

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

**APPLICATION NO. Y/YL-LFS/11**

- Applicant** : Che Wan Seen Yuen Company Limited represented by Toco Planning Consultants Limited
- Site** : Lots 1966 S.A, 1966 RP, 1968, 1969, 1970, 1975 RP, 2024 RP (Part) in D.D.129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,335.3m<sup>2</sup> (including GL of about 148.7m<sup>2</sup> or 4.5%)
- Lease** : (a) Block Government Lease (demised for agricultural use)
- (b) Building Licences No. 873, 872 and 714 at Lots 1966 S.A, 1966 RP and 1969 in D.D.129 respectively (no human remains shall be interred or deposited)
- (c) Short Term Tenancy No. 2057 for the purpose of “Private Garden” on part of GL
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9 (at the time of submission)
- Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11 (currently in force)
- Zoning** : “Recreation” (“REC”)  
(no change to the zoning under the current OZP)
- Proposed Amendment** : To rezone the application site from “REC” to “Government, Institution or Community (1)” (“G/IC(1)”)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) (**Plan Z-1**) from “REC” to “G/IC(1)” on the Lau Fau Shan and Tsim Bei Tsui OZP. A set of Notes for the proposed “G/IC(1)” zone submitted by the applicant is at **Appendix Ib**. According to the proposed Notes, the “G/IC(1)” zone is intended for low-rise, low-density religious and recreational developments. ‘Columbarium’, ‘Religious Institution’ and ‘Place of Recreation, Sports or Culture’ are Column 2 uses requiring planning permission from the Town Planning Board (the Board). The Remarks of the proposed Notes also specify that ‘Columbarium’ use shall be subject to a

maximum number of niches of 7,730. The proposed amendment is to regularise the current columbarium use and facilitate the proposed religious institution use at the Site, under the name of Che Wan Seen Yuen (紫雲仙苑).

- 1.2 The Site is currently terraced into 2 levels, i.e. the southeastern platform at about 15.4mPD and the remaining portion at about 11.5 to 12mPD. There are three 3-storey New Territories Exempted Houses (NTEHs), namely Buildings No. 1, 2 and 3, in which niches are observed. There is also an internal access connecting to Deep Bay Road at its northwest, and a landscape area erected with religious statutes (**Plans Z-2 and Z-4a to Z-4d**). According to the applicant, the 3 NTEHs were built in the 1980s and converted for columbarium use without valid planning permission since 2009<sup>1</sup>, with a total of 12,036 niches as of 30.6.2017<sup>2</sup>. Whilst no urn is being stored currently<sup>3</sup>, 452 niches were already sold.

### The Notional Scheme

- 1.3 According to the notional scheme submitted by the applicant (**Drawing Z-1**), the 3 existing NTEHs would be retained and altered. To elucidate, ancillary facilities including toilets and/or administration office are proposed on the G/F of 2 NTEHs (i.e. Buildings No. 1 and 2). While no ancillary facility is proposed within Building No. 3, temporary portable toilets will be provided during festival days. To comply with building-related requirements for applying for a licence under the Private Columbaria Ordinance (Cap. 630) (PCO), 1 additional staircase is proposed for each NTEH. As a result of the alteration works, some unsold niches are proposed to be demolished. Each of the 3 altered NTEHs has a GFA of 195.09m<sup>2</sup> (3 NTEHs totalling 585.27m<sup>2</sup>) and a maximum height of about 7.62m (3 storeys) (**Drawings Z-2 to Z-4**). The breakdown of the sale and occupation conditions of the proposed columbarium are shown as follows:

		Bldg 1	Bldg 2	Bldg 3	Total
Sold and Unoccupied	Single-urn niches	0	0	370	370
	Double-urn niches	0	0	82	82
	<b>Sub-total</b>	<b>0</b>	<b>0</b>	<b>452</b>	<b>452</b>
Unsold	Single-urn niches	1,334	1,000	2,501	4,835
	Double-urn niches	1,172	928	343	2,443
	<b>Sub-total</b>	<b>2,506</b>	<b>1,928</b>	<b>2,844</b>	<b>7,278</b>
<b>Total No. of Niches</b>		<b>2,506</b>	<b>1,928</b>	<b>3,296</b>	<b>7,730</b>

- 1.4 Apart from the 3 NTEHs for columbarium uses, a new Guan Yin Temple (for Buddhist religion) is proposed in-between the 2 NTEHs (i.e. Buildings No. 2 and 3) at the southeastern platform of the Site (**Drawing Z-1**). The proposed temple has a GFA of 50.73m<sup>2</sup> and a maximum building height of about 7.304m (1 storey) (**Drawing Z-5**). According to the applicant, the proposed temple would be for the worshippers to perform devotion/veneration and carry out religious study. All other

<sup>1</sup> According to the applicant, ash was first interred into the niches of Che Wan Seen Yuen on 31.1.2009, which were subsequently vacated and are now unoccupied.

<sup>2</sup> The application is to fulfil the planning-related requirement for application of licence for the subject columbarium development under the Private Columbarium Ordinance (Cap. 630), which was enacted on 30.6.2017.

<sup>3</sup> According to the applicant, in order to comply with an Enforcement Notice issued by the Planning Authority, the descendants were requested to reclaim the interred urns from Che Wan Seen Yuen in 2016.

temporary structures at the Site will be demolished. To sum up, according to the notional scheme, the proposed development has a total GFA of about 636m<sup>2</sup>, a plot ratio of about 0.191 and a site coverage of about 10%.

