

## **Chapter 17: Arrangements for applications for waiving the regularisation fees in connection with compliance with the land-related requirements in respect of a pre-cut-off columbarium seeking a licence**

### **(A) Overview**

- (1) Under the current policy, any application for lease modification, land exchange, short term tenancy (STT) or waiver (irrespective of whether it is an application for regularisation) to permit the proposed use will be processed in accordance with established procedures. Approval of any such application is subject to payment of premia, waiver fees or STT rentals assessed at full market value or rental as well as administrative fees as appropriate by the applicant, unless policy directive is provided to charge nominal or concessionary premia, rents or waiver fees.
- (2) The Government has decided before the enactment of the Ordinance that, for a pre-cut-off columbarium confirmed to be eligible for an exemption in all other respects (with the exception of the land-related requirements), if the applicant submits an application in respect of the “pre-cut-off sold niches” and post-cut-off interment of ashes of religious practitioners free of charge in pre-cut-off yet-to-be-disposed-of niches in pre-cut-off religious ash pagoda, the Director of Lands might consider regularising breaches of the relevant lease conditions and/or unlawful occupation of unleased land by way of a waiver and/or a STT, and waiving the relevant waiver fees, STT rentals and administrative fees (hereinafter known as “the regularisation fees”) before and during the validity of the exemption. However, each application will be considered on a case-by-case basis having regard to its circumstances and merits (such as whether policy support from the relevant Bureau has been obtained).

The applicant who applies to the Private Columbaria Licensing Board (the PCLB) for issue of an exemption in respect of a pre-cut-off columbarium should submit a register containing the particulars of the above niches as well as other information/documentary proof in accordance with section 24 of the Private Columbaria Ordinance (the Ordinance) and **items (v) and (vii), Part D of Chapter 8** of the Application Guide. After an exemption is issued, the holder of the exemption must comply with the requirements and restrictions stipulated in sections 54 to 57 of the Ordinance. For filled niches, if any interred ashes are removed subsequently in the future, such vacated niches are not allowed to be “refilled”. The PCLB may also impose a condition under section 38 of the Ordinance restricting the holder of an exemption from imposing additional fees beyond the amounts specified in the agreements for the sale of interment right of the niches.

- (3) The Government announced two policy initiatives on 22 November 2017 to address the issues of waiving regularisation fees and traffic impact assessment in respect of pre-cut-off columbaria seeking a licence. Please refer to **Annex 26** for the relevant press release.
- (4) For a pre-cut-off columbarium confirmed to be eligible for a licence in all other respects (with the exception of the land-related requirements), the applicant may submit an application in respect of the “pre-cut-off sold niches” for the issue of waiver and/or STT in order to regularise breaches of the relevant lease conditions and/or unlawful occupation of unleased land, and waiving the relevant waiver fees, STT rentals and administrative fees (i.e. “the regularisation fees”) before and during the validity period of the licence. However, each application will be considered on a case-by-case basis having regard to its circumstances and merits (such as whether policy support from the relevant Bureau has been obtained).
- (5) The following table summarises the above arrangements for waiving the regularisation fees which may be considered by the Government:

| Date of Commencement of columbarium operation              | Pre-cut-off columbarium (Note 1) | Type of specified instrument below that the applicant is eligible for in all respects (with the exception of the land-related requirements) | Arrangements for waiving the regularisation fees (Note 2) |   |   |   | Remarks  |
|--|----------------------------------|---|---|---|---|---|--|
|  |                                  |   | Pre-cut-off sold niches (Note 3)                          | Niches sold after the cut-off time and unsold niches                          | Religious ash pagoda  |   |  |
|  |                                  |   |   |   | Niches with ashes interred between the cut-off time and the enactment date (Note 4) | Niches with ashes interred after specification by the Secretary for Home Affairs (Note 4) |  |
| Before 1 January 1990 (Note 5)                             | Yes                              | Exemption   | Fees to be waived   | Not applicable  | Fees to be waived   | Fees to be waived   | This arrangement was decided before the enactment of the Ordinance |
|  |                                  | Licence   | Fees to be waived   | Fees not to be waived (Payment of full market value land premium is required) | Fees to be waived   | Fees to be waived   | New arrangement  |
| On or after 1 January 1990 and before 8 a.m., 18 June 2014 | Yes                              | Licence   | Fees to be waived   | Fees not to be waived (Payment of full market value land premium is required) | Fees to be waived   | Fees to be waived   | New arrangement  |
| At or after 8 a.m., 18 June 2014                           | No                               | Licence   | Not applicable  | Fees not to be waived (Payment of full market value land premium is required) | Not applicable  | Not applicable  | Same as before   |

Note 1: A “pre-cut-off columbarium” means a columbarium that was in operation, and in which ashes were interred in niches, immediately before 8 a.m. on 18 June 2014 (the cut-off time).

