

TPB PG-NO. 16

**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 Application Covering the Site

Rejected Application

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
Gig Lok Monastery 極樂寺 (4,900 niches and 800 ancestral tablets)			
A/TM/419	Columbarium Use and Residential Institution (including quarters) of Redevelopment of Gig Lok Monastery	1.2.2013 (TPB)	(1) to (6)

Rejection Reasons

- (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.

**Similar Applications for Columbarium Use within “G/IC” Zones
on Tuen Mun Outline Zoning Plan**

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
Filial Park 思親公園 (6,265 niches and 7,150 ancestral tablets)			
A/TM/373 ¹	Proposed Religious Institution with Columbarium Use	18.7.2008	(4), (6) and (9)
A/TM/527 ²	Proposed Columbarium and Religious Institution Use	19.7.2019	(1) and (2)
Fat Yuen Ching Shea 佛緣精舍 (9,160 niches)			
A/TM/398	Proposed Columbarium	30.11.2012 (TPB)	(2) to (5)
Shan Yuan 善緣 (5,000 niches)			
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)
Shan Guo 善果 (8,000 niches)			
A/TM/441	Proposed Columbarium	5.4.2013	(2) to (4), (6) to (7)
Ching Chung Sin Yuen 青松仙苑 (113,000 urns)			
A/TM/259	Proposed Addition of Columbarium	18.2.2000	(6)
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 (6)

1 The first application for columbarium use with 5,000 niches at the Site (Application No. A/TM/255) was approved by the Committee on 28.1.2000. Subsequently, Application Nos. A/TM/306, A/TM/316 and A/TM/373 were related to minor amendments to the approved scheme.

2 The application is for additional of 1,265 niches and 7,150 ancestral tablets within the existing columbarium.

Approval Conditions

- (1) Submission and implementation of water supply for fire fighting and fire service installations
- (2) Maximum number of niches (or with ancestral tablets) at the Site
- (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 (or 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
- (9) Implementation of drainage proposals

Rejected Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
Shan Guo 善果 (8,000 niches)			
A/TM/415	Proposed Columbarium Use	8.6.2012 (TPB)	(1)
Sin Sam Tong at Tsing Shan Tsuen 善心堂 (2,000 niches)			
A/TM/434	Proposed Columbarium Use	18.5.2012 (TPB)	(2) to (4)
Lin Chi Ching Yuen 蓮池淨苑 (1,220 niches)			
A/TM/465	Proposed Columbarium Use	21.8.2015	(5)
Yeung Tsing Road 楊青路(3,000 niches)			
A/TM/531	Proposed Columbarium	20.9.2019	(6) to (8)

Rejection Reasons

- (1) As there were existing and proposed columbaria in the area which would share the same access provided by Yeung Tsing Road, the proposed development with 8,000 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant therefore failed to demonstrate that the potential adverse traffic impacts generated by the proposed development could be satisfactorily addressed.
- (2) 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.
- (3) The proposed columbarium would pose potential pedestrian and traffic impacts on the surrounding road network.
- (4) 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.
- (5) The applicant fails to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.
- (6) The applicant fails to demonstrate that the proposed columbarium would not cause adverse traffic impact to the surrounding areas and that the proposed Crowd Management Plan can be effectively implemented.
- (7) The proposed development is not in line with TPB Guidelines No. 16 in that it is not compatible with the surrounding GIC and residential uses.
- (8) Approval of the application would set an undesirable precedent for other similar applications which may lead to sporadic columbarium developments in this part of the "G/IC" zone which will cause nuisance to nearby residents and students.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the planning permission is given to the proposed development under application. It does not condone any structures and uses which currently occur on the Site but not covered by the application;
- (c) to note the comments of Director of Food and Environmental Hygiene (DFEH) that:
 - (i) The Private Columbaria Ordinance (PCO), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30.6.2017 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 (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 minimize any adverse impact that operation of the columbarium may have on the neighbourhood.
 - (iii) In determining whether to approve an application for a licence, the PCLB must have regard to the public interest and may have regard to any other relevant considerations.
 - (iv) On-site inspection to the private columbarium named GLM has been conducted by staff of the Private Columbaria Affairs Office (PCAO) and the proposed niche information in respect of the licence and temporary suspension of liability (TSOL) covering only niches already sold before 30.6.2017 was verified. It was confirmed that the total number of niches already sold before 30.6.2017 (i.e. 1,567 no. of niches) for the licence application conforms to that proposed by the applicant in this planning application (No. A/TM/530). This set of specified instrument applications is still being processed by PCAO according to the prevailing procedure. If all the requirements prescribed in the PCO and those specified by PCLB for issue of a licence or a TSOL are complied with, PCAO will put up the case to PCLB 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 PCLB.
 - (v) No sanitary nuisance shall be generated to the surroundings from the subject site. Mitigation measures (such as prohibition of joss papers, candles and incenses burning activities within or outside the columbarium site) to minimize the nuisance that may be caused to the neighbourhood. Proper refuse collection and disposal should be arranged, adequate toilet should be provided to meet the demand during normal days and the increased usage rate during the grave sweeping periods and to be maintained in such a manner as not to be a nuisance, and to provide greening (where possible);

