

**Rezoning Application under Section 12A of
The Town Planning Ordinance**

for

Proposed Rezoning from “Green Belt” to “OU(Columbarium)3”

at

60 To Fung Shan Road, Sha Tin

under the

**Draft Sha Tin
Outline Zoning Plan No. S/ST/39**

by

Fairmile Consultants Limited

3 February 2026

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1. Executive Summary

This application is submitted by Fairmile Consultants Limited on behalf of Ching To Yuen Limited (the “**Applicant**”) to the Town Planning Board (“**TPB**”) for the rezoning of private Lot Nos. 374, 375 S.A and 375 S.B in D.D. 186 at 60 To Fung Shan Road, Sha Tin (the “**Site**”), To Fung Shan, Sha Tin from “Green Belt” (“**GB**”) zone to “Other Specified Uses” annotated “Columbarium(3)” (“**OU(Columbarium)3**”) zone on the Draft Sha Tin Outline Zoning Plan No. S/ST/39. This will allow continual operation of the existing columbarium named Ching To Yuen at the Site with 6,396 niches for placing 8,076 urns at the site. The Site is located at the upper part of To Fung Shan which is a traditional religious district in Sha Tin. It has a site area of about 4,363m² and is located near other religious institutions with burial facilities. The application site is occupied by one columbarium building, one management office building, toilet facilities and temporary storage with a total gross floor area (“**GFA**”) of 330m². The uncovered area within the Site is also proposed to provide greenery, open courtyard, landscape area, religious statues and sitting-out area.

The proposed rezoning is intended to regularize the existing small-scale columbarium and the approval of this application is one of the pre-requisite requirements for obtaining a Private Columbarium Licence (“**PCL**”) from the Private Columbaria Licensing Board (“**PCLB**”) under the Private Columbaria Ordinance (“**PCO**”). On 16 August 2022, the PCLB granted the Applicant an “Approval-in-Principle” (“**AIP**”) for application for Temporary Suspension of Liability (“**TSOL**”) for a period of three years from 16th August 2022 to 15th August 2025 with respect to the subject columbarium niches under this application. On 6 August 2025, the Applicant further obtained a three years extension for the TSOL from 16th August 2025 to 15th August 2028. All key elements incorporated in this rezoning application, in particular the location and quantity of columbarium niches and the management plan are the same as those registered in the Private Columbarium Affairs Office (“**PCAO**”). It has been demonstrated that the location of the Site is suitable for the proposed (existing) private columbarium use; is not incompatible with its surrounding use; and meets the soaring demand pressure for such a much-needed community facility in the area. The small-scale development will not have adverse traffic, environmental, sewerage or drainage, landscape and visual impacts.

1. 行政摘要

(內容如有差異，請以英文版本為準)

章地顧問有限公司代表申請人淨土園有限公司現向城市規劃委員會(下稱「城規會」)遞交更改土地用途規劃申請，將位於沙田道風山路 60 號丈量約份第 186 約地段第 374 號、第 375 號 A 分段及第 375 號 B 分段的私人地段(下稱「申請地盤」)，由現時在沙田分區計劃大綱草圖編號 S/ST/39 內之「綠化地帶」改為「其他指定用途」註明「靈灰安置所(3)」，以准許現存申請地盤的淨土園，一個現有 6,396 個骨灰龕位可以容納 8,076 個骨灰甕的靈灰安置所繼續運作。該申請地盤面積約 4,363 平方米，位於富有宗教機構色彩及相關殯葬設施的道風山山上。申請地盤內共有一座靈灰安置所、一座辦公室建築、衛生間設施及臨時儲物室，共有 330 平方米樓面面積。申請地盤內的露天地方也擬議提供綠化、開放式庭院、園景區、神像及休憩處。

本更改土地用途規劃申請旨在將現存的小型靈灰安置所用途規範化。根據《私營骨灰安置所條例》（下稱《條例》），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。於 2022 年 8 月 16 日，發牌委員會批出為期三年的「原則上同意」靈灰位的暫免法律責任書，由 2022 年 8 月 16 日至 2025 年 8 月 15 日止。於 2025 年 8 月 6 日，申請人再獲得靈灰位的暫免法律責任書的三年延期，即由 2025 年 8 月 16 日至 2028 年 8 月 15 日止。今次的更改土地用途規劃申請內容基本上與私營骨灰安置所事務辦事處（下稱「骨灰辦」）的最新檔案資料相符，包括靈灰位的分佈、數量及管理方案。申請地盤已證實是完全適合靈灰安置所用途；與週邊用途協調；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。本小規模項目發展不會對本區及鄰近的交通、環境、排污、排水、園景及視覺有不良影響。

2. The Purpose

The rezoning application is submitted by Fairmile Consultants Limited on behalf of Ching To Yuen Limited (the “**Applicant**”), the land owner of Lot Nos. 374, 375 S.A and 375 S.B in D.D. 186 at 60 To Fung Shan Road, Sha Tin (the “**Site**”). The purpose of this rezoning application aims to seek permission from the Town Planning Board (“**TPB**”) to amend the zoning of the Site on the Draft Sha Tin Outline Zoning Plan No. S/ST/39 (the “**OZP**”) in order to regularize the existing columbarium use. It is proposed to rezone the Site from “Green Belt” (“**GB**”) zone to “Other Specified Uses” annotated “Columbarium(3)” (“**OU(Columbarium)3**”) zone. Aerial photo and the OZP extract of the Site are shown in **Figure 1** and **Figure 2** respectively.

