

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/548
(for 2nd Deferment)

- Applicant** : Tsing Wan Kun Temple Management Company Limited represented by Townland Consultants Limited engaged by Eminence Consulting and Management Co. Ltd.
- Premises** : G/F of an Existing Building within Tsing Wan Kun in Lot 559 in D.D. 131, Tuen Mun, New Territories
- Floor Area** : About 146.335 m²
- Lease** : (a) no verandah shall be constructed as to project over Government land
(b) no house erected shall be more than two storeys in height
(c) no grave shall be made on, nor shall any human remains be interred in, or deposited on the lot either in earthenware jars or otherwise
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Green Belt” (“GB”)
- Application** : Columbarium (within a Religious Institution)

1. Background

- 1.1 On 2.12.2019, the applicant sought planning permission to regularise the existing columbarium use at G/F of one of the building structures (the Premises) of a religious institution compound named Tsing Wan Kun providing 2,574 niches (**Plan A-1**).
- 1.2 On 17.1.2020, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) agreed to defer making a decision on the application for two months, as requested by the applicant, to allow time to consult relevant departments and address departmental comments. The applicant submitted further information (FI) on 17.2.2020 and 7.5.2020. The application is scheduled for consideration by the Committee at this meeting.
- 1.3 For background information, the Premises was the subject of two previous applications (i.e. No. A/TM/405 and A/TM/487) submitted by Tsing Wan Kun (also known as T’ong Tsing Wan Kun) for the same use in 2010 and 2016, whilst the current application was submitted by Tsing Wan Kun Temple Management

Company Limited. Regarding Application No. A/TM/405 submitted on 20.9.2010, it had been deferred three times as requested by the applicant to address departmental comments and an additional deferral as requested by the Planning Department in September 2011. The application was reactivated in late 2014 and it was again deferred twice as requested by the applicant to address departmental comments before it was eventually withdrawn by the applicant on 17.3.2015.

- 1.4 Application No. A/TM/487 which was submitted on 7.4.2016 had been deferred twice as requested by the applicant to address departmental comments. In the second deferment, having taken into account the same applicant had previously submitted an application (No. A/TM/405) for the same use at the same premises with similar scale, the Committee acceded to the applicant's deferment request, but decided that no further deferment would be granted as the applicant should have sufficient time to address the departmental comments. The applicant requested for third deferment on 11.1.2017 but it was not acceded to by the Committee on 13.1.2017. The application was rejected by the Committee on 13.1.2017.

2. Request for Deferment

On 9.6.2020, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the application for two months in order to allow time to prepare FI to address departmental comments (**Appendix I**).

3. Planning Department's Views

- 3.1 The application has been deferred once for two months at the request of the applicant to allow more time to address departmental comments. Since the last deferment, the applicant has submitted FI, including response to comment table and revised Traffic Impact Assessment, to address the comments of government departments. The applicant needs more time to prepare FI in response to the departmental comments.
- 3.2 The Planning Department has no objection to the request for deferment as the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needs more time to prepare FI in response to departmental comments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.
- 3.3 However, it should be noted that the Premises is subject of two previous applications for the same use (No. A/TM/405 and A/TM/487), although the number of niches under application has been reduced from 4,884 accommodated in G/F and 1/F of the existing building at the site to 2,574 accommodated in G/F of the same existing building as proposed in the current application. As mentioned in paragraphs 1.3 and 1.4 above, the previous applications for the same use had been deferred for a number of times in order to address the concerns of government departments, including those on traffic related issues. Moreover, it is also noted that the Premises had been renovated for columbarium purpose

without valid planning permission. Under such circumstance, it is considered that whilst the subject request for deferment may still be acceded to, further deferment should not be granted as the applicant should have sufficient time to address departmental concerns, which are similar for the same applied use.

- 3.4 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of further submission from the applicant. If the FI submitted by the applicant is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. Since it is the second deferment of the application, the applicant should be advised that the Committee has allowed a total of four months for preparation of FI, this is the last deferment and no further deferment would be granted.

4. Decision Sought

The Committee is invited to consider whether or not to accede to the applicant's request for deferment. If the request is not acceded to, the application will be submitted for the Committee's consideration at the next meeting.

5. Attachments

- Appendix I** Letter dated 9.6.2020 from the applicant's representative
Plan A-1 Location Plan

**PLANNING DEPARTMENT
JUNE 2020**