- 1.5 The Site directly abuts and is accessible from Deep Bay Road at its northwest. According to the notional scheme (**Drawing Z-1**), the existing internal road will be modified with a roundabout (cul-de-sac) at its end and turnaround area at its driveway. According to the applicant, the roundabout will be used as the visitor holding area during grave-sweeping seasons, and converted for cultural and recreational uses during off-peak period. Moreover, a total of 12 private car parking spaces (including 1 for the disabled), 3 motorcycle parking spaces, 4 loading/unloading (L/UL) bays for shuttle bus and 2 L/UL bays for taxi will be provided.
- 1.6 As for recreational facilities, apart from converting the roundabout for temporary exhibition booths and passive recreation use during off-peak period, sitting-out area would also be provided outside the new Guan Yin Temple. Landscape area with plantings would be provided along the periphery of the Site. The indicative layout of the proposed recreational facilities is at **Drawing Z-6**.
- 1.7 The Site is involved in a previous application (No. Y/YL-LFS/1) submitted by a different applicant for rezoning the Site from “REC” to “G/IC” to facilitate columbarium use. The application was rejected by the Rural and New Town Planning Committee of the Board on 15.6.2012. A comparison of the major development parameters of the previous application (No. Y/YL-LFS/1) and the current application is as follows:

	<b>Previous Rejected Application No. Y/YL-LFS/1 (a)</b>	<b>Current Application No. Y/YL-LFS/11 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area (m<sup>2</sup>)</b>	about 4,700	about 3,335.3	-1,364.7 (-29%)
<b>Total GFA (m<sup>2</sup>)</b> • Columbarium • Temple	about 585.27 about 585.27 Nil	about 636 about 585.27 about 50.73	+50.73 (+9%)
<b>Plot Ratio</b>	about 0.125	about 0.191	+0.066 (+0.5%)
<b>Site Coverage (%)</b>	about 4.15	about 10	+5.85%
<b>No. of Blocks</b> • Columbarium • Temple	3 3 Nil	4 3 1	+1 (+33%)
<b>Building Height (m)</b> • Columbarium • Temple	7.62 Nil	7.62 7.304	No change

	<b>Previous Rejected Application No. Y/YL-LFS/1 (a)</b>	<b>Current Application No. Y/YL-LFS/11 (b)</b>	<b>Difference (b) - (a)</b>
<b>Uses</b>	Columbarium	<u>Building No. 1</u> Columbarium, male toilet  <u>Building No. 2</u> Columbarium, female and disabled toilets, administration office  <u>Building No. 3</u> Columbarium  <u>Temple</u>	Addition of a temple
<b>Total No. of Niches</b> • <i>Building No. 1</i> • <i>Building No. 1</i> • <i>Building No. 3</i>	5,000	7,730 2,506 1,928 3,296	+2,730 (+55%)
<b>Parking Spaces</b> • <i>Private Cars</i> • <i>Motorcycles</i> • <i>Heavy Goods Vehicles</i>	7 6 0 1	15 12(incl. 1 for disabled) 3 Nil	+8 (+114%)
<b>L/UL spaces</b> • <i>Cars/Taxis</i> • <i>Shuttle Buses</i>	2 Nil 2	6 2 4	+4 (+200%)

1.8 In support of the application, various technical assessments have been conducted, including Traffic Impact Assessment (TIA), Landscape and Tree Preservation Proposal (LTPP), Environmental Assessments (including Air Quality Impact Assessment (AQIA), Noise Impact Assessment (NIA) and Sewerage Impact Assessment (SIA)), Preliminary Drainage Analysis (PDA) and Archaeological Impact Assessment (ArchIA). The assessments are attached at **Appendix Ia** and their recommendations are summarised as below.

#### Proposed Road Improvement

1.9 According to the TIA, to improve the traffic condition along the section of Deep Bay Road (which is a one-lane two-way carriageway) between the Lau Fau Shan Roundabout and the Site, road widening would be undertaken locally by lengthening 2 passing bays along the section of Deep Bay Road. The Deep Bay Road/internal road T-junction would also be widened. Moreover, local resurfacing would be carried out. Besides, the proposed intermediate stop of the proposed free shuttle bus at Deep Bay Road near the Lau Fau Shan Roundabout will be lengthened to 24m (i.e. the length of about three 7.7m 28-seater shuttle buses) with its pedestrian pavement widened to 2m (**Drawing Z-9**). The applicant undertakes to implement the proposed road improvement works before the operation of the proposed development. The layout of the road improvement works is at **Drawing Z-7**.

#### Admission Control and Crowd Management

1.10 To ensure the safe and orderly operation of the proposed development especially

during the grave-sweeping seasons<sup>4</sup>, the applicant proposed a number of crowd control and operation arrangements (**Appendix Ia**), which are summarised as follows:

*Admission control*

- (a) a mandatory visit-by-appointment arrangement is proposed to control the number of visitors. All niche owners will be contacted, and allocated with a specific date and time slot to visit the proposed development during the grave-sweeping seasons. The visit-by-appointment arrangement would be implemented via future sale agreement<sup>5</sup> and security guard deployed on-site. Priority will be given to grave-sweepers coming with advance reservation at the designated time-slot to grave-sweep at the columbarium building;

*Crowd Control*

- (b) the operating hours of the proposed development are normally from 9 a.m. to 5 p.m daily (including public holidays). The operating hours will be extended for 2 hours (i.e. 8 a.m. to 6 p.m.) during the grave-sweeping seasons to diffuse grave-sweepers;
- (c) free shuttle bus (28-seater) travelling from Tin Fuk Road near Tin Shui Wai MTR Station and the Site, with an intermediate stop at Deep Bay Road near the Lau Fau Shan Roundabout, will be provided for grave-sweepers at 16 trips per hour during the grave-sweeping seasons (**Drawing Z-8**). Grave-sweepers are required to use the free shuttle bus service. For the few that may not take the free shuttle bus, they will be encouraged to use public transport;
- (d) except for the elderly and disabled, no parking facility will be provided to grave-sweepers during grave-sweeping seasons. Advance reservation of the parking spaces through the visit-by-appointment system will be required;
- (e) tidal flow arrangement will be implemented to avoid overcrowding. A holding area will be set up at the roundabout of the internal road (**Drawing Z-1**) during the grave sweeping seasons to allow staggered entry of the grave-sweepers into the columbarium buildings. Security guards would be deployed on-site to implement the admission control and crowd control measures; and
- (f) all other uses at the proposed development will be suspended during the grave-sweeping seasons.

Technical Assessments

*Tree Preservation*

- 1.11 According to the LTPP, amongst the 32 trees within the Site, all are common species and no registered Old and Valuable Tree is identified. 15 trees are proposed to be

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<sup>4</sup> According to the applicant, the grave-sweeping seasons are the main day of the Ching Ming or Chung Yeung Festivals, and the 2 consecutive weekends before and after the main day of the festivals (total 9 days for each festival).

