

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

APPLICATION NO. A/TM/530

- Applicant** : Gig Lok Monastery represented by Toco Planning Consultants Limited
- Site** : Lot 2011 (Part) in D.D. 132, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun
- Site Area** : About 1,665 m²
- Lease** : (a) private residential purposes only
(b) no structure shall be erected within 15ft (i.e. about 4.57m) of any boundary of the lot or building curtilage
(c) 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 ft² (i.e. about 371.61m²)
(d) no grave shall be made on the lot, nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon
- Plan** : Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34 (at the time of submission)

Approved Tuen Mun OZP No. S/TM/35 (currently in force)
- Zoning** : “Government, Institution or Community” (“G/IC”) (no change to zoning)
[maximum height restriction of 3 storeys (excluding basement floor(s))]
- Application** : Columbarium Use

1. The Proposal

- 1.1 The applicant seeks planning permission to regularise the existing columbarium (1,567 niches sold before 30.6.2017) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “G/IC” on the Tuen Mun OZP. According to the Notes of the OZP, while ‘Religious Institution’ is a Column 1 use which is always permitted, ‘Columbarium’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for religious institution which is always permitted and columbarium use which is not covered by valid planning permission.

1.2 The Site is involved in five previous applications (Nos. A/TM/400, 419, 452 and 495 and Y/TM/4). Among them, application No. A/TM/419 for proposed columbarium and residential institution (including quarters) in redevelopment of Gig Lok Monastery (GLM) was rejected by the Rural and New Town Planning Committee (the Committee) on 16.3.2012 and the Board upon review on 1.2.2013; and the remaining four applications (Nos. A/TM/400, 452 and 495 and Y/TM/4) mainly for columbarium use between 2010 and 2016 were withdrawn by the applicant. Details of the previous application are summarised at paragraph 6 below and at **Appendix III**.

1.3 A comparison of the major development parameters of the last rejected application (No. A/TM/419) and current application is as follows:

	Previous Application No. A/TM/419 (rejected by TPB on 1.2.2013 upon review) (a)	Current Application No. A/TM/530 (b)	Difference (b) - (a)
Site Area	About 3,275 m ² (including 1,230 m ² government land (GL))	About 1,665 m ² (not involving GL)	- 1,610 m ² (private land only; excluding the existing temple main building)
No. of Structures	Redevelopment into 2 buildings above 1 level basement <ul style="list-style-type: none"> • Monastery Block • Quarters Block • Columbarium at basement level 	3 existing buildings <ul style="list-style-type: none"> • House 1 • House 2 • House 3 	(no basement; 3 existing buildings instead of redevelopment)
Total No. of Niches/ Ancestral Tablets	4,900 niches 800 tablets	1,567 niches (sold before 30.6.2017) 1,089 tablets	- 3,333 niches (only niches sold before 30.6.2017) + 289 tablets
Total Proposed GFA	About 3,134.3m ² <ul style="list-style-type: none"> • Domestic (dormitory units) : 489.84m² • Columbarium: 641.63m² • Religious Institution (including ancestral tablets): 2,002.83m² 	About 399 m ² <ul style="list-style-type: none"> • Religious use (including ancestral tablets): 116m² • Columbarium: 180.1m² • Office/storeroom/toilets: 102.9m² 	- 2,735.3m ² (no dormitory units)
Building Height	3 storeys above 1 basement (range from 10.5m to 17.5m)	Max. 2 storeys (about 7.4m)	- 3.1m to -10.1m

	Previous Application No. A/TM/419 (rejected by TPB on 1.2.2013 upon review) (a)	Current Application No. A/TM/530 (b)	Difference (b) - (a)
Uses	<u>Basement</u> Columbarium, toilets, plant rooms <u>Monastery Block</u> G/F: Memorial halls, ancestral tablets, multi-purpose hall, office 1/F: Main temple 2/F: Temple <u>Quarters Block</u> G/F: Office, canteen and kitchen, toilets 1/F: Dormitory units, lecture room 2/F: Dormitory units	<u>House 1</u> G/F : Religious use, ancestral tablets, office, storeroom 1/F : Religious use <u>House 2</u> G/F : Columbarium, toilets 1/F : Office, staff room <u>House 3</u> G/F : Columbarium, toilets, storeroom 1/F : Columbarium	No dormitory units, multi-purpose hall, memorial halls, temples, canteen and kitchen
No. of Private Car Parking Spaces	2 spaces	13 spaces (including 1 accessible parking space) <i>(total 15 spaces with 2 spaces converted from L/UL during festival days (including 2 accessible parking spaces))</i>	+ 11 spaces (including 1 accessible parking space)
No. of Motorcycle Parking Spaces	1 space	2 spaces	+ 1 space
No. of Loading/ Unloading (L/UL) Spaces	2 spaces (for light goods vehicles/tour buses)	1 space (for heavy goods vehicle)	1 space for heavy goods vehicle instead of 2 spaces for light goods vehicles/tour buses
Lay-bys	2 (1 for 2 private car/taxi and 1 for 1 private car/taxi)	Nil	- 2

- 1.4 According to the applicant, the Site is situated in a religious institution compound of GLM which has existed at the Site for more than 60 years. Religious and columbarium services have existed long before the gazettal of the first Tuen Mun OZP. The application is submitted to comply with the regulatory requirement of the Private Columbaria Ordinance (PCO). In addition to the 1,567 niches sold before 30.6.2017, there are 613 unsold niches (as at 30.6.2017) within the Site which are not included in the current planning application. According to the applicant, the unsold niches will form part of future applications subject to future policy initiatives, traffic condition and planning circumstances. The Site is currently occupied by three 2-storey buildings and three temporary structures. It provides a mix of facilities including columbarium niches, religious use, office, toilets and store room (**Drawing A-1**).