Note 2: The “regularisation fees” include the land premia, rentals, waiver fees as well as administrative fees payable for an application for lease modification, land exchange, STT or waiver to permit the proposed use.

Note 3: The arrangement on waiving payments for regularisation exercises in respect of pre-cut-off columbaria (be these exemption or licence cases) for their “pre-cut-off sold niches” are meant to cover ashes interred before the cut-off time in pre-cut-off religious ash pagoda (irrespective of whether or not these are in respect of religious practitioners or whether or not these are free or charge), and facilities determined by the PCLB to be necessary for/ancillary to the operation of a columbarium (pre-cut-off sold niches). The applicants are required to comply with all the requirements and conditions imposed by the PCLB.

The “pre-cut-off sold niches” in respect of which an application may be made for waiving the regularisation fees must meet the following criteria:

- They were sold by the pre-cut-off columbarium before 8 a.m. on 18 June 2014 (the cut-off time).
- At or after the cut-off time:
  - they have **not** been resold (i.e. sold by the persons who bought the niches before the cut-off time to other persons);
  - there have been **no** changes to the names of the purchasers;
  - (where no dedicated person has been named) the dedicated person must be the purchaser himself/herself or his/her relative; or
  - (where a dedicated person has been named) the dedicated person **has not been** changed (unless the newly named dedicated person is a relative of the original dedicated person).

(“Relative” has the meaning assigned to it by section 6(2) of Schedule 5 to the Ordinance.)

Note 4: For post-cut-off interment of ashes of religious practitioners free of charge in pre-cut-off yet-to-be-disposed-of niches in a pre-cut-off religious ash pagoda (should there be any), subject to policy support from the Secretary for Home Affairs (SHA), the arrangement of considering waiving the regularisation fees of a pre-cut-off columbarium confirmed to be eligible for an exemption in all other respects (with the exception of the land-related requirements) should be extended to cover pre-cut-off columbaria confirmed to be eligible for a licence in all other respects (with the exception of the land-related requirements).

The above arrangement for waiving the regularisation fees would cover ashes of religious practitioners interred free of charge in the pre-cut-off yet-to-be-disposed-of niches in pre-cut-off religious ash pagoda during the following periods:

- between the cut-off time and the beginning of the enactment date (i.e. 30 June 2017); and
- after specification of the religious ash pagoda by SHA (the specification) and as long as the licence and the specification are in force, subject to compliance with all the requirements and conditions imposed by the PCLB and SHA (see Part C of this Chapter for details).

Note 5: This refers to a columbarium which was in operation before 1 January 1990 with at least one set of ashes interred in any niche or an interment right of any niche sold (i.e. a dated columbarium).

**(B) Arrangements for applications for waiving the regularisation fees in connection with compliance with the land-related requirements in respect of “pre-cut-off sold niches”**

| <b>(i) Application eligibility</b> |  |
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| 1                                  | Only pre-cut-off columbaria are eligible to apply.   |
| 2                                  | The applicant should have submitted an application to the PCLB for issue of a licence, and the columbarium has been confirmed to be eligible for a licence in all other respects (with the exception of the land-related requirements).  |
| 3                                  | <p>The applicant has undertaken to comply with the following restrictions:</p> <ul style="list-style-type: none"> <li>(i) For those partially filled or unfilled niches, replacing the name of a dedicated person whose ashes have yet to be interred by another person is only limited to his/her relative [in accordance with the definition of “relative” under section 6(2) of Schedule 5 to the Ordinance].</li> <li>(ii) For filled niches, if any interred ashes are removed subsequently in the future (e.g. claimed back by descendants), such vacated niches are not allowed to be “refilled”.</li> <li>(iii) After the interment of ashes in the niches referred to in item (i), the restriction set out in item (ii) will become applicable to these niches.</li> <li>(iv) The imposition of additional fees beyond the amounts specified in the agreements for the sale of interment right of the niches is not permitted.</li> </ul>                 |
| 4                                  | <p>The applicant has confirmed to the PCLB in writing that he/she has obtained the consent of all persons who bought the niches before the cut-off time to comply with the restrictions set out in item (3) above <b>or</b> has implemented the following measures:</p> <ul style="list-style-type: none"> <li>(i) Letters have been sent to all persons who bought the niches before the cut-off time (whose contact information is available) to obtain their written consent to comply with the restrictions set out in item (3) above.</li> <li>(ii) A notice (which must be prepared in the format specified in <b><u>Annex 27</u></b>) has been published in a newspaper and posted at a conspicuous place outside the entrance of the columbarium.</li> <li>(iii) The notice referred to in item (ii) above has been issued for 3 months and no objection in writing from those who bought the niches before the cut-off time has been received.</li> </ul> |

