

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

APPLICATION NO. Y/NE-STK/6

- Applicant** : Mr. CHEUNG Kin Lung represented by LCH Planning & Development Consultants Limited
- Site** : Lots 1421 (Part), 1422 S.B (Part), 1423 S.B (Part), 1423 S.C (Part) and 1423 S.D (Part) in D.D. 41, Tong To, Sha Tau Kok, New Territories
- Site Area** : About 157m²
- Leases** : Lots 1421 and 1422 S.B
- Block Government Lease (demised for agricultural use)
- Lots 1423 S.B, 1423 S.C and 1423 S.D
- Block Government Lease (demised for agricultural and house uses)
- Plan** : Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
- Zoning** : “Village Type Development” (“V”)
- Proposed Amendment** : To rezone the application site from “V” to “Government, Institution or Community (1)” (“G/IC(1)”)

1 The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” to “G/IC(1)” to regularise the current columbarium use under the name of ‘Liberty Fook Kui’ (自由福居) at Tong To Ping Tsuen (塘肚坪村), providing a total of 864 single niches (**Plan Z-1**). According to the Notes of the proposed “G/IC(1)” zone submitted by the applicant (**Appendix II**), the planning intention is primarily for columbarium and related use, and ‘Columbarium’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The proposed “G/IC(1)” zone is subject to a maximum gross floor area (GFA) of 98m², building height of 5.6m, and 864 niches for columbarium uses.
- 1.2 The Site, with an area of about 157m², comprises two single-storey building structures (not exceeding 5.6m in height) (i.e. No. 24 and 25) and an open area of about 59m² (**Plan Z-2**). Building structure No. 24 with a floor area of about 60m²

is currently being used as a columbarium¹, and No. 25 with a floor area of about 38m² is currently vacant. According to the applicant, the columbarium use in building structure No. 24 has come into existence since 1988. Amongst the 864 single niches under the application, 60 are sold and occupied, while the remaining 804 are for sale. Building structure No. 25 is proposed to be left vacant and will not be used for columbarium. The open area of the Site will be used for on-site management of reservation. The site plan, on-site crowd management plan and detailed drawings of the columbarium submitted by the applicant are shown in **Drawings Z-1, Z-2 and Z-3a to Z-3e** respectively. The applicant also submits a Traffic Impact Assessment (TIA), a Visual Appraisal and a Management Proposal in support of the application.

- 1.3 The Site is accessible to Sha Tau Kok Road – Shek Chung Au via an access road to its southeast (**Plans Z-1 and Z-2**). According to the applicant, the columbarium’s operation hours are normally from 10 a.m. to 4 p.m. on Wednesdays and Sundays (i.e. Non-Festival Period); whereas during the Ching Ming Festival and Chung Yeung Festival, and on Saturdays and Sundays within two weeks before and after both festival days (i.e. Festival Period), the operation hours are extended to 8 a.m. to 6 p.m. and it will not open on Wednesdays. No parking space or lay-by is proposed within the Site and no private vehicles or taxis are allowed to enter the open area adjacent to the Site. To minimise potential nuisance to the surrounding area, traffic and crowd management measures are proposed by the applicant, which are summarised below:
- (i) visitors are required to make reservations prior to their visits at all time. Visitors without an appointment will not be allowed to enter the columbarium;
 - (ii) five visiting sessions per day (45-minute each) and 20 visiting sessions per day (25-minute each) will be scheduled for Non-Festival and Festival Periods respectively. The maximum number of visitors are capped at 8 and 20 per session, or 40 and 400 per day, for Non-Festival and Festival Periods respectively;
 - (iii) during Non-Festival Period, visitors with appointment should take public transport to Sha Tau Kok Road and walk to the Site via the access road. During Festival Period, visitors with appointment will be required to use the shuttle bus service to be provided by the applicant to access the Site, and if they arrive by other means including walking will be denied entry². 27-seater shuttle bus will travel between the proposed pickup/drop-off lay-by at San Wan Road next to Sheung Shui MTR Station and at the open area adjacent to the Site (**Drawings Z-4a to Z-4c**)³. All visitors will be required to present their booking confirmations upon boarding the shuttle bus; and
 - (iv) additional staff will be deployed during the Festival Period for access control and crowd management, and tables will also be set up at the open area of the Site to manage reservations.

