

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1013

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|---------------------------|---|
| <u>Applicant</u> | : Ku Ngam Ching Yuen Limited represented by Vision Planning Consultants Limited |
| <u>Site</u> | : Lots 60 s.A, 60 s.B, and 561 in D.D.184 and Adjoining Government Land (GL), South of Che Kung Miu Road, Tai Wai, Sha Tin, N.T. |
| <u>Site Area</u> | About 1,989m ² (including GL of 459m ² (about 23% of the Site)) |
| <u>Lease</u> | : (a) Lot 60 s.A in D.D. 184 – Agricultural Lot (b) Lot 60 s.B in D.D. 184 – Agricultural Lot (c) Lot 561 in D.D. 184 – Building and Garden Lot |
| <u>Plan</u> | : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36 |
| <u>Zoning</u> | : “Government, Institution or Community” (“G/IC”) |
| <u>Application</u> | : Columbarium |

1. The Proposal

- 1.1 The application site (the Site) is the subject of a s.12A Application No. (Y/ST/42) for rezoning from “Village Type Development” (“V”) to “G/IC” to facilitate the continuation of the existing religious institution and columbarium uses on site, which was agreed by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 4.12.2020. The Site was subsequently rezoned to “G/IC” in 2021 to take forward the agreed application. According to the Notes of the OZP for the “G/IC” zone, ‘Religious Institution’ is always permitted under Column 1, while ‘Columbarium’ is a Column 2 use requiring planning permission from the Board. The applicant seeks planning permission to regularize the current columbarium use on the Site within an existing religious institution under the name of Ku Ngam Ching Yuen (古巖淨苑) (KNCY) (**Plan A-1**).
- 1.2 According to the applicant, the main temple of KNCY was established at the Site in 1951 and the columbarium building came into existence after 1980. The Site is currently occupied by four buildings including a single-storey main temple (千佛寶殿), two two-storey columbarium buildings (I (觀音殿) and II (地藏殿)) and a two-storey toilet with some shrines in the eastern, western and northern parts of the Site. Under the applicant’s current proposal, while the main temple and the two columbarium buildings will be kept and new staircases will be constructed for the columbarium buildings, the existing toilet

will be demolished and replaced with a single-storey new toilet. In addition, a single-storey kiosk/visitor centre/guard house compound, an entrance portal and planters are proposed along the western boundary of the Site (**Drawing A-1**). Five single-storey temporary structures including a kiosk, a refreshment/sitting area, a covered circulation area and two worship areas are proposed to be demolished.

- 1.3 The opening hours of KNCY is from 8:00 am to 4:30 pm daily, and from 8:00 am to 5:00 pm during the days of Ching Ming and Chung Yeung Festivals, as well as two weekends before and after the festival days including the intervening public holidays.
- 1.4 Compared with the indicative scheme under the agreed s.12A Application No. Y/ST/42, the development parameters are largely the same except that the proposed number of memorial tablets has increased by 1,349 from 907 to 2,256; and the replacement of the existing 2-storey toilet building by a new single-storey toilet building at the eastern fringe of the Site.
- 1.5 The proposed development parameters of the under the current application are as follows:

| | | |
|------------------------|--|---------------------|
| Site area | About 1,989 m ² (including GL of about 459m ²) | |
| Gross Floor Area (GFA) | About 503.5m ² | |
| | Existing Buildings | 456m ² |
| | Main Temple (千佛寶殿) | 146m ² |
| | Columbarium I (觀音殿) | 158m ² |
| | Columbarium II (地藏殿) | 152m ² |
| | Proposed Buildings/Structures | 47.5 m ² |
| | Visitor Centre/Kiosk/Guard House | 30m ² |
| | Toilet | 16m ² |
| | Entrance Portal | 1.5m ² |
| Plot Ratio | About 0.253 | |
| Site Coverage | About 24.2% | |
| Building Height (BH) | About 2.1m to 7.7m | |
| | Existing Buildings | 6.3m to 7.7m |
| | Main Temple (千佛寶殿) | 7.7m (one storey) |
| | Columbarium I (觀音殿) | 6.3m (two storeys) |
| | Columbarium II (地藏殿) | 7.3m (two storeys) |
| | Proposed Buildings/Structures | 2.5m to 3.5m |
| | Visitor Centre/Kiosk/Guard House | 3.5m (one storey) |
| | Toilet | 2.5m (one storey) |
| | Entrance Portal | 3.5m |

△Existing toilet building of 44m² (4.9m in BH) and existing kiosk structure of 25.8m² (3.4m in BH) will be demolished and are excluded from GFA and BH calculations.

