

Section 12A Application

from “Coastal Protection Area” to “Government, Institution or Community”

for Regularisation of a Pre-cut-off Columbarium for Koon Yam Tong,

No.13 Nim Wan Road, Ha Pak Nai, Yuen Long

PLANNING STATEMENT



Toco Planning Consultants Ltd.
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Executive Summary

This planning application under section 12A of the Town Planning Ordinance (s.12A application) is submitted by Toco Planning Consultants Limited on behalf of Ka Fuk Services Limited (the Applicant), which is the operator of Koon Yam Tong in No. 13 Nim Wan Road, Ha Pak Nai, Lau Fau Shan, Yuen Long, New Territories. It is for the agreement of the Town Planning Board to amend the zoning of a site covering Lot No. 118 in D.D. 135 (the application site) from "Coastal Protection Area" ("CPA") to "Government, Institution or Community" ("G/IC") on the Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9. The proposed "G/IC" zone will facilitate the continual operation of the existing Pre-cut-off Columbarium with 967 niches in Koon Yam Tong.

The existing New Territories Exempted House (NTEH) on the application site was built in 1981 and has not been demolished or re-built. In view of the public demand for columbarium niche spaces in Hong Kong in the past 40 years, as well as the site suitability for columbarium use due to its isolated location, the NTEH has been renovated and operated as a columbarium under the name of Koon Yam Tong since 2010. In response to the requirement of Private Columbaria Ordinance (PCO) in 2017, the Applicant had submitted a private columbarium licensing application to the Private Columbaria Licensing Board on 6.3.2018 to apply for a Licence for Koon Yam Tong. The Applicant had fulfilled a series of specified requirements and obtained the Approval-in-principle Temporary Suspension of Liability (TSOL) on 11.11.2021, and further obtained a 3 years extension for the TSOL on 8.11.2024. This s.12A application is submitted partly to comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements.

Planning and technical assessments have indicated that this s.12A application is well justified. The application site is suitable for columbarium use as it is located at a secluded and tranquil location, and is far away from residential development. It is also visually obstructed by slopes and mature trees. This s.12A application will not propose any new building. The applied use is only confined within the NTEH which is small scale in nature, and is compatible with the surrounding rural character. In order to minimise any possible impact on technical aspects that may arise from the subject development, as well as to avoid any potential unnecessary disturbance to the surrounding area as far as practicable, the Applicant has proposed to largely reduce the number of niches in Koon Yam Tong to no more than 967 from originally 3,162. An all-year-round-visit-by-appointment-and-management-system will be implemented, and all visitors are required to pre-book with the Applicant and are advised and encourage to go to and leave the NTEH by taking the existing public mini-bus service. The opening hours will be changed from 9:00am to 4:00pm from Monday to Friday (excluding public holidays), and extended only from 7:00am to 5:00pm from Monday to Friday (excluding public holidays) within 4 weeks before and after Ching Ming Festival and Chung Yeung Festival. The number of visitors per (30-minute) session will be limited to 4 persons only. All appointments must be made at least 2 days in advance, and Koon Yam Tong opens only if there is confirmed visiting appointment, otherwise it remains closed with no staff on duty.

In view of the above, the subject development will not result in any significant adverse impacts on land use, traffic, environmental, drainage, sewerage, landscape, visual and ecological aspects of the locality. Burning of joss papers is strictly prohibited within the site. Due to its secluded location, small scale, new measures and new policy initiatives, this application will not set an undesirable precedent for similar applications in the area. It will help meeting part of the urgent demand for columbarium niche spaces in Hong Kong. The internet memorial service provided by the Applicant can take of the filial descendants who emigrated overseas to pay respects to their ancestors.

行政摘要

(內容如有差異，應以英文版本為準)

嘉福服務有限公司 (申請人) 是新界元朗流浮山下白泥稔灣路 13 號觀音堂的經營者，現透過達材都市規劃顧問有限公司，根據城市規劃條例第 12A 條向城市規劃委員會遞交修訂圖則申請，將位於丈量約份第 135 約地段第 118 號 (申請地點)，由現時在上白泥及下白泥分區計劃大綱核准圖編號 S/YL-PN/9 內之「海岸保護區」改為「政府、機構或社區」，以協助將現時在觀音堂內的截算前骨灰安置所，當中存放的 967 個靈灰位能夠繼續運作。

申請地點內的現存新界豁免管制屋宇 (屋宇) 於 1981 年興建，至今再沒有拆卸或重建。鑒於公眾在過去 40 年來對骨灰位的需求，加上申請地點因位於偏遠地方而很適合作靈灰安置所用途，該屋宇於 2010 年進行翻新並改為現時名為觀音堂的靈灰安置所用途。申請人因應 2017 年私營骨灰安置所條例的要求，已於 2018 年 3 月 6 日就牌照事宜向私營骨灰安置所發牌委員會提交了私營骨灰安置所牌照申請 (牌照申請)，並已經符合了一系列的指定要求，最終在 2021 年 11 月 11 日獲得了原則上同意暫免法律責任書，及於 2024 年 11 月 8 日再獲得暫免法律責任書的三年延期。是次規劃申請是為了符合牌照申請的相關要求，同時亦符合城市規劃要求。

規劃及工程研究指出是次申請理據充分，申請地點寧靜隱蔽，四周被樹木和山坡所包圍，並與住宅發展相隔一段甚遠距離，所以很適合用作靈灰安置所用途。是次申請不會在申請地點加設新的建築物，而申請用途主要位於一座規模細小的新界豁免管制屋宇內，因此在土地利用上與周邊的鄉郊特色互相配合。為了在實際可行的範圍內減少任何就是次發展所產生有關技術方面的影響，以及避免對附近環境造成任何潛在不必要的滋擾，申請人擬將靈灰位數目由原先 3,162 大幅減至不多於 967。觀音堂將會實施全年性訪客預約及管理制度，所有訪客必須與申請人預約及建議並鼓勵乘坐現有的公共小巴服務前往／離開屋宇。觀音堂的開放時間將改為星期一至五 (不包括公眾假期) 的早上 9 時至下午 4 時，以及改為只在清明節和重陽節的前後四星期的星期一至五 (不包括公眾假期) 的早上 7 時至下午 5 時，而每 (半小時) 節的訪客人數將限制至不多於 4 人。所有預約必須在最少兩天前進行，而觀音堂只會在有預約的情況下開放，否則會維持關門及沒有工作人員當值。

基於以上安排，本發展不會對本區及附近的土地利用、交通、環境、排水、排污、園景、視覺景觀及生態造成不良影響，申請地點範圍內嚴禁燃燒冥鏹。基於觀音堂隱蔽的位置、小規模、最新的管理改善建議和最新政策措施，本申請不會對同區的類似申請立下不良先例。相反，本申請能滿足公眾人士對骨灰存放位的強烈需求，而擬議網上思念拜祭服務亦能照顧到移居開外的孝子賢孫可以拜祭先人。

PART I- MAIN REPORT



1. INTRODUCTION

1.1 Purpose of Submission

This planning application under section 12A of the Town Planning Ordinance (s.12A application) is submitted by Toco Planning Consultants Limited on behalf of Ka Fuk Services Limited (the Applicant), which is the operator of Koon Yam Tong in No. 13 Nim Wan Road, Ha Pak Nai, Lau Fau Shan, Yuen Long, New Territories (NT). It is for the agreement of the Town Planning Board (TPB / the Board) to amend the zoning of a site covering Lot No. 118 in D.D. 135 (the application site) from “Coastal Protection Area” (“CPA”) to “Government, Institution or Community” (“G/IC”) on the Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9 (see **Plan A**). The proposed “G/IC” zone will facilitate the continual operation of the existing Pre-cut-off Columbarium¹ with 967 niches in Koon Yam Tong.

1.2 The Application’s Background

The existing New Territories Exempted House (NTEH) on the application site was built in 1981 and has not been demolished or re-built. In view of the public demand for columbarium niche spaces in Hong Kong in the past 40 years, as well as the site suitability for columbarium use due to its isolated location, the NTEH has been renovated and operated as a columbarium under the name of Koon Yam Tong since 2010.

On 30.6.2017, the Private Columbaria Ordinance (PCO) came into effect to resolve properly the historic problems which have accumulated over the years regarding consumers who purchased niches from private columbaria. The Government is prepared to adopt a pragmatic and sensitive approach to resolve the Pre-cut-off Columbaria under a licensing scheme and all the private columbarium in Hong Kong must be either covered with a Licence or an Exemption (see **Appendix I**).

In response to the requirement of the PCO, the Applicant had submitted a private columbarium licensing (PCL) application to the Private Columbaria Licensing Board (PCLB) on 6.3.2018 to apply for a Licence for Koon Yam Tong (see **Annex I of Appendix III**). The Applicant had fulfilled a series of specified requirements and obtained the Approval-in-principle (AIP) Temporary Suspension of Liability (TSOL) on 11.11.2021, and further obtained a 3 years extension for the TSOL on 8.11.2024 (see **Annex II and Annex III of Appendix III**). During the validity period of TSOL until 10.11.2027, the Applicant has to comply with a series of licensing requirements, including but not limited to town planning, land lease and building safety, in order to obtain the full Licence. Hence, this s.12A application is submitted partly to comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements.

¹ “Pre-cut-off columbarium” means a columbarium that was in operation, and in which ashes were interred in niches, immediately before the “cut-off time” (i.e. 8 a.m. on 18.6.2014).



Plan A: Zoning and Location Plan

Extract of Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan
No. S/YL-PN/9

(Prepared on 16.6.2025)

1.3 The Improved Scheme in Responses to the TPB's Concerns

The application site and its adjoining Government land is the subject of a previous s.12A application (No. Y/YL-PN/7) for rezoning from "CPA" to "G/IC" for regularisation of columbarium development with 1,000 niches (hereafter refer as "the previous application"). The previous application was rejected by the Board on 3.2.2017 mainly on the grounds in relation to no strong justification for columbarium to be located in "CPA" zone, technical concern (i.e. traffic, landscape and ecological aspects) and precedent effect arising from the development.

Hence, the consultant team has comprehensively studied the previous application and the Applicant has made utmost effort to address the above TPB's concerns by way of a series of improvement measures. Two rounds of pre-submissions were submitted to the Planning Department (PlanD) on 3.7.2025 and 15.10.2025 respectively, and majority Government departments had no major comment on/ objection to the case (see **Appendix III**).

This Planning Statement has been updated accordingly by taking into account the departmental comments received from the PCL application, the previous s.12A application and the aforesaid pre-submissions. The improvement measures as proposed under this s.12A application are summarised as follows:

(a) Fully Comply with the Private Columbaria Ordinance

This s.12A application is intended to fully comply with the PCO's requirements. In order to tally with the requirement of PCL application, the development scheme under this s.12A application, including the proposed layout, the site boundary and the total number of niches, has been prepared entirely based on the latest proposed layout plan for the PCL application for Koon Yam Tong.

(b) Largely Reduce the Total Number of Niches

In order to further minimise any possible impact on traffic, environmental and ecological aspects that may arise from the subject development, the Applicant has decided to largely reduce the total number of niches in Koon Yam Tong from originally 3,162 to 967. Hence, the expected visitor demand per year for Koon Yam Tong will be significantly reduced. The Niche Information under Annex 13 of the PCL application have been updated and submitted to the PCLB on 17.12.2025.

(c) Site Boundary Improvement

The site boundary under this s.12A application has also been largely reduced, and it only covers the subject lot – no Government land has been involved. It is mostly covered by the NTEH, which has been established at the application site for nearly half a century. The present scheme does not involve any change in the overall form of the existing building, and will not propose any new building.

Considering there is no existing landscape resource within the site, significant adverse impact on the landscape resources is not anticipated.

(d) Proper Development Control

In order to regularise the Pre-cut-off Columbarium in Koon Yam Tong, but at the same time to respect some ecological sensitive areas nearby, it is proposed to amend the zoning of the application site to "G/IC" with only "Columbarium" to be placed under Column 1 of the schedule of uses, and no other uses to be put under Column 1 or Column 2 of the schedule of uses. Such proposal will also facilitate the Applicant to obtain the full Licence as soon as practicable by way of a streamline development control process. There will be sufficient control mechanism on details and technical requirements of the columbarium use under the licence regime of PCO.

(e) Traffic and Crowd Management Plan (TCMP)

A Traffic Impact Assessment (TIA) with a workable TCMP has been prepared by a reputable traffic consultant – CKM Asia Ltd. (see **Appendix IV**). In order to minimise traffic impact and to avoid any potential unnecessary disturbance to the surrounding area as far as practicable, an all-year-round-visit-by-appointment-and-management system will be implemented by Koon Yam Tong. All visitors are required to pre-book with the Applicant, and strongly advised and recommended to access the NTEH by the existing public mini-bus service. They will be reminded car parking is not available on site and in the vicinity.

All appointments must be made at least 2 days in advance. The number of visitors per (30-minute) session will be limited to 4 persons only. During the Ching Ming and Chung Yeung Festival Periods (within 4 weeks before and after Ching Ming and Chung Yeung Festival Days (the Festival Periods), the visitation period is from 7:00am to 5:00pm from Monday to Friday (excluding public holidays). Outside the Festival Periods, the visitation period is from 9:00am to 4:00pm on Monday to Friday (excluding public holidays). However, Koon Yam Tong opens only if there is confirmed visiting appointment, otherwise it remains closed with no staff on duty.

In order to be in line with the TIA, the Management Plan has been further updated (see **Appendix IV**), and has also been submitted to the PCLB on 17.12.2025. The Applicant will ensure that the future operation of Koon Yam Tong can be run in a safe, orderly and smooth fashion.

(f) Environmental Friendly Arrangement

According the latest TCMP, all visitors are advised and encouraged to access the NTEH via the existing public transport, and the number of visitors per day will be minimal. Internet memorial service will be provided by the Applicant for all niche owners as an alternative option to in-person visitation.

Burning of joss stick, joss papers, incense and candles is prohibited within the site. Koon Yam Tong will not involve burning of joss paper and offerings within or outside the NTEH. The existing toilet within the NTEH are planned to be dismantled and a portable toilet will be provided within the site. In order to further minimise disturbances to the surrounding area, the Applicant proposes to reduce the lighting inside the building, and to provide one-way window glass film on each window.