Present Use of Existing Buildings in Gig Lok Monastery		
Structure / Building	Floor/ Level	Use / Facilities
Structure A	Single-storey	Worshiping use (to be demolished and turned into a car park with L/UL facilities)
Structure B	Single-storey	Visitor's gathering (to be demolished and turned into a gathering area with smoke treatment system)
Structure C	Single-storey	Temporary structure for kitchen purpose (to be demolished for passageway)
House 1	G/F	Religious use, ancestral tablets, temple office, store room
	1/F	Religious use
House 2	G/F	Columbarium, toilet
	1/F	Management office
House 3	G/F	Columbarium, store room, toilet
	1/F	Columbarium

- 1.5 The proposed scheme involves the retention of three existing buildings (Houses 1 to 3) and the demolition of the three temporary structures (Structures A, B and C) for car parking, L/UL facilities and landscaping (**Drawings A-1 and A-2**). No additional building is proposed. The existing main monastery building to the south of the Site is not involved in the current application (**Drawing A-2**). A breakdown of columbarium niches and ancestral tablets is detailed below:

Classification	Single-urn Niches	Double-urn Niches	Total
No. of Sold Niches ^{Note 1}	805	762	1,567
• No. of sold and occupied niches	536	545	1,081
• No. of sold but not yet occupied niches	269	217	486
Total No. of Ancestral Tablets	---	---	1,089

Note 1: Under the current application.

- 1.6 According to the floor plans submitted by the applicant (**Drawings A-3 to A-5**), the columbarium niches are at G/F of House 2 and G/F and 1/F of House 3. In addition, there are 1,089 ancestral tablets at G/F of House 1. The 1/F of House 1 is for religious use and 1/F of House 2 is for office use. The vehicular and pedestrian access is via the cul-de-sac at Tuen On Lane (**Plan A-2**). A total of 13 private car parking spaces (including 1 for persons with disability), 2 motorcycle parking spaces and 1 L/UL space for heavy goods vehicle are proposed within the Site. A new pedestrian footpath with minimum width of 2.1m will be provided at the entrance of GLM at Tuen On Lane (**Drawing A-9 and Plan A-2a**). Within GLM, a footpath with minimum clear width of 2.1m will be provided from the entrance to the existing columbarium and the main monastery. To enhance safety, pedestrians are segregated from vehicles within GLM. A Traffic and Crowd Management Plan (TCMP) has been prepared on the special traffic arrangement on festival days (**Drawings A-9 to A-11**). In future operation, the applicant will implement a visit-by-appointment system, in particular, peak hours of the main day of Ching Ming and Chung Yeung Festivals.
- 1.7 GLM will adopt air quality mitigation measures and sewerage management to minimise impact to surrounding environment. According to the applicant, burning ritual paper is prohibited within the Site; and no burning activities will be conducted within the main monastery building. The proposed centralised incense furnace cum smoke treatment system will only be operated during the opening hours of GLM.
- 1.8 The disabled car parking space falls within the tree protection zone of the potential Old and Valuable Tree (OVT). According to the applicant, the disabled car parking space will be located outside the tree preservation zone in detailed design stage.
- 1.9 The site plan, master layout plan, floor plans, section, elevation, landscape master plan, traffic and crowd management plan, perspective drawing and location of the footpath outside the monastery submitted by the applicant are shown in **Drawings A-1 to A-13**.
- 1.10 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 3.8.2018 **(Appendix I)**
 - (b) Planning Statement attached to Appendix I **(Appendix Ia)**
 - (c) Further information (FI) received on 21.11.2018 in response to departmental and public comments, detailed niche information and revised technical assessments **(Appendix Ib)**
(accepted but not exempted from publication and recounting requirements)
 - (d) FI received on 28.11.2018 in response to public comments regarding the total number of niches **(Appendix Ic)**

(accepted and exempted from publication and recounting requirements)

- (e) FI received on 18.3.2019 in response to departmental and public comments, revised technical assessments and traffic and crowd management plan (TCMP) **(Appendix Id)**
(accepted but not exempted from publication and recounting requirements)
- (f) FI received on 6.5.2019 in response to departmental and public comments, revised technical assessments and revised TCMP **(Appendix Ie)**
(accepted but not exempted from publication and recounting requirements)
- (g) FI received on 18.6.2019 in response to departmental and public comments, clarification of technical assessments and revised TCMP **(Appendix If)**
(accepted but not exempted from publication and recounting requirements)
- (h) FI received on 30.9.2019 in response to departmental and public comments and revised TCMP **(Appendix Ig)**
(accepted but not exempted from publication and recounting requirements)

1.11 The application was originally scheduled for consideration by the Committee on 21.9.2018. Upon request by the applicant, the Committee on 21.9.2018, 18.1.2019 and 16.8.2019 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments. The applicant submitted FIs on 21.11.2018, 28.11.2018, 18.3.2019, 6.5.2019, 18.6.2019 and 30.9.2019 to address departmental and public comments (**Appendices Ib to Ig**). The application is re-scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices Ia to Ig**. They can be summarised as follows:

- (a) GLM is a charitable religious institution which has been in existence at the Site for more than 60 years. Religious and columbarium services have existed in the Site long before the gazettal of the first Tuen Mun OZP.
- (b) The application is aimed at regularising the sold or occupied niches of the ancillary columbarium in GLM and the number of niches only involves those were sold before 30.6.2017. It is in line with the spirit of the PCO.
- (c) The Site is accessible by vehicles and is within walking distance to Siu Hong West Rail Station and public transport facilities.