- 1.6 There are a total of 1,969 niches and 2,256 memorial tablets within the columbarium buildings. The breakdown of their sale and occupation conditions are as follows:

| Number of Niches | | Columbarium I (觀音殿) | Columbarium II (地藏殿) | Total |
|--|-------------------|---------------------------------|------------------------------------|------------------------------------|
| Niches sold and interred with ashes before 30.6.2017 | Single-urn Niches | 0 | 318 (23 [@]) | 318 |
| | Double-urn Niches | 0 | 180 (63 [@]) | 180 |
| | Sub-total | 0 | 498 (86[@]) | 498 (86[@]) |
| Niches sold but not yet interred with ashes before 30.6.2017 | Single-urn Niches | 0 | 37 | 37 |
| | Double-urn Niches | 0 | 69 | 69 |
| | Sub-total | 0 | 106 | 106 |
| Vacant niches not yet sold | Single-urn Niches | 586 (15 [@]) | 165 (139 [@]) | 751 (154 [@]) |
| | Double-urn Niches | 361 | 253 | 614 |
| | Sub-total | 947 (15[@]) | 418 (139[@]) | 1,365 (154[@]) |
| Total No. of Niches | | 947 (15[@]) | 1,022 (225[@]) | 1,969 (240[@]) |

@ number of niches reserved for charity purpose as claimed by the applicant

| Number of Memorial Tablets | Columbarium I (觀音殿) | Columbarium II (地藏殿) | Total |
|----------------------------|------------------------|-------------------------|--------------|
| Sold and occupied | 813 | 0 | 813 |
| Sold but unoccupied | 70 | 0 | 70 |
| Vacant and unoccupied | 1,373 | 0 | 1,373 |
| Grand Total | 2,256 | 0 | 2,256 |

- 1.7 According to the submitted Landscape Master Plan (LMP) (**Drawing A-5**), there are 10 existing trees within the Site, with the dominant species being *Artocarpus heterophyllus* (波蘿蜜), *Euphoria longan* (龍眼) and *Leucaena leucocephala* (銀合歡), which are common tree species in Hong Kong. One tree is proposed to be felled, and nine retained. 16 new heavy standard trees are proposed to be provided within the Site. There are also seven undersized trees on site that are currently owned by Director of Leisure and Cultural Services (DLCS), and the applicant has agreed to take over them upon implementation of the development. Metal fences of 1.8m in height and planters are proposed along the northern and eastern boundaries to provide a soft buffer edge between the Site and its surroundings (**Drawings A-4 and A-5**).
- 1.8 The Site is served with an independent pedestrian access to Che Kung Miu Road. The Site is not served by any vehicular access and has no parking and loading/unloading facilities. According to the Traffic Impact Assessment (TIA) submitted, the existing pedestrian facilities are able to cope with the pedestrian demand during peak hours in festival periods. For crowd management, a visit-

by-appointment arrangement is proposed. All visitors are required to make appointment for specific time slots before visit. A maximum of 34 visitors (17 visitors at each of the Columbarium buildings) will be allowed for each time slot with a duration of 30 minutes. A waiting area of about 96m² will be designated outside the Main Temple (**Drawings A-6 to A-9**).

- 1.9 As proposed by the Applicant, no furnace will be provided for burning sacrificial offerings; and burning of joss paper, ritual offerings or candle is strictly prohibited. No sound amplification system will be used. Portable toilets will be provided during festive peak days and there will be sufficient capacity in the septic tank and soakaway system to cater for the sewage generated.
- 1.10 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 5.1.2023 (Appendix I)
 - (b) Further Information (FI) including Consolidated Report received on 3.5.2023 (Appendix Ia)
 - (c) FI received on 12.5.2023 (Appendix Ib)
- 1.11 The floor plans and layout plans submitted by the applicant are shown in **Drawings A-1 to A-3**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in of the Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) the proposal is in line with the Government's policy to cater for the long-term demand for niches. A shortage in the supply of columbarium facilities is anticipated in future; therefore the proposal could serve as an alternative to satisfy the community demand for columbarium niches;
- (b) an "Approval-in-principle for Temporary Suspension of Liability (TSOL) Application" has been granted to the applicant by the Private Columbaria Licensing Board (PCLB), reflecting the applicant's effort in complying with the requirements set out in the Private Columbaria Ordinance (PCO);
- (c) the subject application is the subsequent planning procedure following the Committee's agreement to the s.12A Application No. Y/ST/42 for rezoning the site from "V" to "G/IC". The nature and scale of development in the current proposal is similar to the scheme in the previous application. KNCY is in line with the planning intention of the "G/IC" zone;
- (d) KNCY Limited is a non-profit making organization. 240 columbarium niches have been reserved for charity purpose. A total of 154 vacant niches are proposed to be released to families in need once the Private Columbarium Licence is issued to KNCY;