<sup>5</sup> According to the applicant, there is no clause on admission control in the sale agreement of the sold niches.

felled and 14 trees are proposed to be transplanted within the Site due to their conflict with the proposed internal road and 3 are proposed to be retained (**Drawing Z-10**). 66 new trees are proposed to be planted, with the compensatory ratio of 1:1.27 in terms of aggregated DBH<sup>6</sup> (**Drawing Z-11**). Moreover, amongst the 46 trees along the section of Deep Bay Road where road widening is proposed, all are proposed to be retained.

#### *Environmental Aspects*

- 1.12 According to the AQIA, the existing furnace would be demolished and no burning of ritual paper, incense, joss stick and candle would be allowed within the Site. According to the NIA, to minimise the noise impact, there would be no funeral ceremony to be carried out within the Site. Religious activities would be carried out within the proposed temple. According to the SIA, the existing septic tanks and soakaway pits will be retained for the proposed toilets at columbarium Buildings No. 1 and 2. To minimise the pollution load to Deep Bay, all visitors are required to use the portable toilets during the grave-sweeping seasons.

#### *Drainage Aspect*

- 1.13 According to the PDA, drainage facilities will be provided at the Site. Also, stormwater from the Site would be discharged to an existing ditch to the southwest of the Site vide a proposed concrete pipe along Deep Bay Road.

#### *Cultural Heritage*

- 1.14 The Site and part of the proposed road widening works fall within the Lau Fau Shan Site of Archaeological Interest (**Plan Z-1**). According to the ArchIA, as the Site and the area of the road widening works had been disturbed by agricultural activities in the past, there is nil archaeological potential.

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

- (a) Application Form received on 28.2.2020 (Appendix I)
- (b) Consolidated Supporting Planning Statement with Technical Assessments received on 11.2.2022 (Appendix Ia)<sup>7</sup>
- (c) 9 submissions of Further Information (FI) received on 15.7.2020<sup>#</sup>, 9.12.2020<sup>#</sup>, 26.4.2021<sup>#</sup>, 7.7.2021<sup>#</sup>, 11.8.2021<sup>^</sup>, 26.8.2021<sup>#</sup>, 6.10.2021<sup>#</sup>, 19.11.2021<sup>#</sup> and 14.1.2022<sup>^</sup>

<sup>^</sup> exempted from publication and recounting requirement

<sup>#</sup> not exempted from publication and recounting requirement

- 1.16 Upon request by the applicant, the Committee on 15.5.2020, 9.10.2020 and 26.2.2021 agreed to defer a decision on the application for 2 months each so as to allow time for the applicant to submit FI to address departmental comments. After the last deferral, the applicant submitted FIs and the application was originally

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<sup>6</sup> DBH refers to the diameter of tree trunk measured at breast level.

<sup>7</sup> The report at **Appendix Ia** which contains the finalised planning statement, technical assessments and Responses-to-Comments tables has consolidated all the previous FIs. Hence, the relevant FIs are not attached in this Paper.

scheduled for consideration by the Committee on 18.2.2022. However, in light of the situation of COVID-19, the Committee agreed to adjourn the consideration of the application on 18.2.2022. 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 in the Supporting Planning Statement at **Appendix Ia**. They can be summarised as follows:

### Rationale for establishment of Che Wan Seen Yuen at the Site

- (a) Since the 1970s, the Government has been encouraging cremations instead of earth burials. With the cessation of new applications for private cemeteries in 1976, the number of cremations has risen substantially. However, the progress of providing new public columbaria is primarily constrained by limited land supply and ‘not in my backyard’ attitude. The applicant set up Che Wan Seen Yuen at the Site in 2009 considering its isolated location and close proximity to existing graves and religious institutions.

### Suitability of the Site for the proposed development

- (b) The Site is easily accessible by various transport modes. It is far away from major residential settlements, and compatible with the rural character of the area. Due to its topography, low-density and visual barriers by mature trees, the proposed development can hardly be seen from outside. The existing environment within Che Wan Seen Yuen is suitable for the public to enjoy passive recreational activities therein.

### Necessary step to comply with the new licensing requirement

- (c) On 30.6.2017, PCO came into effect and private columbaria in Hong Kong must be covered by a Licence, Exemption or Temporary Suspension of Liability. Meanwhile, it is the Government’s intention to take care of the sentiment of the descendants, particularly their wish not to upset the resting place of the deceased as far as practicable. Applications for both Licence and Temporary Suspension of Liability (TSOL) for the Pre-cut-off Columbarium in Che Wan Seen Yuen were submitted to the Private Columbaria Licensing Board (PCLB) on 14.2.2018. In obtaining approval for the Licence, all statutory and government requirements, including the town planning requirements, have to be complied with. Since there is no provision for columbarium use within the existing “REC” zone where the Site falls within, the subject s.12A application is a necessary step for obtaining the Licence.

### Compatibility of the proposed development with the “REC” zone

- (d) Apart from the Pre-cut-off Columbarium, the proposed development also comprises a Guan Yin Temple with sitting-out area. Moreover, the roundabout of the internal road will be converted to a passive recreational area as well as for temporary exhibition booths to introduce the attractions of Lau Fau Shan, and opened to the public to enjoy during off-peak period. It is the objective of the proposed

development to comply with the planning intention of the “REC” zone in the vicinity of the Site. Also, the proposed development is low-rise and low density.

#### Meeting the strong demand for columbarium niches

- (e) With an ageing population, the number of deaths and cremations in Hong Kong have been on the rise. Nevertheless, while columbaria are essential facilities for the community, the supply of public columbaria is restrained due to local resistance. The proposed development with 7,278 unsold columbarium niches can help meet the urgent public demand.

#### Planning and design merits

- (f) The columbarium use and the proposed religious institution would still require planning permission from the Board so as to allow proper control on the layout, development intensity and facilities provision. Landscape features will be provided to enhance the amenity of the locality. The proposed buildings would adopt a local traditional style in harmony with the existing rural character and Chinese culture in the Lau Fau Shan area. The proposed road improvement works at Deep Bay Road will benefit the locals throughout the year.

#### Minimum adverse impacts on the surrounding area

- (g) As demonstrated in the technical assessments and with appropriate mitigation measures, the proposed development would not have significant adverse traffic, drainage, environmental, landscape, visual and archaeological impacts on the surrounding area.