- (d) The proposed development is low-rise and small-scale in nature with extensive landscaping features. It is segregated from residential use by mature trees, retaining wall, access road and recreational use.
- (e) It is compatible with the adjacent land uses since it is located within a large piece of “G/IC” zone adjoining the religious institutions.
- (f) It is in line with the planning intention of “G/IC” zone and Town Planning Board Guidelines No. 16 (TPB-PG No. 16) in that the provision of GIC facilities within the religious institution would not be jeopardised, and the use and scale of the proposed development are not incompatible with the religious use and the adjacent community use setting.
- (g) The application will not set undesirable precedent for similar applications in view of its long history, scale and the new policy initiatives.
- (h) GLM has no increase in the number of niches since 2010.

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

The applicant is the sole “current land owner” of the lot. 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 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 L/UL facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department (TD). Adequate vehicular access arrangements should be provided to the satisfaction of TD; 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**

Zoning History of the Site

- 5.1 The Site was rezoned from “Undetermined” to “G/IC” in 1994 to reflect the existing institution and community uses and planned land use in accordance with the Tuen Mun Area 52 Layout Plan. Subsequently, building height restrictions were stipulated on the OZP in 2009 taking into account the building height profile and considerations on visual impact and air ventilation. Since then, the “G/IC” zoning and the development restrictions of the Site remain unchanged.
- 5.2 The subject “G/IC” zone has an area of about 10ha and covers developments including GLM, Ching Leung Nunnery (清涼法苑), Fu Tei Fire Station, Ecclesia Bible College (神召神學院), Hing Tak School (興德學校), Tuen Fu Road Community Garden and Lingnan University Multi-purpose Outdoor Sports Ground. The subject “G/IC” zone surrounds medium-rise residential developments of Parkland Villas (疊茵庭) and Napa Valley (名賢居) (**Plans A-2 and A-3**).

The Private Columbaria Ordinance

- 5.3 The PCO, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017. On 22.11.2017, two policy initiatives were announced by the Government to address the land premium and Traffic Impact Assessment (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 (PCLB) their views on suitable mitigation measures that should be followed up by individual cases.

6. Previous Applications

- 6.1 The Site is involved in five previous applications (No. A/TM/400, 419, 452 and 495 and Y/TM/4) submitted by the same applicant. Among them, application No. A/TM/419 for proposed columbarium and residential institution (including quarters) in the redevelopment proposal of GLM was rejected by the Board upon review on 1.2.2013. The remaining four applications (No. A/TM/400, Y/TM/4, A/TM/452 and A/TM/495) mainly for columbarium use between 2010 and 2016 were withdrawn by the applicant. Details of the previous application (No. A/TM/419) are summarised in **Appendix III** and the locations of the previous applications are shown on **Plans A-1 and A-1a**.
- 6.2 Application No. A/TM/400 was submitted by the same applicant on 7.7.2010 for columbarium use on a site covering the entire lot which fell within an area zoned "G/IC" with a minor portion zoned "R(B)10" on the OZP. As 'Columbarium' is neither a Column 1 nor Column 2 use under the "R(B)10" zone, the applicant withdrew the application on 14.7.2010.
- 6.3 Application No. Y/TM/4 was submitted by the same applicant on 20.9.2010 for amendment to the OZP by rezoning the "R(B)10" portion of the lot to "G/IC" zone so as to facilitate the future planning application for a columbarium. However, the application was withdrawn by the applicant on 9.5.2011.
- 6.4 Application No. A/TM/419 covering the lot and adjoining GL which fell within an area zoned "G/IC" submitted by the same applicant on 11.5.2011 for proposed columbarium and residential institution (including quarters) in the redevelopment of GLM was rejected by the Board upon review on 1.2.2013 on grounds that the applicant failed to demonstrate any planning merits; the proposed development would pose adverse traffic impact on the surrounding road network, there was doubt on the implementation of the proposed road layout, and the applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily addressed; the applicant failed to demonstrate the effectiveness of the traffic management scheme; the proposed development involving tree felling was not acceptable and there was doubt on the landscape proposal which involved planting of new trees on GL; the applicant failed to demonstrate that the proposed development would not create conflicts and cause nuisances to the residents in surrounding areas; and approval would set an undesirable precedent for other similar applications. 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.
- 6.5 Application No. A/TM/452 covering the lot and adjoining GL which fell within an area zoned "G/IC" submitted by the same applicant on 30.1.2014 for the same use as application No. A/TM/419, with the same development parameters, site area, number of niches and number of structures. The applicant withdrew the application on 26.11.2014 after issue of paper.

- 6.6 Application No. A/TM/495 covering the lot submitted by the same applicant on 6.10.2016 for the same use as application No. A/TM/419, on a smaller site (as no GL was included in the application), reduced numbers of columbarium niches and ancestral tablets and excluding residential institution (quarters). The applicant withdrew the application on 12.7.2017 after issue of paper.
- 6.7 Compared with the previously rejected application No. A/TM/419, the current application is submitted by the same applicant on a smaller site (excluding GL and the main monastery building) for columbarium use with fewer columbarium niches. A summary of development parameters of previous applications are summarised as follow:

Application No.	A/TM/400 (withdrawn on 14.7.2010)	Y/TM/4 (withdrawn on 9.5.2011)	A/TM/419 (rejected on 1.2.2013) (TPB)	A/TM/452 (withdrawn on 26.11.2014)	A/TM/495 (withdrawn on 12.7.2017)
Proposed Development	Application for Regularisation of Existing "Columbarium" Use within the Compound of GLM	Rezoning from "R(B)10" to "G/IC"	Proposed Columbarium and Residential Institution (Quarters) in Redevelopment Proposal of GLM	Proposed Columbarium and Residential Institution Uses in the Redevelopment of GLM	Columbarium Use in the Redevelopment of GLM
Site Area	3,493m ² (including 1,403m ² GL)	217m ² (including 175.6m ² GL)	3,275m ² (including 1,230m ² GL)	3,275m ² (including 1,230m ² GL)	2,042.96m ²
Floor Area	438.7m ²	289m ²	3,134.3m ²	3,134.3m ²	2,087.1m ²
Building Height/ No. of Storeys	1 storey	3.1m (1 basement floor)	3 storeys above 1 basement floor	3 storeys above 1 basement floor	3 storeys above basement carpark
No. of Niches	4,900	4,520	4,900	4,900	2,620
- sold and interred/engaged	753	634	753	753	1,067
- sold but unoccupied/reserved	624	624	624	624	602
- unsold/vacant	3,523	3,262	3,523	3,523	951
No. of Tablets	4,605	Not specified	800	773	580
- Engaged	1,517	(outside application site)	773	773	580
- Vacant	3,088		27	0	0

