles from the proposed use will not be more than 1dB(A) during both normal days and festive days. Therefore, no adverse traffic noise impact is anticipated.

Urban Design and Landscape

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

Urban Design and Visual

- (a) taking into account the scale of the development scheme, it is unlikely to impose significant adverse visual impact on the surrounding areas; and

Landscape

- (b) the Site is situated in an area of urban fringe landscape character surrounded by woodland to the south and west, and a religious institution to its north. Car parks and public housing estates are found to its further east and southeast. With reference to the aerial photo of 2023, the Site is hard paved with a building at the centre and a pond at the southern portion of the Site. With reference to applicant's submission, such building was built in the 1980s. Nonetheless, it is observed from the aerial photos from 2000 to 2009 that the building at the centre of the Site was generally surrounded by dense vegetation, and the vegetation found missing and hard paved in the aerial photos of 2010 and 2011. Adverse landscape impact to the existing landscape resources has taken place.

Drainage

- 9.1.8 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

- 9.1.9 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction. Other detailed comments on the application are at **Appendix III**.

Building Matters

- 9.1.10 Comments of the Chief Building Surveyor/Existing Buildings Section E (CBS/E), BD:

- (a) she has no adverse comment on the rezoning application; and
- (b) two removal orders have been issued by BD, namely CWP/S1/101233/10/NT and CWP/S1/101234/NT to the land owners in February 2011. However, the said orders have not been complied with.

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

- (a) he has no adverse comment on the application; and
- (b) 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. Detailed comments under Buildings Ordinance will be provided at the building plan submission stage. Other detailed comments on the application are at **Appendix III**.

Geotechnical Aspect

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

- (a) a slope steeper than 30° with a height greater than 6m within 6m of the Site may affect or be affected by the application. In view of the above, the applicant has submitted a GPRR to support the application;

- (b) according to his record, there are unauthorised works/retaining walls within the Site. With reference to the information provided by BD, two removal orders on the removal of unauthorised structures and retaining walls at the Site were issued to the landowners in February 2011. The applicant is required to remove or demolish the unauthorised retaining walls under BD's removal orders. The applicant was also requested to indicate geotechnical works in the GPRR that are required in connection with the removal works of the two unauthorised retaining walls under BD's removal orders;
- (c) it is noted from the revised GPRR (**Appendix Ia**) that the two unauthorised retaining walls would be removed and replaced with new retaining walls to comply with BD's removal orders;
- (d) while it is technically feasible to remove both unauthorised retaining walls and reinstate the land outside the lot boundary to its original profile, for the parts of the new retaining walls that fall outside of the lot boundary, the applicant should seek agreement from LandsD; and
- (e) in view of the above, she has no adverse comment on the revised GPRR.

Nature Conservation

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

- (a) according to the aerial photo available, the Site is entirely paved and developed. While the surrounding area is mostly vegetated, there are village settlements and car parks in nearby granted/allocated land. Considering the existing condition of the Site, he has no strong view on the application from nature conservation perspective; and
- (b) nevertheless, as the Site is located within "GB" zone, the Board may wish to consider if the approval of the rezoning application would set undesirable precedents for unauthorised columbarium developments which may degrade the habitats in this area.

Others

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

Based on the information provided, the Site will be within the

preferred working corridor of the 400kV extra high voltage overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines. He has no objection in principle to the application subject to the conditions pertaining to electricity supply safety and reliability, being strictly complied by the applicant and his contractor. His detailed comments on the application are at **Appendix III**.

District Officer's Comments

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

- (a) he has distributed consultation letters to the concerned locals and understands that they will provide their comments, if any, to the Board direct;
- (b) Some members of the Tuen Mun District Council (TMDC), villagers and locals living in the vicinity have previously raised concerns about the deteriorating traffic and environmental conditions brought by clustering of developments in Tuen Mun Northwest. In view of the close proximity of the Site to Kwong Shan Tsuen, Po Tin Estate, Po Leung Kuk Horizon East Primary School and columbarium developments (i.e. TKLY, AFMG and CMG), it is envisaged that members of TMDC, villagers and locals living in the vicinity may raise concerns about the potential adverse traffic, odour, visual as well as other environmental impacts caused by the proposed columbarium development to the adjoining areas; and
- (c) it is noted that the Site will be primarily served by the local track linking the cul-de-sac at Hing Fu Street. The concerned local track also serves as a major access to villagers of Kwong Shan Tsuen. It is envisaged that villagers and locals living in the vicinity may raise concerns about whether the existing roads would be sufficient to serve the proposed columbarium development having regard to the additional traffic flow arising from the worship activities.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (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 was published for public comments on 10.7.2020 and subsequently relevant FIs submitted by the application were published 17 times for public comments. During the statutory public inspection periods, a total of 28 public comments from a former TMDC member, Kadoorie Farm and Botanical Gardens, concern groups and individuals objecting to the application were received. The objecting comments are at **Appendix IV**.
- 10.2 Their objecting grounds are summarised as follows:
- (a) not in line with the planning intention;
 - (b) approval of the application may bring adverse traffic and environmental impacts to the surrounding neighbourhood, especially during Ching Ming and Chung Yeung Festivals;
 - (c) undesirable precedent for other similar applications within “GB” zone;
 - (d) the structures will cause visual impact and affect the airflow of surrounding buildings;
 - (e) undesirable if it is a profit-making columbarium development;
 - (f) the applicant has not provided sufficient information for the public to make comment on the application; and
 - (g) the application has been deferred multiple times which is unacceptable. The applicant should submit a new application with a better scheme.