Therefore, the subject development will not cause adverse environmental impacts to the surrounding area. A Drainage Proposal has been prepared to minimise the potential drainage impacts that may arise from the site (see **Appendix VI**).

Planning and technical assessments have indicated that this s.12A application is well justified based on the following reasons:

- (a) the NTEH has been in existence at the site since 1981, before the statutory town plan of the area came into force in 1990, and it has been renovated and operated as a columbarium since 2010;
- (b) this s.12A application is aimed at regularising the columbarium niches as at the cut-off-time (i.e. 8 a.m. on 18.6.2014), which is in line with the spirit of PCO to resolve the Pre-cut-off Columbarium under a pragmatic and sensitive approach;
- (c) it is also in line with the Government's intention to relieve part of the urgent demand for columbarium niche spaces in Hong Kong;
- (d) the internet memorial service provided by the Applicant can take of the filial descendants who emigrated overseas to pay respects to their ancestors;
- (e) the application site is suitable for columbarium use as it is located at a secluded and tranquil location, and is far away from residential development;
- (f) the columbarium is only confined within the NTEH which is small scale in nature, and is compatible with the surrounding rural character;
- (g) the total number of niches in Koon Yam Tong will be largely reduced from 3,162, thus the expected visitor demand per year for Koon Yam Tong will also be significantly reduced;
- (h) the application site, being hard paved and mostly occupied by a NTEH for a long period of time, has never functioned as Coastal Protection Area; it is surrounded by mature trees and located more than 100m from the coastline or at least 80m away from any potential ecological sensitive areas;
- (i) the proposed scheme represents a significant improvement over the previous scheme to address the TPB's concerns;
- (j) the small scale development will not result in any significant adverse impact on land use, traffic, visual, environmental, drainage, sewerage, landscape and ecological aspects of the locality; and
- (k) the proposed "G/IC" zone is tailor-made for Koon Yam Tong and it will not set a bad precedent for similar applications in the area in view of its secluded location, small scale, new measures and new policy initiatives.

The above planning justifications will be further elaborated in **Section 5**.

2. PLANNING BACKGROUND

The location, accessibility, site condition, adjacent land uses, planning history and land status of the application site will be presented in this section.

2.1 Site Location and Accessibility

The application site is located in No. 13 Nim Wan Road, Ha Pak Nai, Lau Fau Shan, Yuen Long, NT (see **Plan B**). It is situated at a secluded and tranquil area mainly surrounded by mature trees, vacant land, track and orchards, and is hardly visible from outside. A popular local temple, known as Kwun Yam Tin Kau Temple (觀音堂天后廟), is located about 50m west of the application site.

The application site is accessible by an existing footpath on the northern side leading to a track connecting Nim Wan Road, which eventually connects to Deep Bay Road. A green mini-bus (GMB) route No. 33 running along Nim Wan Road connecting Ha Pak Nai and Yuen Long New Town area. A minibus stop is available in Nim Wan Road, which is less 1 minute walking distance from the site.

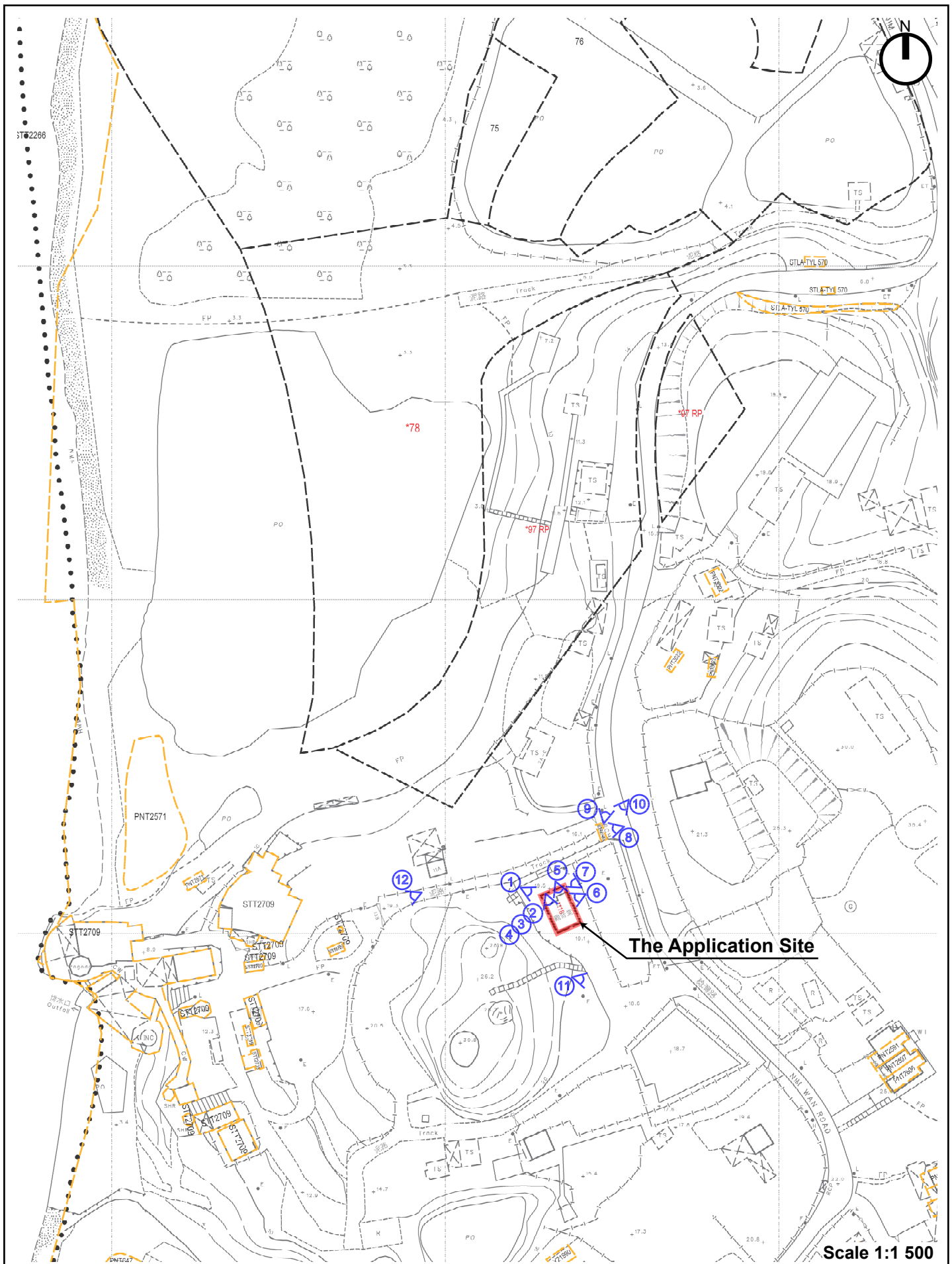
2.2 Site Condition

The application site has a total site area of about 92.9m². It is mostly covered by a three-storey NTEH with a gross floor area (GFA) of about 195.12m². Since 2010, the existing NTEH at the site has been renovated and operated as a columbarium under the name of Koon Yam Tong (**Photo 1**). The columbarium portions are situated on all three floors (**Photo 2 - Photo 4**), while the management office and toilet facilities are located on G/F (**Photo 5** and **Photo 6**).

Currently, the ash interment capacity of Koon Yam Tong (i.e. 3,162 niches) has been based on that as at the cut-off time (i.e. immediately before 8 a.m. on 18.6.2014). Breakdown of niche information for Koon Yam Tong based on the Private Columbaria Affairs Office (PCAO)'s record dated 10.9.2021 is shown in **Table 2.1**. According to the information provided by the Applicant, an occupied niche on 1/F has been recently removed. Besides, in order to minimise the potential traffic impact, the total number of niches will be reduced and some columbarium walls will be sealed off in future.

Table 2.1: Breakdown of Niches Information for Koon Yam Tong as at 10.9.2021

Category	Size	G/F	1/F	2/F	Total
Occupied niches	Single-urn	4	1	0	5
	Double-urn	0	0	0	0
Sold niches but not yet occupied	Single-urn	0	0	0	0
	Double-urn	0	0	0	0
Niches available for sale	Single-urn	593	785	778	2,156
	Double-urn	456	269	276	1,001
Total		1,053	1,055	1,054	3,162



Scale 1:1 500



Plan B: Site and Land Status Plan

(Prepared on 16.6.2025)



Photo 1: Koon Yam Tong.



Photo 2: G/F of NTEH.



Photo 3: 1/F of NTEH.



Photo 4: 2/F of NTEH.



Photo 5: Management office.



Photo 6: Toilet.



Site Photos

(See Plan B for Visual Points)

(Prepared on 16.6.2025)



Photo 7: Existing footpath leading a track.



Photo 8: Track connects to Nim Wan Road.



Photo 9: Nim Wan Road.



Photo 10: Minibus Stop.



Photo 11: Vacant land connecting Nim Wan Road.



Photo 12: Kwun Yam Tin Kau Temple.



Site Photos (2)

(See Plan B for Visual Points)

(Prepared on 16.6.2025)

2.3 Adjacent Land Uses

The surrounding areas have the following characteristics:

- (a) North – An existing footpath (**Photo 7**) is located on the northern side of the site leading to a track (**Photo 8**), which connects to Nim Wan Road (**Photo 9**). Further north of the site across the track are some scattered rural residential dwellings and orchards.
- (b) East – Further east of the site across the orchards is the Nim Wan Road. A minibus stop is located about 20m northeast of the site along Nim Wan Road (**Photo 10**).
- (c) South – To the immediate south of the site is a piece of vacant land (**Photo 11**) connecting Nim Wan Road. To the further south is a latrine and orchards.
- (d) West – A Kwun Yam Tin Kau Temple (**Photo 12**) is located about 50m west of the site across the small knoll with mature trees. It comprises a Tin Hau Temple, a Kwun Yam Temple, a Jade Emperor Hall and a 6-storey pagoda.

2.4 Planning History

The application site falls within the "CPA" zone on the Approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9 (see **Plan A**). According to the Notes of the OZP, the planning intention of this zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.

Although there is a general presumption against developments in the "CPA" zone, it should be highlighted that the subject NTEH has been long been erected at the application site before the publication of the first Sheung Pak Nai and Ha Pak Nai Interim Development Permission Area (IDPA) Plan No. IDPA/YL-KTN/1 on 14.9.1990. Since then, the NTEH on the site has not been demolished or re-built, and has been renovated for columbarium use in 2010.

In view that 'Columbarium' use is neither under Column 1 nor Column 2 of the current "CPA" zone, a s.12A application (No. Y/YL-PN/7) for rezoning the site and the adjoining Government land from "CPA" to "G/IC" for regularisation of columbarium development with 1,000 niches was submitted by the Applicant on 5.2.2016. It was rejected by the Board on 3.2.2017 mainly on the grounds that there is no strong planning justification for the columbarium development at the site which is located in "CPA" zone which is

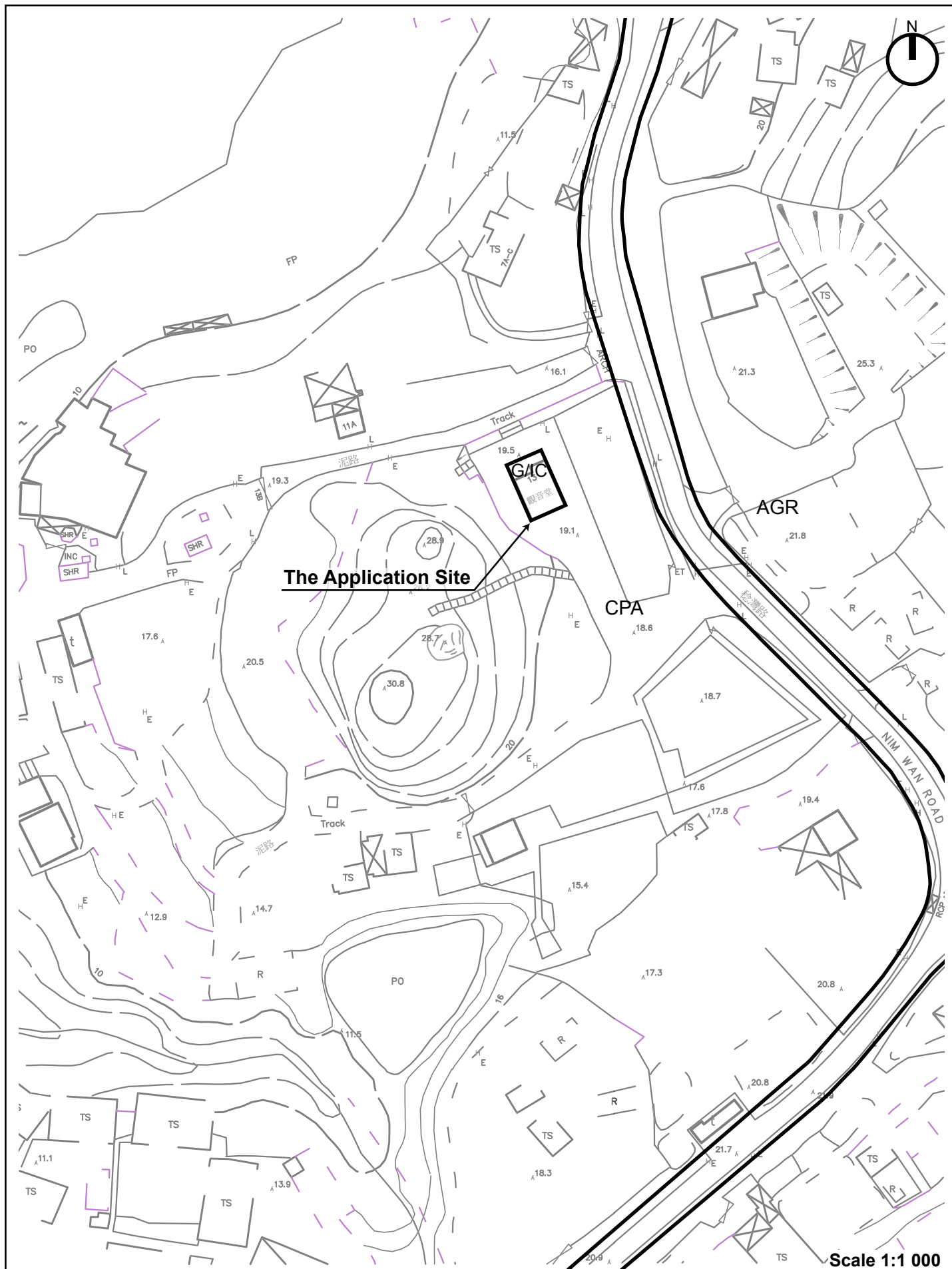
intended to protect the landscape and scenic value of the area; relevant departments shown concern on traffic, landscape and ecological impacts on the surrounding uses; and approval of the application would set an undesirable precedent for similar applications.