7. Similar Applications

- 7.1 There is no similar application within the same "G/IC" zone. However, there are 19 planning applications for columbarium use within the "G/IC" zones on Tuen Mun OZP. Amongst the applications, 12 of them relating to five columbaria have been approved with conditions; 4 of them were rejected and the remaining 3 are being processed. Details of these similar applications are summarised in **Appendix IV** and their locations are shown in **Plan A-1b**.

- 7.2 Four of the approved columbaria including Filial Park (思親公園) (applications No. A/TM/373¹ and 527), Fat Yuen Ching Shea (佛緣精舍) (application No. A/TM/398), Shan Yuan (善緣) (application No. A/TM/437²), and Shan Guo (善果) (application No. A/TM/441³) are all within a same “G/IC” zone near Castle Peak in Tuen Mun. The total number of niches approved in this GIC cluster is 28,425. They were approved with conditions on 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.
- 7.3 The remaining approved columbarium, namely Ching Chung Sin Yuen (青松仙苑) with 113,000 urns is within a “G/IC” zone near Castle Peak Hospital in Tuen Mun North. The application for addition of a columbarium building (application No. A/TM/259) was first approved on 18.2.2000 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 3 existing columbarium structures (application No. A/TM/267) and amendments to the approved scheme (application No. A/TM/329) were approved on 8.9.2000 and 10.6.2005 respectively on similar grounds.
- 7.4 The 3 rejected columbaria are Sin Sam Tong (善心堂), Lin Chi Ching Yuen (蓮池淨苑) and a site at Yeung Tsing Road under applications No. A/TM/434, 465 and 531 respectively, which are within the same “G/IC” zone near Castle Peak in Tuen Mun. Application No. A/TM/434 (Sin Sam Tong (善心堂)) was rejected by the Committee on 18.5.2012 for the reasons of not compatible with the adjacent developments; causing nuisance to nearby residents; failed to demonstrate the pedestrian and vehicular traffic impacts could be satisfactorily addressed; adverse environmental and landscape impacts on the surrounding areas. Application No. A/TM/465 (Lin Chi Ching Yuen (蓮池淨苑)) was rejected by the Committee on 21.8.2015 for the reasons of potential pedestrian safety concern and traffic impacts. Application No. A/TM/531 at Yeung Tsing Road was rejected by the Committee on 20.9.2019 for the reasons of failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding areas; not compatible with surrounding GIC and residential uses; and undesirable precedent for other similar applications which may lead to sporadic columbarium developments in this “G/IC” zone.

¹ Application No. A/TM/255 was first approved by the Committee for the Filial Park columbarium development with 5,000 niches on 28.1.2000. Subsequently, applications No. A/TM/306, 316 and 373 were related to minor amendments to approved scheme.

² Shan Yuan was involved in a previous application No. A/TM/387 approved by the Committee on 21.8.2009 but revoked on 4.4.2012 due to non-compliance with approval conditions. Subsequently, application No. A/TM/437 for columbarium use (5,000 niches) at Shan Yuan was approved by the Committee on 20.7.2012.

³ Shan Guo was involved in a previous application No. A/TM/415 rejected by the Board upon review on 8.6.2012. Subsequently, application No. A/TM/441 for columbarium use (8,000 niches) at Shan Guo was approved by the Committee on 5.4.2013.

- 7.5 There are 3 planning applications for columbarium use, all located to the west of Yeung Tsing Road being processed (**Plan A-1b**). Application No. A/TM/537 (娑羅精舍) involves 4,444 niches and 48 memorial tablets. The application was deferred on 2.8.2019 as requested by the applicant. Application No. A/TM/541 Lin Chi Ching Yuen (蓮池淨苑) involves 1,210 niches. The application was deferred on 16.8.2019 as requested by the applicant. Application No. A/TM/545 involves 3,066 niches (7,212 urns) and was deferred on 15.11.2019 as requested by the applicant.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4e)

8.1 The Site is:

- (a) confined to the private lot of the GLM compound within the “G/IC” zone (**Plan A-2a**); and
- (b) currently occupied by 3 two-storey buildings and 3 temporary structures for columbarium niches, religious use, ancestral tablets, office, storeroom and toilets; and
- (c) accessible via Tuen On Lane.

8.2 The surrounding areas have the following characters (**Plans A-2 and A-3**):

- (a) to the immediate north and immediate east is an existing medium-rise residential development of Parkland Villas (疊茵庭) comprising 9 residential blocks. GLM and Parkland Villas share the same access road (Tuen On Lane) and their entrances are at the turning head of the cul-de-sac. To the further north are Ecclesia Bible College (神召神學院) and Hing Tak School (興德學校). To the further east across Castle Peak Road – Lingnan Section is the Lingnan University (**Plans A-2 and A-3**);
- (b) to the immediate south and west are clusters of structures for residential, storage and vacant buildings and existing religious institution including Ching Leung Nunnery (清涼法苑) (**Plans A-2 and A-3**);
- (c) to the further south is Tuen Mun Water Treatment Works (TMWTW) which is a potentially hazardous installation (PHI). The Site falls within the 400m Consultation Zone (CZ) of the PHI (**Plan A-1**); and
- (d) to the further southwest are existing residential developments of Brilliant Garden, Tuen Fu Road Disciplined Services Quarters and gas pigging station. To the further northwest are Fu Tei Fire Station, Tuen Fu Road Community Garden, Napa Valley and Siu Hong West Rail Station (**Plans A-2 and A-3**).