¹ Building structure No. 24 comprises a columbarium room accommodating the 864 niches, and a lobby cum ancestral tablet room.

² Except Tong To villagers who are allowed to walk to the Site on both Non-Festival and Festival Periods.

³ According to the applicant, he is the land owner of the concerned private lot for the pickup/drop-off lay-by.

- 1.4 The TIA concludes that with the implementation of the traffic and crowd management measures, it is anticipated that there will be no adverse impact from traffic perspective. According to the applicant, no burning of joss papers and candles will be allowed at the Site, and burning of incense can be conducted only at the open area. Each visitor will be allowed to burn up to three and one eco-friendly low-smoke joss stick(s) at the open area of the Site during Non-Festival and Festival Periods respectively. According to the Visual Appraisal, it is concluded that the columbarium has no visual compatibility issue with the surrounding area and adverse visual impact is not anticipated.
- 1.5 Part of the Site is the subject of a previous s.12A application (No. Y/NE-STK/3) submitted by the same applicant as the current application to rezone the application site from “V” to “Other Specified Uses” (“OU”) annotated “Columbarium” (“OU(Columbarium)”) to regularise ‘Liberty Fook Kui’, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 14.7.2023. Details of the previous application are set out in paragraph 5 below.
- 1.6 Compared with the rejected previous application, while the internal layout of building structure No. 24 for columbarium use and the number of niches remain unchanged, there are changes in terms of the proposed zoning, site area and boundary as well as the size of the open area within the Site under the current application. The current application also involves revised operational arrangements, including reduction of operation days during Non-Festival Period from seven to two days a week; reduction of maximum number of visitors per day from 280 and 600 to 40 and 400 for Non-Festival and Festival Periods respectively; and the imposition of a mandatory requirement that all visitors must use shuttle bus service during Festival Period and will be denied entry if they arrive by other means including walking⁴. A comparison between the current application and previous application No. Y/NE-STK/3 is set out below:

Major Development Parameters	Rejected Application (No. Y/NE-STK/3) (a)	Current Application (No. Y/NE-STK/6) (b)	Difference (b) – (a)
Proposed Zoning	“OU(Columbarium)” ⁽¹⁾	“G/IC(1)”	-
Site Area (about)	160m ²	157m ²	-3m ² / -1.9%
Building Structure(s) Involved	No. 24	No. 24 and 25	Addition of No. 25
GFA (about)	60m ²	98m ²	+38m ² / +63%
Open Area (about)	100m ²	59m ²	-41m ² / -41%
Building Height	1-storey (about 5.6m)	1-storey (about 5.6m)	-

⁴ In Application No. Y/NE-STK/3, the applicant proposed shuttle bus service between Sha Tau Kok Road – Shek Chung Au and the application site during Festival Period, but did not clearly specify whether walking to the site during Festival Period was allowed.

Major Development Parameters	Rejected Application (No. Y/NE-STK/3) (a)	Current Application (No. Y/NE-STK/6) (b)	Difference (b) – (a)
No. of Niches	864 niches	864 niches	-
Car-Parking Spaces/ Lay-bys	Nil	Nil	-
Operation Day/ Hour	9 a.m. – 4 p.m. daily (Non-Festival Period)	10 a.m. – 4 p.m. on Wednesdays and Sundays (Non-Festival Period)	Reduction from seven to two operation days per week, with shortened operation hour
	8 a.m. – 6 p.m. ⁽²⁾ (Festival Period)	8 a.m. – 6 p.m. ⁽²⁾ (Festival Period)	-
Maximum Visitors per Session/ Day	20/280 ⁽³⁾ (Non-Festival Period)	8/40 ⁽⁴⁾ (Non-Festival Period)	Reduction of 12/240 visitors per session/ day
	20/600 ⁽²⁾⁽³⁾ (Festival Period)	20/400 ⁽²⁾⁽⁴⁾ (Festival Period)	Reduction of 200 visitors per day

