

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/ST/60

- Applicant** : Sai Lam (Salvation) Foundation Limited represented by Toco Planning Consultants Limited
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38
- Site** : Lots 63 and 296 (Part) in D.D. 185, Sheung Wo Che, Sha Tin
- Site Area** : About 1,482m²
- Lease** : Lot 63 in D.D. 185
(a) Old scheduled building and agricultural lot
(b) About 160m² for ‘House’
(c) About 243m² for ‘Agricultural’
- Lot 296 (Part) in D.D.185
(a) Building and garden lot under New Grant No. ST 6292
(b) Subject to a height restriction of not more than two storeys
(c) Among other conditions, no building shall be used as a ‘Chai Tong’ and no grave or any human remains shall be deposited on the lot
- Zoning** : “Village Type Development” (“V”)
- Proposed Amendment** : To rezone the application site (the Site) from “V” to “Government, Institution or Community (1)” (“G/IC(1)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the Site from “V” to “G/IC(1)” to regularise the current religious institution and columbarium uses, under the name of Sai Lam Temple (SLT) (西林寺) (**Plan Z-1**). According to the Notes for the proposed “G/IC(1)” zone submitted by the applicant (**Appendix II**), the planning intention is primarily for religious institution and columbarium use. ‘Religious Institution’ is a Column 1 use that is always permitted, while ‘Columbarium’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board)¹. The

¹ While ‘Columbarium’ is listed as Column 2 use under the applicant’s proposed Notes for “G/IC(1)” zone, the applicant suggests the Board to further consider placing ‘Columbarium’ under Column 1 use to streamline the development control process of the Site in view of the recent precedent for similar rezoning applications for columbarium use.

proposed “G/IC(1)” zone is subject to the maximum building height (BH) of three storeys and the maximum number of niches for columbarium use of 10,960. Based on the individual merits of a development, minor relaxation of BH restriction and number of columbarium niches may be considered by the Board on application under s.16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The Site consists of Buildings A to E and other facilities functioning as columbarium, worshipping hall, ancestral tablet room, praying room, management office, shop and store room (**Drawings Z-1 and Z-3**). No new buildings or niches are proposed and all the existing facilities at the Site will remain unchanged.
- 1.3 Major development parameters of the Site provided by the applicant are as follows:

Major Development Parameters			
Site Area	About 1,482m ²		
Gross Floor Area (GFA)	Total GFA	About 1,068.761m ²	
	G/F	Building A Worshipping Hall	37.946m ² 37.946m ²
	G/F 1/F	Building B Storage Room and Ancestral Tablet Room Columbarium	81.85m ² 39.592m ² 42.258m ²
	G/F 1/F	Building C Columbarium Columbarium	62.732m ² 31.366m ² 31.366m ²
	G/F 1/F 2/F	Building D Columbarium Worshipping Hall Columbarium Worshipping Hall	350.614m ² 64.846m ² 15.842m ² 134.963m ² 134.963m ²
	G/F 1/F	Building E Management Office and Store Room Shop Columbarium Columbarium Praying Room and Storage Room	526.119m ² 124.678m ² 94.645m ² 55.239m ² 124.678m ² 126.879m ²
	-	Other Facilities Eco-Furnace 1 Eco-Furnace 2	9.5m ² 8m ² 1.5m ²
Plot Ratio (PR)	About 0.72		
Site Coverage (SC)	About 36%		
BH	About 7.4m to 11.963m		
	Building A	1 storey	7.4m
	Building B	2 storeys	8.5m
	Building C	2 storeys	7.69m
	Building D	3 storeys	11.963m
	Building E	2 storeys	10.635m

- 1.4 There are a total of 10,960 sold niches under the current application, including 8,905 single-urn niches and 2,055 double-urn niches. The breakdown of their sale and occupation conditions (as at 30.6.2017) as provided by the applicant is as follows:

Classification	Single-Urn Niches	Double-Urn Niches	Total
No. of Sold & Occupied Niches	2,500	1,118	3,618
No. of Sold but Not Yet Occupied Niches	6,405	937	7,342
Total No. of Sold Niches	8,905	2,055	10,960

