

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/TP/657

- Applicant** : Piety (Tai Po) Poh Yea Ching Shea Limited represented by Toco Planning Consultants Limited
- Site** : Lot 1006 RP in D.D.5, No.2, Mui Shue Hang Village, Tai Po, N.T.
- Site Area** : About 2,789 m²
- Lease** : New Grant No. 10518 to be expired on 30.6.2047 and restricted to:
(a) Home for the Aged purpose;
(b) site coverage not exceeding 30%;
(c) building height not more than 2 storeys; and
(d) design, disposition and height clause
- Plan** : Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/28
- Zoning** : “Government, Institution or Community” (“G/IC”)
[restricted to a maximum building height of 2 storeys]
- Application** : Columbarium

1. The Proposal

- 1.1 The applicant seeks planning permission to regularize an existing columbarium use accommodating 5,302 niches at the application site (the Site) under the name of Poh Yea Ching Shea (般若精舍) (**Plan A-1**). According to the Notes of the OZP, ‘Columbarium’ in “G/IC” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). Other uses within the Site including worshipping halls, mini-store and gathering area for worshippers, and ancillary facilities resembling those of a religious institution are regarded as ‘Religious Institution’ use which is always permitted in “G/IC” zone.
- 1.2 According to the applicant, the Site was previously used as a home for the aged providing quarters to homeless elderly people. However, it has ceased operation because majority of the elderlies had passed away and part of the building had subsequently been converted into columbarium use in 2009 with a substantial portion of the building retained for religious use.
- 1.3 The Site is currently occupied by a main building and an ancillary small building, both are two storeys in height. The main building is mainly for columbarium and religious institution uses and the ancillary small building accommodates toilet and store room (**Drawings A-1 and A-2**). The total GFA of the existing buildings is about 703.2m². Major development parameters are summarized as follows:

Site Area	About 2 789m ²			
Plot Ratio	About 0.25			
Total GFA	About 703.2m ²			
	Main Building	Sub-total:	682.2m ²	
	G/F	Mini-store and gathering area	119.3m ²	
		Worshipping hall	113.3m ²	
		Office	69.6m ²	
		Store room	104.4m ²	
	1/F	Memorial plates	22.2m ²	
		Columbarium (4 halls)	170.2m ²	
		Store room	83.2m ²	
Ancillary Building	Sub-total:	21m ²		
G/F	Toilet	10.5m ²		
	1/F	Store Room	10.5m ²	
Site Coverage	About 16%			
Building Height	Main Building	2 storeys (8.1m)		
	Ancillary Building	2 storeys (5.1m)		

- 1.4 The niches are located within four columbarium halls (namely 瑞安堂, 仁安堂, 善安堂 and 德安堂) on the 1/F of the existing main building. There are also a total of 174 memorial plates accommodated in a hall (namely 嘉安堂) on the G/F. The layout of G/F and 1/F are shown on **Drawings A-3** and **A-4** respectively. According to the applicant, all the columbarium niches under application (i.e. 5 302 niches) have been sold before 30.6.2017. A detailed account of the current status of the columbarium niches and memorial plates is as follows:

Classification	Single-urn	Double-urn	Total
No. of Niches	4 711	591	5 302
◆ sold and occupied	709	326	1 035
◆ sold but not yet occupied	4 002	265	4 267
No. of Memorial plates	-	-	174

- 1.5 According to the applicant, the operation hours of the columbarium are between 9:00 am and 6:00 pm every day. During Ching Ming and Chung Yeung Festivals, the operation hours will be extended from 8:00 am to 6:00 pm. The applicant advises that no parking space will be provided within the Site, and the visitors will access the Site by public transport or using the public car parks nearby. Besides, as a traffic and crowd control management measure, a visit-by-appointment system will be implemented on Ching Ming and Chung Yeung Festival Days as well as the immediate Saturday and Sunday before and after the Festival Days to control the number of persons visiting the columbarium up to a maximum of 85 persons present on the Site at any time. During peak

hours, the applicant, if necessary, will also implement admission control system in front of the main building by setting up temporary holding area. Furthermore, a smokeless joss paper burner (i.e. environmental furnace) will be provided for visitors' use.

