

**Other Comments of Relevant Government Departments**

**1. Comments of the Chief Building Surveyor/New Territories West, Buildings Department**

The applicant should note the following comments under the Buildings Ordinance (BO):

- (a) if the existing structures are erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application;
- (b) for Unauthorized Building Works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;
- (e) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;
- (f) the sustainable building design requirements and the pre-requisites under PNAP APP-151 & 152 for gross floor area (GFA) concessions would be applicable to new development. In this connection, any non-mandatory or non-essential plant rooms of new development may be accountable for GFA under the BO subject to their compliance with the above PNAPs;
- (g) for development of a columbarium, premises should comply with specified design and construction requirements for columbarium facilities as outlined in PNAP APP-154; and
- (h) detailed comments under the BO will be provided at the building plan submission stage.

**2. Comments of the Director of Environmental Protection**

The applicant has committed to adopt environmental mitigation measures and good operational practices including the followings:

- (a) the operating hours of the premises would be between 9 am and 5 pm during normal days and festival days;
- (b) appointment shall be made in advance by telephone before visitors could visit the premises on any day;
- (c) small-scale religious ceremonies would be held indoor only;
- (d) there will be no permanent residents, except two volunteers will be present on site during day time, and a maximum of 6 monks or nuns every season staying for up to a week;
- (e) a maximum of about 60 persons will be present on site during special religious activities;
- (f) visitors are not allowed to burn joss paper within the Site, and only one bundle of joss sticks is allowed for burning for one family group per visit;
- (g) permanent toilets with underground septic tank and soakaway systems will be constructed; and
- (h) sullage arising from kitchen uses would be stored and tankered away.

**3. Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department**

The applicant should be advised of the followings:

- (a) existing slopes/retaining walls will affect or be affected by the proposed works. The stability of these slopes/retaining walls should be assessed taking into consideration of the effects arising from the proposed works. Upgrading works should be carried out for these slopes/retaining walls under the development if found necessary; and
- (b) man-made slopes on unallocated Government land that affect the private site should be the responsibility of the lot owner(s) and should be included in the private land disposal for maintenance purposes. In this regard, he recommends that the lot owners shall enter into a formal lease modification to, among others, take up the full responsibility of the affected Government land throughout the lease term by means of the standard 'Green-hatched-black' clause.

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied uses at the Site;
- (b) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
  - (i) the Private Columbaria Ordinance (PCO), which regulates the operation of private columbaria through a licensing scheme, came into effect on 30.6.2017 upon gazettal. Under the PCO, only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by the Private Columbaria Licensing Board (the Licensing Board), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. A licence applicant is also required to submit a management plan to the Licensing Board for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimize any adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for a licence, the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations; and
  - (ii) a set of the specified instrument (SI) application (viz. a licence, exemption and temporary suspension of liability) in respect of a pre-cut-off columbarium was received by the Licensing Board. The SI application is being processed by the Private Columbaria Affairs Office (PCAO) according to the prevailing procedure;
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) the proposed religious and columbarium uses are not acceptable uses under the existing lease conditions and there are existing structures without approval on the lot as well as on Government land; and
  - (ii) the applicant should submit an application to LandsD for a lease modification/waiver/tenancy to implement the proposal together with the proposed temporary traffic arrangement. However, there is no guarantee that such application will be approved by LandsD and there is no guarantee of right of way to the proposed temporary traffic arrangement. If it is approved by LandsD acting in its capacity as landlord at its absolute discretion, it will be subject to such terms and conditions, including but not limited to payment of premium/waiver fee/rent and administrative fee as may be imposed;
- (d) to note the comments of the Commissioner for Transport (C for T) that the applicant should submit the temporary traffic arrangement proposal as detailed in

paragraph 5.2 of the revised TIA report at **Appendix Ii**, including adoption of Go/Stop operation as temporary traffic control and deployment of staff to regulate traffic at the proposed Pick Up/Drop off Area, to C for T and Commissioner of Police at least one month before implementation;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as detailed in paragraph 1 of **Appendix II**.
- (f) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) the applicant has committed to adopt environmental mitigation measures and good operational practices including those detailed in paragraph 2 of **Appendix II**.
  - (ii) the applicant should follow the good operation practice and administrative measures recommended in the “Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places”. If burning of joss paper will be allowed in future, the applicant should install, operate and maintain smokeless joss paper furnace(s) as recommended in the Guidelines; and
  - (iii) in the design, construction, operation and maintenance of sewage disposal measures, the volume of wastewater arising from the use of eco-friendly joss paper burner should be taken into consideration. The construction and operation of septic tank and soakaway system (STS) shall strictly follow the requirements stipulated in ProPECC PN5/93. The STS location should be far away from any water sensitive receivers nearby, and to meet the minimum clearance distance set in ProPECC PN5/93;
- (g) to note the comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards.
- (h) to note the comments of the Director of Fire Services (D of FS) that emergency vehicular access arrangement (EVA) shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department; and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the existing vegetation within the Site should be maintained in satisfactory condition at all times;
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H/GEO, CEDD) as detailed in paragraph 3 of **Appendix II**; and

- (k) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that :
  - (i) there is a high pressure underground town gas transmission pipeline (running along Tolo Highway) in the vicinity of the Site; and
  - (ii) the applicant/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or 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 development. They are also required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".