

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/527

- Applicants** : Yan Chai Hospital and Fung Ying Seen Koon represented by John Hui & Associates
- Application Site** : Filial Park, 25 Yeung Tsing Road, Tuen Mun, New Territories
- Site Area** : 2,790m² (about)
- Lease** : Tuen Mun Town Lot No. 462:
(a) shall erect and maintain on the Lot a temple (“the Temple”) and a columbarium consisting of not more than 5,000 niches (“the Columbarium”)
(b) shall be used for Temple, the Columbarium, a garden and such ancillary facilities only
(c) total GFA shall not exceed 3,625m² of which not more than 2,379m² for the Columbarium and not less than 691m² for the Temple;
(d) the Gateway shall not exceed 14m², whereas the GFA of the Covered Areas shall not exceed 13m² for building(s) used for Columbarium and shall not exceed 16m² for building(s) used for the Temple
(e) total site coverage of any building or buildings erected or to be erected on the Lot shall not exceed 66.67%
(f) no part of any building or other structure erected or to be erected on the Lot together with any addition or fitting to such building or structure may exceed the aggregate height of 43.5m above HKPD;
(g) A non-exclusive right of way connecting between the Lot and Yeung Tsing Road was granted to the Grantee who shall uphold, maintain and repair the same.
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34 (in force at the time of submission)
- Approved Tuen Mun OZP No. S/TM/35 (currently in force. The zoning and development restrictions for the Site remain unchanged)

Zoning : “Government, Institution or Community” (“G/IC”)
[*maximum building height restriction of 5 storeys excluding basement floor(s)*]

Application : Proposed Columbarium and Religious Institution use

1. **The Proposal**

- 1.1 The applicants seek planning permission for columbarium use within the existing Taoist temple and columbarium building, namely Filial Park (思親公園). The application site (the Site) falls within an area zoned “G/IC” on the approved Tuen Mun OZP No. S/TM/35 (**Plan 1**). According to the Notes for the “G/IC” zone on the OZP, ‘Religious Institution’ use is under Column 1 which is always permitted while ‘Columbarium’ use is under Column 2 which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is the subject of four previously approved applications (Applications No. A/TM/255, A/TM/306, A/TM/316 and A/TM/373) for the same applied use submitted by one of the applicants of the current application. Filial Park has been completed under Application No. A/TM/373 and has been in operation since March 2013. The existing columbarium with 4,998 niches (9,996 urns) has obtained licence under the Private Columbaria Ordinance on 17.1.2019.
- 1.3 The current application involves an increase in the number of niches from 5,000 (i.e. the number of niches under Application No. A/TM/373) to 6,265 on G/F, 1/F and 2/F and accommodation of 7,150 number of ancestral tablets in the existing memorial halls on 2/F of the columbarium. The proposal only involves alteration and addition to the internal layout of the existing columbarium (**Drawings A-1 to A-6**). There are no additional structures or alteration to the external walls of the columbarium. The proposal will not involve changes in Gross Floor Area (GFA) and building height (BH) of the existing columbarium. Comparison of the major development parameters of A/TM/373 and the current proposal are summarised as follows.

Development Parameters	Previously Approved Application No. A/TM/373 (a)	Current Application No. A/TM/527 (b)	Differences (b)-(a) (%)
1. Site Area (m ²)	2,790	2,790	0 (0%)
2. Total GFA (m ²)	3,985	3,911.558	-73.442 (-1.84%)*
3. Total Plot Ratio	1.428	1.402	-0.026 (-1.82%)*
4. Total Site Coverage	Not more than 66.6%	Not more than 66.6%	No change
5. No. of Building Structures	1	1	No change
6. No. of Storeys	4+1 small basement for E&M facilities	4+1 small basement for E&M facilities	No change

Development Parameters	Previously Approved Application No. A/TM/373 (a)	Current Application No. A/TM/527 (b)	Differences (b)-(a) (%)
7. No. of Car Parking Spaces	3	3	No change
8. No. of Niches	5,000 [^]	6,265 [^]	+1,265# (+25.3%)
9. No. of Ancestral Tablets	0	7,150	+7,150
10. Main Uses	Main Temple Niche Room Columbarium Memorial Hall Administration Office Public Lavatories	Main Temple Niche Room Columbarium Memorial Hall Administration Office Public Lavatories	No change

* The changes are Class A amendments and have been processed in the building plans submissions before issue of Occupation Permit.

