

REVIEW OF APPLICATION NO. A/TM/530
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Columbarium Use in “Government, Institution or Community” Zone
Lot 2011 in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun

1. Background

- 1.1 On 3.8.2018, the applicant, Gig Lok Monastery (GLM) represented by Toco Planning Consultants Limited, sought planning permission to regularise the existing columbarium (1,567 niches sold before 30.6.2017) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Government, Institution or Community” (“G/IC”) on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35 (**Plan R-1**).
- 1.2 On 29.11.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (a) the proposed development was not in line with Town Planning Board Guidelines No. 16 (TPB PG-No. 16) in that the columbarium use was in close proximity to the residential developments and sharing the same access road with the adjoining residential development, which was not compatible with surrounding areas in land use terms; and
 - (b) approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative effect of approving such applications would cause nuisances to the residential neighbourhood.
- 1.3 According to the applicant, the Site is situated in a religious institution compound of GLM which has existed at the Site for more than 60 years. Religious and columbarium services have existed long before the gazettal of the first Tuen Mun OZP in 1983. The application is submitted to comply with the regulatory requirement of the Private Columbaria Ordinance (PCO). In addition to the 1,567 niches sold before 30.6.2017, there are 613 unsold niches (as at 30.6.2017) within the Site which are not included in this planning application. The Site is currently occupied by three 2-storey buildings and three temporary structures. It provides a mix of facilities including columbarium niches, religious use, office, toilets and store room (**Drawing A-1 of Annex A**). The proposed scheme involves the retention of three existing buildings (Houses 1 to 3) and the demolition of the three temporary structures (Structures A, B and C) for car parking, loading/unloading facilities and landscaping (**Drawings R-1 and R-2**). No additional building is proposed. The existing main monastery building to the south of the Site is not involved in the current application (**Drawing R-1 and**

Plan R-1a).

1.4 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/TM/530C (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 29.11.2019 (Annex B)
- (c) Secretary of the Board's letter dated 13.12.2019 (Annex C)

2. Application for Review

2.1 On 24.12.2019, the applicant applied, under s.17(1) of the Ordinance, for a review of RNTPC's decision to reject the application.

2.2 In support of the review, the applicant and his representative submitted the following documents:

- (a) Letter of 24.12.2019 from the applicant's representative applying for review application (Annex D)
- (b) Further Information (FI) received on 8.4.2020 including Review Statement, a quantitative risk assessment (QRA) and responses to departmental and public comments (Annex E)
- (c) FI received on 8.6.2020 to address departmental comments (Annex F)
- (d) FI received on 25.9.2020 to provide background information of GLM's columbarium development (Annex G)
- (e) FI received on 11.2.2021 to provide supplementary statement on evolution of land use changes within and adjacent to GLM (Annex H)

((b) to (d) are not exempted from publication and recounting requirements)

((e) is exempted from publication and recounting requirements)

2.3 Upon request by the applicant, the Board on 13.3.2020, 28.8.2020 and 11.12.2020 agreed to defer a decision on the application for two months each so as to allow time for preparation of a planning review report, a QRA, background information of GLM's columbarium development and responses to departmental and public comments. The applicant submitted FI between 8.4.2020 and 11.2.2021 (Annexes E to H). The application is submitted for consideration by the Board at this meeting.

3. Justifications from the Applicant

3.1 The justifications put forth by the applicant in support of the review application are detailed in **Annexes E to H**. They can be summarised as follows:

In-line with the Relevant Town Planning Board Guidelines

3.2 A comprehensive planning assessment has been conducted to demonstrate the application has fulfilled the relevant planning criteria as stated in the relevant

Town Planning Board Guidelines based on the following reasons:

- (a) The ancillary columbarium in GLM has existed at the Site since 1966. According to the applicant's record, at least 10 urns had been placed inside GLM in the 1960s (**Annex G**); and some 40 niches/bags of ashes had been deposited in the Lotus Pagoda (蓮花塔) and Lotus Hall (蓮池堂) of GLM before 1983 (**Annex H**). The Lotus Pagoda and Lotus Hall, erected on GL but demolished in 2012 and 2015 respectively, had 119 and 634 niches respectively. According to the applicant's record in 2017, after clearance and returning GL to the Government of the above, there were 363 niches in House 2 and 718 niches in House 3 (**Drawing R-1 and Plan R-4d**) respectively.
- (b) The Fu Tei area was zoned "Undetermined" ("U") on the first draft Tuen Mun OZP in 1983. Subsequently, GLM and its surrounding area was rezoned to "G/IC" and "Residential (Group B)" ("R(B)") to reflect the existing and planned land uses. The residential developments, such as Parkland Villas and Beneville, were completed in 2000s. As GLM and its ancillary columbarium had existed long before the residential developments came into the area, it is considered that the rezoning of "R(B)" for residential developments at that time should have been taken into account all existing and planned developments in the area. The existing uses within GLM should not result in any incompatibility.
- (c) Columbarium use is compatible with the adjacent land uses since it is located within a large piece of "G/IC" zone adjoining the religious institutions. It is in line with the planning intention of "G/IC" zone and TPB PG-No. 16 in that the provision of GIC facilities within the religious institution would not be jeopardised, and the use and scale of the proposed development are not incompatible with the religious use and the adjacent community use setting.
- (d) Land use compatibility should not be assessed purely on the distance as there are many existing columbaria located less than 40m from residential blocks in the urban areas. The columbarium in GLM is located at an acceptable distance of about 50m to 140m away from Parkland Villas and is separated by a strip of visual and land use buffer (**Plan R-2a**). Visual impact assessment has demonstrated that the columbarium with appropriate additional landscape treatment and planting will not result in any visual impact on the adjacent development (**Drawing R-2**).