11. **Planning Considerations and Assessments**

- 11.1 The applicant proposes to rezone the Site from “GB” to “G/IC” for a proposed columbarium development with a total of 5,670 niches at the Site. The applicant has not provided a tailor-made Notes for the proposed rezoning.
- 11.2 According to the information provided by the applicant, a total of 5,670 niches have been provided in the existing main building, of which two niches have been sold and occupied before 30.6.2017 (i.e. the date when PCO was enacted), 514 niches have been sold but not yet occupied and the remaining 5,154 niches are unsold. However, PCLB refused the applicant’s application for Licence and TSOL for pre-cut-off columbarium under PCO on 30.4.2021 and the applicant had returned the interred ashes of the two previously occupied niches to the eligible claimants. According to FEHD’s latest inspection, no deceased ash was detected at the Site.

Planning Intention and Land Use Compatibility

- 11.3 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 obtain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. 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. The Site is subject to a building license for residential use issued in 16.1.1960 and there was a structure found on the Site according to the aerial photo taken in 1982. According to the information provided by the applicant, the existing 2-storey building at the Site with columbarium setting was built in 1980s.
- 11.4 The Site is located in a locality mainly comprising low-rise buildings and temporary structures in the northwestern fringe of Tuen Mun New Town. The vicinity of the Site is dominated by vacant/unused land intermixed with parking of vehicles and rural settlements. Three columbaria, named TKLY (天罡隆義), AFMG (祥隆精舍) and CMG (益豐精舍) which all have been rezoned to “G/IC” on the OZP based on the agreed s.12A applications (No. Y/TM/23, 25 and 26)¹ are located to the immediate north and southeast of the Site. Po Tin Estate, the nearest high-rise residential development, is located about 150m away from the Site with vegetation buffers in between (**Plans Z-1 to Z-3**). As the proposed columbarium is small in scale and situated at a relatively remote location, it would unlikely cause nuisances to the locals. In view of the above, the proposed columbarium use is considered not entirely incompatible with the surrounding land uses (**Plan Z-2**).

Traffic and Crowd Management

- 11.5 In order to address the traffic concerns on the existing road network of the area, the applicant proposes to close the columbarium for visits during the Ching Ming and Chung Yeung Festival days and the shadow periods and adopt a visit-by-appointment arrangement for the rest of the operation days. No on-site parking space will be provided for visitors (except for those elderly and disabled persons with prior permission) and visitors will be advised to visit the columbarium by public transport. The above restrictions will be strictly implemented and incorporated in the sales and purchase agreements of the niches. In this regard, C for T has no adverse comment on these proposed traffic management arrangements. DFEH also advises that should PCLB decide to approve the licence application, the approved Management Plan (including traffic and crowd management measures proposed by the applicant) will be included in the licensing conditions and the licensee will be required to implement the approved Management Plan.
- 11.6 In addition, the applicant has also assessed the anticipated cumulative traffic impact arising from three nearby columbaria in “G/IC(2)”, “G/IC(3)” and “G/IC(4)” zones (**Plans Z-1 and Z-2**). With the implementation of the traffic and crowd management measures mentioned in paragraph 11.5 above,

¹ The application sites of No. Y/TM/23, 25 and 26 have been rezoned from “GB” to “G/IC (2)”, “G/IC (3)” and “G/IC (4)” respectively to reflect the agreed development proposals.

adverse traffic impact caused by the columbarium under the current rezoning application is not anticipated. C of P has no adverse comment on the application from traffic management point of view.