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| 5   | The applicant has submitted a written undertaking that he/she will take full responsibility for any claims, demands for compensation, legal actions or complaints made or taken against the Government or the PCLB arising from the applicant's compliance with the restrictions set out in item (3) above or the approval granted to the application for waiving the regularisation fees, including handling all such claims, demands for compensation, legal actions or complaints, bearing all relevant costs and compensating the Government or the PCLB for all losses they may suffer.   |
| 6   | In connection with his/her application for waiving the regularisation fees, the applicant must submit to the PCLB information and undertaking in the form at <b>Annex 28</b> supporting his/her application. The applicant should provide a register giving details of the niches that were <b>sold before the cut-off time</b> and in compliance with the requirements set out in items (3) and (4) above by using the templates <b>at Appendices A, B and C of Annex 28</b> . (The completed Appendices A, B and C compiled in the specified Excel format should be submitted in both printed form and electronic form, and stored on a CD-ROM.) |
| 7   | The applicant must give his/her consent to the PCLB to promulgate on the Internet and in other manners that the PCLB thinks fit to the public of the number and other relevant information (such as the location and serial numbering of the niches) of the niches in the columbarium covered by the waiving arrangement and subject to the restrictions set out in item (3) above.  |
| <b>(ii) Application procedures</b>                    |  |
| 1   | All applicants are required to submit their applications to the PCLB for issue of temporary suspension of liability (TSOL) and licence on or before 29 March 2018.   |
| 2   | In his/her application for regularisation submitted to the relevant District Land Office under the Lands Department (DLO), the applicant should also indicate whether he/she would like to apply for waiving the regularisation fees for pre-cut-off-sold niches and the number of such niches.  |
| 3   | Before the completion of the regularisation exercise, the applicant must furnish the PCLB with information supporting his/her application for waiving the regularisation fees for pre-cut-off-sold niches, as well as the written undertaking and acknowledgment referred to in items (i)(3), (i)(4) and (i)(5) above using the form at <b>Annex 28</b> . The completed form should be submitted <b>in quadruplicate</b> , while the attachments should be submitted <b>in triplicate</b> .  |
| <b>(iii) Procedures for processing an application</b> |  |
| 1   | The information contained in the form submitted by the applicant according to item (ii)(3) above will be sent by PCAO to the relevant DLO for consideration.   |
| 2   | PCAO will conduct preliminary checking of the form and the attachments submitted according to item (ii)(3) above.  |

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| 3 | If necessary, the applicant will be required by PCAO to provide further information (such as the agreements for the sale of interment rights of certain niches, the record of interment, or the contact information of the purchasers or relatives of the dedicated persons etc.). On-site inspections will be conducted to verify the information provided.  |
| 4 | After finishing the processing of the licence application, if the information available and the comments made by all relevant departments suggest that the application is eligible for a licence in all other respects (with the exception of the land-related requirements), PCAO will submit the licence application, together with the results of the vetting of the form and the attachments submitted according to item (ii)(3) above, to the PCLB for determination.  |
| 5 | If the PCLB <b>agrees in principle</b> to issue a licence upon the applicant meeting the land-related requirements, PCAO will notify the applicant and the relevant DLO of the decision of the PCLB in writing.   |
| 6 | The applicant is required to deliberate with the Lands Department about the matter of compliance with the land-related requirements. When the applicant has met all the land-related requirements, he/she should report his/her compliance to PCAO in writing.  |
| 7 | Upon being notified by the applicant of his/her compliance with the land-related requirements, PCAO will check with the relevant DLO. If the reply is affirmative, PCAO will report the situation and submit the application to the PCLB for determination.   |
| 8 | <p>If the PCLB decides to grant a licence, the restrictions set out in item (i)(3) above will be imposed as licensing conditions.</p> <p><b>If the columbarium is found to have breached the above licensing condition(s) in the future, the operator has to bear the consequences of the breach(es) as provided for in the Ordinance. The PCLB may also change the total number of sets of ashes permitted to be interred by the licence by deleting the niches involved in the breach(es). Under such circumstances, the operator is obliged to propose amendment to the land instrument concerned to the relevant DLO.</b></p> |