- 1.5 The opening hours of SLT is from 9:00 a.m. to 6:00 p.m. daily and from 8:00 a.m. to 6:00 p.m. for peak grave sweeping days including two weekends before and after the Chung Yeung and Ching Ming Festival Days. SLT will be closed on Chung Yeung and Ching Ming Festival Days.
- 1.6 As the Site is not directly served by any vehicular access, visitors shall take public transport (e.g. MTR, franchised buses and green minibus buses) and then walk to the Site (**Drawing Z-6**). No car parking facilities and loading/unloading bays will be provided at the Site. Passengers can drop-off near Pai Tau Village or Grand Central Plaza, while public car parking spaces are available at the major developments in the town centre including Sha Tin Centre, Grand Central Plaza and New Town Plaza.
- 1.7 In order to minimise the impact on the pedestrian network nearby, the applicant proposes the following measures under the Traffic Impact Assessment and Management Plan (MP). With the implementation of the proposed MP, the key junctions would perform satisfactorily in the design year of 2030 and the proposed development will not pose adverse traffic impact to the road network in the vicinity of the Site. Major proposed measures are summarised as follows:
- member-only scheme to only allow prior-registered members to enter the Site during the festival periods. Visitors who fail to present membership cards will be denied entry to SLT during the periods;
 - visitor-by-appointment system on a 'first come, first served' basis to regulate the number of visitors entering the Site. Visitors without reservation in advance would be denied access to the Site;
 - admission control system by setting up holding areas near the entrance and making use of admission cards and tidal flow system to control the volume of visitors. Not more than 150 visitors are allowed to make appointment to access the columbarium buildings (i.e. Buildings B to E) for each 30-minute session. Besides, not more than 116 visitors will be allowed staying within the columbarium buildings at any time. Those visitors who are waiting for accessing the columbarium buildings can wait at the holding areas. The holding areas are spacious enough to hold about 228 visitors in total (**Drawing Z-5**);
 - staffing and directional signs serving visitors inside the columbarium buildings;
 - proposed pedestrian routing to divert visitors from public transport interchange without causing nuisance to the general public;

- (f) data collection and review of MP to be done for each festival period for elevating operation efficiency and effectiveness of crowd management; and
 - (g) the proposed assembly point under the Emergency Evacuation Plan will not encroach upon other private lots.
- 1.8 According to the Environmental Assessment (EA) submitted by the applicant, smokeless joss paper furnaces are proposed to reduce potential air quality impact; as no alteration and addition works to the existing building or new building is involved, the minor renovation works for the proposed development to cause significant construction noise is not anticipated; and water quality impact is not anticipated during construction or operational phases as there is no diversion, alteration or modification to the stream within the Site. According to the applicant's Sewerage Impact Assessment (SIA), consent is obtained from the owner of Lot 393 S.B RP in D.D. 185 (i.e. Sai Lam Temple Foundation Limited) to allow the staff members and visitors to use the permanent toilets located at Sam Yuen Kung (SYK) (三元宮) area which are connected to the municipal sewerage system. Portable chemical toilets will also be provided to alleviate the sewerage impacts during peak festival periods. All sewage generated by visitors and staff members will be discharged to public sewer. Meanwhile, sewage from portable chemical toilets and wastewater from the smokeless joss paper burner will be tankered away off-site by licensed collector regularly.
- 1.9 According to the applicant, adequate fire service installations have been installed in accordance with the requirements of Fire Services Department (FSD).
- 1.10 According to the Geotechnical Planning Review Report submitted by the applicant, there have been no landslide records within the Site or its adjacent area. For the three registered geotechnical features within the study area maintained by the lots owners without record of engineer inspection (**Drawing Z-7**), future studies will be conducted in implementation stage up to the current safety standard. Slope upgrading works will be carried out where necessary. All proposed works shall be submitted to the Buildings Department (BD) for approval. The applicant considers that no significant adverse geotechnical impact/insurmountable technical problem is anticipated.
- 1.11 Landscape mitigation measures will be adopted to minimise the potential visual impact to the locality. The applicant considers that the Site is topographically secluded and segregated by mature trees, access road, slope and elevated road, causing it not easily visible from the outside. Mature trees surrounding the Site will be retained to serve as visual screens while additional landscaping features will be introduced in SLT so as to enhance the visual quality of the Site and to screen off the buildings at the Site from the adjacent developments (**Drawings Z-8 and Z-9**).
- 1.12 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 23.12.2024 (**Appendix I**)
 - (b) Consolidated Planning Statement (CPS) received on 20.6.2025 (**Appendix Ia**)

(Planning Statement received on 23.12.2024 as well as Further Information (FI) received on 14.4.2025* and 26.5.2025* were superseded and are attached at **Appendices Ib, Ic and Id** respectively.)

