

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

APPLICATION NO. Y/TP/39

- Applicant** : Buddhist Cheung Ha Temple (BCHT) Limited represented by Toco Planning Consultants Limited
- Site** : Lots 1087 and 1130 in D.D. 6 and adjoining government land (GL), Kam Shan, Tai Po, New Territories
- Site Area** : About 1,052.4m² (including GL of about 662.2m² or 62.9% of the Site)
- Lease** : Lots 1087 and 1130 held under New Grant No. 4961 and TP5543 respectively as Building Lots subject to General Conditions of Sale and Special Condition No. 2(a) published in GN 570 of 1924 and are restricted to:
- (i) 2 storeys in height;
 - (ii) no grave nor human remains be interred in, or deposited on the Lots; and
 - (iii) not used as a “Chai Tong” or for any other purpose of a similar nature except with the written consent of the District Officer
- Plan** : Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/30 (at the time of submission)
- Draft Tai Po OZP No. S/TP/31 (currently in force)
- Zoning** : “Village Type Development” (“V”)
- Proposed Amendment** : To rezone the application site from “V” to “Government, Institution or Community (3)” (“G/IC(3)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” to “G/IC(3)”¹ to regularise the current religious institution and columbarium uses under the name of BCHT (佛教長霞淨院) (**Plan Z-1**). According to the Notes for the proposed “G/IC(3)” zone submitted by the applicant (**Appendix II**), the proposed “G/IC(3)” zone is intended primarily for the provision of religious institution and associated columbarium use serving the needs of the local residents as well as the general public.

¹ A site to the north of Shek Kwu Lung currently occupied by a religious and columbarium development under the name of “Ever Rest Temple” is already zoned “G/IC(3)” on the Draft Tai Po OZP No. S/TP/31. Should the current application be agreed by the Committee, another “G/IC” sub-zone would be designated for the Site

‘Religious Institution’ is a Column 1 use which is always permitted, and ‘Columbarium’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Development within this zone is subject to a maximum building height (BH) of 2 storeys and maximum number of niches not exceeding 11,726.

- 1.2 The Site is currently occupied by two existing 2-storey structures (i.e. Buildings A and B) sitting on a partially fenced platform which mainly falls within Lots 1087 and 1130. Some parts of the buildings, a courtyard and a staircase access connecting to Kam Shan Road within the Site fall within unleased GL (**Drawings Z-1 to Z-3**). The columbarium with a total of 11,726 niches is located on G/F and 1/F of both Buildings A and B whereas religious institution use co-exists on G/F and 1/F of Building A, and G/F of Building B (**Drawings Z-4 and Z-5**).
- 1.3 According to the master layout plan and floor plans submitted by the applicant (**Drawings Z-3 to Z-5**), major development parameters of the existing religious institution and columbarium development are as follows:

Proposed Zonings	“G/IC(3)” – Religious Institution and Columbarium Uses	
Site Area (about)	1,052.4m ² (including GL of about 662.2m ²)	
Gross Floor Area (GFA)	Not exceeding 969.1m ²	
	Building A	678.3m ²
	Building B	290.8m ²
Plot Ratio (PR)	approximately 0.92	
Site Coverage (SC)	approximately 55.2%	
No. of Blocks	2	
BH (No. of Storeys)	Building A	10m (2 storeys)
	Building B	8m (2 storeys)

- 1.4 The applicant states that there are a total of 11,726 niches provided in the columbarium with five different types (i.e. single-urn, double-urn, triple-urn, quadruple-urn and sextuple-urn), of which 5,508 niches (i.e. 47% of the total number) have already been sold before enactment of the Private Columbarium Ordinance (PCO) (i.e. 30.6.2017) and 6,218 niches (i.e. 53% of the total number) are available for sale within Buildings A and B. In addition, a total of 3,049 memorial tablets are provided at the first floor of Building A. A detailed account of the current status of the columbarium niches and memorial tablets is as follows:

Classification	Single-urn	Double-urn	Triple-urn	Quadruple-urn	Sextuple-urn	Total
Total No. of Niches	3,907	7,369	252	192	6	11,726
• <i>Building A</i>	2,671	5,360	45	155	0	8,231
• <i>Building B</i>	1,246	2,002	204	37	6	3,495
No. of Sold Niches	1,788	3,576	70	73	1	5,508
• <i>Occupied</i>	1,131	2,895	56	58	1	4,141
• <i>Not Yet Occupied</i>	657	681	14	15	0	1,367
No. of Niches Available for Sale	2,119	3,793	182	119	5	6,218
Total No. of Memorial Tablets						3,049
• <i>Sold</i>	N/A	N/A	N/A	N/A	N/A	2,044
• <i>Available for sale</i>						1,005

- 1.5 According to the applicant, the operation hour of the columbarium is between 9am to 5:30pm daily and 7am to 7pm during Ching Ming/Chung Yeung Festivals and their shadow weekends (i.e. Saturdays, Sundays and public holiday(s) within the one week immediate before and after the festival days and Yu Lan Festival). The applicant states that the Site is not served by vehicular access and no parking facilities will be provided within the Site. Visitors are encouraged to use public transport services to access the Site given that Tai Wo MTR Station is located within a 7 to 8-minute walking distance (**Drawing Z-8**).
- 1.6 The applicant has submitted a Traffic Impact Assessment (TIA) report and a management plan in support of the rezoning application (**Appendix Ia**). Crowd management measures including a ‘pre-booking system’ for the visitors during the festival periods restricting the visitor number to a maximum of 351 persons per hour (including visitors in waiting area). As part of the crowd management measures during festival periods, admission to the Site will be controlled by staff stationed at the designated entrance to only allow access for visitors with valid appointments (up to 30 minutes before their booked sessions). Temporary directional signage showing the designated ingress/egress routing and waiting area of about 98m² would be provided. The Site is currently accessible via existing public footpath/stairs accesses leading to Kam Shan Road (**Plans Z-2a, Z-4b and Z-4c**). Visitors will be directed to utilise the existing footpath/stairs on GL to the east of No. 57-58 Kam Shan Village connecting from Kam Shan Road, which forms part of the Site, to the main entrance of the columbarium buildings (i.e. Route A) while local villagers and the general public will not be restricted to use Route A during both the festival and non-festival periods. After arrival, the visitors will wait at the proposed waiting areas within the Site until the time of their booked sessions before entering the columbarium buildings (**Drawings Z-2, Z-8 to Z-10**). As advised by the applicant, there will be less incentives for visitors to utilise the footpath/stairs to the east of No. 69 Kam Shan Village (i.e. Route B), and to the east of No. 144 Kam Shan Village (i.e. Route C) due to slightly longer distances to the entrance of the columbarium; less direct access and installation of signages at the entrance of Route A (**Plan Z-2a**). Other measures during the festival periods also include checkpoint system by scanning QR code to

ensure the visitors to access via Route A; advance coordination with the Police; and provision of online memorial service to reduce the number of visitors to the Site.