- 1.6 The Site is the subject of a previous application (No. A/TP/461) submitted by the current land owner, Poh Yea Ching Shea Limited, for columbarium use. That application was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 16.3.2012 mainly on traffic grounds. Details of the previous application are provided in paragraph 6 below.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application form and attachments received on 3.9.2018 **(Appendix I)**
 - (b) Planning Statement including a Traffic Impact Assessment (TIA) report and a Geotechnical Planning Review Report (GPRR) **(Appendix Ia)**
 - (c) Further information (FI) received on 2.1.2019# providing responses to departmental comments and public comments, clarification on the number of niches, a Quantitative Risk Assessment (QRA) report and a Traffic Management Plan **(Appendix Ib)**
 - (d) FI received on 24.4.2019# providing responses to departmental comments and a Management Plan (comprising traffic and crowd management and contingency plans) **(Appendix Ic)**
 - (e) FI received on 29.5.2019# providing responses to departmental comments and a revised QRA report **(Appendix Id)**
 - (f) FI received on 4.6.2019# providing responses to departmental comments and a revised Management Plan (comprising traffic and crowd management and contingency plans) **(Appendix Ie)**
 - (g) FI received on 2.10.2019^ providing responses to departmental comments **(Appendix If)**
 - (h) FI received on 14.10.2019^ providing responses to departmental comments and clarification on niche information **(Appendix Ig)**
 - (i) FI received on 4.11.2019^ providing clarifications on background information and a revised G/F floor plan **(Appendix Ih)**
- (# accepted but not exempted from publication and recounting requirements)*
- (^ accepted and exempted from publication and recounting requirements)*
- 1.8 On 2.11.2018, 22.2.2019 and 2.8.2019, the Committee agreed to the applicant's request to defer making a decision on the application each for two months to allow time for the applicant to prepare FI in support of the application. The

latest FI was received on 4.11.2019 and the application is scheduled for consideration by the Committee on 29.11.2019.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement and FI at **Appendices I and Ia to Ih**. They can be summarized as follows:

- (a) the applicant, Piety (Tai Po) Poh Yea Ching Shea Limited, is the operator of the existing columbarium. The current land owner of the Site, Poh Yea Ching Shea Limited, has given owner's consent for the operator to apply planning permission to regularise the columbarium;
- (b) the application is for regularization of an existing columbarium and the number of niches under application only involve those sold before 30.6.2017. The applied use is in line with the prevailing government policy in providing more columbaria facilities to meet future demand for new columbarium niches in the local community;
- (c) the Poh Yea Ching Shea is a Buddhist religious institution registered under the Chinese Temples Ordinance. The Site was granted to Poh Yea Ching Shea Limited in 1971 for home for the aged purpose providing quarters to homeless elderly people. However, it has ceased operation because majority of the elderlies had passed away and they wished to have their cremated ashes accommodated at the Site as many of the elderlies had no relatives. In view of strong demand of columbarium niches, the applicant had converted part of the 1/F of the existing building for columbarium use in 2009 with substantial portion of the building retained for religious use;
- (d) the applicant has submitted the TIA Report (**Appendix Ia**), the revised Management Plan (with traffic and crowd management and contingency plans) (**Appendix Ie**) and supplementary information (**Appendix If**) to demonstrate that the columbarium use will not cause any adverse traffic impacts on the surrounding areas. As mentioned in the TIA Report and revised Management Plan, there will be no parking facilities within the Site. As the Site is located within walking distance from Tai Wo MTR Station and other public transport facilities, it is expected that majority of the visitors will take public transport and walk to the Site. For the small number of car users, there are a number of sizable public car parks within walking distance of the Site (**Drawings A-5 and A-6**). Moreover, the applicant has proposed traffic and crowd management measures to be implemented on Ching Ming and Chung Yeung Festival Days as well as the immediate Saturday and Sunday before and after the Festival Days to address potential traffic impact arising from the columbarium use, including implementation of visit-by-appointment system; earlier opening hours on festival days; providing directional signs near the Site; and inform the visitors and public by notices, advertisements, emails or letters regarding the special traffic arrangement;
- (e) the GPRR (**Appendix Ia**) and the revised QRA report (**Appendix Id**) submitted have demonstrated that the columbarium use will not cause any adverse geotechnical and gas safety impacts on the surrounding areas;

- (f) the applied use will not cause any adverse environmental impacts on the surrounding areas as the applicant will adopt environmental mitigation measures and good operational practices including the proper use of a smokeless joss paper furnace, the implementation of sewage treatment and disposal measures; and the provision of portable chemical toilets to cater for the surge of visitors during festival days. Indoor religious and worshipping activities and funeral service would not be allowed in the premises;
- (g) the applied use will not cause visual impact as the building has been in existence on the Site for use as an elderly home. Existing trees and landscape features within and surrounding the Site will not be affected, and the applied use is not incompatible with the surrounding area. The Planning Department had no objection to the previous application from urban design and visual perspectives; and
- (h) the approval of the application will not set an undesirable precedent since the applied use is small in scale and it is converted from an elderly home. There are also similar applications for columbarium development in the “G/IC” zone in other New Town Areas.