**exempted from recounting requirement*

1.13 On 14.2.2025 and 23.5.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months each.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the CPS at **Appendix Ia**, as summarised below:

- (a) should SLT cease operation of the columbarium, it may trigger ash disposal action causing disturbance to the concerned ancestors and the interests of their families;
- (b) the current application intends to regularise the sold or occupied niches of the columbarium at the Site, which is in line with the government's policy objectives;
- (c) SLT is a long established religious institution which has been in existence since 1923 and providing columbarium service since 1936;
- (d) the proposed "G/IC(1)" zone reflects and preserves the existing religious use at the Site, which is compatible with the adjacent land uses in Pai Tau characterised by traditional religious and burial area providing temples and funeral-related facilities;
- (e) the Site is suitable for columbarium use as this low-density, low-rise development is located at a secluded location but in close proximity to public transport facilities. The Site is far away from residential developments and is surrounded by visual barriers such as mature trees, slopes and an elevated road. Portion of the pedestrian access to SLT would be shared by its visitors and other users, while some parts will be separated. Nuisance brought by shared access road and priority to access public roads should not be a reason for concern as the access is a public road;
- (f) the application will have no adverse impact on the "V" zone due to the existing religious background, sufficient land for Small House development and strong supports from adjoining villages;
- (g) SLT is a social service organisation involved in many charity works without government funding. The funding of SLT for maintaining the facilities and promoting social facilities mainly comes from the operation of SLT. The columbarium will also help solicit adequate funding for the preservation of SYK which was once a very popular attraction for visitors coming to Sha Tin;
- (h) the current proposal will induce benefits to the locality, such as regularising the existing columbarium use to minimise the loss of the niche purchasers, providing emotional and spiritual support, continuous maintenance and management to the SYK and providing opportunities to upgrade the local environment;
- (i) no adverse impacts in traffic, environmental, sewerage, geotechnical, visual and landscape aspects will be anticipated; and
- (j) the application will not set an undesirable precedent for similar applications within the village environment in view of sufficient control mechanisms on the columbarium development, strong religious and institutional use background of SLT, historical

character of the Site and the unique locational advantage. There is strong support from the locals and villagers for the rezoning application.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Owner's Consent/Notification' Requirements under Sections 12A and 16 (TPB PG-No. 31B) by obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

4.1 According to the applicant, the Site has been occupied by SLT since the 1920s and started providing columbarium services before 1936 and has been operated by the applicant since 2009. The Site was not covered by statutory plan until the gazettal of the first statutory plan covering Sha Tin area on 28.4.1961. It has been rezoned from partly “Green Belt” and partly “Residential” to wholly “V” since 1978. Since then, ‘Religious Institution’ use has been permitted as of right in the “V” zone until the gazettal of the draft Sha Tin OZP No. S/ST/19 on 16.1.2004. The Notes of the “V” zone were amended to put ‘Religious Institution (other than Ancestral Hall)’ under Column 2 use, which requires planning permission. As for ‘Columbarium’ use, it has neither been a use permitted as of right under Column 1 nor a use that may be permitted on application to the Board under the Notes of the “V” zone.

4.2 SLT had been a tourist spot in Sha Tin during the 1950s and the 1960s. In the 1970s, SLT was closed and the buildings were vacated. SLT had become dilapidated after years of abandonment until the applicant’s affiliated company, i.e. Sai Lam Temple Foundation Limited, acquired the Site in order to rehabilitate this religious institution. In 2009, the restoration works for SLT were completed.