- 1.7 The applicant states that there are existing toilet facilities inside Building A (**Drawing Z-4**), which are connected to existing public sewerage system. The applicant has submitted a Sewerage Impact Assessment (SIA) to demonstrate that the proposed religious institution and columbarium use at the Site would not induce adverse sewerage impact (**Appendix Ic**). Besides, no furnace facility will be provided, and no burning of joss paper and offerings is allowed within the Site under the existing house rules.
- 1.8 The applicant also proposes measures including reservation of 1,000 niches each for selling to residents in the Kam Shan area and the Tai Po District (i.e. a total of 2,000 niches); opening of the courtyard to the public for passive recreational use such as Tai Chi exercise during non-festival periods; and improvement to the landscape/visual quality to relieve the possible psychological impacts on the local villagers by planting 19 trees mainly along the northern and eastern sides of the platform (**Drawing Z-6**).
- 1.9 The site plan, master layout plan, landscape master plan, floor plans of Buildings A and B, public transport in the vicinity, designated ingress/egress route during festival periods, and proposed pedestrian access are shown on **Drawings Z-1 to Z-10**.
- 1.10 The Site is the subject of a previous application (No. Y/TP/29) which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 4.9.2020. Compared with the previous application, the site area and the total number of niches have been reduced by about 700m² and 1,700 (i.e. from 13,426 to 11,726) respectively; the proposed access arrangement has been revised; and improvement measures are proposed as mentioned in paragraph 1.8 above. Details of the previous application are set out in paragraph 5 below.
- 1.11 In support of the rezoning application, the applicant has submitted the following documents:
 - (a) Application Form with supplementary information received on 5.11.2024 (**Appendix I**)
 - (b) Planning Statement attached to the application form (**Appendix Ia**)
 - (c) Further Information (FI) received on 17.2.2025 and 20.2.2025[^] (**Appendix Ib**)
 - (d) FI received on 10.6.2025 and 11.6.2025[^] (**Appendix Ic**)
[^]accepted and exempted from recounting requirement
- 1.12 On 20.12.2024 and 11.4.2025, the Committee agreed to defer making a decision on the application for two months each at the request of the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and FI at **Appendices Ia to Ic**, as summarised below:

In line with the prevailing government's policy

- (i) the proposed zoning is in line with the prevailing government's policy to regularise pre-cut-off columbarium² and to provide more columbaria facilities to meet future demand for new columbarium niches;

Land use compatibility

- (ii) BCHT³ was established in 1928 and the columbarium use has been in existence since 1970s for the deceased Buddhist members and followers of the temple, as well as homeless people with financial difficulties. The temple has been selling columbarium niches to the public since 1987. Hence, the temple existed before the adjacent village houses no. 37 to 42 to the immediate east of the Site which were built in 1990s;
- (iii) columbarium is neither an offensive trade nor a sensitive community facility, but an essential facility for the community of similar nature and importance as other communal and institutional facilities;
- (iv) a historical survey plan shows that the main access (Route A) was the only access to BCHT which has been serving both BCHT and the village houses along the access more than half century (**Drawing Z-12**). At present, the village houses in Kam Shan are served by several pedestrian routes. A trial run of the management plan was conducted by the applicant during Ching Ming Festival in 2024 that 95% of visitors followed the access arrangement. The result demonstrates that BCHT will not cause any nuisance to the neighbourhood sharing the same access;

Technical aspects

- (v) the low-rise buildings at the Site are well separated from the adjacent village houses by existing slope, existing/proposed mature trees, and retaining wall with level difference. Visual assessment has demonstrated that the small scale development with appropriate additional landscape treatment and planting will not result in any visual impact on the adjacent development;
- (vi) traffic management measures are proposed to ensure BCHT can be run in a safe, orderly and smooth fashion during the festival period. Also, the subject columbarium will not result in any significant impact on environmental, drainage, sewerage, landscape and geotechnical aspects of the locality;

Not setting a precedent case

- (vii) BCHT is totally different from the another pre-cut-off columbarium (Cheung Ha Ching Shea⁴ (CHCS) (祥霞精舍)) within the same "V" zone in view of its long history, site character, traffic and landscape arrangement and strong local supports. Approval of the application will not set an undesirable precedent for CHCS. Nevertheless, the

² In operation immediately before the 'cut-off time', i.e. 8 a.m. on 18.6.2014.

³ According to the applicant, it is difficult to provide the historical evidence to prove whether the columbarium use at the Site is an "existing use". Thus, the applicant has decided to submit a planning application in order to comply with the planning requirement for the columbarium licensing application.