No Major Objections from Government Departments

- (e) Technical assessments on traffic, environmental, risk management and landscape aspects have been conducted in order to minimise potential traffic, environmental and visual impacts on the adjacent residential development. The assessments have demonstrated that approval of the application will not result in any significant impacts on local land uses. Relevant government departments also have no objection to the application from visual and technical points of view. Also, concerns on nuisances to the local community have been adequately addressed in the

Planning Review Statement in **Annex E**. The existing columbarium in GLM will not result in any significant impacts as grave sweeping activities will be held indoor during daytime of Ching Ming and Chung Yeung Festivals.

- (f) GLM has been using Tuen On Lane for accessing the Site for a long time. A Traffic and Crowd Management Plan (TCMP) will be strictly implemented during festival days to ensure unimpeded access along the northern side pavement of Tuen On Lane for the local residents (**Drawings R-6 to R-8**).
- (g) An additional alternative pedestrian route between the southern side of the Site and Castle Peak Road – Lingnan section has also been proposed to further reduce the pedestrian presence along the footpaths of Tuen On Lane to meet the local concern (**Drawings R-4 and R-5**). It is anticipated that about 54% of visitors take MTR and arrive the Site via Tuen On Lane, and the remaining 46% will visit the Site by other means of transport and use the alternative pedestrian route. It should be noted that the southern side pavement of Tuen On Lane is seldom patronised by the residents of the adjacent development.

Not an Undesirable Precedent

- 3.3 The existing columbarium of GLM is the only “pre-cut-off columbarium” within the same “G/IC” zone. Approval of the application will not set an undesirable precedent for other similar applications in the same “G/IC” zone and will not result in cumulative effect. There are many approved cases which have similar characteristics had received favourable consideration by the Board.

In-line with Government’s Policy Objective

- 3.4 The planning application is aimed at regularising the sold or occupied niches of the ancillary columbarium in GLM and the number of niches only involves those were sold before 30.6.2017. It is in line with the spirit and requirements of the PCO to properly resolve the historical problem of the pre-cut-off columbaria in order to minimise any social concern arising from people who have purchased these niches and massive displacement of interred ashes before the introduction of regulatory policies.

Site Suitability and Small Scale of Development

- 3.5 The Site is accessible by vehicles via Tuen On Lane (**Drawing R-1 and Plan R-2a**) and is within walking distance to Siu Hong West Rail Station and public transport facilities (**Drawing R-4 and Plan R-3**). The proposed scheme only involves the retention of three existing buildings and the demolition of the temporary structures for car parking, loading/unloading facilities and landscaping without addition of buildings. The Site is segregated from the closest residential block of Parkland Villas with a reasonable distance (about 35m) (**Plan R-2a**) by mature trees, retaining walls, access road and recreational uses of Parkland Villas.

Duly Complying with Government's Orders

- 3.6 Even though GLM had been at the Site for more than 50 years, it was not until 2011 that LandsD issued a warning letter to the applicant on unauthorised occupation of unleased GL. Nevertheless, the applicant had complied with relevant government's orders and demolished prominent religious artefacts and columbarium structures. A short term tenancy application will be submitted to LandsD to manage and maintain the alternative access route behind the Site and proposed garden use after the planning application is approved by the Board.

Public Comments have been Addressed

- 3.7 The concerns of the public on the application have been adequately addressed in the applicant's submissions. Comments from the public have also been duly taken into account and appropriate mitigation measures have been proposed accordingly to minimise any potential impacts. The applicant is willing to further liaise with the locals and the general public to address their concerns.

4. The Section 16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-4f)

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by RNTPC was described in paragraph 8 of **Annex A**. There has been no major change of the situation since then.
- 4.2 The Site is:
- (a) confined to the private lot of the GLM compound within the "G/IC" zone (**Plan R-2a**);
 - (b) currently occupied by 3 two-storey buildings and 3 temporary structures for columbarium niches, religious use, ancestral tablets, office, storeroom and toilets; and
 - (c) accessible via Tuen On Lane.
- 4.3 The surrounding areas have the following characteristics (**Plans R-2 and R-3**):
- (a) to the immediate north and immediate east is an existing medium-rise residential development of Parkland Villas (疊茵庭) comprising 9 residential blocks. GLM and Parkland Villas share the same access road (Tuen On Lane) and their entrances are at the same cul-de-sac. To the further north are Ecclesia Bible College (神召神學院) and Hing Tak School (興德學校). To the further east across Castle Peak Road – Lingnan Section is the Lingnan University (**Plans R-2 and R-3**);
 - (b) to the immediate south and west are clusters of structures for residential, storage and vacant buildings and existing religious institution including Ching Leung Nunnery (清涼法苑) (**Plans R-2 and R-3**);

- (c) to the further south is Tuen Mun Water Treatment Works (TMWTW) which is a potentially hazardous installation (PHI). The Site falls within the 400m Consultation Zone (CZ) of the PHI (**Plan R-1**); and
- (d) to the further southwest are existing residential developments of Brilliant Garden, Tuen Fu Road Disciplined Services Quarters and gas pigging station. To the further northwest are Fu Tei Fire Station, Tuen Fu Road Community Garden, Napa Valley and Siu Hong West Rail Station (**Plans R-2 and R-3**).