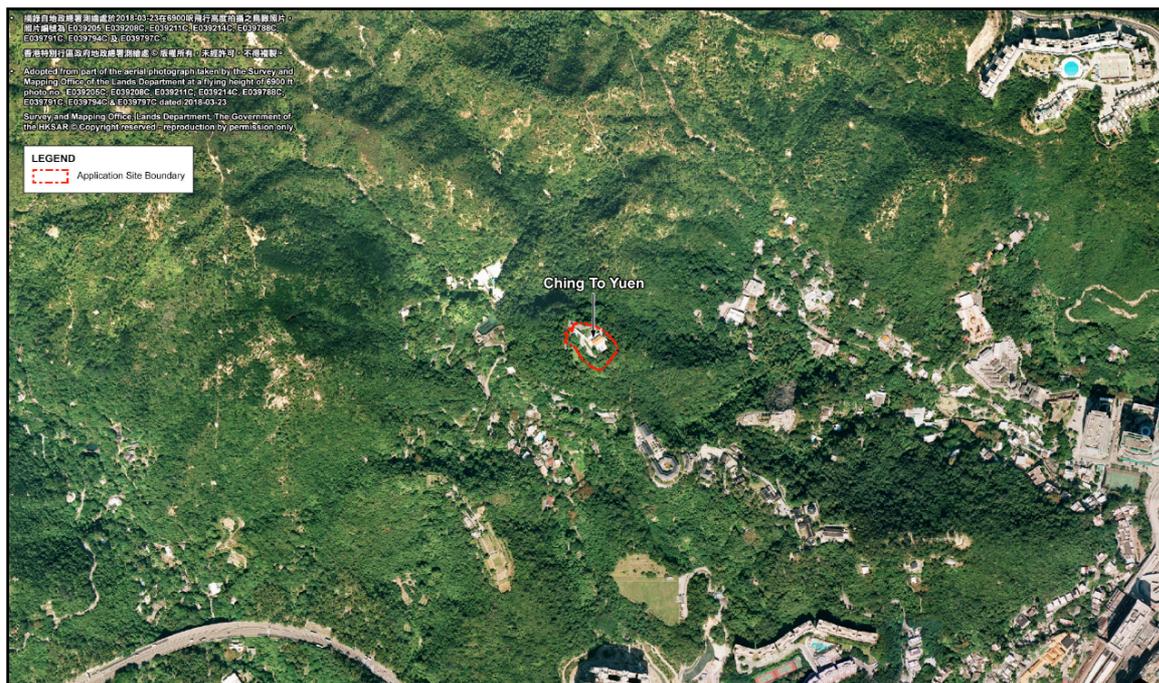


Figure 1: Aerial Photo of the Site

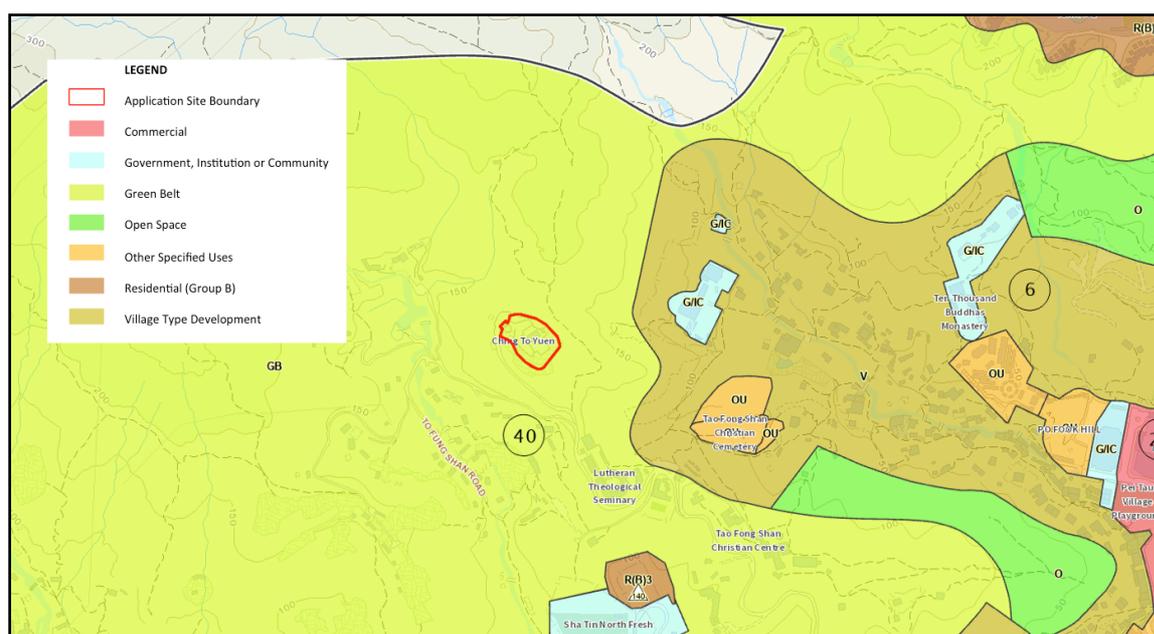


Figure 2: Extract of the Draft Sha Tin OZP No. S/ST/39

The progressive increase in population in Hong Kong and declining land availability has provoked the Government to encourage the use of cremations as opposed to traditional burials. Hence, the number and percentage of cremations have risen substantially in the past 30 years. Currently, the prevailing practice following cremations is to store the cremains in columbarium facilities. It is very likely that this trend will continue.

The Private Columbaria Ordinance (the “**PCO**”), which regulates the operation of private columbaria through a licensing scheme, has come into effect on 30 June 2017 upon gazettal. The PCO aims to ensure that private columbaria are operated in compliance with statutory and Government requirements, to enhance the protection of consumer interests, and to ensure that the mode of operation of the trade is sustainable. Under the PCO, any private columbarium that was in operation immediately before 30th June 2017 is required to apply for special instruments, namely temporary suspension of liability (“**TSOL**”), exemption or license to continue the operation of columbarium.

On 16th August 2022, the Private Columbaria Licensing Board (“**PCLB**”) under the PCO granted the Applicant an “Approval-in-Principle” (“**AIP**”) for the TSOL application for a period of three years from 16th August 2022 to 15th August 2025 with respect to the subject columbarium niches under this application (**Annex 1**). On 6th August 2025, the Applicant further obtained a three years extension for the TSOL from 16th August 2025 to 15th August 2028 (**Annex 2**). The approval of the present S12A rezoning application is one of the prerequisite requirements for the PCLB to continue to proceed with the Applicant’s application for a Private Columbarium License (“**PCL**”) for continued operation of the (existing) columbarium with the existing number of niches at the Site. The columbarium will fulfill all statutory and Government requirements (including the PCO). The proposed rezoning for the existing development is in line with the prevailing Government policy in providing more columbaria facilities to meet future demand for the local community and regulating private columbaria.

To facilitate Members of the Town Planning Board (“**TPB**”) to consider this application, a brief background of the Site, the location and distribution of the existing columbarium niches at the Site, layout plans, planning justification and relevant technical assessments are included in this Planning Statement.

3. The Site and Its Surroundings

3.1 Background of the Site

The Site has a long history of religious use since it was first built as the Bishop’s House as early as 1957 and as shown in the historical survey plan in **Figure 3**. It was later renovated as Ching To Yuen in 2005 to accommodate the needs of columbarium. No additional building has been erected on the original site, which was previously the Bishop’s House.

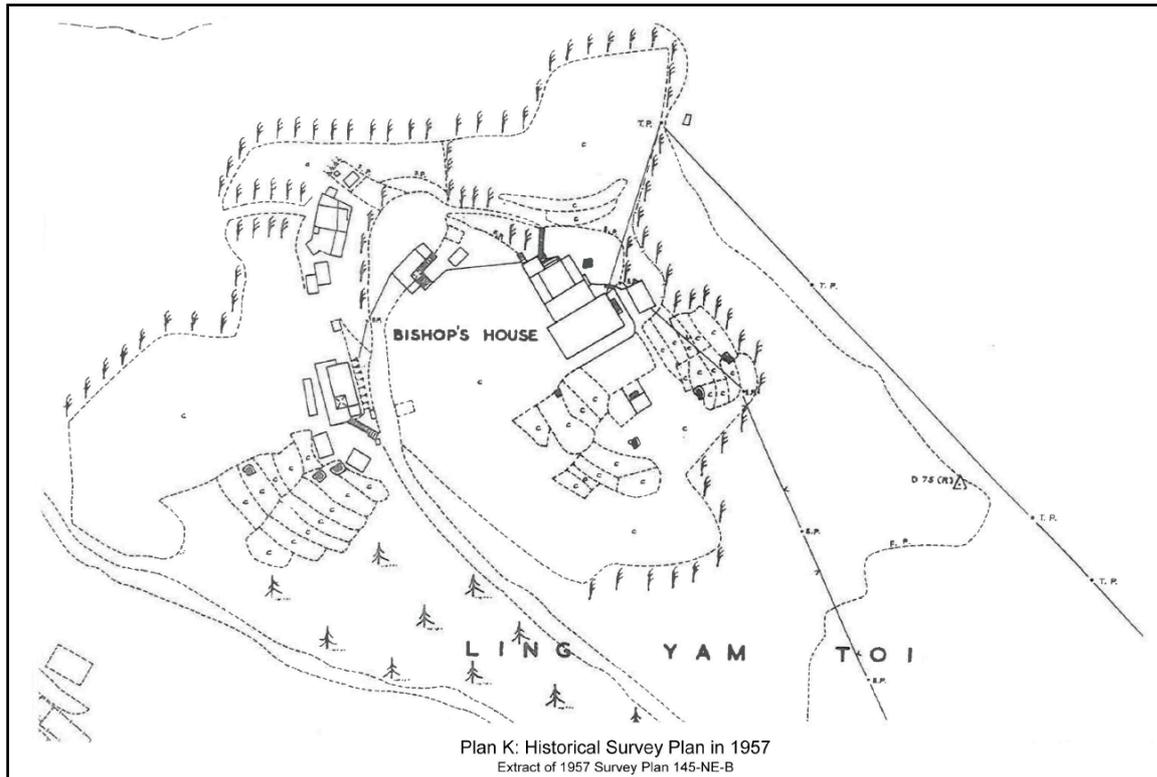


Figure 3: Historical Survey Plan in 1957

3.2 Existing Conditions

The Site has a total area of 4,363m². It is currently occupied by two buildings, comprising a single-storey columbarium building that locates at the centre of the Site and a 2-storey office building with management office on ground floor and toilet on the first floor at the north-eastern fringe of the Site. The niches are located within four columbarium halls, namely Wai Tak Hall, Wai Yan Hall, Wai Ching Hall and Wai Tze Hall, in the existing single-storey columbarium building. Surrounded by a landscaped courtyard, the single-storey columbarium building provides 6,396 niches with the capacity of storing 8,076 urns. During the period of 2005 to 2014, a total of 2,993 niches were sold. Adequate spaces have been provided inside the columbarium building to facilitate the visitors to pay respect to their ancestors. Half of the site area is landscaped with various types of plants, which enriches the tranquil environment. There are temporary structures for storage use, sitting-out area and religious statues within the Site. The Site is relatively secluded and mostly screened from exterior views by the existing surrounding mature trees and vegetation on the rural areas. **Figure 4** depicts the existing conditions on the Site.



Management Office at G/F of Office Building



Toilet at 1/F of Office Building



Sitting-Out Area



Religious Statue



Columbarium Building



Religious Statue

Figure 4: Existing Conditions of the Site

3.3 Land Status

The Applicant is the sole owner of the Site, which falls within Lot Nos. 374, 375 S.A and 375 S.B in D.D. 186 (**Figure 5** depicts the Lot Index Plan). Land Status of the Site is listed in **Table 1** below.

