

**TOWN PLANNING BOARD GUIDELINES FOR  
APPLICATION FOR DEVELOPMENT/REDEVELOPMENT WITHIN  
"GOVERNMENT, INSTITUTION OR COMMUNITY" ZONE FOR USES OTHER THAN  
GOVERNMENT, INSTITUTION OR COMMUNITY USES  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board (the Board) and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 22315000.

The Guidelines are liable to revision without prior notice. The Board will only make reference to the Guidelines current at the date on which it considers an application.)

## 1. Scope and Application

- 1.1 "Government, Institution or Community" ("G/IC") zones are designated on statutory plans to reflect the existing Government, Institution or Community (GIC) uses and to reserve sites for future provision of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, also serve as "breathing space" within a high-rise and high-density environment. Some areas/sites are also zoned "G/IC" to cater for unforeseen future demands and for which no specific GIC uses have been designated for the time being.
- 1.2 Over the years, due to changing demographic structure and revisions to the standards and requirements of provision of GIC facilities, some existing or planned facilities may become surplus, obsolete or under-utilised while some others may require in-situ expansion or reprovisioning elsewhere so as to meet the current and anticipated future operational needs. In these circumstances, opportunities exist for some "G/IC" sites to be developed/redeveloped for non-GIC uses or for a mixture of GIC and non-GIC uses.
- 1.3 Use of "G/IC" sites for non-GIC uses which fall within Column 2 of the Notes for the "G/IC" zone may or may not be permitted with or without conditions on application to the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The planning permission system will enable the Board to maintain adequate planning control over the use of "G/IC" sites and yet allow sufficient flexibility in accommodating the changing aspirations and requirements of the community, and sometimes to meet demand for better utilisation of the site potential.
- 1.4 Applications for development/redevelopment within a "G/IC" zone for non-GIC uses will be considered by the Board on individual merits and in accordance with the main planning criteria set out in paragraph 2 below.
- 1.5 As a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the "G/IC" zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted.
- 1.6 If the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided

for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance.

- 1.7 This set of Guidelines is applicable to both development and redevelopment of "G/IC" sites for non-GIC uses, including a mixture of GIC and non-GIC uses.

## 2. Main Planning Criteria

- 2.1 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. For applications for development/redevelopment for non-GIC uses within a "G/IC" site, the applicant should satisfactorily demonstrate the following:
  - a. in the case of a "G/IC" site designated with specific uses,
    - i. the application site is no longer required for the designated GIC uses, or adequate reprovisioning of the designated GIC uses is provided either in-situ or elsewhere; and
    - ii. there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities; or
  - b. in the case of an undesignated "G/IC" site, the application site is no longer required to be reserved for any GIC uses; and
  - c. the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- 2.2 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.
- 2.3 The proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas.
- 2.4 The scale and intensity of the proposed development should be in keeping with that of the adjacent area. In this regard, development restrictions stipulated on the statutory plan for similar development in the locality and the prevailing development restrictions administratively imposed by the Government on nearby similar developments (e.g. development restrictions in Special Control Areas and plot ratios in accordance with the density zones under the HKPSG) would be taken into consideration.
- 2.5 The scale and design of the proposed development 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. Where one of the planning intentions of the existing/designated GIC development on the site is to serve as a "breathing space" or visual break within a high-rise and high-density environment, the proposed development should be designed in such a way that this planning intention would not be undermined.
- 2.6 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.
- 2.7 There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the HKPSG and to the

satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.

- 2.8 The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
- 2.9 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.
- 2.10 For "G/IC" sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas. A master landscape plan (including a detailed survey of the existing trees, proposals on preservation of the trees, tree transplanting, compensatory planting and, where appropriate, an indication of the proposed hard finishes of all landscape areas, slopes and retaining structures) should be submitted to the Board for consideration.
- 2.11 The design and layout of the proposed development should have regard to the preservation of any existing buildings of historical or architectural values on or adjoining the application site.
- 2.12 The financial viability of a development/redevelopment proposal in support of the GIC elements to be provided, the status of the land under lease and the planning gains to be brought about by the proposed development would also be part of the considerations of the Board when assessing the proposal. However, the amount of weight to be given to these considerations would depend on the circumstances and merits of each case. Under normal circumstances, planning considerations such as land-use compatibility, traffic and environmental impacts, and landscape and urban design concerns would take precedence.
- 2.13 All other statutory or non-statutory requirements of relevant Government departments should be met.

### 3. In-situ Conversion of "G/IC" Building for non-GIC Uses

- 3.1 With the exception of the criteria under para. 2.4, 2.5, 2.10 and 2.11 mentioned above, this set of Guidelines is also applicable to proposed in-situ conversion for non-GIC uses of an existing "G/IC" building, or part thereof, within the "G/IC" zone.