Planning Intention

- 4.4 The planning intention of “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

Town Planning Board Guidelines

- 4.5 Town Planning Board Guidelines No. 16 for ‘Application for Development/ Redevelopment within “G/IC” zone for uses other than Government, Institution or Community uses under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 16) (**Appendix II of Annex A**) is relevant to this application. The relevant criteria of the Guidelines are summarised as follows:
- (a) as a general rule, for sites zoned “G/IC”, a major portion of the proposed development should be dedicated to GIC and other uses including public open space. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of “G/IC” zone and, unless with very strong justifications and under special circumstance, planning permission for such development would not be granted;
 - (b) in general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised;
 - (c) the proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas. The scale and intensity of the proposed development should be in keeping with that of the adjacent area. The proposed scale and design should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area;
 - (d) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure. There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department (TD). Adequate vehicular access arrangements should be provided to

the satisfaction of TD; and

- (e) the proposed development should not cause, directly, or indirectly, the surrounding areas to be susceptible to adverse environmental impacts, otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

Previous Applications

- 4.6 The previous applications at the time of consideration of the s.16 application is mentioned in paragraph 6 of **Annex A**.
- 4.7 The Site is involved in five previous applications (No. A/TM/400, 419, 452 and 495 and Y/TM/4) submitted by the same applicant. Among them, application No. A/TM/419 for proposed columbarium and residential institution (including quarters) in the redevelopment proposal of GLM was rejected by the Board upon review on 1.2.2013. The remaining four applications (No. A/TM/400, Y/TM/4, A/TM/452 and A/TM/495) mainly for columbarium use between 2010 and 2016 were withdrawn by the applicant. Details of the previous application (No. A/TM/419) are summarised in **Appendix III of Annex A** and the locations of the previous applications are shown on **Plans R-1 and R-1a**.
- 4.8 Application No. A/TM/400 was submitted by the same applicant on 7.7.2010 for columbarium use on a site covering the entire lot which fell within an area zoned “G/IC” with a minor portion zoned “R(B)10” on the OZP. As ‘Columbarium’ is neither a Column 1 nor Column 2 use under the “R(B)10” zone, the applicant withdrew the application on 14.7.2010.
- 4.9 Application No. Y/TM/4 was submitted by the same applicant on 20.9.2010 for amendment to the OZP by rezoning the “R(B)10” portion of the lot to “G/IC” zone so as to facilitate the future planning application for a columbarium. However, the application was withdrawn by the applicant on 9.5.2011.
- 4.10 Application No. A/TM/419 covering the lot and adjoining GL which fell within an area zoned “G/IC” submitted by the same applicant on 11.5.2011 for proposed columbarium and residential institution (including quarters) in the redevelopment of GLM was rejected by the Board upon review on 1.2.2013 on grounds that the applicant failed to demonstrate any planning merits; the proposed development would pose adverse traffic impact on the surrounding road network, there was doubt on the implementation of the proposed road layout, and the applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily addressed; the applicant failed to demonstrate the effectiveness of the traffic management scheme; the proposed development involving tree felling was not acceptable and there was doubt on the landscape proposal which involved planting of new trees on GL; the applicant failed to demonstrate that the proposed development would not create conflicts and cause nuisances to the residents in surrounding areas; and approval would set an undesirable precedent for other similar applications. On 19.4.2013, the applicant lodged an appeal to the Town Planning Appeal Board against the Board’s decision in refusing the application. The appeal was withdrawn by the applicant on 6.2.2014.

- 4.11 Application No. A/TM/452 covering the lot and adjoining GL which fell within an area zoned “G/IC” was submitted by the same applicant on 30.1.2014 for the same use as application No. A/TM/419, with the same development parameters, site area, number of niches and number of structures. The applicant withdrew the application on 26.11.2014 after issue of paper.
- 4.12 Application No. A/TM/495 covering the lot submitted by the same applicant on 6.10.2016 for the same use as application No. A/TM/419, on a smaller site (as no GL was included in the application), reduced numbers of columbarium niches and ancestral tablets and excluding residential institution (quarters). The applicant withdrew the application on 12.7.2017 after issue of paper.
- 4.13 Compared with the previously rejected application No. A/TM/419, the current application is submitted by the same applicant on a smaller site (excluding GL and the main monastery building) for columbarium use with fewer columbarium niches. A summary of the key development parameters under applications No. A/TM/419 and A/TM/530 is as follows:

Application No.	A/TM/419 (rejected on 1.2.2013) (TPB)	A/TM/530 (current application)
Proposed Development	Proposed Columbarium and Residential Institution (Quarters) in Redevelopment Proposal of GLM	Columbarium Use
Site Area	3,275m ² (including 1,230m ² GL)	1,665m ² (not involving GL)
Floor Area	3,134.3m ²	399m ²
No. of Buildings	2 buildings (for religious institution and quarters) above 1 basement level (for columbarium)	3 existing buildings
Building Height/ No. of Storeys	3 storeys above 1 basement floor	2 storeys
No. of Niches	4,900	1,567*
- sold and interred/ engaged	753	1,081
- sold but unoccupied/ reserved	624	486
- unsold/vacant	3,523	^
No. of Tablets	800	1,089

* The no. of niches at the Site under the current application is 1,567.

^ There are 613 unsold/vacant niches not included in this application.

Similar Applications

- 4.14 The similar applications at the time of consideration of the s.16 application are mentioned in paragraph 7 of **Annex A**. Since then, there is one additional similar application within the other “G/IC” zone on the OZP.

- 4.15 There is no similar application within the same “G/IC” zone. However, there are 20 planning applications for columbarium use within “G/IC” zones on Tuen Mun OZP. Amongst the applications, 13 of them relating to six columbaria have been approved with conditions; 5 of them were rejected and the remaining 2 are being processed. Details of these similar applications are summarised in **Annex I** and their locations are shown in **Plan R-1b**.
- 4.16 Five of the approved columbaria including Filial Park (思親公園) (applications No. A/TM/373¹ and 527), Fat Yuen Ching Shea (佛緣精舍) (application No. A/TM/398), Shan Yuan (善緣) (application No. A/TM/437²), Shan Guo (善果) (application No. A/TM/441³), and Sha Law Ching Shea (娑羅精舍) (application No. A/TM/537 approved on 29.5.2020) are all within a same “G/IC” zone near Castle Peak in Tuen Mun⁴. They were approved with conditions on similar considerations including not incompatible with the surrounding land uses; generally in line with the planning intention of the “G/IC” zone; unlikely to have any significant adverse traffic, visual or environmental impacts.
- 4.17 The remaining approved columbarium, namely Ching Chung Sin Yuen (青松仙苑) with 113,000 urns is within a “G/IC” zone near Castle Peak Hospital in Tuen Mun North. The application for addition of a columbarium building (application No. A/TM/259) was first approved on 18.2.2000 on the considerations that the increase was minor, no adverse impact was expected, and the use was compatible with the existing columbarium use on-site and surrounding GIC uses. Subsequently, two applications for regularisation of 3 existing columbarium structures (application No. A/TM/267) and amendments to the approved scheme (application No. A/TM/329) were approved on 8.9.2000 and 10.6.2005 respectively on similar grounds.
- 4.18 The 4 rejected columbaria are Sin Sam Tong (善心堂), Lin Chi Ching Yuen (蓮池淨苑), a site at Yeung Tsing Road and a site at Wan Shan Road under applications No. A/TM/434, 465, 531 and 545 respectively, which are within the same “G/IC” zone near Castle Peak in Tuen Mun. Sin Sam Tong (善心堂) (application No. A/TM/434) was rejected by the Committee on 18.5.2012 for the reasons of not compatible with the adjacent developments; causing nuisance to nearby residents; failing to demonstrate the pedestrian and vehicular traffic impacts could be satisfactorily addressed; adverse environmental and landscape impacts on the surrounding areas. Lin Chi Ching Yuen (蓮池淨苑) (application No. A/TM/465) was rejected by the Committee on 21.8.2015 for the reasons of potential pedestrian safety concern and traffic impacts. The site at Yeung Tsing Road (application No. A/TM/531) was rejected by the Committee on 20.9.2019

¹ Application No. A/TM/255 was first approved by the Committee for the Filial Park columbarium development with 5,000 niches on 28.1.2000. Subsequently, applications No. A/TM/306, 316 and 373 were related to minor amendments to approved scheme.

² Shan Yuan was involved in a previous application No. A/TM/387 approved by the Committee on 21.8.2009 but revoked on 4.4.2012 due to non-compliance with approval conditions. Subsequently, application No. A/TM/437 for columbarium use (5,000 niches) at Shan Yuan was approved by the Committee on 20.7.2012.

³ Shan Guo was involved in a previous application No. A/TM/415 rejected by the Board upon review on 8.6.2012. Subsequently, application No. A/TM/441 for columbarium use (8,000 niches) at Shan Guo was approved by the Committee on 5.4.2013.

⁴ The total number of niches approved in the Castle Peak “G/IC” zone is 32,869.

for the reasons of failing to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas; not compatible with surrounding GIC and residential uses; and undesirable precedent for other similar applications which may lead to sporadic columbarium developments in this “G/IC” zone. The site at Wan Shan Road (application No. A/TM/545) was rejected by the Committee on 15.9.2020 for the reason of failing to demonstrate that the proposed columbarium development would not result in adverse impacts on traffic and pedestrian circulation as well as pedestrian safety in the area.

