

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

APPLICATION NO. Y/TM/25

- Applicant** : Able Fortune Enterprise Limited represented by DC Consultancy Solutions Limited
- Site** : Lot 1724 RP ss.14 (Part) in D.D. 132, Hing Fu Street, Tuen Mun, New Territories
- Site Area** : About 869.2 m²
- Lease** : (i) Orchard Lot with Building Licence No. 806
(ii) Permitted Building Area of 900ft²
(iii) Height Restriction of 25 feet and 2 storeys
(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 (OZP) No. S/TM/37 (currently in force)

Approved Tuen Mun OZP No. S/TM/35 (at the time of submission)
- Zoning** : “Green Belt” (“GB”)
[No change on the current OZP]
- Proposed Amendment** : To rezone the application site (the Site) from “GB” to “Government, Institution or Community” (“G/IC”)

1. The Proposal

- 1.1 The applicant proposes to rezone the Site from “GB” to “G/IC” to regularise the existing columbarium use providing a total of 5,282 niches under the name of Able Fortune Memorial Garden (AFMG) (祥隆精舍) at the Site (**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). The Site is

currently occupied by a 2-storey columbarium building and several temporary structures for ancillary uses without planning permission (**Plan Z-2**).

- 1.2 The Site is subject to a Building Licence No. 806 issued in 1959 for residential purpose. According to the applicant, the applicant subsequently acquired the Site and renovated the building for columbarium use since 2012 (**Plans Z-2, Z-4b and Z-4c**).

- 1.3 The proposed scheme of the columbarium use submitted by the applicant is at **Drawing Z-1**. The major development parameters of the columbarium use are summarised as follows:

Site Area	About 869.2 m ²
Gross Floor Area (GFA)	About 241.6 m ²
Plot Ratio (PR)	About 0.28
Site Coverage	About 18.2%
No. of Blocks	6 (for columbarium, office and ancillary uses)
Maximum Building Height (BH)	1 to 2 storeys (2.7m to 7.7m)
Total No. of Niches	5,282
Total No. of Urns	5,418
No. of Private Car Parking Spaces (for staff and visitors with needs under prior permission)	3 (including 1 for disabled)
No. of Loading/Unloading Space	1
Operation Hours	9:00 a.m. to 5:00 p.m. daily (except 'blackout periods' ¹)

- 1.4 The breakdown of the 5,282 niches are shown in the table below:

Sold and Occupied before 30.6.2017*	Single-urn	14
	Double-urn	0
Sold but Unoccupied before 30.6.2017*	Single-urn	0
	Double-urn	0
Unsold Niches	Single-urn	5,132
	Double-urn	136
Total	5,282	

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

- 1.5 The Site is located on a platform at the hillslope in the northwestern fringe of Tuen Mun New Town. It is currently accessible via a local track on government land (GL) leading from the cul-de-sac of Hing Fu Street (**Plan Z-2**). To minimise the potential traffic impact generated by the columbarium, traffic and crowd management measures together with road improvement works are proposed by the applicant. According to the

¹ According to the applicant, 'blackout periods' refer to 14 calendar days before and after Ching Ming and Chung Yeung Festivals. No visit is allowed on the Ching Ming and Chung Yeung Festival days and the 'blackout periods'.

submitted Traffic Impact Assessment (TIA) and Management Plan, the major proposed measures include closure of the columbarium during Ching Ming and Chung Yeung Festivals and their ‘blackout periods’, and the adoption of a visit-by-appointment arrangement outside the festival days and their ‘blackout periods’. No parking space will be provided within the Site for visitors (except for those with needs with prior permission) who will be advised to visit the columbarium by public transport. The above restrictions will be strictly implemented and incorporated in the sales and purchase agreement of the niches. Besides, the applicant has entered into agreements with the operators of three car parks in the vicinity (**Plan Z-2a**) to provide a total of 30 parking spaces for visitors visiting the Site and the columbarium namely Citifair Memorial Garden (CMG) (益豐精舍) nearby under planning application No. Y/TM/26.