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

The applicant is not the “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 from the concerned land owner. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “G/IC” Zone for Uses other than G/IC Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 16) is relevant to this application. The relevant extract of the Guidelines are as follows:

- (a) 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 and the concerned Government departments have no objection to releasing a particular “G/IC” site or a certain part of it for non-GIC uses. In case of a “G/IC” site designated with specific uses, the applicant should satisfactorily demonstrate that the application site is no longer required for the designated GIC uses, or adequate re-provisioning of the designated GIC uses is provided either in-situ or elsewhere; and there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities;
- (b) the proposed development should not adversely affect the normal operation of the existing GIC facilities nor delay the implementation of the planned GIC facilities, if any, within the “G/IC” site. Temporary reprovisioning, if necessary, should be provided prior to the completion of the proposed development;

- (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;
- (d) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas;
- (e) 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;
- (f) the proposed development should be sustainable in terms of overall planned provision of open space and GIC facilities in the area; and
- (g) the proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road, otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

5. **Background**

History of the Site

- 5.1 The Site was first zoned “Green Belt” (“GB”) on the draft OZP No. LTP/47 gazetted on 12.12.1980. It was subsequently rezoned to “Open Space” (“O”) on the draft Tai Po OZP No. LTP/47B on 21.10.1983. The current “G/IC” zoning covering the Site has been effective since the draft Tai Po OZP No. S/TP/20 was gazetted on 21.12.2007 to reflect the religious institution use of Poh Yea Ching Shea.
- 5.2 According to the applicant, the Site was occupied in 1971 by Poh Yea Ching Shea for a home for the aged providing quarters to homeless elderly people. Part of the 1/F of the existing building was converted into columbarium use in 2009 while retaining substantial portion of the building for religious institution use.

The Private Columbaria Ordinance

- 5.3 The Private Columbaria Ordinance (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

the Private Columbaria Licensing Board (the Licensing Board) their views on suitable mitigation measures that should be followed up by individual cases.

The Kam Shan/Shek Kwu Lung Cluster

- 5.4 According to the information provided by the Food and Environmental Hygiene Department (FEHD), there are six applications for Specified Instrument under the Private Columbaria Ordinance for the private columbaria located in the vicinity of Kam Shan/Shek Kwu Lung area (including the subject columbarium), which are accessible through Kam Shan Road falling within “Village Type Development” (“V”), “O”, “G/IC” or “GB” zones (the cluster area) (**Plan A-1**).
- 5.5 Apart from the subject columbarium under the current application, four other columbaria in the same cluster have submitted planning applications as detailed below:

Rejected application

“O” zone

- (a) Application No. Y/TP/23 is for rezoning of the application site from “O” to “G/IC” to regularise the existing religious and columbarium uses under the name of Ever Rest Temple (常寂園) providing a total of 763 niches. The application was rejected by the Committee on 6.2.2015 mainly on the grounds that access to the application site had to make way through the Mui Shue Hang Playground and the applicant failed to demonstrate the acceptability of the proposed traffic arrangement and that the development would not cause adverse traffic impacts on the surrounding areas;

Approved application

“GB” zone

- (b) Application No. A/TP/652 for religious institution and columbarium with ancillary quarters under the name of Siu Ling Shan (Ling Hin Fat Yuen) (小靈山(靈顯法院)) providing a total of 757 niches was approved with conditions by the Committee on 19.7.2019 mainly on the considerations of being not incompatible with the surrounding land uses as the columbarium use is within an established religious institution; situated at a location with considerable separation from residential developments; no adverse traffic impacts was anticipated; and being generally in line with the Town Planning Board Guidelines No. 10 in that no trees were affected and other concerned departments had no objection to or adverse comment on the application;

Applications being processed

“V” zone

- (c) Application No. Y/TP/27 is for rezoning of the application site from “V” to “G/IC(3)” to regularise the existing columbarium use under the name of Cheung Ha Ching Shea (祥霞精舍) providing a total of 1 700 niches in a single-storey village house; and

- (d) Application No. Y/TP/29 is for rezoning of the application site from “V” to “G/IC(3)” to regularize the existing temple-cum-columbarium structures providing over 13 000 niches and one 3-storey ancillary office building within Buddhist Cheung Ha Temple (佛教長霞淨院). The application site under Application No. Y/TP/29 is located to the immediate south of Application No. Y/TP/27.