#### Unlikely to set an undesirable precedent

- (h) The subject s.12A application is for regularising a Pre-cut-off Columbarium instead of proposing a new one. Given the unique background, the subject application will not set an undesirable precedent.

### **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 consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

### **4. Background**

#### Zoning History of the Site

- 4.1 The Site was not specified for any use when the first statutory town plan covering the area, i.e. the Lau Fau Shan and Tsim Bei Tsui Interim Development Permission Area (IDPA) Plan No. IDPA/YL-LFS/1, was gazetted on 17.8.1990. The Site fell



within the 'Unspecified Use' area on the subsequent draft Development Permission Area (DPA) Plan No. DPA/YL-LFS/1 and the approved DPA Plan No. DPA/YL-LFS/2 gazetted on 12.7.1991 and 6.5.1994 respectively. The Site was zoned "REC" on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/1 gazetted on 10.6.1994. The zoning of the Site has not been changed since then.

- 4.2 According to the Notes for the "REC" zone of the OZP, there is no provision for 'Columbarium' use, whilst 'Religious Institution' is a Column 2 use requiring planning permission from the Board.

#### The Private Columbaria Ordinance

- 4.3 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.

#### Planning Enforcement History of the Site

- 4.4 The Site was subject to previous planning enforcement action (No. E/YL-LFS/233) against unauthorised development (UD) involving columbarium use. Enforcement Notice (EN) was issued on 23.7.2010 requiring the discontinuance of the UD by 23.1.2011. As the UD had not been discontinued upon the compliance expiry of the EN, 3 rounds of prosecution actions were taken between 2011 and 2015. The UD was subsequently found to have been discontinued, and Compliance Notice was issued on 23.5.2016 for the EN. The Site is currently not subject to any active planning enforcement action.

### **5. Previous Application**

- 5.1 The Site is involved in a previous application (No. Y/YL-LFS/1) for rezoning the Site from "REC" to "G/IC" for regularisation of columbarium development with 5,000 niches, which was rejected by the Committee on 15.6.2012 on grounds of no strong planning justification for the development; failure to demonstrate the implementability of the proposed traffic management measures, and thereby failure to demonstrate the ability to address the adverse traffic impact; failure to demonstrate the ability to address the adverse landscape and environmental impacts; and setting undesirable precedent. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan Z-1**.
- 5.2 Compared with the previous application, the current application is submitted by a different applicant for the same rezoning proposal at the same Site for columbarium

use, with additional religious institution use and different development parameters.

## **6. Similar Application**

- 6.1 Within the same “REC” zone, there was a similar application (No. Y/YL-LFS/8) for rezoning from “REC” to “G/IC(1)” for proposed columbarium development with 5,000 single-urn niches, which was rejected by the Committee on 14.7.2017 on grounds of no strong planning justification for piecemeal rezoning to facilitate the proposed development; failure to demonstrate no adverse traffic impact; and setting undesirable precedent.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan Z-1**.

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

### **7.1 The Site is:**

- (a) situated at the south of the Lau Fau Shan coastal peninsula, and located to the west of the Lau Fau Shan knoll fronting the Deep Bay coast. It also falls within the Lau Fau Shan Site of Archaeological Interest (**Plan Z-1**);
- (b) terraced into two levels, i.e. the southeastern portion at about +15.4mPD and the remaining portion at about +11.5 to +12mPD. The Site is largely hard-paved with concrete;
- (c) erected with three 3-storey village houses completed in 1977-79 in which niches are observed. The uncovered area is mainly occupied by an internal access and a landscape area with religious statutes; and
- (d) directly abutting and accessible from Deep Bay Road at its west, which is a single-lane, two-way carriageway.

### **7.2 The surrounding areas have the following characteristics:**

- (a) to the immediate north and northeast are cultivated agricultural land, residential dwellings (the nearest one of about 13m away)<sup>8</sup> and a site under construction (**Plan Z-2**). To the further north and northeast are a warehouse, shrubland and open storage yards for deposit of construction machineries. To the further north (about 350m away) along Deep Bay Road is another columbarium development named Wan Fau Sin Koon (雲浮仙觀) with 10,400 niches subject to licence application under PCO<sup>9</sup>;
- (b) to the east and southeast across a local track are warehouse and workshop, a

<sup>8</sup> According to the record of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), Lot No. 1976 S.A within which the residential dwelling is located is covered by Letter of Approval (LoA) No. MT/LM 14065 for agricultural use, and surveyed squatter (SS) structures. However, the dimension of the said residential dwelling is different from that of the SS structures and prescribed under the said LoA.

<sup>9</sup> On 25.2.2022, PCLB gave “approval-in-principle” for the application for Licence under PCO by Wan Fau Sin Koon.

residential dwelling and a garden. To the further east is the residential developments named Hill Top Villa, Deep Bay Villa and Pine Lodge (about 100m away);

- (c) to the south and southwest are vacant land and parking of container vehicles and fuel filling station. To the further south and southwest are storage yards, cultivated agricultural land and unused land; and
- (d) to the west across Deep Bay Road are storage yards, container vehicle park, a residential dwelling and unused land. To the further west (about 300m away) is the Deep Bay coast.

## **8. Planning Intention**

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## **9. Comments from Relevant Government Departments**

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

### **Licencing Requirement**

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

#### *General Comments*

- (a) 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 has to comply with the planning-related requirements and other requirements prescribed in PCO or specified by PCLB. A licence applicant is required to submit a management plan to PCLB for approval. 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.

#### *Comments Specific to the Site*

- (b) Regarding the subject private columbarium, 2 sets of Specified Instrument (SI) application (i.e. Licence and TSOL), including 1 set of SI application (i.e. Licence and TSOL) covering niches sold before 30.6.2017, and another set (i.e. Licence and TSOL) covering the unsold niches as at 30.6.2017 in respect of a pre-cut-off columbarium were received by PCLB. The SI applications are being processed by the Private Columbaria Affairs Office (PCAO) according to the prevailing procedures.

- (c) It was preliminarily noted that the 7,730 niches that the applicant proposed in the planning application apparently tallies with that provided in the SI applications submitted to PCLB.

