

REVIEW OF APPLICATION NO. A/ST/952
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Minor Relaxation of Gross Floor Area and Site Coverage Restrictions
for Permitted Columbarium Use in “Other Specified Uses” annotated ‘Columbarium’ zone
The Western Part of No.1 Pai Tau Street, Sha Tin**

1. Background

1.1 On 26.3.2018, the applicant, Up-grade Development Limited represented by Masterplan Limited, sought planning permission for minor relaxation of gross floor area (GFA) and site coverage (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 application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Other Specified Uses” annotated ‘Columbarium’ (“OU(Columbarium)”) on the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34 (**Plan R-1**). The application is to relax the maximum GFA and SC restrictions of the “OU(Columbarium)” zone from 4,149m² to 4,738m² and from 37.5% to 42.4% respectively, so as to accommodate 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.

1.2 On 18.1.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reason was:

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

1.3 For Members’ reference, the following documents are attached:

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| (a) RNTPC Paper No. A/ST/952B | (Annex A) |
| (b) Extract of minutes of the RNTPC meeting held on 18.1.2019 | (Annex B) |
| (c) Secretary of the Board’s letter dated 1.2.2019 | (Annex C) |

2. Application for Review

2.1 On 21.2.2019, the applicant represented by Masterplan Limited, under section 17(1) of the Ordinance, applied for a review of the RNTPC’s decision to reject the application (**Annex D**). The review application was originally scheduled for consideration by the Board on 10.5.2019. In support of the review, the applicant submitted the following documents:

- (a) Further information (FI) in response to departmental comments with a revised Traffic Impact Assessment (TIA) received on 26.4.2019 (*FI accepted but not exempted from publication and recounting requirement*) **(Annex E)**
- (b) FI in response to departmental comments received on 4.7.2019 (*FI accepted and exempted from publication and recounting requirement*) **(Annex F)**

2.2 The review application is rescheduled for the Board's consideration at this meeting.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the submissions at **Annexes D to F**. They can be summarised as follows:

- (a) the applicant seeks to clarify that the current proposal is for no more than 18,000 new niches, as compared with 18,000 new niches in the s.16 application.
- (b) as the new niches are separated from the existing niches, consideration for the potential traffic impact should only relate to that generated by the new niches.
- (c) the proposed not more than 18,000 new niches are situated in niche halls separated from the existing niche halls at the Site with individual entrances. The entrance doors will be closed during and around Ching Ming and Chung Yeung Festival peak days, physically preventing access to the proposed new niches.
- (d) the proposed management plan will avoid and control visitors to the proposed new niches during and around the Ching Ming and Chung Yeung Festival peak days, so that traffic impact will not be unavoidable or uncontrollable. The rejection reason could be addressed by imposing relevant approval condition requiring the applicant to produce revised/updated management plan to the satisfaction of Government departments.
- (e) the restriction of access during and around festival days is proposed to be included in the terms of sales for the new niches under application. This will be incorporated in the management plan as part of TIA, and enforceable under approval condition.
- (f) Transport Department (TD)'s comment on the accuracy of the TIA should not make the proposal totally un-implementable. Suitable approval conditions requiring the submission of revised TIA can ensure necessary traffic measures in place. A revised TIA is also submitted to address the rejection reason for the s.16 application and in response to Transport Department and Police's comments.
- (g) Po Fook Hill has established a good track record of management of the existing niches at the Site.

- (h) two traffic improvement proposals including the widening of footpath along Pai Tau Street and the staircase/elevated walkway connecting between MTR Sha Tin Station and Pai Tau Street were proposed in the s.16 application. Subsequent to the rejection of the s.16 application by the RNTPC, the applicant has submitted a revised TIA to support the review application. According to the revised TIA, the proposed widening of footpath is no longer considered necessary. Nevertheless, the proposed staircase/elevated walkway shall remain necessary (**Drawing R-1**).

4. The Section 16 Application

The Site and its Surrounding Areas (Plans R-1 and R-2, Aerial Photo on Plan R-3, Site Photos on Plans R-4a to R-4c and Pedestrian Access Plan on Plan R-5)

- 4.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by the RNTPC is described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no material change of the situation since then.
- 4.2 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 R-5**), and subsequently via staircases and escalator of the adjacent amenity area.
- 4.3 The surrounding areas are predominantly sloping areas covered by dense vegetation with clusters of religious institutions and columbaria as well as sporadic domestic structures.

Planning Intention

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

Previous and Similar Application

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

5. **Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 9 of **Annex A**.
- 5.2 For the review application, the following Government departments have been further consulted and their comments are summarized as follows:

Traffic

- 5.2.1 Having reviewed the FI and the revised TIA (**Annexes E and F**), the Commissioner for Transport (C for T) maintains her views of not supporting the application as some of her previous comments on the s.16 planning application have not been properly addressed in the current review application. She has the following comments on the review application:
- (a) her comments on the TIA should be properly addressed at this stage since the applicant may not be able to resolve and address some of her comments to her satisfaction;
 - (b) the entrances of the new niche halls are separated from the existing niche halls internally, which cannot help the crowd control on public roads. Besides, she will not be responsible to check and monitor the condition on restricting visitors' access to the new niche halls during and around Ching Ming and Chung Yeung Festival days;
 - (c) based on her observations, the car parking in the vicinity of the Site are always full during the periods of Saturdays, Sundays and public holidays. The additional niches would further deteriorate the traffic condition in Pai Tau Street, Sheung Wo Che Street, Sha Tin Rural Committee Road, Sha Tin Centre Street, Tam Kon Po Street etc., since some of the visitors to the additional niches would drive to the car parks and lengthen the vehicular waiting queue along these roads. The columbarium visitors could still drive their cars to wait for the car park near the Site even if they were notified/reminded by the applicant not to do so. Despite the applicant claims that the peak hour for the subject columbarium does not overlap with that of Grand Central Plaza carpark, the applicant fails to provide corresponding analysis with sufficient supporting documents to support his claim;
 - (d) according to her observations, the current loading/unloading bays are not enough for the current 93,732 niches. As such, non-provision of additional car parking and loading/unloading bay within the Site, as now proposed by the applicant, is not acceptable since it would cause adverse traffic impact and deteriorate the traffic congestion in Pai Tau Street, Sheung Wo Che Street and the adjacent roads due to the additional picking up or dropping off

activities arising from the additional niches. The applicant should clarify his claim at **Annex F** that the loading/unloading bay would be “left vacant without any vehicles” which appears not logical. Besides, the applicant should assess the number and extent of loading/unloading activities for the proposed 18,000 new niches;

- (e) the junctions in the vicinity are already busy on Saturdays, Sundays and public holidays. The additional columbarium niches would further deteriorate the traffic condition of these roads. While it is claimed in **Annex F** that these critical junctions will operated within capacity, the applicant should advise its methodology, justify how the traffic mode can be classified by observation, review the traffic mode in normal days and demonstrate how the critical traffic situations can be represented;
- (f) the existing pedestrian ramp connecting between Pai Tau Street and Sha Tin MTR Station is always congested every day. The additional niches would further deteriorate the level of service in the ramp. During the Ching Ming and Chung Yeung festivals, the ramp had been operating over its capacity and becomes a bottleneck due to the large number of the visitors to the columbarium nearby. As such, the additional niches will lengthen the waiting time to enter into the ramp and the waiting pedestrians may block the exit of MTR Sha Tin Station leading to the ramp and therefore affect the operation of MTR Sha Tin Station; and
- (g) regarding the proposed traffic improvement proposals including the proposed staircase/elevated walkway connecting between the MTR Sha Tin Station and Pai Tau Street (**Drawing R-1**), the applicant should provide all the records including their circulation of the proposal and no adverse comment or no objection received from the relevant government departments and the locals on the proposal and also documents to demonstrate the proposal would be feasible including land issue, funding arrangement (capital and recurrent costs), written agreement from the relevant Government departments for its management and maintenance, tentative programme showing the major milestones for the design and construction of the staircase. Without the above confirmation, the proposal may not be feasible.

5.2.2 Comments of the Commissioner for Police (C of P):

- (a) 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
- (b) 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.

Land Administration

5.2.3 The District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD) advises that the management plan put up by the applicant for restricting visitors' access to the proposed niche halls during and around Ching Ming and Chung Yeung Festivals is not related to land and buildings, and hence it would not be imposed into the lease through the mechanism of lease modification. He maintains his other previous views on the s.16 application as stated in paragraph 9.1.2 in **Annex A**, and recapitulated below:

- (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 4,149m² 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 4,738m² 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 constructing an elevated walkway and staircase connecting the bus terminus and the open space in front of Pai Tau Village (**Drawing A-6 of Annex A**). As the said improvement work would falls 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.

Landscape

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

- (a) she has no objection to the proposed columbarium extension from the landscape planning perspective;
- (b) 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; and
- (c) according to the planning statement (**Appendix Ia of Annex A**), 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.

- 5.3 The following Government bureaux/departments have no further views/comments on the review application and maintain their previous views on the s.16 application as recapitulated below:

Columbarium Policy

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

- (a) the Private Columbaria 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 Private Columbaria 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 Private Columbaria 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;
- (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 are yet to be verified by PCAO; and
- (e) however, the current proposal for 18,000 new niches under the subject application was not covered in the abovementioned specified instruments applications.

Environment

5.3.2 Comments of the 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.

Urban Design

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

- (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 of Annex A**) with photomontages (**Drawings A-11 to A-14 of Annex A**) 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;

5.3.4 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) she has no specific comment on the application; and
- (b) 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".

Building Matters

5.3.5 Comments of the Chief Building Surveyor/ New Territories East 1 and Licensing, Building 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

5.3.6 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

5.3.7 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 of Annex A**), 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.

District Officer’s Comments

5.3.8 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.

5.4 The following Government departments have no objection to/comment on the review 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.

6. Public Comments Received During the Statutory Publication Period

- 6.1 On 1.3.2019 and 10.5.2019, the review application and its FI were published for public inspection. During the first three weeks of the statutory public inspection periods, a total of 13 public comments (**Annex G**) were received from the Indigenous Inhabitant Representatives of Pai Tau Village and Sheung Wo Che Village, villager of Pai Tau Village, Chairman of Sha Tin Rural Committee, Members of Sha Tin District Council and private individuals. All of them object to the application mainly on the following grounds:
- (a) the proposal which involves substantial increase of number of niches would worsen the traffic jam in the area and lead to illegal parking problems, in particular during the festival periods;
 - (b) 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;
 - (c) the adverse traffic impact arising from the proposal will increase the burden of Government departments including TD and Police. The use of public resources to alleviate the traffic impact arising from a private columbaria is unjustified;
 - (d) the adjacent Government land to the Site has been illegally used by the operator of Po Fook Hill as its own private carparking space;
 - (e) 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;
 - (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.
- 6.2 Similar comments objecting to the application were also received during the s.16 stage of the application. At the s.16 stage of the application, 20 public comments objecting to the application and one letter of support with 303 signatures collected were received. Details are in paragraph 10 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 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 to accommodate no more than 18,000 new niches 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 4,149m², 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. The planning application was rejected by the RNTPC on 18.1.2019 mainly on the ground of adverse traffic impact on the surrounding areas.

- 7.2 To support the s.17 review application, the applicant has submitted a review statement, responses to departmental comments and a revised TIA at **Annexes D to F**, and provided additional justifications to address the rejection reason as detailed in paragraph 3 above. In essence, the applicant considers that consideration for the potential traffic impact should only relate to that generated by the new niches; the rejection reason on traffic impact could be addressed by imposing relevant approval condition requiring the applicant to produce revised/updated management plan to the satisfaction of Government departments; the restriction of visitors' access to the new niches during and around festival days can be included into terms of sales and the management plan; and suitable approval condition can be imposed requiring the submission of revised TIA to ensure necessary traffic measures in place.

Planning Intention and Land Use Compatibility

- 7.3 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 4,738m² 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

- 7.4 Despite the revised TIA and the additional justifications provided by the applicant, C for T maintains her view that she cannot support the application as some of her previous comments on the s.16 planning application have not been properly addressed. C for T considers that the applicant fails to demonstrate that the proposal would not have adverse traffic impact on the surrounding road networks. As the car parking in the vicinity of the Site are always full during Saturdays, Sundays and public holidays, visitors to the additional niches driving to these car parks will further lengthen the vehicular waiting queue along the surrounding roads even outside festival periods. C for T also considers that the non-provision of loading/unloading bay within the Site unacceptable, as it is anticipated to cause additional loading/unloading activities on the adjacent roads and lead to traffic congestion at Sheung Wo Che Road, Pai Tau Street and Sha Tin Rural Committee Road. Although the entrances to the new niche halls are separated from the existing ones internally, such arrangement may not contribute to crowd control on public roads. 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.

- 7.5 The applicant proposes to impose relevant approval condition requiring the applicant to produce revised/updated management plan to the satisfaction of Government departments in order to address the rejection reason on adverse traffic impacts. Nonetheless, C for T considers that her comments on the TIA are fundamental and should be properly addressed in this stage. As such, the proposal to impose approval condition is unable to address C for T's concern.
- 7.6 As for the proposed new staircase/elevated walkway, C for T considers that it is the responsibility of the applicant to justify the proposal from traffic engineering point of view and demonstrate its technical feasibility. It is pre-mature to say that the proposal is 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

- 7.7 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

- 7.8 The local concerns conveyed by DO/ST, HAD and the objections from all 13 public comments are mainly on the grounds of adverse traffic and environmental impacts brought by the proposal. In this regard, the planning assessments above and comments of Government departments above are relevant.

8. Planning Department's Views

- 8.1 Based on the assessments made in paragraph 7 and having taken into account local concerns by DO/ST, HAD and the public comments mentioned in paragraphs 5.3.8 and 6 above and given that there is no major change in planning circumstance since the rejection of the s.16 application by the RNTPC on 18.1.2019, the Planning Department maintains its previous view of not supporting the application for the following reason:

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

- 8.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.7.2023, 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 conditions 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; and
- (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.

Advisory Clauses

The recommended advisory clauses are attached at **Annex H**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the application on review, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

10. Attachments

Drawing R-1	Plan showing the proposed staircase/elevated walkway connecting MTR Sha Tin Station and Pai Tau Street
Plan R-1	Location plan
Plan R-2	Site plan
Plan R-3	Aerial photo
Plans R-4a to R-4c	Site photos
Plan R-5	Pedestrian access to the Site
Annex A	RNTPC Paper No. A/ST/952B
Annex B	Extract of minutes of the RNPTC meeting held on 18.1.2019
Annex C	Secretary of the Board's letter dated 1.2.2019
Annex D	Review application submitted by the applicant dated 21.2.2019
Annex E	FI in response to departmental comments enclosing a revised TIA received on 26.4.2019
Annex F	FI in response to departmental comments received on 4.7.2019
Annex G	Public comments received on review application during statutory publication periods
Annex H	Recommended Advisory Clauses