The no. of approved niches under A/TM/373 is 5,000 while the existing number of niches are 4,998 according to the applicants' planning statement. Therefore, the additional number of niches in the current application is 1,265 (i.e. excluding two unbuilt niches which have been approved in No. A/TM/373).

[^] All are double-urn niches

1.4 The Site is accessible by an access road connecting with Yeung Tsing Road. There are three parking spaces for private vehicle for staff use as required under the previous approved application (No. A/TM/373). Visitors are encouraged to visit Filial Park by public transport. Temporary traffic arrangement (TTA) proposed by the applicants include diversion of traffic at the junction of Yeung Tsing Road and Hing Choi Street and confining pick-up/drop off activities at Hing Choi Street (**Drawing A-7 and Plan A-1a**).

1.5 In support of the application, the applicants have submitted the following documents:

- (a) Application form received on 11.6.2018 **(Appendix I)**
- (b) Planning Statement received on 11.6.2018 **(Appendix Ia)**
- (c) Letter dated 8.6.2018 clarifying the OZP information in the planning statement **(Appendix Ib)**
- (d) Further Information (FI) received on 3.9.2018 responding to the comments of Environmental Protection Department (EPD) and Drainage Services Department (DSD) **(Appendix Ic)**
[The FI was accepted and exempted from publication and recounting requirements.]
- (e) FI received on 31.12.2018 attaching a revised **(Appendix Id)**

Traffic Impact Assessment (TIA)

[The FI was accepted but not exempted from publication and recounting requirements.]

- (f) FI received on 18.4.2019 attaching a revised TIA **(Appendix Ie)**
[The FI was accepted but not exempted from publication and recounting requirements.]
- (g) FI received on 22.5.2019 attaching a revised TIA and clarification on the proposed niches **(Appendices If and If(a))**
[The FI was accepted but not exempted from publication and recounting requirements.]
- (h) FI received on 28.6.2019 providing clarification on the TIA and consolidated TIA **(Appendix Ig)**
[The FI was accepted and exempted from publication and recounting requirements.]
- (i) FI received on 9.7.2019 providing clarification on the TIA **(Appendix Ih)**
[The FI was accepted and exempted from publication and recounting requirements.]

1.6 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Board on 3.8.2018, 2.11.2018 and 22.2.2019. On 3.8.2018, 2.11.2018 and 22.2.2019, the Committee decided to defer a decision on the application for a total of six months (two months in each deferment) as requested by the applicants in order to allow more time to prepare FI to address the departmental comments received. Subsequently, the applicants submitted FI for the application on 3.9.2018, 31.12.2018, 18.4.2019, 22.5.2019, 28.6.2019 and 9.7.2019. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are summarised as follows:

- (a) The proposed development is in line with the planning intention of “G/IC” zone which is to provide land for organisations providing social services to meet community needs. The proposed increase of number of niches would help relieve the prevailing demand in Hong Kong.
- (b) The proposed development will be located within the existing Filial Park (a temple and columbarium building) which have been in operation for more than 5 years at the Site. It was observed that the Filial Park is compatible with the surrounding uses.