*Proposed “visit-by-appointment system” arrangement, house rules and special traffic arrangements*

- (d) With regard to the applicant’s revised Management Plan, PCAO has no comment on the “visit-by-appointment system” arrangement from enforceability and practicality perspectives provided that:
- (i) the applicant shall keep a register for the “visit-by-appointment system” arrangement to record the information, including but not limited to the date and time of visit session; niche no. to be visited; the name of visitors; the no. of visitors; the time of leaving the columbarium; the date of booking and the means of booking, etc. such that monitoring on compliance of such mandatory “visit-by-appointment system” arrangement could be conducted by his department on the spot;
  - (ii) the proposed “visit-by-appointment system” arrangement should be incorporated into the Management Plan to be submitted to PCLB for consideration. If such Management Plan and the associated licence application are approved by PCLB, PCAO will undertake the monitoring of the implementation of the Management Plan within the site boundary covered by the licence;
  - (iii) the applicant undertakes to inform the affected parties (including the purchasers of the sold niches) in writing that the House Rules, special traffic arrangements and a mandatory “visit-by-appointment system” arrangement during the specified implementation periods is proposed by the applicant and will be implemented if the planning application is approved; and remind the concerned parties by letter, email, fax, SMS and any possible notification means of such House Rules, special traffic arrangements and mandatory “visit-by-appointment system” arrangement during the specified periods at least one month in advance of each period; and
  - (iv) for future buyers of the interment rights of niches in the concerned columbarium, the applicant undertakes to state clearly in the sales agreements that the House Rules, special traffic arrangements and a mandatory “visit-by-appointment system” arrangement during the specified implementation periods will be adopted and explain these arrangements to the potential buyers before entering into the sales agreement.

**Religious Aspect**

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

- (a) The columbarium use, which does not fall under his purview, is the major component of the proposed development. The Guan Yin Temple involved accounts for only 50.73m<sup>2</sup> (or about 8%) out of the total GFA of 636m<sup>2</sup>.
- (b) He notes that the core business of Che Wan Seen Yuen Company Limited is to operate and manage the subject columbarium. With the information submitted by the applicant, it does not appear to him that the applicant is a religious organisation. The applicant is not a charitable organisation registered under section 88 of the Inland Revenue Ordinance (Cap. 112).
- (c) In view of the above, he is not in the position to comment on the application from the religious perspective.

### **Land Administration**

#### **9.1.3 Comments of the DLO/YL, LandsD:**

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Among the private lots under the rezoning proposal, Lots 1966 S.A, 1966 RP and 1969 in D.D.129 are each covered by Building Licences (BL) No. 873, 872 and 714 respectively. Under Condition No. 23 in BL No. 873, Condition No. 23 in BL No. 872 and Condition No. 21 in BL No. 714, no grave shall be made on the lot nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon.
- (c) Portion of GL in the Site (about 52m<sup>2</sup> subject to verification) is covered by a Short Term Tenancy (STT) No. 2057 for the purpose of "Private Garden". No permission is given for occupation of the remaining GL (about 96.7m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (d) The Site includes a small portion of private lot and a piece of GL (about 99.4m<sup>2</sup>) adjoining Lot 2024RP in D.D.129. It is noted from the FI submitted by the applicant that the said portion would be used for right-of-way purpose and would not form part of the site boundary for the subsequent planning application.
- (e) According to the press release dated 22.11.2017 for the "Policy Initiatives related to land premium and traffic impact assessment of Pre-cut-off columbaria announced by Government", the applicant may apply for administrative regularising, in respect of the Pre-cut-off sold niches by way of a waiver and/or a STT, and waiving the relevant waiver fees, STT rentals and administrative fees before and during the licence period. However, each application will be

considered on a case-by-case basis having regard to its circumstances and merits.

- (f) As the proposed road widening scheme would affect the existing Deep Bay Road, the applicant would need to confirm with the Transport Department (TD) and the Highways Department (HyD) whether gazettal under Roads (Works, Use and Compensation) Ordinance (Cap. 370) would be required for the road works and if affirmative, TD and HyD should be responsible for the gazetting and shall assume the management/maintenance roles for the widened public road upon completion of works.
- (g) Other detailed comments on the application are at **Appendix IV**.

### **Traffic**

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

Taken into account that the Site provides 7,730 niches which is the same as the FEHD's pre-cut-off number; the Hong Kong Police Force will implement special traffic arrangement during Ching Ming and Chung Yeung Festival Days; and the applicant has demonstrated feasible traffic engineering, road improvement and transport scheme, he has no comment on the application from traffic engineering point of view.

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

Noting that further s.16 planning application has to be submitted in which detailed assessment on the exact location of the traffic management proposals will be conducted, he has no further comment on the application.

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

- (a) If the proposed access arrangement is agreed by TD, a proper run-in/out or road connection to Deep Bay Road should be constructed to the satisfaction of TD and HyD.
- (b) The Deep Bay Road widening proposal may require demolition of part of the existing slope (i.e. SIMAR slope 2SW-C/C80) (**Plan Z-2**).
- (c) If the Deep Bay Road widening proposal is agreed by TD, the applicant should be responsible for the design and construction of the road widening scheme of Deep Bay Road at its own cost to the satisfaction of TD and HyD. The applicant should be reminded that all the works to be handed over to his office for maintenance should be in accordance with HyD Standards. He reserves the right to provide further comment on the detailed design of the widening scheme.
- (d) Adequate drainage measures shall be provided to prevent surface

water running from the Site to the nearby public roads/drains.

- (e) His office shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road. In particular, the area coloured pink and blue on the Land Status Plan (**Drawing Z-13**) will not be maintained by HyD.

### **Environment**

#### 9.1.7 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) It is noted that there will be no joss paper burning on the Site, and the existing furnace at the Site will be demolished. He has no adverse comments from the air quality planning perspective.
- (c) The proposed Guan Yin Temple is considered to be a place of public worship and is a noise sensitive use as stipulated in the Hong Kong Planning Standards and Guidelines. Potential traffic noise impact on the proposed temple have to be addressed in the Environmental Assessment. Noting the proposed uses will be under Column 2 of the Notes and require planning application if successfully rezoned, he has no in-principle objection from the noise planning perspective.
- (d) It is noted that the reprovisioning of septic tank will not be adopted, and all visitors are required to use portable toilets during the grave-sweeping seasons. Noting the proposed uses will be under Column 2 of the Notes and require planning application if successfully rezoned, he has no objection from the water quality planning perspective.
- (e) The applicant is reminded to implement the recommended environmental mitigation measures as indicated in the Environmental Assessment Report.