Remarks:

- (1) 'Columbarium' is a Column 1 use under the Notes of the proposed "OU(Columbarium)" zone.
- (2) Festival Period refers to Ching Ming Festival, Chung Yeung Festival, and the Saturdays and Sundays within two weeks before and after both festival days.
- (3) During Non-Festival and Festival Periods, 14 and 30 sessions will be held per day respectively.
- (4) During Non-Festival and Festival Periods, 5 and 20 sessions will be held per day respectively.

1.7 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 14.2.2025 **(Appendix I)**
- (b) Consolidated Supplementary Planning Statement **(Appendix Ia)** received on 7.11.2025⁵

1.8 On 11.4.2025 and 1.8.2025, the Committee agreed to the applicant's requests to defer making a decision on the application each for two months.

⁵ A total of four previous FI submissions (received on 19.3.2025 and 20.3.2025[#], 2.4.2025[#], 11.6.2025[^] and 30.9.2025[#]) were received in response to departmental comments with relevant technical assessments, of which one (marked with [^]) were accepted and not exempted from recounting requirement and three were accepted and exempted from recounting requirement (marked with [#]). The consolidated supplementary planning statement in **Appendix Ia** supersedes the original supplementary planning statement and all FIs and hence they are not attached to this paper.

2 **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the supplementary planning statement (**Appendices I and Ia**). They can be summarised as follows:

- (i) the columbarium has been in operation since 1988. The preparation of the Sha Tau Kok Development Permission Area (DPA) plan and the subsequent Sha Tau Kok OZP did not reflect the existing nature of the columbarium use. The current application serves to rectify the Sha Tau Kok OZP by reflecting the Site's existing use. Due to the long history, the Site should not be considered suitable for Small House development;
- (ii) 'Liberty Fook Kui' has obtained the Temporary Suspension of Liability (TSOL) in August 2022 for the operation of a columbarium, and no objection from Lands Department (LandsD), Buildings Department (BD), Fire Services Department (FSD), Environmental Protection Department (EPD) and Hong Kong Police Force (HKPF) was received on the submitted proposal, which is the same as the current rezoning proposal;
- (iii) the proposed operating schedule of the columbarium is sufficient to accommodate all visits without overcrowding;
- (iv) regarding the right of way of the access road to the Site, the applicant advises that he is the tenant of the concerned private lots, and the visitors of the columbarium has the right to use the access road;
- (v) the columbarium is compatible with the adjacent landscape. The existing building structures within the Site are low-rise and small-scale in nature, and share similar Hakka architectural characteristics with the structures in the vicinity;
- (vi) the proposed "G/IC(1)" zoning is not incompatible with the "V" zone. It is common for "G/IC" zones to be adjacent to or surrounded by the "V" zone to provide supporting function;
- (vii) the columbarium is compatible in terms of land use. It is located far away from urban centres and major villages. The two village houses (No. 26 and 27) (**Plan Z-2**) adjoining the Site are owned and occupied by the applicant and his family members, and other nearby structures are either abandoned or ruined. No disturbance will be brought to the nearby residents;
- (viii) the Site is located at the southern edge of the "V" zone and does not fall within the village 'environs' ('VE'). The access road connecting to the Site and the Site itself are segregated from the village cluster of Tong To. The access road mainly passes through the "Recreation" ("REC") and "Agriculture" ("AGR") zones which are dominated by temporary structures and hobby farms/ holiday camps. All grave-sweepers shall take the shuttle bus to the columbarium during Festival Period and staff will be deployed to prevent visitors commuting to the Site on foot or by private vehicles. There will be limited nuisances to the nearby village house in terms of potential intermixing of grave-sweepers and villagers in the locality;