**(C) Arrangements for applications for waiving the regularisation fees in connection with the compliance with the land-related requirements in respect of post-cut-off interment of ashes of religious practitioners free of charge in yet-to-be-disposed-of niches in pre-cut-off religious ash pagoda**

| <b>(i) Application eligibility</b> |   |
|------------------------------------|---|
| 1                                  | Only pre-cut-off columbaria are eligible to apply.  |
| 2                                  | The religious ash pagoda under application existed before the cut-off time, and falls within the definition of “religious ash pagoda” in section 57(14) of the Ordinance.   |
| 3                                  | The applicant should have submitted an application to the PCLB for issue of a licence, and the columbarium has been confirmed to be eligible for a licence in all other respects (with the exception of the land-related requirements).   |
| 4                                  | The ashes that were interred between 8 a.m. on 18 June 2014 (the cut-off time) and 30 June 2017 (the enactment date) in the religious ash pagoda concerned belonged to “religious practitioners” as defined in section 57(14) of the Ordinance, and no fees have been charged for the interment of these ashes.   |
| 5                                  | An application for specification of the relevant portion of the columbarium as a religious ash pagoda has been submitted to and approved by SHA.  |
| 6                                  | <p>The applicant has undertaken to comply with all the requirements and conditions imposed by SHA, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(i) Only ashes of persons who fall within the definition of “religious practitioner” in section 57(14) of the Ordinance may be interred;</li> <li>(ii) The number of sets of ashes that may be interred must not exceed the ceiling set by SHA;</li> <li>(iii) No fees, charges, or other sums are payable for the interment of the ashes;</li> <li>(iv) A register must be kept; and</li> <li>(v) SHA and the persons authorised by him should be allowed to enter and inspect the columbarium and the religious ash pagoda, in order to examine the relevant registers and other information and confirm if the above requirements and conditions have been met;</li> </ul> |
| 7                                  | The applicant has to submit a written undertaking that he/she will take full responsibility for any claims, demands for compensation, legal actions or complaints made or taken against the Government or the PCLB arising from the applicant’s compliance with the requirements and conditions imposed by SHA (including but not limited to those requirements and conditions set out in item (6) above) or the approval granted to the application for waiving the regularisation fees, including handling of all such claims, demands for compensation, legal actions or complaints; and bearing all relevant costs and compensating the Government or the PCLB for all losses they may suffer.  |



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| 8                                  | In connection with his/her application for waiving the regularisation fees, the applicant must submit to the PCLB all required information and undertaking, in using the form at <b>Annex 29</b> , supporting his/her application. The applicant should provide a register giving details of the niches of the pre-cut-off religious ash pagoda in the format specified in <b>Appendix A</b> , and a register which contains information on the interment of the ashes of religious practitioners free of charge between the cut-off time and 30 June 2017 in the niches of the pre-cut-off religious ash pagoda in the format specified in <b>Appendix B</b> . (The completed <b>Appendices A and B</b> compiled in the specified Excel format should be submitted in both printed form and electronic form, and stored on a CD-ROM.) |
| 9                                  | <p>When the applicant submits the proposed plans for his/her application for the issue of a licence and a TSOL in respect of his/her pre-cut-off columbarium in accordance with <b>item (iv), Part A of Chapter 8</b> and <b>Annex 13</b> of the <b>Application Guide</b>, the location and particulars of the religious ash pagoda must be clearly stated. The number of copies of plans to be submitted should be:</p> <p>Proposed plans for issue of a licence: 12 copies for each plan</p> <p>Proposed plans for issue of a TSOL: 9 copies for each plan</p>   |
| 10                                 | The applicant must give his/her consent to the PCLB to promulgate on the Internet and in other manners that the PCLB thinks fit to the public of the number and other relevant information (such as the location and serial numbering of the niches) of the niches in the pre-cut-off religious ash pagoda covered by the waiving arrangement and subject to the restrictions set out in item (6) above.   |
| <b>(ii) Application procedures</b> |  |
| 1                                  | All applicants are required to submit their applications to the PCLB for issue of TSOL and licence on or before 29 March 2018.   |
| 2                                  | The applicant is required to submit an application to SHA using the form prescribed by SHA ( <b>Annex 23</b> ) for specification of the religious ash pagoda.  |
| 3                                  | In his/her application for regularisation submitted to the relevant DLO, the applicant should also indicate whether he/she would like to apply for waiving the regularisation fees for post-cut-off interment of the ashes of religious practitioners free of charge in yet-to-be-disposed-of niches in a pre-cut-off religious ash pagoda and the number of such niches.  |