**Previous s.16 Applications on the Application Site**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/TM/255	Redevelopment of Lung Chuen Ging Say	28.1.2000	(1) to (4)
A/TM/306	Minor Amendments to Approved Development Scheme for Redevelopment of the existing Lung Chuen Ging Say (temple and memorial garden) including columbarium use	10.10.2003	(1) to (3)
A/TM/316	Minor Amendments to an Approved Development Scheme for Redevelopment of the Existing "Lung Chuen Ging Say" (temple and memorial garden) including Columbarium Use	4.5.2004	(1) to (4)
A/TM/373	Proposed Religious Institution including Columbarium Use	18.7.2008	(1) to (3)

**Approval Condition(s)**

- (1) The submission and implementation of landscape proposals, including a tree preservation plan.
- (2) The provision of an emergency vehicular access and fire services requirements.
- (3) The submission of a drainage impact assessment and the implementation of mitigation measures.
- (4) The permission shall cease to have effect on a specific date, unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

**Similar s.16 Applications for Columbarium  
Within the same G/IC zone on the Tuen Mun OZP**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
<b>Fat Yuen Ching Shea 佛緣精舍 (9,160 niches)</b>			
A/TM/398	Proposed Columbarium	30.11.2012 [approved on review]	(2) to (5)
<b>Shan Yuan 善緣 (5,000 niches)</b>			
A/TM/387	Proposed Columbarium	21.8.2009 [revoked on 4.4.2012]	(4),(6) and (8)
A/TM/437	Columbarium	20.7.2012	(1) and (6)
<b>Shan Guo 善果 (8,000 niches)</b>			
A/TM/441	Proposed Columbarium	5.4.2013	(2) to (4), (6) to (7)

**Approval Condition(s)**

- (1) Submission and implementation of fire fighting and fire service installations
- (2) Design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.
- (3) Submission and/or implementation of traffic and crowd management plan (TCMP) (including the traffic impact assessment (TIA) )
- (4) Submission and/or implementation of emergency vehicular access (EVA), water supply for fire fighting and fire services installations proposal
- (5) Submission and/or implementation of remedial works
- (6) Submission and/or implementation of landscape and tree preservation proposal with tree survey report
- (7) Submission and/or of the design of the vehicular drop-off area adjoining the site and the footpath connect to the site
- (8) Submission and/or implementation of stormwater disposal facilities

## **Rejected Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Sin Sam Tong at Tsing Shan Tsuen 善心堂 (2,000 niches)			
A/TM/434	Proposed Columbarium Use	18.5.2012 (Rejected by TPB)	(1) to (3)
Lin Chi Ching Yuen 蓮池淨苑 (1,220 niches)			
A/TM/465	Proposed Columbarium Use	21.8.2015	(4)

### **Rejection Reason(s)**

- (1) Visitors and residents in very close proximity shared same access. Activities of columbarium would cause nuisance to nearby residents and could not be considered compatible with adjacent developments.
- (2) The proposed columbarium would pose potential pedestrian and traffic impacts on the surrounding road network.
- (3) The applicant failed to demonstrate that the proposed columbarium would not result in adverse environmental and landscape impacts on the surrounding areas. No technical assessment and mitigation measure to address such impacts.
- (4) the applicant fails to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.

**Similar s.16 Applications for Columbarium Use  
within other “G/IC” zones on the Tuen Mun OZP**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
Ching Chung Sin Yuen 青松仙苑 (113,000 urns)			
A/TM/259	Proposed Addition of Columbarium	18.2.2000	(1)
A/TM/267	Addition of Columbarium Structures	8.9.2000	Nil
A/TM/329	Proposed Addition of Columbarium, tuck shops and toilet (Amendments to an approved under Application No. A/TM/259)	10.6.2005	(1) and (2)

**Approval Condition(s)**

- (1) The submission and implementation of landscaping proposals, including a tree preservation plan.
- (2) The provision of an emergency vehicular access, water supplies for fire fighting and fire services installations.
- (3) No burning activity, as proposed by the applicant, is allowed within the Premises at any time during the planning approval period.
- (4) The submission of a crowd management plan (CMP) and timing of implementation.
- (5) In relation to (4) above, the implementation of the proposed measures identified in the approved CMP.
- (6) The submission and implementation of water supply for fire fighting and fire services installations proposal.
- (7) The submission and implementation of drainage and sewerage proposals including connection to public sewer.

**Rejected Application**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
Gig Lok Monastery at Fu Tei 極樂寺 (4,900 niches)			
A/TM/419	Proposed Columbarium Use	1.2.2013 (Rejected by TPB upon review)	(1) to (6)

**Rejection Reason(s)**

- (1) The applicant failed to demonstrate any planning merits of the proposed development.
- (2) The proposed development with 4,900 niches would pose adverse traffic impact on the surrounding road network. There was doubt on the implementability of the road layout in particular footpath widening on government land as proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed.
- (3) The applicant failed to demonstrate that the effectiveness of the traffic management scheme to ensure that the proposed development would not create adverse traffic impact on the surrounding area, in particular during festival periods.
- (4) The proposed development, which involved trees felling was considered not acceptable. There was doubt on the implementation of the landscape proposal which involved planting of new trees on government land.
- (5) The applicant failed to demonstrate that the proposed development would not create

conflict and cause nuisances to the residents in surrounding areas.