⁴ CHCS is a pre-cut-off columbarium without valid planning permission. Please refer to paragraphs 6.1 to 6.3 for the details.

applicant proposes to reduce the total number of niches by 1,700 niches (equivalent to the number of niches of CHCS) to relieve the concern on cumulative effect;

Social aspect

- (viii) support is received from local residents and organisations such as Tai Po Rural Committee, the Chairman of Village Committee for Kam Shan Village, Indigenous Representatives of Kam Shan Village and the villagers, in particular those live in the vicinity;
- (ix) a pragmatic and sensitive approach should be adopted to resolve the issue of pre-cut-off columbaria so as to minimise any social disruption and losses of the consumers. If the application is not agreed by the Board, the applicant would have to carry out the “prescribed ash disposal procedures” set out in PCO, including returning the ashes to the eligible claimants or displacement of interred ashes;

Similar applications

- (x) there are applications for pre-cut-off columbarium in Sha Tin approved by the Committee between 2012 and 2021 (i.e. Chi Ha Yuen (CHY) (紫霞園) (Y/ST/13), Ku Ngam Ching Yuen (KNCY) (古巖淨苑) (Y/ST/42) and Memorial Park Hong Kong (孝思園) (MPHK) (Y/ST/47)) with similar characteristics such as falling within “V” zone, long history of establishment, and relevant departments had no comment on the TIA and management plan (**Plans Z-7a to Z-7f**). The latter two columbaria are located very close to a cluster of village houses;
- (xi) BCHT has many similarities to the s.16 application (No. A/TM/530) for columbarium use in Gig Lok Monastery (GLM) (極樂寺) at Tuen Mun, which was rejected by the Committee and the Board on review, but allowed by the Town Planning Appeal Board (TPAB) on 29.9.2023 (Appeal No. 5 of 2021). TPAB’s considerations and decision should be relevant (details of the appeal case of GLM are set out in paragraphs 6.7 and 6.8 below); and

Ineligible to apply for exemption after the enactment of Private Columbarium (Amendment) Ordinance

- (xii) the Private Columbarium (Amendment) Ordinance was gazetted on 30.5.2025. One of the objectives is to introduce an additional option for the operators of pre-cut-off columbarium to submit a new exemption⁵ application to the Private Columbaria Licensing Board (PCLB) to allow the columbaria to continue operating at the current scale (i.e. the no. of niches sold before the enactment of PCO on 30.6.2017 and cease selling/letting out new or unoccupied niches). BCHT is not eligible⁶ to apply for

⁵ Under the Private Columbarium (Amendment) Ordinance, for a pre-cut-off private columbarium, the operator can apply for an exemption to continue its operation if it had commenced operation before the cut-off-time viz. 18.6.2014. Private columbarium applying for exemption is not required to comply with the planning-related requirements but still needs to meet land, building and other requirements. The validity period of an exemption must not exceed the remainder of the term of the lease/tenancy of the columbarium premises but it can be renewed upon application to PCLB.

⁶ To further minimise the impact of pre-cut-off columbaria on traffic and environment, etc. to their neighbourhood and demonstrate deference to town planning procedures as manifested by the Board’s decisions, a pre-cut-off columbarium will need to meet the following conditions in order to be eligible for the proposed option: (a) the applicant’s application for licence is still under processing; (b) the pre-cut-off columbarium under application is not located in any zone designated as “Residential (Group A)” on the OZP; and (c) no planning application in respect of the columbarium has been refused by the Board.

new exemption since it is subject to a previous planning application rejected by the Board. In this regard, the applicant has to continue the current application to comply with town planning and licence requirements.

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

The applicant is the sole “current land owner” of the private lots concerned. Detailed information would be deposited at the meeting for Members’ inspection. As for the GL portion of the Site, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/ Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable to this application.

4. Background

- 4.1 The Site falls within an area which was zoned “V” on the first statutory plan (i.e. draft OZP No. LTP/47) covering the Tai Po area gazetted on 12.12.1980. Since then, ‘Religious Institution’ use has been permitted as of right in “V” zone until the gazetting of the draft Tai Po OZP No. S/TP/18 on 30.7.2004. At that time, the Notes of the “V” zone were amended that ‘Religious Institution (other than Ancestral Hall)’ is a Column 2 use requiring 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 Column 2 of the Notes for “V” zone (**Plan Z-5**).
- 4.2 Regarding the applicant’s claim that the Site has been used for columbarium use long before the first statutory plan, there is no sufficient evidence provided by the applicant to support the claim. The historic survey sheet of 1970 provided by the applicant (**Drawing Z-12**) only shows two buildings on Lots 1087 and 1130 next to Shing Shing Tong (性成堂) and Yan Lo (隱廬) (i.e. roughly where Buildings A and B are located now), but without any indication of specified use(s).

5. Previous Application

- 5.1 The Site is the subject of a previous application No. Y/TP/29 submitted by the same applicant in 2019 for rezoning the Site from “V” to “G/IC(3)” for columbarium use which was rejected by the Committee on 4.9.2020 mainly on the grounds that the columbarium use was not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate north, east and west; setting of an undesirable precedent for other similar rezoning applications within “V” zone; and cumulative effect of approving such similar applications would result in further proliferation of columbarium use in the “V” zone.
- 5.2 Compared with the previous application No. Y/TP/29, the proposed site area, GFA and the number of the buildings for the columbarium use are reduced under the current rezoning application. As claimed by the applicant, 11,726 niches are proposed under the current application, which are less than the proposal of the previous application by 1,700 niches, to relieve the Board’s concern on cumulative effect from the nearby

columbarium (i.e. CHCS⁷). The current proposal also proposes to use Route A as the single access route instead of three accesses (i.e. Route A, B and C) as proposed in the previous application (**Plan Z-2a**) and reduces the pre-booking limit to 351 visitors per hour. A comparison of the major development parameters of the proposals between the previous and the current applications is appended below:

	Y/TP/29 (Previous Rejected Application)	Y/TP/39 (Current Application)	Changes
Proposed zoning	“G/IC(3)”	“G/IC(3)”	-
Site Area	1,768m ² (including 1,311.8m ² GL)	1,052.4m ² (including 662.2m ² GL)	-715.6m ² (-41%)
GFA*	971.7m ²	969.1m ²	-2.6m ² (-0.3%)
PR	0.55	0.72	+0.18 (+31%)
SC	25.8%	55.2%	+29.4% (+114%)
No. of Niches/Memorial Tablets	13,426 niches 3,049 memorial tablets	11,726 niches 3,049 memorial tablets	-1,700 (-13%)
No. of Blocks	3 (including 2 columbarium buildings and 1 ancillary office [#])	2 (columbarium buildings only)	-1 (33%)
No. of Storeys	2 (columbarium buildings) 3 (ancillary office)	2 (columbarium buildings)	-
Access Arrangement	3 pedestrian accesses (shared with local villagers)	1 pedestrian access (directed by staff of BCHT and shared with local villagers)	-2 (-67%)
Capacity of Visitors	636 visitors per hour (including a maximum of 212 visitors per 30-minute session and 212 visitors in the waiting area)	351 visitors per hour (including a maximum of 117 visitors per 30-minute session and 117 visitors in the waiting area)	-285 (-45%)

Note: * The change in GFA is due to exclusion of an ancillary office outside the site boundary of the current application and adjustment in GFA calculation of the columbarium structures.