6. Previous Application

- 6.1 The Site is the subject of a previous application (No. A/TP/461) submitted by the current land owner of the Site (Poh Yea Ching Shea Limited) which was rejected by the Committee on 16.3.2012 mainly on the grounds that the provision of access (both for vehicles and pedestrians), car parking and loading/unloading (L/UL) facilities to serve the need of users was unsatisfactory; and the TIA provided in the submission was inadequate to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas. In particular, the Commissioner for Transport (C for T) considered that the applicant has not addressed the access rights from Tai Po Tau Shui Wai Road through the footbridge across Lam Tsuen River and the Mui Shue Hang Playground as well as the access rights from Kam Shek New Village through the current car park. He also considered that the applicant had not adequately addressed the issue of L/UL provision, parking spaces and barrier free access. The Commissioner of Police was also concerned about the potential traffic impact caused by the illegal parking near the Site and police resources required for the traffic and crowd management brought along by the visitors during Ching Ming and Chung Yeung Festivals.
- 6.2 Major development parameters under the current application are similar with those under the previous application (No. A/TP/461) except that the number of columbarium niches has been reduced from 5 993 to 5 302 (which are the number of niches already sold before 30.6.2017). Moreover, no car parking spaces will be provided within the Site (which was four spaces under the previous application), and no vehicular access is proposed under the current application such that visitors can only access the Site by foot from the nearby public transport facilities or use nearby public car parks. In addition, a TIA report and a traffic and crowd management plan have been submitted under the current application to address the potential traffic concerns.
- 6.3 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.
- 6.4 The Site is also the subject of three other previous applications (No. A/TP/549, 611 and 638) for the same use, which were withdrawn by the applicant on 29.1.2015, 1.9.2017 and 21.2.2018 respectively.

7. Similar Application

There is no similar application for the same use within the same “G/IC” zone.

8. **The Site and its Surrounding Areas** (Plans A-1, A-2, and photos on Plans A-3, A-4a to A-4g)

8.1 The Site is:

- (a) currently occupied by two 2-storey buildings. The main building is mainly for religious and columbarium uses and associated facilities (**Plan A-4a**). The niches are accommodated in four columbarium halls (namely 瑞安堂, 仁安堂, 善安堂 and 德安堂) on the 1/F (**Plans A-4b to A-4d**) whereas memorial plates are accommodated in a hall (namely 嘉安堂) on G/F of the main building (**Plans A-4e**). There are also worshipping halls (**Plan A-4e**) and ancillary uses including office and store room (**Plan A-4f**) on G/F of the main building. The ancillary small building is for toilet and store room (**Plan A-4g**). The columbarium use is in operation without a valid planning permission;
- (b) located in a relatively secluded environment shielded by roadside slopes, vegetation and trees;
- (c) located at the south-eastern corner of the Mui Shue Hang Playground and adjacent to Tai Po Tai Wo Road and a vegetated slope to the south; and
- (d) accessible from the east by footpath via footbridge leading from Tai Wo MTR Station and public car park at Tai Wo Estate, and from the north across Lam Tsuen River via footpath leading from Tai Po Road – Tai Wo and Tai Po Tau Shui Wai public car park. From the south, it is accessible via Kam Shan Road and an emergency vehicular access (EVA) through a public car park at Kam Shek New Village (**Plan A-2** and **Drawing A-6**).

8.2 The surrounding areas have the following characteristics:

- (a) Mui Shue Hang Playground, a popular local open space, covered by a Permanent Government Land Allocation No. TP-177, is located adjoining the Site (**Plan A-2**). Ever Rest Temple (常寂園) within “O” zone is located about 100m to the west;
- (b) Kam Shek New Village is located to the southeast of the Site with the nearest domestic structure about 80m away from the main building;
- (c) across Lam Tsuen River to the east is Po Nga Court, to the north is Tai Po Tau Shui Wai and to the northwest is Parc Versailles I (帝欣苑); and
- (d) to the south is Tai Po Tai Wo Road and further south is Shek Kwu Lung Village.