Visual and Landscape Impacts

- 11.7 CTP/UD&L of PlanD advises that taken into account the scale of the development, the proposed columbarium use is unlikely to impose significant adverse visual impact on the surrounding areas. Regarding landscape impact, CTP/UD&L of PlanD observes that the Site was paved and vegetation has been removed. Adverse impact on the existing landscape resources has been taken place. Nevertheless, the Site is covered by a building licence for residential purposes as advised by DLO/TM, LandsD. The applicant also proposes for additional greenery area with potted plants with the refurbished pond and open space areas to uplift the visual amenity and aesthetics of the Site (**Drawing Z-2**).

Other Technical Issues/Considerations

- 11.8 The applicant undertakes that permission from relevant authorities will be applied at a later stage to carry out the required slope works and it will be responsible for the maintenance of the proposed retaining walls along the boundary of the Site at its own expense. According to the GPRR submitted by the applicant, the existing unauthorised structures/retaining walls along the boundary of the Site will be demolished to comply with the Building Orders and part of the proposed slope works will encroach onto the adjacent GL. H(GEO) of CEDD has no adverse comment on the GPRR subject to the agreement of LandsD for the portions of proposed retaining walls falling outside the Site. As mentioned in paragraph 9.1.2, LandsD raises concern on the portions of the proposed retaining walls partially falling on GL outside the Site. In this regard, the applicant has undertaken to review the proposal, and liaise with LandsD and H(GEO) of CEDD regarding the issues of encroaching GL, the arrangement and maintenance requirements of the retaining walls as well as the proposed strengthening and mitigation works at the land administrative stage.
- 11.9 In terms of environmental considerations, public announcement system, burning of joss paper and joss paper furnace will be prohibited at the proposed columbarium in accordance with the noise impact assessment and information provided by the applicant. In this regard, DEP has no adverse comment on the rezoning application from the environmental protection perspective. DEP also has no adverse comment on the proposed underground septic tank and soakaway system and advises that a discharge licence under the WPCO has been issued to the Site owner in November 2019.
- 11.10 Other concerned departments consulted including DEMS, CE/MN of DSD, CE/C of WSD, D of FS and PM(W) of CEDD have no objection to/adverse comment on the application from electrical safety, drainage, water supply, geotechnical, fire safety and structural perspectives respectively.

Proposed Schedule of Uses

- 11.11 As mentioned in paragraph 11.1 above, the applicant has not provided a tailor-made Notes for the proposed “G/IC” zone. According to the Notes of the OZP for “G/IC” zone, ‘Columbarium’ is a Column 2 use requiring planning permission from the Board. In view that the applicant has submitted a detailed development proposal with supporting technical assessments, concerned departments have no in-principle objection to the proposed scheme and there will be a control mechanism on the details and technical requirements of the proposed columbarium use under the licencing regime of PCO and lands administrative and building regimes, should the Committee agree to the application, consideration could be given to streamlining the development control process by placing ‘Columbarium’ under Column 1 uses (i.e. uses always permitted) of a new “G/IC” sub-zone with suitable stipulation of appropriate development restrictions (such as maximum BH and number of niches) at the OZP amendment stage similar to those adopted for “G/IC(2)”, “G/IC(3)” and “G/IC(4)” zones. Concerned government departments will be further consulted on the above in the subsequent OZP amendment process, which will also be subject to public scrutiny.

Similar Applications

- 11.12 The Committee has previously approved three similar s.12A applications involving three columbaria within the same “GB” zone (**Plan Z-1**). Amendments to the Tuen Mun OZP to reflect the agreed rezoning proposals have been made. The planning circumstances of the current application are similar to the approved applications. Approval of the current application is in line with the previous decisions of the Committee.

Public Comments

- 11.13 A total of 28 public comments were received during the statutory publication periods. All of them raise objections to the application and the grounds of the comments are summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.12 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 in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendment to the OZP, taking into account the assessments in paragraph 11.11 above, will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance when the 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 partial 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

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| Appendix I | Application form received on 26.6.2020 and replacement pages |
| Appendix Ia | Consolidated Report |
| Appendix II | Similar Applications |
| Appendix III | Detailed Comments of Relevant Government Departments |
| Appendix IV | Public Comments |
| Drawing Z-1 | Site Layout Plan |
| Drawing Z-2 | Indicative Landscape Plan |
| Drawings Z-3 and Z-4 | Floor Plans |
| Drawing Z-5 | Elevation Drawing |
| Drawing Z-6 | Existing Car Park in the vicinity of the Site |
| Drawings Z-7 and Z-9 | Proposed Traffic and Crowd Management Plan |
| Plan Z-1 | Location plan |
| Plan Z-2 | Site plan |
| Plan Z-3 | Aerial photo |
| Plans Z-4a to Z-4c | Site photos |

**PLANNING DEPARTMENT
APRIL 2024**