In response to the requirement of PCO in 2017, the Applicant had submitted a PCL application to the PCLB on 6.3.2018 to apply for a Licence for Koon Yam Tong. This s.12A application is submitted partly to comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements. In order to address the TPB's concerns on the previous application, the consultant team has studied the previous departmental comments and latest relevant statutory requirements in detail, and has prepared a compromised scheme with detailed technical assessments for Koon Yam Tong for the consideration of the Board.

2.5 Land Status

The application site involves Lot No. 118 in D.D. 135 (see **Plan B**), which is owned by the Applicant. The subject lot is a New Grant Lot covering New Grant No. 2757 which permits the erection of one building not more than 3 storeys nor exceed a height of 7.6 and the maximum built-over-area not exceeding 65.04m² for non-industrial purposes. No grave shall be made on the subject lot nor shall any human remains whether in earthenware jars or otherwise be interred therein or deposited thereon.

If this s.12A application is accepted by the Board, and further planning application under section 16 of the Town Planning Ordinance (s.16 application) to the Board is not required, the land owner will submit request for a permanent lease modification application under streamlined processing or a temporary Short Term Waiver (STW) to Lands Department, where appropriate to permit the columbarium use, after an AIP Licence for Koon Yam Tong is obtained from the PCLB.



Plan C: Proposed Amendments to the Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan

(Prepared on 16.6.2025)

3. REZONING PROPOSAL

This s.12A application involves the following amendments to the Approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9:-

(i) **Amendment Item 1 – OZP (Plan C)**

It is proposed to rezone the area covering Lot No. 118 in D.D. 135 from "CPA" to "G/IC" in order to regularise the Pre-cut-off Columbarium in Koon Yam Tong.

(ii) **Amendment Item 2 – Schedule of Uses (Table 3.1)**

According to the planning cases in relation the s.12A application for regularising the Pre-cut-off Columbarium, it is noticed that the TPB has recently approved several columbarium cases and recommended 'Columbarium' use to be placed under Column 1 uses (i.e. uses always permitted) of a proposed new zone. This is because the Board considered there will be sufficient control mechanism on details and technical requirements of the columbarium use under the licence regime of PCO and, thus, consideration could be given to streamline the development control process.

In view that the Applicant has submitted a detailed development proposal with supporting technical assessments, 'Columbarium' use is suggested to be placed under Column 1 of the proposed "G/IC" zone so as to allow the Applicant to comply with the town planning requirements and obtain the full Licence within the validity period of TSOL.

In order to address any potential adverse ecological impact to the surrounding area, all uses that are currently fall under Column 1 or Column 2 of the "CPA" zone, such as 'Agricultural Use' and 'Picnic Area' etc., will be excluded to be put under the schedule of uses in the proposed "G/IC" zone. They are not related to the current operation or future improvement plan of Koon Yam Tong.

(iii) **Amendment Item 3 – Planning Intention and Remarks (Table 3.1)**

It is proposed to specify this new zoning is intended for columbarium use. The maximum number of columbarium niches within this zone as a whole shall not exceed 967 niches. A building height restriction of 3 storeys has been imposed in the new zoning.

It should be noted that there is no "G/IC" zone under the current Sheung Pak Nai and Ha Pak Nai OZP. Therefore, the proposed "G/IC" zone is tailor-made zoning to facilitate the continual operation of the existing Pre-cut-off Columbarium with 967 niches in Koon Yam Tong.

Table 3.1 Proposed Schedule of Uses for "G/IC" Zone

<u>GOVERNMENT, INSTITUTION OR COMMUNITY</u>	
Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Columbarium (specified number of niches in paragraph (a) under Remarks)	

Planning Intention

This zone is intended primarily for columbarium use.

Remarks

- (a) On land designated "Government, Institution or Community", the maximum number of niches for columbarium use shall not exceed 967.
- (b) 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 the maximum building height of 3 storeys or the height of the existing building, whichever is the greater.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the number of niches/building height restriction stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

4. DEVELOPMENT PROPOSAL

The development proposal in support of this s.12A application will be presented in this section.

4.1 Master Layout Plan and Development Schedule

(a) Master Layout Plan

The existing NTEH on the application site was built in 1981, i.e. well before the publication of the first Sheung Pak Nai and Ha Pak Nai IDPA Plan No. IDPA/YL-KTN/1 on 14.9.1990. Since then, it has not been demolished or re-built, and has been only renovated for columbarium use in 2010. The development scheme in support of this s.12A application is entirely intended to comply with the requirements of PCO for regularising the existing columbarium in Koon Yam Tong. It does not involve any change in the overall form of the existing building, and will not propose any new building. The master layout plan, which was prepared based on the latest proposed layout plan of the PCL application for Koon Yam Tong, is shown at **Plan D**.

The application site is not accessible by vehicles. However, emergency vehicles could reach onto the vacant land south of the site from Nim Wan Road. In order to operate Koon Yam Tong in a safe, orderly and smooth fashion during the grave sweeping occasions, a TCMP has been proposed by the Traffic Consultant. An all-year-round-visit-by-appointment-and-management system will be implemented. All visitors must pre-book with the Applicant, and they are strongly advised and recommended to access the NTEH by taking the existing public mini-bus service. They will be reminded car parking is not available on site and in the vicinity. All appointments must be made at least 2 days in advance, and Koon Yam Tong opens only if there is confirmed visiting appointment, otherwise it remains closed with no staff on duty. Internet memorial service will also be provided by the Applicant for all niche owners as an alternative option to in-person visitation. For further details, please refer to the TIA and Management Plan in **Appendix IV** and **Appendix V** respectively.

Two rounds of pre-submission were submitted to the PlanD on 3.7.2025 and 15.10.2025 respectively, and majority Government departments had no major comment on/ objection to the case (see **Appendix III**). In order to further minimise the potential traffic impact and to avoid any potential unnecessary disturbance to the surrounding area as far as practicable, the Applicant has decided to largely reduce the total number of niches in Koon Yam Tong from originally 3,162 to 967. The opening hours of Koon Yam Tong will be from 9:00am to 4:00pm on Monday to Friday (excluding public holidays), and extended only from 7:00am to 5:00pm from Monday to Friday (excluding public holidays) within the Festival Periods.

According to the bounding conditions as stated in the Fire Safety Assessment (FSA) Report for the Applicant's Alternative Approach for fulfilment of the Building Department (BD)'s requirements, the maximum number of persons on each floor of the subject NTEH will have to be controlled not to exceed 10 persons (including minimum one staff). Considering the FSA Report and the average boarding percentage of the existing mini-bus service, it is proposed that number of visitors per (30-minute) session will be limited to 4 persons. This introduces additional or more stringent controls to further enhance fire safety and operational management.

In order to fulfill the bounding conditions as mentioned in the FSA Report, the final discharge of the required staircase on ground floor (G/F) will be modified. The existing door on G/F will be demolished and blocked by a wall. New wall opening and new step with metal balustrade will be provided such that there will be no door at the exit point to facilitate the evacuation process. The management office on G/F will be converted into the fire service (F.S.) pump room. The administrative office of Koon Yam Tong will change to the Applicant's another office in Yuen Long, i.e. G/F of No. 151 Ping Ha Road.

In order to further minimise disturbances to the surrounding area, the Applicant proposes to reduce the lighting inside the building, and to provide one-way window glass film on each window. Besides, the Applicant is planned to dismantle the existing toilet facilities within the NTEH and a portable toilet will be provided within the site. The toilet rooms will be converted into store rooms in future. Floor plans, elevation plans and section plan of Koon Yam Tong are shown in **Plan E – Plan J**.

The above improvement measures as proposed under this s.12A application have been incorporated in the latest Management Plan (see **Appendix V**). As explained in the Authorised Person's Undertaking Letter recently submitted to BD (see **Attachment 1** of **Annex II** of **Appendix III**), the latest Management Plan has been prepared with full reference to the FSA Report. The recommendations and fire safety strategies outlined in the report form the basis of the operational and safety measures proposed in the Management Plan. The Management Plan incorporates a number of operational controls that align with the FSA Report. These measures – including adjustments to occupancy limits, visitor access protocols and transport arrangements – were primarily formulated in response to traffic-related considerations identified in the TIA, but they are contribute positively to fire safety and overall operational management. All other core recommendations from the FSA Report have been fully adopted.

The FSA Report provides a comprehensive and sufficient foundation for the fire safety provisions, and the changes in the updated Management Plan are minor but for enhancement purpose. By all means, the safety level as worked out in the FSA Report would not be lowered due to the changes, and the operator remains

committed to implementing the measures in full accordance with the report's guidance.

(b) Development Schedule

Development schedule for the present application is shown in **Table 4.1**. The subject development is low-rise in nature with a total GFA of not exceeding 195.12m². It is compatible with the surrounding rural character.

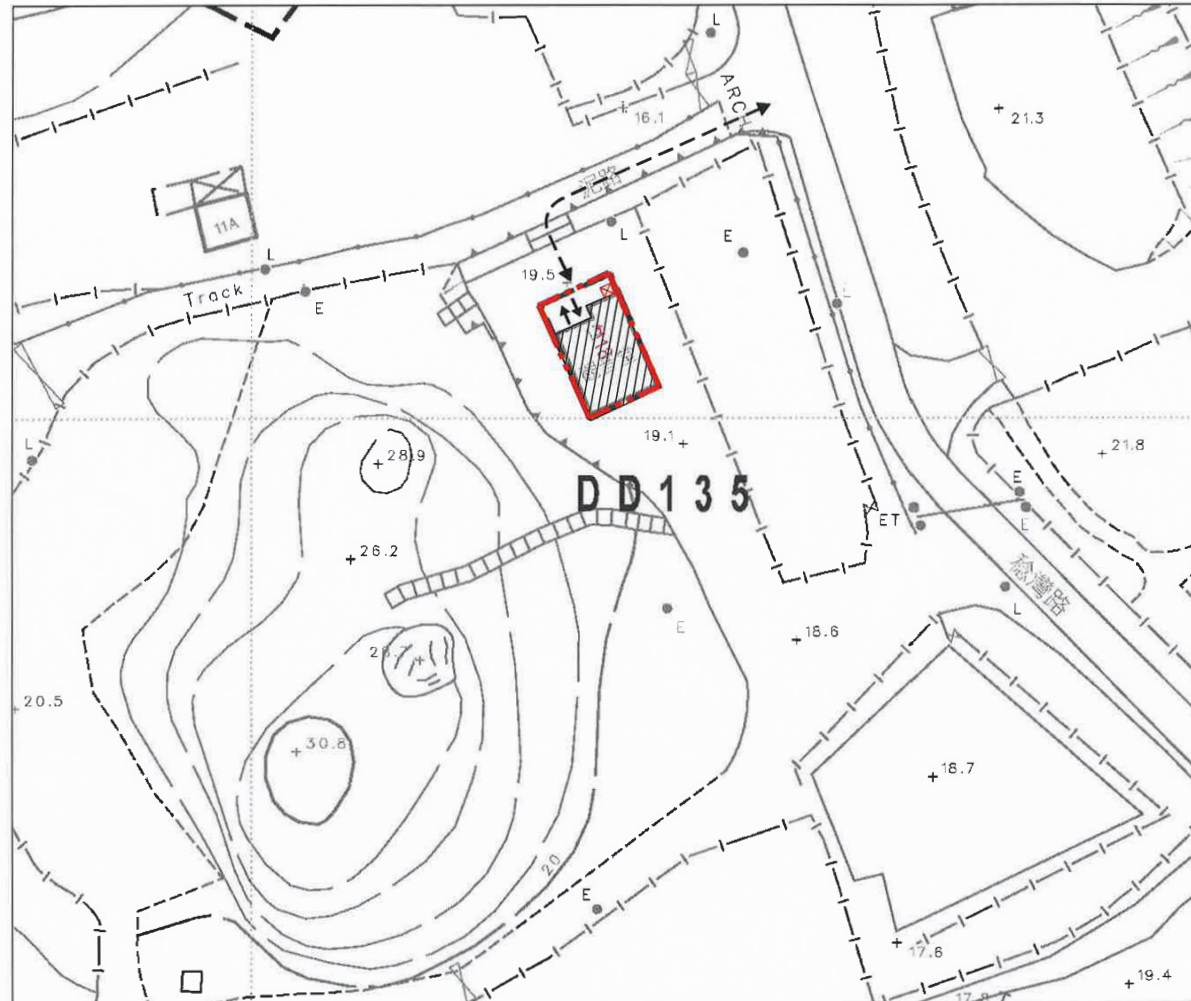
As stated above, the total number of niches in Koon Yam Tong will be reduced from originally 3,162 to 967. New arrangement on distribution of niches for Koon Yam Tong is shown in **Table 4.2**. In regards to the 2,195 niches that are no longer under this s.12A application and the PCL application, the Applicant will further discuss with relevant Government departments under the PCL application on the way forward to permanently sealed off the niches in future.