9. **Planning Intention**

The planning intention of the “G/IC” zone is for the provision of Government, institution or community 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, organizations providing social services to meet

community needs, and other institutional establishments.

10. Comments from the Relevant Government Departments

10.1 The following Government departments have been consulted and their views are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the subject lot is governed by New Grant No. 10518 for the purposes of a non-profit-making Home for the Aged, and for such other purposes as may be approved by the Director of Social Welfare. The building height is restricted to two storeys and the maximum roofed over area is 30%. 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. The lot owner shall not alienate the lot or part thereof. The columbarium and religious institution uses are not permitted under the lease condition. For the existing breach of the lease conditions, his office issued a warning letter to the lot owner on 12.9.2017. The agent of the lot owner has submitted an application dated 20.3.2018 for regularization of lease breached and provided supplementary information via a letter dated 5.9.2018;
- (c) 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; and
- (d) should the application be approved by the Board, the applicant is required to 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.

Traffic

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

- (a) her comments are based on the understanding that this application only involves niches sold before 30.6.2017 and the niche information in respect of the licence and temporary suspension of liability (TSOL) has been verified by Private Columbaria Affairs Office (PCAO);
- (b) based on the TIA report and supplementary information submitted, she has no in-principle objection to the application from traffic engineering point of view provided that the proposed crowd and traffic management measures as detailed in Management Plan under this application is included in the licence application for the Licensing Board's approval, and PCAO will be responsible for monitoring the implementation of the management plan; and
- (c) 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.

Environment

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

- (a) no objection to the application from environmental planning and risk viewpoints in view of the applicant's commitment to adopt environmental mitigation measures and good operational practices including the followings:
 - (i) 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;
 - (ii) religious and worshipping activities would be carried out indoor, and no funeral service would be allowed in the premises;
 - (iii) there are limited number of staff at the premises;
 - (iv) the short duration (as estimated by the applicant) that visitors would be staying at the premises; and
 - (v) 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;

- (b) 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.

Licensing Aspect

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

General comments

- (a) the 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. If the applicant has submitted all the required information and supporting documents to substantiate the applications, the PCAO will circulate the application and the supporting documents to the Government bureaux/departments concerned for comments. They will be invited to provide professional advice to the Licensing Board, for example, from the traffic and environmental protection perspectives, with a view to preventing and minimizing the traffic and environmental impacts on the surroundings arising from the operations of the private columbarium. 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;

- (b) 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;
- (c) 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

Specific comments

- (d) as far as the subject columbarium is concerned, a set of specified instrument (SI) application (viz. a licence and TSOL) in respect of a pre-cut-off columbarium has been received by the Licensing Board. Site inspection to the subject columbarium has been conducted by the PCAO and the niche information in respect of the licence and TSOL has been verified. It is confirmed that the total number of niches (i.e. 5 302 niches) for the licence application conforms to that proposed by the applicant in this planning application. 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.

Urban Design and Landscape

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

Urban Design

- (a) according to the applicant's submission, the applied use would not involve any changes in the overall building form of the existing building block or proposing any new buildings on the Site. Given that the scale of the existing building bulk would not be affected by the applied use, she has no particular comment on the application from urban design and visual perspectives;

Landscape

- (b) no objection to the application from landscape planning perspective;
- (c) the Site is situated in an area of urban fringe character comprising scattered tree groups, village houses, high-density and medium-rise residential developments. Although the applied use is not in line with the planning intention of “G/IC” zone, it is not incompatible with the surrounding environment;
- (d) the Site is occupied by existing structures. Existing trees such as *Alangium chinense* (八角楓), *Cinnamomum parthenoxylon* (黃樟), *Ficus microcarpa* (細葉榕), *Ficus variagata* (青果榕) and *Sterculia lanceolate* (假蘋婆) are concentrated at the vegetated small hill in the western part of the Site. No new building is proposed and all the existing trees would be retained. Adverse impact arising from the applied use on the landscape resources is not anticipated; and
- (e) the applicant is reminded to maintain the existing trees within the Site in satisfactory condition at all times.

Fire Safety

10.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
- (b) EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or formal application to Licensing Authority.

Geotechnical Aspect

10.1.7 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no comment on the application; and
- (b) the applicant is advised that any necessary slope stabilization works should be carried out and paid for 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.

Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) the Site is within an area where connections to existing public stormwater drainage is available in the vicinity. Should the application be approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) 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; and
- (d) there is no public sewer available for connection in the vicinity of the development. EPD's comments should be sought regarding the sewage disposal arrangement of the development.