- (d) to note the comments of District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
- (i) the Site falls within a portion of Lot 2011 in D.D. 132 (the Lot). The Lot, of a registered area of 22,500 sq.ft. (i.e. about 2,090.32m²), is held under Conditions of Exchange dated 8.8.1961 registered in the Land Registry as New Grant No. 639. The salient conditions governing the development of the Lot are: the Lot shall be used for private residential purpose only; no structure shall be erected within 15ft (i.e. about 4.57m) of any boundary of the Lot or building curtilage; no part of any structure shall exceed a height of 25ft (i.e. about 7.62m) above the mean formation level of the land on which it stands and the maximum area that may be built over shall not exceed 4,000 sq.ft. (i.e. about 371.61m²); and no grave shall be made on the Lot, nor shall any human remains whether earthenware jars or otherwise be interred therein or deposited thereon.
 - (ii) There are a number of structures erected on the Lot, including the structures under application, which are not in compliance with the lease conditions mentioned above. Although not included in the Site, the main monastery building at the southern part of the Lot was, according to his record, constructed without prior approval under lease and is within 15ft from the lot boundary. The existing use as a monastery is also in breach of the lease condition. He issued a warning letter dated 18.7.2014 to the registered owner against the breach of lease restrictions on user, maximum building height and maximum built-over area. Another warning letter dated 11.5.2016 was issued to the registered owner against the breach of lease restriction on “no deposit of human remains”. Both warning letters have been registered in the Land Registry against the Lot. He reserves the right to take lease enforcement actions as may be considered appropriate against any breach of lease conditions.
 - (iii) Without prejudice to the Government’s rights regarding lease enforcement actions mentioned above, the applicant is reminded that in the event of contemplation of redevelopment of part or whole of the Lot, prior approval must be obtained from the LandsD according to the lease conditions and the lease conditions have to be observed.
 - (iv) As for the subject planning application, the proposed columbarium and its ancillary uses under application are in breach of the user restriction and the “no deposit of human remains” clause in the lease. The applicant should provide evidence to show that the three buildings to be retained within the Site boundary were erected in accordance with plans approved under lease and the alterations and additions (A&A) which had been carried out to these buildings did not result in any deviations from the approved plans in terms of GFA, built-over area, number of storeys or building height. Otherwise some other lease conditions may also be in breach. Whether the unauthorised A&A works done to Houses 1, 2 and 3 and the applicant’s rectification proposal and other structures within the Site (e.g. portable toilets) are acceptable for the purpose of licence under PCO will be subject to the Buildings Department (BD)’s advice. Notwithstanding the issue of any licence under PCO, the Government reserves the right to take appropriate lease enforcement actions against any breach of lease conditions.