- (c) The TIA has demonstrated that the proposed development would not have any adverse impact to the surroundings. The estimated saturation of vehicular traffic flow at the junction between Yeung Tsing Road and Hing Choi Street would be improved by the proposed temporary traffic arrangement. The footpaths are of adequate capacities to accommodate the estimated pedestrian traffic for the proposed addition of niches and accommodation of ancestral tablets.
- (d) The proposed development would not have any adverse environmental impacts on air quality and noise. As only minor interior works, such as removal of glass block walls, erection of niche cabinets and associated fitting-out works are involved, there will be no significant dust and noise impacts with good site practices in compliance with relevant regulations in place. There would be no joss paper burning activities in the columbarium. The applicants are studying the feasibility of implementation of eco-furnace outdoor.
- (e) No adverse drainage impact is anticipated since the proposed development will only involve addition of niche cabinets inside the existing columbarium and accommodation of ancestral tablets inside the existing temple (memorial hall) of the existing building. The existing drainage measures implemented would not be affected. There would be no increase in surface runoffs.
- (f) No adverse sewerage impact is anticipated. The existing sanitary fitments and sewage drain pipes are properly connected to the Government Sewage System at the time of completion of the subject building in 2012. The proposed development would not increase the extent of area of the existing columbarium on G/F, 1/F and 2/F.
- (g) The proposed development is in compliance with the design requirements for columbarium facilities issued by Buildings Department (PNAP APP-154), in terms of the means of escape, fire resisting construction, means of fire fighting and rescue, provision of sanitary facilities and provision of barrier free access.

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

The applicants are the sole ‘current land owners’ of the Site. Detailed information would be deposited at the meeting for Members’ 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 Government, Institution or Community (GIC) Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 16) (**Appendix II**) is relevant to this application. The relevant criteria of the Guidelines are summarised as follows:

- (a) as a general rule, for sites zoned “G/IC”, a major portion of the proposed development should be dedicated to GIC and other uses including public open space. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the “G/IC” zone and, unless with very strong justifications and under special circumstance, planning permission for such development would not be granted;
- (b) in general, sites zoned “G/IC” are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised;
- (c) the proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas. The scale and intensity of the proposed development should be in keeping with that of the adjacent area. The proposed scale and design should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area;
- (d) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure. There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. Adequate vehicular access arrangements should be provided to the satisfaction of the Transport Department; and
- (e) the proposed development should not cause, directly, or indirectly, the surrounding areas to be susceptible to adverse environmental impacts, otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

5. Background

The Private Columbaria Ordinance

- 5.1 The Private Columbaria Ordinance, 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.

Tsing Shan Tsuen Cluster (Plan A-1b)

- 5.2 According to the information provided by Food and Environmental Hygiene Department (FEHD), there are 13 applications for Special Instrument under the Private Columbaria Ordinance within Tsing Shan Tsuen Cluster. Amongst the applications, four of them have obtained planning approval (details please see paragraphs 6 and 7) and the remaining are yet to obtain planning permission from the Committee. FEHD advised that there is an overall of about 17,194 niches that has already been sold¹ and 4,247 unsold niches in the cluster area in 2017.

6. Previous Applications (Plan A-1)

The Site is the subject of four previous Applications No. A/TM/255, A/TM/306, A/TM/316 and A/TM/373 which all involved 5,000 niches. Application No. A/TM/225 was approved with conditions by the Committee on 28.1.2000 on considerations including the proposed development was in line with the planning intention of “G/IC” zone; it was not incompatible with the surrounding land uses and no significant adverse visual and environmental impact on the surrounding areas. The remaining three applications were related to minor amendments to the approved scheme which were approved on 10.10.2003, 4.5.2004 and 18.7.2008 respectively on considerations including no adverse visual or environmental impacts on the surrounding areas and the application is generally in line with the planning intention of “G/IC” zone. Details of the applications are provided at **Appendix III**.

7. Similar Applications (Plan A-1)

Within the same “G/IC” zone

- 7.1 Within the same “G/IC” zone, the Committee or the Board have approved with conditions three columbarium developments and the Committee rejected two applications.