Building Matters

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) there is no record of approval by the Building Authority for the existing structures at the Site and BD is not in a position to offer comments on their suitability for the use related to the application; and
- (c) the applicant's attention is drawn to the following points:
 - (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 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 EVA 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.

Water Supply

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

- (a) no objection to the application; and

- (b) 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.

Gas Safety Aspect

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

- (a) there is a high pressure town gas transmission pipeline (running along Tai Po Tai Wo Road) in the vicinity of the Site. 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
- (b) having reviewed the revised QRA submitted by the applicant (**Appendix Id**), he has no further comment on the application from regulatory services perspective as the applicant has sought comments from the Hong Kong and China Gas Company and provided clarifications on town gas safety issue.

Others

10.1.12 Comments of the Director of Leisure and Culture Services (DLCS):

- (a) no in-principle objection to the application;
- (b) 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
- (c) no vehicle and transportation of materials passing any part of the Mui Shue Hang Playground is allowed without his consent.

10.2 The following Government departments have no objection to/adverse comment on the application:

- (a) Secretary of Home Affairs (SHA);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);

- (c) Commissioner of Police (C of P);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Director of Social Welfare (DSW);
- (f) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (g) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

11. Public Comments Received During Statutory Publication Period

11.1 On 14.9.2018, 8.1.2019, 3.5.2019, 11.6.2019 and 14.6.2019, the application and further information submitted by the applicant were published for public inspection. During the statutory public inspection periods, a total of 2 274 public comments were received, of which 23 raise objection to the application and the remaining 2 251 public comments support the application. All the public comments received are deposited at the meeting for Members' inspection and samples are attached at **Appendix III**.

11.2 A brief summary of the public comments are as follows:

Publication Period	Supporting	Opposing	Total
14.9.2018 – 5.10.2018	1 542	1	1 543
8.1.2019 – 29.1.2019	387	16	403
3.5.2019 – 24.5.2019	322	2	324
11.6.2019 – 2.7.2019	0	0	0
14.6.2019 – 5.7.2019	0	4	4
Total	2 251	23	2 274

11.3 The **23 opposing comments** were received from a Tai Po District Council Member (**Appendix III(1)**), villagers and individuals (**Appendix III(2) to III(7)**) including 16 public comments in the form of five types of standard letters (**Appendices III(8) to III(12)**). They object to the application mainly on the following grounds:

- (a) green burial is applicable to Hong Kong and it should be encouraged by the Government in order to replace the traditional columbarium development. The Government has already provided adequate columbarium niches. There is no need for the development as it will allow greedy business persons to make profits through private columbaria. The Government should take strict enforcement actions to clear unauthorised building structures immediately, otherwise, the applicant will keep on applying every year and harms the interests of the general public;
- (b) Kam Shan Road is the only one-lane two-way local road connecting to other areas of Tai Po which is already congested during festival days. The development and surrounding areas also lack parking facilities. The development will aggravate traffic congestion and parking problems in Kam Shan area affecting the livelihood of the residents in the area, in particular worsening the traffic chaos during festival days, posing threats to pedestrian safety and public health in addition to noise pollution from the increased vehicular traffic;

- (c) the operation of the columbarium will cause nuisance and generate adverse environmental, visual, noise, psychological and health impacts on the nearby residents. It would also affect the tranquil living environment in the area;
- (d) the cumulative impacts on traffic, environment and public health aspects arising from the development and nearby columbaria;
- (e) the previous use of Poh Yea Ching Shea was for home for the aged purpose which has ceased operation since the elderlies have passed away. Changing the use of the Site will result in land use incompatibility issues with the surrounding areas, in particular, the nearby residential areas; and
- (f) the approval of the application will set an undesirable precedent for similar applications.

11.4 The **2 251 supporting comments** were from local residents and individuals, all of which are in the form of three types of standard letters (**Appendices III(13) to III(15)**). Their views are summarized as follows:

- (a) this application is to regularize the sold niches in accordance with the PCO for protecting the rights/interests of those who have already bought niches at the subject columbarium;
- (b) if the application is to be approved, the columbarium can help to meet the demand for columbarium niches in Hong Kong;
- (c) the proposed use of environmental furnace can effectively reduce potential air pollution;
- (d) the columbarium will not generate traffic problems because the Site is close to the Tai Wo MTR station and easily accessible;
- (e) the proposed management measures of not allowing visitors to drive to the Site during the festival days will avoid impact to the traffic conditions and residents in the surrounding areas;
- (f) the columbarium is surrounded by trees and slopes with the adjoining elevated road shielding the Site from the surrounding areas and there is a considerable distance between the Site and the nearby residential areas. As such, it will not result in adverse visual impacts and the Site is considered suitable for columbarium use; and
- (g) the outstanding management team of the development will ensure no adverse impacts generated to the local residents.