### **Nature Conservation**

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

- (a) He has no strong view on the application from nature conservation point of view, as the Site is an existing built-up area and some 130m away from the “Coastal Protection Area” (“CPA”) zone (**Plan Z-1**).
- (b) Should the application be approved, the applicant should be advised to adopt good site practices and implement water pollution control measures as necessary in order to avoid affecting the nearby ponds, watercourses and intertidal habitats at downstream. In addition, the applicant should also seek prior approval from DLO/YL, LandsD before commencement of any tree removal works on GL.

### **Urban Design, Visual and Landscape**

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

##### Urban Design and Visual

- (a) The Site is mainly surrounded by temporary structures of open storages with village houses scattered further to the southeast while the Site is abutting Deep Bay Road to the northwest. The proposed development is low-rise in nature and situated at a location with varying topography and platforms.
- (b) Given the scale of the proposed development and that the proposed road widening works will not lead to major permanent visual change, significant visual impact would not be generated.

##### Landscape

- (c) The Site is generally hard paved with three buildings located at the eastern portion of the Site and some amenity planting along the entrance driveway at the west and near the proposed main temple. The Site is situated in an area of disturbed rural coastal plain landscape character predominated by woodlands, vegetated areas and some temporary structures and open storage yards. The proposed development is considered not entirely compatible with the surrounding landscape character.
- (d) According to the submission of the application, 32 trees of common species are found within the Site, of which 15 are proposed to be felled, 14 to be transplanted and 3 to be retained (**Drawing Z-10**). 46 trees are identified within the road widening area and all of them are proposed to be retained. New landscape treatments, including 66 new trees and shrub planting along the boundary to serve as a landscape buffer, together with other amenity planting including green roofs on columbarium buildings and turf at car park area and visitor's holding area, are proposed within the development (**Drawing Z-12**). Significant adverse impact on the existing landscape resources within the Site is not anticipated.

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

- (a) He has no further comment on non-provision of disabled toilets at Building No. 3, noting the additional accessible route and ramp to be provided along the rear side of the proposed temple to shorten the travel distance to the disabled toilets at Building No. 2 (**Drawing Z-1**). He also has no further comment on the width of the clear bay on G/F to 2/F of Building No. 3.
- (b) Natural cross ventilation for the columbarium area is highly recommended.



### **Drainage**

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) He has no further comment on the drainage proposal submitted by the applicant. The applicant shall conduct a detailed land survey to verify the catchment area in the drainage proposal, and to submit a comprehensive drainage proposal during the s.16 planning application stage.
- (c) The applicant's proposal on laying a 450mm diameter concrete pipe for stormwater discharge to an existing ditch is noted. The design of underground drainage system should comply with the Stormwater Drainage Manual issued by DSD. Furthermore, based on previous information provided, there is an existing ditch above the proposed underground drainage system. The applicant should ensure that the flow of the existing ditch would not be interfered during and after the construction of the proposed drainage system.
- (d) Other detailed comments on the application are at **Appendix IV**.

### **Fire Safety**

9.1.12 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 (FSIs) being provided to his satisfaction.
- (b) Other detailed comments on the application are at **Appendix IV**.

### **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Other detailed comments on the application are at **Appendix IV**.

### **Water Supply**

9.1.14 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application subject to the following comments.
- (b) Existing water mains will be affected (**Plan Z-2**). A waterworks reserve within 1.5m from the centre line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan.
- (c) Other detailed comments on the application are at **Appendix IV**.

### **Cultural Heritage**

#### 9.1.15 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB)

- (d) Considering the location and scope of the application, as well as the findings of the submitted ArchIA, there is no objection to the application from cultural heritage viewpoint
- (e) The applicant is required to inform AMO immediately in case of discovery of antiquities or supposed antiquities during the course of construction works, such that appropriate follow up action, if necessary, can be timely formulated and implemented in agreement with AMO.

### **District Officer's Comments**

#### 9.1.16 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any feedback from locals.

#### 9.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Project Manager (West), CEDD (PM(W), CEDD);
- (d) Chief Engineer/ Consultants Management, DSD; and
- (e) Director of Electrical and Mechanical Services (DEMS).

## **10. Public Comments Received During Statutory Publication Periods**

10.1 The application and its FIs were published for public inspection. During the statutory public inspections periods, a total of 295 public comments were received. Amongst them, 265 from the Designing Hong Kong Limited, the Alliance for the Concern over Columbarium Policy and individuals raise objection to the application (Samples at **Appendices V-1 to V-10**). The remaining 30 comments from

individuals support the application, all in the form of a standard letter (**Appendix V-11**). A full set of the public comments is deposited at the meeting for Members' inspection. The comments/views are summarised as follows:

Objecting views (265 comments)

- (a) there is doubt on the status of Che Wan Seen Yuen as a Pre-cut-off Columbarium. The policy intention of the Government to minimise the losses and any social disruption associated with the sold niches and interred ashes of Pre-cut-off Columbaria is also irrelevant for the subject Columbarium, for losses had already been caused to the purchasers and descendants of the interred ashes during the 3 rounds of planning prosecutions;
- (b) the proposed development would overload the traffic capacity at Deep Bay Road and the nearby road network, particularly during the grave-sweeping seasons. It will also induce vehicular-pedestrian conflict thereat, posing danger to villagers. With another existing columbarium in the vicinity (i.e. Wan Fau Sin Koon (雲浮仙觀)), the cumulative traffic impact shall be considered;
- (c) the burning of incense and the religious rituals at the proposed development would cause nuisances to villagers. With another existing columbarium in the vicinity, the cumulative environmental impacts shall be considered;
- (d) the Site is situated in the midst of the "REC" zone and there is no strong justification for this piecemeal rezoning;
- (e) the proposed development is subject to previous rejected s.12A planning application. While there is no major change in the circumstances, the applicant even proposes to increase the number of niches from 5,000 to 7,730. Even greater adverse impacts are hence expected. The Board should be consistent in its decisions and reject the application;
- (f) the columbarium might trigger a sense of fear amongst the nearby villagers;

Supporting Views (30 comments)

- (g) PCO came into effect on 30.6.2017 to regularise and improve the existing private columbaria, and raise confidence of consumers. It is noted that Che Wan Seen Yuen has already lodged an application to PCLB;
- (h) the proposed development has minimal visual impact, and is not incompatible with the surrounding land uses. Sanitary fitments will be provided while burning of incense will be prohibited at the Site. The proposed development would not cause adverse environmental impact;
- (i) transport facilities will be provided at the Site and road improvement works will be undertaken at Deep Bay Road. The proposed development would not cause adverse traffic impact; and
- (j) the proposed development would help ease the severe shortage for columbaria niches.