5. **Previous Application**

The Site is part of the subject of a previous s.16 application (No. A/ST/656) for redevelopment of the existing religious institution (SLT) to erect three new two-storey buildings, which was rejected by the Committee on 12.10.2007 on the grounds that the redevelopment was excessive in terms of building intensity, scale and height; it was visually intrusive and out of keeping with the surrounding village type development; the proposed development would necessitate extensive tree felling and clearance of vegetation; and the existing landscape character of the area would be adversely affected. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan Z-1**.

6. **Similar Applications**

6.1 There are five similar s.12A applications (No. Y/ST/13, 24, 29, 35 and 39) located in the same “V” zone on the OZP for rezoning the sites from “V” to “G/IC” or “Religious Institution” (“RI”), which were partially agreed or rejected by the Committee between 2012 and 2018.

- 6.2 Application No. Y/ST/13 at Chi Ha Yuen (CHY) (紫霞園) was to rezone the site from “V” to “G/IC(1)” with ‘Columbarium’ as a Column 1 use to regularise the columbarium use therein. On 10.2.2012, the Committee decided to partially agree to the application by rezoning the concerned “V” site to “G/IC” with ‘Columbarium’ included as a Column 2 use mainly on the considerations that the subject columbarium was located away from the nearest village clusters and relevant government departments had no in-principle objection to the application subject to the submission of detailed technical assessments for the Board’s consideration at the s.16 application stage. The rezoning proposal was incorporated in the then approved Sha Tin OZP No. S/ST/28 gazetted on 2.7.2013.
- 6.3 Two applications (No. Y/ST/24 and 29) at Buddhist Wai Chuen Monastery (BWCM) (佛教慧泉寺) and an application (No. Y/ST/35) at Buddhist Tsing Lin Tsing She (BTLTS) (佛教淨蓮精舍) for rezoning the sites from “V” to “G/IC” to facilitate religious institution and columbarium uses were rejected by the Committee in 2013, 2015 and 2017 respectively. These applications were rejected mainly on the grounds that the applicant failed to demonstrate no adverse traffic impact on the surrounding areas; the approval of the rezoning application would set an undesirable precedent for other similar rezoning applications in the area; and the cumulative effect of approving such similar applications would lead to proliferation of columbarium use and a general degradation of the traffic conditions of the area.
- 6.4 Application No. Y/ST/39 to rezone the BTLTS from “V” to “RI” to facilitate its religious institution and columbarium uses on the site was rejected by the Committee in 2018 mainly due to similar considerations as mentioned in paragraph 6.3 above.
- 6.5 Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan Z-1**.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-5)

7.1 The Site is:

- (a) located within the ‘Village Environs’ (‘VE’) of four recognised villages, namely Pai Tau, Tin Liu, Sheung Wo Che and Ha Wo Che Villages, at the eastern foothill fringe of a village cluster intermixed with religious institutions/private columbaria;
- (b) currently occupied by a religious institution with columbarium known as SLT; and
- (c) accessible via an existing footpath leading from Sha Tin Rural Committee Road, Pai Tau Street and MTR Sha Tin Station with a total distance of more than 400m (**Plan Z-5**). There is no vehicular access to the Site.

7.2 The surrounding areas have the following characteristics:

- (a) there is a mix of religious institutions, columbaria and village houses/domestic structures in the area;

- (b) there are clusters of private columbaria, such as Po Fook Hill (寶福山) and Tao Fung Shan Christian Cemetery (道風山基督教墳場), in the vicinity of the Site falling within the same “V” zone or ‘VE’ of the recognised villages (**Plan Z-1**);
- (c) to the east is a “G/IC” site covering the Sin Tin Toa Home for the Aged (STTHA) (先天道安老院);
- (d) to the immediate south is a piece of vacant government land, which is the planned Village Expansion Area (VEA)² of Pai Tau and Sheung Wo Che Villages for about 41 village houses (**Plan Z-2a**); and
- (e) to the further south and southwest is a “Commercial” zone covering a commercial complex.