- (e) the Board and relevant governmental departments will retain full authority to monitor and control the operation of the columbarium if the subject application is approved. PCLB will be the authority to monitor the future operation of the columbarium development at KNCY in accordance with the Management Plan to be approved, and is empowered to undertake enforcement actions against non-compliance of licence conditions; and
- (f) the TIA, Drainage Impact Assessment (DIA), Sewage Treatment and Disposal Report, and Geotechnical Planning Review Report (GPRR) show that the proposed development will not cause adverse impact on traffic, sewerage, drainage and geotechnical aspects in the area.

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

The applicant is the sole “current land owner” of Lots 60 s.A, 60 s.B, and 561 in D.D.184. Detailed information would be deposited at the meeting for Members’ inspection. For the adjoining GL, the “owners’ consent/ notification” requirements as set out in the “Town Planning Board Guidelines No. 31 on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) are not applicable.

4. Background

Zoning History

- 4.1 Application No. Y/ST/42 was submitted by the same applicant in 2018 for rezoning the Site from “V” to “G/IC” for columbarium use with 1,969 niches and 907 memorial tablets. The application was agreed by the Committee on 4.12.2020 on consideration that the Site was located in a cluster of government, institution and community (GIC) facilitates at the periphery of the “V” zone; accessible by an independent pedestrian access and hence limited nuisance to nearby village houses; no adverse comments from concerned departments; and “visit-by-appointment” arrangement will be monitored by the Food and Environmental Hygiene Department (FEHD) should a licence be granted to the columbarium under PCO. The Site was subsequently rezoned to “G/IC” in 2021, with the proposed amendment to the OZP incorporated into the extant OZP. ‘Columbarium’ is a Column 2 use that may be permitted with or without conditions on application to the Board in the “G/IC” zone.

PCO

- 4.2 PCO, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017. On 22.11.2017, two policy initiatives were announced by the Government to address the land premium and TIA issues of pre-cut-off columbaria (i.e. a columbarium which was in operation before 8:00 a.m. on 18.6.2014 with interred ashes in niches) seeking a licence. For the policy initiative relating to TIA, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts in processing the licence application for a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. Operators of individual columbaria have the responsibility to provide practicable

mitigation measures within their capability and submit a management plan setting out such measures during the licence application stage. The government departments will reflect to PCLB their views on suitable mitigation measures that should be followed up by individual cases.

5. Town Planning Board Guidelines

The ‘Application for Development/Redevelopment within “G/IC” zone for uses other than GIC Uses under s.16 of the Town Planning Ordinance’ (TPB PG-No. 16), which was promulgated in January 1999, is relevant to this application. Relevant extracts of the Guidelines are at **Appendix II**.

6. Previous Applications

6.1 The Site is the subject of two previous s.12A applications. Application No. Y/ST/31 was submitted by the same applicant in 2015, for rezoning the Site from “V” to “G/IC” for columbarium use with 3,087 niches and 901 memorial tablets. The application was subsequently withdrawn by the applicant on 11.10.2016. Application No. Y/ST/42 submitted by the same applicant in 2018 for rezoning the Site from “V” to “G/IC” for columbarium use with 1,969 niches and 907 memorial tablets was agreed by the Committee on 4.12.2020 as detailed in paragraph 4.1 above. Compared to the proposal under Application No. Y/ST/42, the current application proposes the same number of niches but 2,256 tablets, i.e. 1,349 tablets more than the previous proposal.

