



**LCH Planning and Development
Consultants Limited**

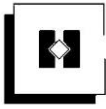
**Section 12A Application for Proposed Rezoning from “Village
Type Development” to “Government, Institution or Community
(1)” at Tong To, Sha Tau Kok, New Territories**

Planning Assessment Report

Prepared by
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In Association with
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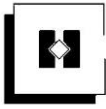
Executive Summary

This planning application under section 12A of the Town Planning Ordinance is submitted on behalf of the Applicant, which is the operator of Liberty Fook Kui at Tong To, Sha Tau Kok, New Territories. This is for the rezoning of the Application Site, from “Village Type Development” (“V”) zone to “Government, Institution or Community (1)” (“G/IC (1)”) zone on the approved Sha Tau Kok Outline Zoning Plan No. S/NE-STK/2.

Under the rezoning proposal, the Application Site under the new “G/IC (1)” zone will be subject to a maximum gross floor area of 98 m² and a maximum building height of 5.6m, which are the development parameters of the existing building. The number of niches will be restricted to 864.

The existing columbarium use has been in place since 1988, much earlier than the date of the first publication in the Gazette of the notice of the draft Sha Tau Kok development permission area plan. The Applicant had fulfilled a series of requirements and obtained the Approval-in-principle Temporary Suspension of Liability on 8 August 2022. This planning application is to satisfy the town planning requirement as well as the relevant licensing requirement.

Planning and technical assessments prove that the rezoning proposal is technically feasible and compatible with the land use, and this application is well justified on planning grounds. It will not result in any significant adverse impacts on land use, traffic, environment, landscape and visual perspective. This application will not set an undesirable precedent for similar applications.



行政摘要

(內容如有差異，應以英文版本為準)

本規劃申請根據《城市規劃條例》第 12A 條規定提交的。申請人為位於新界沙頭角塘肚的「自由福居」的營運者。根據沙頭角分區計劃大綱核准圖編號 S/NE-STK/2，申請地點位於規劃為「鄉村式發展」地帶的土地上。此次申請旨在將申請地點由「鄉村式發展」地帶改劃為「政府、機構或社區（1）」地帶。

根據改劃建議，「政府、機構或社區（1）」地帶將受到最高總樓面面積 98 平方米及最高建築物高度 5.6 米的限制。以上為現有構築物於申請地點上的現時發展參數。骨灰龕的數量將限制為 864 個。

於「自由福居」中的骨灰龕用途已經自 1988 年開始使用，早於沙頭角發展審批地區草圖首次由政府憲報上刊登的日期。申請人已滿足一系列要求，並於 2022 年 8 月 8 日獲得原則上同意暫免法律責任書。本規劃申請旨在滿足城市規劃以及相關的許可要求。

本規劃申請提交的規劃和技術評估已經證明改劃建議在技術上是可行，且與現時及將來鄰近土地用途相容，因此本規劃申請在規劃上有充分的支持理由。本規劃申請不會對土地使用、交通、環境、景觀及視覺影響造成任何重大不利影響，亦不會為設立不良先例。



TABLE OF CONTENTS

1	INTRODUCTION	6
1.1	THE APPLICATION	6
2	THE APPLICATION SITE AND SURROUNDINGS.....	7
2.1	CURRENT CONDITION OF THE APPLICATION SITE	7
2.2	BACKGROUND OF LIBERTY FOOK KUI.....	8
2.3	LAND STATUS	8
2.4	TONG TO AND TONG TO PING TSUEN.....	8
2.5	SURROUNDING CONTEXT	9
2.6	PERMITTED BURIAL GROUNDS AND GRAVES	12
2.7	ACCESSIBILITY.....	13
2.8	TRADITIONAL HAKKA VERNACULAR ARCHITECTURE	14
3	PLANNING CONTEXT.....	17
3.1	STATUTORY PLANNING CONTEXT	17
3.2	ZONING HISTORY	17
3.3	PREVIOUS REZONING PROPOSALS.....	18
4	THE REZONING PROPOSAL.....	22
5	INDICATIVE DEVELOPMENT SCHEME.....	25
5.1	EXISTING BUILDING BULK	25
5.2	OPERATIONAL MANAGEMENT.....	26
5.3	TRAFFIC AND CROWD MANAGEMENT PROPOSALS.....	29
5.4	FIRE SAFETY/ ENVIRONMENTAL CONCERNS.....	31
5.5	TRAFFIC IMPACT ASSESSMENT	33
5.6	VISUAL APPRAISAL.....	33
6	PLANNING MERITS AND JUSTIFICATIONS.....	34
6.1	RECTIFY SHA TAU KOK OZP TO REFLECT EXISTING COLUMBARIUM USE.....	34
6.2	NO OBJECTION FROM CONCERNED DEPARTMENTS ON THE OPERATION OF A PRIVATE COLUMBARIA.....	34
6.3	COMPATIBILITY WITH ADJACENT LANDSCAPE.....	34
6.4	COMPATIBILITY WITH ADJACENT ZONING	35
6.5	COMPATIBILITY WITH THE LAND USE.....	36
6.6	NO IMPACT ON THE AVAILABILITY OF LAND FOR SMALL HOUSE	38
6.7	NOT A “DESTROY FIRST, DEVELOP LATER” DEVELOPMENT.....	39
6.8	ALREADY COMPLY WITH THE GOVERNMENT LEASE.....	39
6.9	WELL ESTABLISHED AND SUPPORTS FROM THE LOCAL	39
6.10	SUPPORTED BY SIMILAR AGREED REZONING APPLICATIONS	39
6.11	TECHNICALLY FEASIBLE	40
6.12	STRONG DEMAND OF PRIVATE NICHES SPACES.....	41
7	CONCLUSION.....	43



List of Figures

Figure 1	Location Plan
Figure 2	Site Plan
Figure 3	Extract of Outline Zoning Plan (No. S/NE-STK/2)
Figure 4	Land Status
Figure 5	Permitted Burial Ground in Vicinity
Figure 6	Local Village Road to the Site
Figure 7	Historic Buildings of Hakka Architectural Style
Figure 8	Shuttle Bus Drop-off Point

List of Tables

Table 1	Existing Public Transport
Table 2	Key Development Parameters
Table 3	Opening Arrangement
Table 4	Land Availability for Small House
Table 5	Precedent Agreed Rezoning Applications

List of Annexes

Annex 1	Aerial Photos of the Application Site
Annex 2	Layout Plan of the Columbarium Building
Annex 3	Management Proposal
Annex 4	Traffic Impact Assessment
Annex 5	Approval Letter from Transport Department
Annex 6	Visual Appraisal

List of Diagrams

Diagram 1	Existing Condition of Application Site
Diagram 2	Village ‘Environs’ of Tong To
Diagram 3	Existing Use in the Vicinity
Diagram 4	Surrounding Context
Diagram 5	Hobby Farm/ Campsite in Vicinity
Diagram 6	Graves and Shines in the Vicinity
Diagram 7	Elevation of the Application Site showing the main entrance and green brick wall
Diagram 8	Rear portion showing the rivets in the gable wall area which work with the beams and columns to secure the architectural ceiling
Diagram 9	Single storey village dwellings at the west of Application Site
Diagram 10	Abandoned two storeys village dwelling at the east of Application Site

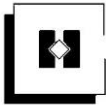


Diagram 11	Overview of Law Uk in Shek Chung Au Tsuen and Lap Wo Sai Kui in Lap Wo Tsuen
Diagram 12	Extract of the Approved Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/2
Diagram 13	Application boundary under previous application (No. Y/NE-STK/3) and subject application
Diagram 14	Extract of Notes of “V” zone of OZP
Diagram 15	Proposed Schedule of Uses for “G/IC” Zone
Diagram 16	Proposed Sha Tak Kok OZP Upon Rezoning
Diagram 17	Main Portion and Adjoining Vacant Portion
Diagram 18	Layout Plan of the Columbarium Building
Diagram 19	Approved Shuttle Bus Route
Diagram 20	Movement of Visitors in Liberty Fook Kui
Diagram 21	Fire Escape Route and Designated Assembly Area
Diagram 22	Example of Zoning Compatibility
Diagram 23	Land Use Distribution of the Surrounding
Diagram 24	Precedent Similar Agreed Rezoning Applications
Diagram 25	Number of Deaths and Death Rate (2013 to 2022)



1 INTRODUCTION

1.1 The Application

- 1.1.1 We are commissioned by the Applicant to prepare this planning assessment on his behalf for proposing amendment (hereinafter referred to as the “**Proposed Amendment**”) to the Approved Sha Tau Kok Outline Zoning Plan No. S/NE-STK/2 (“**the OZP**”) under Section 12A of the Town Planning Ordinance (“**the Ordinance**”) at Tong To, Sha Tau Kok (**Figures 1 and 2**) (hereinafter referred to as the “**Application Site**”).
- 1.1.2 The Application Site falls within an area zoned as “Village Type Development” (“**V**”) zone on the OZP (**Figure 3**). The Application mainly involves the existing columbarium known as ‘Liberty Fook Kui’ (自由福居) and a yard in front. The proposed amendment involves rezoning the Application Site from “V” zone to “Government, Institution or Community (1)” (“**G/IC (1)**”) zone, of which ‘Columbarium’ is a Column 2 use that requires permission from the Town Planning Board.
- 1.1.3 The Applicant is the operator of the ‘Liberty Fook Kui’. The Applicant previously lodged two rezoning applications (i.e. Application Nos. Y/NE-STK/3 and Y/NE-STK/5). The former application was rejected mainly because the Applicant was not in knowledge about the Traffic Impact Assessment (“**TIA**”) submission and could not demonstrate the proposed columbarium use would not cause adverse traffic impact on the surrounding areas. While the latter submission was withdrawn by the Applicant due to insufficient time to address departmental comments on the TIA. Understood that there were no further adverse comments from other government departments and the revised TIA is ready, the Applicant hereby resubmits the full set of application for the Town Planning Board consideration.



2 THE APPLICATION SITE AND SURROUNDINGS

2.1 Current Condition of the Application Site

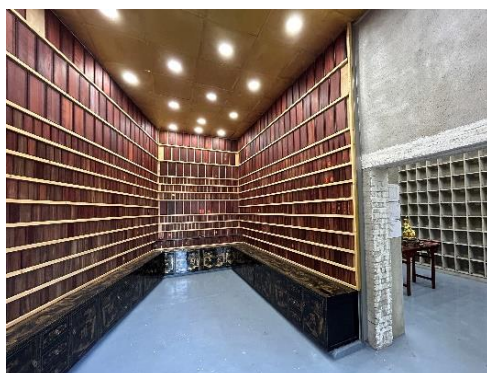
- 2.1.1 The Application Site covers a total of about 157 square metres (“sq. m.”). Portion of the Application Site is currently occupied by a single-storey building structure on Nos. 24 and 25 Tong To Ping Tsuen with a floor area of about 98 sq.m., which mainly occupies by the columbarium portion providing a total of 864 single-urn niches. Currently, 60 of the single-urn niches are occupied and sold before 30 June 2017, and 804 of them remain unoccupied (**Diagram 1**). The Application Site also comprise a yard in front.



Columbarium Portion



Adjoining Vacant Portion



Internal Condition



The Yard

Diagram 1 Existing Condition of Application Site

- 2.1.2 The Application Site is located at the north of Sha Tau Kok Road – Shek Chung Au, Tong To, New Territories, which is accessible by a local access road (**Figure 2**). It is near to an existing village settlement, known as Tong To Ping Tsuen.
- 2.1.3 **Figure 1** illustrates the location of the Application Site and its immediate vicinity.