Approved applications

- 7.2 The three approved applications are Fat Yuen Ching Shea (佛緣精舍) (Application No. A/TM/398) with 9,160 niches approved on 30.11.2012, Shan Yuan (善緣) (Application No. A/TM/437) with 5,000 niches approved on 20.7.2012 and Shan Guo (善果) (Application No. A/TM/441) with 8,000 niches approved on 5.4.2013. They are all within the same “G/IC” zone near Tsing Shan Tsuen in Tuen Mun (**Plan A-1**). They were approved with conditions on

¹ According to FEHD, the number of sold and interred niches is 7,436 and sold but yet to be interred is 9,758 covering the 13 columbaria within Tsing Shan Tsuen cluster which have submitted application for Special Instrument under the Private Columbaria Ordinance. The aggregated niche data are compiled based on the niche information provided by the private columbaria in 2017 but yet to be verified by FEHD.

similar considerations including not incompatible with the surrounding land uses; generally in line with the planning intention of the “G/IC” zone; unlikely to have any significant adverse traffic, visual or environmental impacts.

Rejected applications

- 7.3 Sin Sam Tong (善心堂) with 2,000 niches under Application No. A/TM/434 was rejected by the Committee on 18.5.2012 for reasons of incompatibility with the adjacent developments; failure to demonstrate the pedestrian and vehicular traffic impacts could be satisfactorily addressed and; adverse environmental and landscape impacts.
- 7.4 Lin Chi Ching Yuen (蓮池淨苑) with 1,220 niches under application No. A/TM/465 for columbarium use was rejected by the Committee on 21.8.2015 as it failed to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.

Applications being processed

- 7.5 There are three planning applications for columbarium use in the vicinity of the Site being processed. Planning application (i.e. No. A/TM/531) to the east of Yeung Tsing Road (**Plan A-1**) involving a total number of 3,000 niches was received on 10.8.2018. The application was deferred for the third time on 17.5.2019 as requested by the applicant in order to allow more time to prepare FI to address the departmental comments received. Another two applications (i.e. A/TM/537 (娑羅精舍) and A/TM/541 (蓮池淨苑)) are located to the west of Yeung Tsing Road. Application No. A/TM/537 is for regularisation of 4,444 niches and 48 memorial tablets which was received on 12.2.2019. The application is tentatively scheduled for consideration by the Committee on 2.8.2019. Application No. A/TM/541 is for provision of 1,210 niches at Lin Chi Ching Yuen which was received on 19.6.2019. The application is tentatively scheduled for consideration by the Committee on 16.8.2019.

Within other “G/IC” zones on Tuen Mun OZP (**Plan A-1**)

- 7.6 The Committee has considered four applications involving two sites for columbarium use in other “G/IC” zones on the Tuen Mun OZP. Three were approved and the remaining one was rejected. There is also one application under processing.
- 7.7 Tsing Chung Sin Yuen (青松仙苑) with 113,000 urns in Tuen Mun North (Application No. A/TM/259) was first approved on 18.2.2000 for addition of a columbarium building (16,000 urns) on the considerations that the increase was minor, no adverse impact was expected, and the use was compatible with the existing columbarium use on-site and surrounding GIC uses. Subsequently, two applications for regularisation of three existing columbarium structures (No. A/TM/267) and amendments to the approved scheme (No. A/TM/329) were approved on 8.9.2000 and 10.6.2005 respectively on similar grounds (**Plan A-1**).

- 7.8 The proposed redevelopment of Gig Lok Monastery (極樂寺) including 4,900 columbarium niches in Tuen Mun North (Application No. A/TM/419) was rejected on 1.2.2013 by the Board on review for the reasons of failure to demonstrate planning merits; failure to demonstrate that the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily address; failure to demonstrate the effectiveness of the traffic management scheme; unacceptable tree felling and doubt on the landscape proposal; failure to demonstrate no conflicts and nuisances to the residents in surrounding areas; and undesirable precedent. On 19.4.2013, the applicant lodged an appeal to the Town Planning Appeal Board against the Board's decision in refusing the application. The appeal was withdrawn by the applicant on 6.2.2014. A new application for regularisation of 1,567 niches and 1,089 ancestral tablets for Gig Lok Monastery (Application No. A/TM/530) was received on 3.8.2018. The application is tentatively scheduled for consideration by the Committee on 16.8.2019.
- 7.9 Details of the above similar applications are provided at **Appendix IV**.