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| 4   | Before the completion of the regularisation exercise, the applicant must furnish the PCLB with information supporting his/her application for waiving the regularisation fees for post-cut-off interment of the ashes of religious practitioners free of charge in yet-to-be-disposed-of niches in a pre-cut-off religious ash pagoda, as well as the written undertaking referred to in items (i)(6) to (i)(8) above using the form at <b>Annex 29</b> . The completed form should be submitted <b>in quintuplicate</b> , while the attachments should be submitted <b>in quadruplicate</b> . |
| <b>(iii) Procedures for processing an application</b> |  |
| 1   | The information contained in the form submitted by the applicant according to item (ii)(4) above will be sent by PCAO to the relevant DLO for consideration. Another copy of the information will be sent to the Home Affairs Bureau (HAB).  |
| 2   | PCAO will conduct preliminary checking of the form and the attachments submitted according to item (ii)(4) above.  |
| 3   | If necessary, the applicant will be required by PCAO to provide further information (such as the record of ash interment of certain niches). On-site inspections will be conducted to verify the information provided.   |
| 4   | After finishing the processing of the licence application, if the information available and the comments made by all relevant Bureaux and departments suggest that the application is eligible for a licence in all other respects (with the exception of the land-related requirements), PCAO will submit the licence application together with the results of the vetting of the form and the attachments submitted according to item (ii)(4) above to the PCLB for determination.   |
| 5   | If the PCLB <b>agrees in principle</b> to grant a licence upon the applicant resolving the issue of compliance with the land-related requirements, PCAO will notify the applicant, HAB and the relevant DLO of the decision of the PCLB in writing.  |
| 6   | The applicant is required to negotiate with the Lands Department about the matter of compliance with the land-related requirements. When the applicant has met the land-related requirements, he/she should report his/her compliance to PCAO in writing.  |
| 7   | Upon being notified by the applicant of his/her compliance with the land-related requirements, PCAO will check with the relevant DLO. If the reply is affirmative, PCAO will report the situation and submit the application to the PCLB for determination.  |

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| 8 | <p>If the PCLB decides to grant a licence, it will be stated in the licence that the interment of ashes in the religious ash pagoda is permitted only after the specification of the religious ash pagoda by SHA and during the validity period of the specification and the licence. <b>If SHA revokes the specification of the religious ash pagoda in the future, the PCLB may change the total number of sets of ashes permitted to be interred by the licence by deleting the number of niches in the religious ash pagoda originally specified by SHA as well as the number of sets of ashes that may be interred. Under such circumstances, the operator is also obliged to propose amendment to the land instrument concerned to the relevant DLO.</b></p> |
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## Chapter 18: Traffic impact assessment issues in respect of pre-cut-off columbaria applying for a licence

### (A) Overview

- (1) On 22 November 2017, the Government announced two policy initiatives to address the issues of waiving payment for the regularisation exercise and traffic impact assessment (TIA) in respect of pre-cut-off columbaria applying for a licence. The press release concerned is at [Annex 26](#).
- (2) The requirements on TIA are shown in the table below:

| The specified instrument under application | The columbarium is required to obtain TPB's approval (Note 1) | Pre-cut-off columbarium (Note 2) | The licence under application/ the planning application covers only niches already sold before 30 June 2017 | Crowd/traffic management |                               | Remarks  |
|--|---|----------------------------------|---|--------------------------|-------------------------------|--|
|  |   |                                  |   | A TIA is required        | A management plan is required |  |
| Exemption                                  | No  | Yes                              | N/A   | No                       | No                            | This arrangement was made before the commencement of the PCO |
| Licence                                    | N/A (Note 3)  | Yes                              | No matter yes or no   | No                       | Yes                           | Same as before   |
| Licence                                    | Yes   | Yes                              | Yes   | No                       | Yes                           | New arrangement  |
| Licence                                    | Yes   | Yes                              | No (i.e. unsold niches are included)  | Yes                      | Yes                           | Same as before   |
| Licence                                    | Yes (Note 4)  | No                               | No matter yes or no   | Yes (Note 5)             | Yes                           | Same as before   |