12. Planning Considerations and Assessments

The Proposal

- 12.1 The proposal is to regularize the existing columbarium use, which is a Column 2 use under the “G/IC” zone requiring planning permission from the Board. The Site, under the name of Poh Yea Ching Shea, comprises four columbarium halls on the 1/F of the existing two-storey building on the Site. According to the applicant, all the niches under application (5 302 niches) have been sold before 30.6.2017, of which 1 035 niches have been occupied. There are also 174 memorial plates accommodated in a hall on G/F of the existing building. The other uses include worshiping halls, offices, gathering area with mini-store for worshippers, toilets and store rooms in the existing buildings resemble those for a religious institution and are always permitted within “G/IC” zone.

Planning Intention

- 12.2 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. The Site was rezoned from “O” to “G/IC” in 2007 to reflect the existing religious institution use at the Site. According to the applicant, the Site was once used as a home for the aged and part of the building was converted into columbarium use in 2009 while retaining substantial portion of the building for religious institution use. The application for planning permission is to regularise the existing columbarium use. 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.

Land Use Compatibility

- 12.3 The Site is located near the south-eastern corner of Mui Shue Hang Playground adjacent to vegetated slope bounded by Tai Po Tai Wo Road to the south, and Lam Tsuen River to the north. The Site is at a secluded and tranquil location generally shielded by roadside slopes and tall trees or separated by Lam Tsuen River. The nearest Kam Shek New Village is about 80m away whereas Tai Po Tau Shui Wai Village, Parc Versailles and Po Nga Court located on the other side of Lam Tsuen River are about 80m, 130m and 140m from the Site respectively. As the application is to regularize the columbarium and associated uses within the existing 2-storey building without changes in the overall building bulk and built form of the existing building block, the development is not expected to cause significant visual and landscape impacts on the surrounding areas. In this regard, CTP/UD&L of PlanD has no objection to the application from visual and landscape perspectives.

Traffic Impact and Crowd Management

- 12.4 The applied use is the subject of a previous application (No. A/TP/461) submitted by the current land owner and rejected by the Committee in 2012 solely on traffic grounds. As compared with the previous application, the major development

parameters are similar in the current application, except that (i) the number of niches is reduced from proposed 5 993 to 5 302 which are the number of niches sold before 30.6.2017, and (ii) non-provision of car parking spaces, L/UL facilities and vehicular access in the current application.

- 12.5 To address the potential traffic problems caused by the columbarium use, the applicant, under the current application, has submitted a proposed Management Plan and a TIA report. According to the Management Plan (with traffic and crowd management measures), there will be no parking facilities within the Site. As the Site is located within walking distance from Tai Wo MTR Station and other public transport facilities, it is expected that majority of the visitors will take public transport and walk to the Site. For the small number of car users, there are a number of sizable public car parks within walking distance of the Site (**Drawings A-5 and A-6**). Moreover, on Ching Ming and Chung Yeung Festival Days as well as the immediate Saturday and Sunday before and after the Festival Days, visitors can only visit the Site by visit-by-appointment system, and a maximum number of 85 persons will be allowed to be present on the Site at any time. Other traffic and crowd management measures such as earlier opening hours on festival days; admission control system in front of the main building within the Site by setting up temporary holding area; informing the visitors and the public about special traffic arrangement by notices, emails or letters; and providing directional signs around the Site will also be implemented. The TIA report also concludes that, with the traffic and crowd management measures proposed, the columbarium (including the memorial plates) will not pose adverse traffic impacts to the road and pedestrian network in Tai Po. The traffic and crowd management measures would be incorporated into the management plan in the licence to be monitored by PCAO. In view of the above, both C for T and C of P have no objection to the application.

Environmental Impact

- 12.6 According to the applicant, environmental mitigation measures and good operational practices will be adopted including the proper use of a smokeless joss paper furnace; indoor religious and worshipping activities; no funeral service would be allowed in the premises; implementation of his own sewage treatment and disposal measures; and provision of portable chemical toilets to cater for the surge of visitors during festival days. The applicant has also submitted a revised QRA report to demonstrate that the columbarium will not have any adverse impacts on gas safety. In view of the above, DEP has no objection to the application.
- 12.7 Taking into account the considerable separation from nearby villages and residential developments, the characteristics of the surrounding areas and the proposed environmental mitigation measures to be taken by the applicant, the columbarium use is unlikely to cause significant environmental impacts on the surrounding areas.