8. The Site and its Surrounding Areas (Plans A-1 to A-4c)

- 8.1 The Site is:
- (a) an existing Taoist institution with columbarium facilities known as Filial Park (**Plans A-2, A-4b and A-4c**);
 - (b) about 70m to the west of Yeung Tsing Road and is accessible via a local road branching off from Yeung Tsing Road (**Plans A-2 and A-4a**).
- 8.2 The surrounding areas have the following characteristics:
- (a) there are a number of religious institutions and temples including the columbaria approved by the Committee / the Board (i.e. Shan Guo (善果) (under construction), Shan Yuan (善緣) and Fat Yuen Ching Shea (佛緣精舍)) in the vicinity. Residential structures are found to the north (**Plans A-1, A-2 and A-3**);
 - (b) to the east across Yeung Tsing Road are the Independent Commission Against Corruption Training Camp and 2 secondary schools including Yan Chai Hospital No. 2 Secondary School and Tuen Mun Ju Ching Chu Secondary School (**Plan A-3**);
 - (c) to the south is a vehicle park (**Plans A-2 and A-3**); and
 - (d) to its northeast is LRT Tsing Shan Tsuen Station located about 450m away (**Plan A-3**)

9. Planning Intention

The planning intention of “G/IC” zone is primarily 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, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Licensing

10.1.1 Director of Food and Environmental Hygiene:

- (a) The Private Columbaria Ordinance (the PCO), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30.6.2017 upon gazettal.
- (b) 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 (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.
- (c) 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.
- (d) 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.
- (e) 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.

Land Administration

10.1.2 Comments of the District Lands Officer/Tuen Mun (DLO/TM):

- (a) The application seeks the permission from the Board to (i) increase the number of niches from 5,000 to 6,265 (i.e. 1,265 niches) in the existing columbarium portion on G/F, 1/F and 2/F of existing building at the Site, and (ii) accommodate 7,150 number of ancestral tablets in the existing memorial hall on 2/F of the existing building;
- (b) 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. If planning approval is given, the applicants will need to apply to Lands Department (LandsD) for a lease modification to effect the proposal on the Lot. He advised that the proposal will only be considered upon receipt of formal application from the applicants. He also advised that there is no guarantee that the application, if received by LandsD, will be approved and he reserved 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;
- (c) the lease conditions restrict that the total GFA of any building erected shall not exceed 3,625m² of which not more than 2,379m² 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.

10.1.3 Secretary for Home Affairs:

He has no objection to the application from the religious point of view and has the following comments:

Should the applicants wish to apply for concessionary land premium for the development at later stage, he would only consider giving policy support for concessionary premium for land grant cases relating to religious facilities only if the applicants are a bona fide religious and charitable organisation under section 88 of the Inland Revenue Ordinance under the prevailing policy. He notes that Yan Chai Hospital, is not a religious organisation.

Traffic

10.1.4 Comment of Commissioner for Transport (C for T):

It is noted that all approved columbaria and planned columbaria (whose planning applications are still under processing) in the vicinity had been taken into account in the applicants' TIA and the cumulative traffic impact had been assessed. The transport and management plan had also been proposed to address the traffic problems identified. He has no comment on the applicant's TIA and transport and management plan from traffic engineering viewpoint, on the condition 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. *Besides, the applicants are required to conduct a trial run of the transport and management plan and make revisions as necessary to TD's and Police's satisfaction so as to demonstrate the practicality and enforceability of the plan.*

10.1.5 Commissioner of Police (C of P):

- (a) He has no further comment on the temporary traffic arrangement (TTA) having considered the revised TTA in **Appendices If and Ig** has addressed his concerns on the traffic arrangement at Yeung Tsing Road during festival periods. However, the suggested traffic arrangement at Yeung Tsing Road would definitely affect other stakeholders (in particular other columbarium operators) along Yeung Tsing Road. The applicants should ensure that the diverse stakeholders affected by the proposed traffic arrangement will be consulted in advance and prior informed consents are required from them.
- (b) Currently, police will station in the Tsing Shan Tsuen Cluster area and monitor the traffic condition during the Ching Ming and Chung Yeung Festivals and their shadow periods. Besides, police will station at the junctions of Yeung Tsing Road to

manage the traffic. According to observation, the current traffic and pedestrian flow level in the area during peak hours is at an acceptable level.