- (ix) the rezoning proposal only covers 0.36% of the subject “V” zone. Excluding the Site and the existing building area, there is still about 41,800m² of “V” zone area (about 95.9% of total “V” zone area) for Small House development. The rezoning proposal has no material impact on the availability of land for Small House development;
- (x) the columbarium use has been in place at the Site before the gazettal of the statutory plan, and it is not a “destroy first, develop later” development. The current rezoning application does not involve any expansion or alteration;
- (xi) LandsD has no objection to the columbarium use at the existing building. No further application is required for the columbarium use at building structure No. 24;
- (xii) no objection had been received from the family members of Cheung’s clan regarding the rezoning proposal⁶. The existing columbarium has been in place for more than 36 years and the adjacent villagers are well aware of its existence;
- (xiii) building structure No. 25, which will be left vacant, is included in the Site to preserve the Site’s architectural integrity as both building structures No. 24 and 25 share a similar architectural style. Apart from conserving the tangible values (e.g. architectural style), it will also respect intangible characters of the Site (e.g. cultural significance for religious practices and ancestor worship), preventing irreversible changes to these values and the area’s visual character. It ensures a more sustainable conservation, strengthens the cultural connection between Site and adjacent buildings, and enhances visitor experience;
- (xiv) there were two rezoning applications (No. Y/ST/42 for ‘Ku Ngam Ching Yuen’ (古巖淨苑) and No. Y/ST/47 for ‘Memorial Park Hong Kong’ (孝思園)) in Sha Tin area to rezone the sites from “V” zones to “G/IC” or “OU(Columbarium)”, which were approved in 2020 and 2021 respectively. These applications share several characteristics with the current rezoning proposal. Approval of the current rezoning proposal will not set an undesirable precedent;
- (xv) no adverse traffic, environment and visual impacts are anticipated. For safety concerns, the shuttle bus will travel in slow speed along the local access road and priority will be given to pedestrians. All drivers will receive trainings and briefing for all the traffic safety measures. Residents of Tong To Village will be informed in advance of the shuttle bus operations and traffic arrangements during Festival Periods. The applicant will rectify the lease breaches should there be any unauthorized structures; and
- (xvi) there is a strong demand for private niches spaces and it is anticipated that such demand will continue to increase. The subject columbarium can provide a total of 864 niches which can increase the supply of columbarium niches.

⁶ According to the applicant, Cheung’s clan is one of the major clans of Tong To, who has been living there for centuries. The applicant is one of the family members of the Cheung’s clan.

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 Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of four “current land owners” and notified the other two “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4 Background

- 4.1 The Site was zoned “REC” on the first statutory plan, i.e. Sha Tau Kok DPA Plan No. DPA/NE-STK/1 gazetted on 30.7.2010 (i.e. the key date), and was rezoned to “V” under DPA Plan No. DPA/NE-STK/2 gazetted on 21.2.2012. Since then, the “V” zoning of the Site has remained unchanged.
- 4.2 According to the Planning Department’s (PlanD) record, the structures at the Site (i.e. building structures No. 24 and 25) were already in existence before the key date. The Site is currently not subject to any active enforcement action.

5 Previous Application

- 5.1 Part of the Site is the subject of a previous s.12A application No. Y/NE-STK/3 which was submitted by the same applicant as the current application to rezone the application site from “V” to “OU(Columbarium)” to regularise ‘Liberty Fook Kui’. The application was rejected by the Committee on 14.7.2023 mainly on the grounds of being not compatible with the existing village setting of the area and no strong planning justification for rezoning the Site from “V” to “OU(Columbarium)”, and failing to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas.
- 5.2 Details of the previous application are at **Appendix III** and its location is shown at **Plan Z-1**.