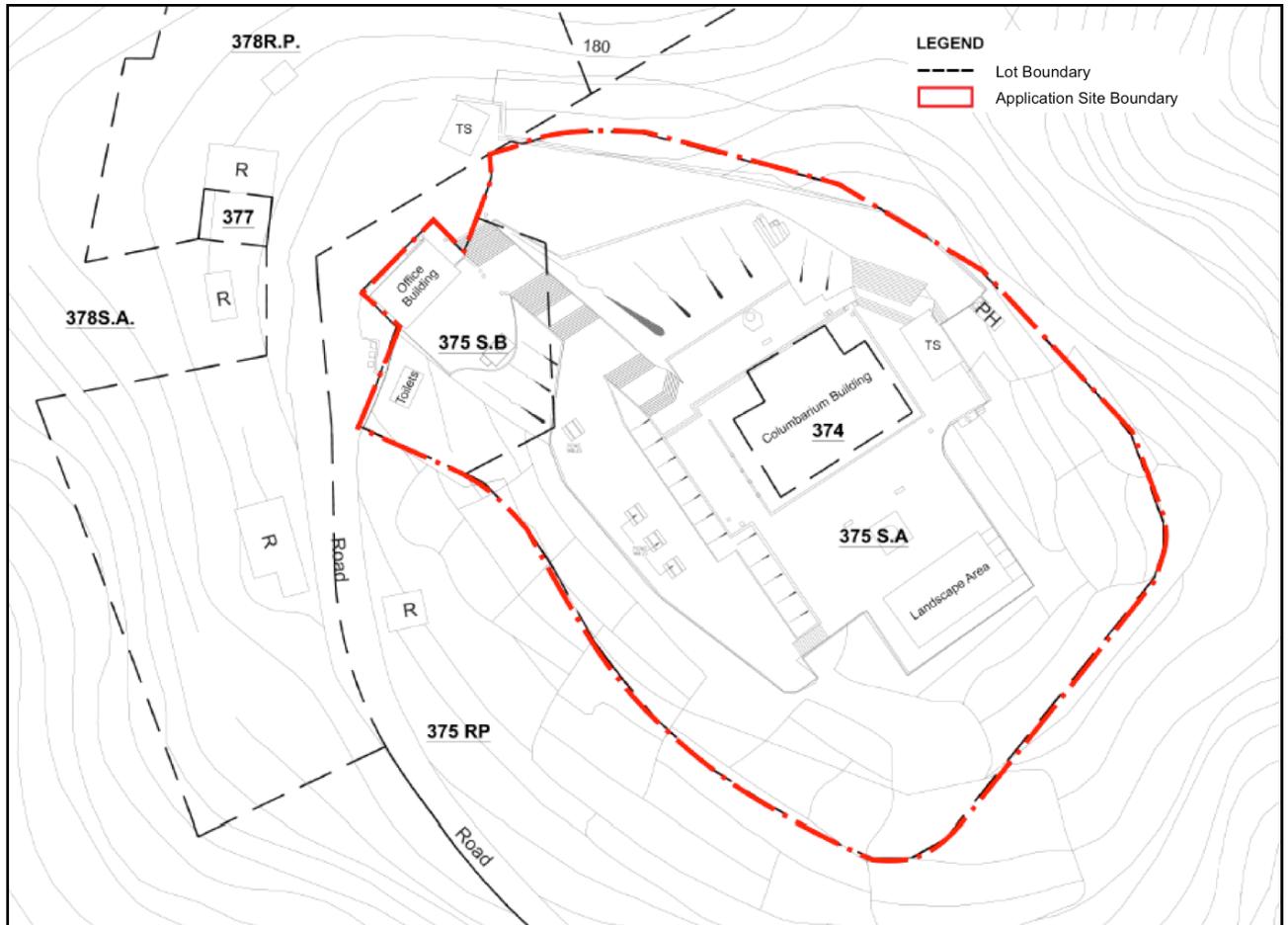


Figure 5: Lot Index Plan

Table 1 – Land Status			
D.D.	Lot No.	Owner	Lease Condition(s)
D.D. 186	374	Ching To Yuen Limited	1) Building lot sold under New Grant No. 6445 2) Height restriction of 2 storeys 3) No grave or human remains shall be deposited on the lot 4) No building erected on the lot shall be used as a “Chai Tong” or for any other purpose of a similar nature
	375 S.A		1) Garden lot sold under New Grant No. 6445 2) No grave or human remains shall be deposited on the lot

		3) No buildings of any description shall be erected
	375 S.B	1) Garden lot sold under New Grant No. 6445 2) No grave or human remains shall be deposited on the lot 3) 0.02 acre (i.e. 871.2 sq.ft) has been converted to “House” status 4) No buildings of any description shall be erected for the remaining area

3.4 Planning Context

The Site falls entirely within the “GB” zone on the OZP. Under the Notes of the OZP, the planning intention of the “GB” zone is “*primarily for defining the limits of urban and sub-urban development area by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.*” According to the Notes of the OZP, “Columbarium” is neither a Column 1 nor Column 2 use within the “GB” zone and a rezoning application seeking the TPB’s approval on the proposed OZP amendments is therefore required to regularize the existing columbarium.

3.5 Surrounding Developments

The surrounding area has a strong religious and natural landscape character. It is predominantly covered with shrubs, hill slopes, mature trees and burial ground, and is not easily visible from outside. Adjacent land uses of the Site are as follows: -

- **East** – Pai Tau Village, Lin Yuen, Ten Thousand Buddhas Monastery, and Po Fook Memorial Hall (Columbarium) are located 500m to the east of the Site.
- **South** – Lutheran Theological Seminary, To Fung Shan Christian Centre and To Fung Shan Christian Cemetery are located about 200m away from the Site
- **West** – To the southwest is Yau Oi Tsuen, which is situated about 150m away downhill from the Site.
- **North** – The northern side of the Site is bounded by mature vegetation, and a cluster of low-rise residential and temporary structures is located more than 200m to the northeast of the Site.

3.6 Accessibility

The Site is accessible by a local road extension from To Fung Shan Road. Shuttle bus services with 28-seater light buses are offered for visitors travelling between Tai Wai MTR Station and Ching To Yuen, with the pick-up and drop-off point located at the southern side lay-by area on Tsuen Nam Road (close to Exit A of Tai Wai MTR Station) and within the application Site area. The shuttle bus service operates from 09:30 to 17:00 daily in line with the operation hours of Ching To Yuen, providing reliable transportation for visitors. Bus seats must be pre-arranged via Ching To Yuen’s Administrative Visitor Booking System on a first-come, first-served basis to ensure that the columbarium operates smoothly without causing adverse impacts on the surrounding road network and to regulate visitor flow. Various modes of public transportation including railways, franchised buses and green minibus are available in the vicinity of the Ching To Yuen’s shuttle service Tai Wai sided pick-up/drop-off point.

Special traffic arrangements are in place during Ching Ming and Chung Yeung Festivals and their shadow periods (i.e. two weeks before and after festivals), to manage the volume of visitors and ensure the safety and efficiency of the road network. Under special traffic arrangements, temporary traffic control is implemented on the lower section of To Fung Shan Road between Chung Ling Road and Pak Lok Path, converting the one-lane, one-way uphill road into a one-lane, two-way uphill and downhill traffic road. Meanwhile, To Fung Shan Road north of its intersection at the roundabout is closed to public vehicular traffic, excluding emergency vehicles and those catering to residents and workers in To Fung Shan. A Traffic Impact Assessment (“TIA”) has been prepared in **Appendix 2**.

3.7 Previous Application

There is no previous application at the Site.

OTHER SPECIFIED USES (Cont’d)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For “Columbarium” Only

Columbarium	Public Utility Installation Utility Installation for Private Project
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Planning Intention

This zone is primarily for land intended for columbarium use.

Remarks

- (a) On land designated “Other Specified Uses” annotated “Columbarium”,
 - (i) 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 gross floor area of 4,149m² and a maximum site coverage of 37.5%; and
 - (ii) no new development, or addition, alteration and/or modification to an existing building, other than redevelopment of an existing building, shall exceed a maximum building height of 14.5m. An existing building is allowed to be redeveloped to the same height of the building provided the existing gross floor area of the building is not exceeded.
- (b) On land designated “Other Specified Uses” annotated “Columbarium (1)”,
 - (i) 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 gross floor area of 293m², a maximum site coverage of 40%, and a maximum building height of 6.2m; and
 - (ii) the maximum number of niches for columbarium use shall not exceed 3,499.
- (c) On land designated “Other Specified Uses” annotated “Columbarium (2)”,
 - (i) 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 gross floor area of 120m², and a maximum building height of 7.7m; and
 - (ii) the maximum number of niches for columbarium use shall not exceed 1,716.

(Please see next page)

Figure 7: Extract of Proposed OZP Notes for “OU(Columbarium)3” Zone

OTHER SPECIFIED USES (Cont'd)

For “Columbarium” Only (Cont'd)

Remarks (Cont'd)

- (d) On land designated “Other Specified Uses” annotated “Columbarium (3)”,**
- (i) 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 gross floor area of 330m², and a maximum building height of 7.5m and 2 storeys; and**
 - (ii) the maximum number of niches for columbarium use shall not exceed 6,396.**
- (e)** Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area/site coverage/building height restrictions/number of niches stated in paragraphs **(a) to (d)** above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

Figure 8: Extract of Proposed OZP Notes for “OU(Columbarium)3” Zone (Cont'd)

5. Indicative Development Scheme

5.1 Master Layout Plan

The development proposal mainly comprises of a single-storey columbarium building with 6,396 niches for storing a total of 8,076 urns located at the centre of the Site. Other ancillary facilities, including a two-storey management office, portable toilets, temporary storage, open courtyards, landscape areas, religious statues and a sitting-out area are proposed at the Site (Refer to **Figure 9** and **Appendix 1** for layout plans and architectural drawings).

The single-storey columbarium building with a BH of 6.7m above ground blends in with the local topography, and the configuration of the Site is harmonious with the local environment. The low-rise development is visually submerged into the local landscape. To further eliminate the visual impact of the building, the majority of the materials used within the Site are not only natural in substance but also in colour. The existing two-storey management office building with a BH of 7.5m above ground that comprises an office and reception counter on the ground floor and a toilet on the first floor is located near the entrance of the Site. Portable toilets are proposed adjacent to the office building to replace the existing toilet. No parking space is provided within the Site, and visitors are encouraged to use the shuttle bus services provided by the Applicant. Two loading/unloading spaces for shuttle bus services are proposed at the northern part of the Site. Moreover, no tree felling will be conducted within the proposed development; all existing trees within the Site will be retained. Key development parameters are summarized in **Table 2**.

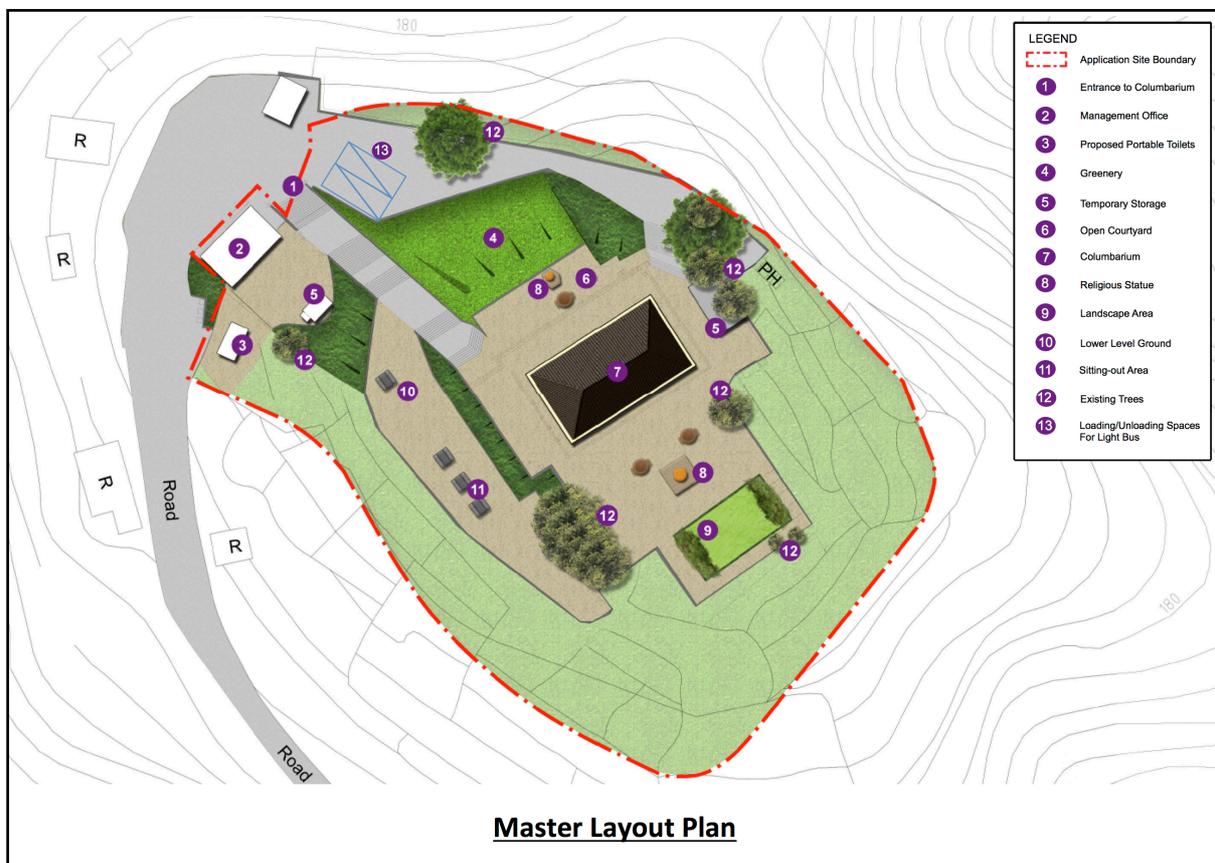


Figure 9: Master Layout Plan

Table 2 – Key Development Parameters	
Site Area	About 4,363m ²
GFA (Non-Domestic) <ul style="list-style-type: none"> • Columbarium Building • Office Building • Portable Toilets (Separated Containers for Male and Female) • 2 Temporary Storages 	Total About 330m² About 177m ² About 90m ² About 29m ² About 34m ²
Plot Ratio (“PR”)	About 0.076
Site Coverage (“SC”)	About 6.5%
No. of Blocks <ul style="list-style-type: none"> • Columbarium Building • Office Building • Portable Toilets (Separated Containers for Male and Female) • Temporary Storages 	Total 5 Blocks 1 Block 1 Block 1 Block 2 Blocks
Maximum BH <ul style="list-style-type: none"> • Columbarium Building • Office Building • Portable Toilets (Separated Containers for Male and Female) • Temporary Storages 	About 7.5m (2 Storeys) About 6.7m (1 Storey) About 7.5m (2 Storeys) About 2.6m (1 Storey) About 2.9m (1 Storeys)
No. of Car Parking Spaces	Nil
No. of Loading/Unloading Spaces <ul style="list-style-type: none"> • Light Bus 	2
No. of Niches (Urns) <ul style="list-style-type: none"> • Sold • Unsold 	Total 6,396 Niches/ (8,076 Urns) 2,993 (2,384 Single Niches/ 609 Double Niches) 3,403 (2,332 Single Niches/ 1,071 Double Niches)

The site covers an area of 4,363m², with a total GFA of 330m², resulting in a proposed PR of just 0.076. Additionally, the suggested site coverage of 6.5% is considered very low, as the majority of the area will be allocated for landscaped and open spaces, as well as access and pedestrian pathways. The proposed development is characterized by low density and low-rise structures, and it has been thoughtfully designed to reduce any potential impact on the surrounding environment.

All facilities on the Site will be accessible to visitors. The generous open spaces and greenery surrounding the columbarium building will help to spread out visitor activities while ensuring their privacy is accommodated when paying tribute to their ancestors.

5.2 Operation and Management of Ching To Yuen

The operating hours of Ching To Yuen are generally from 09:30 to 17:30 daily except New Year Day and the first three days of Lunar New Year which will be closed for full day. No catering services are currently provided within the development nor in the future.

Ching To Yuen has their own management team to undertake the maintenance and management of the Site. The management company is responsible for ensuring that the quality of the buildings and the ancillary facilities are in good condition. Up to the present moment, no substantial adverse feedback from the niche purchasers has been received. A detailed management plan will be provided in the lease modification stage to fulfil the requirements of the PCO.

5.3 Access and Internal Circulation

The Site is accessible by a local road extension from To Fung Shan Road. Shuttle bus services with 28-seater light buses are offered for visitors travelling between Tai Wai MTR Station and Ching To Yuen, with the pick-up and drop-off point located at the southern side lay-by area on Tsuen Nam Road (close to Exit A of Tai Wai MTR Station) and within the application Site area. The shuttle bus service operates from 09:30 to 17:00 in line with the operation hours of Ching To Yuen, providing reliable transportation for visitors. Bus seats must be pre-arranged via Ching To Yuen’s Administrative Visitor Booking System on a first-come, first-served basis to ensure that the Site operates smoothly without causing adverse impacts on the surrounding road network and to regulate visitor flow.

Special traffic arrangements are in place during Ching Ming and Chung Yeung Festivals and their shadow periods (i.e. two weeks before and after festivals) to manage the volume of visitors and to ensure the safety and efficiency of the road network. Under special traffic arrangements, temporary traffic control is implemented in the lower section of To Fung Shan Road between Chung Ling Road and the roundabout intersection, converting the one-lane, one way uphill road into a two-way uphill and downhill traffic road. Meanwhile, To Fung Shan Road north of its intersection at the roundabout is closed to public vehicular traffic, excluding emergency vehicles and those catering to residents and workers in To Fung Shan. A TIA has been prepared in **Appendix 2**.

5.4 Environmental and Sewage Proposal

No construction and demolition works will be carried out for the proposed development and any potential environmental impacts that may arise from the operation of the columbarium have been assessed and relevant mitigation measures are recommended as follows:

There is no joss paper furnace within the Site. If joss paper furnace were to be used in the future, a smokeless furnace with high dust and smoke removal efficiency system from the Hong Kong Productivity Council (“**HKPC**”) will be installed, or similar equipment with no less efficiency from an equivalent supplier will be installed. The Applicant is also committed to follow good operation practice and administrative measures recommended in the *Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places* published by the Environmental Protection Department (“**EPD**”), which includes:

- Only trained staff can operate the smokeless furnace and prohibit visitors or other people from operating the furnace;

- ensure that the air pollution control equipment on the furnace has been turned on prior to use and is operating properly;
- allow smokeless furnace for use in memorial ceremonies upon request only;
- prohibit burning without the use of the smokeless furnace;
- prohibit other usage of the smokeless furnace apart from joss paper/sticks burning;
- require visitors to burn only the joss paper/sticks materials that are provided by the Applicant so as to control the quantity and quality of burning materials; and
- provide guidance to visitors on minimizing the quantity of burning materials and removing non-paper materials (such as plastic wrapping) before burning.