- 4.19 Two planning applications for columbarium use located to the west of Yeung Tsing Road is being processed (**Plan R-1b**). Lin Chi Ching Yuen (蓮池淨苑) (application No. A/TM/541) involves the provision of 1,210 niches and the application is scheduled for consideration by the RNTPC on 30.4.2021. Another proposed columbarium at Yeung Ching Road (application No. A/TM/560) involving 2,347 niches is tentatively scheduled for consideration by the RNTPC on 11.6.2021.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraphs 10.1 and 10.2 of **Annex A**.
- 5.2 For the review application, the following Government departments have been further consulted and their views on the review application are summarised as follows:

Land Administration

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

- (a) His previous comments on the s.16 application as stated in paragraph 10.1.2 in **Annex A** are still valid.
- (b) The applicant’s attention is drawn on the following:
 - (i) whether a particular trade or use is permitted under the lease governing the lot concerned will depend on the restrictions or conditions stipulated under the lease. It is reiterated that the existing uses as columbarium and monastery are in breach of the lease condition of the Lot. The applicant is reminded that it is his own responsibility to purge the breaches as mentioned in the warning letters dated 18.7.2014 and 11.5.2016 issued to the registered owner. His office reserves the right to take lease enforcement actions as may be considered appropriate against any breach of lease conditions;
 - (ii) regarding the revised Landscape Master Plan and Planting Plan attached to the planning review statement, the applicant is reminded not rely on trees grown on GL to provide screening/greening for the proposed development.

Without prejudice to the Government's rights to take enforcement actions, any landscaping and tree works involving existing planters straddling on GL and the trees thereon will only be considered by his office at later stage should the planning application be approved. The Government reserves his comment on the details of any landscape proposal and there is no guarantee that approval will be given even if planning application is approved; and

- (iii) the Lot is currently accessible via Tuen On Lane through a piece of GL immediately adjoining the Lot and the applicant proposed an additional alternative pedestrian access at the southern side of the Lot to connect with Castle Peak Road – Lingnan Section. While his office reserves his comment on the proposed accesses to the Lot, there is no guarantee that the applicant's proposal to utilise this piece of GL to provide a pedestrian access to GLM will be approved even if the planning application is approved.

Traffic

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

- (a) As the application only involves niches sold before 30.6.2017, he has no in-principle objection to the planning application subject to approval of TCMP by PCLB. If the application is approved by the Board, the applicant is required to submit a Management Plan for approval by the PCLB during the licensing stage. If the applicant wish to apply for niches sold after 30.6.2017, TIA report shall be resubmitted for his consideration.
- (b) The proposed alternative pedestrian route (**Drawing R-5**) is not laid within the public road managed by his department. He is not in an appropriate position to comment on the alternative route. Relevant management and maintenance departments should be consulted for the alternative route.
- (c) The applicant is reminded that the management plan should be updated to reflect this alternative pedestrian route and comments received from relevant department on this issue.

Others

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

- (a) Accessible lift serving 1/F shall be provided to comply with "Design Manual: Barrier Free Access 2008".
- (b) Natural cross ventilation is highly recommended for columbarium. Openings shall be provided for columbarium walls to achieve natural cross ventilation.

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

- (a) He has no further comment on the QRA report (**Annex F**).
- (b) In addition, the project proponent should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the proposed development.
- (c) His previous comment on the s.16 application as stated in paragraph 10.1.12 in **Annex A** is still valid.

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

In relation to FI in **Annex H**, the Food and Environmental Hygiene Department (FEHD) conducted a visit to the Site on 30.6.2014. According to the information provided by the operator of the columbarium, the date of sale of first niche and date of first interment in niche were both in 1966. In the said visit, FEHD officers found an interred niche which the operator said as the first interred niche, and took a photo of the concerned niche for record purpose. FEHD is not in a position to confirm the time of interment of the niche so found, and had not ever made any confirmation as to the time of interment in respect of any niche in this columbarium.

District Officer's Comment

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

- (a) He had distributed consultation letters to the locals concerned and understood that they will provide their comments (if any) to the Board direct.
- (b) He noted TMDC and locals living in the vicinity (including residents of Parkland Villas) have been very concerned about the potential adverse traffic and environmental impacts to residents living in the adjoining areas arising from the proposed columbarium development. At the TMDC meeting on 31.1.2020, TMDC passed a motion⁵ to reflect the local concerns to the Board and oppose the captioned review application. In view of the above, he trusts the Board will take into account the public views comprehensively when further deliberating the review application.

⁵ TMDC passed a motion “屯門區議會向城市規劃委員會反映居民的意見，反對屯門極樂寺向城規會的覆核申請” at its meeting on 31.1.2020.