8. **Planning Intention**

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

9. **Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Shia Tin, Lands Department (LandsD):

- (a) the Site comprises two private lots, namely Lots 63 and 296 (Part) in D.D. 185;
- (b) Lot 63 is an old schedule lot and has a total site area of 0.1 acre (about 404.7m²) comprising 0.04 acre (about 161.9m²) for building use and 0.06 acre (about 242.8m²) for agricultural use subject to no offensive trade restriction under the Block Government Lease. Moreover, under the Block Government Lease, no building nor structure without the prior approval of the government shall be erected on Lot 63;

² The VEA Scheme was implemented in 1981, which aimed at providing for better planning of village developments. Under the VEA Scheme, the government would assemble land (including resuming private land), carry out site formation and other relevant public works, and then allow eligible villagers to apply for building small houses on relevant land.

- (c) according to his office's record, part of the Building E (H5) in Table 4.2 of the CPS has been erected on Lot 63 with the built-over area exceeding 0.04 acre for building use as aforesaid. Notwithstanding, his office has no record for the prior approval of this building erected on Lot 63;
- (d) Lot 296 was sold in 1933 as a building and garden lot under the New Grant No. ST 6292 subject to the conditions under Government Notification No. (GN) 570 of 1924 as amended by GN 470 of 1931 and has a total site area of 0.23 acre (about 930.8m²). Under the GNs, Lot 296 is subject to the following salient development conditions:
 - (i) a height restriction of not more than two storeys;
 - (ii) no building erected on this lot shall be used as a 'Chai Tong'; and
 - (iii) no grave or any human remains shall be deposited on this lot;
- (e) according to his office's record, the existing Building D (H4) exceeding the permitted BH restriction and all other buildings within Lot 296 are for columbarium use with niches of human remains;
- (f) in view of the above, the existing buildings within Lot 63 and Lot 296 (including the existing columbarium use) are in breach of the relevant lease conditions governing the lots. In particular, warning letter dated 31.3.2016 for the breach of conditions governing Lot 296 against the deposit of human remains was already registered in Land Registry on 27.6.2016;
- (g) lease modification and/or Short Term Waiver (STW), as appropriate are required to regularise the breaches as aforesaid. In particular, under the established policy and procedure for processing regularisation application for the Licensing Scheme under the Private Columbaria Ordinance (Cap. 630) (PCO), if the present s.12A planning application and the subsequent s.16 planning application for columbarium use are approved by the Board and the Private Columbaria Licensing Board (PCLB) of Food and Environmental Hygiene Department (FEHD) gives 'in-principle approval' to issue the relevant Specified Instruments under the PCO to the columbarium, the lot owner shall apply to his office for a lease modification and/or STW to regularise the breach of the relevant lease condition for the columbarium. However, there is no guarantee that the application for any lease modification and/or STW will be processed and approved. Such application, if received and processed by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD. LandsD reserves all rights to take lease enforcement action against the breach of the Government Lease. The applicant

should be reminded that the detailed parameters of buildings erected on the lots are required to be verified/certified by the relevant professional engaged by the applicant at the stage when land regularisation is being processed by LandsD; and

- (h) his detailed comments are at **Appendix IV**.

Licensing Requirement

9.1.2 Comments of the Director of Food and Environmental Hygiene (DFEH):

Provision and licensing requirement for private columbaria

- (a) under the PCO, only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Ordinance and other requirements prescribed in the PCO or specified by the PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. Section 18(2) of the PCO stipulates that the PCLB may grant a licence only if a management plan submitted by the applicant has been approved by the PCLB. The MP submitted to the PCLB should cover matters including the holding capacity for visitors and admission control, the traffic and public transport arrangement or management, crowd management, security management, manpower deployment on peak grave sweeping days or periods and other days or periods, a contingency plan in the event of fire or other emergency situations, etc. For cases in which planning permission has been given by the Board, the MP should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approved the planning application. In considering the MP submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including Transport Department, the Hong Kong Police Force, FSD and the Planning Department (PlanD). If a licence application is approved by the PCLB, the Private Columbaria Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved MP in coordination with other concerned departments;