Table 4.1: Development Schedule for the Present Application

	Application Site		
Site Area (m ²)	About 92.9m ²		
Plot Ratio	2.1 (approximate)		
Proposed GFA (m ²)	Not exceeding 195.12m ²		
	<i>Floor</i>	<i>Facilities</i>	<i>GFA</i>
	G/F	Columbarium	50.75m ²
		F.S. Pump Room	6.97m ²
		Store Room	2.92m ²
		Access	4.40m ²
	1/F	Columbarium	58.98m ²
		Access	6.06m ²
	2/F	Columbarium	58.98m ²
		Access	6.06m ²
Site Coverage	70% (approximate)		
No. of Block(s)	1		
Max. Building Height	Not more than 7.6m (3 storeys)		
No. of Niche(s)	967 niches		

Table 4.2: New Arrangement on Distribution of Niches in Koon Yam Tong

Category	Size	G/F	1/F	2/F	Total
Occupied niches	Single-urn	4	0	0	4
	Double-urn	0	0	0	0
Sold niches but not yet occupied	Single-urn	0	0	0	0
	Double-urn	0	0	0	0
Niches available for sale	Single-urn	329	277	245	851
	Double-urn	112	0	0	112
Total		445	277	245	967



← — → PEDESTRIAN ROUTE

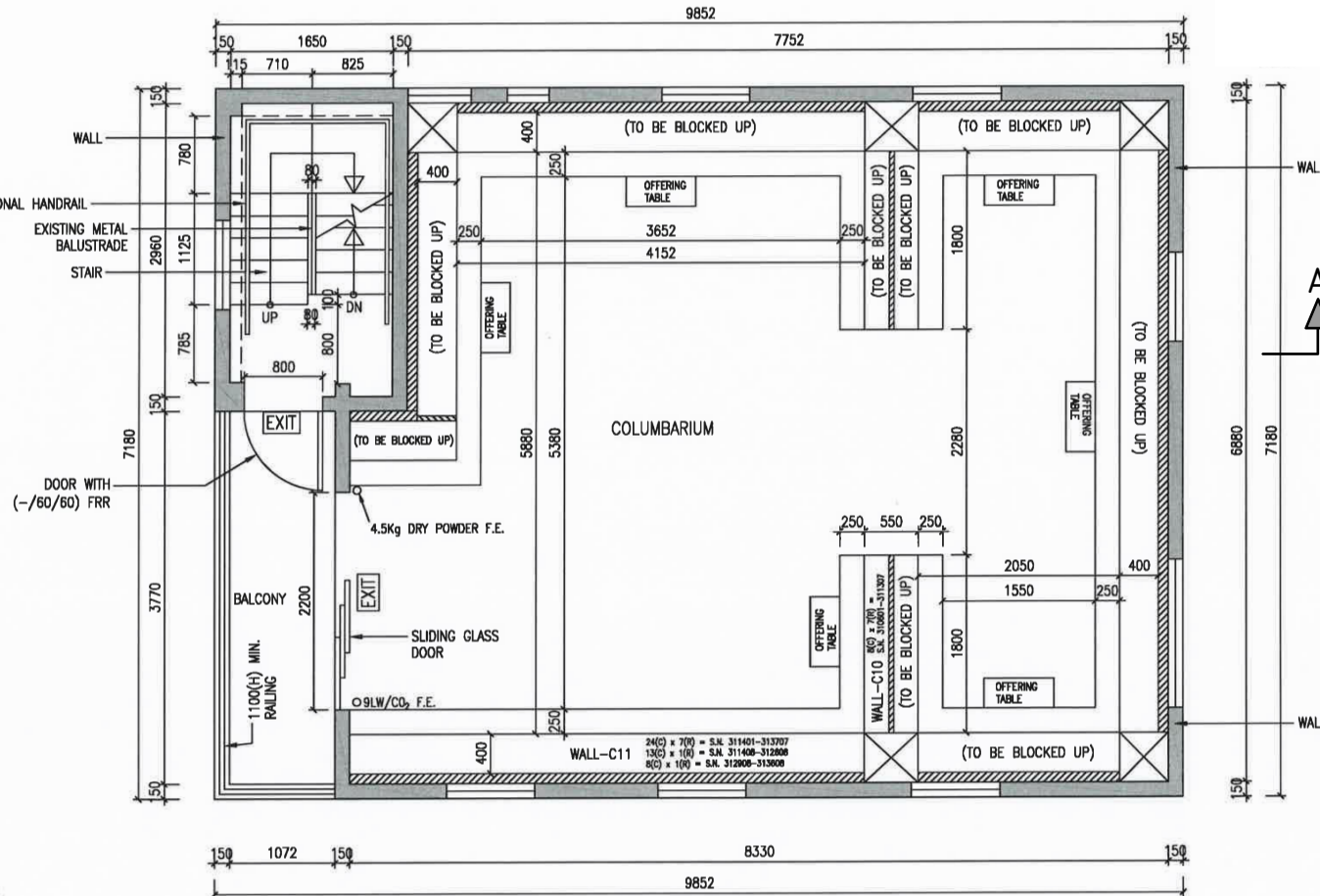
y) **Signature and Name of Authorized Person/Registered Structural Engineer** (Authorized Person / Registered Structural Engineer means a person registered under section 3 of the Building Ordinance (Cap. 123))

(Prepared on 17.12.2025)

The angle of Elevation
(See Plan I)



The angle of Elevation
(See Plan H)



Cut Section
(See Plan J)



LEGEND:
(C) - COLUMN
(R) - ROW
S.N. - SERIAL NUMBER

鄧家揚

LEE SIU MAN, ERVIN

17/12/2025 TANG FU SING

Date (dd/mm/yyyy) Name and Signature of Applicant (if the applicant is a natural person) / Authorized Person/Authorized Partner

Proposed Floor Plan of 2/F (Plan No. 005)

Scale 1:50

17/12/2025

Date (dd/mm/yyyy) Signature and Name of Authorized Person/Registered Structural Engineer* (Authorized Person / Registered Structural Engineer means a person registered under section 3 of the Building Ordinance (Cap.123))

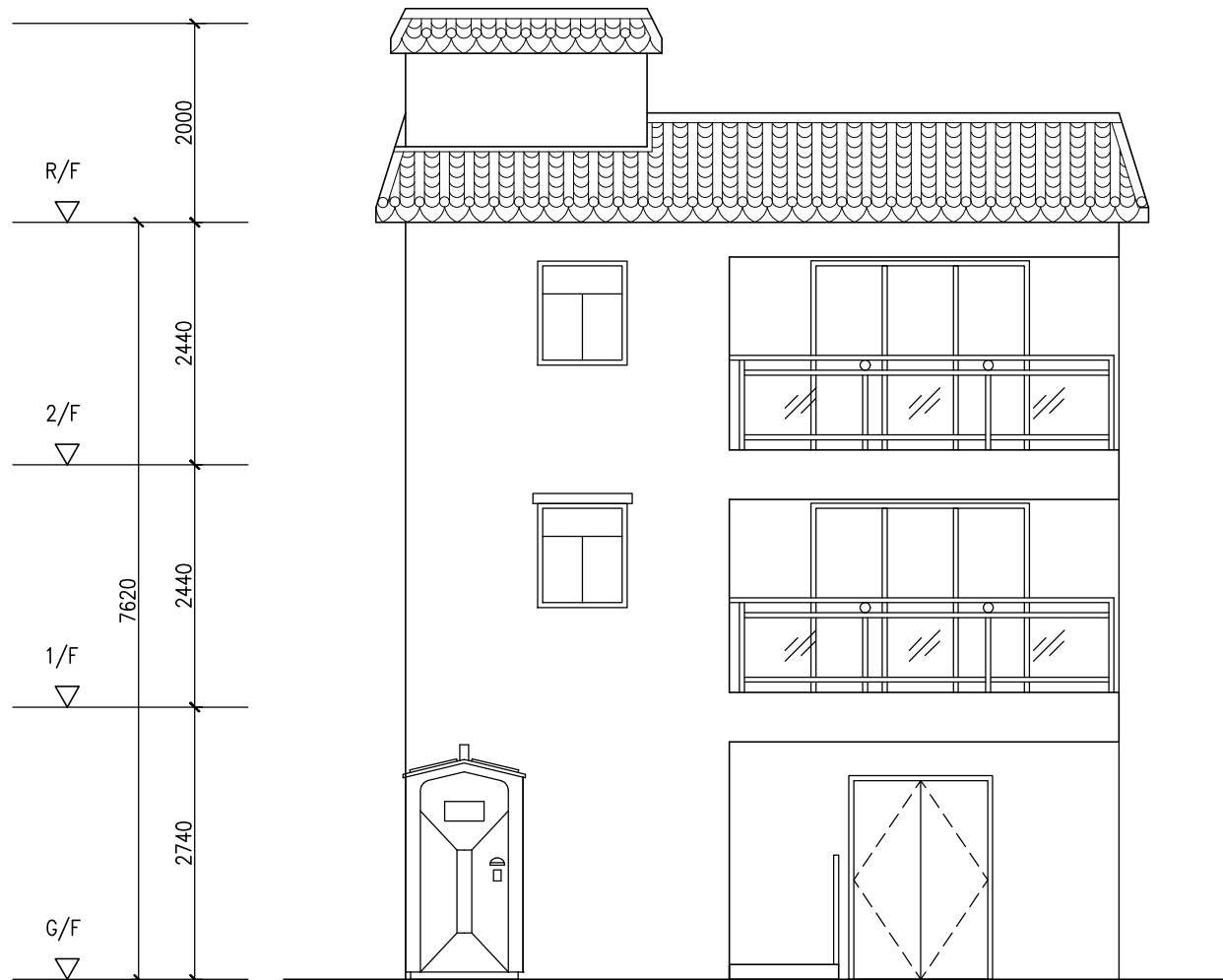
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(Extracted of PCL Application's Annex 13 Drawing - Proposed Layout Plan Submitted to the PCLB)

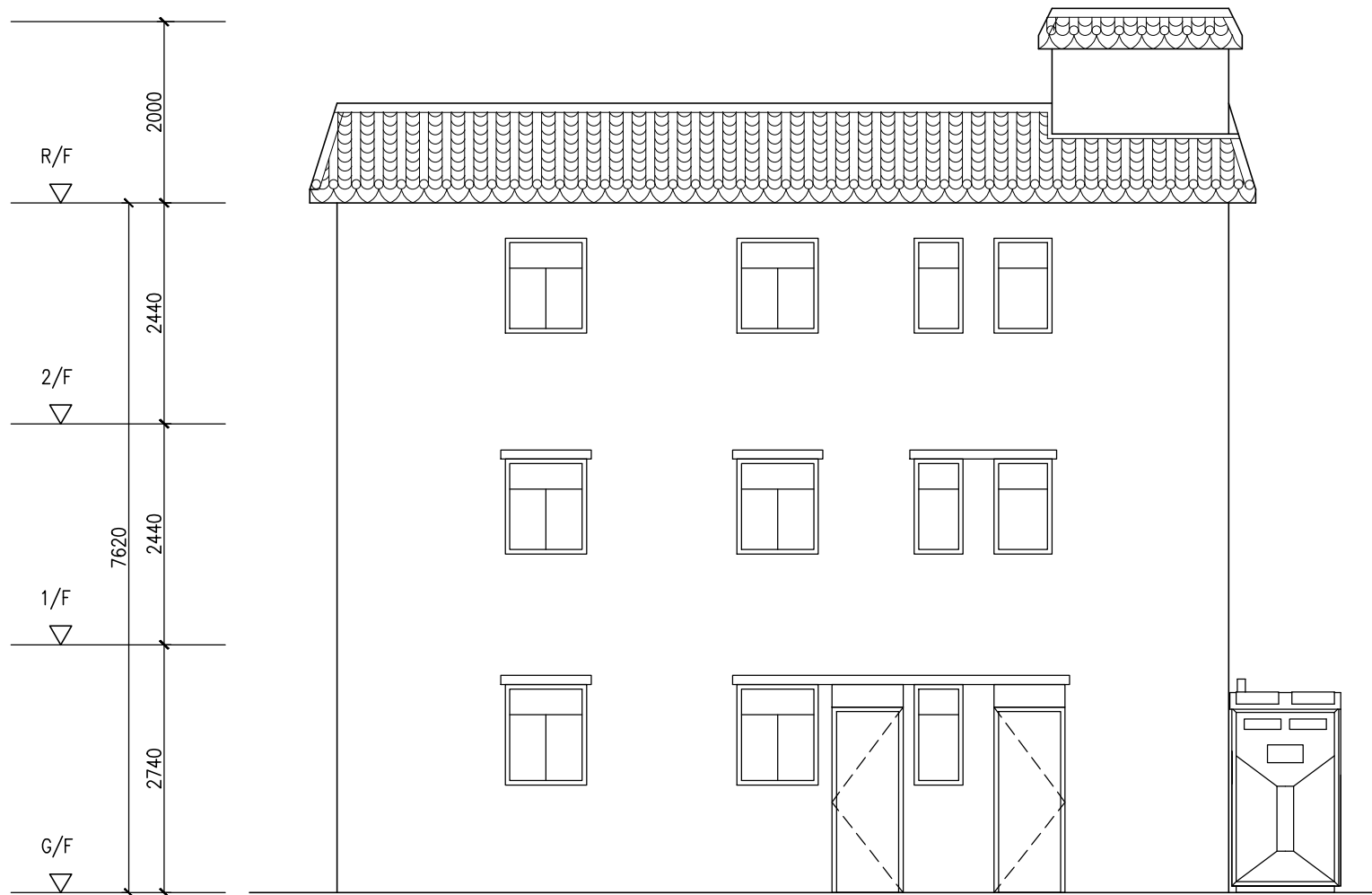
FOTTON ELA ARCHITECTS LTD.
李兆民建築師有限公司

Plan G: Floor Plan (2/F)