10.1.6 Comments of Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He has the following comments from highways maintenance point of view:

- (a) The proposed access arrangement of the application site from Yeung Tsing Road should be commented by TD;
- (b) HyD does not and will not maintain any access connecting the Site and Yeung Tsing Road;
- (c) the proposed temporary traffic arrangement as mentioned in the traffic improvement measures should be commented by C for T and C of P;
- (d) 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 the satisfaction of his Department and TD; and
- (e) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

10.1.7 Comments of Director of Environmental Protection (DEP):

- (a) He has no objection to the application having considered that eco-furnace details will be provided to his department under the Private Columbaria Ordinance and the applicants have provided sewage proposal approved in 2012 with drainage plans and calculation to Drainage Services Department (DSD) for their review.
- (b) There was one case concerning the noise nuisance generated by the columbarium at the Site received in August 2017, but it was unsubstantiated after inspection.
- (c) Noise from places such as industrial, commercial, trade or business premises is subject to the control of Noise Control Ordinance. The applicants are reminded that it is their obligation

to comply with all relevant ordinances, including the Noise Control Ordinance. The applicants are also 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

10.1.8 Comments of C of P:

In the past three years, there were a total of six noise complaint cases in Tsing Shan Tsuen. Amongst these six cases, three of them were related to Filial Park, and the noise was alleged to be coming from the institution. It was believed that the source of noise should be the sound of the chanting of sutras inside the institution. According to the records, all these three cases were reported between 1011 hours and 1559 hours on the concerned days. Upon police arrival, the sound had been stopped and no noise was heard. Police then withdrew and took no further action on the three cases.

Building Matters

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

He has no objection in principle to the application and has the following comments:

- (a) 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 to the class of site may also be reviewed upon the plan submission stage.
- (b) If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the 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.
- (c) 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.

- (d) Detailed comments under the BO will be provided at the building plan submission stage.

Fire Safety

10.1.10 Comments of Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire services installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.11 Comments of District Officer/Tuen Mun (DO/TM):

- (a) He had distributed consultation letters to the locals concerned and understood that they would provide their comments to the Board direct.
- (b) Technical issues aside, he is given to understand that the current proposal involves increasing the number of niches from 5,000 to 6,265 in the existing columbarium. It is noted that the Site is located near to LRT Tsing Shan Tsuen Station and in the vicinity of several existing/ proposed columbarium developments. The Site is also in close proximity to two schools and Tsing Shan Tsuen. Tuen Mun District Council (TMDC) members as well as locals living in the vicinity have all along expressed grave concerns on the potential adverse traffic, visual, noise and other environmental impacts of the proposed columbarium to the residents and schools nearby. It is envisaged that they would still have great concerns regarding the application, in particular when the cumulative effects of the adjoining existing/ proposed columbarium developments are taken into account. Any negative impacts of the proposed columbarium to the local community should be minimised as far as possible.

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

- (a) Chief Engineer/Mainland North, Drainage Services Department;
- (b) Project Manager/New Territories (West), West Development Office, Civil Engineering and Development Department;
- (c) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Agriculture, Fisheries and Conservation;
- (f) Chief Engineer/Construction, Water Supplies Department;

- (g) Head of the Geotechnical Engineering Office/Civil Engineering Development Department;
- (h) Director of Electrical and Mechanical Services; and
- (i) Chief Town Planner/Urban Design and Landscape, Planning Department.