9. **Planning Intention**

The planning intention of “G/IC” zones is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10. **Comments from Relevant Government Departments**

10.1 The following bureaux and government departments have been consulted and their views on the application and the public comments are summarised as follows:

Licencing

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

- (a) 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 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.
- (c) 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.
- (d) 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.

- (e) 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).

Land Administration

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

- (a) 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:
 - (i) the Lot shall be used for private residential purpose only;
 - (ii) no structure shall be erected within 15ft (i.e. about 4.57m) of any boundary of the Lot or building curtilage;
 - (iii) 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
 - (iv) no grave shall be made on the Lot, nor shall any human remains whether earthenware jars or otherwise be interred therein or deposited thereon.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) As mentioned in the Planning Statement (**Appendix Ia**), 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.

- (f) As claimed in this planning application, there are 1,567 numbers of sold and 613 numbers of unsold niches within the buildings to be retained as at 30.6.2017. The total number of existing niches ($1,567 + 613 = 2,180$) differs from the claimed number of 1,669 shown in the applicant's planning application submitted on 6.10.2016 (application No. A/TM/495). His office shall defer to FEHD to clarify whether the numbers accord with their record of nos. of sold and unsold niches at the "cut-off time" as defined under PCO.
- (g) The GL as shown coloured green on Plan 1 in the applicant's Further Information II (**Drawing A-13**) 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.
- (h) 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 (**Plan A-2**). 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.
- (i) 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 (**Drawing A-2**). 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.

- (j) If planning approval is given to the proposed development, 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.

Traffic

10.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) 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.
- (b) 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. If the application is approved by the Board, 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.

10.1.4 Comments of the Commissioner of Police (C of P):

- (a) The applicant had previously submitted the similar application (No. A/TM/419) which was rejected by the Board on the ground that the applicant failed to demonstrate that the potential pedestrian safety and traffic impacts associated with the proposed columbarium could be satisfactorily addressed. The applicant had further submitted two s.16 planning applications for the same use but withdrew subsequently. Having studied the present situation, it was found that the number of proposed niches was reduced from 4,900 to 1,567 and there was no residential institution proposed in the current application. The applicant had submitted an updated TIA, which included the traffic surveys conducted in Ching Ming Festival of 2018. He has no comment on the updated TIA but comment should be sought from TD.
- (b) The applicant stressed that there are no adverse impact on the traffic and pedestrian analyses in accordance with the updated TIA. The applicant also mentioned that there are 69% of niches already occupied and it is not expected that a significant change on the traffic and pedestrian flow will be made when the remaining niches (31%) are occupied. He has no further comment on the applicant's responses provided that the road and parking layout and traffic management scheme proposed by the applicant would be implemented smoothly and effectively. The Site adjoins a residential development, Parkland Villas. Both GLM and Parkland Villas share the same access road at Tuen On Lane and their entrances are close to each other. The visitors to GLM and the residents would have to use the same road and large amount of visitors during the Ching Ming and Chung Yeung Festivals would be anticipated. It may cause nuisance to the residents to a certain extent.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) The proposed access from the Site to Tuen On Lane is not and will not be maintained by HyD.

Environment

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

- (a) The application is for the regularisation of a columbarium with 1,567 niches and 1,089 ancestral tablets as compared with the previous applications where there were redevelopments. His comments are as follow:

Noise Impact

- (i) He has no comment as the applicant clarified the operation of the proposed centralised incense furnace cum smoke treatment system is between 9:00 a.m. and 4:30 p.m.

Sewerage/Water Quality Impact

- (ii) The applicant has now proposed the septic tank and soakaway system to be discontinued but to provide connection to the public sewer at Tuen Fu Road for sewage disposal. The proposed connection to the public sewer at Tuen Fu Road is considered an appropriate sewage disposal arrangement. As such, he has no adverse comment from water quality and sewerage impact perspective. The Drainage Services Department (DSD), as authority of public sewerage network should be consulted.

Air Quality

- (iii) As compared with previous application, the applicant has decided to allow the existing incense burning furnace with installation of the proposed centralised incense furnace cum smoke treatment system. 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.

Hazard Assessment

- (iv) He has no adverse comment from chlorine risk perspective noting the Site is within the CZ of TMWTW.
- (b) Given the above and subject to the implementation of the proposal as presented by the applicant, he has no objection to the application.

- (c) There was no substantiated environmental complaint pertaining to the Site received in the past 3 years.

Urban Design and Landscape

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

Urban Design and Visual

- (a) There is no erection of any new structure under the application. Given the above, he has no comment on the application from the visual perspective.

Landscape

- (b) The Site is situated in an area of urban fringe landscape character dominated by high rise residential development and religious institution with tree groups. With reference to the planning statement, the new development would comprise of three 2-storey building structures, and temporary structures will be demolished. The application is to seek permission for regularising the existing columbarium use in House 2 (G/F) and House 3 (G/F and 1/F). According to the submission, 4 existing trees of common species were recorded within the application site. The applicant proposes to retain all existing trees within the site. Since the proposed columbarium will be abutting an adjacent residential development, a 2m wide green buffer along the east boundary of the site is proposed by the applicant to reduce the negative impact to the abutting Parkland Villas. Therefore, he has no objection on the application from the landscape planning point of view.
- (c) Should approval to the application be given by the Board, he would recommend a landscape condition on the submission and implementation of a landscape proposal to the satisfaction of Director of Planning or of the Board in the planning permission.
- (d) 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 OVT. The applicant should consider relocating the disabled carpark or providing supplementary information to support practicable tree preservation.