6.2 The location of the application (No. Y/ST/42) is shown on **Plan A-1**.

7. Similar Applications

There are two similar applications of ‘Columbarium’ or ‘Columbarium with Ancillary Storage/Facility’ use in “G/IC” zone in the Sha Tin OZP. Application No. A/ST/109 was approved by the Board on 19.6.1987 for proposed Columbarium at a vacant site off Lower Shing Mun Road, Area 18, Sha Tin on the consideration that the proposed columbarium could help alleviate the territorial shortfall of niches and was compatible with surrounding uses. Application No. A/ST/816 was for ‘Columbarium use with Ancillary Storage’ in Pai Tau Village and was rejected by the Committee on 8.11.2013, and by the Board on review on 11.4.2014 as the TIA submitted failed to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact and the approval of the application would set an undesirable precedent for the development of columbarium use which would lead to a general degradation of the traffic conditions of the area.

8. The Site and its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) located to the west of Lee Uk Village and about 135m to the southwest of MTR Che Kung Temple Station;

- (b) currently occupied by a religious compound known as KNCY with the Main Temple established in the 1950s and the columbarium buildings came into existence after 1980. According to the applicant, KNCY started selling niches in 1980. Since then, other new buildings and temporary structures came into existence to support the operation of KNCY;
- (c) partly within the ‘village environs’ (‘VE’) of Lee Uk Village; and
- (d) not served by direct vehicular access. There is an independent pedestrian access leading to the existing pedestrian walkway and cycle track along Che Kung Miu Road.

8.2 The surrounding areas (**Plans A-2a and A-2b**) have the following characteristics:

- (a) around the Site locates a cluster of GIC facilities within the adjoining “V” zone. Other than the KNCY compound at the Site, there are three religious institutions, namely Buddhist Tzu Chi Foundation Hong Kong (佛教慈濟基金會) adjoining the Site to the west; Che Kung Miu (車公廟) to the further west; and Chi Hong Ching Yuen (慈航淨院) which is a religious institution-cum-columbarium development to the southwest. Another religious institution, ELCHK Salvation Lutheran Church (基督教香港信義會救恩堂), is located at the southeastern fringe of the “V” zone of Lee Uk Village;
- (b) to the east is the village cluster of Lee Uk Village. Another village cluster of San Tin Wai is located further southwest near Chi Hong Ching Yuen on the other side of a densely vegetated knoll;
- (c) two local open space (Lei Uk Tsuen Garden No.1 and Lei Uk Tsuen Garden No. 2) are located to the northeast and northwest nearby; and
- (d) a vegetated hill knoll with steep slopes is found to the south of the Site..

9. **Planning Intention**

The “G/IC” zone in Sha Tin OZP is intended primarily for the provision of GIC facilities serving the needs of local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

10.1 The following government bureaux/departments have been consulted and their views on the application are summarized as follows:

Licensing Requirement

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

- (a) regarding the private columbarium named "Ku Ngam Ching Yuen (古巖淨苑)" at Ku Ngam Ching Yuen, 1 Che Kung Miu Road, Tai Wai, Sha Tin, New Territories (Lot 561 (Part) in D.D.184), two sets of the specified instrument (SI) applications (viz. (i) a licence & TSOL and (ii) exemption & TSOL) in respect of a pre-cut-off columbarium was received by PCLB and the applications are being processed by the Private Columbaria Affairs Office (PCAO). PCLB has granted approval-in-principle to the TSOL applications of the above private columbarium with a validity period of three years from 19.11.2021 to 18.11.2024. Giving an "Approval-in-principle for TSOL Application" does not mean that the application for an Exemption in respect of the columbarium concerned will be approved eventually. If the applicant fails to comply with all the requirements in respect of the Exemption application submitted together with the TSOL application and fails to prove to the satisfaction of PCLB that all the above-mentioned necessary steps have been taken with reasonable expedition by the expiry of the validity period of the "Approval-in-principle for TSOL Application", PCLB will not extend the validity of "Approval-in-principle for TSOL Application" and may refuse the whole set of application;
- (b) DFEH/PCAO had advised the applicant that the proposed plans (including niche information) certified by qualified persons in respect of the licence application should be submitted to PCLB before submitting the planning application to the Board;
- (c) FEHD/PCAO has no comment on the "visit-by-appointment system" arrangement from enforceability and practicality perspectives provided that:
 - (i) the applicant shall keep a register for the "visit-by-appointment system" arrangement to record the information, including but not limited to the date and time of visit session; niche number to be visited; name of visitors; number of visitors; time of leaving the columbarium; date of booking and the means of booking, etc. so that monitoring on compliance of such mandatory "visit-by-appointment system" arrangement could be conducted by FEHD staff on the spot;
 - (ii) the proposed "visit-by-appointment system" arrangement should be incorporated into the Management Plan to be