- 5.3 For the review application, the following Government department has no further comment and maintains his previous comments on the application as follow:

Traffic and Crowd Management

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

- (a) The applicant had previously submitted the similar application (No. A/TM/419) which was rejected by the Board on the ground that the applicant failed to demonstrate that the potential pedestrian safety and traffic impacts associated with the proposed columbarium could be satisfactorily addressed. The applicant had further submitted two s.16 planning applications for the same use but withdrew subsequently. Having studied the present situation, it was found that the number of proposed niches was reduced from 4,900 to 1,567 and there was no residential institution proposed in the current application. The applicant had submitted an updated TIA, which included the traffic surveys conducted in Ching Ming Festival of 2018. He has no comment on the updated TIA but comment should be sought from TD.
- (b) The applicant stressed that there are no adverse impact on the traffic and pedestrian analyses in accordance with the updated TIA. The applicant also mentioned that there are 69% of niches already occupied and it is not expected that a significant change on the traffic and pedestrian flow will be made when the remaining niches (31%) are occupied. He has no further comment on the applicant's responses provided that the road and parking layout and traffic management scheme proposed by the applicant would be implemented smoothly and effectively. The Site adjoins a residential development, Parkland Villas. Both GLM and Parkland Villas share the same access road at Tuen On Lane and their entrances are close to each other. The visitors to GLM and the residents would have to use the same road and large amount of visitors during the Ching Ming and Chung Yeung Festivals would be anticipated. It may cause nuisance to the residents to a certain extent.

- 5.4 For the review application, the following Government departments have no further comment and maintain their previous comments on the application as stated in paragraph 10.1 in **Annex A**:

- (a) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (b) Director of Environmental Protection (DEP);
- (c) Director of Fire Services (D of FS);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (f) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD); and

(g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

5.5 The following Government departments maintain their previous views of having no comment on or no objection to the application as stated in paragraph 10.2 in **Annex A**:

- (a) Secretary for Home Affairs (S for HA);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (West) (PM(W)), CEDD;
- (d) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO); and
- (e) Director of Leisure and Cultural Services (DLCS).

6. Public Comments on the Review Application Received During Statutory Publication Periods

6.1 The application and the subsequent FIs were published for public inspections. During the statutory public inspection periods, a total of 110,543 public comments were received. Amongst the public comments received, 70,798 (64%) of them support the application, 39,736 (36%) raise objections to/express concern on the application, and 9 comments do not express views on the application. Majority of the supporting and objecting comments are in the form of various types of standard letters. Samples of the comments are attached at **Annexes J-1 to J-53**. All the public comments received are deposited at the Secretariat for Members' inspection at the meeting.

6.2 The 70,798 supporting public comments are from individuals (samples at **Annexes J-1 to J-9**) and the supporting grounds are as follows:

- (a) GLM serves as a religious institution in Tuen Mun for a long time and has co-existed with Parkland Villas for many years. The operation of GLM will not cause traffic problem to Parkland Villas residents as they have separate pedestrian access, and it will not cause air pollution to Parkland Villas;
- (b) the columbarium in GLM is of small scale and located indoor. The location of GLM is far from other residential developments. The surrounding land uses are non-residential developments such as nunnery and fire station. The surrounding is heavily vegetated. It would not pose visual impacts onto nearby residents;
- (c) GLM is conveniently located and easily accessible by public transport. Crowd management is smooth; and
- (d) some columbaria and/or cemeteries are located even closer to residential developments. As such, the columbarium use would not adversely affect the living of nearby residents.

6.3 The 39,736 objecting comments are from members of TMDC, the incorporated owners (IOs)/management company of nearby residential developments

including Parkland Villas (疊茵庭) and Napa Valley (名賢居), other non-governmental organisations including Tuen Mun Association for Women's Development (屯門展藝婦女會), Association of San Hui Residents (新墟居民同樂會), Fu Tai Estate Residents' Services Association (富泰邨居民服務社), Butterfly Bay Residents' Association (蝴蝶灣居民協會), Butterfly Bay Lok Man Association (蝴蝶灣樂民協會), Association of Benevolent Contributors (喜善行服務社), Yin Wai Women's Association (賢慧婦女會), Tuen Mun North Residents' Association (屯門北居民協會), Friendly Neighbour Association (善鄰社), Tuen Mun Co-operation and Development Association (屯門互進會), Yan Tai Residents' Association (茵泰居民協會), Association of Prime View (景峰服務社), Green Sense (環保觸覺), Alliance for the Concern over Columbarium Policy (各界關注骨灰龕法案大聯盟), nearby residents and members of the general public (samples at **Annexes J-9 to J-40**), and other individuals (samples at **Annexes J-41 to J-53**); and their major objection grounds and concerns are as follows:

- (a) the columbarium involved illegal occupation of GL and contravenes lease conditions, statutory town plan and BO. The applicant had launched a judicial review against the occupation of GL, but it was not successful. Approval of the application would set an undesirable precedent for other operators to regularise unauthorised columbarium operations in Fu Tei;
- (b) the columbarium deviates from the planning intention of the subject "G/IC" zone. The provision of local facilities has not taken into account of the visitors arising from the columbarium development;
- (c) according to the Judge's verdict of Hong Kong Memorial Park (孝思園) (HKMP), HKMP was convicted of breaching land lease and was requested to remove all niches. It is considered that GLM is of the same nature;
- (d) the columbarium is too close to and incompatible with the surrounding residential developments in particular Parkland Villas. The operation of GLM and daily rituals has already caused serious adverse air, glare and noise impacts to the local residents and students. Approval of the application would further worsen the situation, disturb the residents physically, psychologically and affect property value and set an undesirable precedent in the area;
- (e) the proposal would cause adverse traffic impacts to the area. There are insufficient parking, L/UL facilities, pedestrian access and means of escape. The traffic and crowd management plan is impractical. Serious illegal parking and traffic congestion are expected. Emergency service would be also be affected;
- (f) additional visitors would cause security and hygiene concerns to local residents. Supporters may not live in the area and will not be affected by the proposal; and
- (g) approval of the application would set an undesirable precedent.