Drainage and Sewerage

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

- (a) He has no objection in principle to the application from public drainage and sewerage point of view.
- (b) Should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.
- (c) 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).
- (d) 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.
- (e) The applicant should implement the drainage facilities on the Site in accordance with the drainage proposal.
- (f) 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.
- (g) 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.
- (h) The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.
- (i) 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.

- (j) 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.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to the satisfaction of the Director of Fire Services.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) 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.
- (d) He has no specific comment on the public concerns on fire safety in the vicinity and the emergency services provided by the Fu Tei Fire Station.

Building Matters

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

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) Detailed comments under the BO will be provided at the building plan submission stage.

Others

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

- (a) He has no objection to the application.
- (b) The Site falls within the 400m radius of CZ of TMWTW, which is a PHI. Comments from DEP should be sought.
- (c) In response to public comment, he advised that from an operation point of view, the proposed columbarium is not likely to have any effect on TMWTW.

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

He has no particular comment on the application from electricity supply safety aspect. However, 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.

District Officer’s Comments

10.1.13 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

- (a) He had distributed consultation letters to the locals concerned and understood that they would provide their comments to the Board direct.
- (b) He noted Tuen Mun District Council (TMDC) member of the subject constituency and locals/residents living nearby (such as the Parkland Villas) have all along expressed concerns regarding potential adverse traffic, visual, air and other environmental impacts brought by the proposed columbarium. It is envisaged that the concerned TMDC member and locals/residents living in the vicinity would continue to have strong reservation about the subject application. In view of the above, he trusts the Board would take into account the local views comprehensively when further deliberating on the planning application.

10.2 The following Departments have no comment on or no objection to the application:

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Secretary for Home Affairs (S for HA);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West)(PM(W), CEDD);
- (e) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO); and
- (f) Director of Leisure and Cultural Services (DLCS).

11. **Public Comments Received During the Statutory Publication Period**

11.1 On 14.8.2018, 30.11.2018, 2.4.2019, 14.5.2019, 21.6.2019 and 4.10.2019, the application and relevant FI were published six times for public inspection, which ended on 4.9.2018, 21.12.2018, 23.4.2019, 4.6.2019, 12.7.2019 and 25.10.2019 respectively, a total of 93,984 public comments were received. Amongst the public comments received, 52,803 of them support the application, 41,155 raise objection and the remaining 26 of them indicate no comments or no adverse comment on the application. Samples of the comments are attached to this paper (**Appendices V-1 to V-62**). All the public comments received are deposited at the Secretariat for Members' inspection at the meeting.

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

Publication Period	Support	Objection	Others ^{Note 2}	Total
14.8.2018 – 4.9.2018	8,634	5,814	10	14,458
30.11.2018 – 21.12.2018	3,784	6,372	0	10,156
2.4.2019 – 23.4.2019	8,538	6,621	11	15,170
14.5.2019 – 4.6.2019	10,304	7,075	1	17,380
21.6.2019 – 12.7.2019	8,952	7,346	0	16,298
4.10.2019 – 25.10.2019	12,591	7,927	4	20,522
Total	52,803	41,155	26	93,984

Note 2: including 20 blank forms and 6 comments referring to other application

11.3 The supporting comments were mostly from individuals including followers of GLM and columbarium niche owners (samples at **Appendices V-1 to V-15**). About one-third of them (22,043 out of 52,803 (about 42%) did not state any reasons for support (sample at **Appendix V-1**). Samples of some typical comments are attached for Members' reference (**Appendices V-2 and V-15**). The major supporting reasons are summarised as follows:

- (a) GLM as a place for religious worship has long existed before the development of Parkland Villas, which is the only residential development in the vicinity. It serves as a religious institution in Tuen Mun for a long time and co-existed with Parkland Villas for many years. The operation of GLM will not cause traffic problem to Parkland Villas residents as they have separate pedestrian access, and it will not cause air pollution to Parkland Villas. Burning of joss paper is prohibited;
- (b) GLM is well managed and has not generated environmental nuisance to the nearby residents. Columbarium in GLM is of small scale and located indoor. The location of GLM is far from other residential developments. The surrounding land uses are non-residential developments such as nunnery and fire station. The surrounding is heavily vegetated. It would not pose visual impacts onto nearby residents;

- (c) GLM is conveniently located and easily accessible by public transport. It would not cause traffic congestion during Chung Yeung and Ching Ming Festivals. Crowd management is smooth;
- (d) it is a traditional practice of providing columbarium niches in temple. The application aims to regularize the existing niches at GLM which has long been serving the local community since 1955. Provision of facilities is sufficient. The application has taken into account the requirements of PCO, for which the applicant will take all necessary and appropriate actions, including removal of temporary structures, implement landscaping management and improvement of facilities in GLM;
- (e) the construction of GLM was not regularised by any legal requirements since it was built. Arrangement has been made to satisfy governmental requirements. The issue of illegal occupation of GL has been resolved;
- (f) ‘Religious Institution’ use is a Column 2 use⁴; which is legal to be built in an area zoned “G/IC”; and
- (g) approval of the application would help relieve deficit of niches and would be of public interest. There is no columbarium nearby in Fu Tei and GLM is the only convenient spot for nearby worshippers; and
- (h) the Government should support the application as GLM serves the public. Sympathetic consideration should be given to owners of sold niches in GLM.