submitted to the PCLB for consideration. If such Management Plan and the associated licence application are approved by the PCLB, the PCAO will undertake the monitoring of the implementation of the Management Plan within the site boundary covered by the licence;

- (iii) the applicant undertakes to inform the affected parties (including the purchasers of the sold niches) in writing that the House Rules, special traffic arrangements and a mandatory “visit-by-appointment system” arrangement during the specified implementation periods are proposed by the applicant and will be implemented if the planning application is approved; and remind the concerned parties by letter, email, fax, SMS and any possible notification means of such House Rules, special traffic arrangements and mandatory “visit-by-appointment system” arrangement during the specified periods at least one month in advance of each period; and
- (d) under PCO, PCLB may grant an application for the issue of a licence in respect of a columbarium only if a management plan, submitted by the applicant in respect of the columbarium, has been approved by PCLB. If PCLB decides to approve the license application, the approved management plan will be included in the licensing conditions and the licensee will be required to implement the approved management plan.

Land Administration

10.1.2 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) there are a total of three private lots and a portion of GL involved in the Site. Lots 60 s.A and s.B in D.D. 184 are agricultural lots sold under New Grant No. 3848. Among other conditions, no building shall be erected on the lots and no grave or human remains shall be deposited on the lots. Lot 561 in D.D. 184 is a building and garden lot sold under New Grant No. 8244 subject to GN No. 364 of 1934 as amended by GN No. 50 of 1940. No building shall be used as a “Chai Tong” and no grave or human remains shall be deposited on the lot. Besides, a substantial portion of the Site falls within the ‘VE’ of Lee Uk Village. The outstanding Small House applications are one and three in Lei Uk Village and San Tin Wai Village respectively;
- (b) breaches of lease were previously identified by LandsD within Lot 561 in D.D. 184 and the relevant warning letter dated 8.6.2017 against non-compliance with the user restriction has been registered in the Land Registry;
- (c) the current proposal for columbarium and temple use is not permissible under lease. If the planning application is approved by the Board, the lot owner has to apply to LandsD for lease

modification and short term tenancy (STT), or such other appropriate land document as required under the applicable policy. However, there is no guarantee that the application must be approved and the details of the proposal to be covered in the application will be further examined and verified. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and any approval would be subject to such terms and conditions including, among others, payment of premium and administrative fee as may be imposed by LandsD;

- (d) proposed slope works involved in the subject application will be checked and considered by LandsD at the building stage. If any slope works on unleased and unallocated GL is required, the lot owners concerned shall apply for permission to enter into GL to carry out the required works. Such application will be considered by LandsD acting in its capacity as the landlord as its sole discretion and, if approved, it will be subject to such terms and conditions including, inter alia, payment of premium and administrative fee as may be imposed by LandsD;
- (e) some control measures of Management Plan like “visit-by-appointment” etc. put up by the applicant are not related to land and buildings and they will not be written into the lease through the mechanism of lease modification, STT or similar land documents. ~~and~~
- (f) ~~the applicant should acknowledge that removal of the existing structure which falls within Lot No.561 in D.D. 184 encroaching onto the adjoining GL should be undertaken at its own expense. The Government will accept no responsibility or liability for any damage, nuisance or disturbance caused to or suffered by the applicant by reason of the presence of the said structure. The applicant should indemnify and keep indemnified the Government from and against all liabilities, claims, costs, demands, actions or other proceedings whatsoever arising whether directly or indirectly out of or in connection with the presence and subsequent demolition of the said structure.~~

Fire Safety

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

- he has no in-principle objection to the application provided that:
 - (i) fire service installations and equipment being provided to the satisfaction of D of FS. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) requirements in accordance with the PCO for premises used as private columbaria which is administered by FEHD are being complied with.

Water Supply

10.1.4 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 on the application are at **Appendix III**.