The applicant clarifies that the original 3-storey ancillary office building to the west of the Site will be relocated to G/F of Building B under the current application. The said building will be used as living quarters for BCHT’s masters and staff in future.

5.3 The Site is also the subject of three previous applications No. Y/TP/16, Y/TP/34 and Y/TP/35 submitted by the same applicant for the same columbarium use, which were withdrawn by the applicant on 30.8.2011, 11.10.2021 and 6.3.2023 respectively.

5.4 Details of the previous application No. Y/TP/29 are summarised at **Appendix III** and the location is shown on **Plans Z-1** and **Z-2a**.

⁷ Please refer to paragraphs 6.1 to 6.3 for the details of CHCS.

6. **Similar Applications**

- 6.1 Within the same “V” zone, there are three similar 12A applications covering the same site to rezone the site to “G/IC(2)” under application No. Y/TP/18 and to “G/IC(3)” under applications No. Y/TP/27 and Y/TP/37, to regularise the existing columbarium use under the name of CHCS (**Plan Z-1a**).
- 6.2 Application No. Y/TP/18 was rejected by the Committee on 8.11.2013 mainly on the considerations that the columbarium use was not compatible with the existing village setting of the area; the submitted TIA failed to demonstrate that the development would have no adverse traffic impacts on the surrounding areas and the proposed traffic and pedestrian arrangements and widening of Kam Shan Road could resolve the possible adverse traffic impacts satisfactorily; the applicant failed to demonstrate that the proposed closure of the columbarium on Ching Ming and Chung Yeung Festivals was implementable and enforceable; and the approval would set an undesirable precedent for other similar applications within the “V” zone.
- 6.3 Applications No. Y/TP/27 and Y/TP/37 were rejected by the Committee on 26.5.2020 and 27.10.2023 respectively, mainly on the considerations that the columbarium use was not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate west and south; and the approval would setting of undesirable precedent for other similar rezoning applications within the “V” zone.
- 6.4 Within the same Tai Po OZP, another 12A application No. Y/TP/36 to rezone the site from “Open Space” (“O”) to “G/IC(3)” zone to regularise the existing columbarium use under the name of Ever Rest Temple (ERT) (常寂園) was agreed by the Committee on 10.11.2023 mainly on considerations that the application site was located at a secluded location screened by roadside slopes, vegetation and trees or separated by Lam Tsuen River; no residential and village development nearby the site; there was limited nuisance to the nearby villages in terms of potential intermixing of grave-sweepers and villagers in this locality; and significant adverse visual, landscape, traffic and environmental impacts on the surrounding areas were not anticipated.
- 6.5 Details of the above similar applications are summarised at **Appendix IV** and the location is shown on **Plans Z-1** and **Z-2a**.
- 6.6 Apart from the s.12A applications mentioned above, there are three s.16 planning applications for private columbaria in the vicinity which were approved by the Committee. Their locations are shown on **Plan Z-1** and their details are as follows:
 - (a) application No. A/TP/657 for columbarium use under the name of Poh Yea Ching Shea (般若精舍) within the “G/IC” zone and providing a total of 5,302 niches was approved with conditions by the Committee on 29.11.2019 mainly on considerations that the applied use is not incompatible with the existing religious institution use; the application site is located at a secluded and tranquil location, shielded by roadside slopes and tall trees and separated from village houses; the development is not expected to cause significant visual and landscape impacts and would not pose adverse traffic and environmental impacts on surrounding areas; and
 - (b) applications No. A/TP/652 and 681 for columbarium and religious institution

under the name of Siu Ling Shan (Ling Hin Fat Yuen) (小靈山 (靈顯法院)) providing a total of 757 niches and Pun Chun Yuen (半春園) providing a total of 3,834 niches within the same “Green Belt” (“GB”) zone were approved with conditions by the Committee on 19.7.2019 and 26.8.2022 respectively mainly on considerations that the application sites are located at a secluded and tranquil location, shielded by roadside slopes and tall trees and separated from village houses; the developments would not cause significant visual and landscape impacts and would not pose adverse traffic and environmental impacts on surrounding areas; and the applications are generally in line with the TPB PG-No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’.

Appeal case quoted by the applicant

- 6.7 GLM which is located in D.D. 132, Tuen On Lane, Tuen Mun and occupied by religious institution and columbarium, falls within an area zoned “G/IC” on the Tuen Mun OZP (**Plans Z-8a to Z-8c**). As the columbarium use was not covered by a valid planning permission, the applicant sought planning permission to regularise the existing columbarium with 1,567 niches sold before 30.6.2017 at the site under application No. A/TM/530⁸. The application was rejected by the Committee and the Board on review on 29.11.2019 and 7.5.2021 respectively for the reasons that (a) the proposed development was not in line with the Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “G/IC” zone for uses other than GIC uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 16) in that the columbarium use, which was in close proximity to the residential developments⁹ and sharing the same access road with the adjoining residential development, was considered not compatible with the surrounding areas in land use terms; and (b) approval of the application would set an undesirable precedent for other similar applications within “G/IC” zone. The cumulative effect of approving such applications would cause nuisances to the residential neighbourhood (**Appendices VI and VII**).
- 6.8 The applicant lodged an appeal (No. 5/2021) to TPAB on 23.7.2021 against the Board’s decision. On 29.9.2023, the appeal was allowed by the TPAB for the following considerations/observations:
- (a) the existing columbarium use complied with the planning intention of “G/IC” zone. Also, it existed well before the neighbouring residential development which was developed around 2000. The fact that the columbarium use had developed from being an ancillary use to a use requiring planning permission did not constitute misconduct of the Appellant. There was also no evidence that the columbarium use at the Site was concealed, and given no enforcement action was taken by the Government against the columbarium use, TPAB was of the view that the use was in effect being tolerated;
 - (b) the existing columbarium complied with the TPB PG-No. 16 as it was compatible in land use terms with the surrounding areas in the wider context,

⁸ While ‘Religious Institution’ is a Column 1 use which is always permitted, ‘Columbarium’ is a Column 2 use requiring planning permission from the Board.