- (v) As mentioned in the Planning Statement, there are 1,089 numbers of existing ancestral tablets within the building to be retained. It is noted that the numbers differs from the claimed number of 580 shown in the earlier planning application submitted on 6.10.2016 (application No. A/TM/495). The placing of these ancestral tablets within the Lot is in breach of the lease conditions. The Government reserves the right to take appropriate lease enforcement actions.
- (vi) The GL as shown coloured green on Plan 1 in the applicant's Further Information II does not form part of the existing access to the Lot. It is noted from the applicant's response to comments that in view of Government's concern, the area would not be used for access to the Site. Nevertheless, the applicant is reminded again that any proposal to utilise this piece of GL for any purpose may not be accepted by the Government and the Government reserves the right to take any enforcement action should any unauthorised use of GL be detected.
- (vii) The applicant should avoid laying sewer on GL other than public road as it will prejudice the future use of the GL concerned and may involve land clearance. The Southern Route being technically more favourable is not considered as a valid ground for laying sewer on GL. In the event that it is inevitable to lay sewer on GL, prior approval from LandsD for occupation of GL must be obtained. Notwithstanding this, there is no guarantee that approval will be given and when given, it will be subject to such terms and conditions as may be determined by the Government. The Government reserves the right to take any enforcement action regarding any unauthorised occupation of GL.
- (viii) The northeastern portion of the Lot (which is zoned "R(B)10" on the Tuen Mun OZP) which forms part of GLM is not included in the Site but is included in the "scheme area" for landscaping. The applicant should not rely on trees on GL to provide screening/greening for the proposed development. Without prejudice to the Government's rights to take enforcement actions, any landscaping works involving the existing planters straddling the southern part of the Lot and GL and the trees thereon will only be considered by his office when processing the regularisation application under lease, after the current planning application is approved by the Board. The Government reserves his comment on the details of any landscape proposal at a later stage.
- (ix) The applicant will need to apply to the LandsD for lease modification/land exchange/waiver to effect the development proposal. There is no guarantee that the application, if received by the LandsD, will be approved and he reserve his comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at his sole discretion. If the application is approved, it will be subject to such terms and conditions as the Government shall see fit, including, among others, charging of administrative fee and premium/waiver fee as may be imposed by the LandsD. In addition, application for regularisation of the existing breaches of lease conditions on the Lot was submitted to his office on 20.2.2018. The processing of the regularisation application is withheld and will only be considered after the applicant obtains the required planning permissions and SFH's policy support.

- (e) to note the comments of Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that taking into account the overall interests of the community, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts when the Government departments process the licence application from a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017 (the enactment date of PCO). All private columbaria applying got a licence under PCO will, however, be required to submit to PCLB a management plan, proposing traffic and pedestrian flow management measures which can be implemented by themselves to minimise any adverse impact of the columbarium operation on the local community. As the application only involves niches sold before 30.6.2017, he has no in-principle objection to the planning application subject to approval of TCMP by PCLB. The applicant is required to submit a Management Plan for approval by the PCLB during the licensing stage. If the applicant wish to apply for niches sold after 30.6.2017, TIA report shall be resubmitted for his consideration;
- (f) to note the comments of Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. The proposed access from the Site to Tuen On Lane is not and will not be maintained by HyD;
- (g) to note the comments of Director of Environmental Protection (DEP) that the applicant is reminded strictly to observe the “Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places” given there are nearby residential development;
- (h) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that although the applicant proposes to retain all existing trees within the site, whereas it is noted that the disabled carpark falling within the tree protection zone of a potential Old and Valuable Tree. The applicant should consider relocating the disabled carpark or providing supplementary information to support practicable tree preservation;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website (http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html).
 - (ii) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works. Although the applicant revise the scope of modification works in order to reduce the length of affected pipes required to be re-profiled, the applicant is still reminded to obtain excavation permits from DLO/TM or HyD for any excavation works required.
 - (iii) The applicant should implement the drainage facilities on the Site in accordance with the drainage proposal.
 - (iv) It is the responsibility of the applicant to identify/locate the existing government stormwater drains to which drainage connections from his site are to be proposed. The

applicant should also verify that the existing government drains, to which connections are proposed, are in normal working conditions and capable for taking the discharge from the Site.

- (v) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.
- (vi) The applicant is reminded that the SIA shall need to meet the full satisfaction of the Environmental Protection Department (EPD). The SIA is subject to the views and agreement of EPD, the planning authority of sewerage infrastructure.
- (vii) Presumably the applicant's proposal shall be constructed by the applicant at his own cost. Details of construction sequence, taking over and handing over arrangement shall be agreed with DSD to minimal disturbance to the existing sewerage system maintained by DSD;
- (j) to note the comments of Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the BD;
- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) there is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
 - (ii) 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/TM should be in a better position to comment on the application.
 - (iii) If there are existing structures which had been erected on leased land without approval of the BD (not being a NTEH), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application unless such are permissible under the PCO.
 - (iv) Before any new building works are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (v) For UBW erected on leased land, enforcement action may be taken by 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/BA.

- (vi) If the proposed use under application is subject to the issue of a license, the applicant is 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. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
 - (vii) If the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
 - (viii) 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. Detailed comments under the BO will be provided at the building plan submission stage; and
- (1) to note the comments of Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.