11. Public Comments Received During Statutory Publication Period

- 11.1 The application and the subsequent FI submitted by the applicants were published for public inspection on 19.6.2018, 8.1.2019, 26.4.2019 and 28.5.2019. A total of 314 comments were received from a TMDC member, Incorporated Owners of Glorious Garden, representative of Yeung Siu Hang Tsuen, CCC Hoh Fuk Tong Primary School, concern group (關注炒賣陰宅聯席), a school principal, representative of Hong Kong Institute of Vocational Education (Tuen Mun) (IVE (Tuen Mun)), residents of Tsing Shan Tsuen and individual members of the public, during the statutory public inspection periods. Amongst the public comments received, 297 of them are in the form of standard comments (**Appendix Va**). Samples of the comments received are at **Appendices V** and **Va**.
- 11.2 Among the 314 public comments received, 311 of them objected to the application, and the remaining three did not indicate whether he supported or objected to the application. The major objection grounds/ comments are summarised as follows:
- (a) There are a number of columbaria in the area, which have caused nuisance and disturbance to the education institutions and residents in the vicinity. The proposed expansion will aggravate the situation. The residents felt aggrieved that there were many planning applications for columbarium use in the area. Tsing Shan Tsuen should have a comprehensive and diversified development;
 - (b) there are already around 20,000 niches in Tsing Shan Tsuen causing traffic congestion in the area during Ching Ming and Chung Yeung festivals, the proposed development will exacerbate the problem, causing traffic nuisance and safety problem to the residents living in the vicinity;
 - (c) the applicants failed to demonstrate that the proposed traffic arrangement was practicable on the existing local road network during the festival periods;
 - (d) shortage of columbarium will be relieved by the proposed public columbarium in Tsang Tsui with more than 160,000 niches;
 - (e) staff and students of IVE(Tuen Mun) will be affected and there will be traffic congestion during the construction period; and

- (f) the roundabout between Yeung Siu Hang Garden and Yueng Siu Hang Tsuen is small for coaches. Traffic congestion will be caused during peak hours.

12. Planning Considerations and Assessments

- 12.1 The current application involves an increase in the number of niches from 5,000 (i.e. the number of niches under Application No. A/TM/373) to 6,265 and accommodation of 7,150 number of ancestral tablets in the existing memorial halls within the existing columbarium. The proposal only involves alteration and addition to the internal layout of the existing columbarium (**Drawings A-1 to A-6**). However, vehicular and pedestrian traffic resulting from intensification of the existing columbarium use should be comprehensively assessed.

Planning Intention

- 12.2 The Site is located in an area zoned “G/IC” on the OZP, which is intended to provide 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 religious institution establishments. According to the Notes of the OZP for the subject “G/IC” zone, ‘Religious Institution’ use is always permitted while ‘Columbarium’ use is under Column 2 which requires planning permission from the Board. The proposal would generally not contravene the planning intention of the “G/IC” zone.

Land Use Compatibility

- 12.3 Area surrounding the Site is predominated by religious uses and GIC facilities including approved columbaria (i.e. Shan Guo (善果), Shan Yuan (善緣) and Fat Yuen Ching Shea (佛緣精舍)) on the western side of Yeung Tsing Road, schools, training camp, Children and Juvenile Home on the eastern side of Yeung Tsing Road, and scattered residential structures are found to the north (**Plans A-1 and A-2**). In general, columbarium use is not incompatible with the religious institution developments in the “G/IC” zone. The proposed columbarium may result in close juxtaposition with the existing residential and G/IC uses as well as intermixing of gravesweepers, residents of Tsing Shan Tsuen, students and staff of the schools and users of the GIC facilities. Notwithstanding, a number of columbaria in Tsing Shan Tsuen area have been in existence and operation for a long time.