⁹ A medium-rise residential development of Parkland Villas (疊茵庭) comprising 9 residential blocks is located to the immediate north and east of GLM which shares the same access road (Tuen On Lane) with Parkland Villas.

and the consideration should not merely be on a specific use or development in the surrounding areas such as Parkland Villas. TPAB also did not consider the columbarium at the Site to be a sensitive community facility given that there was sufficient buffer by trees and was enclosed in a building; and

- (c) regarding the traffic impact, TPAB was of the view that since the relevant government departments, including Transport Department (TD), considered that the revised traffic management plan was acceptable, the concern on traffic congestion as a result of the columbarium was unsupported. There was also no evidence indicating that there was congestion caused by pedestrian traffic. As for the issue of shared access, TPAB considered that evidence had suggested that the traffic congestion was caused by vehicles travelling to and from the residential development rather than that to the Site.

- 6.9 Although both religious institutions (i.e. GLM and BCHT) have existed for decades as claimed by the applicants, there are differences in planning context and circumstances. While GLM has been established well before the neighbouring residential development in place, BCHT and Kam Shan Village have been co-existed for a long time as shown in **Drawing Z-12** and on **Plan Z-5**, but there is no sufficient evidence provided by the applicant to demonstrate that the columbarium use at the Site has been an 'existing use'. In terms of land use zoning, GLM falls within the area zoned "G/IC", under which 'Columbarium' is a Column 2 use requiring planning permission from the Board, whereas BCHT at the Site zoned "V" and 'Columbarium' is neither a Column 1 nor a Column 2 use. Since the current rezoning application is not a s.16 application and the Site is zoned "V" instead of "G/IC" zone, the TPB PG-No. 16 is not applicable to the current rezoning application.
- 6.10 As shown on **Plans Z-8a to Z-8c**, GLM is sandwiched between Parkland Villas to its north and east, and a GIC cluster to its west where various community facilities such as religious institutions, school and fire station are located in proximity. On the contrary, BCHT is surrounded by village houses in the midst of "V" zone of Kam Shan Village with sporadic religious institutions and schools. To the immediate northwest of the Site, there is the columbarium (i.e. CHCS) without valid planning permission, which is the subject of three previous rezoning applications rejected by the Board.
- 6.11 In term of the scale of the columbarium, BCHT is much larger than GLM as it involves 11,726 niches (including 53% unsold niches available for sale) while the total number of niches at GLM is 1,567 only without unsold niches. From land ownership perspective, GLM is entirely under the private lots while about 62.9% of the Site under BCHT falls within GL.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-4g)

7.1 The Site is:

- (a) currently covered by two elevated platforms (at levels of about 18.4mPD and 20.6mPD as advised by the applicant) and occupied by two 2-storey structures (i.e. Buildings A and B) mainly for columbarium use with minor portion for religious institution use with temple-related features, temporary structures and circulation areas. The majority of Buildings A and B falls within private lots owned by the applicant with some parts of the buildings and the remaining area

at the Site within unleased GL (including the platform for courtyard use and a staircase connecting to Kam Shan Road) (about 62.9% of the Site) (**Plan Z-2a**);

- (b) located within the village proper of Kam Shan and immediately adjoins existing residential dwellings and village houses;
- (c) within the village 'environs' ('VE') of Kam Shan; and
- (d) accessible from Kam Shan Road via footpaths/stairs shared by local villagers throughout the village cluster¹⁰. (**Drawing Z-9, Plans Z-2a and Z-4b**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north, east and west of the Site are mainly village houses, some of which are immediately abutting the site boundary;
- (b) to the northwest (about 40m) of the Site is the columbarium, namely CHCS, which is currently operating without valid planning permission at Nos. 74 and 75 Kam Shan Village; and to the southeast is a temple under the name of Yan Lo;
- (c) to the further northwest of the Site is Kam Shek New Village and Shek Kwu Lung which is accessible by Kam Shan Road;
- (d) to the further southwest is an international school (**Plan Z-3**);
- (e) to the further north of the Site across Lam Tsuen River is Tai Wo Estate; and
- (f) Tai Wo MTR Station is about 250m away from the Site.

8. **Planning Intention**

The planning intention of the "V" zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. 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.

9. **Comments from the Relevant Government Departments**

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

Licensing Aspect

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

¹⁰ The Site shares the same footpath/stairs accesses with many village houses including Nos. 57-58 to the north (Route A); Nos. 27B, 62-66, 69, 70, 76, 77 and 87 to the northwest (Route B); and Nos. 88-111 to the further west (Route C) (**Plans Z-2a, Z-4b and Z-4c**).

- (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 Town Planning Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by 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 management plan submitted to the PCLB should cover matters including traffic and public transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. For cases in which planning permission has been given by the Board, the management plan 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 management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including TD, the Police, the Fire Services Department and the Planning Department (PlanD). If a licence application is approved by the PCLB, the Private Columbarium Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;
- (b) one set of the specified instrument (SI) application (viz. a licence and temporary suspension of liability (TSOL)) in respect of a pre-cut-off columbarium namely BCHT at the Site was received by the Licensing Board. The TSOL application of the private columbarium has been approved in principle with a validity period of 3 years from 21.9.2022 to 20.9.2025, while the licence application is still being processed by PCAO according to the prevailing procedure; and
- (c) it is preliminarily noted that the total number of niches proposed for the SI application is in line with that as shown in the planning application and the niche information proposed for the licence application is subject to verification by PCAO.