- (6) 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 aggravate the traffic congestion in the district and nuisances to the nearby residents.



**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application Site;
- (b) to note DLO/TM, LandsD's comments that
  - (i) the lease conditions restrict that the Lot shall be used for a temple and a columbarium containing not more than 5,000 niches. The proposal contravenes the lease conditions. The applicants will need to apply to Lands Department (LandsD) for a lease modification to effect the proposal on the Lot. The proposal will only be considered upon receipt of formal application from the applicants. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, amongst others, charging of premium and administrative fee;
  - (ii) the lease conditions restrict that the total GFA of any building erected shall not exceed 3,625m<sup>2</sup> of which not more than 2,379m<sup>2</sup> shall be for columbarium. It is mentioned in the planning statement that there will be only changes of internal layout. Irrespective of whether approval will be given to the proposal, LandsD reserves the right to comment on the development submissions when received. There is no guarantee that the development submissions will be approved and the GFA calculation would be accepted under the lease conditions. LandsD reserves the right to take any enforcement action should any breaches of lease conditions be found;
- (c) to note the comments of the Director of Food and Environmental Hygiene that:
  - (i) The Private Columbaria Ordinance (the PCO), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal.
  - (ii) 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 PCLB), 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 PCLB for approval. The management plan should show that suitable measures on traffic and public transport arrangement or management would be taken to minimise any adverse impact that operation of the columbarium may have on the neighbourhood.
  - (iii) In determining whether to approve an application for licence, the PCLB must have regard to the public interest and may have regard to any other

relevant considerations.

- (iv) According to his record, the PCLB has approved the issue of a licence in respect of the columbarium named as the Filial Park with an approved ash interment capacity of 9,996 sets of ashes (within 4,998 double-urn niches). The validity period of this licence is from 1.2.2019 to 31.1.2029. If the operator of a licensed private columbarium intends to install new niches within the licensed premises, he/she may either apply for a new licence for the proposed new niches under Section 18 of the PCO or apply for alternation or addition to the columbarium premises under Section 53 of the PCO. In determining an application for a licence, the PCLB must have regard to the public interest and may have regard to any other relevant considerations. Depending on the actual circumstances, the PCLB may seek advice from relevant Government department(s) on matters relating to their purview in considering the above applications.
- (d) to note the comments of Commissioner for Transport that the applicants shall be ***requested to conduct a trial run of the transport and management plan to demonstrate the practicality and enforceability of the plan to TD's and Police's satisfaction and such requirement will be made by TD at the columbaria licensing application stage under the Private Columbaria Ordinance and that the applicants*** shall be responsible for the management and implementation of the transport and management plan or the applicants shall coordinate with all columbaria in the vicinity on the management and implementation responsibilities of the transport and management plan;
- (e) to note the comments of Commissioner of Police that stakeholders along Yeung Tsing Road to be affected by the proposed traffic arrangement during festival periods should be consulted in advance and prior informed consents are required from them;
- (f) to note the comment of the Director of Environmental Protection that details of the eco-furnace shall be provided to his department under the PCO. Besides, it is the applicants' obligation to comply with all relevant ordinances, including the Noise Control Ordinance. The applicants are reminded to implement appropriate mitigation measures / practices as set out in the Recommended Pollution Control Clauses for Construction Contracts which are available at the following website: [https://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc\\_1.html](https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html)
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note Chief Buildings Surveyor/ New Territories West, Buildings Department's comments that:
- (i) Before any new building works or alterations and addition works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). In this connection, the accountable GFA in relation of the class of site may also be reviewed upon the plan submission stage;

- (ii) if the proposed use under application is subject to the issue of a licence, the applicants are reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - (iii) noting the proposed development is a columbarium, the premises should comply with specified design and construction requirements for columbarium facilities as outlined in PNAP APP-154;
  - (iv) detailed comments under the BO will be provided at the building plan submission stage;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that
- (i) the applicants/operator of the columbarium should make their own arrangement for the proposed temporary traffic arrangement. Any street furniture/ signage temporarily removed by the applicants/ operator of the columbarium should be reinstated to his satisfaction and the satisfaction of TD; and
  - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (j) to note the comments of the Secretary for Home Affairs that should the applicants wish to apply for concessionary land premium for the development, he would only consider giving policy support for concessionary premium for land grant cases relating to religious facilities only if the applicants are bona fide religious and charitable organisations under section 88 of the Inland Revenue Ordinance under the prevailing policy;
- (k) to note the comments of the District Officer/ Tuen Mun that any negative impacts of the proposed columbarium to the local community should be minimised as far as possible; and
- (l) to liaise with the nearby residents and other parties including concerned Tuen Mun District Council members and schools, if required, and to provide them with relevant information of the development to address their concern(s).