Traffic Impact and Pick-up/ Drop-off Arrangement

- 12.4 After intensification of the existing columbarium use, the vehicular and pedestrian traffic generated are acceptable with implementation of the proposed transport and management plan. The TIA has taken into account the niches and memorial tablets under the current application as well as the applications for columbarium use (both approved and under processing) in the vicinity (**Plan A-1**). According to the submitted TIA, the critical road links nearby (**Drawing**

A-8), including Yeung Tsing Road, Hing Choi Street and Tsing Wun Road will operate with sufficient capacities during the peak hour of festival periods. Besides, the critical junctions in the vicinity will have sufficient capacities to cope with the additional traffic generated by the proposed columbarium except the one between Yeung Tsing Road and Hing Choi Street (i.e. Junction C on **Drawing A-8**). In this regard, the applicants propose several arrangements under the transport and management plan, including provision of a temporary pick-up/drop off area at Hing Choi Street; no vehicles will be allowed to enter the Site during the festival periods, and diversion of traffic at the junction of Yeung Tsing Road and Hing Choi Street to minimise traffic conflict at the junction, etc. (**Drawing A-7**). C for T and C of P have no objection to the proposed arrangements. The TIA also reveals that the adjacent footpath has sufficient capacity for accommodating the additional pedestrian flow during the festival periods. *Besides, the applicants are required to conduct a trial run of the transport and management plan and make revisions as necessary to TD's and Police's satisfaction so as to demonstrate the practicality and enforceability of the plan.*

Other Aspects

- 12.5 The proposed additional niches and ancestral tablets will be accommodated in the existing columbarium at the Site. Only internal alteration and addition works will be carried out. It will not cause any changes to the bulk and building height of the existing columbarium. According to the applicants, sewage connection works of the existing columbarium have been completed and accepted by DSD. The applicants also confirmed that if eco-furnace will be installed, necessary supporting information will be submitted to demonstrate the proposed installation complies with the EPD's requirements at the stage of application for licence under the Private Columbaria Ordinance. Adverse visual, environmental and sewerage impacts caused by the proposal are not envisaged. Relevant Government departments including CTP/UD&L of PlanD, DEP and CE/MN of DSD have been consulted and have no adverse comment on the proposal. The current application complies with TPB PG No. 16 in that the proposed development is not incompatible with religious institution developments in the "G/IC" zone and there will be no adverse traffic and environmental impacts.

Public Comments

- 12.6 Amongst the 314 public comments received, 311 of them objected to the proposed development mainly on the grounds that it would bring traffic problems during Ching Ming and Chung Yeung Festival periods, the nuisance generated by the existing columbaria in the area have caused disturbance to the residents and users of the GIC facilities nearby, and the demand for niches will be alleviated by the proposed columbarium at Tsang Tsui, while the remaining three do not indicate whether they supported or objected to the application. Departmental comments in paragraph 10 and the planning assessments in paragraphs 12.1 to 12.4 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 19.7.2023, 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 approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the maximum number of niches within the Site shall not exceed 6,265 niches and the number of ancestral tablets should not exceed 7,150; and
- (b) the submission and implementation of water supply for firefighting and fire services installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 13.3 There are no strong reasons 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 applicants.

15. Attachments

Appendix I	Application form
Appendix Ia	Planning statement
Appendix Ib	Applicants' letter dated 8.6.2018
Appendix Ic	Applicants' letter dated 3.9.2018
Appendix Id	Applicants' letter dated 28.12.2018
Appendix Ie	Applicants' letter dated 17.4.2019
Appendices If and If(a)	Applicants' letters dated 22.5.2019

Appendix Ig	Applicants' letter dated 28.6.2019
Appendix Ih	Applicants' letter dated 9.7.2019
Appendix II	Town Planning Board Guidelines TPB PG-No. 16
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Public comments
Appendix VI	Advisory clauses
Drawings A-1 to A-3	Floor plans of the columbarium
Drawings A-4 to A-6	Internal layout of the columbarium on G/F to 2/F
Drawing A-7	Proposed temporary traffic arrangement at Yeung Tsing Road/ Hing Choi Street junction
Drawing A-8	Key Junctions and Existing Road Network
Plans A-1 and A-1a	Location plan
Plan A-1b	Location plan of columbaria which have submitted applications for specified instruments to the Private Columbaria Licensing Board
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4c	Site photos

**PLANNING DEPARTMENT
JULY 2019**