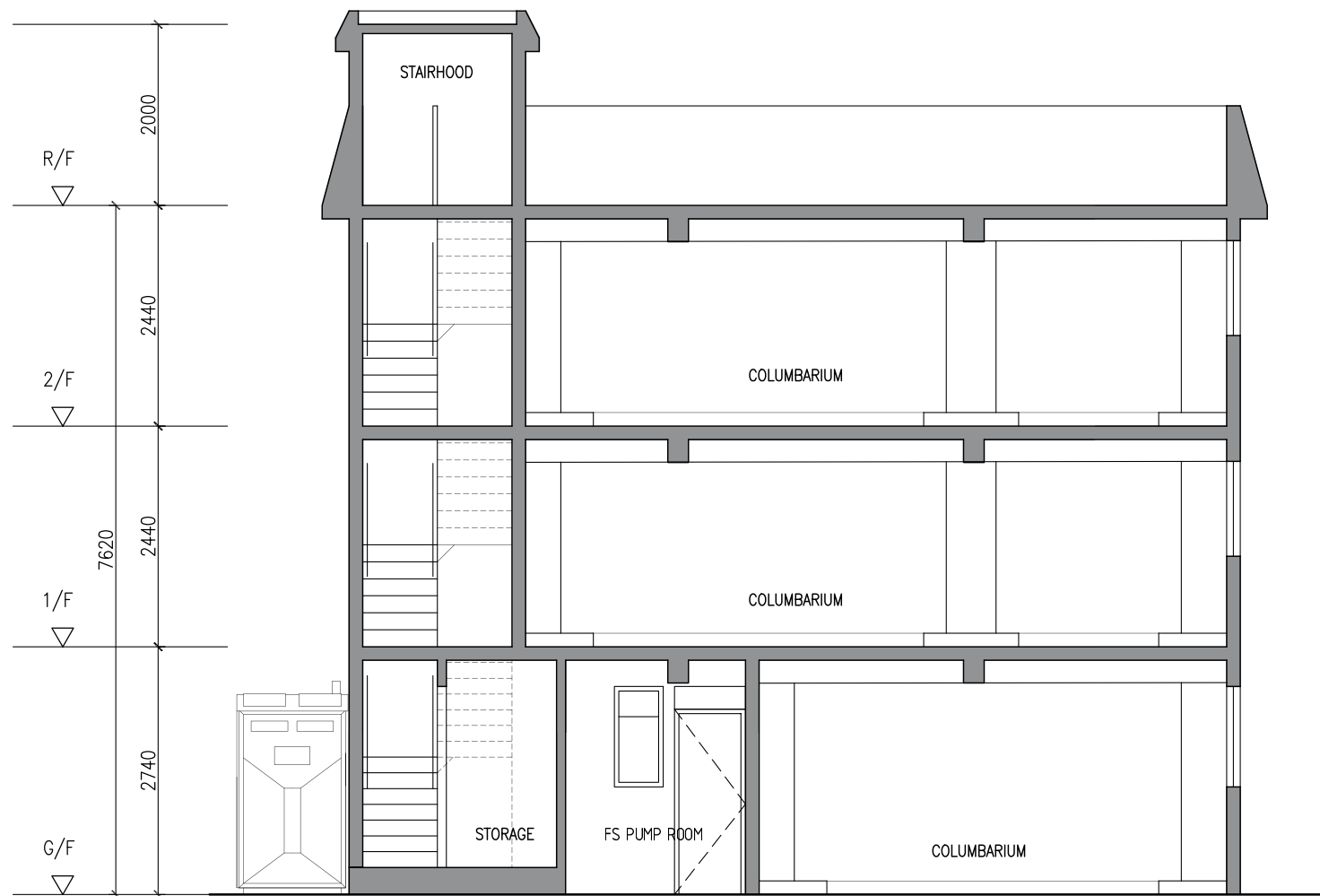
(Prepared on 17.12.2025)



Scale 1:75



Scale 1:75



4.2 Special Traffic and Pedestrian Arrangements

The application site is located off the western side of Nim Wan Road in Ha Pak Nai. It is a NTEH, and has no internal transport facilities. Nim Wan Road in vicinity of the site runs along the coastline from Ha Pak Nai to Sheung Pak Nai. It then continues northward as Deep Bay Road towards Lau Fau Shan, where it connects with Lau Fau Shan Road providing external regional access. Internal transport facilities are not provided at present within the application site, and cannot be provided in future.

GMB No. 33 is the only public transport service which operates along Nim Wan Road. In order to manage and minimise the potential traffic and pedestrian impact, special traffic and pedestrian arrangements are proposed by the Applicant. Details are described in paragraphs below.

(a) Opening Hours

During the Ching Ming and Chung Yeung Festival Periods, i.e. within 4 weeks before and 4 weeks after the Ching Ming Festival Period Day, and within 4 weeks before and 4 weeks after the Chung Yeung Festival Day, visitation to Koon Yam Tong is by appointment only and is from 7:00am to 5:00pm on weekdays, i.e. Monday to Friday, and closed on Saturdays, Sundays, and public holidays, including Ching Ming and Chung Yeung Festival Days.

Outside the Festival Periods, visitation to Koon Yam Tong is also by appointment only and is from 9:00am to 4:00pm on Mondays to Fridays; and, closed on Saturdays, Sundays, and public holidays.

(b) Visit-by-Appointment Arrangement

Visit-by-Appointment Arrangement will be implemented by the Applicant requiring all visitors to register at least 2 days prior to visiting Koon Yam Tong at all times. Hence, the number of grave sweepers can be regulated.

Registration will be available via internet, smart phone application, or by phone. Visitors are required to provide the Applicant with the expected number of visitors, the niche to be visited, and the intended visiting time and date. The registration will only be regarded as successful after the Applicant has confirmed the visiting details with the grave sweepers.

(c) Transport Arrangement

The Applicant will advise and encourage all visitors to access Koon Yam Tong by GMB No. 33. Visitors will also be reminded access by private car and taxi are discouraged, and car parking is not available in Koon Yam Tong.

(d) Notice on Visiting and Transport Arrangements

Under the condition of sale of niches, the Applicant will clearly state and emphasise the following:

- (i) Opening hours and closure period;
- (ii) Visit-by-Appointment Arrangement required;
- (iii) Encourage the use of GMB Service;
- (iv) Discourage access by private car and taxi;
- (v) No parking in Koon Yam Tong; and
- (vi) The Applicant reserves the right to adjust the closure period and other operational arrangement without prior notice.

Niches owners will be reminded prior to each Ching Ming and Chung Yeung Festival Periods of the above condition of sale.

(e) Visiting Capacity

Visiting capacity will be limited at 4 visitors per session, and the length of each session is 30 minutes, i.e. 8 visitors per hour.

According to the FSA Report prepared for Koon Yam Tong, the maximum occupancy on each floor is 10 people at any one time. Hence, limiting the visiting capacity at 4 visitors per session is considered necessary to ensure no more than 10 people would occupy Koon Yam Tong at any one time, say, during the time in-between 2 sessions, with a departing group of 4 visitors, and an arriving group of 4 visitors and 2 staff.

(f) Waiting Areas

In view that the number of visitors is limited to only 4 per session, a designated waiting area is not needed.

(g) Availability of Internet Memorial Service

Internet memorial service will be provided by the Applicant for all niche owners as an alternative to in-person visitation.

(h) Data Collection and Review of the Special Traffic and Pedestrian Arrangement

The Applicant will maintain records on visit-by-appointment, number of niches occupied, and observed operation condition etc., after obtaining the Town Planning Approval and the Columbarium Licence. This information can be used to review and evaluate the operation efficiency of the special traffic and pedestrian arrangement.

A revised TCMP can be submitted to the Transport Department and the Hong Kong Police Force for follow-up reviews, and if necessary makes amendments. The special traffic and pedestrian arrangements and visit-by-appointment arrangements will be detailed in the TCMP of the full Licence, and the implementation of these arrangements will be closely monitored by the PCLB to ensure compliance.

The above special traffic and pedestrian arrangements have been elaborated in detail in the TIA and Management Plan attached in **Appendix IV** and **Appendix V** respectively.

4.3 Environmental Proposal

Burning of joss stick, joss papers, incense and candles are prohibited within the site. Koon Yam Tong will not involve burning of joss paper and offerings within or outside the NTEH. The Applicant is committed to follow good operation practice and administrative measures recommended in Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places published by Environmental Protection Department (EPD), and also reminded to comply with the Air Pollution Control Ordinance (APCO).

To maintain a peaceful and tranquil environment, no funeral service would be allowed at the application site. The religious and worshipping activities would be properly monitored to ensure no nuisance would be caused by the noise generated from the site. Staff will be deployed to manage the site in a proper and tranquil manner. In addition, there will be no extensive fixed noise sources or any public address/loudspeaker to be operated associated with the proposal. The Applicant is reminded that the operation of the proposal, should it be approved by TPB, is controlled under Noise Control Ordinance (NCO), and the Applicant will design and operate the proposal in full compliance with the relevant requirements and recommendations under Hong Kong Planning Standards and Guidelines (HKPSG), Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) and NCO.

Although there are two existing toilet facilities served with a septic tank within the NTEH, the Applicant is planned to dismantle the toilet facilities and a portable toilet with a size of 400 litre sewage capacity will be provided within the site. Sewage and waste from the portable toilet shall be collected and disposed by licensed collectors. The location of the portable toilet is shown in **Plan E**. In addition, there will be no construction works to be conducted in future. Mitigation measures to ease the water quality impacts during construction phase are therefore not required. Nevertheless, the Applicant is reminded to comply with the Water Pollution Control Ordinance (WPCO).

In order to minimise the potential drainage impacts that may arise from the site during the operation phase, a Drainage Proposal has been prepared and attached in **Appendix VI**. It is recommended that the existing U-channel and the proposed U-channel and underground pipe have proven to provide capacity for the design peak flow. However, since the existing U-channel has not been properly maintained, improvement works will be carried out by the Applicant to allow it to restore its functionality to the design capacity.

4.4 Implementation Programme

This s.12A application is intended to facilitate the regularisation of a Pre-cut-off Columbarium under the name of Koon Yam Tong on the application site. In view of the validity period of TSOL for Koon Yam Tong will lapse on 10.11.2027, the Applicant will have to comply with the remaining licensing requirements, including but not limited to town planning, management plan, building safety on fire aspect and land lease, as soon as practicable in order to obtain the full Licence.

5. PLANNING JUSTIFICATIONS

The columbarium in Koon Yam Tong has been in operation within the NTEH at the application site for more than 15 years. For regularising a Pre-cut-off Columbarium, each planning application shall be assessed on individual merit based on the following criteria:

- (a) analysis on columbarium history, site background, and Government's intention;
- (b) assessments on site suitability and land use compatibility; and
- (c) technical and precedent concerns have been adequately addressed.

Planning and technical assessments have indicated that the proposed rezoning is well justified and complies with the above criteria for the reasons as presented in this section.

5.1 Long History of the Existing House and Establishment of Koon Yam Tong

Since the 1970s, the Government has been encouraging cremations instead of traditional burials. In accordance with an Executive Council decision, the Government has stopped processing applications for private cemeteries where permanent earth burials may be permitted since 1976. The number and percentage of cremations have risen substantially in the past 40 years. However, the progress in providing new public columbaria is mainly constrained by the limited land supply and most people's 'not in my back yard' attitude.

The NTEH on the application site was built in 1981 (see **Plan K**), and has not been demolished or re-built since then. In other words, it has been in existence at the site long before the gazettal of the first Sheung Pak Nai and Ha Pak Nai IDPA Plan on 14.9.1990. The NTEH was previously occupied by domestic use for several years. However, due to its isolated and inconvenient location, they moved out and the house left vacant for a long period of time. In view of the public demand for columbarium niche spaces in Hong Kong in the past 40 years, as well as the site suitability for columbarium use due to its secluded and tranquil location, the NTEH has been renovated and operated as a columbarium under the name of Koon Yam Tong since 2010.

5.2 Essential Planning Mechanism to Comply with the Private Columbaria Ordinance

This s.12A application for rezoning the application site from "CPA" to "G/IC" for columbarium use is fully in line with the Government's policy objectives to regularise the Pre-cut-off Columbarium in Koon Yam Tong for the following reasons:

(a) The Government's Intention to Resolve the Historic Problems

The Government has emphasised in many public occasions that they are prepared to adopt a pragmatic and sensitive approach to resolve the historic problem of these Pre-cut-off Columbaria so as to minimise any social disruption arising from people who have purchased these niches and massive displacement of interred ashes before the introduction of regulatory regime. In contemplating these policy initiatives, the Government would take into account the overall interests of the community so as to avoid affecting the descendants (see **Appendix I**).



(Aerial Photo No. 45792 Taken on 30.11.1982 by Lands Department)

Scale 1:1 500



Plan K: Aerial Photo in 1982

(Prepared on 20.6.2025)

On 30.6.2017, the PCO came into effect and the private columbarium in Hong Kong must be covered with a Licence, Exemption or TSOL. The policy objectives aim at stipulating proper regulation on private columbaria so that they could complement the public columbaria to meet the social needs for ancestral worshipping, to add supply and choice of niches and related services. As such, the Applicant had submitted the PCL application for Koon Yam Tong before the expiry date on 29.3.2018 to apply for a Licence (see **Annex I** of **Appendix II**).

(b) Essential Planning Mechanism to Comply with the Licensing Requirements

The Applicant had fulfilled a series of specified requirements and obtained the AIP TSOL on 11.11.2021, and further obtained a 3 years extension for the TSOL on 8.11.2024 (see **Annex II** and **Annex III** of **Appendix II**). During the 3 years validity period of TSOL, the Applicant has to satisfy, including but not limited to, town planning, land lease and building safety. To comply with the town planning requirements, the Applicant is required to submit s.12A application or section 16 application unless the columbarium is an “Existing Use” (in existence before the publication of the first Sheung Pak Nai and Ha Pak Nai IDPA Plan No. IDPA/YL-KTN/1 on 14.9.1990). Since the Pre-cut-off Columbarium in Koon Yam Tong has been in operation since 2010, the Applicant can only comply with the town planning requirement by way of planning application.

Since ‘Columbarium’ use does not fall under Column 1 or Column 2 of the current “CPA” zone, the Applicant herein submits a s.12A application to amend the zoning of the site to “G/IC” with ‘Columbarium’ use to be placed under Column 1 of the new zoning. This could streamline the development control process for Koon Yam Tong to comply with the town planning requirements for the PCL application. Thus, the proposed rezoning is an essential mechanism to facilitate regularisation of the columbarium ancillary to Koon Yam Tong. It is in line with the Government’s intention to take care of the sentiment of the descendants, in particular their wish not to upset the resting place of the deceased as far as practicable.

As of today, there are a number of Pre-cut-off Columbaria that have applied for Licence and still have not met the town planning requirements. Therefore, the Private Columbaria (Amendment) Ordinance 2025 was gazetted on 30.5.2025, and the Government introduced an additional option for the operators of Pre-cut-off Columbarium to submit a new Exemption application² to the PCLB. With such pragmatic and sympathetic approach, it enables the Pre-cut-off Columbaria to continue operating at their current scale, avoids social disruption from large-scale ash disposal. However, Koon Yam Tong is not eligible to submit this new Exemption application, as it cannot fulfill one of the conditions that no planning application in respect of the columbarium has been refused by the Board. Hence, the Applicant has no other alternative but to continue with the Licence application.

² Pre-cut-off Columbaria that may have successfully obtained an Exemption through the new application can retain niches they sold before the enactment of the PCO. Unlike that applicable to a Licence, an Exemption application is not required to fulfil the planning-related requirement, nor submit a management plan for prior approval by the PCLB.