- Note 1: “TPB” means the Town Planning Board. TPB’s approval must be obtained if the columbarium has not complied with the planning-related requirements.
- Note 2: A pre-cut-off columbarium means a columbarium that was in operation, and in which ashes were interred in niches, immediately before 8 a.m. on 18 June 2014 (“the cut-off time”).
- Note 3: Planning permission in respect of the columbarium has been granted, or rezoning or planning permission is not required.
- Note 4: If TPB’s approval has been obtained, there is no need to submit application for planning permission to the TPB.
- Note 5: Even though the location/premises relating to the application is/are not covered in the statutory plans or “columbarium” use is an always permitted use in the relevant plans, the applicant may still be required by other departments concerned to submit a TIA where necessary.

## (B) Management plan to be submitted to the PCLB

All licence applicants are required to submit management plans to the PCLB in accordance with the following arrangements:

| <b>(i) If the columbarium has met the planning-related requirements</b>  |  |
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| 1  | Submission of a TIA in respect of the management plan is not required.   |
| 2  | <p>The applicant must provide in the management plan the following information and propose measures to be implemented by the columbarium to minimize disruption to nearby residents/persons, especially during the Ching Ming and Chung Yeung Festivals:</p> <ul style="list-style-type: none"> <li>• the holding capacity for visitors of the columbarium;</li> <li>• the numbers of persons and vehicles going to the columbarium during the peak days of the Ching Ming and Chung Yeung Festivals. In this connection, the data on traffic and pedestrian flows within the site boundary of the columbarium (including the hourly data) during the Ching Ming Festival in 2018 should be collected and included in the management plan;</li> <li>• crowd and traffic management measures to be implemented by the columbarium on-site; and</li> <li>• other information required as set out in the management plan template.</li> </ul> |
| <b>(ii) If the pre-cut-off columbarium has not met the planning-related requirements (i.e. TPB's approval is required) and the application covers only niches already sold before 30 June 2017</b> |  |
| 1  | Submission of a TIA in respect of the management plan is not required.   |
| 2  | The applicant should obtain TPB's consent/approval before submitting the management plan to the PCLB. When advising on the planning application, the relevant departments will not ask for a TIA from the applicant.   |
| 3  | <p>The applicant should submit proposed plans (including niche information) certified by qualified persons in respect of the licence application to the PCLB before submitting the planning application to the TPB. Only when the PCAO has completed vetting of the niche information and accepted such information as a basis for further processing of the licence application should the applicant submit the planning application to the TPB.</p> <p>Once vetting of niche information is completed, the PCAO will notify the relevant departments of the verification result. As such, in advising the TPB</p>  |

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|  | on the proposed traffic and crowd management measures in respect of the planning application submitted to the TPB, the relevant departments will consider whether to adopt an empirical evidence approach relating to niches sold before 30 June 2017.   |
| 4  | <p>The applicant must provide in the management plan the following information and propose measures to be implemented by the columbarium to minimize disruption to nearby residents/persons, especially during the Ching Ming and Chung Yeung Festivals:</p> <ul style="list-style-type: none"> <li>• the holding capacity for visitors of the columbarium;</li> <li>• the numbers of persons and vehicles going to the columbarium during the peak days of the Ching Ming and Chung Yeung Festivals. In this connection, the data on traffic and pedestrian flows within the site boundary of the columbarium (including the hourly data) during the Ching Ming Festival in 2018 should be collected and included in the management plan;</li> <li>• crowd and traffic management measures to be implemented by the columbarium on-site; and</li> <li>• other information required as set out in the management plan template.</li> </ul> <p>The management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the TPB when the TPB approved the planning application.</p> |
| <b>(iii) If the pre-cut-off columbarium has not met the planning-related requirements (i.e. TPB's approval is required) and the application covers unsold niches</b> |  |
| 1  | The applicant should obtain TPB's consent/approval before submitting the management plan to the PCLB. When advising on the planning application, the relevant departments will ask for a TIA from the applicant.   |
| 2  | <p>The applicant should submit proposed plans (including niche information) certified by qualified persons in respect of the licence application to the PCLB before submitting the planning application to the TPB. Only when the PCAO has completed vetting of the niche information and accepted such information as a basis for further processing of the licence application should the applicant submit the planning application to the TPB.</p> <p>Once vetting of niche information is completed, the PCAO will notify the relevant departments of the verification result. As such, in advising the TPB on the proposed traffic and crowd management measures in respect of the planning application submitted to the TPB, the relevant departments will consider whether to adopt an empirical evidence approach relating to niches sold before 30 June 2017.</p>   |