- 6.4 At the s.16 stage of the application, a total of 93,984 public comments were received, including 52,803 (56%) supporting comments, 41,555 (44%) opposing comments, 26 blank forms and 6 comments referring to other applications. Their major views were summarised in paragraph 11 of **Annex A** and samples of the comments are at **Appendices V-1 to V-62 of Annex A**.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of the RNTPC's decision on 29.11.2019 to reject the subject application for columbarium use at the Site zoned "G/IC" on the OZP (**Plan R-1**). The application was rejected by the RNTPC for the reasons that the proposed development is not in line with TPB PG-No. 16 in that the columbarium use is in close proximity to the residential developments and sharing the same access road with the adjoining residential development, which is not compatible with surrounding areas in land use terms; and approval of the application would set an undesirable precedent for similar applications.
- 7.2 The applicant submitted a planning review statement, QRA, background information of GLM's columbarium development to substantiate the review application and proposed a new alternative pedestrian access at the south side of the Site connecting Castle Peak Road (**Annexes E to H**). Planning considerations and assessments on the review application are appended below.

Planning Intention and Land Use Compatibility

- 7.3 The planning intention of the "G/IC" zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. As for the columbarium use, it is a Column 2 use requiring planning permission from the Board. The acceptability of the proposal should be comprehensively assessed taking into account the land use compatibility of the Site with its neighbouring uses, and the traffic and environmental impacts arising from the development.
- 7.4 Although the applicant claimed that the proposed columbarium use is in line with TPB PG-No. 16 and the Site falls within the "G/IC" zone comprising a number of GIC facilities including Ching Leung Nunnery, Fu Tei Fire Station and school, the Site is located in close proximity to a medium density residential development of Parkland Villas comprising 9 residential blocks to the immediate north and east. They share the same access road at Tuen On Lane and their entrances are close to each other (**Plans R-2a and R-3**). The columbarium under application will bring nuisance to the local residents and is considered not compatible in land use terms.
- 7.5 The Site and the surrounding area were previously zoned "U" on the then Tuen Mun OZP in 1994. In April 1994, an amendment to the OZP was taken to reflect the existing and planned land uses in Tuen Mun Area 52. Several sites (including the site where Parkland Villas is located) were rezoned to "R(B)" to facilitate such developments. Besides, the "G/IC" zone in the area was intended for tertiary education purpose (i.e. the Lingnan University at present), and other

existing institutions (including Ching Leung Nunnery and GLM) and community uses or reserved for anticipated government uses. However, there was no information to indicate that GLM involved columbarium use during the consideration of the proposed amendment in 1994.

Land Administration and Building Matters

- 7.6 There are a number of structures erected on the Lot, including the structures under application, which are not in compliance with the lease conditions. DLO/TM, LandsD advises that the existing uses as columbarium and monastery are in breach of the lease condition. Two warning letters against the breach of lease restrictions on user, maximum building height and maximum built-over area and the breach of lease restriction on “no deposit of human remains” have been registered in the Land Registry against the Lot. DLO/TM, LandsD reserves the right to take lease enforcement actions as may be considered appropriate against any breach of lease conditions. CBS/NTW, BD has no further comment on the current review application and maintains his previous advice that there is no record of approval by the Building Authority for the existing structures at the Site and enforcement action may be taken to effect the removal of any UBW erected on leased land in accordance with BD’s enforcement policy against UBW 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.

Traffic and Crowd Management

- 7.7 As the application mainly involves niches sold before 30.6.2017, C for T has no in-principle objection to the planning application subject to approval of TCMP by PCLB. If the application is approved by the Board, the applicant is required to submit a Management Plan for approval by the PCLB during the licensing stage. However, Parkland Villas and GLM share the same access road (Tuen On Lane) and their entrances are close to each other (**Plan R-2a and Photo 2 at Plan R-4a**). The visitors to GLM and the residents would have to use the same access road. Large amount of visitors and possible illegal parking/queuing of vehicles waiting to enter the Site during festival days are expected. Such situation will cause nuisance to the residents. Hence, C of P has previously raised concerns on the effectiveness on the implementation of TCMP during the festival days and their shadow periods and there may have nuisance to the residents to a certain extent. Although the applicant has proposed alternative pedestrian access at the south side of the Site connecting Castle Peak Road, C of P maintains his above comments for the review application. The applicant has not submitted further proposals to address the above concerns on the substantial increase in visitors and possible illegal parking/queuing of vehicles.