- 1.6 To address the possible conflicts between vehicles and pedestrians on the said local track, the applicant proposes to construct a footpath with a minimum width of 2m with stairs and ramp along the western boundary of the Site for pedestrian access. The visitors of CMG will also be advised to gain access to the columbarium via this proposed footpath. To enhance road safety of the local track, the applicant proposes to setback the eastern boundary of the Site for widening the local track to a minimum width of 5.5m (from currently 3.8m) with retaining structure so as to allow sufficient space for vehicles in opposite direction to pass through in the long-term (**Drawing Z-2**).
- 1.7 The applicant also proposes to set up an electronic platform to provide worship, reminiscence and remembrance activities for further reducing the number of visitors to the columbarium.
- 1.8 The existing trees and landscape features at the Site will be preserved and maintained. Additional landscaping is also proposed with a view to enriching the landscape of the Site as well as respecting and attributing to the upkeep of surrounding green character (**Drawing Z-1**). There will be no joss paper and incense burning activity or chanting in the columbarium and the public announcement system installed will only be used in case of emergency. Adverse air quality and noise impacts are therefore not anticipated. Besides, toilets with natural and artificial lighting and ventilation will be provided. Wastewater from the toilets will be discharged to the septic tank and soakaway system and a discharge licence under the Water Pollution Control Ordinance (WPCO) has been obtained.
- 1.9 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 23.7.2020 (**Appendix I**)
 - (b) Further Information (FI) received on 16.8.2023 (**Appendix Ia**)
(for submission of a consolidated report)

[Supporting planning statement received on 23.7.2020 and FIs received on 25.9.2020, 16.12.2020, 1.2.2021, 30.3.2021, 2.7.2021, 28.7.2021,

13.8.2021, 8.9.2021, 29.10.2021, 3.1.2022, 4.2.2022, 4.3.2022, 8.3.2022, 15.3.2022, 24.3.2022, 11.4.2022, 12.4.2022, 28.4.2022, 25.5.2022, 6.7.2022, 27.7.2022, 5.9.2022, 26.9.2022, 3.10.2022, 10.10.2022, 16.12.2022, 3.3.2023, 10.3.2023 and 5.6.2023 were superseded and not attached]

- 1.10 On 23.10.2020, 30.4.2021, 1.4.2022 and 23.12.2022, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer 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 the Application Form and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) The Site has been in operation to serve the community since 2012. In order to comply with the regulations, the Site has been renovated and improvement works have been carried out to meet various standards in environmental, traffic and fire safety aspects.
- (b) The applicant is endeavouring to obtain licence from the Private Columbaria Licencing Board (PCLB) for the subject columbarium. The provision of private columbaria would help complement the public columbaria in meeting the social needs for worshipping, adding supply to the provision of niches, and providing such social and welfare services to serve the local population in Tuen Mun. Public-private joint supply would be the best approach for meeting the pressing demand.
- (c) The Site is located at the fringe of Tuen Mun New Town. The urban fringe location has an advantage of locating the columbarium away from the residential areas, minimising interfacing conflicts with the neighbourhood such as traffic, environmental, visual and perception points of view. The Site is mainly surrounded by other columbarium developments, vehicle parking, unused land intermixed with some rural settlements. The nearest residential block at Po Tin Estate is about 50m away from the subject columbarium separated by vegetation buffer (**Plan Z-2**). The columbarium use at the Site is not incompatible with surrounding land uses.
- (d) The Site is small in scale. Rezoning the Site for columbarium use will have insignificant impact on the total area zoned “GB” from the wider planning context.
- (e) With the implementation of the proposed traffic and crowd management measures, it is anticipated that trips generated for visiting the Site would be minimised. The TIA concludes that no adverse traffic impact is anticipated, even taking into account the cumulative traffic impact from the adjacent proposed columbarium developments under applications No. Y/TM/23, 24 and 26.

- (f) There would also be no adverse landscape and environmental impacts, including air quality, sewerage and noise aspects from the subject columbarium.