Licensing Matters

- 12.8 As advised by DFEH, the applicant has submitted an application for a licence for the columbarium use, which is being processed by the PCAO according to the prevailing procedure. DFEH has confirmed that the total number of niches (i.e.

5 302 niches) for the licence application to be submitted to the Licensing Board conforms to that proposed by the applicant in this planning application and the niche information in respect of the licence and TSOL has been verified by PCAO. Any private columbarium which applies for a licence must comply with the requirements specified by the Licensing Board, including land-related, building-related, right to use the columbarium premises, fire safety, etc. Depending on the actual circumstances of each application and having regard to the views of relevant bureaux and departments and other parties concerned, the Licensing Board may impose conditions as it thinks fit.

- 12.9 Other Government departments consulted including DLO/TP of LandsD, DSW, CBS/NTW of BD, DLCS, SHA, CE(MN) of DSD, CE/C of WSD, PM(N) and H(GEO) of CEDD, DEMS, CHE/NTE of HyD and D of FS have no in-principle objection to/no comment on the application.

Town Planning Board Guidelines

- 12.10 In view of the above, the current application to regularize columbarium use within an existing religious institution generally complies with the TPB Guidelines for Application for Development/Redevelopment within “G/IC” zone for Uses other than GIC uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16). The columbarium use is not incompatible with the existing religious institution use on the Site, and the Site is located at a secluded and tranquil location generally shielded by roadside slopes and tall trees or separated by Lam Tsuen River. The development is not expected to cause significant visual and landscape impacts on the surrounding areas and the applied use would not cause adverse traffic and environmental impacts.

Similar Application

- 12.11 There is no similar application for columbarium use within the same “G/IC” zone or other “G/IC” zones on the Tai Po OZP. Nevertheless, the Committee, on 19.7.2019, has approved a columbarium at Siu Ling Shan (Ling Hin Fat Yuen) 小靈山 (靈顯法院) (Application No. A/TP/652) in “GB” zone falling within the same Kam Shan/Shek Kwu Lung Cluster. That application was approved mainly on the considerations of being not incompatible with the surrounding land uses; no adverse traffic impacts was anticipated; and being generally in line with the Town Planning Board Guidelines No. 10 in that no trees were affected and other concerned departments had no objection to or adverse comment on the application. It should also be noted that the columbarium under the application is within an established religious institution situated at a location with considerable separation from residential developments, with no anticipated adverse traffic and environmental impacts on the surroundings; and relevant Government departments have no objection to/adverse comments on the application. The circumstances of the current application is similar to that approved application.

Public Comments

- 12.12 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 11, concerned Government departments’ comments and the planning assessments above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 29.11.2023, 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. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the number of niches and memorial plates within the Site shall not exceed 5 302 and 174 respectively;
- (b) the submission and implementation of fire service installations and water supplies for fire-fighting proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission

14.2 Should the Committee decide to approve the 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.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I Application form and attachments received on 3.9.2018

Appendix Ia Planning Statement including a Traffic Impact Assessment (TIA) report and a Geotechnical Planning Review Report (GPRR)

Appendix Ib	Further information (FI) received on 2.1.2019 providing responses to departmental comments and public comments, clarification on the number of niches, a Quantitative Risk Assessment (QRA) report and a Traffic Management Plan
Appendix Ic	FI received on 24.4.2019 providing responses to departmental comments and a Management Plan (comprising traffic and crowd management and contingency plans)
Appendix Id	FI received on 29.5.2019 providing responses to departmental comments and a revised QRA report
Appendix Ie	FI received on 4.6.2019 providing responses to departmental comments and a revised Management Plan (comprising traffic and crowd management and contingency plans)
Appendix If	FI received on 2.10.2019 providing responses to departmental comments
Appendix Ig	FI received on 14.10.2019 providing responses to departmental comments and clarification on niche information
Appendix Ih	FI received on 4.11.2019 providing clarifications on background information and a revised G/F floor plan
Appendix II	Previous application
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-6	Drawings submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4g	Site photos

**PLANNING DEPARTMENT
NOVEMEBR 2019**