Land Administration

9.1.2 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) he has no objection to the application from land administration point of view;
- (b) the Site consists of Lot Nos. 1087 and 1130 both in D.D. 6 currently used as religious and columbarium uses and adjoining GL in relation to the aforesaid uses. It wholly falls within 'VE' of Kam Shan and encroaches on a GL allocation for works site (STLA-TTP 158 allocated to Slope Maintenance Section of LandsD). A number of slope features would also be affected (**Plan Z-6**);

- (c) according to the Land Registry records, the lease documents of Lots 1087 and 1130 are untraceable. However, according to DLO/TP's records, these two lots are building lots subject to the General Conditions and Special Condition No. 2(a) of Sale published in the Government Notification No. 570 of 1924, no house erected on the said lots shall be more than two storeys in height; no grave shall be made on, nor shall human remains be interred in, or deposited on the lots sold either in earthenware jars or otherwise; and no building erected on the lots shall be used as "Chai Tong" or for any other purpose of a similar nature. Hence, the existing columbarium use is not permissible on the above two lots. A warning letter dated 6.5.2016 is registered in the Land Registry against the existing columbarium structures erected upon the lots;
- (d) the applicant has submitted applications to PCAO for TSOL and Licence and the existing columbarium structures and the adjoining GL was conferred with an approval-in-principle of TSOL on 21.9.2022 and thus the lease enforcement action is withheld for the areas under the proposed TSOL and Licence pursuant to PCO. The Site generally tallies with the latest application boundaries of TSOL and Licence;
- (e) the applicant submitted short-term tenancy (STT) and short-term waiver (STW) applications on 18.1.2023 and 23.6.2023 respectively. Pending the fulfillment of PCAO's licensing requirements and policy support from Environment and Ecology Bureau ("EEB"), there is no guarantee that such applications will be approved by the LandsD and the approval of which depends on the fulfillment of various licensing requirements of PCAO. Even if such applications are approved by the LandsD acting in its capacity as landlord at its absolute discretion, the approval will still be subject to such terms and conditions, including but not limited to the payment of premium/fee/rent and administrative fees, as may be imposed;
- (f) the applicant proposed to relocate the existing temple entrance (i.e. Pai Lau) to the entrance point of the upper platform fronting Building B with the entrance gate to be installed underneath the temple entrance. As the proposed entrance gate currently falls on GL, any installation works should only be carried out until a STT be granted, if approved, to the applicant which would be such terms and conditions as considered appropriate by the Government. It is stressed and reiterated that, subject to further advice from the relevant departments, the grant of right of way (ROW) should be subject to free and unobstructed access for the public to use at all time and the applicant to take up the management and maintenance responsibilities of the ROW;
- (g) the structures, viz. Pai Lau and steel gate in the close vicinity of slopes within GL of the Site are erected without permission of the Government. Since the structures fall within the latest application boundaries of TSOL and Licence, land enforcement action is withheld in accordance with the prevailing practice. Should STT be processed, subject to the policy support from EEB and the requirements from the relevant departments, the applicant will be required to take up the management and maintenance of any slope works with the STT area;

- (h) the Site includes a proposed main temple access i.e. Route A from Kam Shan Road to the existing columbarium which is an existing public staircase serving the nearby villagers and wholly falls on GL. There is no ROW granted under lease to the concerned lots for the existing columbarium. As such, the incorporation of the existing public staircase in the Site which serving both the Applicant and local villagers is not supported. Should PCAO/EEB consider the need to grant the ROW to the existing columbarium, subject to further advice from TD and District Officer (Tai Po) (DO(TP)), the grant of ROW should be subject to free and unobstructed access for the public to use at all time and the Applicant to take up the management and maintenance responsibilities of the staircase;
- (i) the number of outstanding Small House applications is 11 and the number of 10-year Small House demand forecast for the four villages covered by the same “V” zone (i.e. Kam Shan, Shek Kwu Lung, Pan Chung and Pan Chung San Tsuen) is 210, which was estimated and provided by the Indigenous Inhabitant Representatives of concerned villages and the information so obtained is not verified by LandsD; and
- (j) the site boundary, site area, the GFA figures and relevant details of the GL as mentioned by the Applicant have not been verified at this stage.

Traffic

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

- (a) she has no in-principle objection to the application;
- (b) monitoring and enforcement of the implementation of the crowd management measures is vital. For the purpose of the crowd management measures:
 - (i) the applicant is advised to submit to LandsD a STT application for the proposed waiting area and as well as the staircase;
 - (ii) the waiting area and the staircase, which form part and parcel of the whole private columbarium development, and the management plan, should be vetted and accepted by the PCAO; and
- (c) in order to ensure that the applicant will take necessary steps to implement the crowd management plan, the plan should be monitored and enforceable by PCAO.

9.1.4 Comments of the Chief Highway Engineer/NT East, Highways Department (CHE/NTE of HyD):

- (a) he has no in-principle objection to the application; and
- (b) adequate drainage measures shall be provided to prevent surface

water running from the application site to the nearby public roads and drains.

Environment

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

- (a) it is noted that the applicant proposes the following operational arrangements for the columbarium:
 - (i) no furnace facility will be provided within the premises. Burning of joss paper and paper offerings will be strictly prohibited within the premises;
 - (ii) wastewater generated from the Site will be conveyed to the public sewerage;
 - (iii) administrative measures will be in place to control the number of visitors during festival periods; and
 - (iv) the operation hours of the premises would be between 9am and 5:30pm on Mondays to Sundays; and would be extended from 7am to 7pm during Ching Ming/Chung Yeung Festivals and the one weekend before and after these festival days as well as Yu Lan Festival; and
- (b) he has no objection to the application on the understanding that there are mechanisms available under PCO to ensure the applicant's implementation of the proposed operational arrangements.
- (c) according to his record, one non-substantiated environmental complaint against BCHT has been received since 2021. The complaint was mainly on air pollution aspect.

Drainage and Sewerage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) she has no in-principle objection to the application from public drainage viewpoint; and
- (b) her detailed comments are at **Appendix V**.

Water Supply

9.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) his detailed comments are at **Appendix V**.