6 Similar Application

- 6.1 There is no similar application for rezoning in the same “V” zone to “G/IC” for columbarium use in the past five years.
- 6.2 There was a similar application (No. Y/NE-STK/4) for rezoning a site in the nearby “AGR” and “Green Belt” (“GB”) zones to the east of the Site to “OU(Columbarium)” with a site area of about 17,441.7m² and involving 12,237 niches. The application was rejected by the Committee on 20.12.2024 mainly on the grounds that the columbarium use was not compatible with the village setting of the area and there was no strong planning justification for rezoning the site from “AGR” and “GB” zones to “OU(Columbarium)”.

- 6.3 Details of the similar application are at **Appendix IV** and its location is shown at **Plan Z-1**.

7 The Site and Its Surrounding Areas (Plans Z-1 to Z-4f)

7.1 The Site is:

- (a) partly occupied by two building structures, of which one (i.e. No. 24) is being used as a columbarium under the name of ‘Liberty Fook Kui’ and another (i.e. No. 25) is vacant (**Plans Z-4a to 4f**);
- (b) partly occupied by an open area (**Plan Z-4d**); and
- (c) located in Tong To Ping Tsuen, and is accessible via an access road leading to Sha Tau Kok Road – Shek Chung Au to its southeast (**Plans Z-1 to Z-3**).

7.2 The surrounding areas have the following characteristics:

- (a) rural landscape character mainly comprising village houses, fallow agricultural land and tree clusters;
- (b) to the immediate southwest are two adjoining village houses (No. 26 and 27), and to the immediate southeast of the Site is an one-storey structure known as ‘Tsz Tong’⁷. There is no other residential dwelling in the immediate surroundings of the Site;
- (c) to the further northeast about 150m away is the village cluster of Tong To (**Plan Z-1**). To the further south is a hobby farm. Some scattered residential dwellings are located along the access road to Sha Tau Kok Road – Shek Chung Au (**Plan Z-3**); and
- (d) the bus and minibus stops on Sha Tau Kok Road – Shek Chung Au are about 550m away from the Site (**Plan Z-3**).

8 Planning Intention

The planning intention of “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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

⁷ According to the Notes of the OZP, ‘Religious Institution (Ancestral Hall only)’ is a Column 1 use in “V” zone which is always permitted.

9 Comments from the Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he objects to the application;
- (b) Lots 1421 and 1422 S.B in D.D. 41 are Old Schedule Agriculture Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots 1423 S.B, 1423 S.C and 1423 S.D in D.D. 41 are mixed lots, each comprises 0.01ac of house land and 0.02-0.03ac of 3rd class agricultural land, and the lots are covered by an untraceable Building Licence No. BL3NE12C2. No right of access via GL is granted to the Site;

- (c) the following irregularity covered by the subject planning application has been detected by his office:

unauthorised structure within Lots 1421 and 1423 S.C in D.D. 41 covered by the planning application

there is an unauthorized structure on the Lots 1421 and 1423 S.C in D.D. 41 covered by the planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) the following irregularities not covered by the subject planning application have been detected by his office:

unauthorised structures extended to Lots 1421, 1422 S.A, 1422 S.B and 1423 S.B in D.D. 41 not covered by the planning application

there are unauthorised structures extended to Lots 1421, 1422 S.A, 1422 S.B and 1423 S.B in D.D. 41 not covered by the subject planning application. LandsD has reservation on the planning application since there is an unauthorised structure on the Lots 1422 S.B and 1423 S.B in DD. 41 which are already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD;

- (e) unless and until the unauthorised structures are duly rectified by the lot owners, his office objects to the application which must be

brought to the attention of the Board when they consider the application;

- (f) his office is not in the position to ascertain the number of niches at the Site; and
- (g) there is no Small House application received at the subject lots.