## **11. Planning Considerations and Assessments**

### **The Proposal**

11.1 The applicant proposes to rezone the Site (**Plan Z-1**) from “REC” to “G/IC(1)” to regularise the existing columbarium use with a total of 7,730 niches (452 sold and 7,278 unsold), and facilitate the proposed religious institution use at the Site. Temporary exhibition booths and passive recreation use will be provided at the Site during off-peak period. The applicant proposes a set of new Notes for the OZP for the “G/IC(1)” zone (**Appendix Ib**), which stipulates ‘Columbarium’, ‘Religious Institution’ and ‘Place of Recreation, Sports or Culture’, amongst all other uses, as Column 2 uses requiring planning permission from the Board. The planning intention of the proposed “G/IC(1)” zone is for low-rise, low density religious and recreational developments. Also, the Remarks of the proposed Notes for the “G/IC(1)” zone specify that ‘Columbarium’ use thereat shall be subject to a maximum number of niches of 7,730.

### **The Zoned Use**

11.2 While the Site falls within an area zoned “REC” on the OZP, it only occupies about 0.9% of the total area zoned “REC” on the OZP and there is no known development proposal to implement the zoned use. Moreover, the Site had been erected with 3 NTEHs completed in 1977-79 before the gazettal of the IDPA Plan in 1990. In view that the proposed development mainly involves the conversion of the 3 existing NTEHs into columbarium use, which had been in operation before the cut-off time under PCO in 2014, the proposed rezoning to regularise the existing columbarium and to facilitate the proposed religious institution development at the Site is considered not unacceptable.

### **Land Use Compatibility**

11.3 The Site is located to the west of the Lau Fau Shan knoll fronting the Deep Bay coast to its further west (at about 300m away) (**Plan Z-1**). The vicinity of the Site is predominated by such brownfield operations as open storages and warehouses intermixed with vacant land and cultivated agricultural land. To the further north (about 350m away) along the Deep Bay Road is another columbarium development named Wan Fau Sin Koon (雲浮仙觀) with 10,400 niches subject to licence application under PCO (**Plans Z-1 to Z-3**). Although there are a few isolated residential dwellings in the vicinity of the Site within the same “REC” zone (with the nearest being about 13m away), the applicant proposes to plant trees along the periphery to provide a soft buffer edge to the surroundings (**Drawing Z-12**). Also, various traffic and environmental mitigation measures are proposed by the applicant to minimise the disturbance (detailed in paragraphs 11.6 and 11.7 below). From a land use point of view, the proposed development with columbarium and religious institution uses under the rezoning application is considered not entirely incompatible with the surrounding area.

### **Development Intensity**

11.4 According to the notional scheme submitted by the applicant (**Drawing Z-1**), the existing three 3-storey (about 7.62m high) NTEHs with a total GFA of about

585.27m<sup>2</sup> will be retained to provide not more than 7,730 niches. Also, a Guan Yin Temple with a height of about 7.304m (1-storey) and a GFA of about 50.73m<sup>2</sup> is proposed at the southeast of the Site in between the 2 NTEHs thereat. In gist, the proposed development will have a total GFA of about 636m<sup>2</sup>, a plot ratio of about 0.191 and a site coverage of about 10%. The vicinity of the Site is predominated by temporary structures (**Plans Z-2 to Z-3 and Z-4d**). In this regard, CTP/UD&L of PlanD considers that the proposed development, which is low-rise in nature, would not generate significant visual impact to the surrounding area.

#### Traffic Impact and Crowd Management

- 11.5 According to the Management Plan submitted by the applicant, a “visit-by-appointment” arrangement is proposed, under which all visitors are required to make reservation in advance and would be allocated with a specific date and time slot to visit the Site during the grave-sweeping seasons. Operating hours will be extended for 2 hours during the grave-sweeping seasons to diffuse grave-sweepers. In this regard, DFEH has no comment on the proposed crowd management measures. The applicant would be required to implement the Management Plan if the licence application is approved by PCLB.
- 11.6 To minimise traffic impact, free shuttle bus services from Tin Shui Wai MTR Station to the Site with an intermediate stop near the Lau Fau Shan Roundabout will be provided during the grave-sweeping seasons (**Drawing Z-8**). Except for the elderly and the disabled, no parking facility will be provided to grave-sweepers during grave-sweeping seasons. Moreover, to improve the traffic condition along Deep Bay Road, road improvement works by lengthening 2 passing bays, widening the Deep Bay Road/the internal access T-junction, and road resurfacing are proposed (**Drawing Z-7**). Also, the proposed intermediate stop of the proposed free shuttle bus at Deep Bay Road near the Lau Fau Shan Roundabout will be lengthened with its pedestrian pavement widened (**Drawing Z-9**). In this regard, C for T and C of P have no adverse comment on the application from traffic engineering and traffic management points of view.

#### Environmental and Ecological Impacts

- 11.7 The applicant proposes that burning of ritual papers, incenses, joss sticks and candles will be prohibited within the Site. Although the existing septic tank and soakaway pits would be retained for the toilets inside the columbarium buildings, all visitors are required to use the portable toilets during the grave-sweeping seasons in order to minimise the pollution load to Deep Bay. In these regards, DEP has no in-principle objection to the application from environmental planning perspective. DAFC has no strong view on the application from nature conservation perspective considering the Site is an existing built-up areas and at some 130m away from the “CPA” zone to the west.