Traffic and Crowds Management

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

- no comment on the application from traffic engineering and transport operation point of view.

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

- (a) no comment on the application from the perspective of crowd management and traffic matters; and
- (b) Tin Sum Police Station has been providing normal police patrol coverage at the Site and its vicinity during Ching Ming and Chung Yeung Festivals. There was no untoward incidents happened or complaints made against the activities managed by the columbarium in the past ten years.

Environment

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

- (a) based on the information provided in support of the application, he has noted that:
 - (i) no furnace will be provided for burning sacrificial offerings, and burning of joss paper, ritual offerings or candle is strictly prohibited during the operation phase;
 - (ii) no sound amplification system will be used within the Site at all times;
 - (iii) the applicant has demonstrated that there would be sufficient capacity of the septic tank and soakaway system to cater for the sewage generated;
 - (iv) the applicant is committed to providing portable toilets during festive peak days; and
- (b) with implementation of the above precautionary and mitigation measures, he considers that insurmountable environmental impact arising from the application is not envisaged and hence has no objection to the subject application from environmental planning perspective.

Building Matters

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

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

Urban Design and Landscape

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

Urban Design and Visual

- (a) as compared to the proposal under the approved s.12A Application No. Y/ST/42, while minor changes to the BH and the proposed number of tablets are noted, the proposed number of niches, scale of development, building disposition of the main building and columbarium buildings under the current application are generally similar to that of the indicative scheme under the agreed s.12A Application. According to the Planning Statement, apart from the three existing buildings (one is the main temple and two are the columbarium buildings), the proposal comprises three new buildings/structures including a visitor centre/kiosk/guard house, a toilet as well as an entrance portal. The GFA and building heights of the proposed visitor centre/kiosk/guard house and a toilet are comparable to those of their existing structures, which are to be demolished together with other on-site temporary structures. In view of the small scale of the proposed new buildings/structures and with landscaping along the northern and eastern boundaries of the Site for Che Kung Miu Road and adjacent village houses, etc., she has no particular comments from the urban design and visual perspectives;

Landscape

- (b) comparing the aerial photo of 2020 and 2021, there is no significant change in the landscape character since the previous s.12A application (No. Y/ST/42) was approved in December 2020;
- (c) according to the site photos and the Planning Statement, the Site is operating as religious compound with columbarium. Based on the submitted Tree Preservation and Landscaping Proposal, 10 existing tree of common species are observed within the application site. One of them is proposed to be removed. In addition, seven undersized tree within the Site are proposed to

be retained. According to the Landscape Proposal, existing peripheral vegetation along the Site will be preserved in-situ and new plantings, including 16 new trees and shrubs / ground cover plantings are proposed to minimize the landscape impact. Significant adverse impact on existing landscape resources and character arising from the proposed development is not anticipated; and

- (d) she has no objection to the application from landscape planning perspective.

10.1.10 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) there are seven trees in the Site that are currently maintained by his office. Subject to approval of this application and the subject land being allocated to the applicant, he will hand back the seven subject trees to LandsD for their necessary action to require the land lot to take up the future maintenance of the trees. The allocatee should follow the tree preservation guidelines promulgated by Development Bureau and submit the Tree Preservation and Removal Proposal in accordance with DEVB TC(W) No. 4/2020 for future development; and
- (b) no facilities under his office is placed or erected within the Site, therefore he have no particular comment to the proposed development in this regard.

Geotechnical Aspect

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

- (a) having reviewed the revised GPRR (**Appendix Ia**) submitted by the applicant, he has no further geotechnical comments on the planning application; and
- (b) his detailed comments on the application are at **Appendix III**.

Ecological Aspect

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

- in response to the public comments received, and considering that the Site has been occupied by several buildings for an existing columbarium, he considers that it is unlikely that the captioned application would result in adverse ecological impacts on the surroundings, which are mostly developed.

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

- (a) Chief Engineer/Mainland South, Drainage Service Department (CE/MS, DSD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO); and
- (d) District Officer/Shau Tin, Home Affairs Department (DO(ST), HAD).

11. **Public Comments Received During Statutory Publication Period**

11.1 On 17.1.2023 and 11.4.2023, the application and its FI were published for public inspection. During the statutory public inspection period, a total of 383 public comments were received.

11.2 The 4 **supporting** comments from individuals are summarized as follows:

- (a) the proposed development helps meet the demand for columbarium facilities in Hong Kong; and
- (b) KNCY is an established institution with convenient transport connection.

11.3 The 379 public comments (350 in form of standard letters) **objecting** to the application from Legislative Council Members, Chairman and Members of Sha Tin District Council, Chairman and Members of the Shatin Rural Committee, Village Representative of Sha Tin Tau and Lee Uk Tsuen, Chairman of Sha Tin Chun Fung Kai Fong Federation, Members of Sha Tin Wai Area Committee, Chairperson of the Owners' Corporation of The Riverpark, local villagers, residents and private individuals are summarized as follows:

- (a) the columbarium is not compatible with the surrounding land uses;
- (b) the Site encroaches onto GL. The granting of GL to private columbarium for profit-making activities is unjustified;
- (c) the land in "V" zone should be reserved for villagers. The approval of the application will further reduce the land in "V" zone which could be used for Small House development;
- (d) the columbarium is too close to residential areas, religious activities such as joss paper burning and chanting causes air and noise pollution to nearby residents;
- (e) the proposed toilet building and pump house is close to neighbouring village settlements and housing estates, creating nuisance and hygiene issues to nearby residents;
- (f) the columbarium will cause environmental and ecological impacts;

- (g) the traffic congestion problem in the vicinity of the Site during festival periods is severe. The proposal would further exacerbate the cumulative traffic impacts on the surrounding road networks, and lead to congestion and safety issues;
- (h) the applicant did not submit technical assessments to demonstrate the impacts of the development;
- (i) there is no strong demand for columbarium at the location as the Government has proposed to provide 40,000 public columbarium niches in Shek Mun;
- (j) the columbarium has been operating without a licence for many years;
- (k) the applicant may continuously expand the columbarium upon approval of the application;
- (l) adverse comments on previous applications were ignored and the consultation period was inadequate; and
- (m) the columbarium would affect the “fung shui” of the village and the mental and physical health of the residents nearby.

11.4 The whole set of public comments have been deposited at the meeting for Members’ inspection. Samples of the public comments are at **Appendix IV**.

12. Planning Considerations and Assessments

12.1 Following the Committee’s agreement of the previous s.12A Application (No. Y/ST/42) on 4.12.2020 to facilitate the continuation of the existing religious institution and columbarium uses on the site, the Site was then rezoned from “V” to “G/IC” in 2021 under which ‘Religious Institution’ is always permitted and ‘Columbarium’ use requires planning permission from the Board. The current planning application is to regularize the columbarium use providing a total of 1,969 niches and 2,256 memorial tablets within the Site comprising mainly a one-storey main temple and two two-storey columbarium buildings. When compared with the previous s.12A application (No. Y/ST/42), the development parameters are largely the same except that there is an increase of 1,349 memorial tablets as compared to the 907 tablets previously proposed and a new toilet building will replace the existing one which will be demolished.

Planning Intention

12.2 The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. The current application is for regularization of the existing columbarium use within a religious institution which is always permitted under the “G/IC” zone. The acceptability of the proposal should be comprehensively assessed taking into

account the land use compatibility of the Site with its neighbouring uses, and the traffic and environmental impacts arising from the development.

Land Use Compatibility

- 12.3 The Site is situated at the southern side of Che Kung Miu Road and is surrounded by a green knoll and rural neighbourhood comprising village settlements, tree groups and religious institutions. The KNCY compound is abutting the existing “V” zone with its sole entrance directly connecting to Che Kung Miu Road. It is accessible via an independent pedestrian access which will not be shared with the villagers nearby. In order to provide smooth transition between the development and the adjacent village houses, the applicant proposed the provision of ornamental trees and shrubs and metal fencing of 1.8m in height along the edge of the Site to minimize disturbance to the nearby village houses and to provide a soft buffer to its surroundings. **(Drawings A-4 and A-5)**. In view of the overall setting of the Site, it is considered that there would be limited nuisance to the nearby village houses in terms of potential intermixing of grave-sweepers and villagers in this locality.