5.3 Fully Conforming the Government's Intention

The TPB as a public body has a duty to act fairly and reasonably, while consistency and fairness are linked concerning Government's policy initiatives for Pre-cut-off Columbaria, which are highly relevant. As detailed in **Section 5.2(a)**, the Government introduced the PCO to establish a licensing regime in order to ensure private columbaria's compliance with statutory and Government requirements, enhance protection of consumer interests, and foster adoption of a sustainable mode of operation by the industry. The intention of this s.12A application has fully complied with the Government's policy objectives, such as:

(a) Policy Initiative to Safeguard Overall Interest of the Community

Burial arrangement is a necessary element to allow family, relatives and friends pay respect to their ancestors and loved ones, which is an important matter for both the departed and the living. The wish of deceased to have their cremated ashes to be properly placed should be respected. With the introduction of PCO, the Government have strong intention to resolve the historic problems of Pre-cut-off Columbaria under the sensitive approach towards the consumers who have purchased these niches, and the dedicated persons, to minimise their losses and any social disruption arising from massive displacement of interred ashes.

The subject columbarium exists before the pre-cut-off time and the present application is in line with the spirit of PCO to regulate the operation of private columbaria through a licensing scheme. The Applicant has a genuine intention to regularise the existing columbarium and the total number of 967 niches under this application is the same as the latest PCAO's record.

(b) Meeting the Strong Demand for Columbarium Niche Spaces in Hong Kong

According to the Census and Statistics Department, Hong Kong has an annual death rate of about 7.1% (see **Table 5.1**). The numbers indicate a relatively steady increase in annual demand for niche spaces. With a growing ageing population and other factors in Hong Kong, the number of deaths and cremations have been gradually rising annually, resulting in an increasing public demand for columbarium facilities. Thus, the demand for niche spaces will continue to increase.

Although columbaria are essential facilities for the community, it is not easy to develop given the small geographical size and the large population as well as strong local resistance against such facilities to be provided in their area. The subject columbarium with 967 niche spaces available for sale at this suitable location can facilitate in increasing the supply of columbarium niches to help meeting the urgent public demand.

Table 5.1: No. of Death and Death Rate in Hong Kong (2018 - 2023)

	2018	2019	2020	2021	2022	2023
No. of Death	47,477	48,704	50,650	51,536	61,556	56,774
Death Rate	6.4	6.5	6.8	7	8.4	7.5

(c) Meeting the Special New Demand for Internet Memorial Worshipping Service

Over the past 5 years, relevant sources from census and media reflect that there were over 300,000 Hong Kong people migrated to other countries such as England, Canada, Australia and Taiwan. Due to the strong influence by Chinese traditional culture, the elders with emigrant children would prefer to be buried in Hong Kong after death. Therefore, the internet memorial service provided by the Applicant is aimed at meeting special new demand for emigrants who can pay tribute and show condolence to their lost loved ones at any time, and from anywhere by way of website.

This s.12A application is in line with the policy objectives which aim at stipulating proper regulation on private columbaria so that they could complement the public columbaria to meet the social needs for ancestral worshipping, to add supply and choice of niches and related services.

5.4 Site Suitability for Columbarium Use

A planning assessment on the site suitability for columbarium use in Koon Yam Tong has been conducted and the findings are summarised as follows:

(a) Accessible Location

Although the application site is situated in a rural setting, it is well-connected by Nim Wan Road to the entire Pak Nai area. The site is located less 1 minute walking distance from the nearest minibuss stop. The green minibuss route (No. 33) running along Nim Wan Road connecting Ha Pak Nai and Yuen Long New Town area. Thus, visitors can easily reach Koon Yam Tong by public transport and then walk to the site via the existing footpaths in the area.

Moreover, Highways Department is now undertaking a study on the improvement of Nim Wan Road from an existing single lane carriageway with two-way traffic to a single two-lane carriageway to meet the latest traffic need and current design standards, including reducing sharp curves, improving driving sightline and traffic safety. With the completion of Nim Wan Road improvement proposal, the traffic situation in the area will be significantly improved in the future.

(b) Segregation from Domestic Uses

Koon Yam Tong is located at a secluded part of Ha Pak Nai area and is far away from populated residential settlements. The existing 3-storey NTEH within the application site is low-rise in nature and it is hardly able to see from outside due to its topography and visual barriers by mature trees, orchards and small knoll. Thus, no social interface problem is anticipated. The existing environment within Koon Yam Tong allows the visitors to commemorate their ancestors in a convenient and peaceful environment. Up to the present moment, the Applicant has demonstrated smooth operation of Koon Yam Tong without create any unnecessary nuisance to the surrounding areas.

(c) Land Use Compatibility

Land use character in the vicinity of the site is shown in **Plan L**. The proposed (existing) columbarium within the NTEH fully integrates with the surrounding areas which are predominately rural in character, predominantly covered with mature trees, orchards, small knoll, religious institution, temporary structures, vacant land, latrine and vehicular access roads (i.e. Nim wan Road and tracks). The current scheme is intended to regularise the existing operation of the columbarium at the site without changing the overall form of the existing building or proposing any new building. As regard the development intensity, a built-over area of about 65.04m² and a building height of not more than 7.6m (3 storeys) are considered compatible with the surrounding areas. Kwun Yam Tin Kau Temple is about 50m west of the application site.

(d) No Insurmountable Constraints

As detailed in **Section 5.7 - Section 5.9** and the technical assessments in the Appendices, the subject development is sustainable in visual, landscape, traffic, environmental and engineering terms. The subject development is small scale in nature and there would be no insurmountable problems caused by the development taken into account the improvement measures proposed in the technical assessments.

In view of the observations above, the application site is well suitable for columbarium use in terms of locational advantage, reasonable distance away from residential use, and good management in the past. With the proposed mitigation measures adopted, the potential impacts of the small scale development to the vicinity would be minimised.

5.5 No Ecological Impact or Adverse Impact on the Existing "CPA" Zone

The proposed "G/IC" zone will not result in adverse impact on the existing "CPA" zone at the application site and its surrounding areas based on the following reasons:

(a) Rationalisation of the Existing Land Use Pattern

The application site has been zoned "CPA" since the gazettal of the first Sheung Pak Nai and Ha Pak Nai OZP on 10.6.1994 and remains unchanged since then. Although the planning intention of the "CPA" zone is mainly to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development, it should be highlighted that the site has been hard paved and occupied by the subject NTEH since before the gazettal of the first Sheung Pak Nai and Ha Pak Nai IDPA Plan on 14.9.1990 (see **Plan M**). Since then, the NTEH on the site has not been demolished or re-built, and has been renovated for columbarium use in 2010. This s.12A application only aims to regularise the columbarium use at the NTEH without changing the overall form of the existing building or proposing any new building.



Plan L: Land Use Compatibility Plan

(Prepared on 20.6.2025)



(Aerial Photo No. A22716 Taken on 14.9.1990 by Lands Department)

Not to Scale



Plan M: Aerial Photo in 1990

(Prepared on 20.6.2025)

(b) Never functioned as Coastal Protection Area

When the statutory planning control of the Sheung Pak Nai and Ha Pak Nai area came into force on 14.9.1990, the TPB had taken a comprehensive approach to zone the entire area into "Unspecified Use". Subsequently on 10.6.1994, the entire area stretching westward from Nim Wan Road to the coast line had been rezoned to "CPA" in order to preserve the natural coastline with a minimum of built development, and to serve as natural protection areas which shelter the nearby development from the effects of coastal erosion. Since the subject NTEH, as well as the adjacent Kwun Yam Tin Kau Temple, is located western side of Nim Wan Road, it had been included in the larger "CPA" zone.

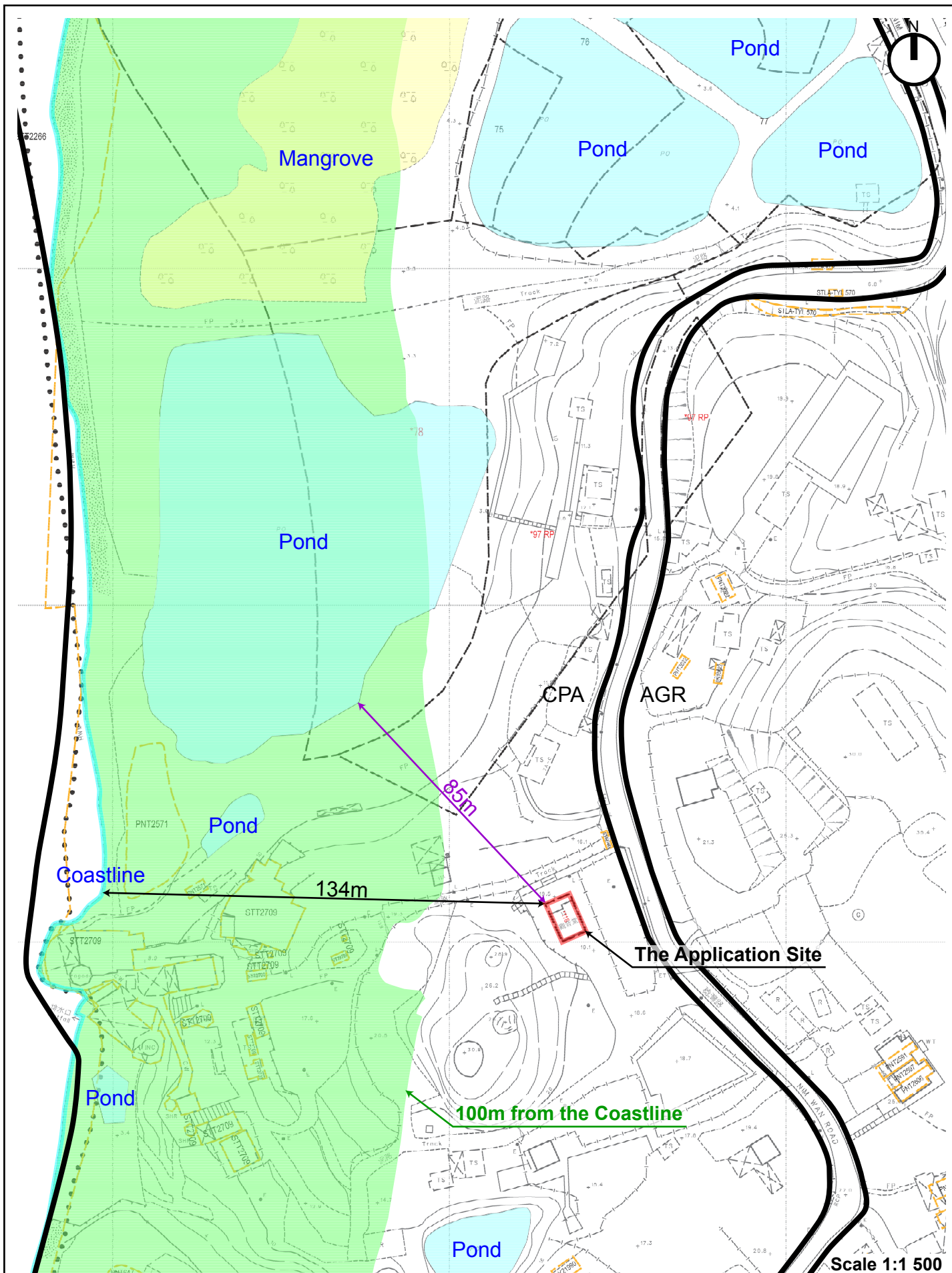
As stated above, the application site, being hard paved and occupied by a NTEH for a long period of time, has never been functioned as "CPA" since the gazettal of the first Sheung Pak Nai and Ha Pak Nai OZP in 1994. For example, the site is not located at the coastline or the sensitive coastal natural environment. It is surrounded by mature trees and located more than 100m from the coastline or at least 80m away from any potential ecological sensitive areas such as pond (see **Plan N**). The function of the site being serves as natural protection area sheltering nearby developments against the effects of coastal erosion is low.

Due to the long history of valid building entitlement at the application site, it is considered not appropriate, and the Applicant has no obligation, to demolish the existing NTEH. Instead of leaving the NTEH vacant, the regularisation of Pre-cut-off Columbarium with a stringent TCMP presents an opportunity to better utilise the site for more desirable use that are compatible with the surrounding areas and not subject to adverse traffic, environmental and ecological impacts. In fact, the site has a small area of about 90m², which represents less than 0.01% of the entire "CPA" zone (i.e. 789,635m²) on the Sheung Pak Nai and Ha Pak Nai OZP. Hence, the proposed (existing) use would not result in a significant loss of "CPA" land.

(c) No Adverse Impact on the Surrounding "CPA" Zone

Moreover, approval of this s.12A application will not result in any significant adverse impact on the surrounding "CPA" zone. In order to avoid any potential unnecessary disturbance to the adjacent area as far as practicable, an all-year-round-visit-by-appointment-and-management system will be implemented and all visitors must pre-book with the Applicant and they are required to go to/leave the NTEH by taking the existing public GMB service. The number of visitors per (30-minute) session will be limited to 4 persons only. Therefore, vehicular emission will not increase due to additional visitors.

Burning of joss stick, joss papers, incense and candles is strictly prohibited within the site. Koon Yam Tong will not involve burning of joss paper and offerings within or outside the NTEH. In addition to the proposed measures on reducing the light



Plan N: Sufficient Buffer Distance for Coastal Protection in the Area

(Prepared on 20.6.2025)

inside the building and providing one-way window glass film on each window to minimise disturbances to the surrounding area, the Applicant will restrict the visiting time to 9:00am to 4:00pm throughout the year, and to 7:00am to 5:00pm only for weeks before and after Ching Ming Festival and Chung Yeung Festival during the operation phase.

5.6 Significant Improvement of the Proposed Scheme over the Previous Scheme

The application site and its adjoining Government land is the subject of a previous s.12A application (No. Y/YL-PN/7) for rezoning from "CPA" to "G/IC" for regularisation of columbarium development with 1,000 niches. The previous application was rejected by the Board on 3.2.2017 mainly on the grounds in relation to no strong justification for columbarium to be located in "CPA" zone, technical concern (i.e. traffic, landscape and ecological aspects) and precedent effect arising from the development.

The consultant team has comprehensively studied the previous application and the Applicant has made utmost effort to address the above TPB's concerns. This s.12A application represents a significant improvement over the previous scheme for the following reasons:

(a) Strong Justification for the Proposed Rezoning

As detailed in **Section 5.2** and **Section 5.3**, the Applicant had submitted PCL application for Koon Yam Tong before the expiry date on 29.3.2018 to apply for a Licence. This is totally in line with the Government's intention to address the Pre-cut-off Columbarium under a pragmatic and sensitive approach so as to minimise any social disruption arising from people who have purchased these niches.

