

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

**APPLICATION NO. A/ST/952**

- Applicant** : Up-grade Development Limited represented by Masterplan Limited
- Site** : The western part of No. 1 Pai Tau Street, Sha Tin
- Site Area** : About 10,373m<sup>2</sup>
- Lease** : (a) Sha Tin Town Lot No. 311  
(b) held under New Grant No. 12139 as varied or modified by three Modification Letters dated 7.4.1988, 22.3.1990 and 6.5.2005  
(c) restricted to columbarium use for deposit of ashes after cremation together with such ancillary facilities  
(d) subject to a maximum gross floor area of 4,149m<sup>2</sup>
- Plan** : Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/33 at the time of submission  
  
Approved Sha Tin OZP No. S/ST/34 currently in force
- Zoning** : “Other Specified Uses” annotated ‘Columbarium’ (“OU(Columbarium)”) (at the time of submission and remains unchanged on the extant OZP No. S/ST/34)  
  
[Restricted to a maximum gross floor area (GFA) of 4,149m<sup>2</sup>, a maximum site coverage (SC) of 37.5% and a maximum building height (BH) of 14.5m. An existing building is allowed to be redeveloped to the same height of the building provided the existing GFA of the building is not exceeded.  
  
Minor relaxation of the GFA/SC/BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance.]
- Application** : Minor Relaxation of GFA and SC Restrictions for Permitted Columbarium Use

**1. The Proposal**

- 1.1 On 26.3.2018, the applicant sought planning permission for minor relaxation of GFA and SC restrictions for permitted columbarium use to facilitate the proposed expansion of columbarium facilities under the name of “Po Fook Hill” (寶福山) at the subject site (the Site). The Site falls within an area zoned

“OU(Columbarium)” on the approved Sha Tin OZP No. S/ST/34 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Columbarium’ is a Column 1 use within “OU(Columbarium)” zone. Development within this zone is subject to a maximum GFA of 4,149m<sup>2</sup>, a maximum SC of 37.5% and a maximum BH of 14.5m. Based on individual merits of a development or redevelopment proposal, minor relaxation of the GFA/SC/BH restrictions may be considered by the Board under section 16 of the Town Planning Ordinance. The current application is to relax the maximum GFA and SC restrictions of the “OU(Columbarium)” zone from 4,149m<sup>2</sup> to 4,738m<sup>2</sup> (i.e. +589m<sup>2</sup> or +14.2%) and from 37.5% to 42.4% (i.e. +4.9% or +13.1%) respectively.

- 1.2 The minor relaxation application is for accommodating 19 new 1-storey (4.5m) columbarium structures for 18,000 new niches at the Site in addition to the existing 117 columbarium structures for 93,732 niches. According to the indicative scheme submitted by the applicant (**Drawings A-1 to A-4**), the new columbarium structures are located on the existing vegetated sloping areas to the north and south of the pagoda. The design and finishing of the new columbarium structures will be similar to the existing one and planters would be provided on the roofs of the new columbarium structures. The proposed increase in number of columbarium structures and niches is summarized as follows:

	<b>Existing (A)</b>	<b>Current Application (B)</b>	<b>Difference (B) – (A)</b>
No. of columbarium structures	117 blocks	136 blocks	+19 blocks (+16.2%)
No. of niches	93,732 <sup>1</sup> (including 2,360 under construction)	111,732	+18,000 (+19.2%)

- 1.3 The Site is currently served by Pai Tau Street, followed by pedestrian access through the existing staircases and escalator at the adjoining amenity area under the management of the applicant, which falls within an area zoned “OU” annotated “Amenity Area” on the OZP. A pedestrian traffic impact assessment (TIA) is submitted to support the application (**Appendix Ia**). The TIA asserts that an additional escalator together with the existing escalator and staircase will adequately serve the visitors upon full occupation of the niches at the Site (**Drawing A-5**). It further proposes a new staircase/elevated walkway connecting MTR Sha Tin Station and Pai Tau Street in parallel with the existing pedestrian footbridge (**Drawing A-6**) and widening of footpath at Pai Tau Street near Pai Tau Village Playground (**Drawing A-7**). The applicant is prepared to fund the construction of the proposed staircase/elevated walkway connection.
- 1.4 According to the landscape proposal submitted by the applicant (**Appendix Ia**), 124 no. of trees within the Site are proposed to be felled (**Drawing A-8**). 59 nos. of light standard trees will be planted as compensation, which is equivalent to a quantity compensation ratio of 1:0.476 and a quality compensation ratio of 1:0.088 (**Drawings A-9 to A-10**).

<sup>1</sup> According to the applicant, 56,303 niches were occupied out of 93,732 total no. of niches.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 26.3.2018 **(Appendix I)**
- (b) Planning statement **(Appendix Ia)**
- (c) Further information (FI) received on 17.7.2018 in response to departmental comments with a revised TIA and a new visual analysis **(Appendix Ib)**
- (d) FI received on 24.10.2018 in response to departmental comments **(Appendix Ic)**
- (e) FI received on 23.11.2018 in response to Transport Department (TD)'s comments with a revised TIA **(Appendix Id)**
- (f) FI received on 7.1.2019 in response to departmental comments with clarifications on the number of niches **(Appendix Ie)**

1.6 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 18.5.2018. Upon request by the applicant, the Committee, on 18.5.2018 and 7.9.2018, agreed to defer a decision on the application for two months. On 17.7.2018, 24.10.2018, 23.11.2018 and 7.1.2019, the applicant submitted FI to address Government departmental comments **(Appendices Ib to Ie)** and the application is re-scheduled for consideration by the Committee on 18.1.2019.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement at **Appendix Ia** and the FI at **Appendices Ib to Ie**. They can be summarized as follows:

- (a) Shortage of supply in columbarium niches  
there has been shortage of niche supply and the shortage persists with the increasing number of deaths and the corresponding number of cremations. The projected annual number of deaths and cremation in 2032 to 2036 are 66,900 and 63,600 respectively. The estimated 131,105 new public niches available in 2018 to 2021 together with the 61,800 private niches available in 2017 and 2019 could only barely meet the annual demand. The current proposal at Po Fook Hill is in line with the strategy of the Government in supply of columbarium niches;
- (b) Expansion of Fo Pook Columbarium  
the Po Fok Columbarium established with good record of operation and management is not incompatible with the surrounding monastery and cemetery around Pau Tau Area. The proposal is likely to maintain its relationship with the surrounding development and users, and not resulting in significant adverse impacts. Clustering of similar uses in the vicinity is preferred to having new columbarium at another new location;
- (c) Compliance with regulations  
the proposal will be capable of being compliant with the relevant regulations, including those of Environmental Protection Department, Food and Environmental Hygiene Department, Public Health and Municipal Services

Ordinance (Cap. 132) and Private Columbaria Ordinance (Cap. 630), and obtaining licence from the Private Columbarium Licensing Board;

Technical feasibility

- (d) the current proposal is at a specifically designated land use zoning where columbarium use is permitted as of right and where the use has been established for a long time. The application for new niches is only required to address potential impacts as a result of the intensification. The technical assessments have demonstrated that the proposal will be technically feasible. With the mitigation measures, the proposals will not have adverse slope, traffic, drainage and sewerage impacts;

No unreasonable or unacceptable landscape impact

- (e) the proposal is designed to minimize unnecessary slope modification and tree felling, and all practicable measures will be taken to protect and retain the existing slope and trees as much as possible. The proposal will not affect any Champion, registered Old and Valuable Trees, rare or protected species. Specifically, compensatory trees will be planted at circulation space which is more visible to the visitors and could enhance the immediate amenity for the visitors;

No unreasonable or unacceptable visual impact

- (f) the proposed location and design of the new columbarium structures have given due regard to the character of the Site. The new structures will be of similar architectural design and finishes to the existing ones. The proposal will have minimal visual impact and will not be visually prominent or dominating the hillside; and

Enhanced pedestrian flow in the neighbourhood

- (g) the current proposal has included traffic improvement measures including footpath widening and new staircase/elevated walkway, which will cater for the visitors visiting Po Fook Hill during Ching Ming Festival and Chung Yeung Festival as well as serving the general public on ordinary days.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

Zoning History of the Site

- 4.1 The Site was rezoned from “V” to “OU(Columbarium)” in 2002 to reflect its existing use, taking into account the then approved lease modifications and building plan submissions. According to the Explanatory Statement of the OZP, the restrictions on GFA, SC and BH as stipulated on the OZP are necessary for the purpose of minimizing adverse visual, landscape, traffic and environmental impacts caused by columbarium development at the Site. Minor relaxation clause is also stipulated in the Notes to allow flexibility in the columbarium development through the planning application system. Since then, the

“OU(Columbarium)” zoning and the development restrictions of the Site remain unchanged.

The Private Columbaria Ordinance

- 4.2 The Private Columbaria Ordinance, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017. On 22.11.2017, two policy initiatives were announced by the Government to address the land premium and TIA issues of pre-cut-off columbaria (i.e. a columbarium which was in operation before 8:00 a.m. on 18.6.2014 with interred ashes in niches) seeking a licence. For the policy initiative relating to TIA, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts in processing the licence application from a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. Operators of individual columbaria have the responsibility to provide practicable mitigation measures within their capability and submit a management plan setting out such measures during the licence application stage. The Government departments will reflect to the Private Columbaria Licensing Board their views on suitable mitigation measures that should be followed up by individual cases.

The Pai Tau Cluster

- 4.3 The Site falls within an area zoned “OU(Columbarium)” on the OZP, and the common boundary of Village Environs (‘VE’) of the four recognized villages of Pai Tau, Tin Liu, Sheung Wo Che and Ha Wo Che. Including the subject columbarium, there are 13 known private columbaria falling within the ‘VE’ of the recognized villages, of which one of them falls within an area zoned “Other Specified Uses” annotated ‘Cemetery’ (i.e. Tao Fong Shan Christian Cemetery) **(Plan A-1)**.
- 4.4 According to the information collected by Food and Environmental Hygiene Department (FEHD), there is an overall of about 130,000 niches in the Pai Tau cluster area that has already been sold as at 30.6.2017. Currently, traffic and pedestrian flow management arrangements for the Pai Tau cluster including road closure of section of Pai Tau Street, setting up of barriers, cones and signage for directing crowd and traffic, crowd control measures outside MTR Sha Tin Station and at the footbridge connecting MTR Sha Tin Station and Pai Tau Street are already implemented by the Government in the area. Moreover, departments concerned have already prepared contingency plans to cater for ad hoc situations. According to observation, with traffic and pedestrian flow management arrangements as well as contingency plans, the traffic and pedestrian flow level in the area during the peak hours is at least at an acceptable level.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Application**

There is no similar application for minor relaxation of GFA and SC restrictions within “OU(Columbarium)” zone on the OZP.

## 7. **The Site and Its Surrounding Areas (Plans A-1 to A-5)**

7.1 The Site is:

- (a) located on the hillside of Pai Tau area. It is bounded by an amenity area and the Sha Tin Government Offices to the east, Pai Tau Village to the south and Ten Thousand Buddhas Monastery to the northwest;
- (b) currently operating as a columbarium under the name of Po Fook Hill, with ancillary facilities including pagoda, joss paper burner and toilets;
- (c) located within the common boundary of ‘Village Environs’ of four recognized villages, namely Pai Tau, Tin Liu, Sheung Wo Che and Ha Wo Che; and
- (d) accessible from Pai Tau Street which connects to the MTR Sha Tin Station at a distance of about 400m (**Plan A-5**), and subsequently via staircases and escalator at the adjacent amenity area.

7.2 The surrounding areas are predominantly sloping areas covered by dense vegetation with clusters of religious institutions and columbaria as well as sporadic domestic structures;

## 8. **Planning Intention**

The planning intention of the “OU(Columbarium)” zone is primarily for land intended for columbarium use.

## 9. **Comments from Relevant Government Departments**

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

### **Columbarium Policy**

9.1.1 Comments of the Secretary for Food and Health (SFH) and Director of Food and Environmental Hygiene (DFEH):

- (a) the Private Columbaria Ordinance (the Ordinance), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30.6.2017 upon gazettal;
- (b) under the Ordinance, 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 Ordinance or specified by the Private Columbaria Licensing Board (the Licensing Board), 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 Licensing Board 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) the applicant should be reminded that the total number of niches and their condition of sale/occupation and the proposed development parameters and any proposed management/mitigation measure within the purview of a management plan to be submitted under Private Columbaria Ordinance, will be subject to further verification at the licence application stage by the Licensing Board. In determining whether to approve an application for a licence or exemption (if applicable), the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations; and
- (d) so far as the subject columbarium is concerned, two sets of specified instrument applications for a licence and temporary suspension of liability have been received by the Licensing Board respectively i.e. one set for the premises “沙田寶福山(不包括妙景堂)” and the other for the premises “沙田寶福山妙景堂”. Both sets of the applications are being processed by the Private Columbaria Affairs Office (PCAO). The number of niches involved in the aforesaid licence applications is 91,372 for “沙田寶福山(不包括妙景堂)” and 2,360 for “沙田寶福山妙景堂” which are yet to be verified by PCAO.

### **Land Administration**

#### 9.1.2 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) Sha Tin Town Lot No. 311 (“the Lot”) is held under New Grant No. 12139 as varied or modified by three Modification Letters dated 7.4.1988, 22.3.1990 and 6.5.2005 (collectively referred to as “the New Grant”). The New Grant restricts the use of the Lot to a columbarium for the deposit of ashes after cremation together with such necessary ancillary facilities. The Lot is further subject to a maximum GFA of 4,149m<sup>2</sup> and the Grantee is required to form and maintain an adjoining Hatched Black Area for provision of an open space, of space for the parking and manoeuvring of four coaches and a footpath to the satisfaction of the Director. A total of 4 licence agreements have been issued to the Grantee for laying pipes, a transformer room, an inclined elevator and escalator system etc. within the Hatched Black Area;
- (b) the 19 new niche halls and a new elevated escalator walkway as proposed in the application would fall within the Lot and the Hatched Black Area respectively. The resultant total GFA of 4,738m<sup>2</sup> on the Lot and the escalator walkway on the Hatched

Black Area are not permissible under the New Grant. If the planning application is approved by the Board, the Lot owner has to apply to LandsD for lease modification to implement the proposal. However, there is no guarantee that the lease modification application must be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and any approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;

- (c) other than the above, the applicant also proposes (i) widening of footpath of Pai Tau Street near Pai Tau Village Playground; and (ii) constructing an elevated walkway and staircase connecting the bus terminus and the open space in front of Pai Tau Village (**Drawings A-6 and A-7**). As both said improvement works would fall on Government land far from the Lot, implementation of the works would not be written into the New Grant through the mechanism of lease modification; and
- (d) the Site falls within the common boundary of “Village Environs” of Pai Tau, Sheung Wo Che, Ha Wo Che and Tin Liu.

### **Traffic**

#### 9.1.3 Comments of Commissioner for Transport (C for T):

- (a) she does not support the application at the stage unless the applicant can resolve the comments below to her satisfaction:
- (b) it is doubtful whether the applicant can reject the visitor to enter the Site during Ching Ming and Chung Yeung Festivals. Instead, additional facilities should be provided in the Site to cater for the traffic demand of the additional columbarium niches;
- (c) based on her observations, the car parking in the vicinity of the Site are always full during Saturdays, Sundays and holidays, especially in or near the period of Ching Ming and Chung Yeung Festivals. As such, she does not concur with the applicant’s views that the existing car parks nearby were not full. Additional facilities should be provided in the Site to cater for the traffic demand of the additional columbarium niches. The columbarium niches would generate a larger number of additional picking-up or dropping-off activities which would deteriorate the traffic congestion on Pai Tau Street and the adjacent roads, especially during Ching Ming and Chung Yeung Festivals. The applicant should assess the traffic impact and identify mitigation measures;
- (d) utilization rates of the nearest car parking spaces in Grand Central Plaza and New Town Plaza are very high and always full during Saturdays, Sundays and holidays. Non-provision of additional car parking spaces, loading/unloading bay within the Site may cause



illegal parking on the adjacent roads and traffic congestion at Sheung Wo Che Road, Pai Tau Street and sometimes up to the Sha Tin Rural Committee Road when the car parks are fully occupied;

- (e) according to her observations, it seems that the current parking, loading/unloading bay are not enough for the current operation need. As such, non-provision of additional car parking and loading/unloading bay within the Site as proposed by the applicant is not acceptable since it would cause adverse traffic impact;
- (f) the junction performance of Pai Tau Street and Sha Tin Rural Committee Road and the adjacent roads in Sha Tin in Ching Ming Festival should also be assessed with the provision of site photos showing the long vehicular queue lengths of the adjacent roads, junctions and long vehicle waiting queue length to the adjacent car parks at peak hours;
- (g) regarding the proposed traffic improvement proposals including the proposed widening of the existing footpath along Pai Tau Street and the proposed staircase/elevated walkway connecting between the MTR Sha Tin Station and Pai Tau Street, the applicant should provide all the records in their responses including their circulation of the proposals and no adverse comment or no objection received from all the relevant government departments and the locals on the proposals and also documents to demonstrate the proposals would be feasible including land issue, funding arrangement (capital and recurrent costs), written agreement from the relevant Government departments for the management and maintenance of the footpath, tentative programme showing the major milestones for the design and construction, etc. It is the responsibility of the applicant to justify these proposals from traffic engineering point of view and demonstrate their technical feasibility. Without the above confirmation, it is pre-mature to say that the proposals are justified from traffic ground, and the proposed traffic improvement proposals may not be feasible;
- (h) assessment on passenger demand on public transport services at peak period (i.e. festival days for gravesweeping) and non-peak periods respectively, and public transport plans to cater for the additional demand have not been included in the TIA report; and
- (i) assessment and evaluation of the transport impacts, in particular for public transport, during the future operation of the additional columbarium niches, particularly during Ching Ming Festival and Chung Yeung Festival periods, as well as an outline of the recommendation and proposal of new/temporary public transport services and rationalization/enhancement of existing public transport services to cope with the forecast additional transport demand have not been included in the TIA report.

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

- (a) according to the applicant, the existing columbarium at the Site has a total of 93,732 niches of which 56,303 are occupied;
- (b) the subject columbarium is not fully occupied at this stage and there has not been any significant crowd management issue in the vicinity during gravesweeping periods in the past. The level of traffic and pedestrian flow in the vicinity during peak hours is manageable for the present number of occupied niches; and
- (c) however, due to the co-existence of a number of religious institution and columbaria in the area, there is no readily available information to ascertain the traffic or crowd management impact if all 111,732 niches, including the 18,000 additional niches under application, of the subject columbarium are fully occupied in the future.

**Urban Design and Landscape**

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

Urban Design

- (a) the Site situates at the foothill of mountain ranges which act as a backdrop overlooking the Sha Tin New Town development and Shing Mun River Channel. The Site is occupied by the existing Po Fook Hill with 1-2 storeys columbarium structures and pagoda on sloping ground in the northern fringe of Pai Tau Village which comprises 1-3 storeys village houses;
- (b) the 19 new blocks of columbarium structures would be built at the sloping corners of northeast and southeast of the Site with relatively lower topographic level. The proposed building height of the new columbarium structures would be 1 storey. The applicant has included a supplementary visual analysis in the FIs (**Appendices Ib and Ic**) with photomontages (**Drawings A-11 to A-14**) to elaborate the visual analysis and discuss the potential visual impacts induced by the proposal. Judging from these photomontages, the proposed new columbarium structures with 1-storey height would not be incompatible with its surroundings and mitigation measures such as tree plantings and shrub species at the retaining wall would also alleviate the visual impacts by screening or softening the new structures. As such, significant visual impact on the surrounding is not anticipated due to the low-rise nature of the proposed development;

Landscape

- (c) she has no objection to the proposed columbarium extension from the landscape planning perspective;

- (d) according to the aerial photo, the Site is located in an area of urban fringe landscape character on a steep wooded slope, predominantly comprises village clusters, religious institutions and some high-rise office buildings. The proposed columbarium extension is not incompatible with the surrounding environment;
- (e) according to the planning statement (**Appendix Ia**), the proposed columbarium structures are located at eastern and southern area where 124 existing trees (including 5 dead trees) of small to medium sizes and in fair condition are found. Due to the proposed columbarium structures and the associated slope stabilization works, these trees will be removed and the landscape planting areas will be reduced. Having noted the existing wooded slopes have provided green buffer between the Site and the surrounding use and taking into consideration the existing site constraint with mainly steep slopes and limited open area for planting works, the landscape proposal has tried to maximise the greening opportunities to provide 59 trees for compensatory planting/greening on new upgraded slopes and green roofs of the new blocks to blend in with the surrounding vegetated environment;
- (f) for the proposed widening of footpath at Pai Tau Street, the applicant should include a statement regarding the comments from HyD and LCSD on the affected trees in the planning statement; and
- (g) an approval condition related to the submission and implementation of landscape proposal is recommended should the Board approve the application. The applicant is also advised to indicate in the landscape proposal to undertake the maintenance of all existing trees within the Site to sustainable healthy conditions at all times.

9.1.6 Comments of the Director of Leisure and Culture Services (DLCS):

- (a) she has no specific comment on the application;
- (b) according to the further information (**Appendix Ie**), no tree under the maintenance of LCSD will be affected by the proposed road widening works along Pai Tau Street; and
- (c) should the application be approved, the project proponent should ensure that all trenches, if any, should be at least 1.5 m away from any tree within 250 mm Diameter at Breast Height (DBH) or at least 6 times of the DBH of any tree if their DBH exceeds 250 mm (Tree protection zone) in accordance with LCSD's "General Conditions for Trenching Works". Moreover, the works should be designed and conducted in accordance with DEVB TCW No.7/2015 – "Tree Preservation".

**Environment**

9.1.7 Comments of Director of Environmental Protection (DEP):

- (a) he has no in-principle objection to the application; and
- (b) the applicant is advised to follow:
  - (i) the Guidelines on Air Pollution for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places; and
  - (ii) the Guidelines on Air Pollution Control for Paper Artifacts Burning at Funeral Parlours and Other Places of Worship.

**Building Matters**

9.1.8 Comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (CBS/NTE1&L of BD):

- (a) he has no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (c) if the proposed use under application is subject to the issue of a licence, building safety and other relevant requirements as may be imposed by the licensing authority will need to be complied with; and
- (d) 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 respectively.

**Fire Safety**

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

- (a) he has no in-principle objection to the application; and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or formal application to Licensing Authority.

### **Heritage Conservation**

9.1.10 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) the Site is in close proximity to the Pagoda and Man Fat Din of Man Fat Tsz (i.e. Ten Thousand Buddhas Monastery) at Pai Tau, both of which are Grade 3 historic buildings;
- (b) according to the “supplementary visual analysis” and “analysis of the potential physical impact on the historical graded buildings” submitted by the applicant (**Appendices Ib and Ic**), the new columbarium structures are confined to the northeast and southwest of the Site, which has a minimum horizontal distance of about 70m and vertical distance of about 50m from the Pagoda and Man Fat Din. The applicant concluded that the application would not cause adverse physical impact on the graded historic buildings and the potential visual impact would be negligible. Nevertheless, the applicant is reminded to:
  - (i) ensure that the proposed development and associated works shall not cause any adverse impact, disturbance or damage to any nearby graded historic buildings;
  - (ii) devise appropriate mitigations, protective and monitoring measures as and when required for AMO’s agreement before implementation;
  - (iii) review the assessments should there be any changes / adjustments to the proposed development; and

### **District Officer’s Comments**

9.1.11 Comments of the District Officer/Shia Tin, Home Affairs Department (DO/ST, HAD):

she has no specific comment on the application. However, she noted that the locals had raised grave concern about the traffic impact, particularly in Ching Ming Festival and Chung Yeung Festival, in the vicinity of the Site.

9.2 The following Government departments have no objection to/comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Highway Engineer/New Territories East, Highways Department; and
- (e) Project Manager/North, Civil Engineering and Development Department.

## 10. **Public Comments Received During Statutory Publication Period**

On 3.4.2018, 27.7.2018 and 4.12.2018, the application and its FI were published for public inspection. During the first three weeks of the statutory public inspection periods, a total of 21 public comments were received. 20 of them from the Chairman of Sha Tin Rural Committee, Indigenous Inhabitant Representatives and villagers of Pai Tau Village and Sheung Wo Che Village, Members of Sha Tin District Council and private individuals object to the application while there is a letter of support with 303 signatures collected (**Appendix II**). Their views are summarized as follows:

### *Objecting Views*

- (a) the proposal which involves substantial increase of number of niches would worsen the traffic jam in the area, in particular during the festival periods;
- (b) as the subject columbarium is located in the proximity of village houses, the activities including joss paper burning would generate nuisance to the nearby residents in terms of fire risk, air pollution, environmental hygiene and noise;
- (c) the existing local road network is unable to cope with the additional traffic flow generated by the proposal. The proposal would worsen the traffic condition of the area, lead to illegal parking in the local road network and affect the interest of other columbarium operators in the area;
- (d) the applicant did not provide any detailed crowd management plan to demonstrate the feasibility to stop visitors from entering the columbarium during festival days;
- (e) the operator has not consulted or obtained consent from the current consumers of the Po Fook Hill;
- (f) the proposal would reduce the land available for small house development within the “V” zone; and
- (g) as the same operator of Po Fook Memorial Hall at Tai Wai, the applicant did not show any initiative to resolve the traffic congestion problem at Tai Wai.

### *Supporting Views*

- (a) the existing Po Fook Hill is recorded with good operation and management. With planting and greening measures, the environmental impact induced by the proposal is limited; and
- (b) the proposed traffic improvement measures is anticipated to alleviate the pedestrian traffic congestion in the vicinity.

## 11. **Planning Considerations and Assessments**

11.1 The applicant seeks planning permission for minor relaxation of GFA and SC restrictions for permitted columbarium use to facilitate the proposed expansion of columbarium facilities under the name of “Po Fook Hill” at the Site. The Site

falls within an area zoned “OU(Columbarium)” on the approved Sha Tin OZP No. S/ST/34 subject to a maximum GFA of 4,149m<sup>2</sup>, a maximum SC of 37.5% and a maximum building height of 14.5m. The restrictions are necessary for the purposes of minimizing adverse visual, landscape, traffic and environmental impacts caused by columbarium development at the Site. Based on individual merits of a development or redevelopment proposal, minor relaxation of the GFA/SC/BH restrictions may be considered by the Board under section 16 of the Town Planning Ordinance.

Planning Intention and Land Use Compatibility

- 11.2 The planning intention of the “OU(Columbarium)” zone is primarily for land intended for columbarium use. The Site is located on the hillside of Pai Tau area and has been operating as a columbarium since 1990s. The surrounding areas are predominantly sloping areas covered by dense vegetation with clusters of religious institutions and columbaria as well as sporadic domestic structures. The current proposal for minor relaxation of GFA and SC restrictions to 4,738m<sup>2</sup> and 42.4% respectively to facilitate the proposed expansion of columbarium facilities with 19 new 1-storey columbarium structures is considered not incompatible with the surrounding land use context.

Traffic Impact and Crowd Management

- 11.3 The current application which involves 18,000 new niches is expected to generate traffic and attract number of visitors during the peak hours of festival days. Although a TIA is submitted (**Appendices Ib and Id**), C for T cannot support the application as the applicant fails to demonstrate that the proposal would not have adverse traffic impact on the surrounding road networks. The TIA fails to demonstrate the feasibility to adopt the policy to reject visitors to enter the Site during festival periods, and fails to assess the impact on public transport during the future operation of the additional niches. C for T also considers that the non-provision of additional car parking and loading/unloading bay within the Site unacceptable, as it is anticipated to cause illegal parking on the adjacent roads and traffic congestion at Sheung Wo Che Road, Pai Tau Street and Sha Tin Rural Committee Road. In addition, C of P considers that there is no readily available information to ascertain the traffic or crowd management impact if all 111,732 niches including the 18,000 additional niches of the subject columbarium are fully occupied in the future.
- 11.4 As for the proposed traffic improvement measures including the new staircase/elevated walkway and the footpath widening, C for T considers that it is the responsibility of the applicant to justify these proposals from traffic engineering point of view and demonstrate their technical feasibility. It is premature to say that the proposals are justified and feasible as the relevant issues including land issue, funding arrangement, agreement from relevant Government departments and development programmes are yet to be resolved.

Other Aspects

- 11.5 DEP has no in-principle objection to the application and advised the applicant to follow relevant environmental guidelines. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective as the landscape proposal has tried to maximise the greening opportunities. She also considers that the proposed new columbarium structures with 1-storey height would not be incompatible with its surroundings. Other Government departments including

AMO, BD, FSD, DSD and WSD have no objection to/adverse comment on the application.

#### Public Comments

- 11.6 Among the 21 public comments received, one of them supports the application on the grounds of limited environmental impact and anticipated traffic improvement while the remaining 20 of them object to the application mainly on the grounds of adverse traffic and environmental impacts brought by the proposal. In this regard, the planning assessment and comments of Government departments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reason:

the applicant fails to demonstrate that the application would not pose adverse traffic impact on the surrounding areas.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.1.2023, 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 condition of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) the maximum number of niches within the application site should not exceed 111,732;
- (b) the submission of a revised traffic impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of the footpath widening proposal at Pai Tau Street to the satisfaction of the Commissioner for Transport and Director of Leisure and Cultural Services or of the Town Planning Board; and
- (d) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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



### 13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### 14. Attachments

<b>Appendix I</b>	Application form received on 26.3.2018
<b>Appendix Ia</b>	Planning statement
<b>Appendix Ib</b>	FI received on 17.7.2018 in response to departmental comments with a revised TIA and a new visual analysis
<b>Appendix Ic</b>	FI received on 24.10.2018 in response to departmental comments
<b>Appendix Id</b>	FI received on 23.11.2018 in response to TD's comments with a revised TIA
<b>Appendix Ie</b>	FI received on 7.1.2019 in response to departmental comments with clarifications on the number of niches
<b>Appendix II</b>	Public comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site plan
<b>Drawing A-2</b>	Plan indicating the proposed columbarium structures and ancillary facilities
<b>Drawing A-3</b>	Section plan
<b>Drawing A-4</b>	Landscape proposal
<b>Drawing A-5</b>	Plan showing the internal pedestrian circulation arrangement
<b>Drawing A-6</b>	Plan showing the proposed staircase/elevated walkway connecting MTR Sha Tin Station and Pai Tau Street
<b>Drawing A-7</b>	Plan showing the proposed footpath widening at Pai Tau Street near Pai Tau Village Playground
<b>Drawing A-8</b>	Tree felling plan
<b>Drawings A-9 to A-10</b>	Compensatory planting plan
<b>Drawings A-11 to A-14</b>	Photomontages
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to A-4c</b>	Site Photos
<b>Plan A-5</b>	Pedestrian access to the Site