11.4 The objection comments were from two TMDC Members (**Appendices V-16 to V-18**); the incorporated owners (IOs)/management company of nearby residential developments including Parkland Villas (疊茵庭) and Napa Valley (名賢居) (**Appendices V-19 to V-22**); other organisations including Tuen Mun Association for Women’s Development (屯門展藝婦女會), Association of San Hui Residents (新墟居民同樂會), Fu Tai Estate Residents’ Services Association (富泰邨居民服務社), Butterfly Bay Residents’ Association (蝴蝶灣居民協會), Butterfly Bay Lok Man Association (蝴蝶灣樂民協會), Association of Benevolent Contributors (喜善行服務社), Yin Wai Women’s Association (賢慧婦女會), Tuen Mun North Residents’ Association (屯門北居民協會), Friendly Neighbour Association (善鄰社), Tuen Mun Co-operation and Development Association (屯門互進會), Yan Tai Residents’ Association (茵泰居民協會), Association of Prime View (景峰服務社), Columbarium Concern Group (各界關注骨灰龕法案大聯盟) and members of the general public, including residents and property owners of the nearby residential

⁴ According to the Notes of “G/IC” zone of the Tuen Mun OZP, ‘Religious Institution’ is a Column 1 use which is always permitted.

developments (samples in **Appendices V-23 to V-62**). The major grounds of objection are summarised as follows:

- (a) the columbarium involved illegal occupation of GL and contravenes lease conditions, statutory town plan and BO. The applicant had launched a judicial review against the occupation of GL, but it was not successful. Approval of the application would set an undesirable precedent for other operators to regularise unauthorised columbarium operations in Fu Tei;
- (b) the columbarium deviates from the planning intention of the subject "G/IC" zone. The provision of local facilities has not taken into account of the visitors arising from the columbarium development;
- (c) prior to granting approval, existing unauthorised structures should be removed. The columbarium involved illegal excavation;
- (d) after the disapproval of the previous application by the Board, the applicant applied for review/appeal to the Board's decision. The current application is a delaying tactic to withhold enforcement actions against the unauthorised columbarium. Processing the application is a waste of public resources;
- (e) according to the judge's verdict of Hong Kong Memorial Park (孝思園) (HKMP), HKMP was convicted of breaching land lease and was requested to remove all niches. It is considered that GLM is of the same nature;
- (f) Parkland Villas was built prior to GLM's unauthorised columbarium. The interest of local residents should be respected. Local residents have not been consulted regarding the scheme. Their consent should be sought prior to the operation of the columbarium;
- (g) the Government should plan for columbarium in appropriate areas and should not allow columbarium in areas which are not intended for such use. There are plenty of private and legal columbaria in Tuen Mun. The Government has also built considerable numbers of columbarium in Tsang Tsui;
- (h) the columbarium is too close to and incompatible with the surrounding residential developments in particular Parkland Villas. The operation of GLM and daily rituals has already caused serious adverse air, glare and noise impacts to the local residents and students. Approval of the application would further worsen the situation, disturb the residents physically, psychologically and affect property value and set an undesirable precedent in the area;
- (i) construction works of the proposal will cause disturbance to surrounding developments, roads and residents and may affect the structural safety of the surrounding developments;

- (j) the proposal would cause adverse traffic impacts to the area. There are insufficient parking, L/UL facilities, pedestrian access and means of escape. The traffic and crowd management plan is impractical. Serious illegal parking and traffic congestion are expected. Emergency service would be also be affected;
- (k) additional visitors would cause security and hygiene concerns to local residents. Supporters may not live in the area and will not be affected by the proposal;
- (l) the information provided in the proposal and the technical assessments, including TIA, are misleading, inaccurate and/or impractical;
- (m) the integrity of the applicant is questioned. The number of niches has been increased between 2010 and 2019. It is also suspected that GLM sold niches without obtaining valid permission, the patrons should be refunded;
- (n) the proposal is for profit making and is contrary to religious practices and Chinese culture. Public interest should be prioritised over religious belief in the consideration of the application; and
- (o) the scheme will involve tree felling and will affect existing trees.

12. Planning Considerations and Assessments

- 12.1 The application is to regularise the existing columbarium (1,567 niches sold before 30.6.2017) at the Site. The Site falls within an area zoned “G/IC” on the Tuen Mun OZP. ‘Columbarium’ requires planning permission from the Board. According to the application, three existing 2-storey buildings of 7.4m (1,567 niches) at the Site will be retained (**Drawings A-1 to A-7**). The columbarium niches are at G/F of House 2 and G/F and 1/F of House 3 (**Drawing A-2**).

Planning Intention and Land Use Compatibility

- 12.2 The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. As for the columbarium use, it is a Column 2 use requiring planning permission from the Board. The acceptability of the proposal should be comprehensively assessed taking into account the land use compatibility of the Site with its neighbouring uses, and the traffic and environmental impacts arising from the development.

- 12.3 Although the Site falls within the “G/IC” zone comprising a number of GIC facilities including Ching Leung Nunnery, Fu Tei Fire Station and school, the Site is located in close proximity to residential developments and adjoins a medium density residential development of Parkland Villas comprising 9 residential blocks. They share the same access road at Tuen On Lane and their entrances are close to each other (**Plans A-2a and A-3**). The columbarium under application will bring nuisance to the local residents and is considered not compatible in land use terms.

Land Administration and Building Matters

- 12.4 There are a number of structures erected on the Lot, including the structures under application, which are not in compliance with the lease conditions. DLO/TM, LandsD advises that the existing use as a monastery is in breach of the lease condition. Two warning letters against the breach of lease restrictions on user, maximum building height and maximum built-over area and the breach of lease restriction on “no deposit of human remains” have been registered in the Land Registry against the Lot. DLO/TM, LandsD reserves the right to take lease enforcement actions as may be considered appropriate against any breach of lease conditions. CBS/NTW, BD advises that there is no record of approval by the BA for the existing structures at the Site and enforcement action may be taken to effect the removal of any UBW erected on leased land in accordance with BD’s enforcement policy against UBW 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.