#### Other Technical Aspects

- 11.8 The applicant proposes to provide drainage facilities at the Site, and to discharge stormwater from the Site to an existing ditch vide a proposed concrete pipe along Deep Bay Road. In this regard, CE/MN of DSD has no adverse comment on the drainage proposal, including the stormwater discharge scheme.

- 11.9 Amongst the 32 trees within the Site, 15 are proposed to be felled, 14 are proposed to be transplanted and 3 are proposed to be retained (**Drawing Z-10**). 66 new trees are proposed to be planted at the Site, with the compensatory ratio of 1:1.27 in terms of aggregated DBH (**Drawing Z-11**). All the 45 trees along the section of Deep Bay Road subject to the proposed road improvement works are proposed to be retained. CTP/UD&L of PlanD considers that significant adverse impact on the existing landscape resources within the Site is not anticipated.
- 11.10 The Site and part of the proposed road widening works fall within the Lau Fau Shan Site of Archaeological Interest (**Plan Z-1**). According to the ArchIA submitted by the applicant, the concerned area had been disturbed by agricultural activities in the past and there is nil archaeological potential. In this regard, AMO of DEVB has no objection to the application from cultural heritage point of view.
- 11.11 Other concerned departments including H(GEO) of CEDD, D of FS, CE/C of WSD and DEMS have no objection to or no comment on the application from slope safety, fire safety, water supply and electricity supply safety perspectives.

#### Proposed Schedule of Uses

- 11.12 As mentioned in paragraph 11.1 above, the applicant proposes to stipulate 'Columbarium' and 'Religious Institution', amongst other uses, as Column 2 uses requiring subsequent planning permission from the Board under the proposed "G/IC(1)" zone. 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 notional scheme and there will be control mechanism on details and technical requirements of the proposed columbarium use under the licence regime of PCO, 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 the proposed "G/IC(1)" zone with stipulation of appropriate development restrictions (such as maximum building height and number of niches) at the OZP amendment stage. Besides, under the Master Schedule of Notes to Statutory Plans promulgated by the Board, 'Religious Institution' is a use always permitted in the "G/IC" zone. Hence, 'Religious Institution' could also be put under Column 1 uses of the proposed "G/IC(1)" zone. Nevertheless, 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

- 11.13 The Site is the subject of a previous s.12A application (No. Y/YL-LFS/1) for rezoning the Site from "REC" to "G/IC" for regularisation of the columbarium use with 5,000 niches, which was rejected by the Committee on 15.6.2012 mainly on grounds of failure to demonstrate the implementability of the traffic management measures; and the adverse traffic, environmental and landscape impacts could be satisfactorily addressed. As compared with the previous application, the total number of niches has been increased to 7,730 niches (or about +55%). Nevertheless, the applicant of the subject application has addressed the relevant technical concerns as per paragraphs 11.5 to 11.11 above. Also, the implementation of the crowd management measures will be monitored by PACO should the licence application under PCO be approved by PCLB. Concerned government departments have no

objection to the application.

- 11.14 There is one similar s.12A application (No. Y/YL-LFS/8) for rezoning a site from “REC” to “G/IC(1)” for proposed columbarium development with 5,000 niches, which was rejected by the Committee on 14.7.2017 on similar grounds as the previous rejected s.12A application at the Site. The circumstances of the subject application are different as mentioned in paragraph 11.13 above. As such, approval of the subject application is not in conflict with the previous decisions of the Committee.

#### Public Comments

- 11.15 There are 295 public comments with 265 objecting to and 30 supporting the application as summarised in paragraph 10 above. Regarding a public comment (**Appendix V-2**) casting doubt on the status of Che Wan Seen Yuen as a Pre-cut-off Columbarium, DFEH advised that there is no provision under PCO that requires a Pre-cut-off Columbarium to keep the ashes therein continuously after the cut-off time, at the time of submitting SI applications or when SI applications are being processed. As for the remaining public comments, the planning considerations and assessments in paragraphs 11.1 to 11.14 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 amendments to the Lau Fau Shan and Tsim Bei Tsui OZP, together with the revised Notes and Explanatory Statement, taking into account the assessments in paragraph 11.12 above, will be submitted to the Committee for consideration prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.
- 12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reason is suggested for Members’ reference:

the Site forms an integral part of the “REC” zone. There is no strong planning justification for piecemeal rezoning to make provision for application for columbarium use. The current “REC” zone for the Site is considered appropriate.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to 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**

<b>Appendix I</b>	Application form received on 28.2.2020
<b>Appendix Ia</b>	Consolidated planning statement and technical assessments
<b>Appendix Ib</b>	Schedule of uses of the proposed “G/IC(1)” zone
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Detailed Comments of Relevant Government Departments
<b>Appendices V-1 to V-11</b>	Samples of Public Comments Received During Statutory Publication Periods
<b>Drawing Z-1</b>	Indicative Master Layout Plan
<b>Drawings Z-2 to Z-4</b>	Indicative Floor Plans, Elevations and Sections of the 3 Columbarium Buildings
<b>Drawing Z-5</b>	Indicative Floor Plan, Elevations and Sections of the Proposed Temple
<b>Drawing Z-6</b>	Indicative Layout for the Proposed Recreational Facilities
<b>Drawing Z-7</b>	Proposed Road Improvement Works at Deep Bay Road
<b>Drawing Z-8</b>	Routing and Stops of the Proposed Free Shuttle Bus Service
<b>Drawing Z-9</b>	Indicative Layout of the Pick Up/Drop Off Point of the Proposed Free Shuttle Bus Services near the Lau Fau Shan Roundabout
<b>Drawing Z-10</b>	Proposed Tree Treatment Plan of the Site
<b>Drawing Z-11</b>	Proposed Compensatory Planting Plan
<b>Drawing Z-12</b>	Indicative Landscape Master Plan
<b>Drawing Z-13</b>	Land Status Plan Submitted by the Applicant
<b>Plan Z-1</b>	Location Plan with Previous and Similar Applications
<b>Plan Z-2</b>	Site Plan
<b>Plans Z-3</b>	Aerial Photo
<b>Plans Z-4a to Z-4d</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**