With reference to the Drainage Services Department, there is no plan to extend the public sewer network to the vicinity of the Site in the near future. To this end, adequate sewage treatment facilities or portable toilets should be provided on-site in order to avoid significant water quality impact due to use of the existing septic tank and soakaway pit system. Taking the Site constraints into consideration, provision of portable toilets is the most effective and environmentally friendly method for collecting and treating (off-site) the sewage generated from the Site. Two options were recommended – a container toilet block with an above ground sewage storage tank (Option 1), and sufficient numbers of individual chemical toilets with integral sewage storage tanks (Option 2). The total peak flow from the Site has been estimated to be approximately 5.85m³/day during peak period (i.e. Ching Ming and Chung Yeung Festivals) and 0.41m³/day during non-peak period. To handle this quantity of wastewater, the container toilet block would require one above ground sewage storage tank with a minimum total capacity of 6m³ and toilets with flush of not more than 1.2L. Alternatively, at least 15 individual chemical toilets with integral sewage storage tanks of 400L each with a total capacity of 6m³ should be provided.

Although part of the Site is located within the boundary of Water Supplies Department’s (“**WSD**”) Lower Indirect Water Gathering Grounds (“**LIWGG**”), the proposed container toilet block or individual chemical toilets, and the storage tanks for sewage from toilets are located entirely outside of and downhill from the LIWGG. Moreover, if a smokeless furnace were to be installed in the future, detailed assessment and investigation reports will be prepared for the approval from the relevant Government departments and the location will be outside the LIWGG and wastewater generated from the operation of smokeless furnace will be tankered away to avoid any contamination to LIWGG.

The Environmental Assessment (“**EA**”) Report and Water Quality Assessment (“**WQA**”) are attached in **Appendix 3** and **4** respectively.

6. Planning Justifications

6.1 In Line with Government Policy Objectives

In fact, private columbaria have been in existence in Hong Kong for decades and many people have purchased columbarium niches or interred the ashes of their deceased relatives therein. Though some of the other private columbaria are in breach of statutory requirements, it is undeniable that they have been one of the essential burial options driven in part by the shortage of public supply and in part by traditional custom preference.

With a growing and ageing population in Hong Kong, there is great demand for burial facilities. To ensure that supply of niches can meet public demand, the Government have adopted a three-pronged strategy: firstly, to increase the supply of public niches; secondly, to ensure that private columbaria are in compliance with relevant laws and Government requirements and that they adopt a sustainable mode of operation through the regulation under the PCO that has been implemented since 30th June 2017; and thirdly, to actively promote green burial to encourage the public to handle ashes of deceased in a more environmentally-friendly and sustainable manner.

As mentioned in paragraph 1 above, on 16th August 2022, the PCLB granted the Applicant an AIP for TSOL application at the Site for a period of three years from 16th August 2022 to 15th August 2025. On 6th August 2025, the Applicant further obtained a three years extension for the TSOL from 16th August 2025 to 15th August 2028. It demonstrates that the Applicant has already demonstrated its genuine efforts to comply with relevant PCLB’s requirements under the PCO. This planning application is fully in line with the Government’s policy objective to regulate private columbaria where situation permits.

6.2 Retaining Full Enforceable Control

If the Site were successfully rezoned, relevant Government departments will retain full authority to monitor the scale and operation of the on-site columbarium use under the Town Planning Ordinance (“TPO”) via Remarks of the OZP Notes and/or PCO via the statutory licensing mechanism in future. Eventually, the PCLB will be the authority to monitor the future operation of the proposed columbarium use at the Site in accordance with the latest updated management plan.

6.3 Meeting Community’s Demand and Desire

With a growing and ageing population in Hong Kong, the number of deaths is rising year by year. Cremation has been the main way chosen by the public to handle deceased bodies. The number of cremations was 52,795 in 2023, accounting for 93% of the number of deaths, and it is estimated that the number of cremations will

rise to around 60,000 in 2033, accounting for 95% of the death toll in 2033¹. With reference to Census and Statistics Department, it is anticipated that the number of deaths will continue to rise after 2033 and thus the number of cremations is also expected to keep rising.

In order to address the growing demand for niches, the Government launched the District-based Columbarium Development Scheme in 2010 with the aim to identify suitable sites for public columbarium developments in 18 districts across the Territory. A total of 24 potential sites were identified in 3 batches in July 2010, December 2010 and April 2011 respectively to examine their suitability for columbarium developments². However, the pace of columbarium development under the said scheme has been slow. At the end of 2024, only 7 of the 24 potential sites located at Diamond Hill in Wong Tai Sin, Cheung Chau, Wong Nai Chung Road in Wan Chai, Lai Chi Yuen in Mui Wo, Tsang Tsui in Tuen Mun, Wo Hop Shek Phase 1 and Cape Collinson Road in Eastern District were completed, providing 237,435 public niches in total; while a smoke-free columbarium project at Shek Mun in Sha Tin which is under construction is expected to be completed in 2025 and will additionally provide around 40,000 niches³.

According to the above statistics, the average annual provision of public niches is about 17,300 since the launch of the District-based Columbarium Development Scheme from 2010 to 2025, which is far less than the projected annual demand of 60,000 in 2033. In light of this, further effort to increase the provision of columbarium niches by both private and public sector is required. Within which, the regularization of existing private columbaria, if situation permits like the one under this application, would be the most practical “quick-win” measure to meet the immediate local demands.

The present Site has a total of 6,396 niches, of which only 2,993 of them are sold. It represents the good will of at least 2,993 families’ desire to settle the human ashes of their deceased family members in Ching To Yuen. This also stands for an alternative choice for members of the community at this locality. Other than searching for new land to accommodate columbaria facilities, which is a type of “not-in-my-backyard” land use unwelcomed by the general public, the existing columbarium at the Site could supply the remaining 3,403 unsold niches immediately once Ching To Yuen is being regularized.

6.4 Site Suitability for Columbarium Development

Having considered the following factors, the Site is deemed as the most suitable location for the proposed (existing) columbarium development.

¹Legislative Council Secretariat (2024). *Item for Public Works Subcommittee of Finance Committee; Environmental Hygiene - Reprovisioning of Cremators and Related Works at Kwai Chung Crenatorium*. [LC Paper No. PWSC(2024-25)12]. Available at: <https://www.legco.gov.hk/yr2024/english/fc/pwsc/papers/P24-12-e.pdf>

²Legislative Council Secretariat (2017). *Panel on Food Safety and Environmental Hygiene; Background brief prepared by the Legislative Council Secretariat for the meeting on 9 May 2017; Issues relating to supply of niches*. [LC Paper No. CB(2)1312/16-17(03)]. Available at: <https://www.legco.gov.hk/yr16-17/english/panels/fseh/papers/fseh20170509cb2-1312-3-e.pdf>

³Food and Environmental Hygiene Department (2025). *Supply of Public Niches*. Available at: https://www.fehd.gov.hk/english/cc/notice_supply_of_public_niches.html - :~:text=The Government is committed to,provide around 40 000 niches.

- a. The Site is highly accessible by using shuttle bus services provided by the Applicant. The travel time between Ching To Yuen and Tai Wai MTR Station is around 20 minutes for a round-trip journey.
- b. Given the secluded location and proximity to Sha Tin, To Fung Shan has attracted many religious institutions to root their facilities in the area, leading to a sophisticated community of intensive religious character in To Fung Shan. Lutheran Theological seminary, To Fung Shan Christian Centre, To Fung Shan Christian Cemetery, Ten Thousand Buddhas Monastery and Po Fook Hill Cemetery are all in the vicinity of the Site. Therefore, the proposed columbarium use is compatible with the religious character and burial grounds of the surroundings.
- c. The Site is located at the upper part of To Fung Shan and is complimented with proper landscaping treatments and surrounded by mature vegetation, which provides a calm and peaceful environment for the columbarium, while ensuring privacy from public view.
- d. The proposed development mainly involves uses within the existing buildings of the Site. Significant adverse impact arising from the application on existing landscape resources is not anticipated.
- e. The Site has a proposed GFA of 330m², a PR of 0.076, a SC of 6.5% and a maximum BH of 2 storeys. The low-density development allows the Site to easily blend in with the surrounding area.
- f. There is no joss paper burning activities at the Site.

6.5 Appropriate Form of Development

The main structure of the columbarium is decorated with ornaments of Buddhist style and the columbarium has been in operation since 2005. All the existing buildings would remain unchanged and no new development and/or heavy construction works are entailed by approving the subject application. The proposed portable toilets can be removed at anytime and are considered as temporary facilities that adequately accommodate the periodically increased capacity of the operation.

The proposed development has adopted a sustainable approach in design. It provides well-planned open space and proper landscape treatment. It will improve the local aesthetic environment and minimize potential visual impact. The number of niches in the development has remained the same since the columbarium was built in 2005 and unlikely to increase. Instead, more attention is drawn to the proper maintenance of the existing facilities and management of the columbarium and landscaping area. The form and design of the buildings have also been carefully screened to minimize possible negative visual impact to the surrounding environment. Oriental deco style had been chosen to address the building enclosure and produce a peaceful environment, which is in harmony with the local setting.

6.6 Provision of Affordable and Well-Managed columbarium Niches for the Public

The severe shortage of columbarium niches has placed great pressure on the funeral service industry, as there is an increase in temporary shortage of cremated ashes at funeral parlours with a waiting period up to ten years. The retail price of a niche space in many private columbaria has reached an unaffordable level for the general public. As a responsible organization, Ching To Yuen has been and will continue to sell the niche spaces at a reasonable price.

On the other hand, the Site has been in operation as a columbarium since 2005. The Applicant is well-experienced in operating the Site with their own management team to undertake the maintenance and management of the columbarium. The management team always ensures the quality of the buildings and the ancillary facilities are up to high standards, as well as ensuring the smooth operation of Ching To Yuen.

6.7 Creating Long-Term Job Opportunities

The proposed development will create long-term jobs to the locals who are currently working at or near the Site. Additional employment opportunities will also be created once the application is approved by the TPB.

6.8 No Adverse Planning Precedent

Since the enactment of the PCO, there are eight similar approved rezoning applications in “GB” zones for the regularization of columbarium in rural areas as shown in **Table 3** below. Given the current Government policy to increase the supply of columbarium niches and regulate private columbaria, the proposed low-density development with a PR of 0.076 will not set an undesirable precedent and should be supported.

Application No.	Location	Major Planning Parameters	Date of Approval
Y/TM/24	Lots 1744 S.D ss.1 (Part) and 1744 S.D RP (Part) in D.D. 132, Hing Fu Street, Tuen Mun, New Territories	Zoning : From “GB” to “Government, Institution or Community” (“G/IC”) Site Area : 1,175m ² GFA : 517.3m ² PR : 0.44 No. of Blocks : 4 No. of Storeys : 2 No. of Niches : 5,670	19.4.2024
Y/TM/26	Lots 1724 S.H RP and 2015 in D.D. 132, Hing Fu Street, Tuen Mun, New Territories	Zoning : From “GB” to “G/IC” Site Area : 1,369.7m ² GFA : 288.78m ² PR : 0.21 No. of Blocks : 9 No. of Storey : 1 No. of Niches : 4,942	25.8.2023
Y/TM/25	Lot 1724 RP ss.14 (Part) in D.D. 132, Hing	Zoning : From “GB” to “G/IC” Site Area : 869.2m ²	25.8.2023

	Fu Street, Tuen Mun, New Territories	GFA : 241.6m ² PR : 0.28 No. of Blocks : 6 No. of Storeys : 2 No. of Niches : 5,282	
Y/ST/49	Lots No. 2 and 671 in D.D.181, Tai Wai, Sha Tin, New Territories	Zoning : From “GB” and “Residential (Group B)” (“R(B)”) to “Other Specified Uses” (“OU”) annotated “Religious Institution with Columbarium) Site Area : 4,006.39m ² GFA : 1,415.853m ² PR : 0.36 No. of Block : 1 No. of Storeys : 3 No. of Niches : Total 4,779 (1,779 niches are under another application No. Y/ST/48)	14.7.2023
Y/ST/48	Lots No. 2 and 671 in D.D.181, Tai Wai, Sha Tin, New Territories	Zoning : From “GB” and “R(B) to “OU (Religious Institution with Columbarium)” Site Area : 4,006.39m ² GFA : 1,415.853m ² PR : 0.36 No. of Block : 1 No. of Storeys : 3 No. of Niches : 1,779	14.10.2022
Y/ST/53	Lots 499 S.A RP (Part), 500 S.A RP (Part), 503, 504 (Part), 505 (Part), 506 (Part) in D.D. 42 and Adjoining Government Land, 110 Chek Nai Ping Village, Tai Po Road, Ma Liu Shui, Sha Tin, New Territories	Zoning : From “GB” to “OU (Columbarium (1))” Site Area : 189.64m ² GFA : 119.76m ² PR : 0.63 No. of Block : 1 No. of Storeys : 3 No. of Niches : 1,716	28.1.2022
Y/ST/47	Lots 551 S.A, 551 RP, 640, 644 S.A, 644 S.B and 644 RP in D.D. 176 and Adjoining Government Land, Fo Tan, Sha Tin, New Territories	Zoning : From “GB” and “Village” (“V”) to “OU (Columbarium (1))” Site Area : 520.4m ² GFA : 292.674m ² PR : 0.562 No. of Blocks : 5 No. of Storeys : 2 No. of Niches : 3,499	10.9.2021
Y/TM/23	Lots 1744 S.A, 1744 S.B, 1744 S.C, 1744 S.F, 1744 S.G, 1744 S.H and 1744 S.I in D.D. 132, Hing Fu Street, Tuen Mun	Zoning : From “GB” to “G/IC” Site Area : 3,137m ² GFA : 489.16m ² PR : 0.155 No. of Blocks : 3 No. of Storeys : 2 No. of Niches : 11,094	25.6.2021

Source: TPB Statutory Planning Portal 3

6.9 Insubstantial Visual Impact

The current columbarium features a primary building along with smaller structures situated on a series of terraced sites atop a hill in the rural outskirts of Tai Wai

(**Figure 10**). The main columbarium is a single-story building topped with a traditional-style roof. Its color scheme, which includes clay roof tiles and a green facade, harmonizes well with the surrounding natural landscape. The Site is adorned with mature trees and shrubs that help to conceal the columbarium building structure and integrate it into the environment. The area is relatively isolated and mostly shielded from outside views by the mature trees and vegetation on the rural hillside (**Figures 13 to 16**). Additionally, the Site is situated at a considerable distance from other major developments. Visitors approaching via the access road will have closed views of the site (**Figure 17**). Generally, the number of visitors to the columbarium is low, except during the annual Ching Ming and Chung Yeung festival days. The only other Visual Sensitive Receiver (“**VSR**”) groups that may view the site are hikers on the hills to the north (**Figure 11**), although these views are distant due to the surrounding topography and vegetation (**Figure 12**). Both visitors and hikers are classified as having a “High” sensitivity to visual changes.

The only modification proposed for the Site in this application is the provision of new portable toilets on the adjacent platform, which are positioned well away from the WSD’s LIWGG. No other construction activities or tree removals are planned for the Site or its surroundings. Consequently, the magnitude of changes to the existing situation is deemed “Negligible”. The combination of the “High” sensitivity of the affected VSR groups and the “Negligible” magnitude of change results in an “Insubstantial” significance of visual impact, given that the columbarium will continue to operate, with only upgrading portable toilet facilities.

In summary, the overall significance of visual impact from the ongoing operation of the columbarium, including both the main columbarium building and the office building, is considered “Insubstantial”. Overall, its continued operation will not lead to any significant negative visual effects on the surrounding landscape, as these visual impacts are screened or filtered by other visual elements. The existing columbarium site and its proposed minor modifications are regarded as compatible with the current height profiles and landscape character of the rural surroundings in To Fung Shan, Sha Tin, New Territories.

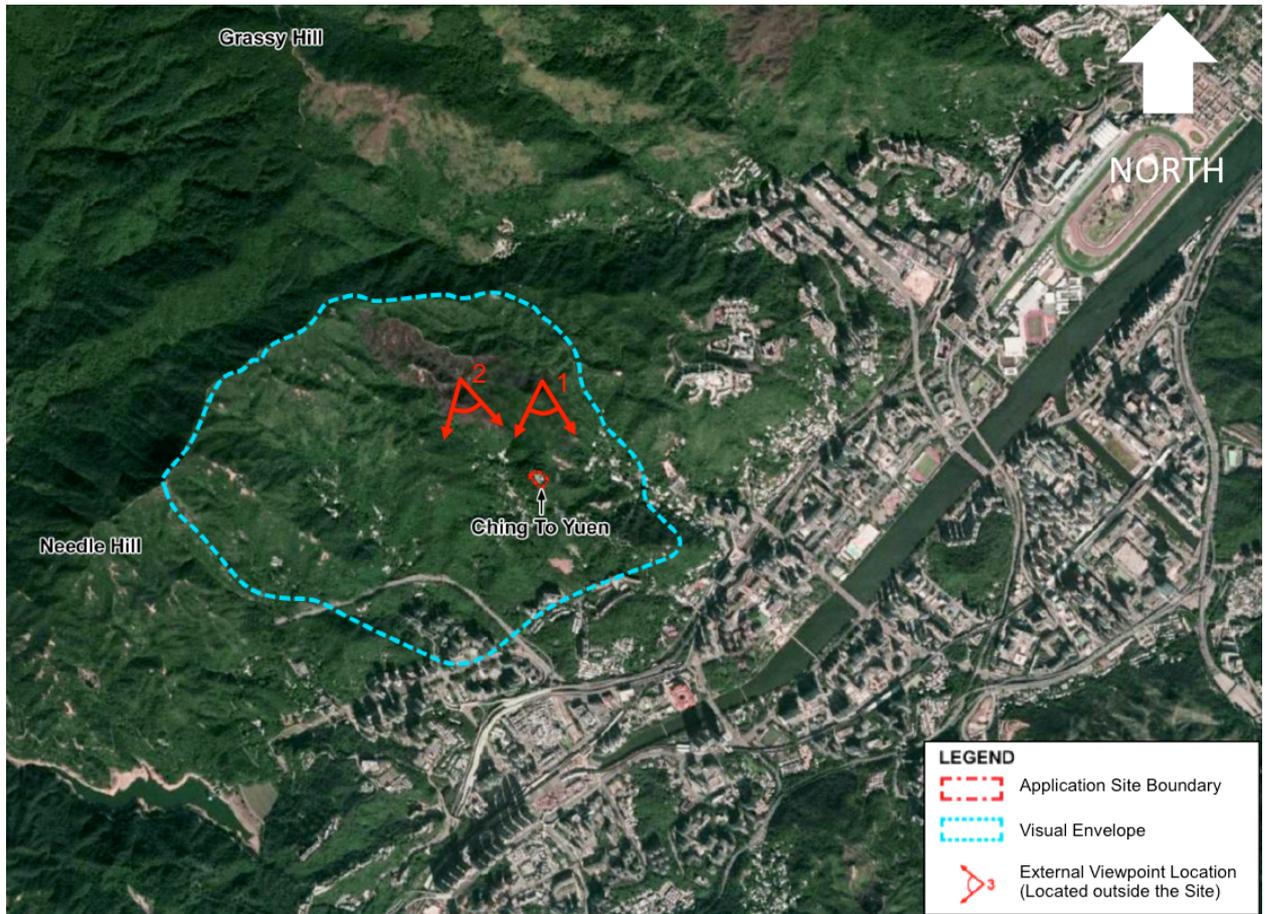


Figure 10: Visual Envelope and External Viewpoints



Figure 11: External Viewpoints 1 & 2

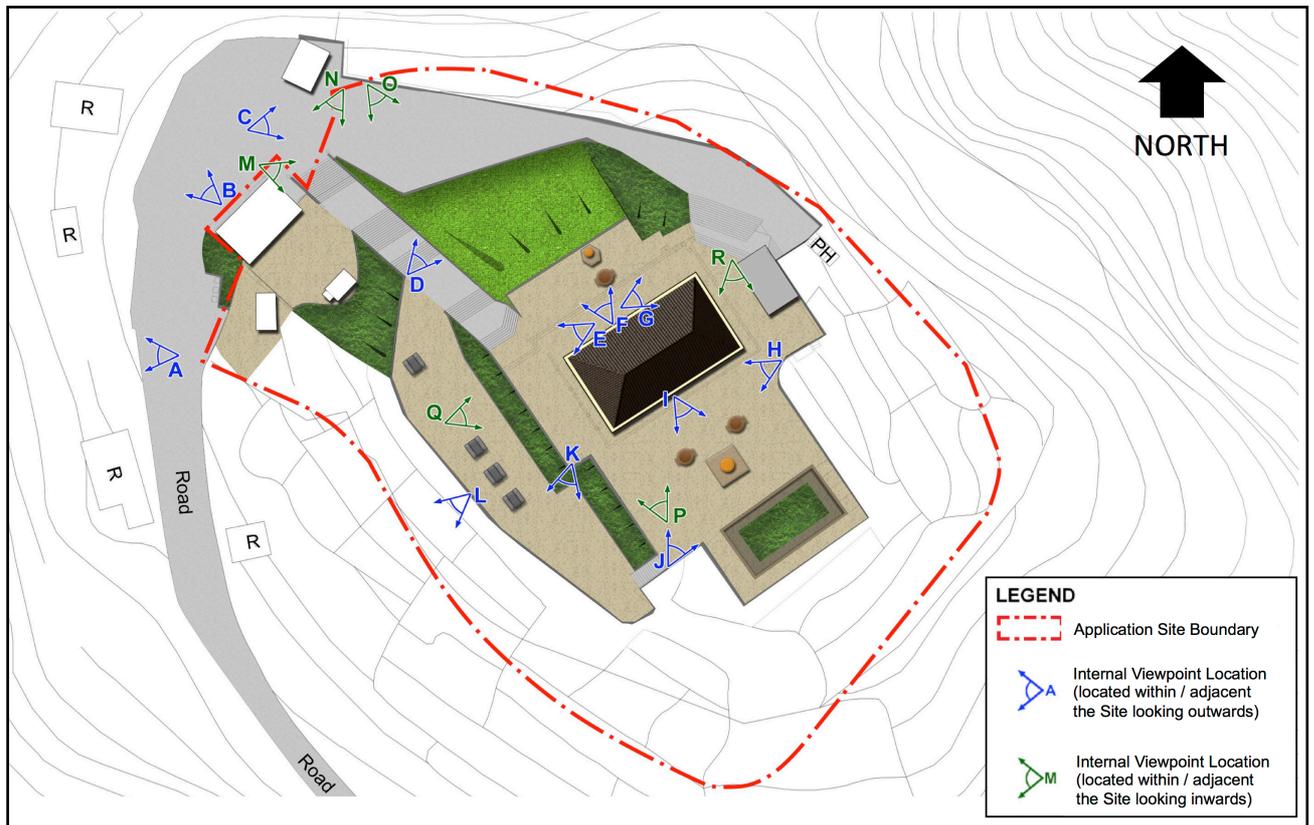
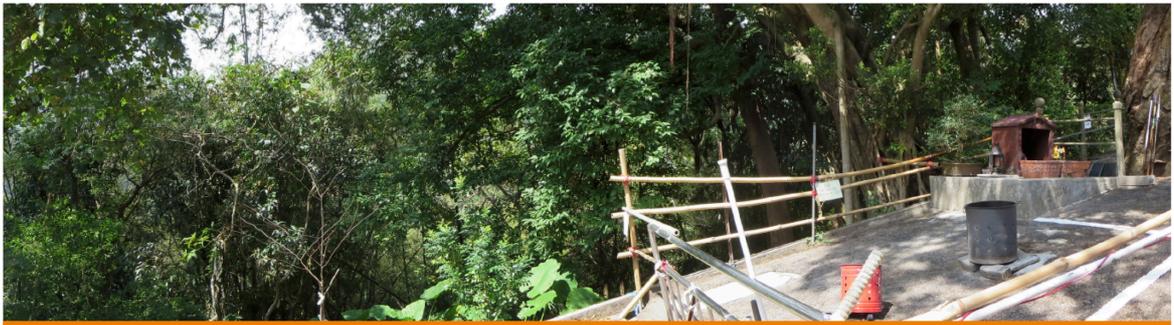


Figure 12: Internal Viewpoints



Viewpoint A – View to the west from the driveway



Viewpoint B – View to the northwest



Viewpoint C – View to the east

Figure 13: Internal Viewpoints A, B and C



Viewpoint D – View to the northeast from the main steps up to the Columbarium Building within the Site

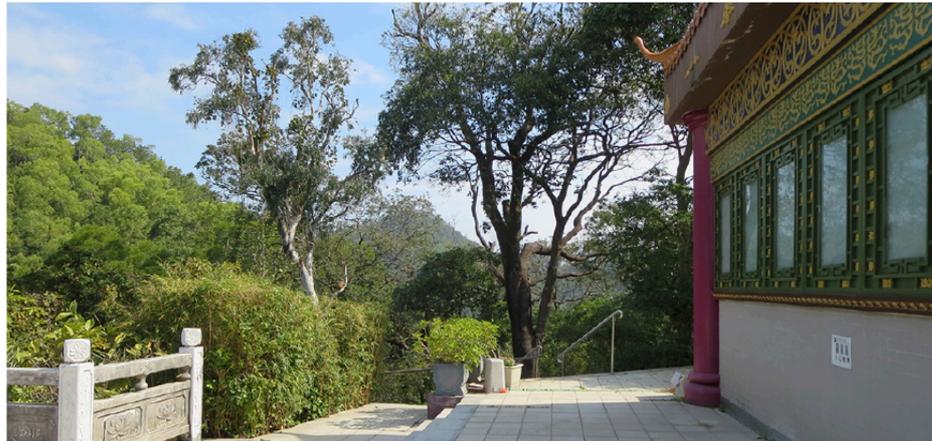


Viewpoint E – View to the west from outside the Columbarium Building within the Site



Viewpoint F – View to the north from outside the Columbarium Building within the Site

Figure 14: Internal Viewpoints D, E and F



Viewpoint G – View to the east from outside the Columbarium Building within the Site



Viewpoint H – View to the southwest from outside the Columbarium Building within the Site



Viewpoint I – View to the southeast from outside the Columbarium Building within the Site

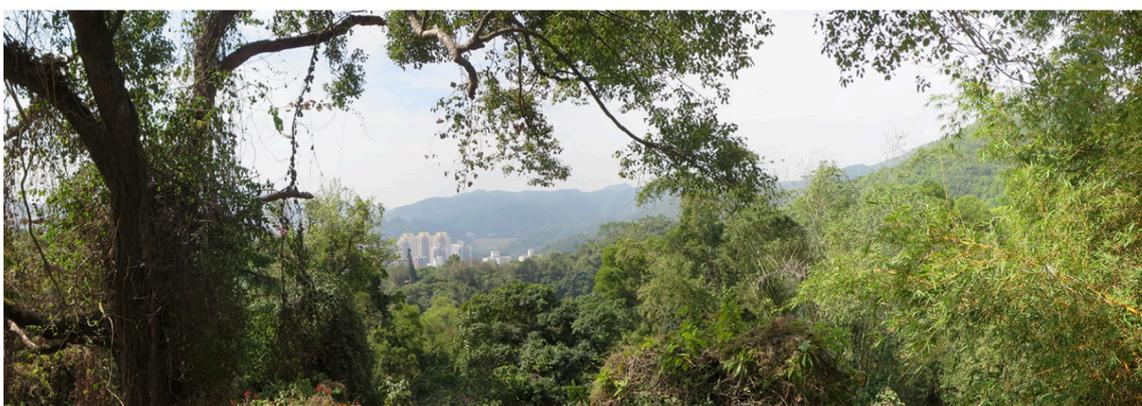
Figure 15: Internal Viewpoints G, H and I



Viewpoint J – View to the northeast from outside the Columbarium Building within the Site



Viewpoint K – View to the southwest from outside the Columbarium Building within the Site



Viewpoint L – View to the southwest from the Site

Figure 16: Internal Viewpoints J, K and L



Viewpoint M – View to the southeast towards the main steps



Viewpoint N – View to the southwest towards the office building from within the Site



Viewpoint O – View to the southeast towards the Columbarium Building from within the Site

Figure 17: Internal Viewpoints M, N and O



Viewpoint P – View to the north towards the Columbarium Building from within the Site



Viewpoint Q – View to the east towards the Columbarium Building from within the Site



Viewpoint R – View to the south towards the Columbarium Building from within the Site

Figure 18: Internal Viewpoints P, Q and R

6.10 No Adverse Traffic Impact

A TIA has been conducted and attached in **Appendix 2**. The findings of the assessment can be summarized as follows:

- a. The TIA has been undertaken on a conservative worst-case basis, assuming all niches are fully occupied.
- b. Traffic surveys have been conducted during Ching Ming and Chung Yeung Festivals in 2024 from 09:00 to 18:00. The peak hour of the road network has been identified as 12:00 to 13:00 for Ching Ming Festival and 13:00 to 14:00 for Chung Yeung Festival.
- c. To minimize the impact of increased volume of visitors during festive periods, Ching To Yuen provides shuttle bus services between Tai Wai MTR Station and the Site for all visitors and staff. An analysis of vehicular and pedestrian traffic carried out during the 2024 Ching Ming Festival revealed that all visitors accessed Ching To Yuen by utilizing the shuttle buses, which is a direct outcome of the Applicant’s comprehensive Administrative Visitor Booking System and specific traffic arrangements.
- d. Temporary traffic arrangements will be arranged during festive period, in which the section of To Fung Shan Road located north of its intersection at the roundabout will be closed to all vehicular traffic from 09:00 to 17:00, except for emergency vehicles and those serving residents and individuals working in To Fung Shan, along with the shuttle bus service operating between To Fung Shan and Tai Wai MTR Station.
- e. The Administrative Visitor Booking System will control and limit the number of visitors permitted to enter the Site to 300 persons per hour.
- f. With the 300-visitor booking cap in place and the traffic data collected during Ching Ming Festival in 2024, it is estimated that only about six additional shuttle-bus trips per hour will be produced under full-occupancy scenario in the future, and the surrounding road network can comfortably accommodate the additional shuttle-bus trips.
- g. The year 2030 is used as the design year for the TIA. After comparing historical data and future planning data, a conservative annual growth rate of +0.5% was adopted. This growth factor has been applied to the observed traffic flows in 2024 to project the 2030 anticipated traffic flows.
- h. Junction capacity assessments were carried out for the major junctions identified in the local road network for both the Reference and Design scenarios. Results indicate that the capacities of all key junctions would be performing satisfactorily during the peak periods for both the reference and design scenarios for the year 2030.
- i. A detailed survey of the Tsuen Nam Road Lay-by confirmed its sufficient capacity to handle the existing demand during peak festive periods and the additional shuttle bus trips by 2030.

- j. There are a total of 10 passing bays along To Fung Shan Road (the one-lane two-way section between the Site and the roundabout intersection). Data collected during the peak hours of the 2024 Ching Ming Festival and the 2024 Chung Yeung Festival indicates that the road section is adequate for vehicles travelling in opposite directions to pass each other and performs satisfactorily under critical conditions.

The findings of the TIA demonstrate that the road network in the vicinity of the Site will be able to cope with the traffic generated from the development when all the niches are gradually occupied in the future.

6.11 No Adverse Environmental and Sewage Impacts

The EA and WQA have been conducted as attached in **Appendix 3** and **Appendix 4** respectively. The assessments can be summarized as follows:

- a. Only minor improvement works will be carried out for the proposed development, including the accommodation of portable toilet facilities. The environmental impacts that may arise from the operation of the development have been assessed and appropriate mitigation measures are recommended.
- b. The proposed development scheme does not involve any construction and demolition works. Fugitive dust emissions from minor improvement works are not anticipated and no special measures are likely necessary for dust control. During the Site operation, adverse air impact from vehicular emission to the air sensitive receivers is not anticipated due to sufficient buffer distance between To Fung Shan Road and the Site. Potential odour emission from toilet facilities will also be minimize by using enclosed sewage storage tanks and sewage will be emptied into the collection tanker using a vacuum system by licensed contractor.
- c. There is no joss paper furnace at the Site. If any joss paper were burnt at the Site in the future, smokeless furnace with high dust and smoke removal efficiency system will be installed as per recommendations in EPD’s *Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places*.
- d. Since there is no public sewer in the vicinity of the Site, it is necessary to provide adequate sewage treatment facilities or portable toilets on Site. Taking into consideration the Site constraints, provision of portable toilets is the most effective and environmentally sound approach for collecting and treating (off-site) the sewage generated from the Site. Two options were recommended – a container toilet block with an above ground sewage storage tank (Option 1), and sufficient numbers of individual chemical toilets with integral sewage storage tanks (Option 2), which will replace the existing toilet block and the septic tank.
- e. Although part of the Site is located within the boundary of WSD’s LIWGG, the proposed portable toilets, and the storage tanks for sewage from toilets and wastewater generated by the smokeless furnaces (if installed in the future) are located entirely outside of and downhill from the LIWGG. The contents of

the storage tanks will be collected regularly and tankered away for off-site treatment by a licensed collector. This will avoid any potential contamination to the LIWGG.

To this end, it can be concluded that the sewage and wastewater impacts due to the proposed development is acceptable and no adverse impact on the LIWGG is anticipated.

6.12 No Major Geotechnical Constraints

A Geotechnical Planning Review has been conducted and is attached in **Appendix 5**. Five geotechnical features are located within or in the proximity of the Site, including 7SW-B/C231, three unregistered man-made slopes and an unregistered retaining wall. The report, based on research and Site inspection, concludes that there are no significant geotechnical constraints or hazards observed that may adversely affect the Site and the proposed development will not affect the existing geotechnical features within or those that are in the proximity of the Site. In gist, the continued operation of Ching To Yuen is geotechnically feasible. However, it is recommended that further study with the support of site-specific ground investigation data should be carried out to check the stability of those five geotechnical features and determine any mitigation measures that should be carried out to upgrade them to achieve adequate safety standards.

7. Conclusion

This rezoning application is to seek approval from the TPB to amend the zoning of the Site at Lot Nos. 374 374, 375 S.A and 375 S.B in D.D. 186 on the OZP from “GB” zone to “OU(Columbarium)3”. The proposed rezoning is intended to regularize the existing small-sale columbarium with 6,936 niches at the Site.

The primary objective of the development proposal aims at serving the needs of the general public to promote a peaceful columbarium facility to pay respect to their ancestors. The proposed development comprises of a single storey columbarium building, a 2-storey office building, portable toilets, temporary storage, open courtyard, landscape area, religious statues and sitting-out area, with a total GFA of about 330m², PR of about 0.076 and SC of about 6.5% respectively. The proposed rezoning is well justified based on the following reasons:

- a. The proposed rezoning is in line with the Government’s policy objective to increase the supply of niches for the public and regulate private columbaria where situation permits.
- b. The proposed development at the Site will be properly monitored under the statutory licensing mechanism.
- c. The regularization of the existing columbarium is a ‘quick-win’ measure to meet the immediate local demands and save time from searching for new land to accommodate columbaria facilities.
- d. The proposed development is compatible with the land use in the To Fung Shan area where a number of existing graveyards and religious institutions are located in the vicinity of the Site.
- e. The proposed development is low-density and low-rise in nature and is carefully designed to minimize potential visual impact and to blend in with the surrounding area.
- f. The Applicant is a well-experienced operator and has been operating the existing columbarium for more than 20 years with their existing management team that undertake the maintenance and management of the Site.
- g. The proposed development will create job opportunities for the local community.
- h. The application will not set an undesirable precedent for similar applications.
- i. The small-scale development will not lead to any significant land use, visual, traffic, environmental, sewerage and geotechnical impacts.

In view of the merits of the development proposal and the justifications presented, the TPB is invited to consider this rezoning application on its justification and individual merits and to approve the proposed amendments to the OZP.