Visual and Landscape Aspects

- 12.4 The proposed development involves construction of three new structures, namely the proposed visitor centre/kiosk/guard house, toilet and entrance portal, with a total GFA of 47.5m² and BH ranging from 2.5 to 3.5m. The existing structures, including the Main Temple and the two columbarium buildings, with a total GFA of 456m² and BH ranging from 6.3m to 7.7m will be retained. In view of the small scale of the proposed new buildings/structures and the proposed landscaping treatment along the northern and eastern boundaries of the Site for Che Kung Miu Road and adjacent village houses, etc., CTP/UD&L, PlanD has no particular comments from urban design and visual perspectives.
- 12.5 According to the submitted LMP, among the 10 existing trees within the Site, one tree is proposed to be felled and nine trees would be retained. 16 new heavy standard trees are proposed to be provided within the Site. The applicant will also take over the seven undersized trees currently owned by DLCS. Preservation of the existing peripheral vegetation and new trees and shrubs / ground cover plantings are proposed to minimize the landscape impact. CTP/UD&L, PlanD has no objection from landscape planning perspective.

Traffic Impact and Crowd Management

- 12.6 The columbarium development is expected to generate traffic and attract large number of visitors during the peak hours of festival days. In this regard, a “visit-by-appointment” arrangement is proposed by the applicant in which all visitors are required to make appointment for specific time slots during festival days (i.e. Ching Ming and Chung Yeung Festivals) and the weekends two week before and after and intervening holidays. A maximum of 34 visitors will be allowed per 30-minute time slot. Having reviewed the revised TIA and Management Plan submitted by the applicant, C for T has no adverse comment on the application from traffic engineering and operation viewpoint. C of P also has no comment on the application from the perspective of crowd management and traffic matters. FEHD has advised that the proposed “visit-

by-appointment system” arrangement should be incorporated into the Management Plan to be submitted to the PCLB for consideration. If such Management Plan and the associated licence application are approved by the PCLB, the PCAO will undertake the monitoring of the implementation of the Management Plan within the site boundary covered by the licence.

Other Technical Aspects

- 12.7 As proposed by the Applicant, no furnace will be provided for burning sacrificial offerings; and burning of joss paper, ritual offerings or candle is strictly prohibited. No sound amplification system will be used. Portable toilets will be provided during festive peak days and there is sufficient capacity in the septic tank and soakaway system to cater for the sewage generated. DEP considers that insurmountable environmental impact arising from the application is not envisaged with implementation of the precautionary and mitigation measures, and hence has no objection to the application.
- 12.8 Other government departments including D of FS, CE/C, WSD, CE/MS, DSD, H(GEO), CEDD and CBS/NTW, BD have no objection to/adverse comment on the application.

Town Planning Board Guidelines

- 12.9 According to the TPB PG-No. 16 for application for development/redevelopment within “G/IC” zone for uses other than G/IC uses, the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure, and should not cause adverse environmental impacts. As DEP has no objection to the application and there is no adverse comment on the application from other technical departments, the application is considered not in conflict with the TPB PG-No. 16.

Public Comments

- 12.10 There are adverse public comments and local objection against the application. The applicant is no longer proposing a pump house for the new toilet. “Fung shui” issue is not a material consideration. Regarding reduction of land for Small House development, the Site has been rezoned from “V” to “G/IC”. The provisions for public consultation under the Town Planning Ordinance have been duly followed in processing planning applications of the Site. For other issues, the planning assessment and comments of government departments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above and having taking into account the public comments set out in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 19.5.2027 and after the said date, the permission shall cease to have effect unless before the said date, the development permitted

is commenced or the permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

the submission and implementation of fire service installations and water supplies for firefighting proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

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| Appendix I | Application Form received on 5.1.2023 |
| Appendix Ia | FI received on 3.5.2023 |
| Appendix Ib | FI received on 12.5.2023 |
| Appendix II | Relevant Extracts of TPB PG-No. 16 |
| Appendix III | Detailed Comments from Relevant Government Departments |
| Appendix IV | Sample of Public Comments |
| Appendix V | Recommended Advisory Clauses |
| Drawing A-1 | Master Layout Plan |
| Drawing A-2 | Ground Floor Plan |
| Drawing A-3 | First Floor Plan |
| Drawing A-4 | Sectional Diagram |
| Drawing A-5 | Landscape Master Plan |
| Drawings A-6 to A-9 | Proposed Crowd Control Arrangement |
| Plan A-1 | Location Plan |
| Plans A-2a to A-2b | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4a to A-4h | Site Photos |

**PLANNING DEPARTMENT
MAY 2023**