Site specific comments

- (b) regarding the private columbarium named SLT at No. 198 Sheung Wo Che, Sha Tin, New Territories (D.D. 185 Lots 63 and 296(Part)), a set of the specified instrument (SI) application (viz. a licence and temporary suspension of liability (TSOL)) in respect of a pre-cut-off columbarium was received by PCLB and the applications are being processed by the PCAO. 'Approval-in-principle for TSOL Application' has been given to the subject columbarium with a validity period of 3 years from 17.8.2020 to 16.8.2023, and subsequently being renewed with a validity of 3 years from 17.8.2023 to 16.8.2026. Giving an 'Approval-in-principle for TSOL Application' does not mean that the application for a Licence

in respect of the columbarium concerned will be approved eventually; and

- (c) based on the proposed plans submitted by the applicant in support of its SI applications, it was preliminary noted that the total number of niches proposed for the SI applications apparently tally with that as shown in this planning application and all the niches covered by this application were sold before 30.6.2017. Having said that, PCAO is still in the course of detailed checking of the niche information to verify its accuracy. Chapter 18(B)(ii) of the 'Application Guide for Private Columbarium Licence and Other Specified Instruments' should be applied to this application upon acceptance of proposed plan and niche information by PCAO as well as verification by on-site inspection. Once the PCAO has completed vetting of the niche information and accepted such information as a basis for further processing of the licence application, the PCAO will notify the relevant departments of the verification result. In view of the toilet facilities are not the essential ancillary facility for this SI application, PCAO has no comments/objection for the arrangement of the toilet.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the planning application from traffic engineering point of view; and
- (b) as per advice from FEHD, it was preliminary noted that the total number of niches proposed for the SI applications apparently tally with that as shown in this planning application and all the niches covered by this application were sold before 30.6.2017. Also, the applicant will implement the MP (i.e. visit-by-appointment for 150 persons per 30 minutes) during the festival periods.

9.1.4 Comments of the Commissioner of Police (C of P):

- (a) no comment on the application from the perspective of crowd management and traffic matters; and
- (b) the Police has been mounting operations for crowd management and traffic control at Pai Tau Street, Sha Tin and its vicinity to facilitate the visit for grave sweepers to those columbaria nearby during the Ching Ming and Chung Yeung Festival periods for years. The operations are effective while additional police resources is not required at this stage.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from the environmental planning perspective; and

- (b) his detailed comments on EA and SIA are at **Appendix IV**.

Urban Design and Landscape

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

Urban Design and Visual

- (a) no comment on the application from the urban design and visual perspectives; and
- (b) the proposal is to regularise the existing religious institution with columbarium use at the Site. It does not involve any alterations and additions to the existing buildings and no new building has been proposed. Besides, natural green buffer is proposed near the Site entrance;

Landscape

- (c) based on the aerial photo of 2024, the Site is situated in an area of urban peripheral village landscape character comprises village houses, clusters of trees and to the immediate west of the STTHA in an area zoned “G/IC”. The Site is already in operation, the application aims to regularise the existing religious institution with columbarium use. In addition to the above, according to the CPS, the proposed development does not involve any alterations and additions to the existing buildings and no new building has been proposed. The proposed amendment is considered not entirely incompatible with the landscape character within and surrounding the Site;
- (d) according to the CPS, no existing tree is identified within the application site boundary. Furthermore, additional landscape treatments including 9 new trees within the Site are proposed to provide greenery near the site entrance to create a natural green buffer. Significant adverse impact on existing landscape resources arising from the proposed development is not anticipated; and
- (e) her detailed comments are at **Appendix IV**.

Building Matters

9.1.7 Comments of Chief Building Surveyor/New Territories East (1) and Licensing, BD (CBS/NTE(1)&L, BD):

- (a) no in-principle objection to the application; and
- (b) his detailed comments are at **Appendix IV**.

Project Interface

9.1.8 Comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

- (a) no comment on the application from project interface point of view; and
- (b) while the implementation of the VEA of Pai Tau and Sheung Wo Che Villages is still being prepared and studied, there is scope to provide separate pedestrian accesses to the VEA and the Site respectively, connecting the two areas to the existing footpaths at major public roads such as Sha Tin Rural Committee Road and Pai Tau Street.

Heritage

9.1.9 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office:

- (a) no adverse comment on the application; and
- (b) there is no declared monument, graded historic building nor new item pending for grading assessment by the Antiquities Advisory Board (AAB) within the Site. The Entrance Gate of SLT at No. 198 Sheung Wo Che, which partly falls within the Site, was confirmed with 'no grading' by the AAB on 4.12.2014.