TPB Guidelines

- 12.5 The proposed development does not comply with the TPB PG-No. 16 in that the proposed columbarium use is not compatible with the medium density residential development of Parkland Villas comprising 9 residential blocks located to its immediate north and east.

Access and Sewerage Arrangements

- 12.6 A new pedestrian footpath with a minimum clear width of 2.1m will be provided at the entrance of GLM at Tuen On Lane while a footpath of the same width will be provided within GLM (**Plan A-2, Drawings A-9 to 11 and Drawing 13**). DLO/TM, LandsD advises that there is no guarantee that the applicant’s proposal to utilise this piece of GL to provide a footpath to GLM will be approved. Besides, 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 (**Plan A-2**).

Traffic and Crowd Management

- 12.7 As the application mainly involves niches sold before 30.6.2017, AC for T/NT of TD has no in principle objection to the planning application subject to approval of TCMP by PCLB. If the application is approved by the Board, the applicant is required to submit a Management Plan for approval

by the PCLB during the licensing stage. However, Parkland Villas and GLM share the same access road (Tuen On Lane) and their entrances are close to each other (**Plan A-2a and Photo 2 at Plan A-4a**). The visitors to GLM and the residents would have to use the same access road. Large amount of visitors and possible illegal parking/queuing of vehicles waiting to enter the Site during festival days are expected. Such situation will cause nuisance to the residents. Hence, C of P raises concerns on the effectiveness on the implementation of TCMP during the festival days and their shadow periods and there may have nuisance to the residents to a certain extent.

Other Technical Considerations

- 12.8 Other departments consulted including DFEH, DEP, DEMS, CTP/UD&L of PlanD, CE/MN of DSD, CE/C of WSD, H(GEO) of CEDD, D of FS, CBS/NTW of BD and PM(W) of CEDD have no objection to/adverse comment on the columbarium development subject to the imposition of relevant planning conditions, where appropriate.

Undesirable Precedent

- 12.9 A previous application (No. A/TM/419) for columbarium and residential institution uses at the Site was rejected by the Board upon review on 1.2.2013 on the grounds, amongst others, the adverse traffic impact on pedestrian and vehicular traffic as well as conflicts and nuisances to the residents in surrounding areas, and setting an undesirable precedent. There has been no major change in planning circumstances since the rejection of the previous application. No approval for columbarium use has been given within the subject "G/IC" zone. The approval of the application would set an undesirable precedent for other similar applications within the subject "G/IC" zone.

Public Comments

- 12.10 DO(TM), HAD noted TMDC member of the subject constituency and locals/residents living nearby (such as the Parkland Villas) have all along expressed concerns regarding potential adverse traffic, visual, air and other environmental impacts brought by the proposed columbarium. It is envisaged that the concerned TMDC member and locals/residents living in the vicinity would continue to have strong reservation about the subject application.
- 12.11 A total of 93,984 public comments were received during the statutory publication periods for the application. 52,803 public comments (about 56%) indicate support to the application and 41,155 public comments (about 44%) raise objection. The grounds of the public comments are stated in paragraphs 11.3 and 11.4 above. The comments from relevant government departments and the planning assessments in paragraphs 12.1 to 12.9 above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with TPB-PG No. 16 in that the columbarium use is in close proximity to the residential developments and sharing the same access road with the adjoining residential development, which is not compatible with surrounding areas in land use terms; and
- (b) 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 cause nuisances to the residential neighbourhood.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 29.11.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the number of niches and ancestral tablets within the Site shall not exceed 1,567 and 1,089 respectively;
- (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;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission and implementation of a landscape proposal to the satisfaction of Director of Planning or of the Town Planning Board;

Advisory Clauses

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

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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 period of which the permission should be valid on a temporary basis.

15. **Attachments**

Appendix I	Application form received on 3.8.2018
Appendix Ia	Planning Statement attached to Appendix I
Appendix Ib	FI received on 21.11.2018 in response to departmental and public comments, detailed niche information and revised technical assessments
Appendix Ic	FI received on 28.11.2018 in response to public comments regarding the total number of niches
Appendix Id	FI received on 18.3.2019 in response to departmental and public comments, revised technical assessments and TCMP
Appendix Ie	FI received on 6.5.2019 in response to departmental and public comments, revised technical assessments and revised TCMP
Appendix If	FI received on 18.6.2019 in response to departmental and public comments, clarification of technical assessments and revised TCMP
Appendix Ig	FI received on 30.9.2019 in response to departmental and public comments and revised TCMP
Appendix II	Town Planning Board Guidelines No. 16 (TPB-PG No. 16)
Appendix III	Previous Application
Appendix IV	Similar Applications within “G/IC” zones on the approved Tuen Mun OZP No. S/TM/35
Appendices V-1 to V-62	Public Comments Received During Statutory Publication Period
Appendix VI	Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Master Layout Plan
Drawings A-3 to A5	Floor Plans of Houses 1 to 3
Drawing A-6	Elevation
Drawing A-7	Section
Drawing A-8	Landscape Master Plan
Drawings A-9 to A11	Traffic and Crowd Management Plan
Drawing A-12	Perspective Drawing
Drawing A-13	Location of the Footpath outside Gig Lok Monastery

Plan A-1	Location plan
Plan A-1a	Location of previous and withdrawn applications
Plan A-1b	Location of previous and similar applications on the Tuen Mun OZP
Plans A-2 & 2a	Site plans
Plan A-3	Aerial photo
Plans A-4a to 4e	Site photos

**PLANNING DEPARTMENT
NOVEMBER 2019**