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

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

4. **Background**

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 the 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.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

- 6.1 There are two similar s.12A planning applications (No Y/TM/8 and 23) for rezoning the site within the same “GB” zone to “G/IC” zone. Details of these applications are summarised in **Appendix II** and the location is 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 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 was considered by the Committee on 24.6.2022. Since detailed development proposal with supporting technical assessments were submitted, concerned departments had no in-principle objection to or adverse comment on the proposed scheme, and there would be control mechanism on details and technical requirements of the proposed columbarium under the licence regime of PCO, 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 building height 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 Two s.12A applications (No. Y/TM/24 and 26) for two other columbaria in the vicinity, namely Filial Praise Niches (FPN) (光孝仙苑) (5,670 niches) and CMG (益豐精舍) (4,942 niches) respectively are being processed (**Plan Z-1**). For Members’ information, application No. Y/TM/26 will also be considered at this meeting.

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, hard paved and occupied by a 2-storey columbarium building and several temporary structures for ancillary uses without planning permission;
- (c) underneath CLP’s 400kV overhead transmission lines (OHLs); and
- (d) accessible via a local track leading from the cul-de-sac of Hing Fu Street which also serves Kwong Shan Tsuen and Po Tin Estate.

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

- (a) mainly vacant/unused land intermixed with parking of vehicles and rural settlements. Three columbaria named TKLY (天罡隆義) and FPN (光孝仙苑) are located to the northwest while CMG (益豐精舍) are located to the southwest;
- (b) to the east down the slope is a high-rise public housing development named Po Tin Estate with a bus terminus;
- (c) to the southwest is a transmission tower; and
- (d) to the further west 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 contain 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 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. The operator of a private columbarium who applies a licence must comply with the Town Planning Ordinance (TPO) (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 minimise any adverse impact that operation of the columbarium may have on the neighbourhood. 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;
- (c) according to her record, the private columbarium, namely AFMG (祥隆精舍), situated at the Site submitted a set of applications for specified instruments (viz. Licence and a Temporary Suspension of Liability) at the Site which have been received by PCLB and the applications are being processed by the Private Columbaria Affairs Office (PCAO); and
- (d) she has no specific comments on the Management Plan submitted by the applicant. If such management plan and the associated licence application are approved by the PCLB,

the PCAO will undertake the monitoring of implementation of the Management Plan within the site boundary covered by the licence.

Land Administration

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

- (a) the lot is an orchard lot and has a total area of about 10,256ft². The site area stated in the application is different from the area of the lot as noted from the information obtained from the Lands Registry;
- (b) the parent lot, Lot 1724 in D.D. 132, was in 1916 by way of public auction as an orchard lot subject to, among others, the special condition that no grave shall be made on nor shall any human remains be interred in, or deposited on the land. The lot is also subject to a Building Licence No. 806 issued on 12.12.1959 with the area of building permitted at 900ft² (or 0.03 acre) and in which the buildings to be erected are subject to, inter alia, a height restriction of 25ft and two storeys. Occupation Permit of the existing building was issued in 1961 for private residential purposes only;
- (c) the proposed columbarium development contravenes the existing lease conditions;
- (d) as stated in the latest Management Plan and TIA, there would be a total of three pick-up/drop-off points, each at the entrance of the Kwong Shan Car Park, Sun Power Car Park A, and Sun Power Car Park B. The applicant should ensure any pick-up/drop-off point satisfies the Commissioner of Police's requirements. Moreover, the applicant should ensure that no GL will be affected due to the setting up of the pick-up/drop-off points;
- (e) it is noted that the hoarding and ancillary equipment of the existing columbarium may encroach onto the adjoining GL. Further checking will be conducted in due course. No permission has been given for the unauthorised occupation and Government reserves the right to take actions as may be considered appropriate;
- (f) the applicant's application for regularisation of the above development has been received. The regularisation application will only be considered by his office after the applicant has obtained planning permission for columbarium use under TPO. There is no guarantee that the application will be approved. The applicant's submitted information on the site boundary and site area will be further examined

when the regularisation application can be considered by his office. The application will be considered by LandsD acting in the capacity as the 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. Irrespective of whether planning approval is given or not, the Government reserves the right to take any lease enforcement action or land control action as may be considered appropriate should any breach of lease conditions or unauthorised occupation of GL is detected; and