The previous application was considered by the Board before the introduction of the PCO on 30.6.2017. The importance of the Pre-cut-off Columbaria Policy was noted in the Gig Lok Monastery (GLM) Appeal Decision³. The Town Planning Appeal Board (TPAB) considered that the TPB as a public body has a duty to act fairly and reasonably, while consistency and fairness are linked concerning Government's policy initiatives for Pre-cut-off Columbaria, i.e.:-

- (i) Government's purpose was to take into account the "overall interests of the community"; to minimise losses and "any social disruption"; and "to avoid affecting the descendants in particular their wish not to disturb the interred ashes of the deceased as far as practicable".
- (ii) On how such aims would be achieved, this included reference to the fact

³ GLM, a Pre-cut-off Columbarium located in Tuen Mun, lodged a planning appeal No. 5 of 2021 against the TPB's decision. On 29.9.2023, the TPAB allowed GLM's appeal and granted them the planning approval.

that niches were purchased and ashes interred before members of the public knew that Government would introduce a regulatory regime in the PCO, which came into effect on 30.6.2017, and was not retrospective.

The TPAB also raised the point that Government's policy initiative and Press Release are highly relevant. As consistency is a cardinal principle of good administration, a pragmatic and sensitive approach (rather than strict, over legalistic, or literalistic) are appropriate.

Hence, the proposed rezoning is well justified to facilitate the regularisation of Pre-cut-off Columbarium at the site. As detailed in **Section 5.5**, the site being hard paved and occupied by a NTEH for a long period of time has never been functioned as "CPA" since the gazettal of the first Sheung Pak Nai and Ha Pak Nai OZP in 1994. It is surrounded by mature trees and located more than 100m from the coastline.

(b) Traffic Impact has been Addressed

Although the current ash interment capacity of Koon Yam Tong has been based on that as at the cut-off time, which is totally in line with the requirement of Pre-cut-off Columbarium under the PCO, the Applicant has decided to largely reduce the total number of niches from 3,162 to 967 in order to minimise the potential traffic impact. Moreover, a TIA with a workable traffic plan has been prepared and it indicates that the amount of traffic to be induced by the site would be small and the potential traffic impact to be induced by the columbarium would not pose adverse traffic impacts to the road network in the vicinity of the site. In addition, the TCMP has been incorporated to the Management Plan which will be enforced by the PCLB subsequent to the approval of the current s.12A application and the approval of the License. Any violation to the TCMP and the traffic/ pedestrian situations not being controlled as planned would result in the revoke of license from the PCLB. The proposed measures are thus considered enforceable and implementable.

(c) Landscape Impact has been Addressed

In comparison with the previous application which covers both the application site and its adjoining Government land, the site boundary under this s.12A application has been largely reduced. It only covers the subject lot which is mostly covered by the NTEH and there is no existing landscape resource within the application site. Thus, landscape impact arising from the subject use on the surrounding areas is not anticipated.

(d) Ecological Impact has been Addressed

As discussed in **Section 5.5**, significant improvements have been made as compared to the previous application to ensure the current scheme would not cause adverse ecological impacts and are summarised as follows:

- The site area has been largely reduced and only covers the existing NTEH;
- The site is located more than 100m away from the coastline or at least 80m away from any potential ecological sensitive areas such as pond, and with a buffer of mature trees. The function of the site being serves as natural protection area sheltering nearby developments against the effects of coastal erosion is low;
- Under the all-year-round-visit-by-appointment-and-management system, all visitors must pre-book with the Applicant and they are required to go to/leave the NTEH by taking the existing public GMB service, without proposing additional services. The number of visitors per (30-minute) session will be limited to 4 persons only. Therefore, vehicular emission will not increase due to additional visitors;
- Burning of joss stick, joss papers, incense and candles is strictly prohibited within the site. Koon Yam Tong will not involve burning of joss paper and offerings within or outside the NTEH; and
- The Applicant is planned to dismantle the existing toilet facilities and septic tank replacing them with a portable toilet with a size of 400 litre sewage capacity within the site. Sewage and waste from the portable toilet shall be collected and disposed regularly by licensed collectors, to reduce contamination of the surrounding environment; and
- In addition to the proposed measures on reducing the light inside the NTEH and providing one-way window glass film on each window to minimise disturbances to the surrounding area, the Applicant will restrict the visiting time to 9:00am to 4:00pm throughout the year, and to 7:00am to 5:00pm only for weeks before and after Ching Ming Festival and Chung Yeung Festival during the operation phase.

(e) No Precedent within the Subject "CPA" Zone

As discussed in **Section 5.10**, a comprehensive site study was conducted and no similar case (i.e. Pre-cut-off Columbarium) was found within the subject "CPA" zone. Thus, the risk of "creating a precedent" due to the approval of this application is highly unlikely.

In view of the above, the Applicant has addressed all the concerns raised by the Board for the previous application. It is hoped that the relevant Government departments and the Board will not judge this application based on the previous rejected case which is a totally different scheme in comparison with this application (see **Table 5.2**). Each application would be considered based on its individual merits.

Table 5.2: Current Scheme vs Previous Scheme (No. Y/YL-PN/7)

	Current Scheme	Previous Scheme
Site Area	92.9m ² (Not involving Government land)	1,352.8m ² (incl. 1,259.9m ² Government land)
Proposal	Only intended to regularise the Pre-cut-off Columbarium within the NTEH.	Regularise the existing columbarium within the NTEH and proposed car park and lay-by.
No. of Niche(s)	967 niches for on-site in-person grave sweeping, with alternative internet memorial service.	1,000 niches for on-site in-person grave sweeping.
Planning Parameters <ul style="list-style-type: none"> Proposed GFA (m²) No. of storey Max. Building Height 	195.12m ² 3 storeys 7.6m	195.12m ² 3 storeys 7.6m
Traffic Scheme	Visit-by-appointment system; Restricted to 80 visitors per day; Utilisation of the existing GMB service.	Proposed shuttle bus service; 16 car parking spaces; 15m long general layby.
Landscape Scheme	N/A (Site mostly covered by the NTEH)	2m wide planting zone along the eastern boundary.
Environmental Measures	No burning of joss papers; and Dismantle the existing toilet facilities and septic tank replacing them with a portable toilet.	No burning of joss papers; and Only staff will use the existing toilet in the office and visitors will use the portable toilet.
Ecological Measures	Reduce the light in the NTEH; and Provide one-way window glass film on each window	N/A

5.7 No Adverse Impact in Traffic

A Traffic Impact Assessment has been carried out as presented in **Appendix IV**. It has the following conclusions:

- (a) The application site, Koon Yam Tong, is located at No. 13 Nim Wan Road, Ha Pak Nai, Yuen Long, i.e. Lot No. 118 in D.D. 135, which is an existing NTEH being used as a columbarium. The Applicant proposes to provide no more than 967 niches. As of September 2025, it has 4 occupied niches.
- (b) Internal transport facilities are not provided at present within the application site, and cannot be provided in the future.
- (c) As traffic and pedestrian management measure, Koon Yam Tong will open by appointment only on weekday, and be closed on Saturdays, Sundays, and public holidays, including the Ching Ming and Chung Yeung Festival Days.
- (d) During the Ching Ming and Chung Yeung Festival Periods, visitation to Koon Yam Tong is by appointment and is from 0700 to 1700 hours on weekdays, i.e. Monday to Friday, and closed on Saturdays, Sundays, and public holidays, including Ching Ming and Chung Yeung Festival Days
- (d) Outside the Festival Period, visitation to Koon Yam Tong is also by appointment and is from 0900 to 1600 hours on Mondays to Fridays, and closed on Saturdays, Sundays, and public holidays.
- (e) Visit-by-Appointment arrangement will be implemented year-round with a visiting capacity of 4 persons per each 30-minute session, and all reservations must be made at least 2 days in advance. Hence, the number of visitor will be controlled.
- (f) Visitors are advised and encouraged to use public transport service, i.e. GMB No. 33, and reminded that access by private car and taxi are discouraged, and car parking is not available at Koon Yam Tong.
- (g) Internet memorial service will be provided by the Applicant for all niche owners as an alternative to in-person visitation.
- (h) Manual traffic counts were conducted at selected junction and road links on a weekday in April 2025, and the observed traffic flows are used as basis to estimate the 2033 traffic flows for analyses without and with the development.
- (i) Pedestrian flows were counted at the track between the application site and Nim Wan Road, and the observed pedestrian flows are used as basis to estimate the 2033 pedestrian flows for analyses without and with the development.

- (j) Occupied survey for public transport service, i.e. GMB No. 33, was conducted and has identified spare capacities.
- (k) Pedestrian generation of the development will be controlled by the Visit-by-Appointment Arrangement, with an hourly generation of 8 visitors per hour. Hence, the additional passenger demand on GMB No. 33 is 8 passengers per hour, and there will be no additional traffic generation.
- (l) In view completion year of the Upgrading of Deep Bay Road and Nim Wan Road are both uncertain as of September 2025, the 2033 junction and road link capacity analyses were performed for the scenarios without and with the planned upgrading work.
- (m) The year 2033 traffic and pedestrian analyses concluded that Koon Yam Tong will the proposed special traffic and pedestrian arrangements implemented, it will not result in traffic and pedestrian impact.
- (n) Existing GMB No. 33 has sufficient capacity to accommodate the additional passenger demand generated by the subject columbarium. Potentially, additional carrying capacity could be introduced.

In view of the above, the subject development is acceptable from traffic engineering aspect. Based on the TCMP as proposed in the TIA, the Management Plan has been updated and attached in **Appendix V**. This will ensure the future operation of Koon Yam Tong can be run in a safe, orderly and smooth fashion, and avoid any potential unnecessary disturbance to the surrounding area as far as practicable.

5.8 Minimum Environmental Impact

The proposed (existing) development will not result in any significant environmental impact (i.e. air quality, vehicular emission, noise, water quality, sewerage and drainage) based on the following considerations:

(a) Air Quality Aspect

Major source of air pollutants during the operation of a columbarium would be burning of ritual papers at the site. However, there will be no incineration process and no burning of joss stick, joss papers, incense, and candles at indoor or outdoor area of the subject development as administrative measure. The worship activities, if any, would be mainly carried out at indoor and staff will be deployed to manage the site in a proper and tranquil manner. Thus, the operation of Koon Yam Tong will not cause unacceptable air quality impact to the surrounding. Potential air sensitive receivers (ASRs), such as temporary (domestic) structures, are properly segregated by mature trees and access roads.

On the other hand, there is no major air and odour emission sources in the vicinity of the columbarium. The application site is situated at a relatively remote location mainly surrounded by mature trees, orchards and small knoll. Based on the site visit conducted in April 2025, no chimneys were identified within 500m from the site. Hence, visitors and staffs in the columbarium will not be subjected to adverse air quality impact from the surrounding.

(b) Vehicular Emission Aspect

Air pollutions related to vehicular emissions are resulted from the nearby traffic emissions and concentration levels of these pollutants are related to dispersion distance of the pollutants. The application site can only be allowed to be reached on foot from Nim Wan Road. Air quality impacts due to the traffic emissions from the surrounding road of the site may assess based on the criteria of HKPSG, which stated the minimum buffer distance requirement from different road types to different open space uses in Table 3.1 of Chapter 9 of the Guideline.

Table 5.3: Distance between the Site and the Roads in the Vicinity of the Site

Road/Street	Distance from the subject site	Road Type	Buffer distance from passive recreational uses stated in HKPSG for different road type	Compliance with the HKPSG
Nim Wan Road	~20m	Rural Road	Not specified in the HKPSG >5m following the Local Road	Yes
Rural track at the north of the site	~10m	Rural Road	Not specified in the HKPSG >5m following the Local Road	Yes

Table 5.3 shows the distance between the application site and the roads around the site. The distance between the subject rural track situated north of the site and Koon Yam Tong has a distance of about 10m, which meets HKPSG's

requirements. Moreover, based on the latest traffic arrangement, no internal transport facilities will be provided within the application site. Visitors are advised and encouraged to take the GMB from Yuen Long and drop off at the nearby GMB stop in Nim Wan Road, and then walk through a footpath to access the application site. Therefore, no significant vehicular emission impact will be imposed to the application site.

(c) Noise Aspect

There will be no extensive fixed noise sources or any public address/loudspeaker to be operated associated with the proposal. The Applicant is reminded that the operation of the proposal, should this s.12A application be approved by TPB, is controlled under NCO, and the Applicant will design and operate the proposal in full compliance with the relevant requirements and recommendations under HKPSG, ProPECC PN and NCO.

Since the columbarium is not designed for noise sensitive use, it is not considered as noise sensitive receiver, as such, the noise criteria specified in HKPSG is not applicable to the site. Also, due to the columbarium is not designed for conducting any funeral ceremony, and the general operation activities such as worships/ praying to be mainly carried out at the site is relatively quiet in nature, adverse noise impact due to operation of the columbarium on the surrounding areas is not expected. The worshipping activities would be properly monitored to ensure no nuisance would be caused by the noise generated from the site.

(d) Water Quality, Sewerage and Drainage Aspects

There will be no construction works to be conducted for the project. Thus, mitigation measures to ease the water quality impacts during construction phase are not required. During operation phase, sewage/wastewater generation from staff and visitor is the major source of water pollution. There is no catering service provided to the visitors or site staff.

Although there are two existing toilet facilities served with a septic tank within the NTEH, the Applicant is planned to dismantle the toilet facilities and a portable toilet will be provided within the site. In accordance with the results of TIA, a maximum 80 visitors and max. 2 staffs per day will visit the columbarium. With reference to the Environmental Impact Assessment (EIA) report of Sandy Ridge Cemetery, the estimated sewage flows during festive periods for the columbarium has been suitably adopted as presented in **Table 5.4**. A more conservative approach has been applied that 70% (instead of 50%) of the total number of visitors and visitor escort coordinators will be assumed to use toilet and contribute to sewage flow generation. The peak daily flow for the development is estimated to be 0.3056m³ per day. It is recommended a portable toilet with a size of 400 litre sewage capacity within the site to cater the need. Sewage and waste from the portable toilet shall be collected and disposed by licensed collectors. To

ensure no adverse odour impact arising from the portable toilet, the Applicant is committed to increase the frequency of collected the sewage and waste by the licensed collectors, and ensure proper maintenance of the portable toilet.