2.2 Background of Liberty Fook Kui

- 2.2.1 The existing columbarium is operated under the name of ‘Liberty Fook Kui’ (自由福居). It is established in 1988, providing a respectful and peaceful environment for honouring individual who have passed away. The columbarium portion has been operated on the Application Site for 36 years, indicating its long history. No expansion works has been done and it remains as its original state. Refer to **Annex 1** for the Aerial Photos.
- 2.2.2 The Applicant had fulfilled a series of requirements and obtained the Approval-in-principle Temporary Suspension of Liability (TSOL) on 8 August 2022. Within three-year validity period of TSOL, the Applicant must satisfy the town planning, land lease and building safety requirements to obtain the Private Columbarium Licence (“PCL”). The approval of this planning application is one of the pre-requisite requirements for obtaining PCL. Thus, the Applicant is submitting this Section 12a application to fulfil the town planning requirement of the PCL. Therefore, the Applicant aims to regularize the land use zoning in accordance with the current use and to comply with the planning-related requirements under Private Columbarium Ordinance.

2.3 Land Status

- 2.3.1 The Application Site falls within the Lot 1421 (part), Lot 1422 S.B (part), Lot 1423 S.B (part), Lot 1423 S.C (part) and Lot 1423 S.D (part) in Demarcation District 41 (**Figure 4**).
- 2.3.2 The existing building at No. 24 Tong To Ping Tsuen is subject to a Building Licence BL3NE12C2. The placement of niches in the existing building and the columbarium usage do not violate the concerned government lease. It is understood that Lands Department has no objection on the TSOL as well as the proposed layout plan under the PCL.

2.4 Tong To and Tong To Ping Tsuen

- 2.4.1 Tong To Ping Tsuen is one of the three villages of Tong To, which is also one of the villages under the original Sha Tau Kok ten traditional inter-village alliances (沙頭角「十約」村落)¹. The alliances are centuries-long Hakka Settlements across the Sha Tau Kok of Hong Kong and Yan Tian of Shenzhen.
- 2.4.2 Villagers of Tong To are mainly from Yau’s, Cheung’s and Kan’s Clans. The Applicant is one of the family members of the Cheung’s Clan who has been living in Tong To Ping Tsuen for centuries. The village houses at the adjacent belong to him and his family members.
- 2.4.3 Tong To Ping Tsuen is not a recognized village. It does not fall within the village environs of Tong To but within the “Village Type Development” zone under the OZP. Refer to **Diagram 2**.

¹ 阮志. 越界：香港跨境村莊及文化遺產. 香港

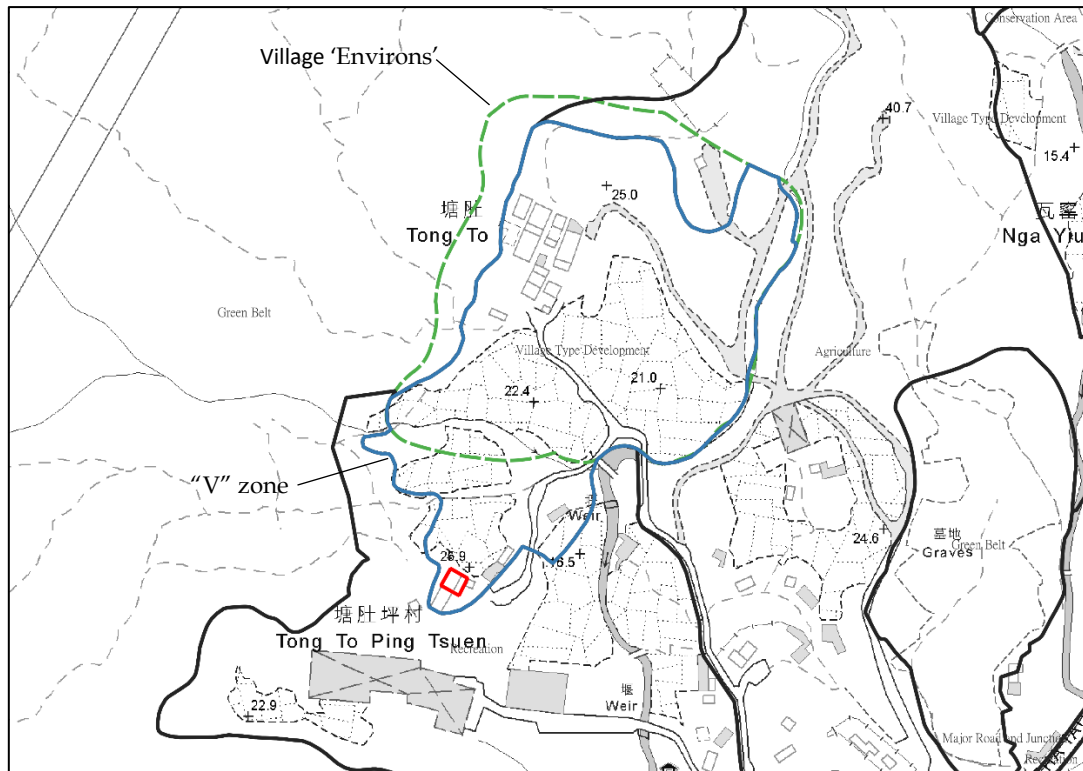


Diagram 2 Village 'Environs' of Tong To

(Source: Development Bureau of the Government of the Hong Kong Special Administrative Region ("DevB") and Town Planning Board)

2.5 Surrounding Context

- 2.5.1 The vicinity is occupied by a few low-rise village houses. To the immediate southwest adjoining the Application site are a single-storey structure which is vacant and the village houses occupied by the Applicant and his family. To the South is a paved land which allows vehicles to access the site, and a large piece of vacant land occupied by recreational facilities is located at the west of the Application Site (**Diagram 3**). Some religious structures are also situated in the vicinity. Along the local access road to the Site, some graves are found.



1.Single-storey structure which is vacant



2.Two village houses adjacent to the Application Site



3.Vacant Land at the behind



4.Paved land for vehicular access

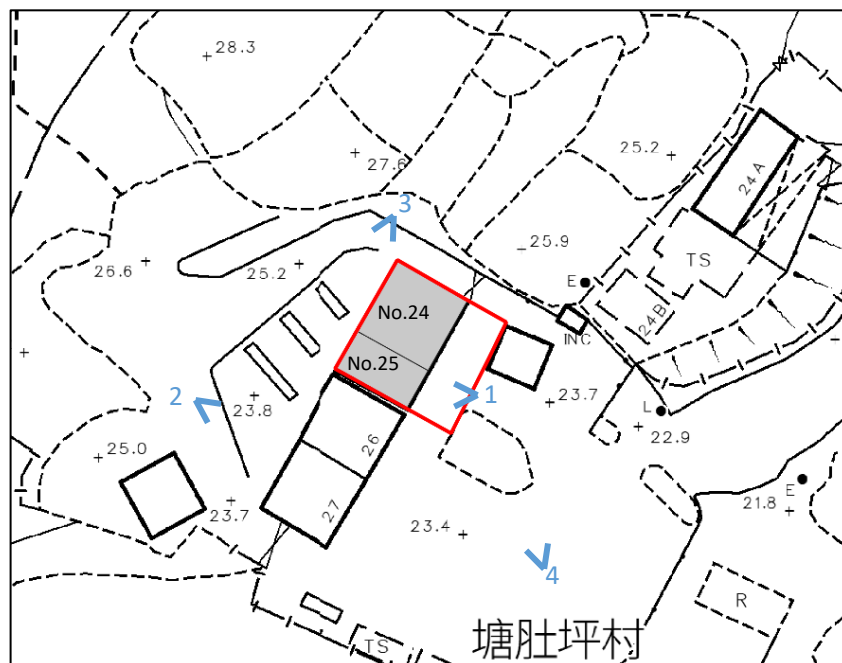


Diagram 3 Existing Use in the Vicinity
(Source: DevB)



- 2.5.2 The Application Site is entirely surrounded by recreational use. There are at least 3 hobby farm/ campsites located along the local track road to Tong To and the Application Site is screened away from the temporary structures by the adjoining hobby farm.

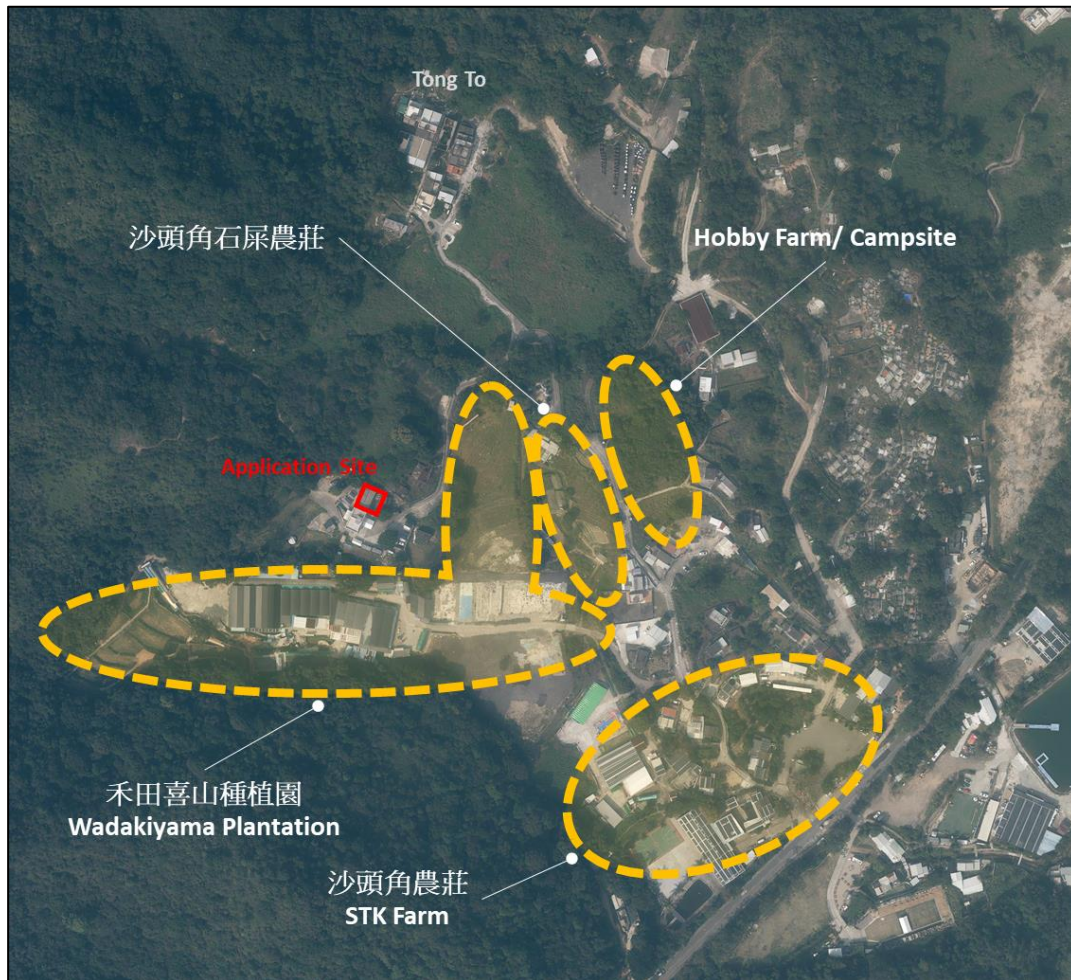
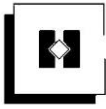


Diagram 4 Surrounding Context

(Source: extracted based on Aerial Photo no. E183526C taken on 21.2.2023 by Lands Department)



‘STK Farm’



‘Wadakiyama Plantation’

Diagram 5 Hobby Farm/ Campsite in Vicinity

2.6 Permitted Burial Grounds and Graves

- 2.6.1 There are two graves in the vicinity, under the name of “邱大公(字伯魁)”, which is known as “烏龜墩” by the locals and refurbished in 1928². There are also some graves of the villages of Tong To scattered in the vicinity.
- 2.6.2 At the back of Tong To and Tong To Ping Tsuen, there is a piece of Permitted Burial Ground ND-STK-06 at the southern slope of Robin’s Nest Hill. Refer to **Figure 5** as well.

² 阮志. 越界：香港跨境村莊及文化遺產. 香港

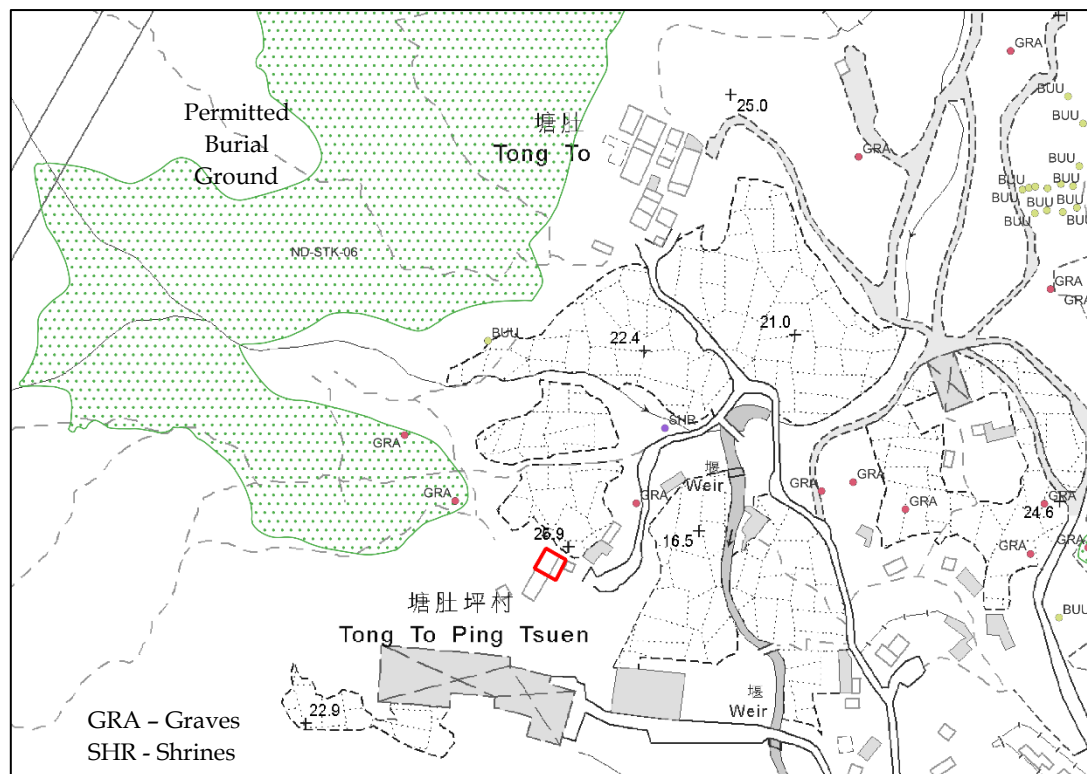


Diagram 6 Graves and Shines in the Vicinity
(Source: DevB)

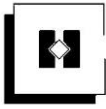
2.7 Accessibility

2.7.1 The Application Site is accessible to Sha Tau Kok Road via a local access road. It is within 10 minutes walking distance to Sha Tau Kok Road, where public transportation modes such as franchised buses, minibuses and taxis are available. Below shows the existing public transport to/from Sheung Shui MTR Station as well as other districts in Kowloon:

Transport Mode	Route	Frequency
Franchised Bus	78K (Sheung Shui - Sha Tau Kok)	15-20 minutes
	277A (Lam Tin - Sha Tau Kok)	60 minutes during peak hour
Minibus	55K (Sheung Shui - Sha Tau Kok)	4-10 minutes

Table 1 Existing Public Transport

2.7.2 The Application Site is accessible by a paved local access road branched out from Sha Tau Kok Road - Shek Chung Au. It is a 3.5m wide two-way single track local access road. Passing bays are provided along the local access road. The visitors of the Columbarium can access the site on foot.



2.8 Traditional Hakka Vernacular Architecture

- 2.8.1 The building bulks of the Application Site is a typical example of traditional Hakka vernacular architecture found in Sha Tau Kok. Its tiled roof is a hallmark of Hakka building practices for centuries. The use of tiles not only serves as a protection for inhabitants from incremental changes such as wind and rain, but also reflects the cultural heritage and architectural identity of the Hakka people.
- 2.8.2 The building materials and techniques observed at the existing building, including green bricks, clay and timber, which utilised local and natural materials, are also emblematic of traditional Hakka construction methods (**Diagrams 7 and 8**). These materials were commonly used in the past and are integral to the architectural style that characterises Hakka vernacular architecture. The green bricks, known for their durability and thermal properties, along with clay and timber, contribute to the structural integrity and aesthetic appeal of the building. This combination of materials as well as the architectural features observed at the Application Site ensures that the building is compatible with its rural setting, maintaining a visual and cultural continuity with other traditional structures in the area.



Diagram 7 Elevation of the Application Site showing the main entrance and green brick wall

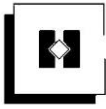


Diagram 8 Rear portion showing the rivets in the gable wall area which work with the beams and columns to secure the architectural ceiling

- 2.8.3 The dwellings/ ruins in the vicinity of the Application Site also shares similar architectural style, resembling the Hakka rural village landscape.



Diagram 9 Single storey village dwellings at the west of Application Site

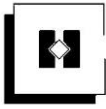


Diagram 10 Abandoned two storeys village dwelling at the east of Application Site

- 2.8.4 Two graded historic buildings (i.e. Law Uk and Lap Wo Sai Kui) in the adjoining villages (i.e. Shek Chung Au Tsuen and Lap Wo Tsuen) shared similar vernacular architectural styles using green bricks and concrete³, further illustrating the visual connection of the Application Site to its rural surroundings (**Diagrams 9 & 10**). These architectural similarities shape the visual and historical narrative of the Application Site, and demonstrate how these structures collectively contribute to the identity of traditional villages in Sha Tau Kok. Refer to **Figure 7** for the location of the similar Hakka style historic buildings in the vicinity.



Diagram 11 Overview of Law Uk in Shek Chung Au Tsuen and Lap Wo Sai Kui in Lap Wo Tsuen

³ Antiquities Advisory Board, Historic Building Appraisal - Law Uk Shek Chung Au, Sha Tau Kok, N.T., https://www.aab.gov.hk/filemanager/aab/common/historicbuilding/en/907_Appraisal_En.pdf

⁴ Antiquities Advisory Board - Historic Building Appraisal Lap Wo Sai Kui Nos. 4A, 4 & 5 Lap Wo Tsuen, Sha Tau Kok, https://www.aab.gov.hk/filemanager/aab/common/historicbuilding/en/1120_Appraisal_En.pdf



3 PLANNING CONTEXT

3.1 Statutory Planning Context

- 3.1.1 The Application Site falls entirely within an area zoned as “V” on the Approved Sha Tau Kok Outline Zoning Plan No. S/NE-STK/2 (**Figure 3**) (also known as the “OZP”). The planning intention of the “V” zone is “to designate both existing recognized villages and areas of land considered suitable for village expansion”.
- 3.1.2 The Note stated that no new development or redevelopment shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- 3.1.3 ‘Columbarium’ and its related uses are neither a Column 1 nor Column 2 use is not permitted under “V” zone. A rezoning application seeking the Board’s agreement on the Proposed Amendment is therefore required to regularize the development.

3.2 Zoning History

- 3.2.1 Tong To Ping Tsuen and the surrounding area has not been covered by any statutory plan before 2010. The draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1 was exhibited on July 2010 with the draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/1 was exhibited on July 2013. The Sha Tau Kok Outline Zoning Plan was approved by the Chief Executive in Council on 3 June 2014 and renumbered as No. S/NE-STK/1.
- 3.2.2 As identified under the Planning Report on Sha Tau Kok as published by the Planning Department, Tong To Ping Tsuen which is not a recognized village was scattered with sporadic village house and temporary structures. Back to early 2010s, majority of the agricultural land around Tong To was fallow and occupied by hobby farms already. It was reviewed that the areas covered by Tong To Tsuen and Tong To Ping Tsuen and their vicinity to be zoned as “Agriculture” (“AGR”) and “V” to reflect the existing use which include agricultural use and village house developments⁵.
- 3.2.3 Tong To Ping Tsuen was originally zoned as “AGR” zone on the Draft Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/1. During the representation stage, the indigenous inhabitant representative of Tong To Tsuen requested to include Tong To Ping to fulfil the needs of the Cheung Clan’s demand on Small House, and hence, the Town Planning Board decided to uphold the request for enlarging the “V” zone for the Tong To Ping⁶. The new “V” zone extended from the village ‘environs’ of Tong To as well. It was subsequently reflected under

⁵ Paragraph 3.3.10.4 of the Planning Report on Sha Tau Kok, Planning Department, March 2013

⁶ Meeting Minutes of Town Planning Board Meeting No. 991, 8 September 2011



the Approved Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/1.

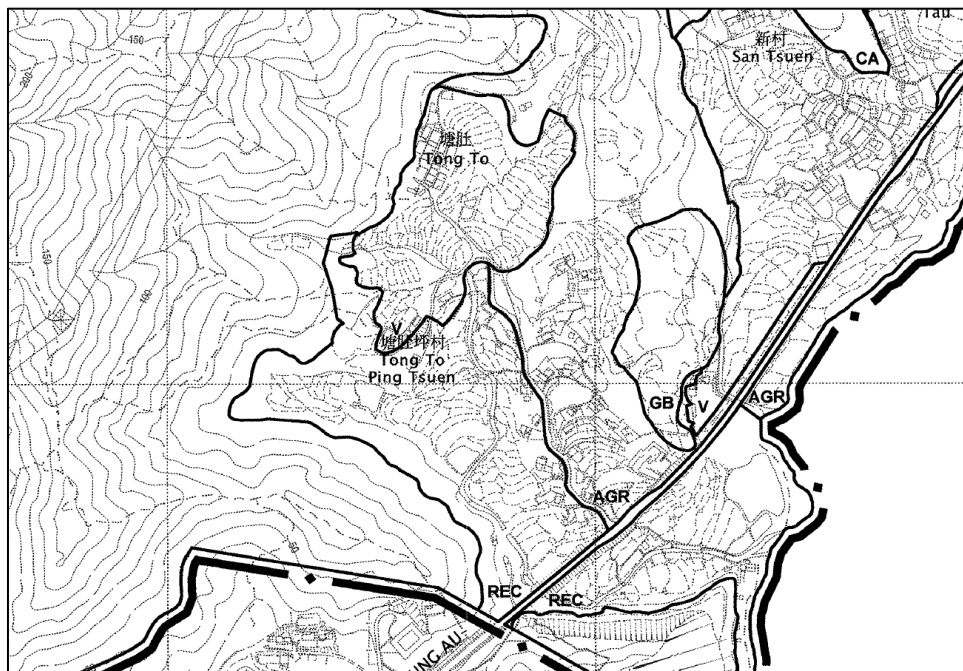


Diagram 12 Extract of the Approved Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/1

(Source: Legislative Council Brief, March 2012)

- 3.2.4 The existing building has been erected on the Application Site with niches placed inside the building already since 1988. The columbarium use has been in place before the gazette of the Sha Tau Kok DPA plan. It is noteworthy that the existing columbarium usage has not been reflected in the statutory plan.

3.3 Previous Rezoning Proposals

- 3.3.1 The Applicant lodged two rezoning applications (i.e. Application Nos. Y/NE-STK/3 and Y/NE-STK/5) in the past. The former application was rejected mainly because the Applicant was not in knowledge about the Traffic Impact Assessment (“TIA”) submission and could not demonstrate the proposed columbarium use would not cause adverse traffic impact on the surrounding areas. While the latter submission was withdrawn by the Applicant due to insufficient time to address departmental comments on the TIA. Understood that there were no further adverse comments from other government departments and the revised TIA is ready, the Applicant hereby resubmits the full set of application for the Town Planning Board consideration.
- 3.3.2 Compared to the most recent previous application, the site boundary of the current Application is modified. Refer to **Diagram 13** for the comparison of the Application boundary between the previous and current application.

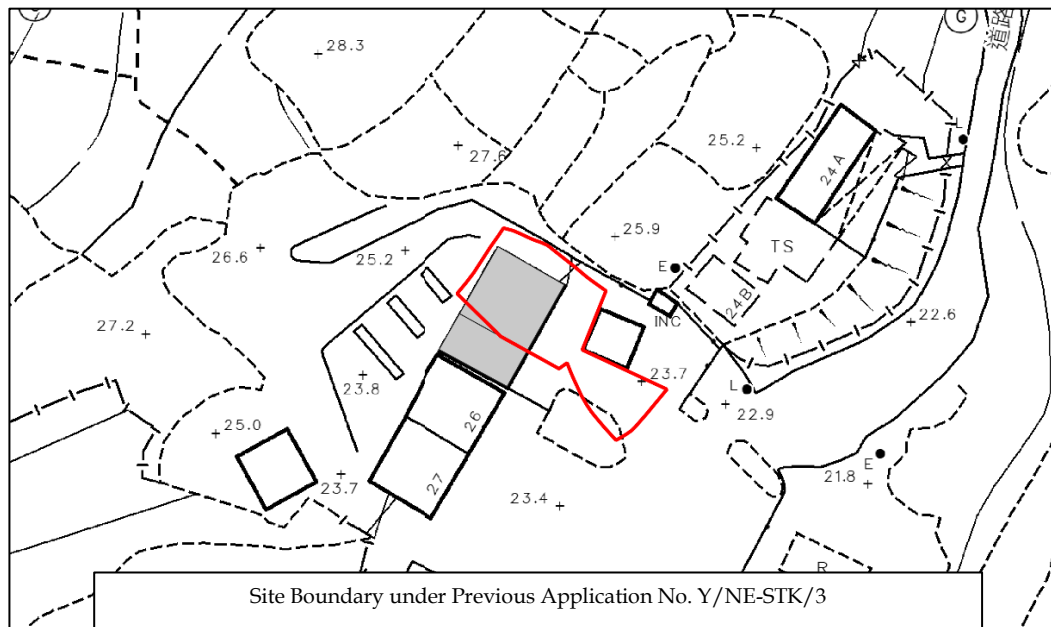
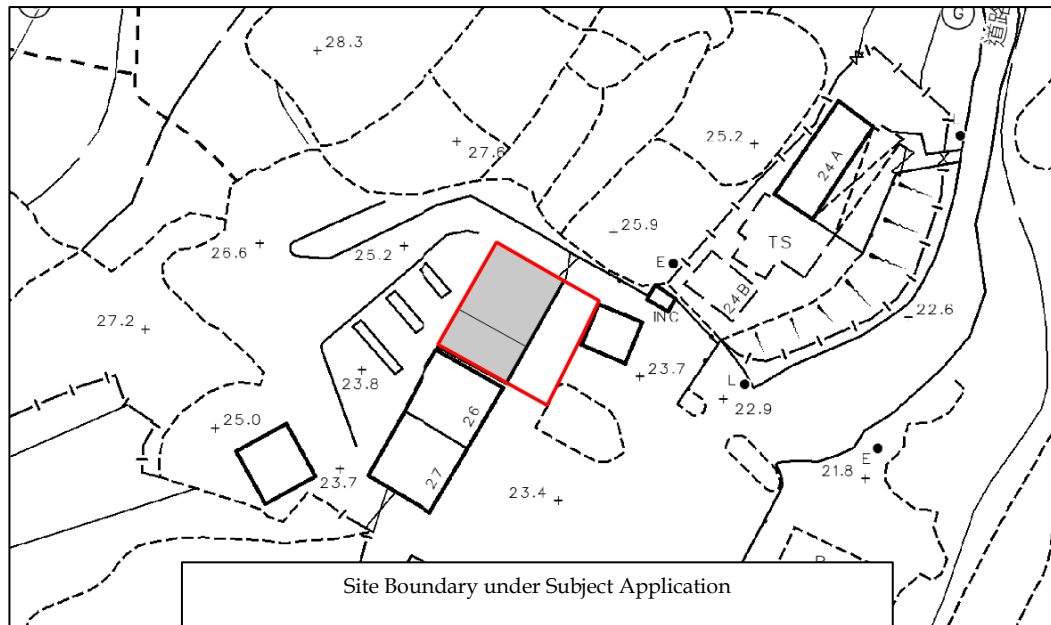
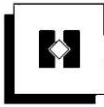


Diagram 13 Application boundary under previous application (No. Y/NE-STK/3) and subject application
(Source: DevB and Town Planning Board)



S/NE-STK/2

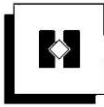
VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Burial Ground
Government Use (Police Reporting Centre, Post Office only)	Eating Place
House (New Territories Exempted House only)	Flat
On-Farm Domestic Structure	Government Refuse Collection Point
Religious Institution (Ancestral Hall only)	Government Use (not elsewhere specified)#
Rural Committee/Village Office	Hotel (Holiday House only)
	House (not elsewhere specified)
	Institutional Use (not elsewhere specified)#
	Market
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation #
	Public Vehicle Park (excluding container vehicle)
	Religious Institution (not elsewhere specified)#
	Residential Institution #
	School #
	Shop and Services
	Social Welfare Facility #
	Utility Installation for Private Project

In addition, the following uses are always
permitted on the ground floor of a New
Territories Exempted House:

Eating Place
Library
School
Shop and Services

(please see next page)



VILLAGE TYPE DEVELOPMENT (cont'd)

Planning Intention

The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

Diagram 14 Extract of Notes of “V” zone of OZP
(Source: Town Planning Board)



4 THE REZONING PROPOSAL

4.1 Amendment Item 1 – Proposed Zoning

- 4.1.1 There is “G/IC” zone on the Sha Tau Kok OZP with ‘Columbarium’ use as the Column 2 use on the Notes. It is thus proposed to rezone the Application Site from “V” to “G/IC (1)” zone in order to reflect the existing columbarium uses in the Application Site which has been operated since 1988. A new sub-zone is proposed in order to provide further restriction on the existing “G/IC” zone.

4.2 Amendment Item 2 – Proposed Schedule of Uses

- 4.2.1 While the rezoning proposal is to rectify the OZP to reflect the existing use in nature, it is proposed to retain the ‘Columbarium’ use under Column 2 uses of the proposed “G/IC (1)” zone, such that the Applicant should submit the proposal to the Town Planning Board for approval, and the Board exercises planning control by imposing approval conditions.

- 4.2.2 However, several uses of the existing “G/IC” zone will not be included in the proposed “G/IC (1)” zone. ‘Government Use (Police Reporting Centre, Post Office only)’, ‘Religious Institution (Ancestral Hall only)’ and ‘Rural Committee/Village Office’ are Column 1 uses under the existing “V” zone and are recommended to keep in the new “G/IC (1)” zone. ‘Government Refuse Collection Point’, ‘Government Use (not elsewhere specified)’, ‘Institutional Use (not elsewhere specified)’, ‘Place of Recreation, Sports or Culture’, ‘Public Convenience’, ‘Public Utility Installation’, ‘Religious Institution (not elsewhere specified)’ and ‘Utility Installation for Private Project’ are original column 2 uses under the existing “V” zone and are recommended to keep as column 2 uses in the new “G/IC (1)” zone. These uses are also Column 1 or Column 2 uses under the existing “G/IC” zone. Refer to **Diagram 15**.

4.3 Amendment Item 3 – Proposed Planning Intention and Remarks

- 4.3.1 The proposed zone is intended to reflect the existing columbarium use on the OZP. The maximum number of columbarium niches within the proposed “G/IC (1)” zone is restricted to 864 niches with no further enlargement.
- 4.3.2 The proposed 864 number of niches is the number of niches as stated under TSOL. The maximum GFA shall be 98 sq.m. and the maximum building height is 1-storey and not exceeding 5.6m., which restrict the columbarium use to the existing development scale only.
- 4.3.3 The proposed “G/IC (1)” zone is tailor-made for the rectification of the existing columbarium and will not set a precedent case under the OZP. Refer to **Diagram 15** for the proposed schedule of uses for “G/IC (1)” zone and **Diagram 16** for the Sha Tau Kok OZP upon agreement of the rezoning proposal.



<u>GOVERNMENT, INSTITUTION AND COMMUNITY (1)</u>	
Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Government Use (Police Reporting Centre, Post Office only) Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Columbarium Government Refuse Collection Point Government Use (not elsewhere specified) Institutional Use (not elsewhere specified) Place of Recreation, Sports or Culture Public Convenience Public Utility Installation Religious Institution (not elsewhere specified) Utility Installation for Private Project
<p style="text-align: center;"><u>Planning Intention</u></p> <p>This zone is intended primarily for columbarium and related use. Any development on land zoned “Government, Institution or Community (1)” shall be compatible and blend in harmoniously with its surrounding environment.</p>	
<p style="text-align: center;"><u>Remarks</u></p> <p>On land designated “Government, Institution or Community (1)” (“G/IC(1)”), no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum GFA of 98m² and the maximum building height of 5.6m, or the GFA and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater. The maximum number of niches for columbarium uses shall not exceed 864.</p>	

Diagram 15 Proposed Schedule of Uses for “G/IC” zone

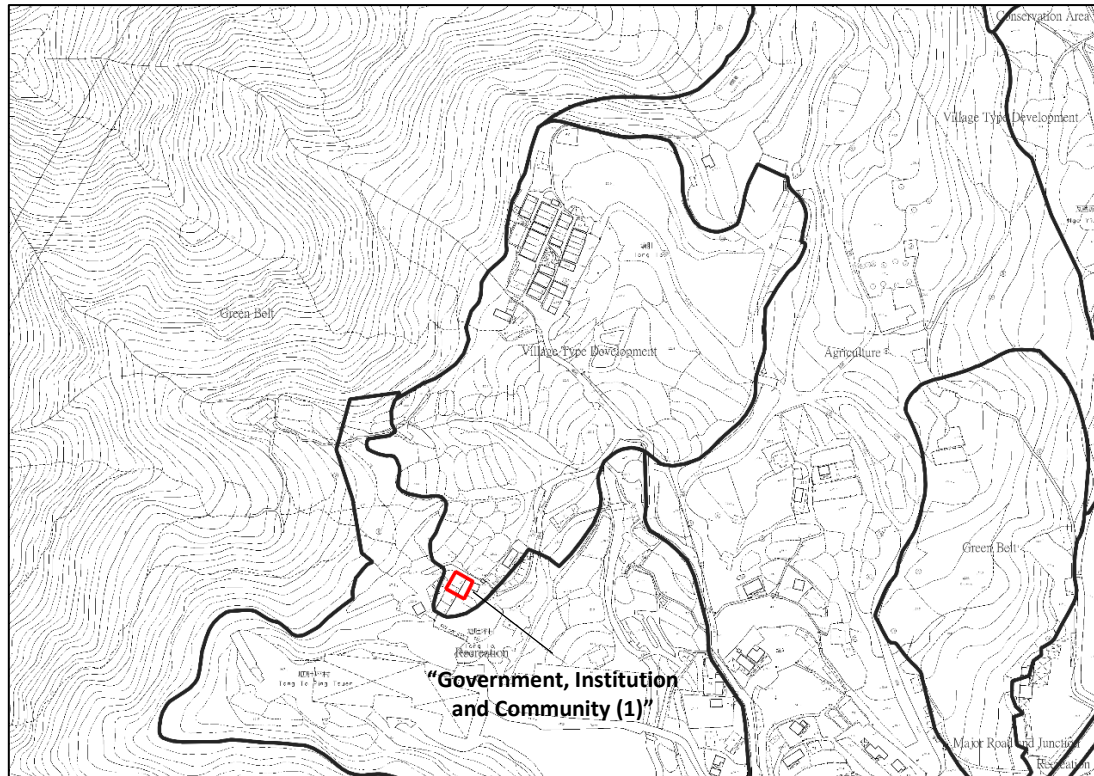


Diagram 16 Proposed Sha Tak Kok OZP Upon Rezoning
(Source: DevB and Town Planning Board)



5 INDICATIVE DEVELOPMENT SCHEME

5.1 Existing Building Bulk

- 5.1.1 The Application Site covers a site area of about 157 sq.m. The existing columbarium has been in place since 1988, offering a total of 864 niches with 60 of them are currently occupied. The existing development includes the main portion of columbarium (No. 24 Tong To Ping Tsuen) and an adjoining vacant portion (No. 25 Tong To Ping Tsuen). The adjoining portion at No. 25 Tong To Ping Tsuen will be left vacant and will not be used for columbarium use. Only the existing columbarium in No. 24 Tong To Ping Tsuen will be continued for the columbarium use. Refer to **Diagram 17** for the photos of the main columbarium portion and the adjacent portion which is vacant and **Table 2** for the key development parameters of the existing columbarium.



On the left: Adjoining Vacant Portion

On the right: Main Portion as columbarium

Diagram 17 Main Portion and Adjoining Vacant Portion

Development Parameters	
Site Area (about)	157 sq.m
Maximum Gross Floor Area (GFA) (about)	98 sq.m. - 60 sq.m. for existing columbarium portion - 38 sq.m. for the vacant portion
Plot Ratio (about)	0.62
Site Coverage (about)	62.42%
Maximum Building Height (BH) (about)	1-storey and not exceeding 5.6m
Maximum No. of Niches	864 (single-urn)

Table 2 Key Development Parameters



- 5.1.2 The Applicant has adopted the same set of layout plans previously approved by the Buildings Department in the previous submission of PCL Application. The breakdown of niches information has also been shown. It is noteworthy that there will be no alterations and additions to the existing building, and no new building will be proposed. Refer to **Diagram 18** and **Annex 2** for the layout plans.

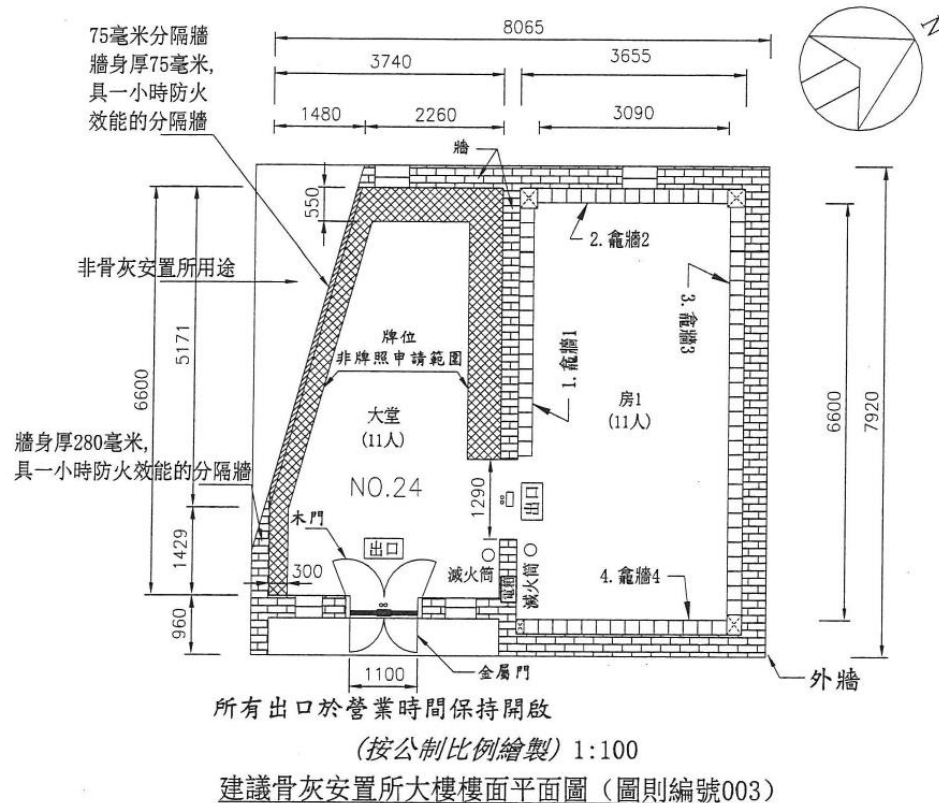


Diagram 18 **Layout Plan of the Columbarium Building**

5.2 Operational Management

- 5.2.1 The Applicant has prepared a management proposal for the ‘Liberty Fook Kui’. The follow is the extract from the management proposal in **Annex 3**.

Operating Hour

- 5.2.2 The operation hour of the Liberty Fook Kui is 10am to 4pm on each Wednesday and Sunday in non-festival period.
- 5.2.3 However, during the Festival period (i.e. the actual dates of Ching Ming Festival and Double Ninth Festival, as well as the Saturdays and Sundays that fall within two weeks before and after both festivals), the operation hour is extended to 8am to 6pm to accommodate the demand.



Strict Limitation on Number of Visitors

- 5.2.4 According to the Code of Practice for Fire Safety in Buildings 2011, the number of visitors shall not exceed 22 individuals. To ensure effective crowd control, the Liberty Fook Kui limits the number of visitors to a maximum of 20 individuals or equivalent to 5 families per 30-minute time slot during non-festival period. A total of 4 sessions are provided on every Wednesday and Sunday for Non-festival period.
- 5.2.5 During Festival period, there will be a total of 20 sessions with 25 minutes per time slot with the same maximum number of visitors of 20 persons.

Administrative Visitor Booking System

- 5.2.6 Visitors are required to make advance reservation to manage the flow of guests. They can easily pre-reserve for their preferred time slot and notify the staff via Whatsapp and SMS. Non-festival period requires 7 days pre-booking while Festival period requires 14 days pre-booking.
- 5.2.7 Only visitors with valid reservation confirmation will be confirmed in the time slot and be allowed to enter the site. The confirmation notice includes detailed instructions about shuttle service timings, pick-up/drop-off locations and traffic management guidelines.

There will be staff to check the visitors' confirmation at the lay-by near of the Sheung Shui Station, such that only those scheduled bookings will be allowed to visit.

Period	Non-festival Period	Festival Period
Opening Days	On each Wednesday and Sunday only falling outside the Festival Period	The actual dates of Ching Ming Festival and Double Ninth Festival, as well as the Saturdays and Sundays that fall within two weeks before and after both festivals
Opening Hours	10am to 4pm	8am to 6pm
Max. No. of Visitors Allowed	20	20
Number of Sessions available	4 (10:00am, 11:30am, 1:30pm and 3:00pm)	20 (8:00am, 8:30am, 9:00am, 9:30am, 10:00am, 10:30am, 11:00am, 11:30am, 12:00nn, 12:30pm, 1:00pm, 1:30pm, 2:00pm, 2:30pm, 3:00pm, 3:30pm, 4:00pm, 4:30pm, 5:00pm and 5:30pm)
Max. Staying Time for each Session	30 minutes	25 minutes

Remark: Pre-booking is required for both non-festival period and festival period.

Table 3 Opening Arrangement



Pre-booked Shuttle Service

- 5.2.8 To tally with the opening hours, during the Festival period, 27-seater shuttle will operate from 7:30am to 6:00pm at a frequency of 2 trips per hour in each direction. While on non-festival period the shuttle service will operate between 10am to 4pm, which the last entry session at 3pm on Wednesdays and Sunday only. Approval from Transport Department for the operation of the shuttle bus service has been obtained.
- 5.2.9 The shuttle service operates between Shung Shui Station and the Liberty Fook Kui. The pick-up point for Shung Shui Station is located at the southern side lay-by area on San Wan Road (refer to **Figure 8**); while the pick-up point for Liberty Fook Kui will be provided nearby.
- 5.2.10 All visitors should use the pre-booked shuttle service. No private vehicles, taxis, or walking to the Liberty Fook Kui is permitted. It is noteworthy that, no trips may occur if there are no bookings, even though the booking sections are available.
- 5.2.11 Refer to the approved bus route as in **Diagram 18**, which is extracted from Figure 4.1 of the TIA report in **Annex 4**.

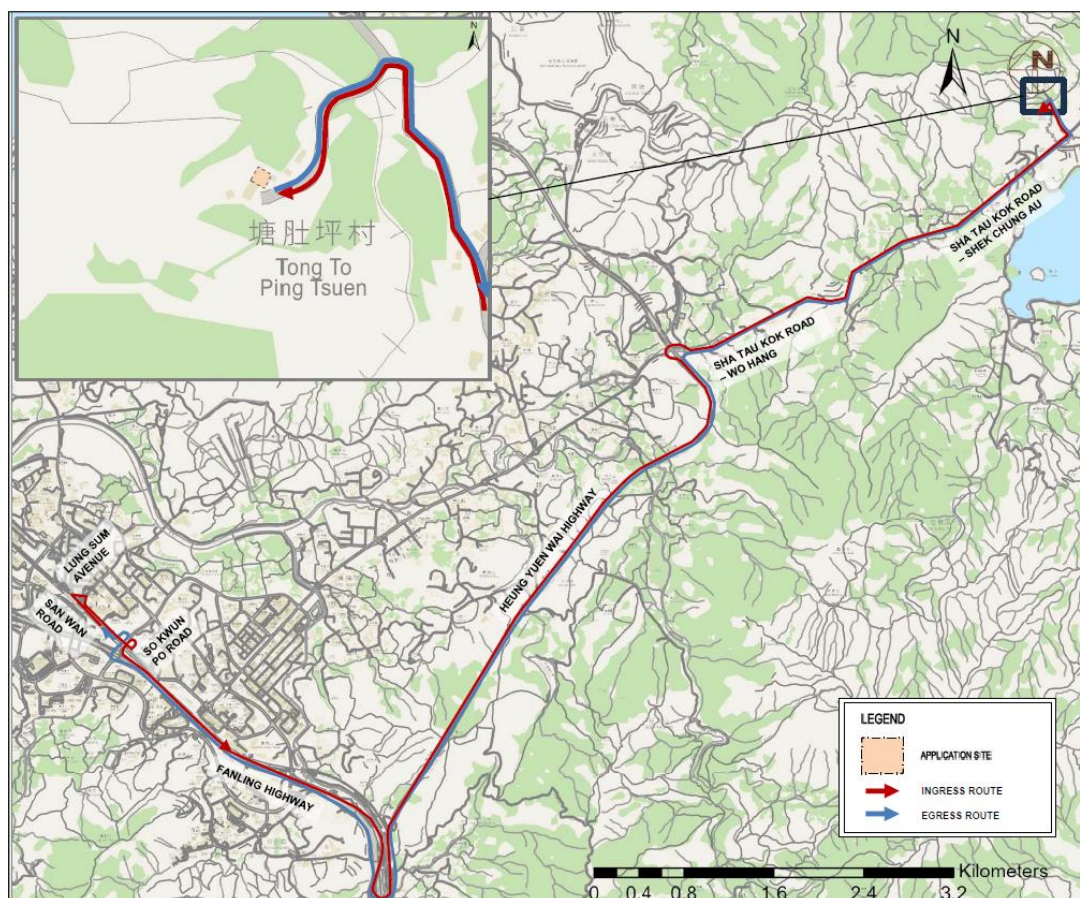
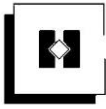


Diagram 19 Approved Shuttle Bus Route (Extract from TIA Report)



Staffing

- 5.2.12 There will be 6 full-time staff maintaining the operation and management of the columbarium. During Festival Period, additional staff will be hired to cater the increased number of visitors to ensure smooth and safe arrangement on the site.

House Rules

- 5.2.13 The future niche purchasers must accept the House Rules at the time of purchase. Any visitor or family violating the rules would result in the termination of the contract of the respective niche.
- 5.2.14 The House Rules restricted that the visitors must use the public transport or the shuttle bus to visit the columbarium. And the visitors must follow the reservation and registration mechanism as determined by the operator. No joss paper and paper artifacts burning is permitted within the columbarium.
- 5.2.15 As for now, the columbarium has been functioning smoothly without any significant issues. There have been no complaints regarding disturbances caused by the flow of visitors, indicating that the current management and strategies are effective.
- 5.2.16 Refer to **Annex 3** for the latest version of the Management Proposal **Annex 4** for the Traffic Impact Assessment and **Annex 5** for the approval letter from Transport Department.

5.3 Traffic and Crowd Management Proposals

- 5.3.1 There is no car parking spaces and lay-by for visitors. No private vehicles or taxis are allowed to enter the respective lots and open area adjacent to the Application Site. Only shuttle bus provided by the operator is allowed to park at the drop-off area during the festival period. All visitors must use public transportation or the shuttle bus services and walk to the site via the local access road from Sha Tau Kok Road.
- 5.3.2 During both Festival period and non-festival period, visitors must access the Liberty Fook Kui by the 27-seat shuttle bus services provided by the Operator. The shuttle bus will provide transportation services between Sheung Shui Station and the Application Site. Refer to **Figure 8** for the location of the shuttle bus pick-up and drop-off points.
- 5.3.3 For effective control of vehicular and pedestrian traffic, and compliance to the Code of Practice for Fire Safety in Buildings 2011, off-site and on-site crowd control measures will be implemented during Festival period to ensure safety of the visitors and the smooth operation of the Liberty Fook Kui.

Off-site measures

- Staff will register visitors who have made reservations at the drop-off area in Sheung Shui, verify their names and phone



numbers, and distribute the visitor badges;

- Registered visitors must wear a visitor badge which indicates their respective time slot, and return the badge upon leaving the vehicles. This allows effective verification of visitors and on-site management.

On-site measures

- After arriving at Liberty Fook Kui, the on-site staff members will monitor the number of visitors and the route of entering the worship area (i.e. Application Site). Refer to **Diagram 19** for movement and management of visitors;

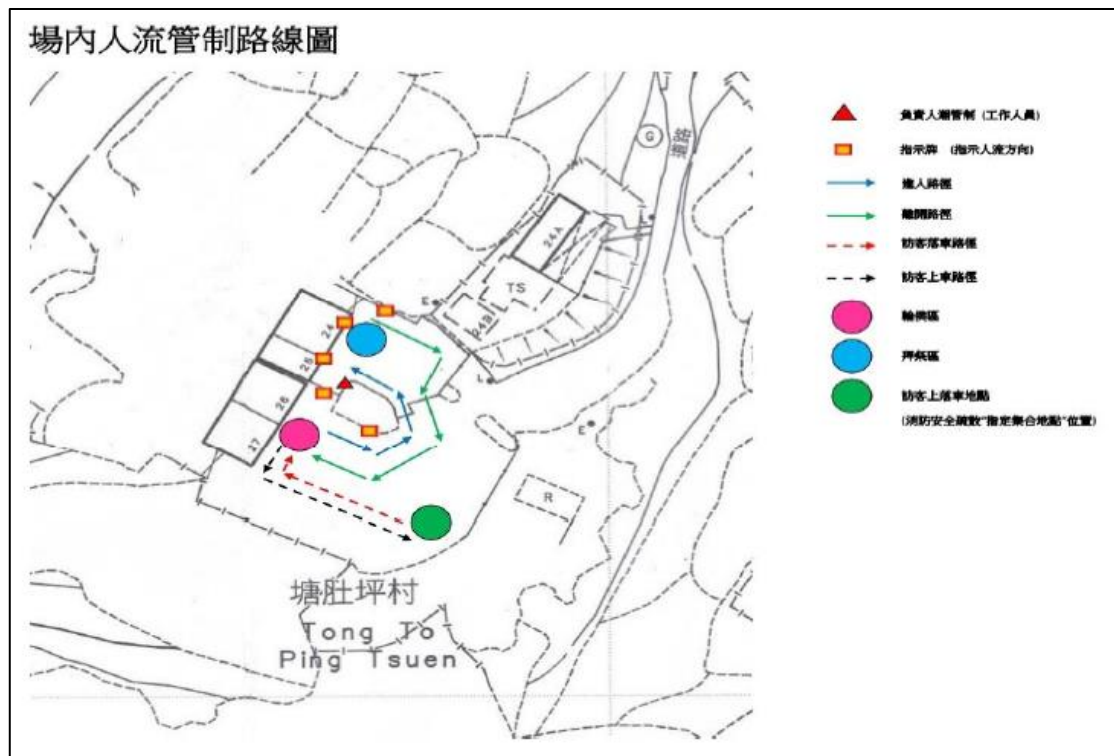
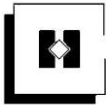


Diagram 20

Movement of visitors in Liberty Fook Kui

- Each staff member will be equipped with a walkie-talkie for effective coordination and communication, ensuring that the number of visitors remains at 20. They will remind visitors to leave on time and to ensure no offerings and trash are left behind. They will also manage the crowd for queuing up for shuttle bus;
- Reminders such as restrictions on burning joss papers and candles, and other related rules will be broadcasted in the shuttle bus and the Application Site;
- Six independent worship tables will be set up in the outdoor area to manage reservations efficiently, with a maximum of five families or 20 people per time slot;
- Visitor information for the day will be organized when the worship period of each day ends, including the original



reservation and departure records, and document any violations of rules which will be followed up and reviewed if necessary. The information will be retained for at least three years for review upon request by personnel from the columbarium;

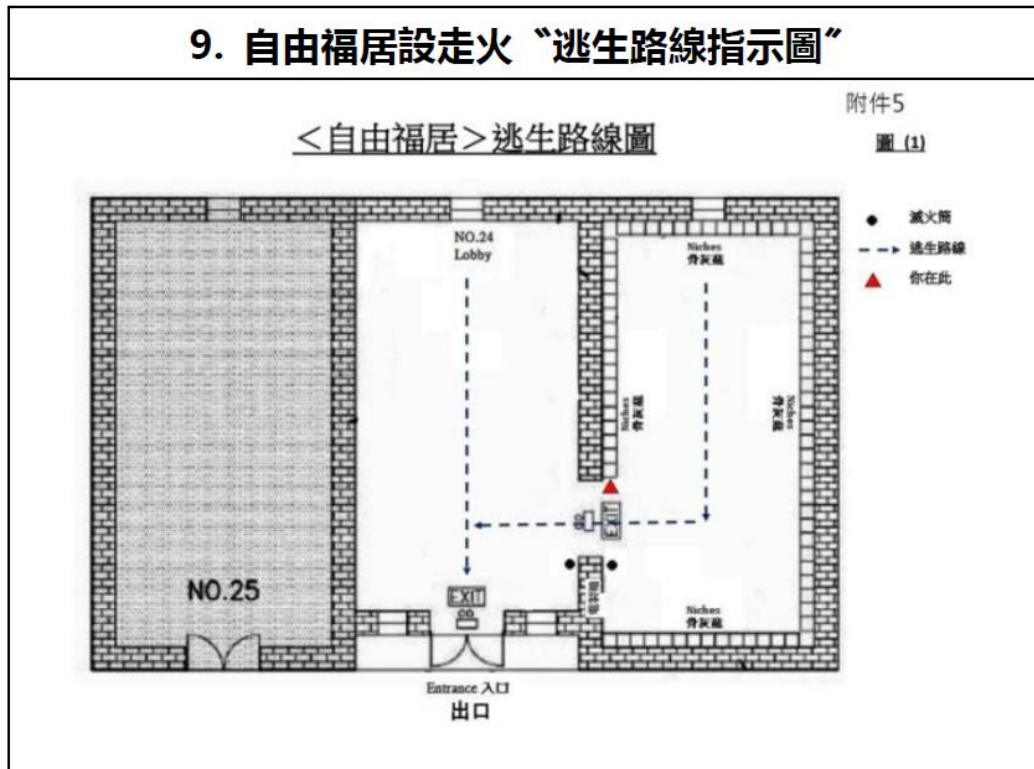
- The site is equipped with a first aid kit, and qualified personnel with recognized first aid certification will be on duty during Festival period.

5.4 Fire Safety/ Environmental concerns

- 5.4.1 Burning of joss papers and candles is strictly prohibited in Liberty Fook Kui. Indoor incense burning is prohibited as the interior is a smoke-free zone and the placement of oversized offerings are also not allowed. Thus, visitors are encouraged to replace traditional incense offerings with water and fresh flowers.
- 5.4.2 As for the outdoor area outside the building, only eco-friendly low-smoke incense is allowed due to environmental consideration, with a limit of three sticks per worshipper on regular days and one stick per worshipper during festival period.
- 5.4.3 For fire safety reason, annual fire drill including demonstration of the use of fire extinguisher will be conducted to raise the fire safety awareness of the staff. Additionally, on-site first aid kits are available in case of emergency.
- 5.4.4 Emergency response plan for fire and other emergencies are introduced in the Management Proposal to minimize loss and injuries. Refer to **Diagram 20** for the Fire Escape Route and the Designated Assembly Area.



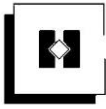
9. 自由福居設走火“逃生路線指示圖”



10. 安全疏散“指定集合地點指示圖”



Diagram 21 Fire Escape Route and Designated Assembly Area



5.5 **Traffic Impact Assessment**

- 5.5.1 A Traffic Impact Assessment has been conducted. During Festival period there will be a maximum of 2 trips of 27-people shuttle bus per hour. All identified junctions will perform satisfactorily and hence, the impact of the rezoning proposal on the road network is negligible. Refer to **Annex 4** of the Traffic Impact Assessment.

5.6 **Visual Appraisal**

- 5.6.1 A total of five key public viewing points (including short, medium and long-range) have been assessed, which five of them are at least medium in terms of visual sensitivity. All public viewing points are identified with negligible visual impact under the full implementation scenario as compared with the baseline condition.
- 5.6.2 Thus, it is easy to conclude that the resultant overall visual impact of the rezoning proposal would be negligible in terms of visual impact. The proposed development will in overall terms have no negative visual effects to most of the identified key public view points. Refer to **Annex 6** of the Visual Appraisal.



6 PLANNING MERITS AND JUSTIFICATIONS

6.1 Rectify Sha Tau Kok OZP to Reflect Existing Columbarium Use

- 6.1.1 The existing building has been erected on the Application Site since 1920s. Liberty Fook Kui has been in operation since 1988 receiving niches from the villagers from Sha Tau Kok and general public.
- 6.1.2 The preparation of the Sha Tau Kok DPA plan and the subsequent Sha Tau Kok OZP have not reflected the existing nature of the columbarium use. This rezoning proposal is just to rectify the Sha Tau Kok OZP to reflect the existing use only.
- 6.1.3 Inclusion of Liberty Fook Kui in the “V” zone creates confusion on the land area calculation for Small House development. Due to the long history, the site should not be considered suitable for Small House development. Hence, it is more appropriate and reasonable to rezone the Liberty Fook Kui from “V” zone to “G/IC (1)” zone on land-use planning perspective.

6.2 No Objection from Concerned Departments on the operation of a Private Columbaria

- 6.2.1 Liberty Fook Kui has obtained the Temporary Suspension of Liability on August 2022 to operate a columbarium. The Applicant has obtained no objection from the following departments on the submitted proposal, which is the same as stated in this rezoning proposal:

- Lands Department
- Buildings Department
- Fire Services Department
- Environment Protection Department
- Hong Kong Policy Force

- 6.2.2 The submitted Traffic Impact Assessment has already reflected all the comments from Transport Department and it is anticipated that no objection from Transport Department.

- 6.2.3 All concerned departments, except from the Town Planning Board, in the private columbaria licencing process have no objection to the Liberty Fook Kui. Upon approval from the Town Planning Board, it is expected that the private columbaria licence will be issued to the Liberty Fook Kui.

6.3 Compatibility with Adjacent Landscape

- 6.3.1 The locality of the Application Site is considered as rural village landscape, surrounded by village type developments and recreational uses at its north and south, intermixed with temporary structures and vegetated land. Additionally, the building has similar Hakka architectural characteristics with the structures in the vicinity.

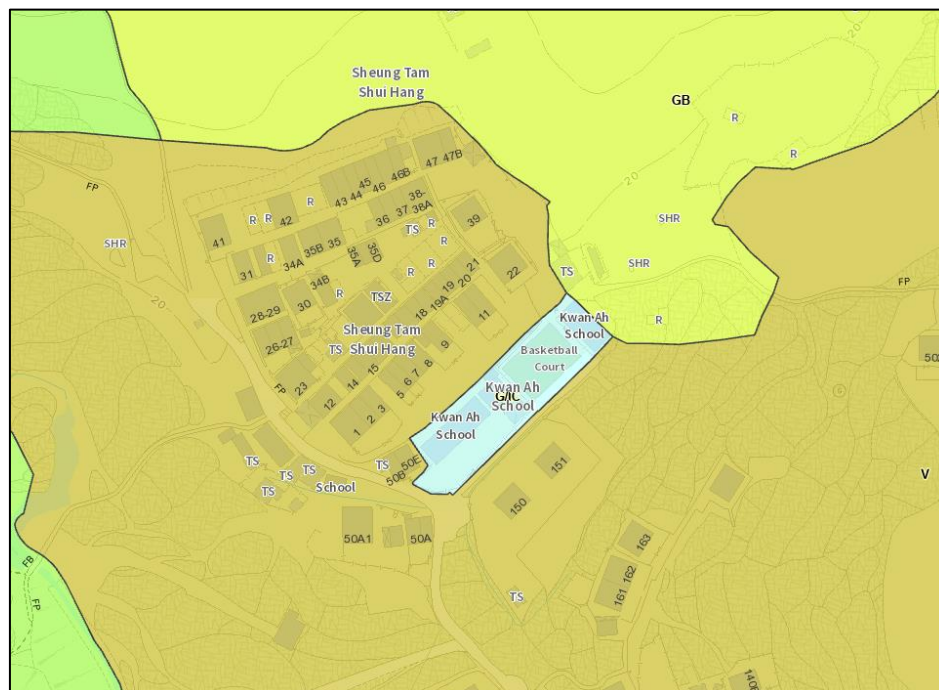


6.3.2 With a small site area of 157 sq.m., the existing building is low-rise and small-scale in nature. It is noteworthy that the rezoning proposal limits any future development at the Application Site by containing to the existing development parameters only, which is 1-storey tall and a definite maximum gross floor area. The Applicant has no intention to redevelop the existing building, and it is intended to keep the existing building for the columbarium use. Compare to the “V” zone which permits village houses of 3-storey in height and an implied maximum plot ratio of 3, the subject columbarium building of 1-storey height is not incompatible with the surrounding structures of similar height.

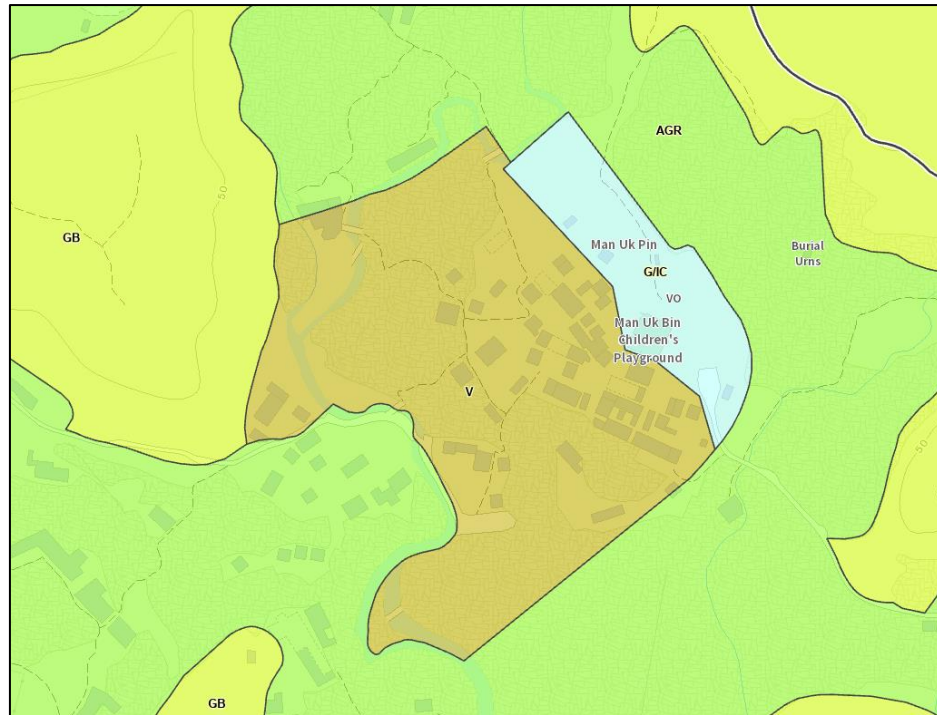
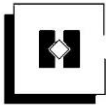
6.3.3 A Visual Appraisal has been prepared. It demonstrated that the existing building has no visual compatibility issue with the surrounding. No adverse visual impact has been resulted. Refer to **Annex 5** for the Visual Appraisal.

6.4 Compatibility with Adjacent Zoning

6.4.1 The proposed “G/IC” zoning is not incompatible with the “V” zone. It is common for “G/IC” zone to be adjacent or surrounded by the “V” zone to provide supporting function. For instance under the subject Sha Tau Kok OZP and the adjacent Man Uk Pin OZP, it is common to have “G/IC” Zone adjacent to the “V” zone.



“G/IC” zone in Sheung Tam Shui Hang on the Sha Tau Kok OZP



“G/IC” zone in Man Uk Pin on the Man Uk Pin OZP

Diagram 22 Example of Zoning Compatibility

(Source: Town Planning Board)

6.5 Compatibility with the Land Use

Located Far Away from Existing Village Cluster

- 6.5.1 The Application Site is situated in a rural area close to the Frontier Closed Area, well away from urban centers and major villages. The Application Site is naturally segregated from existing village cluster of Tong To Tsuen. The nearest village cluster, Tong To Tsuen, is located at least 200 meters from the Application Site with dense tree groups in between (**Diagram 22**).

No Disturbances to the Surrounding Residents

- 6.5.2 Adjoining to the Application Site are two village houses (Nos. 26 & 27 Tong To Ping Tsuen) to the southwest, which are owned and occupied by the Applicant and his family members. The Applicant receives no objection from the family members. The ruined dwellings along the local track road to the further east of the Application Site have been abandoned for a long time already. Apart from owning by the Applicant and his family, the nearby structures of the site are either abandoned or ruined. No disturbances will be brought to any nearby residents.
- 6.5.3 There are dense tree groups to the north. There are also metal fences erected along. These natural and man-made barriers help to avoid unnecessary disturbance to the villagers in Tong To Tsuen. If necessary, the operator can fence off the entire building to avoid unnecessary disturbance to the neighbouring development.



Ruined Dwellings in Vicinity

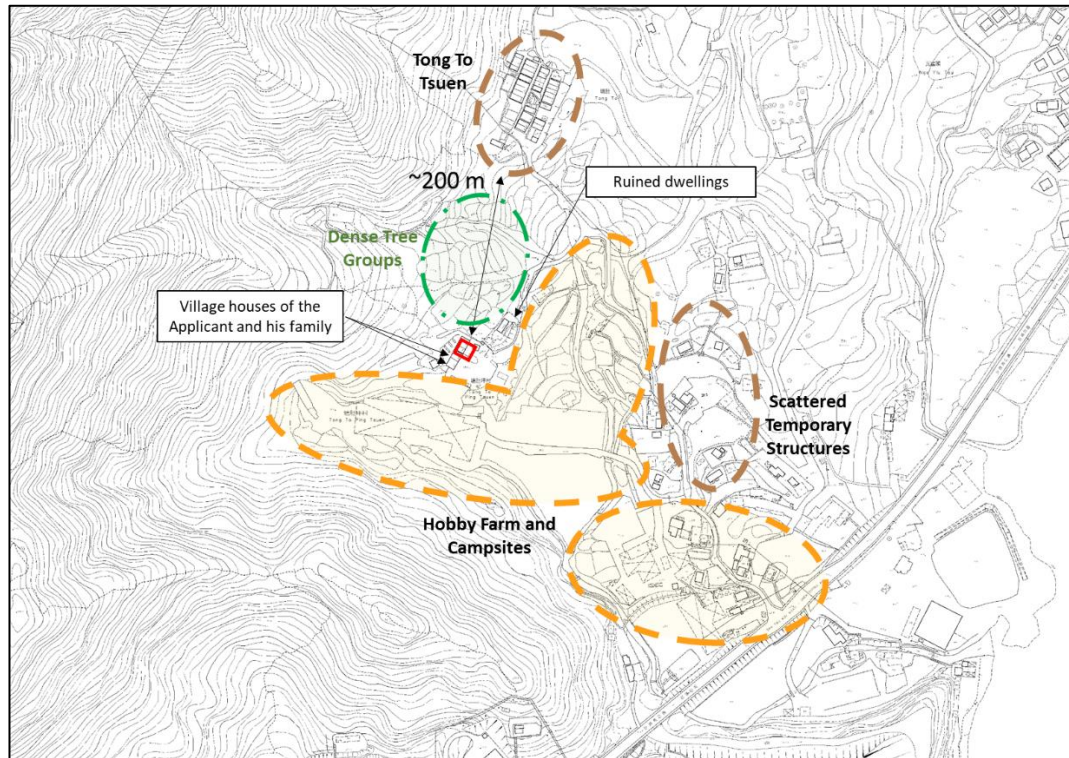


Diagram 23 Land Use Distribution of the Surrounding
(Source: DevB)

Limited Nuisances from Graves Sweepers

- 6.5.4 The Application Site and the local track road connecting are segregated from the village cluster of Tong To Tsuen to the north. The local track road mainly passes through the “REC” and “AGR” zones along the way, with temporary structures and hobby farms/ holiday camps dominate along the route already.
- 6.5.5 In view of the overall physical setting of the Application Site, where the Application Site is located at the southern edge of the “V” zone, not falling within the village ‘environs’ and is segregated from the existing dwellings by the dense tree groups or the recreational uses, it is considered that there would be limited nuisances to the nearby village house in terms of potential intermixing of grave-sweepers and villagers in the locality. The Visual Appraisal also demonstrated the visual compatibility.



6.5.6 During the Festival period, all grave-sweepers shall take the shuttle bus services to the columbarium. On-site staff will be stationed along the route to prevent grave-sweepers to access on foot. During Non-festival period there will be insurmountable grave-sweepers to access on foot. Thus, there shall be no adverse impact for intermixing of grave-sweepers and villagers along the local track road.

6.5.7 With no anticipated environment and traffic impact brought to the surrounding, the existing building is in the same architectural style to the Hakka villages of Sha Tau Kok, and a reduction in the development intensity, the existing columbarium is considered not incompatible with the land use.

6.6 No Impact on the Availability of land for Small House

6.6.1 The Applicant and his family members have no intention to develop the Application Site into Small House. On a wider extend, the Application Site has a total area of about 157 sq.m. and the total area of the subject “V” zone is about 43,586 sq.m.. The rezoning proposal only convert 0.36% of the subject “V” zone. Moreover, there are only about 1,629 sq.m. area currently occupied by buildings inside the subject “V” zone. There is still 41,800 sq.m. of “V” zone, equivalent to about 95.9% of total area, for Small House development in Tong To Tsuen.

	Site Area (sq.m.)	% to total area of subject “V” zone
Total Area of Subject “V” zone	43,586	
Application Site	157	0.36%
Existing Building Area (excluding the area marked as ruins and the existing building on the application site)	1,629	3.74%
Available Land for Small House	41,800	95.9%
Existing and Estimated Small House Demand	65.03 x (17+190) =13,461.2	
Available Land for Small House after considering Small House Demand	28,338.8	65.0%

Table 4 Land Availability for Small House

6.6.2 According to the latest statistics in 2023⁷, the number of outstanding Small House applications and the number of 10-year Small House demand sharing the same “V” zone for Tong To are 17 and 190 respectively. Even taking into account the above Small House demand, there is still 28,338.8 sq.m. of “V” zone, equivalent to about 65.0% of total area, for Small House development in Tong To. The rezoning proposal has no material impact on the availability of land for Small House development.

⁷ RNTPC Paper No. Y/NE-STK/3B for consideration by the Rural and new Town Planning Committee on 14.7.2023



6.7 Not a “Destroy First, Develop Later” Development

6.7.1 The columbarium use has been in place on the Application Site before the gazettal of the statutory plan, and it is not part of the “Destroy First, Develop Later” strategy. This structure has stood on the site for over 30 years, and the current rezoning application does not propose any expansion or alteration.

6.7.2 The building will remain in its current form, signifying a commitment to conserve the existing structure rather than demolish it. The objective of this application is to regularize the existing development, ensuring it complies with current regulations without necessitating the removal or reconstruction of any elements. This approach is designed to avoid any adverse impacts on the surrounding environment or community, maintaining the integrity of the site while respecting its historical significance. Thus, the subject Application does not reduce the space and potential for village developments.

6.8 Already Comply with the Government Lease

6.8.1 Different from other rezoning applications for columbarium use, the existing building already obtained no objection from the Lands Department for the columbarium usage. No further application is required for the columbarium use on No. 24 Tong To Ping Tsuen.

6.9 Well Established and Supports from the Local

6.9.1 The Applicant received no objection from the family members of Cheung’s Clan about the rezoning proposal. The existing columbarium has been in place for more than 36 years and the adjacent villagers are well aware of its existence already.

6.10 Supported by Similar Agreed Rezoning Applications

6.10.1 There are plenty of successful rezoning applications to rectify the existing columbarium use on the OZP, to convert the “V” zone or residential zoning to “G/IC” or “Other Specified Use” annotated “Columbarium”. Below is a summary table of the precedent cases:

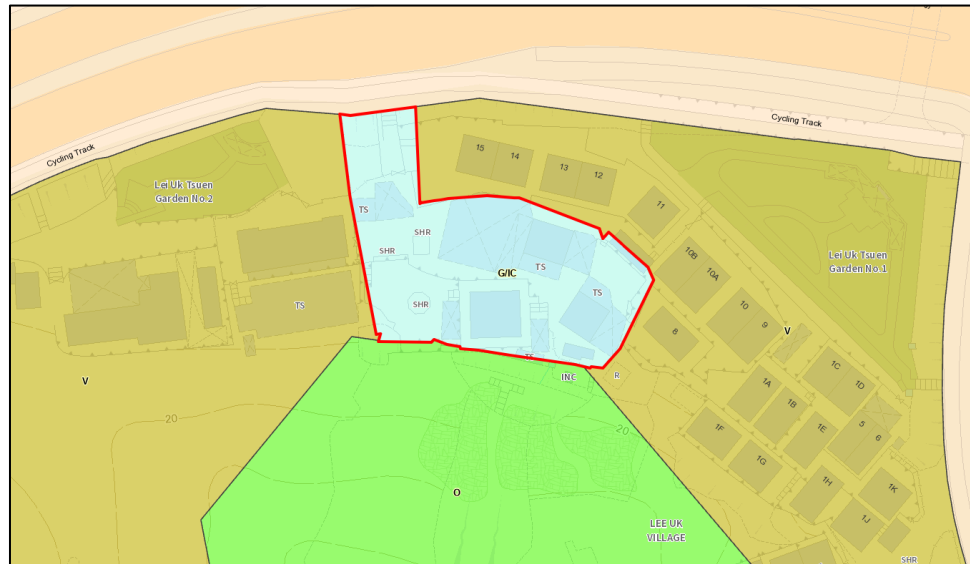
Application Nos.	Agreement Date	Proposed Amendment
Y/ST/42 on Approved Sha Tin OZP No. S/ST/34	4 December 2020	To rezone the application site from “V” to “G/IC”
Y/ST/47 on Approved Sha Tin OZP No. S/ST/34	10 September 2021	To rezone the application site from “V” and “Green Belt” to “Other Specified Use” annotated “Columbarium(1)”

Table 5 Precedent Agreed Rezoning Applications

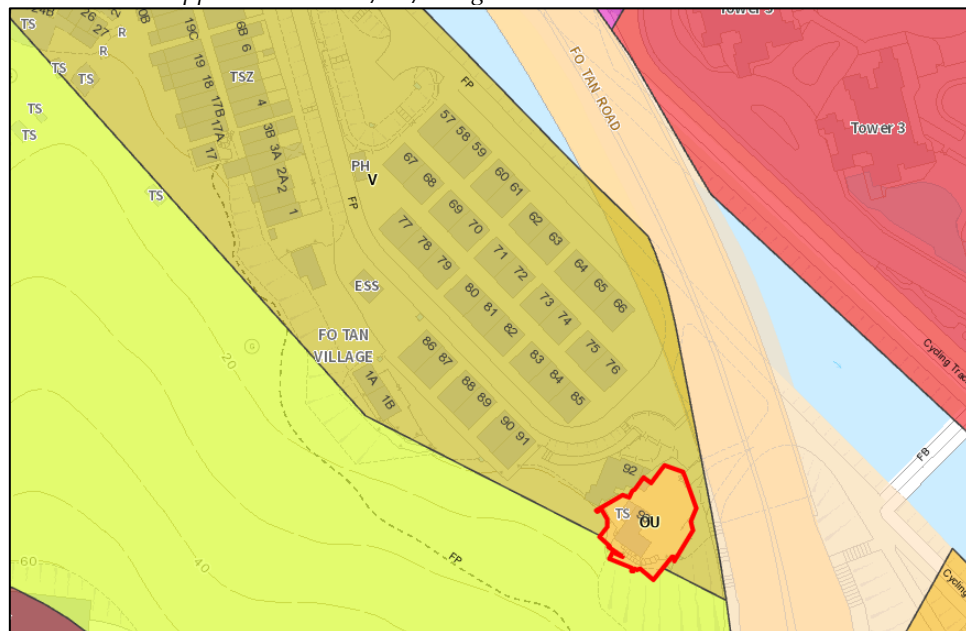
6.10.2 Both applications share several characteristics with the current rezoning proposal. All are situated on the edge of “V” zone and in close proximity to the adjoining dwellings. Additionally, they are fenced off to minimize



any disturbances to the surrounding neighbourhood. There is no proposed expansion of the existing building bulk in either case. Given these similarities, subject application site exhibits comparable planning grounds and settings to those of the previously approved rezoning applications. Agreement on this rezoning proposal would not set an undesirable precedent case as there are established cases already.



S.12A Application No. Y/ST/42 agreed on 4 December 2020



S.12A Application No. Y/ST/47 agreed on 10 September 2021

Diagram 24 Precedent Similar Agreed Rezoning Applications
(Source: Town Planning Board)

6.11 Technically Feasible

No Adverse Traffic Impact

- 6.11.1 Visitors are expected to access the subject site by public transportation or shuttle bus services provided by the operator. The operator shall strictly follow the rules on the management proposal so as to effectively control



the vehicular and pedestrian flow. No additional vehicular flow will be generated.

- 6.11.2 The Design Flow/Capacity Ratio of the critical junctions in existing condition and full implementation condition are calculated. The assessment results have shown that both junctions and road links can be operated satisfactorily in both conditions due to the low traffic flow. Thus, no adverse traffic impact is anticipated.
- 6.11.3 All previous comments from the Transport Department have been fully addressed. Refer to **Annex 6** for the Traffic Impact Assessment.

No Adverse Environmental Impact

- 6.11.4 For air quality impact, the primary source of air pollution would be burning of joss papers. However, burning of joss papers is prohibited in the Liberty Fook Kui and the incinerator is not in used. Since the interior is designated as a smoke-free zone, only eco-friendly incense is permitted in the outdoor area in front of the columbarium building, with restrictions on the quantity of incense that can be burned on site.
- 6.11.5 For noise impact, the columbarium is not intended for conducting funeral ceremony and it is solely for worshipping and praying purposes which are typically quiet activities. Moreover, there is restriction on the number of visitors allowed for each time slot. No sound amplification system will be used during the ceremonies. The worshipping activities would be closely monitored to ensure no nuisance would be caused by the noise generated from the site.
- 6.11.6 The relevant proposal has been submitted to the Environmental Protection Department (“EPD”) and no objection from EPD has been received.

No Adverse Visual Impact

- 6.11.7 Refer to the Visual Appraisal, the rezoning proposal has no adverse visual impact to the existing and future village development.

6.12 Strong Demand of Private Niches Spaces

- 6.12.1 According to the Census and Statistic Department, the death rate in Hong Kong has been increasing steadily between 2017 to 2022, indicating a higher demand for columbarium niche spaces. The most recent data shows that Hong Kong has an annual death rate of about 8.7% in 2022, which significantly increased by 1.8% when compared to 2021, reaching the highest number of deaths in the past 20 years (**Diagram 24**). With reference to the increasing trend and the aging population in Hong Kong, it is anticipated that the demand for niche spaces will continue to increase.

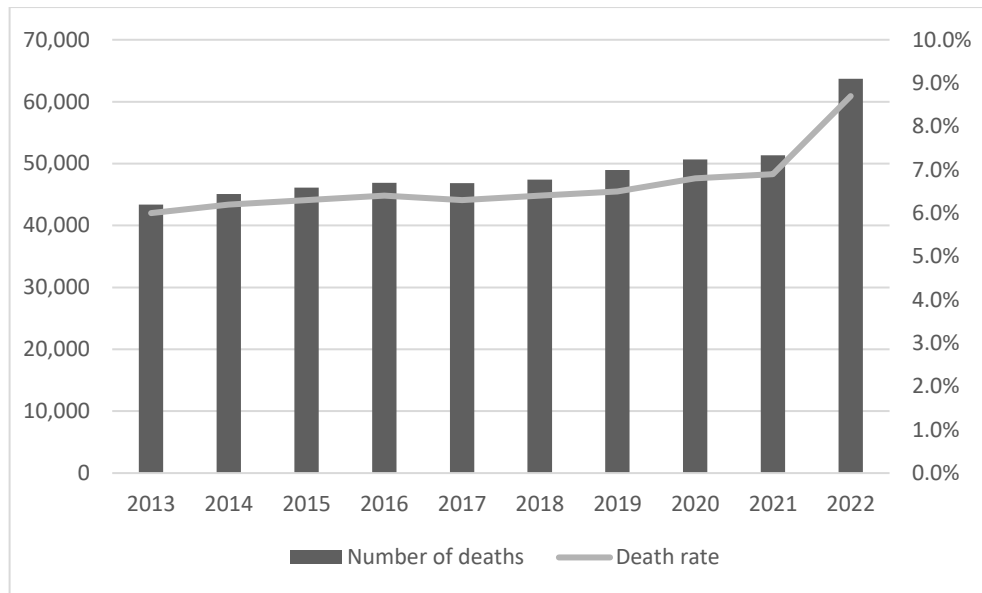
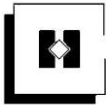


Diagram 25 Number of deaths and death rate (2013 to 2022)

- 6.12.2 Although columbarium niches are essential facilities for the community, it is not easy to develop due to the characteristics of columbarium, such as raising objections and concerns from the nearby local residents as there are different cultures that have varying beliefs about death and memorialization. The subject columbarium can provide a total of 864 niches which can increase the supply of columbarium niches.



7 CONCLUSION

- 7.1 This Planning Statement Report is submitted to the Town Planning Board in support of the rezoning application from “Village Type Development” zone to “Government, Institution or Community (1)” zone.
- 7.2 This Application is supported with the following planning justifications:
- Rectify Sha Tau Kok OZP to Reflect Existing Columbarium Use
 - No Objection from Concerned Departments on the operation of a Private Columbaria
 - Compatibility with Adjacent Landscape
 - Compatibility with Adjacent Zoning
 - Compatibility with the Land Use
 - No Impact on the Availability of land for Small House
 - Not a “Destroy First, Develop Later” Development
 - Already Comply with the Government Lease
 - Well Established and Supports from the Local
 - Supported by Similar Agreed Rezoning Applications
 - Technically Feasible
 - Strong Demand for Niches Spaces
- 7.3 In view of the above, we respectfully request the Board Members to give favourable consideration on this rezoning application.