- (g) the proposed rural track widening along the eastern boundary of the Site may require statutory gazettal procedures under the Road Works (Works, Use and Compensation) Ordinance (Cap. 370). The widening track will not be managed by his Office. The applicant should check with the relevant departments including Transport Department (TD) and Highways Department (HyD) to see if they will agree to take up the respective management and maintenance responsibilities. He shall reserve rights to give further comments on the proposal when it is confirmed with more details. In any event should there be any works encroaching upon GL and affecting nearby government slope(s), Government shall reserve rights to take any enforcement action as appropriate.

Traffic

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

- (a) it was noted that the applicant proposed closure of the columbarium during Ching Ming and Chung Yeung Festivals and their 'blackout periods' and visit-by-appointment to control the number of visitors visiting the Site. Adverse traffic impact is not anticipated; and
- (b) the applicant should submit a revised TIA report to address the unresolved comments² from TD, together with the detailed design of the proposed road improvement work for the existing rural access for consideration by relevant government departments.

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

- (a) noting that the Site is far away from the public roads under his maintenance, he has no comment from highways

² Including calculation errors and discrepancies in traffic assessment results amongst the TIA report are still observed.

maintenance viewpoint; and

- (b) his department will not take over the maintenance responsibility of the proposed rural track widening.

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

He has fully discussed with the applicant regarding the controlled measures to limit the number of visitors during festive periods. He has no comment on the current s.12A application.

Environment

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

- (a) the applicant confirmed that burning of joss paper would be prohibited and thus no joss paper furnace of any type will be provided for use by visitors. The applicant also confirmed that no ceremony and activity would be carried out within the Site. As such, no adverse impacts on air quality and noise are anticipated for its operation;
- (b) regarding sewage disposal, the wastewater from the toilets (converted from containers) 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 March 2020; and
- (c) in view of the above, he has no objection to the application from environmental planning perspective.

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) the Site is situated in a locality mainly comprising low-rise buildings and temporary structures on vegetated slopes in the northwestern fringe of Tuen Mun New Town. According to the applicant's submission, the proposal aims to regularise the existing columbarium use at the Site by confining the structures within the Site without disturbing the peripheral landscaping/vegetation. In view of this and given the low-rise nature of the proposal, there are no particular comments from the urban design and visual perspectives; and

Landscape

- (b) the Site is concrete paved with a building located at the

centre and some small structures scattered along the site boundary. An existing tree is observed at the northern portion of the Site, while another large mature tree is observed at the eastern corner outside the Site. The Site is situated in an area of rural urban fringe landscape character surrounded by woodland to the east, south and further west. Open car parks are found to the immediate west and further north of the Site within “GB” zone. With reference to the submission, the existing building was built in 1960s (**Appendix Ia**). Moreover, with reference to the aerial photos since 2001, removal of the existing trees and vegetation and hard paving were observed within the Site over the years. Impacts on the existing landscape resources and character have been 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):

- (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; and
- (c) furthermore, the emergency vehicular access 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 Building (Planning) Regulations (B(P)R) 41D which is administered by the Buildings Department (BD).

Building Matters

9.1.10 Comments of the Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD):

Natural cross ventilation is highly recommended. The applicant is advised to provide openings/louvre for columbarium walls to achieve natural cross ventilation.

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 of not less than 4.5m wide, the permitted development intensity shall be determined under Regulation 19(3) of B(P)R during the building plan submission stage;
- (c) if the proposed PR is based on the assumption that GFA exemption will be granted for green/amenity features and non-mandatory/non-essential plant rooms, etc. the pre-requisites in Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and APP-152 should be complied with;
- (d) disregarding private car parking spaces from GFA calculation under Buildings Ordinance (BO) will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage;
- (e) natural lighting and ventilation should be provided for rooms containing soil fitments as stipulated regulation 36 of B(P)R;
- (f) if there are existing structures which had been erected on the leased land without approval of Building Authority (BA) (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;
- (g) for unauthorised building works (UBW) erected on the leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
- (h) the proposed building may be subject to issue of various licences and should comply with the building and safety requirements as may be imposed by the relevant licensing authorities;
- (i) 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; and

- (j) detailed comments under BO will be provided at the building plan submission stage.

Others

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

- (a) there are 400kV extra high voltage overhead lines running above the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standard and Guidelines (HKPSG);
- (b) 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 overhead lines as stipulated in the HKPSG shall be maintained at any time during and after construction;
 - (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 overhead lines;
 - (iii) in any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming; and
 - (iv) the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

The Site is entirely paved and developed. He has no strong view on the application from nature conservation perspective

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) Tuen Mun District Council (TMDC) members, villagers and locals living in the vicinity have been concerned 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 (天罡隆義), FPN (光孝仙苑) and CMG (益豐精舍)), it is envisaged that 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 surrounding, in particular the cumulative effects of the adjoining proposed columbarium development; 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. Hing Fu Street is the major access to Kwong Shan Tsuen as well as the proposed columbarium developments in the vicinity. As such, it is envisaged that villagers living in the vicinity may raise concerns as to whether the existing road network would be sufficient to serve the subject development and the need of villagers.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), CEDD (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 31.7.2020 and subsequently relevant FIs submitted by the applicant were published 10 times for public comments. During the statutory public inspection periods, a total of 66 public comments were received. Among them, 14 comments from

Kadoorie Farm and Botanical Gardens (KFBG), Designing Hong Kong (DHK) and one individual raise objection to the application (**Appendices III-1 to III-3**) while 52 comments from individuals support the application (samples at **Appendices III-4 to III-6**). 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 Site has been cleared since 2004 and structures were found at the Site in 2012 without any planning approval. The practice of "Destroy First, Development Later" does not deserve planning approval;
- (b) approval of the application may bring adverse traffic and environmental impacts to the surrounding neighbourhood, especially during Ching Ming and Chung Yeung Festivals; and
- (c) undesirable precedent for other applications within "GB" zone.

Supporting views

- (d) the development can optimise utilisation of land resource;
- (e) the development supports "green burial" and "e-worship" for less pollution to the environment;
- (f) the development increases supply of private columbarium niches.

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from "GB" to "G/IC" to regularise the existing columbarium development with a total of 5,282 niches at the Site. The applicant has not provided a tailor-made Notes for the proposed zoning. Among the 5,282 niches, 14 niches have been sold and occupied and the remaining 5,268 niches are unsold.

Planning Intention and Land Use Compatibility

- 11.2 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 is subject to a building license and occupation permit for private residential purpose. According to the information provided by the applicant, the existing 2-storey building at the Site was built in 1959.
- 11.3 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) subject to an agreed s.12A application (No. Y/TM/23)³ and FPN (光孝
 仙苑) and CMG (益豐精舍) covered by two s.12A applications (No. Y/TM/24
 and Y/TM/26) being processed are located to the northwest and southwest of the
 Site. Po Tin Estate, the nearest high-rise residential development, is located
 about 50m away from the Site with vegetation buffer in between (**Plans Z-1 to Z-
 3**). As the proposed columbarium is small in scale (with PR of about 0.28) and
 situated at a remote location, it would unlikely cause nuisance to the locals. In
 view of the above, the proposed columbarium use within the existing buildings is
 considered not entirely incompatible with the surrounding land uses (**Plan Z-2**).