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| 3 | <p>The applicant must provide in the management plan the following information and propose measures to be implemented by the columbarium to minimize disruption to nearby residents/persons, especially during the Ching Ming and Chung Yeung Festivals:</p> <ul style="list-style-type: none"> <li>• the holding capacity for visitors of the columbarium;</li> <li>• the numbers of persons and vehicles going to the columbarium during the peak days of the Ching Ming and Chung Yeung Festivals. In this connection, the data on traffic and pedestrian flows within the site boundary of the columbarium (including the hourly data) during the Ching Ming Festival in 2018 should be collected and included in the management plan;</li> <li>• crowd and traffic management measures to be implemented by the columbarium on-site; and</li> <li>• other information required as set out in the management plan template.</li> </ul> <p>The management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the TPB when the TPB approved the planning application.</p> |
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If the columbarium has not met the planning-related requirements (i.e. TPB's consent/approval is required) and the applicant intends to sell niches, given the above arrangements on TIA, the licence applicant (who must be the same applicant) may consider submitting the following two applications at the same time:

- (1) an application for licence and TSOL covering only the total number of niches already sold before 30 June 2017; and
- (2) an application for licence and TSOL covering only the total number of unsold niches as at 30 June 2017.

The extent of occupation of land in respect of each of the above applications must cover the facilities necessary for/ancillary to the use of the premises as a columbarium.

- For applications in items (1) and (2) above,  
  
if a religious ash pagoda existed before the cut-off time and falls within the definition of a religious ash pagoda in section 57(14) of the PCO, the application may cover the pre-cut-off religious ash pagoda. The applicant is required to provide information on the niches in the religious ash pagoda. These niches must include:



- those in which ashes of religious practitioners were interred free of charge after the cut-off time and before 30 June 2017; and
  - yet-to-be-disposed-of niches in the pre-cut-off religious ash pagoda to be used for interment free of charge of ashes of religious practitioners pending SHA's approval of the specification application.
- The niche information (including the number of niches sold and filled before 30 June 2017 and the corresponding number of sets of ashes; the number of niches sold and unfilled before the said date and the corresponding number of sets of ashes that may still be interred therein; and/or the number of unsold niches and the corresponding number of sets of ashes that may be interred therein) submitted to the TPB by the applicant must be the same as that shown in the application for licence submitted to the PCLB.
  - If the applicant chooses to submit applications for licence as stated in items (1) and (2) above, he/she must submit completed application summaries prepared according to the specified templates at **Annex 30** (for application covering only niches already **sold** before 30 June 2017) and at **Annex 31** (for application covering only **unsold** niches as at 30 June 2017). The applicant may also consider first lodging with the TPB a planning application attaching the niche information required for an application for licence as stated in item (1). When the applicant has obtained the TPB's approval in respect of the planning application relating to item (1) and has met all the requirements for applying for a licence, the PCLB may consider granting approval to the application for licence as stated in item (1).
  - After completion of the TIA, the applicant may lodge with the TPB another planning application relating to an application for licence as stated in item (2) above. When the applicant has obtained the TPB's approval in respect of the planning application relating to item (2) and has met all the requirements for applying for a licence, the PCLB may consider granting approval to the application for licence as stated in item (2).
  - A fee is charged in accordance with Schedule 6 to the PCO for each licence granted by the PCLB. Please note that a licence fee paid is not refundable upon revocation of the licence.

- The PCAO vets proposed plans and niche information submitted by the applicant and then submits the application details and the result of vetting to the PCLB for its consideration.
- When examining the management plan accompanying the application for licence and the proposed ash interment capacity, the PCLB will take into account the verification result of the PCAO. As such, the applicant should submit to the PCLB as early as possible the proposed plans and niche information certified by qualified persons to facilitate PCAO's vetting before submitting the management plan.
- In the event that the number of niches accepted by the PCLB is smaller than that approved by the TPB in respect of the planning application, the former **is deemed** by the PCLB **to be the approved** ash interment capacity.