Table 5.4: Sewage Generation of Visitors during Festival Periods

Total No. of visitors	A	80 visitors/day	As advised by the Traffic Consultant
Total No. of staffs to be stationed on-site at all time during the opening hours	B	2 staffs/day	As advised by the Traffic Consultant
Unit flow rate (for staffs)	C	0.08m ³ /person/day	Refer to Commercial Employee of GESF ⁽¹⁾
Unit flow rate (for visitors and visitor escort coordinators)	D	0.0026m ³ /person/visit	200ml micturition ⁽²⁾ + 1L flushing ⁽³⁾ + 1.4L Handwashing ⁽⁴⁾
% of visitors will go to toilet	E	70%	Based on other Monastery Project ⁽⁵⁾
Total unit flow rate (visitors and visitor escort coordinators + staffs)	F	0.3056m ³ /day = 305.6 Litres/day	(A x E x D) + (B x C)

1. EPD publication Guidelines for Estimating Sewage Flows (GESF) for Sewage Infrastructure Planning Version 1.0, March 2005
2. Human's micturition is assumed to be 200mL in accordance with p. 3081 of "Magill's Medical Guide", 6th ed.
3. The volume of flushing system is advised by the supplier of chemical/container toilet
4. BEAM Plus New Buildings Version 1.2 in July 2012
5. Reference has been made to the sewage flow calculation from the Tai Po Tsz Shan Monastery project, in which 50% of the total number of visitors were assumed to contribute to sewage flow generation. Due to the relatively remote location of Koon Yam Tong site, a more conservative approach has been applied that we have assumed 70% of the total number of visitors will use toilet and contribute to sewage flow generation.

In order to minimise the potential drainage impacts that may arise from the site, a Drainage Proposal has been prepared and attached in **Appendix VI**. It has the following conclusions and recommendations:

- The existing U-channel and the proposed U-channel and underground pipe have proven to provide capacity for the design peak flow.
- However, since the existing U-channel has not been properly maintained, improvement works will be carried out by the Applicant to allow it to restore its functionality to the design capacity.
- Considering the very low peak flow rate contributed by the site's runoff, and that improvement works will be carried out to the existing U-channel near the site, a positive drainage impact is expected.
- Up to the present moment, Home Affairs Department, DLO and Drainage Services Department have indicated that they are not responsible for the maintenance of the existing drainage components. In the absence of any Government department assuming maintenance responsibility, it is proposed that restoration works be undertaken, with the assignment of future maintenance responsibilities to be clarified at a later stage.

(e) Waste Management Aspect

Since no construction work will be required for the project, it is anticipated that no construction waste will be generated. The only major type of waste that will be

generated from the operation of the site would be municipal solid waste (MSW). This will be collected and disposed of regularly by a licensed waste collector and disposed of at an appropriate waste disposal facility. Since no catering service will be provided, no significant amount of food waste will be generated during the operation phase. In addition, different types of waste will be reused and recycled by the Applicant as far as practicable before they are disposed. As such, no adverse waste management impact is anticipated and no special measures are likely to be required to manage MSW.

The Applicant will be reminded to comply with relevant environment protection and pollution control ordinances, including APCO, NCO and WPCO.

5.9 Minimum Visual and Landscape Impacts

The proposed (existing) development will not result in any significant visual and landscape impacts based on the following considerations:

- (a) The application site is topographically located in a secluded area of Ha Pak Nai in Yuen Long and is far away from populated residential settlements. The site and its surrounding area is rural in character intermixed with mature trees, orchards, small knoll, religious institution, temporary structures and access roads. With a small site size of 92.9m², it is mostly occupied by a 3-storey NTEH, which was built at the site in 1981. The existing building at the site is low-rise and small-scale in nature and it has been used for columbarium use for a long period time. The subject small NTEH, which is well segregated by mature trees and access roads, is hardly visible from outside.
- (b) This s.12A application is intended to comply with the requirements of PCO to regularise the columbarium use at an existing 3-storey NTEH at the application site. It does not involve any alterations and additions to the existing building and no new building has been proposed at the site. Taking into account the reasonable separation from nearby residential developments, the location of the application site, as well as the existing hill slope and landscape features surrounding the site, the proposed (existing) development is unlikely result in significant visual impacts on the surrounding area.
- (c) Based on the aerial photo of 2023 (see **Plan N** after Page 19), the application site is situated in an area of rural landscape character dominated by mature trees, temporary structures, vacant land and access roads. A local temple is also found to the further west of the site. Since the columbarium is located within the NTEH which was built in 1981, as well as there is no existing landscape resource within the application site, landscape impact arising from the subject use on the surrounding areas is not anticipated. The development is considered not incompatible with the surrounding environment.

5.10 Unlikely to Set an Undesirable Precedent

In view of its secluded location, small scale and new policy initiatives, the present application will unlikely become an undesirable precedent for similar application based on the following justifications:

(a) **The Subject Development is not an Undesirable Use**

The existing NTEH on the application site was built in 1981 and has not been demolished or re-built. It has been renovated and operated as a columbarium under the name of Koon Yam Tong since 2010. This application is to seek TPB's approval to rectify the existing columbarium use at the site, which is in line with the policy objective for regularising the private columbarium existed before the introduction of PCO. It involves the retention of existing building which is low-rise and low-density in nature.

The application site and the surrounding "CPA" zone are far away from residential uses, and are well segregated from them by mature trees, small knoll and access roads. Koon Yam Tong located in such isolated location is not incompatible with the surrounding land uses. It is relatively a clean facility and is not an undesirable use.

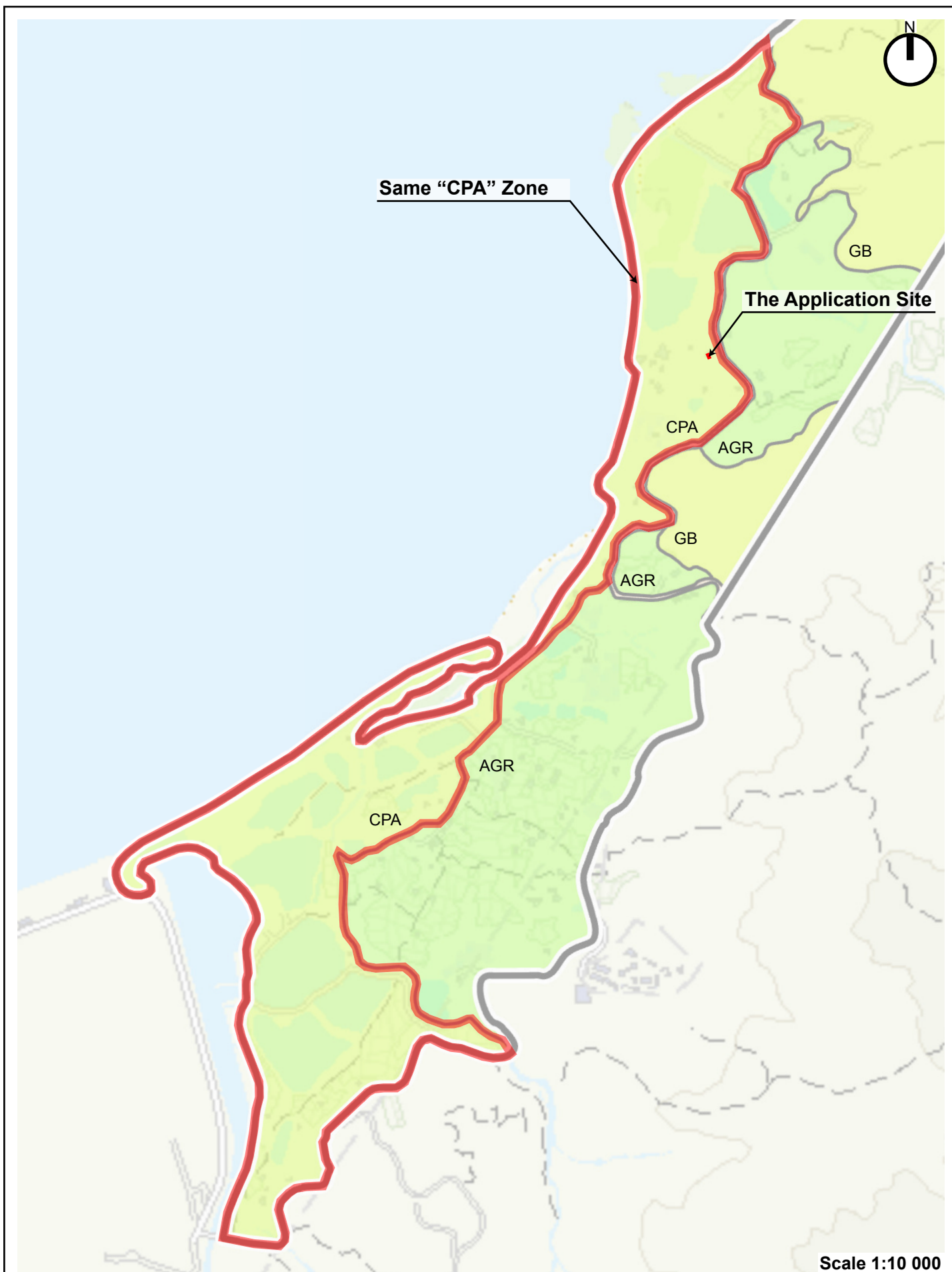
(b) **Special Type of Columbarium Application**

The columbarium in Koon Yam Tong can be defined as a Pre-cut-off Columbarium which refers to columbarium that was in operation, and in which ashes was interred in niches, immediately before 8 a.m. on 18 June 2014. In response to the latest requirement of PCO, the Applicant had submitted both applications for Columbarium Licence and TSOL for Pre-cut-off Columbarium in Koon Yam Tong to the PCLB before the expiry date of 29.3.2018. In order to facilitate the columbarium licensing application, the Applicant has to comply with all statutory requirements, including town planning, land lease and building safety. Thus, this s.12A application is submitted to regularise the existing columbarium and the nature of this application is totally different to those planning application for providing a new columbarium or increasing number of columbarium niches.

(c) **No Similar Case in the Same "CPA" zone**

Apart from Koon Yam Tong, it is noticed that there is no other Pre-cut-off Columbarium within the same "CPA" zone (see **Plan O**). Therefore, the risk of "creating a precedent" due the present application is not substantial.

Hence, approval of this application will not result in setting an undesirable precedent for similar applications. The Applicant trusts that the Board could consider each case on its individual merits to ensure no adverse impact will be resulted, similar to a s.16 application (No. A/YL-PN/84) for a proposed Thai Buddhist Monastery with ancillary facilities and filling of land within the same "CPA" zone that has been recently approved by the Board on 1.8.2025.



Plan O: Assessment on Similar Case

(Prepared on 20.6.2025)

6. CONCLUSION

On 30.6.2017, the PCO came into effect to resolve properly the historic problems which have accumulated over the years. In response to the requirements of PCO, the Applicant had submitted the PCL application for Koon Yam Tong to the PCLB on 6.3.2018. The Applicant had fulfilled a series of specified requirements and obtained the AIP TSOL on 11.11.2021, and further obtained a 3 years extension for the TSOL on 8.11.2024. During the validity period of TSOL until 10.11.2027, the Applicant has to satisfy a list of stringent statutory requirements, including town planning, land lease and building safety.

In order to fulfill the town planning requirement, this s.12A application is submitted to seek TPB's agreement to amend the zoning of the site covering Lot No. 118 in D.D. 135 from "CPA" to "G/IC" on the Approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9. The present scheme does not involve any change in the overall form of the existing building, and will not propose any new building. The proposed "G/IC" zone will facilitate the continual operation of the existing Pre-cut-off Columbarium with 967 niches in Koon Yam Tong.

Planning and technical assessments have indicated that the present application is well justified based on the following reasons:-

- (a) the NTEH has been in existence at the site since 1981, before the statutory town plan of the area came into force in 1990, and it has been renovated and operated as a columbarium since 2010;
- (b) this s.12A application is aimed at regularising the columbarium niches as at the cut-off-time (i.e. 8 a.m. on 18.6.2014), which is in line with the spirit of PCO to resolve the Pre-cut-off Columbarium under a pragmatic and sensitive approach;
- (c) it is also in line with the Government's intention to relieve part of the urgent demand for columbarium niche spaces in Hong Kong;
- (d) the internet memorial service provided by the Applicant can take of the filial descendants who emigrated overseas to pay respects to their ancestors;
- (e) the application site is suitable for columbarium use as it is located at a secluded and tranquil location, and is far away from residential development;
- (f) the columbarium is only confined within the NTEH which is small scale in nature, and is compatible with the surrounding rural character;
- (g) the total number of niches in Koon Yam Tong has been largely reduced from 3,162 niches, thus the expected visitor demand per year for Koon Yam Tong will be significantly reduced;
- (h) the application site, being hard paved and mostly occupied by a NTEH for a long period of time, has never functioned as Coastal Protection Area; it is surrounded by mature trees and located more than 100m from the coastline or at least 80m away from any potential ecological sensitive areas;
- (i) the small scale development will not result in any significant adverse impact on

- land use, traffic, visual, environmental, drainage, sewerage, landscape and ecological aspects of the locality;
- (j) the small scale development will not result in any significant adverse impact on land use, traffic, visual, environmental, drainage, sewerage, landscape and ecological aspects of the locality; and
 - (k) the proposed "G/IC" zone is tailor-made for Koon Yam Tong and it will not set a bad precedent for similar applications in the area in view of its secluded location, small scale, new measures and new policy initiatives.

In view of the small scale development and planning justifications presented in this Planning Statement, honourable members of the TPB are requested to agree with this s.12A application.

PART II- LIST OF APPENDICES

<i>Appendix I</i>	<i>Policy Initiatives for Pre-cut-off Columbaria</i>
<i>Appendix II</i>	<i>Supporting Documents submitted to the Private Columbaria Licensing Board</i>
<i>Appendix III</i>	<i>Departmental Comments Received during the Pre-submission Stage</i>
<i>Appendix IV</i>	<i>Traffic Impact Assessment</i>
<i>Appendix V</i>	<i>Management Plan</i>
<i>Appendix VI</i>	<i>Drainage Proposal</i>