Urban Design and Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD):

Urban Design

- (a) she has no particular comments from the urban design and visual perspectives as the building bulk and building height of the existing structures will remain unchanged, and given the low-rise nature of the proposal; and

Landscape

- (b) she has no objection to the application from landscape planning perspective. The Site is situated in an area of urban peripheral village landscape character comprising of village houses within the “V” zone and woodland at the south within the “GB” zone. The application does not involve alteration or extension of the existing buildings. The existing trees are not in direct conflict with the applied use. Referring to the submitted landscape proposal, additional landscape treatments including 19 new trees within the application site are proposed to provide greenery along the periphery of the building and improve landscape quality. Hence, significant adverse impact on existing landscape resources arising from the proposed development is not anticipated.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) he has no in-principle objection to the application under the Buildings Ordinance (BO); and
- (b) his detailed comments are at **Appendix V**.

Geotechnical

9.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no geotechnical comment on the revised geotechnical planning review report (GPRR);
- (b) the schematic designs of geotechnical works in the GPRR are considered from the point of view of a feasibility assessment only. They should be subject to further ground investigation, geotechnical study and detailed design. Detailed comments on the geotechnical works would be given as appropriate during the future investigation/design submission;
- (c) based on the figures and photos presented in the GPRR, the presence of suspected unauthorized structures (e.g. Pai Laus and steel gate) in

the close vicinity of slopes within GL of the site is evident; and

- (d) where upgrading works are necessary, the proposed strengthening works would likely encroach into GL. The maintenance responsibility of such works and the portion of GL affected should be clearly allocated to the lot owners to ensure their proper maintenance for long term land stability.

Fire Safety

9.1.11 Comments of the Director of Fire Services:

- (a) he has no specific comment on the application; and
- (b) detailed fire services requirements will be formulated upon receipt of a formal submission of STT/STW, general building plans or referral of application via relevant licensing authority. Furthermore, the EVA provision in the captioned work shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Building Authority.

Local Views

9.1.12 Comments of DO(TP), Home Affairs Department (HAD):

- (a) she has concern on the application; and
- (b) there is only one main road for vehicles (Kam Shan Road), and residents are worried that the change in land use will bring in a large number of visitors to worship their ancestors.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Commissioner of Police (C of P).

10. Planning Considerations and Assessments

The Proposal

- 10.1 The applicant proposes to rezone the Site (BCHT) from “V” to “G/IC(3)” to regularise the current religious institution and columbarium uses with a total of 11,726 niches. According to the Notes for the proposed “G/IC(3)” zone submitted by the applicant (**Appendix II**), ‘Religious Institution’ use is a Column 1 use (permitted as of right) whereas ‘Columbarium’ use is under Column 2 requiring planning permission from the Board. The proposed “G/IC(3)” zone is subject to a maximum BH of two storeys

and maximum number of niches of 11,726. Amongst 11,726 niches, the applicant advises that 5,508 were sold before 30.6.2017, of which 4,141 niches have been occupied. In other words, there are still 6,218 niches (i.e. around 53% of the total niches) available for sale in the columbarium. While the applicant claims that BCHT has been established since 1928, the applicant cannot provide solid evidence to prove whether the columbarium use at the Site is an “existing use” and thus submits a rezoning application in order to comply with the planning requirement for the columbarium licensing application.

Land Use Compatibility

- 10.2 Although the Site is currently occupied by two 2-storey buildings for religious institution and columbarium uses (**Drawings Z-1** and **Plan Z-2a**), it is located in the midst of the “V” zone of Kam Shan and immediately adjoins existing residential dwellings and village houses, forming an integral part of the village setting (**Plans Z-1** and **Z-4a**). The “V” zoning of the Site with the planning intention primarily for development of Small House for indigenous villagers is therefore considered appropriate.
- 10.3 The Site shares the same footpath/stair accesses which fall within GL leading to Kam Shan Road with many village houses in Kam Shan Village. According to the applicant, while the visitors would mainly use Route A instead of other routes (i.e. Routes B and C) to BCHT, such route will not be exclusively used by the visitors. DLO/TP, LandsD advises that should PCAO/EEB consider the need to grant the ROW to the existing columbarium, subject to further advice from TD and DO(TP), HAD, the grant of ROW should be subject to free and unobstructed access for the public to use at all time and the applicant should take up the management and maintenance responsibilities of the staircase. Though the applicant has conducted a survey to demonstrate that most of the visitors would visit the Site via Route A and proposes to deploy staff during festival periods to direct visitors to use Route A under the crowd management plan (**Plan Z-2a**), there is high doubt and uncertainty as to whether the proposed measures or mechanism can prevent the visitors from entering the Site via other routes (i.e. Routes B and C) where are not covered by the columbarium licensing area.
- 10.4 While the applicant claims that the existing access (i.e. Route A) has been shared for use by BCHT and adjacent village houses for over 60 years and the proposed development is supported by the tenants of the concerned village houses and local villagers, it should be noted that the applicant cannot provide evidence to demonstrate that the columbarium use at the Site is an “existing use”. DO(TP), HAD relays the local residents’ concern that as there is only one vehicular access to the Kam Shan Village (i.e. Kam Shan Road), the approval of the applied use will bring in a large number of visitors to worship their ancestors. The proposed columbarium at the Site, with a total of 11,726 niches, will result in close juxtaposition of columbarium and residential use as well as intermixing of grave sweepers and villagers in the locality. The activities associated with the columbarium use in the proposed “G/IC(3)” zone will inevitably cause nuisance to the surrounding residential dwellings. From land use planning perspective, the columbarium use is considered not compatible with the existing village setting of the area. There is no strong planning justification for rezoning the Site from “V” to “G/IC(3)” to make provision for application for columbarium use.

Traffic Impact and Crowd Management Measures

- 10.5 The Site is only accessible via footpaths/stairs connecting to Kam Shan Road. To address the potential traffic problems caused by the columbarium during the festival periods, the applicant has submitted a TIA report (**Appendices Ia and Ib**) with proposed crowd management measures, which include a 'pre-booking system' to control the maximum number of visitors to 351 per hour from 7am to 7pm; deployment of staff at the entrance and key locations to regulate the flow of visitors; and setting up of temporary directional signage showing the designated ingress/egress routing and waiting areas (**Drawings Z-9 and Z-10**). A waiting area of about 98m² is also proposed for the visitors who arrive earlier than the reserved time slot (**Drawing Z-2**). C for T advises that monitoring and enforcement of the implementation of the crowd management measures are vital. In order to ensure that the applicant will take necessary steps to implement the crowd management plan, the plan should be monitored and enforceable by PCAO in coordination with other concerned departments. Having said that, given its location in close proximity to the surrounding village houses, it is considered that the implementation of crowd management measures may not fully address the potential nuisance arising from the influx of grave sweepers to the villagers nearby especially during festival periods.

