

**Previous Application**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/TP/461	Columbarium	16.3.2012	R1, R2

- R1. The provision of access (both for vehicles and pedestrians), car parking and loading/unloading facilities to serve the need of users were unsatisfactory.
- R2. The traffic impact assessment provided in the submission was inadequate to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas.



**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 District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) the columbarium and religious institution uses are not permitted under the existing lease conditions;
  - (ii) the applicant should submit an application to LandsD for a lease modification/waiver/tenancy to implement the applied use. However, there is no guarantee that such application will be approved by LandsD and there is no guarantee that a right of way covering the access road to the Site will be granted to the applicant in processing the lease modification/waiver application if received. 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; and
  - (iii) the area of the Site and other details submitted by the applicant (e.g. the number of niches) have not been verified and the applicant is required to demonstrate the dimensions and calculation of the area when the lease modification/ waiver application is submitted;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
  - (i) the proposed crowd and traffic management measures as detailed in Management Plan under the planning application should be included in the licence application for the Private Columbaria Licensing Board's approval; and
  - (ii) the applicant should be advised that the additional details as provided in the supplementary information should be incorporated into the TIA report and submitted to her department for record purpose.
- (d) 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 the followings:
    - to follow the good operational practices and administrative measures recommended in EPD's guidelines on *Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places*, including the installation, operation and maintenance of smokeless joss paper furnace;
    - religious and worshipping activities would be carried out indoor, and no funeral service would be allowed in the premises;

- there are limited number of staff at the premises; and
  - the short duration (as estimated by the applicant) that visitors would be staying at the premises; and
  - the applicant will implement their own sewage treatment and disposal measures. Portable chemical toilets will be provided to cater for the surge of visitors during festival days;
- (ii) 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 out in ProPECC PN5/93. Sufficient number of chemical toilets may be installed to cater for the surge of visitors during festival days;
- (e) 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, an operator of any columbarium will have to obtain a licence before he may sell or newly let niches. Columbaria seeking a licence must comply with the statutory requirements under the PCO, including those relating to land leases or other land instruments, town planning, building and fire safety. The licence applicant must also submit a management plan to satisfy the Licensing Board, i.e. the licensing authority under the PCO, that adequate measures would be taken to minimise the traffic, environmental and other adverse impacts that operation of the columbarium may have on the neighbourhood. After having solicited the views and comments of Government bureaux/departments concerned, the Licensing Board will impose requirements and conditions as it thinks fit while the PCAO will issue a Letter of Requirement to the applicant setting out such requirements for compliance before issue of the specified instrument and also conditions for observance during the validity period of the same. 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;
  - (ii) PCAO will be responsible for monitoring the implementation of the management plan included in the licence application within the site boundary covered by the licence in accordance with the relevant legal provisions of the PCO in co-ordination with all concerned parties, provided that the licence application with the management plan is approved by the Licensing Board;
  - (iii) as regards the crowd and traffic management measures proposed outside the site boundary covered by the licence and accepted by relevant

departments, any complaints received would be investigated by relevant departments according to their purview under the prevailing mechanism. Their investigation results in respect of the licensed private columbarium may be forwarded to the PCAO for follow up action under the PCO and the licensing regime for regulation of private columbaria where appropriate; and

- (iv) as far as the subject columbarium is concerned, the set of SI applications is still being processed by the PCAO according to the prevailing procedure. If all the requirements prescribed in the PCO and those specified by the Licensing Board for issue of a licence or a TSOL are complied with, PCAO will put up the case to the Licensing Board for determination with regard to the public interests and any other relevant consideration. The decision on whether or not to approve an application will be made by the Licensing Board.
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the existing trees within the Site should be maintained in satisfactory condition at all times;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) if the existing structures are New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/TP of LandsD should be in a better position to comment on the captioned application;
  - (ii) 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 Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) if there are existing structures which had been erected on leased land without approval of the BD (not being a NTEH), they are unauthorized under the BO and should not be designated for any approved use under the application unless such are permissible under the Private Columbaria Ordinance (Cap 630);
  - (iv) for 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;
  - (v) 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;
  - (vi) 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;
- (vii) 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;
  - (viii) for development of a columbarium, premises should comply with specified design and construction requirements for columbarium facilities as outlined in PNAP APP-154; and
  - (ix) detailed comments under the BO will be provided at the building plan submission stage.
- (h) 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;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should design the drainage proposal based on the actual site conditions for his comment/agreement. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments, if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent area should not be adversely affected;
- (j) 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;
- (k) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H/GEO, CEDD) that any necessary slope stabilization works should be carried out and paid for by the applicant as part of the development. The maintenance responsibility of such works shall be taken up by the applicant to ensure the proper maintenance for long term land stability;
- (l) 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"; and
  
- (m) to note the comments of the Director of Leisure and Cultural Services (DLCS) that :
  - (i) the SIMAR slope (No. 7NW-B/C353(1)) and the trees on the slope under the responsibility of Leisure and Culture Services Department (LCSD) should not be affected. In addition, Architectural Services Department's consent should be sought prior to any works at the adjacent SIMAR slope (No. 7NW-B/C353(2)); and
  - (ii) no vehicle and transportation of materials passing any part of the Mui Shue Hang Playground is allowed without his consent.