Licensing Requirement

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

- (a) under the Private Columbarium Ordinance (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 the Private Columbaria Licensing Board (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 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 Transport Department (TD), HKPF, FSD and 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 management plan in coordination with other concerned departments;
- (b) according to her record, the private columbarium named “自由福居” at No. 24, Tong To Ping Tsuen, Sha Tau Kok, N.T. (Lot 1423 S.B (Part) in D.D. 41), application for specified instruments (SI) viz. a licence and TSOL in respect of a pre-cut-off columbarium have been received by the PCLB and the applications are being processed. The TSOL application of the above private columbarium has been approved in principle with a validity period of 3 years from 8.8.2022 to 7.8.2025, and the PCLB has decided to extend the validity period of the “approval-in-principle” for the TSOL application up to 7.8.2028; and

- (c) it is noted that the total number of niches proposed for the licence application is same as that proposed for the subject planning application. However, the niche information proposed for the licence application is subject to verification by the PCAO.

Traffic

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

- (a) he has no comment on the application from traffic engineering and traffic operation perspectives; and
- (b) the applicant shall ensure to have qualified instructor to train the shuttle bus drivers on traffic safety measures.

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

- (a) he has no comments from the highways maintenance perspective; and
- (b) the applicant is reminded of the followings:
 - (i) the proposed access arrangement in the application should be subject to TD's review and approval;
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains; and
 - (iii) the access road connecting the Site with the nearby public road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting to the Site.

Urban Design and Landscape

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

Urban Design

- (a) the Site is located in a foothill area at the existing Tong To Ping Tsuen, which is surrounded by vegetated slopes to the south, west and north. There are low-rise village houses/temporary structures to the east, south and north of the Site. According to the applicant, the application is to regularise the existing columbarium use in an existing single-storey building with a GFA of about 98m² and a building height of about 5.6m, there will be no alteration and addition to the existing building, which will remain in its current form and no new building will be proposed. In view of this and

given its small scale and low-rise nature, there are no particular comments from the urban design and visual perspectives;

Landscape

- (b) she has no adverse comment on the application from landscape planning perspective; and
- (c) based on the aerial photo of 2024, the Site is situated in an area of rural coastal plains landscape character comprising village houses, temporary structures, farmland, vegetated area and woodland at the west within the “GB” zone. With reference to the aerial photo of 2023, the Site comprises two buildings and a hard-paved area with no sensitive landscape resources. Significant adverse impact on existing landscape resources arising from the columbarium is not anticipated.

Nature Conservation and Agriculture

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Nature Conservation

- (a) it is noted from the aerial photo that the Site is paved. He has no comment on the application from nature conservation perspective; and

Agriculture

- (b) as there appears to be no significant agricultural impact, he has no comments from an agricultural perspective.

Environment

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

- (a) he has no objection to the application;
- (b) the applicant is reminded of the followings:
 - (i) portable toilets should be deployed at the Site during festival periods;
 - (ii) announcement shall be confined within the building and the shuttle bus only;
 - (iii) the noise emitted from the proposed loudspeakers for the broadcast system or sound amplification system should comply with the requirements in “Technical Memorandum for the Assessment of Noise from Places other than Domestic Premises, Public Places or Construction Sites”;

- (iv) statutory requirements under relevant pollution control ordinances shall be met to avoid causing adverse environmental impacts on the surrounding; and
- (c) no environmental complaint against the Site has been received over the past three years.

Drainage

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) the applicant shall ensure that adequate stormwater drainage collection and disposal facilities are provided to deal with the surface runoff of the subject lots or the same flowing on to the subject lots from the adjacent areas. These facilities, whether within or outside the subject lots, should be properly maintained and rectified if they are found inadequate/ineffective during operation by the applicant at his own expense; and
- (c) if found necessary, the applicant shall construct and maintain additional drainage facilities, whether within or outside the subject lots, at his own expense to ensure that the subject use will not cause adverse drainage impact on the adjacent area.

