

Proposed Schedule of Use for "OU (Columbarium)"

OTHER SPECIFIED USES

| Column 1 | Column 2 |
|-----------------------|---|
| Uses always permitted | Uses that may be permitted with or without conditions on application to the Town Planning Board |

For "Columbarium" Only

| | |
|-------------|---|
| Columbarium | Public Utility Installation Utility Installation for Private Project |
|-------------|---|

Planning Intention

This zone is primarily for land intended for columbarium use.

Remarks

- (1) No new development, or addition, alternation and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 3,136m².
- (2) No new development, or addition, alternation and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment shall exceed a maximum building height of 3 storeys.
- (3) The number of niches for columbarium use under Column 1 shall not exceed 6,495.
- (4) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area/ building height restrictions/ number of niches stated in paragraphs (1) to (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

Previous S.12A Application

Rejected Application

| Application No. | Proposed Amendment(s) | Date of Consideration | Rejection Reason |
|-----------------|--|-----------------------|------------------|
| Y/NE-STK/4 | To rezone the application site from “Agriculture” and “Green Belt” to “Other Specified Uses” annotated “Columbarium” | 20.12.2024 | R1 |

Rejection Reason:

R1 the application site (the Site) fell within an area zoned “Agriculture” (“AGR”) and “Green Belt” (“GB”). The proposed columbarium use was considered not compatible with the village setting of the area, particularly the residential dwellings to its west and southwest as well as the “Village Type Development” zones of San Tsuen and Tong To in the vicinity. There was no strong planning justification for rezoning the Site from “AGR” and “GB” to “Other Specified Uses” annotated “Columbarium” to permit columbarium use as of right. The current “AGR” and “GB” zonings for the Site were considered appropriate and should be retained.

Previous S.16 Applications

Approved Applications

| Application No. | Uses/Development | Date of Consideration (RNTPC/TPB) |
|-----------------|--|-------------------------------------|
| A/NE-STK/5*1 | Proposed Temporary Public Vehicle Park for Coaches and Private Cars for a Period of 3 Years | 16.1.2015 (Revoked on 16.4.2017) |
| A/NE-STK/13*1 | Proposed Temporary Public Vehicle Park (Coaches and Private Cars Only) for a Period of 3 Years | 15.6.2018 |
| A/NE-STK/14 | Proposed Excavation of Land (for Ground Investigation Works for Assessing the Stability of Slopes) | 1.6.2018 |
| A/NE-STK/21*1 | Renewal of Planning Approval for Temporary Public Vehicle Park (Coaches and Private Cars Only) for a Period of 3 Years | 11.6.2021 |
| A/NE-STK/25*1 | Renewal of Planning Approval for Temporary Public Vehicle Park (Coaches and Private Cars Only) for a Period of 3 Years | 7.6.2024 |

Remarks

*1: Application Nos. A/NE-STK/5, A/NE-STK/13, A/NE-STK/21 & A/NE-STK/25 involved the same site

**Similar Applications for Amendment of Plan for Columbarium Use
in the Vicinity of the Application Site on the Same OZP
in the Sha Tau Kok Area**

Approved Application

| Application No. | Proposed Amendment(s) | Date of Consideration |
|-------------------------|--|------------------------------|
| Y/NE-STK/6 ¹ | To rezone the application site from “Village Type Development” to “Government, Institution or Community (1)” | 21.11.2025 |

Rejected Application

| Application No. | Proposed Amendment(s) | Date of Consideration | Rejection Reasons |
|-------------------------|--|------------------------------|--------------------------|
| Y/NE-STK/3 ¹ | To rezone the application site from “Village Type Development” to “Other Specified Uses” annotated “Columbarium” | 14.7.2023 | R1-R2 |

Remarks:

¹ Application Nos. Y/NE-STK/3 and Y/NE-STK/6 largely involved the same site

Rejection Reasons

- R1 The Site fell within an area zoned “Village Type Development” (“V”) with the planning intention primarily for development of Small Houses by indigenous villagers. The proposed columbarium use was considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate southwest. There was no strong planning justification for rezoning of the Site from “V” to “Other Specified Uses” annotated ‘Columbarium’ to permit columbarium use as of right. The current “V” zone for the Site was considered appropriate.
- R2 The applicant failed to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas.