Traffic and Crowd Management

- 11.4 In order to address the traffic concerns on the existing road network of the area, the applicant proposes to close the columbarium for visit during the Ching Ming and Chung Yeung Festival days and their ‘blackout periods’ 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 with the needs with prior permission) who will be advised to visit the columbarium by public transport. The above restrictions will be strictly implemented and incorporated in the sales and purchase agreement of the niches. ***Besides, the applicant has entered into agreements with the operators of three car parks in the vicinity (Plan Z-2a) to provide a total of 30 parking spaces for visitors visiting the Site and the columbarium namely CMG (益豐精舍) nearby under planning application No. Y/TM/26.*** In response to pedestrian and road safety concerns on the local track leading to the Site, the applicant proposes to construct a new pedestrian access along the western boundary of the Site and to implement improvement measures at the local track as detailed in paragraph 1.6 (**Drawing Z-2**). In this regard, C for T has no adverse comment on these traffic management and improvement measures. DFEH also advises that if PCLB decides 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.
- 11.5 In addition, the applicant has also assessed the anticipated cumulative traffic impact arising from the nearby columbarium developments under the agreed s.12A application No. Y/TM/23 and the s.12A applications being processed (**Plan Z-1**). With the implementation of the proposed traffic improvement works and crowd management measures mentioned in paragraph 11.4 above, ~~the TIA concludes that~~ adverse traffic impact caused by the columbarium under the current rezoning application is not anticipated. ~~C for T and~~ C of P ~~have~~ has no adverse comment on the application from traffic point of view.

Visual and Landscape Impacts

- 11.6 On visual impact, CTP/UD&L of PlanD advised that taken into account that the proposal aims to regularise the existing columbarium use at the Site by confining the structures within the Site without disturbing the peripheral landscaping/vegetation and the low-rise nature of the proposal, there is no

³ The application site of Y/TM/23 has been rezoned from “GB” to “G/IC (2)” to reflect the agreed development proposal.
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adverse comment from the urban design and visual perspectives. For landscape impact, CTP/UD&L of PlanD observed that the Site was paved and trees and vegetation at the Site have been removed over the years. Impact on the existing landscape resources and character have been taken place. Nevertheless, the Site is covered by a building licence for residential purpose as advised by DLO/TM, LandsD. Moreover, the applicant also proposes additional landscape planting with a view to enriching the landscaping within the Site, as well as respecting and attributing to the upkeep of surrounding green character (**Drawing Z-1**).

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 from environmental, electrical safety, drainage, water supply, geotechnical, fire safety and structural perspectives.

Proposed Schedule of Uses

- 11.8 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 or adverse comment on the proposed scheme and there will have control mechanism on the details and technical requirements of the proposed columbarium use under the licencing regime of PCO and lands administrative regime, should the Committee agree to the application, consideration could be given to streamline the development control process by placing ‘Columbarium’ under Column 1 uses (i.e. uses always permitted) of a new “G/IC” sub-zone with stipulation of appropriate development restrictions (such as maximum building height and number of niches) at the OZP amendment stage. Concerned government departments will be further consulted on the above in the subsequent OZP amendment process, which will also be subject to public scrutiny.

Previous and Similar Applications

- 11.9 There is a similar application (No. Y/TM/23) within the same “GB” zone agreed by the Committee on 25.6.2021 for rezoning from “GB” to “G/IC” to regularise the existing private columbarium with permitted religious institution (**Plan Z-1**). Amendments to the Tuen Mun OZP to reflect this agreed rezoning application have been completed in May 2023. The approved Tuen Mun OZP No. S/TM/37 incorporating the relevant proposed amendments was published on 12.5.2023. The planning circumstances of the current application are similar to this approved application. Approval of the current application is in line with the previous decision of the Committee.

Public Comments

- 11.10 A total of 65 public comments were received during the statutory publication periods, of which 13 raise objection to and 52 support the application. The major grounds of public comments are summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.9 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 11.8 above, 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 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

Appendix I	Application form received on 23.7.2020
Appendix Ia	FI received on 16.8.2023 (for submission of a consolidated report)
Appendix II	Similar Applications
Appendices III-1 to III-6	Public Comments
Drawing Z-1	Indicative Site Layout Plan

Drawing Z-2	Proposed Transport Facilities
Plan Z-1	Location plan
Plan Z-2	Site plan
Plan Z-2a	Location of Car Parks
Plan Z-3	Aerial photo
Plans Z-4a to Z-4c	Site photos

**PLANNING DEPARTMENT
AUGUST 2023**