9.2 The following government departments have no objection to/ no adverse comment on the application. Their detailed comments on the application are at **Appendix V**.

- (a) Commissioner of Police (C of P);
- (b) Director of Fire Services (D of FS);
- (c) Chief Heritage Executive (Antiquities & Monuments), Antiquities and Monuments Office (CHE(AM), AMO);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (g) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (h) Director of Electrical and Mechanical Services (DEMS); and
- (i) District Officer (North), Home Affairs Department (DO(N), HAD).

10 Planning Considerations and Assessments

The Proposal

- 10.1 The applicant proposes to rezone the Site from “V” to proposed “G/IC(1)” zone to regularise the current columbarium use under the name of ‘Liberty Fook Kui’ with 864 single niches. According to the Notes of the proposed “G/IC(1)” zone submitted by the applicant (**Appendix II**), ‘Columbarium’ is a Column 2 use which requires planning permission from the Board. The proposed “G/IC(1)” zone is subject to a maximum GFA of 98m², building height of 5.6m and 864 niches for columbarium uses. Taking into account the planning assessments below, there is no in-principle objection to the proposed rezoning.

Land Use Compatibility

- 10.2 The Site, with an area of about 157m² and comprising two building structures and an open area, is situated within the “V” zone, which is of rural landscape character with village houses, fallow agricultural land and tree clusters. According to the applicant, all the 864 niches (of which 60 are sold and occupied, and the remaining 804 are for sale) are accommodated within building structure No. 24, while building structure No. 25 will be kept vacant. To the immediate southwest of the Site are two adjoining village houses (No. 26 and 27), which as per the applicant’s advice, are owned and occupied by himself and his family members, and to the immediate southeast of the Site is an one-storey structure known as ‘Tsz Tong’. There is no other residential dwelling in the immediate surroundings of the Site, and the village cluster of Tong To is located to the further northeast about 150m away. The proposed rezoning for the columbarium use is considered not entirely incompatible with the village setting of the area.
- 10.3 While the Site shares the same vehicular and pedestrian access connecting to Sha Tau Kok Road with the villagers/residents of the residential dwellings in the area, according to the applicant, the maximum number of visitors would be limited to 8 and 20 per session or 40 and 400 per day during Non-Festival and Festival Periods respectively. Also, during Non-Festival Period, the columbarium will only operate two days (i.e. Wednesdays and Sundays) per week and visitors should walk to the Site from Sha Tau Kok Road and there is no parking space or lay-by proposed within the Site. During Festival Period, all visitors have to use the shuttle bus service to be provided by the applicant to travel between Sheung Shui MTR station and the Site, and will be denied entry if they arrive by other means including walking. It is considered that the above arrangement as proposed by the applicant will help minimising the vehicular and pedestrian traffic in the area, and thus reducing the possible interface with the nearby villagers/residents using the same access to Sha Tau Kok Road.
- 10.4 In view of the relatively small scale of the columbarium (i.e. a maximum of 864 niches) and no residential dwelling in the immediate surroundings of the Site except the two adjoining village houses as mentioned in paragraph 10.2 above, the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents at the area is expected to be limited and could be addressed by appropriate traffic and crowd management measures proposed by the applicant as mentioned in paragraph 1.3 above, as well as the conditions to be imposed under the licence to be granted under PCO in consultation with relevant government

departments as appropriate. CTP/UD&L, PlanD has no particular comment on the rezoning application from the urban design and visual perspectives, and has no adverse comment from landscape planning perspective, considering that significant adverse impact on existing landscape resources arising from the columbarium is not anticipated.

Traffic Impact and Crowd Management

- 10.5 The applicant submitted a TIA and a Management Proposal in support of the application. The TIA concludes that with the implementation of the proposed traffic and crowd management measures, it is anticipated that there will be no adverse traffic impact. While C for T has no comment on the application from traffic engineering and traffic operation perspectives, C of P and CHE/NTE, HyD have no objection to/no comment on the application. DFEH advises that if a licence application under PCO is approved by the PCLB, the PACO will oversee the monitoring of the licensee's implementation of the approved management plan, which should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board, in coordination with other concerned departments.

Other Technical Aspects

- 10.6 DLO/N, LandsD advises that there are unauthorised structures within/ outside the Site and he objects to the application. In this regard, the applicant has committed to rectify the lease breaches should there be any unauthorised structures. Other government departments consulted, including DAFC, DEP and CE/MN, DSD have no objection to or no comment on the application.

Proposed Schedule of Uses

- 10.7 As mentioned in paragraph 10.1 above, the applicant proposes 'Columbarium' to be a Column 2 use under the proposed "G/IC(1)" zone for the Site requiring planning permission from the Board. In view that the applicant has submitted a 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 be control mechanism monitoring the operation of the subject columbarium under the licencing regime of PCO and the 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 the proposed "G/IC(1)" zone with stipulation of appropriate development restrictions (i.e. maximum GFA, building height and number of niches as per the proposal submitted by the applicant under the current rezoning application) at the OZP amendment stage. The development restrictions stipulated under the proposed "G/IC(1)" zone would cover not only the building structure No. 24 with a floor area of about 60m² which is currently used as a columbarium, but also another building structure No. 25 with a floor area of about 38m² which is proposed to be left vacant, and the open area of about 59m² within the Site. 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 Part of the Site is the subject of a previous s.12A application No. Y/NE-STK/3 submitted by the same applicant as the current application to rezone the site from “V” to “OU(Columbarium)” to regularise ‘Liberty Fook Kui’, which was rejected by the Committee on 14.7.2023 mainly on the grounds as detailed in paragraph 5.1 above, including that the columbarium was not compatible with the existing village setting of the area and failed to demonstrate no adverse traffic impact on the surrounding areas. Compared with the rejected previous application, the current application involves revised operational arrangements of the columbarium, including reduction of operation days during Non-Festival Period from seven to two days a week; and reduction of maximum number of visitors per day from 280 and 600 to 40 and 400 for Non-Festival and Festival Periods respectively, which would help minimising the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents in the area. In addition, unlike the previous application, the applicant has demonstrated that the columbarium use would not cause adverse traffic impact on the surrounding areas and C for T has no comment on the current application. The planning considerations of the previous application are not applicable to the current application.
- 10.9 While there is no similar rezoning application within the same “V” zone for columbarium use in the past five years, there was a similar application (No. Y/NE-STK/4) for rezoning a nearby site from “AGR” and “GB” zones to the east of the Site to “OU(Columbarium)” with a site area of about 17,441.7m² and accommodation of 12,237 niches. The application was rejected by the Committee on 20.12.2024 mainly on the grounds as detailed in paragraph 6.2 above. Compared with the rejected similar application, the current application involves a much smaller site area and number of niches, resulting in limited potential nuisance to the surroundings. The planning circumstances of the rejected similar application are different from those of 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 and recommends the Committee to partially agree to the application to rezone the Site to “G/IC(1)” taking into account the consideration in paragraph 10.7 above.
- 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 14.2.2025
Appendix Ia	Consolidated Supplementary Planning Statement received on 7.11.2025
Appendix II	Proposed Notes for "G/IC(1)" submitted by the Applicant
Appendix III	Previous Application
Appendix IV	Similar Application
Appendix V	Detailed Departmental Comments
Drawing Z-1	Site Plan
Drawing Z-2	On-Site Crowd Management Plan
Drawings Z-3a to Z-3e	Layout Plan of the Columbarium Building
Drawings Z-4a to Z-4c	Proposed Shuttle Bus Route and Drop-off Location
Plan Z-1	Location Plan
Plan Z-2	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4f	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**