Detailed Departmental Comments

- (a) Comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) it is noted that multi-function rooms and canteen would be provided under the proposed development. The applicant is reminded that:
- proper licence/ permit issued by Food and Environmental Hygiene Department (FEHD) is required if there is any catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
 - pursuant to Section 4 of Food Business Regulation, Cap. 132X, the expression ‘food business’ means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but does not include any canteen in work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. As such, a staff canteen that is exclusively used by the staff members of that working place is exempted from obtaining food business licence from FEHD except for permission to sell restricted foods specified in Schedule 2 to the Food Business Regulation. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required; and
 - the refuse generated by the proposed development are regarded as trade refuse. The management or owner of the application site (the Site) is responsible for its removal and disposal at their expenses. The operations should not cause any obstruction or environmental nuisance in the vicinity.
- (b) Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) regarding the proposed improvement works at the junction of Tai Po Tai Wo Road/ Po Nga Road, he has no adverse comments on the acceptance and implementation of the said road junction improvement proposal including the future management and maintenance of the improved public roads from the highways maintenance point of view, subject to the conditions below:
- the proposed improvement schemes under the Traffic Impact Assessment (TIA) should be commented and approved by the Transport Department (TD). If the proposed schemes on public roads are acceptable by TD, the project proponent should design and construct them in accordance with the latest version of Transport Planning and Design Manual (TPDM) and Highways Standards to the satisfaction of HyD and TD at his own expenses;
 - the detailed design of the proposed improvement works should be submitted for comment by TD and HyD;
 - the applicant shall make good damages done to public roads and the associated street furnitures and structures arising from the construction of the improvement works at his own expenses to the satisfaction of his office;

- his office should only take over roadworks and the associated street furnitures/ structures for maintenance provided that they are designed and constructed to the satisfaction of TD and HyD pursuant to the prevailing TPDM and Highways Standards, they will be managed by TD, and with sufficient recurrent cost (RC) for future maintenance. As such, the applicant is reminded to submit detailed engineering drawings, RC estimate, management and maintenance (M&M) matrix, Building Information Modelling (BIM) models for comment;
- adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
- should excavation work on public roads be required, an excavation permit shall be obtained from his office prior to the commencement of excavation works on public roads;

(ii) regarding the proposed works along Sha Tau Kok Road near the Site, he has no comment from the highways maintenance point of view on the proposed schemes of the improvement works, subject to the conditions below:

- the proposed schemes of the improvement works should be accepted by TD;
- the details design of the proposed improvement works should be submitted to TD and HyD for review and comment;
- his office should only take over roadworks and the associated street furnitures/ structures for maintenance provided that they are designed and constructed to the satisfaction of TD and HyD pursuant to the prevailing TPDM and Highways Standards, they will be managed by TD, and with sufficient RC for future maintenance. As such, the applicant is reminded to submit detailed engineering drawings, RC estimate, M&M matrix, BIM models for comment;
- excavation permit shall be obtained from his office prior to the commencement of excavation works on the public roads and footpath;
- the applicant shall make good damages done to public roads and the associated street furnitures and structures arising from the construction of the proposed improvement works at his own cost to the satisfaction of his office; and
- adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and

(iii) as the proposed road works along Sha Tau Kok Road near the Site affects a section of existing 225 u-channel along slope toe and a tree on the slope No. 3NE-C/C45 maintained by HyD, the applicant is reminded circulate the design submission to HyD for comment.

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

- (i) it is the responsibility of the applicant to formulate a management plan to direct the crowd and vehicles assessing to the Site especially during Ching Ming and Chung Yeung Festivals.

- (d) Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (i) the applicant is advised to ensure that the Master Layout Plan (MLP) in the revised Visual Impact Assessment would tally with the revised MLP under the Planning Statement; and
 - (ii) approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.
- (e) Comments of the Director of Fire Services (D of FS):
- (i) no specific comments on the proposal subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
 - (ii) detailed fire services requirements will be formulated upon receipt of a formal submission of general building plans. Furthermore, the provision of emergency vehicular access (EVA) in the subject work shall comply with the requirements stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011.
- (f) Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) no objection to the application;
 - (ii) it is noted that three structures, covered walkway, niches and land filling are proposed at the Site. Before any new building works are to be carried out at the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
 - (iii) the applicant's attention is drawn to the following points:
 - the Site shall be shall be provided with EVA in accordance with Regulation 41D of the Building (Planning) Regulations (B(P)R);
 - the Site abuts on a specified street (Sha Tau Kok Road – Shek Chung Au) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at the building plan submission stage;
 - if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the subject application;
 - for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO; and
 - detailed checking under the BO will be carried out at building plan submission stage.