Geotechnical Aspect

9.1.10 Comments of the Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD):

- (a) no geotechnical comment on the application; and
- (b) his detailed comments are at **Appendix IV**.

Fire Safety

9.1.11 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction at licensing stage; and
- (b) his detailed comments are at **Appendix IV**.

9.2 The following departments have no objection to / no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);

- (d) Director of Agriculture, Fisheries and Conservation;
- (e) District Officer (Sha Tin), Home Affairs Department; and
- (f) Director of Leisure and Cultural Services.

10. **Planning Considerations and Assessments**

The Proposal

- 10.1 The applicant proposes to rezone the Site from “V” to “G/IC(1)” to regularise the current religious institution with columbarium use with a total of 10,960 niches sold before 30.6.2017 at the Site. According to the Notes of the proposed “G/IC(1)” zone submitted by the applicant, ‘Religious Institution’ is a Column 1 use which is always permitted whereas ‘Columbarium’ is a Column 2 use requiring planning permission from the Board. The proposed “G/IC(1)” zone is subject to a maximum BH of three storeys and a maximum total number of niches of 10,960. Based on individual merits of the proposal, minor relaxation of the above parameters may be considered by the Board through s.16 application. While the applicant claims that SLT has been in operation since 1923 and has been providing columbarium service since 1936, the applicant cannot provide evidence to prove the columbarium use at the Site is an ‘existing use’ and thus submits the current rezoning application to comply with the planning requirement for the columbarium licensing application.

Land Use Compatibility

- 10.2 The Site is situated within the “V” zone predominantly occupied by village houses of recognised villages, namely Pai Tau and Sheung Wo Che Villages (**Plan Z-1**). There are clusters of religious institutions and private columbaria in the vicinity of the Site falling within the same “V” zone. While the Site is located at a foothill fringe position of these clusters and intermixed with village houses, it is accessible via a separate footpath branching off from vehicular accesses including Pai Tau Street and Sha Tin Rural Committee Road. The village houses uphill in Sheung Wo Che Village to the north of the Site can be accessed via separate routes (**Plan Z-5**). To the immediate south of the Site is the planned VEA of Pai Tau and Sheung Wo Che Villages (**Plan Z-2a**) for accommodating about 41 village houses. PM(N), CEDD advises that there is scope to provide separate pedestrian accesses to the planned VEA which would not need to be shared with the access to SLT. In view of the setting and the availability of a separate access to the Site, the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents at the location is expected to be limited and could be addressed by appropriate measures proposed under the applicant’s MP and conditions to be imposed under the licence to be granted under PCO in consultation with relevant government departments as appropriate.
- 10.3 The Site is enclosed by boundary walls, gates and mature vegetation. The proposed rezoning for the religious institution and columbarium uses is considered not entirely incompatible with the village setting of the area. In view of the proposed natural green buffer near the entrance, no new structures being proposed and the low-rise nature of the buildings at the Site, CTP/UD&L, PlanD has no comment from the landscape and visual perspectives.

Traffic Impact and Crowd Management

- 10.4 The Site is accessible via an existing footpath leading from Sha Tin Rural Committee Road, Pai Tau Street and MTR Sha Tin Station (**Plans Z-2a and Z-5**). According to the MP submitted by the applicant, all visitors are required to make appointment in advance through a ‘first come, first served’ basis, the holding capacity is restricted to 116 visitors staying in the columbarium buildings at any time, and SLT will be closed on Chung Yeung and Ching Ming Festival Days. C for T has no adverse comment on the submitted MP. DFEH also advises that should PCLB decide to approve the licence application, the approved MP (including the traffic and crowd management measures proposed by the applicant) will be included in the licensing conditions and the licensee will be required to implement the approved MP.
- 10.5 In addition, with the implementation of the proposed traffic and crowd management measures under the MP, adverse traffic impact caused by the columbarium under the current application is not anticipated. In this regard, C for T and C of P have no objection to and no comment on the application respectively.

Other Technical Aspects

- 10.6 Other government departments consulted including DEP, D of FS, CE/C, WSD, CE/MS, DSD, H(GEO), CEDD and CBS/NTE(1)&L, BD have no objection to / no comment on the application.

Proposed Schedule of Uses

- 10.7 As mentioned in paragraph 10.1 above, the applicant has proposed ‘Columbarium’ to be a Column 2 use requiring planning permission from the Board. It is noted that the subject 10,960 niches were all sold with no new columbarium niche being proposed under the current application. Minor relaxation of the number of niches, if any in the future, at the Site should be supported by technical assessments to be considered by the Board through s.16 application based on the individual merits of the proposal. In view that the applicant has submitted a detailed development proposal with supporting technical assessments, all the concerned government departments have no in-principle objection to or adverse comment on the proposed scheme and there will have control mechanism on the details and technical requirements of the proposed columbarium use under the licencing regime of PCO and lands administrative regime, should the Committee agree to the application, consideration could be given to streamlining the development control process by placing ‘Columbarium’ under Column 1 uses (i.e. uses always permitted) of a new “G/IC” sub-zone with stipulation of appropriate development restrictions (such as maximum BH and number of niches) at the OZP amendment stage. Concerned government departments will be further consulted on the above in the subsequent OZP amendment process, which will also be subject to public scrutiny.

Previous and Similar Applications

- 10.8 The Site is part of the subject of a previous s.16 application (No. A/ST/656) submitted by the same applicant for redevelopment of the existing religious institution, which did not involve columbarium use. It was rejected by the Committee in 2007 on the ground as detailed in paragraph 5 above, which is different from the current application.

- 10.9 There are five similar s.12A applications for rezoning the sites from “V” to “G/IC” or “RI” within the same “V” zone on the OZP. Among them, application No. Y/ST/13 at CHY for regularisation of the existing columbarium use was partially agreed by the Committee in 2012 mainly on the considerations as detailed in paragraph 6.2 above. The planning circumstances of such application are similar to that of the current application.
- 10.10 The other four similar applications (No. Y/ST/24 and 29 for BWCM, and Y/ST/35 and 39 for BTLTS) were all rejected by the Committee between 2013 and 2018 mainly on the considerations that the applicant failed to demonstrate no adverse traffic impact on the surrounding areas and the cumulative effect of approving such similar applications would lead to proliferation of a general degradation of the traffic conditions of the area. In view that no significant adverse traffic impact is anticipated under the current application and the concerned government departments have no objection to or no adverse comment on the rezoning proposal, the planning considerations of these four similar applications are not applicable to the current application.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above, PlanD has no in-principle objection to the application.
- 11.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the appropriate amendments to the OZP, including development restrictions to be set out in the Notes and the Explanatory Statement, for the consideration of the Committee prior to gazetting under Section 5 of the Ordinance upon reference back of the OZP.
- 11.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members’ reference:

The Site falls within an area zoned “V” with the planning intention primarily for development of Small Houses by indigenous villagers. There is no strong planning justification for rezoning the Site from “V” to “G/IC(1)” to make provision for columbarium use. The current “V” zone for the Site is considered appropriate.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide to partial agree/not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

13. **Attachments**

Appendix I	Application Form received on 23.12.2024
Appendix Ia	CPS with Technical Assessments received on 20.6.2025
Appendix Ib	Planning Statement received on 23.12.2024
Appendix Ic	FI received on 14.4.2025
Appendix Id	FI received on 26.5.2025
Appendix II	Proposed Schedule of Uses for “G/IC(1)” zone
Appendix III	Details of Previous and Similar Applications
Appendix IV	Detailed Departmental Comments
Drawing Z-1	Land Use Pattern of SLT
Drawing Z-2	Proposed Amendments to Sha Tin OZP
Drawing Z-3	Master Layout Plan
Drawing Z-4	Landscape Master Plan
Drawing Z-5	Proposed Holding Areas, Staffing and Directional Signs within the Site
Drawing Z-6	Proposed Pedestrian Route between the Site and Public Transport Interchange
Drawing Z-7	Registered Geotechnical Features Plan
Drawings Z-8 and Z-9	Photomontages
Drawing Z-10	Same Site Configuration in 1957 and 2024
Plan Z-1	Location Plan
Plans Z-2a and Z-2b	Site Plans
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4h	Site Photos
Plan Z-5	Pedestrian Access to the Site

**PLANNING DEPARTMENT
JULY 2025**