Other Technical Aspects

- 10.6 DEP has no objection to the rezoning application on the understanding that there are mechanisms available under PCO to ensure the applicant's implementation of the proposed operational arrangements including no burning of joss papers and paper offerings in the columbarium, operation hours of the premises during festival periods, etc. Given that the proposed development is low-rise in nature and the building bulk and height of the existing structures will remain unchanged, CTP/UD&L, PlanD has no particular comments from the urban design and visual perspectives.
- 10.7 Other government departments consulted including CE/MN, DSD, CE/C, WSD, CHE/NTE, HyD, D of FS and H(GEO), CEDD have no objection to/no adverse comment on the application.

Previous and Similar Applications

- 10.8 The Site is the subject of a previous s.12A application (No. Y/TP/29) submitted by the same applicant to rezone to "G/IC(3)" within the same "V" zone for the same uses. It was rejected by the Committee on 4.9.2020 mainly on the considerations as detailed in paragraph 5.1 above. Compared with the previous application, there is a reduction in the total number of niches by 1,700 and the site area by about 700m²; and change in the main access to the Site from three routes to one route (i.e. Route A) under the current application. There are three similar s.12A applications (No. Y/TP/18, 27 and 37) (CHCS) covering the same site to rezone the site from "V" to "G/IC(3)" for columbarium use to the immediate northwest of the Site (**Plans Z-1 and Z-2a**), which were all rejected by the Committee in 2013, 2020 and 2023 respectively, mainly on the grounds as detailed in paragraphs 6.2 and 6.3 above. As far as land use compatibility is concerned, the planning circumstances of the current application are similar to those of the previous and similar rejected rezoning applications. For another s.12A application (No. Y/TP/36) (ERT) to rezone the site from "O" to "G/IC(3)" in Tai Po area, which was approved by the Committee on the considerations as set out in paragraph 6.4 above, given the difference in site context (e.g. secluded location with no residential and village development nearby), the planning circumstances of such

application are not the same as the current application. In this regard, rejection of the current application is in line with the previous Committee's decision.

- 10.9 Though the applicant claims that the current application is similar to the three s.12A applications for columbarium use within various "V" zones in Sha Tin OZP approved by the Committee between 2012 and 2021, the planning considerations of these rezoning applications are not akin to those of the current application. A rezoning application (No. Y/ST/13) (CHY) was approved before the enactment of the PCO in 2017 and the site was located on hill slopes with surrounding areas covered by dense vegetation (**Plans Z-7a and Z-7b**), while the sites of the remaining two rezoning applications (No. Y/ST/42 (KNCY) and Y/ST/47 (MPHK)) were located at the periphery of the village clusters and accessible via a separate pedestrian accesses not being shared by the villagers nearby (**Plans Z-7c to Z-7f**). Unlike the aforesaid applications, it is considered that the current rezoning application for columbarium use at the Site would generate nuisance to the nearby village houses in terms of the potential intermixing of grave-sweepers and villagers in this locality.

Town Planning Appeal Case

- 10.10 While the appeal case (No. 5/2021) for columbarium use at GLM in Tuen Mun was allowed by TPAB (**Plans Z-8a to Z-8c**), it is reckoned that the planning considerations of the appeal case do not entirely apply to the current rezoning application at BCHT mainly on the grounds as set out in paragraphs 6.9 to 6.11 above, including that the current application at the Site falling within "V" instead of "G/IC" zone is not a s.16 application; the TPB PG-No. 16 is not applicable; BCHT and the Kam Shan Village have co-existed for a long time, but there is no sufficient evidence to demonstrate that the columbarium use is an "existing use"; the location of BCHT is surrounded by the village houses; and the current application involves a larger number of niches to be accommodated at BCHT. Besides, it should be noted that the PCO was introduced in 2017 to regulate the operation of private columbaria through a licensing scheme, and the 'pragmatic and sensitive approach' was later introduced for handling the land premium and TIA aspects of pre-cut-off columbaria, but the operators would not automatically obtain a licence as a result of such policy initiatives. It is prudent for the Board not to be bound to approve all applications involving "pre-cut-off columbaria". Each application should be considered on its individual merit from land use planning perspective.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above, PlanD does not support the proposed rezoning of the Site from "V" to "G/IC(3)" for the following reason:

the Site falls within an area zoned "V" with the planning intention primarily for development of Small Houses by indigenous villagers. The proposed columbarium use is considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate north, east and west. There is no strong planning justification for rezoning of the Site from "V" to "G/IC(3)" to make provision for application for columbarium use. The current "V" zone for the Site is considered appropriate.

- 11.2 Alternatively, should the Committee decide to agree/ partially agree to the subject

application, PlanD will recommend zoning amendments to the OZP for the consideration of the Committee. The proposed amendments to the OZP, together with revised Notes and Explanatory Statement, would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

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 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 with supplementary information received on 5.11.2024
Appendix Ia	Planning Statement
Appendix Ib	FI received on 17.2.2025 and 20.2.2025
Appendix Ic	FI received on 10.6.2025 and 11.6.2025
Appendix II	Proposed schedule of uses for the “G/IC(3)” zone
Appendix III	Previous application
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	TPB Paper No. 10738 (main paper only)
Appendix VII	Extract of minutes of the Board meeting held on 7.5.2021
Drawings Z-1 to Z-12	Drawings submitted by the applicant
Plan Z-1	Location plan
Plans Z-2a and Z-2b	Site plans
Plan Z-3	Aerial photo
Plans Z-4a to Z-4g	Site photos
Plan Z-5	Site history
Plan Z-6	Land Status Plan
Plans Z-7a to Z-7f	Location plans and site plans of Chi Ha Yuen, Ku Ngam Ching Yuen and Memorial Park Hong Kong
Plans Z-8a to 8c	Location plan and site plan of Gig Lok Monastery

**PLANNING DEPARTMENT
AUGUST 2025**