Access Arrangement

- 7.8 A new pedestrian footpath with a minimum clear width of 2.1m will be provided at the entrance of GLM at Tuen On Lane while a footpath of the same width will be provided within GLM (**Drawings R-6 to R-8 and Plan R-2; and Drawing A-13 of Annex A**). Moreover, an additional alternative pedestrian route is also proposed at the southern side of the Site to connect Castle Peak Road – Lingnan Section (**Drawing R-5**). However, there is no detailed information on its proposed design, construction, management and maintenance aspect of this

alternative route since it has to pass through unallocated GL with slope and squatters/structures (**Drawing R-5 and Plan R-2a**). DLO/TM, LandsD advises that there is no guarantee that the applicant's proposal to utilise the concerned pieces of GL to provide footpaths to GLM will be approved. Therefore, the technical feasibility of using the proposed alternative pedestrian route is yet to be demonstrated. Moreover, according to the applicant, about 54% of visitors will use Tuen On Lane to the Site.

Other Technical Considerations

- 7.9 Other departments consulted including DFEH, DEP, DEMS, CTP/UD&L of PlanD, 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 further comment and maintain their previous views of no objection to/adverse comment on the columbarium development subject to the imposition of relevant planning conditions, where appropriate.

Undesirable Precedent

- 7.10 The previous application No. A/TM/419 for the proposed redevelopment of GLM for columbarium, residential institution (quarters) and religious institution involving 4,900 niches and 800 tablets with fewer parking spaces was rejected by the Board upon review on 1.2.2013 on the grounds, amongst others, of the adverse traffic impact on pedestrian and vehicular traffic as well as conflicts and nuisances to the residents in surrounding areas, and setting an undesirable precedent. Comparing the previous application (No. A/TM/419) with the current application (No. A/TM/530) as mentioned in paragraph 4.13 above, the current application is of a smaller scale and has fewer number of niches. Nevertheless, there has been no major change in planning circumstances since the rejection of the previous application. No approval for columbarium use has been given within the subject "G/IC" zone. The approval of the application would set an undesirable precedent for other similar applications within the subject "G/IC" zone.
- 7.11 DO(TM), HAD noted TMDC and locals/residents living nearby (such as the Parkland Villas) have been very concerned about the potential adverse traffic and environmental impacts to residents living in the adjoining areas arising from the proposed columbarium development. At TMDC meeting on 31.1.2020, TMDC passed a motion to reflect the local concerns to the Board and oppose the review application.

Public Comments

- 7.12 There are 110,543 public comments received on the review application, including 70,798 (about 64%) supporting to the application and 39,736 (about 36%) raising objection. The grounds of the public comments are stated in paragraphs 6.3 and 6.4 above. The comments from relevant government departments and the planning assessments in paragraph 7.3 to 7.10 above are relevant.

8. Planning Department's Views

- 8.1 Based on the assessment made in paragraph 7, having taking into account the public comments mentioned in paragraphs 5.2.6 and 6 above and given that there is no major change in the planning circumstances since the consideration of the

subject application by RNTPC, PlanD maintains its previous view of not supporting the review application for the following reasons:

- (a) the proposed development is not in line with TPB-PG No. 16 in that the columbarium use is in close proximity to the residential developments and sharing the same access road with the adjoining residential development, which is not compatible with the surrounding areas in land use terms; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative effect of approving such applications would cause nuisances to the residential neighbourhood.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **7.5.2025**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Should the application be approved, the following approval conditions and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) the number of niches and ancestral tablets within the Site shall not exceed 1,567 and 1,089 respectively;
- (b) the submission and implementation of water supply for firefighting and fire services installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission and implementation of a landscape proposal to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Annex K**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for review of RNTPC’s decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

10. Attachments

Drawing R-1	Master Layout Plan
Drawing R-2	Revised Master Landscape Plan
Drawing R-3	Revised Section Plan
Drawing R-4	Proposed Pedestrian Routes
Drawing R-5	Proposed Alternative Pedestrian Route Analysis
Drawings R-6 to R-8	Traffic and Crowd Management Plan
Plan R-1	Location Plan
Plan R-1a	Location of previous and withdrawn applications
Plan R-1b	Location of similar applications on the Tuen Mun OZP
Plan R-2 & 2a	Site Plans
Plan R-3	Aerial Photo
Plans R-4a to 4f	Site Photos
Annex A	RNTPC Paper No. A/TM/530C
Annex B	Extract of minutes of the RNTPC meeting held on 29.11.2019
Annex C	Secretary of the Board's letter dated 13.12.2019 informing the applicant of the RNTPC's decision
Annex D	Letter received by the Board on 24.12.2019 applying for a review of RNTPC's decision
Annex E	FI received on 8.4.2020
Annex F	FI received on 8.6.2020
Annex G	FI received on 25.9.2020
Annex H	FI received on 11.2.2021
Annex I	Similar applications
Annexes J-1 to J-53	Public comments
Annex K	Recommended Advisory Clauses

**PLANNING DEPARTMENT
MAY 2021**

TPB Paper No. 10738

**For Consideration by
the Town Planning Board on 7.5.2021**

**REVIEW OF APPLICATION NO. A/TM/530
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Columbarium Use in “Government, Institution or Community” Zone
Lot 2011 (part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun**