

**Proposed Regularisation of Existing Columbarium
Use (for Columbarium Niches Sold before
30.6.2017 only) at G/F - 6/F (Parts) of
an Existing Religious Building in
“Government, Institution or Community” Zone,
18 Sha Tau Kok Road-Lung Yeuk Tau, Lung Yeuk Tau,
Fanling, New Territories**

Applicant : The Emperor Hall Services Company Limited
Planning Consultants : Vision Planning Consultants Limited
Date of Submission : 18 January, 2024

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Executive Summary

This planning application aims to seek a permission of the Town Planning Board (“**TPB**”) to regularise the existing columbarium use [solely for extents related to columbarium niches **sold** as at 30 June 2017 – the enactment date of the Private Columbaria Ordinance (“**PCO**”)] at **G/F - 6/F (Parts)** (“**Application Premises**”) of an existing religious building, known as The Emperor Hall (the “**Hall**”), at Lot No. 4433 S.17 in D.D. 51 (the “**Subject Site**”), **18 Sha Tau Kok Road-Lung Yeuk Tau, Lung Yeuk Tau, Fanling, New Territories.** The approval of this planning application is one of the pre-requisite requirements for obtaining a Private Columbarium Licence (“**PCL**”) from the Private Columbaria Licensing Board (“**PCLB**”) under the PCO.

This application involves a total of 1,364 existing sold columbarium niches (i.e., 783 being sold and interred niches; and 581 being sold but not yet interred), which has been updated and registered in the Private Columbaria Affairs Office (“**PCAO**”) on 8.12.2023. All these sold columbarium niches are distributed at 2/F, 3/F and 5/F of the Hall and the rest of the subject premises involved under this application mainly to align with those extents of application being considered by the PCLB. On 6.3.2023, the PCLB granted the Applicant an “Approval-in-Principle” (“**AIP**”) for application for Temporary Suspension of Liability (“**TSOL**”) with respect to the subject sold columbarium niches under this application. All key elements incorporated in this planning application, in particular the extents of the application floor areas, location of sold columbarium niches, and the quantity of such niches at each floor, and the updated management plan, are the same as those registered in the PCAO.

Upon approval of TPB, the Applicant will proceed further to seek the PCLB’s approval on the statutory PCL application for operating these sold columbarium niches at the Application Premises under the PCO. It has been demonstrated that the location of the Subject Site is suitable for the proposed (existing) private columbarium use; is not incompatible with its surrounding use; totally in-line with the land use planning intention of the Subject Site; and meets the soaring demand pressure for such much-needed community facility in the area. No significant adverse or unacceptable traffic, environmental, sewerage or drainage impacts due to the proposed regularisation of the existing sold columbarium niches are anticipated. It is a good case from the land-use planning standpoint.

內容摘要

本規劃申請旨獲取城市規劃委員會（下稱「城規會」）批准，規範化現有存放在黃帝祠地下至六樓部分樓層內（下統稱「申請樓層」），於2017年6月30日[《私營骨灰安置所條例》（下稱《條例》）生效當天]前已售出的靈灰位相關的靈灰安置所用途。黃帝祠位於新界粉嶺龍躍頭沙頭角公路-龍躍頭段18號丈量約份第51約地段第4433號第17分段（下稱「申請地點」），即龍躍頭路18號門牌。根據《條例》要求，申請人必須先獲得「城規會」批准後，「私營骨灰安置所發牌委員會」（下稱「發牌委員會」）才可以繼續處理下一步的「私營骨灰安置所牌照」申請事宜。

本規劃申請，合共有1,364個已售出的靈灰位（當中已上灰的有783個，未上灰的有581個）。而上述靈灰位分佈是依照申請人在2023年12月8日向「私營骨灰安置所事務辦事處」（下稱「骨灰辦」），作出更新及確認的數目。所有這些靈灰位實體是置於二樓、三樓及五樓內，其他申請相關的樓層主要是吻合「發牌委員會」已考量的申請範圍。在2023年3月6日，「發牌委員會」批出為期三年「原則上同意」上述已售出的靈灰位的暫免法律責任書申請。今次的規劃申請內容基本上與「骨灰辦」的最新檔案資料相符，包括已售出靈灰位的相關建築樓面範圍、數量、分佈和更新的管理方案。

於「城規會」批准是次申請後，申請人會繼續向「發牌委員會」申請「私營骨灰安置所牌照」，讓這些已售出的靈灰位可以在《條例》監管下持續營運下去。申請地點已證實是完全適合靈灰安置所用途；與周邊用途協調；也完全符合法定規劃意向；及適時地應對目前社區對該等急需社會設施的嚴重需求壓力。申請發展是不會對該區造成不可接受的交通、環境、污水處理或雨水排放影響。這是一個合情合理的用地規劃申請好個案。

1. THE PURPOSE

- 1.1 Vision Planning Consultants Limited is commissioned by The Emperor Hall Services Company Limited (the “**Applicant**”) to prepare and to submit this planning application on its behalf. The Applicant is not the registered land owner of Lot No. 4433 S.17 in D.D. 51 (i.e., No. 18 Sha Tau Kok Road) (hereinafter called the “**Subject Site**”), 18 Sha Tau Kok Road-Lung Yeuk Tau, Lung Yeuk Tau, Fanling, New Territories (**Figure 1** and **Figure 2**). The Subject Site is presently occupied by a 7-storey religious building, known as The Emperor Hall (the “**Hall**”) (黃帝祠).
- 1.2 The purpose of this application aims to seek a permission from the Town Planning Board (“**TPB**”) to regularise the existing columbarium use (solely for extents related to those **sold** columbarium niches as at 30 June 2017 - the enactment date of the Private Columbaria Ordinance (“**PCO**”)] at part of G/F to 6/F of the Hall (hereinafter collectively called “**Application Premises**”).
- 1.3 On 6 March 2023, the Private Columbaria Licencing Board (“**PCLB**”) under the PCO granted the Applicant an “Approval-in-Principle” (“**AIP**”) for the Temporary Suspension of Liability (“**TSOL**”) application for a period of three years with respect to the existing sold columbarium niches and their related extents of application area at the Application Premises (**Appendix I**).
- 1.4 The approval of the present planning application is one of the pre-requisite requirements for the PCLB to continue to proceed the Applicant’s application for a Private Columbarium Licence (“**PCL**”) for operation of the proposed sold columbarium niches at the Application Premises.
- 1.5 This planning application involves a total of 1,364 existing sold columbarium niches at the Application Premises (i.e., 783 of them are being sold and interred with human ashes; and 581 being sold but not yet interred with human ashes). These sold columbarium niches have been verified and registered in the Private Columbaria Affairs Office (“**PCAO**”) on 8.12.2023 (**Appendix II**).
- 1.6 It should be noted that the number of interred columbarium niches is expected to be increased from time to time as required by the owners and this operational phenomenon has been accepted by the PCAO in practice. All the proposed (existing) sold columbarium niches are distributed at 2/F, 3/F and 5/F of the Hall whereas the rest of the subject floors (i.e., part of G/F, 1/F, 4/F and 6/F of the Hall) being involved in the present planning application mainly serve to align with the

until further instruction from the staff (**Figures 13 and 14**). Section 5 of the updated MP in **Appendix VIII** provides more details about the crowd control measures.

- 4.17 Unless visitors with walking difficulties or disabilities requiring to use the internal lifts, otherwise, they are expected to walk up and walk down via internal staircases in accordance with the direction signs (**Figure 14**).

Submission of Further Updated Management Plan to PCAO

- 4.18 If any planning conditions to be imposed by the TPB on this planning application, further amendments to the updated MP may be possible, if considers appropriate, to guide/improve the operation of the proposed (existing) sold columbarium use at the Application Premises. If so required, the Applicant submit a future updated MP to incorporating such planning conditions upon TPB's approval and to submit it to PCLB for consideration.

Environmental Considerations

- 4.19 As committed in the updated MP (**Appendix VIII**), no burning of joss paper inside the Hall and/or within the Subject Site.

- 4.20 If and when required, the future management office will provide only one light-incense for each visitor inside the columbarium room. Indeed, all owners will be informed about this arrangement not only through sales agreement, but will also clearly made aware of this via posting a General Notice in areas easily be viewed inside the Hall.

- 4.21 According to the Applicant, in so far no environmental complaints have been received from the local community against the existing columbarium at the Hall. At present, no furnace facility is provided within the Subject Site. The Applicant is confident that the present proposed (existing) columbarium use under application will remain as a clean community facility and no unacceptable environmental problems/impacts on the local area due to the proposed (existing) columbarium use at the Application Premises is anticipated.

5.20 In view of the above, the proposed (existing) sold columbarium use under application is an acceptable land-use in the Subject Site.

6. CONCLUSION

6.1 The present application is to seek permission from the Town Planning Board (“TPB”) to regularise the proposed (existing) sold columbarium use (solely for columbarium niches sold before 30 June 2017) at **G/F - 6/F (Parts)** of The Emperor Hall at Lot No. 4433 S.17 in D.D.51, **No. 18 Sha Tau Kok Road, Lung Yeuk Tau, Fanling, New Territories.**

6.2 The purpose of this application aims to seek a permission from the TPB to regularise the existing sold columbarium use at the Application Premises within the Subject Site.

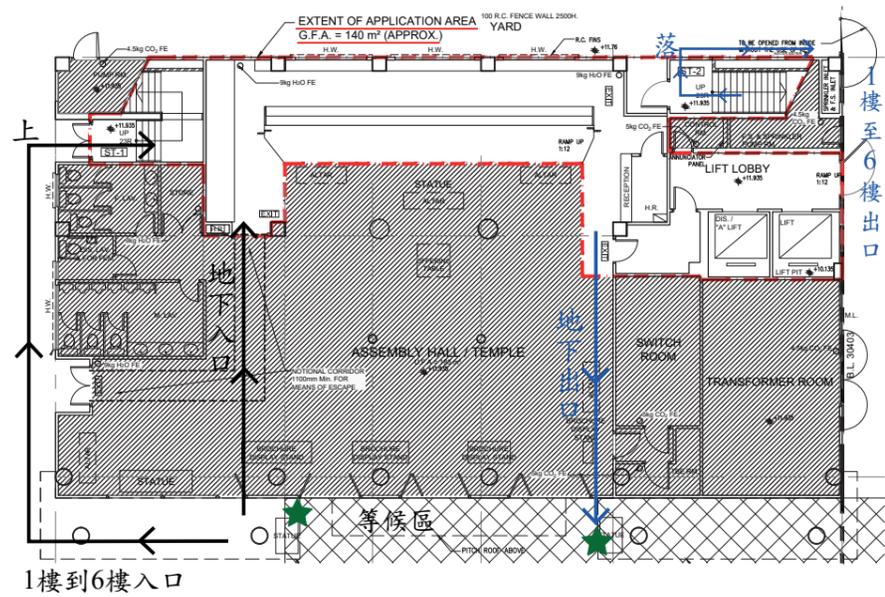
6.3 The present proposed (existing) sold columbarium use under application contains a total of 1,364 sold columbarium niches which is the same as those registered in the PCAO.

6.4 It has been demonstrated that the location of the Subject Site is most suitable for columbarium use; the use under application is considered as an acceptable land-use item listed in Column 2 of the Notes of the OZP for “G/IC” zone. Furthermore, it has been demonstrated that the Subject Site is most suitable for the proposed columbarium use and will not cause any unacceptable traffic, environmental, visual, sewerage or drainage impacts on the local area. This further substantiate that the proposed (existing) sold columbarium use at the Application Premises are suitable and compatible at this locality.

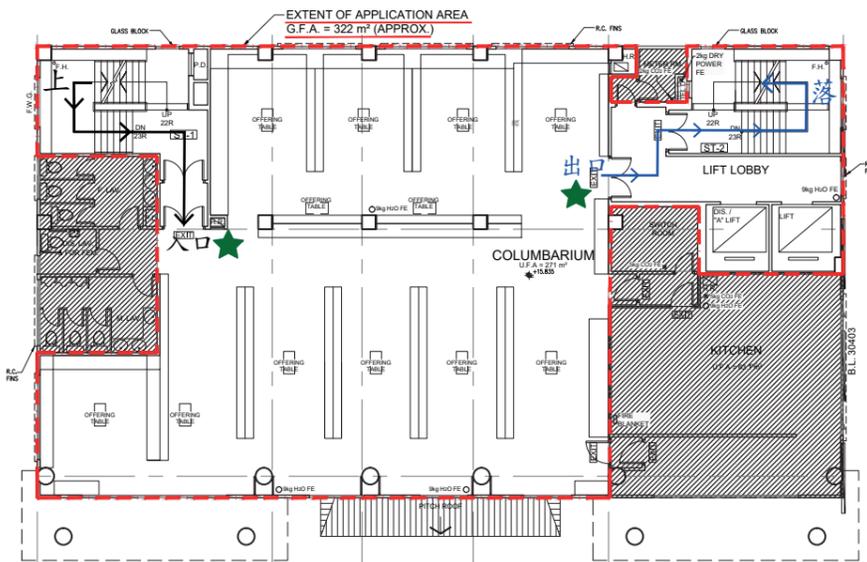
6.5 The approval of the present application represents a positive effort to support and realise the Government’s policy indicated through the enactment of the PCO. The proposed (existing) sold columbarium development at the Application Premises is a unique, clean, tidy, and user-friendly community-based facility.

6.6 Upon approval of this application, the Applicant will request the PCLB to further proceed its application for a Private Columbarium Licence under the PCO and eventually, the proposed (existing) sold columbarium use at the Application Premises will properly be monitored under the statutory licensing mechanism.

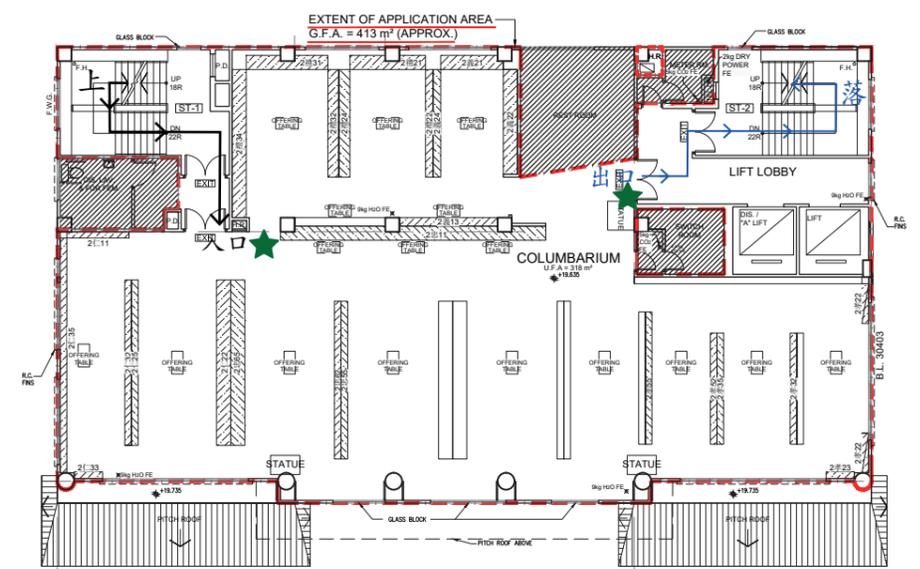
6.7 In view of the above, we respectfully request Members of the TPB to give a favourable consideration to and to approve the present planning application so as to allow the Applicant to continue to provide this unique community-based



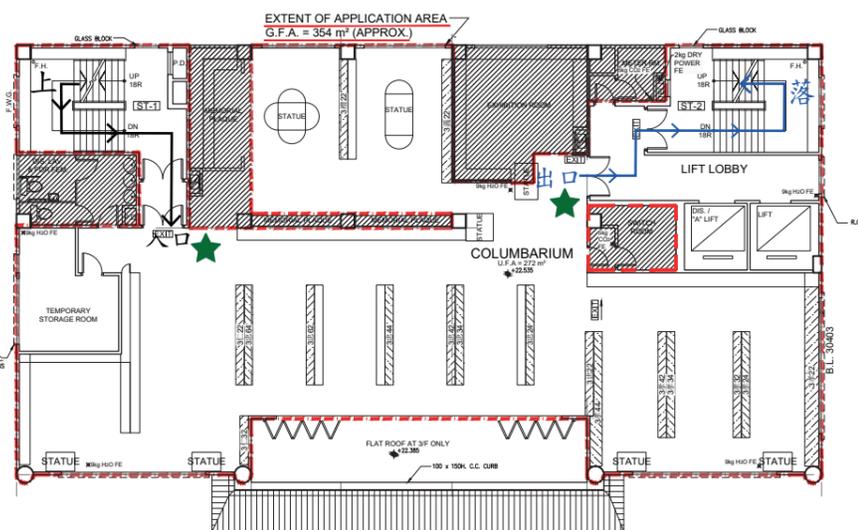
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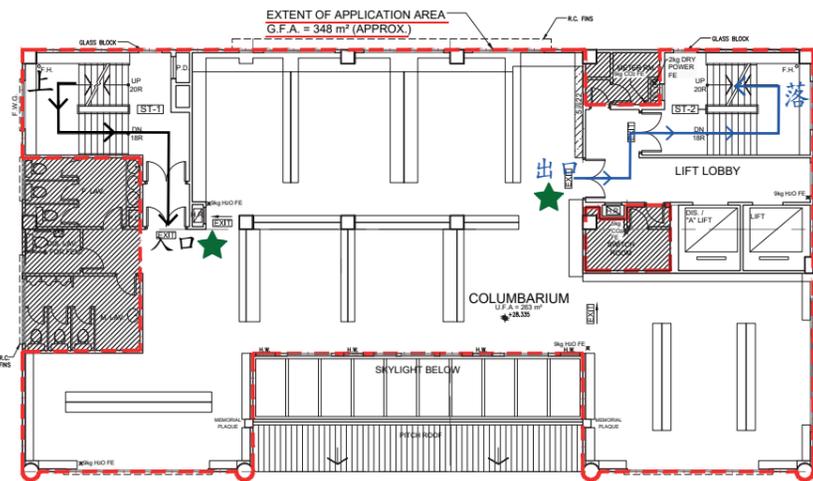
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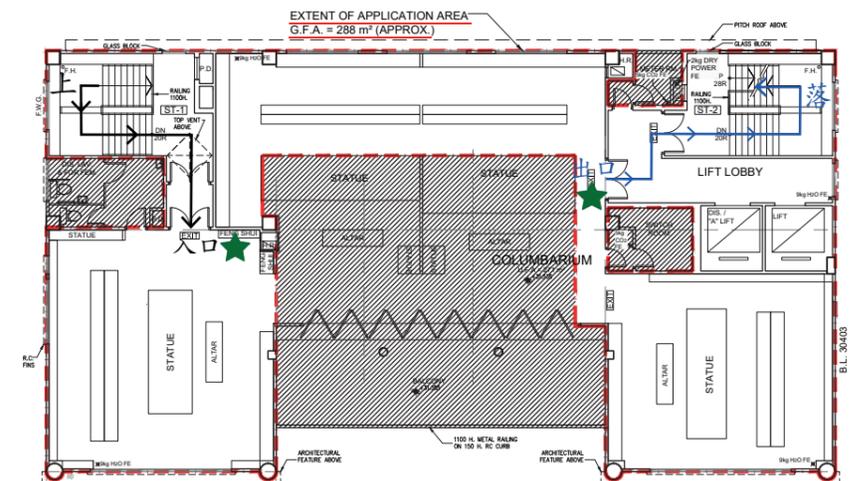
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三樓



五樓



六樓

- 圖例
- 骨灰安置所界線
 - ➔ 訪客行走路線(入)
 - ➔ 訪客行走路線(出)
 - ★ 職員駐守的位置

Proposed Crowd Control Arrangement at G/F-3/F and 5/F-6/F
(Extracted from the Management Plan)

VISION

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Figure 14a

Not to Scale