

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

APPLICATION NO. Y/NE-STK/3B

<u>Applicant</u>	: Mr. CHEUNG Kin-lung represented by Mr. WONG Sun-wo William
<u>Site</u>	: Lots 1422 S.B (Part) and 1423 S.B (Part) in D.D. 41, Tong To, Sha Tau Kok, New Territories
<u>Site Area</u>	: 160m ² (about)
<u>Lease</u>	: Lot 1422 S.B - Block Government Lease (demised for agricultural use) Lots 1423 S.B - Block Government Lease (demised for agricultural and house uses)
<u>Plan</u>	: Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Proposed Amendment</u>	: Rezoning from “V” to “Other Specified Uses” annotated ‘Columbarium’ (“OU(Columbarium)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” to “OU(Columbarium)” to regularize the current columbarium use under the name of ‘Liberty Fook Kui’ (自由福居), providing a total of 864 niches (**Plan Z-1**). The applicant proposes a set of Notes for the proposed “OU(Columbarium)” zone (**Appendix Ia**), of which ‘Columbarium’ is a Column 1 use permitted as of right, with ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ as Column 2 uses which require planning permission from the Town Planning Board (the Board). The applicant has not included the existing building bulk on the Site and the total number of niches (i.e. 864) as development restrictions under the “OU(Columbarium)” zone.
- 1.2 The Site, with an area of about 160m², comprises two portions. The building portion in the north of the Site is currently occupied by a single-storey building structure with a floor area of about 60m² (about 5.6m in height) for columbarium use (**Plan Z-4a**). The remaining portion with an area of about 100m² is an open area in front of the columbarium for circulation and burning joss sticks purposes.

- 1.3 According to the applicant, the columbarium use in the building structure came into existence since 1988. There are a total of 864 niches in the columbarium. A detailed account of the current status of the columbarium niches is as follows:

	Single-urn niche
Occupied	60*
Unoccupied	804
Total No. of Niches	864

**Number of sold niches as at 30.6.2017*

- 1.4 According to the information provided by the applicant (**Appendices Id and Ie**), the operation hours of the columbarium are 9 a.m. to 4 p.m. daily and 8 a.m. to 6 p.m. during Ching Ming and Chung Yeung Festivals and their weekends (i.e. Saturdays, Sundays and public holiday(s) within the two weeks immediate before and after the festival days) respectively. To avoid overcrowding at the Liberty Fook Kui, a 'visit-by-appointment' arrangement is proposed at all times. During festival periods, appointment must be made at least 14 days prior to date of visit to control the visitor number to 20 persons/5 families in each session (each session lasts 30 for minutes and 20 minutes during normal days and festival periods respectively). Staff would be deployed to guide the visitors in an orderly manner. The crowd control management plan proposed by the applicant is shown in **Drawing Z-3**.
- 1.5 The Site is accessible via Tong To Ping Tsuen Access Road which adjoins Tong To Shan Private Road branching off from Sha Tau Kok Road – Shek Chung Au (**Plan Z-1**). The Site shares the same existing vehicular and pedestrian access with the Tsz Tong next to the Site as well as the adjoining village houses (**Plan Z-2**). The same local road is also the only vehicular access serving other domestic structures immediately to the south and the nearby Tong To Village to the north (**Plans Z-1 and Z-2**). A Traffic Impact Assessment (TIA) Report is submitted in support of the rezoning application (**Appendix Id**). Based on the TIA, no parking facility would be provided within the Site. No parking nor pick-up/drop-off activities are allowed on Tong To Ping Tsuen Access Road and Tong To Shan Private Road. Visitors are encouraged to use public transport. During the festival periods, free direct shuttle bus service with a maximum capacity of 27 passengers would be provided at a 20-minute interval between Sha Tau Kok Road – Shek Chung Au and the Site (**Plan Z-1**).
- 1.6 No burning of joss papers or joss stick would be allowed indoor and no furnace would be installed. Each visitor would be entitled to burn up to three and one low-smoke environmentally friendly joss stick(s) at outdoor within the Site during normal days and festival periods respectively. No toilet is proposed within the Site. Portable toilets would be deployed during festival periods.
- 1.7 While the applicant claims that two funds namely 'Charitable Care Fund' and 'Environment Protection Fund' would be set up to help people in need and promote green environment for the community. Detailed arrangement of the operation has not been provided in the submission.
- 1.8 Part of the Site is subject to a previous application no. Y/NE-STK/2 subsequently withdrawn by the same applicant on 30.8.2021.

1.9 The schematic layout of the columbarium and sectional plans submitted by the applicant are shown in **Drawings Z-1 and Z-2a to Z-2d** respectively.

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

- | | | |
|-----|---|----------------------|
| (a) | Application Form received on 27.7.2022 | (Appendix I) |
| (b) | Supplementary Information received on 3.8.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 29.11.2022 ^ | (Appendix Ib) |
| (d) | FI received on 20.4.2023 ^ | (Appendix Ic) |
| (e) | FI received on 5.6.2023 and 8.6.2023 # | (Appendix Id) |
| (f) | FI received on 12.6.2023 & 13.6.2023 # | (Appendix Ie) |

^ accepted but not exempted from publication and recounting

accepted and exempted from publication

1.11 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) of the Board decided on 14.10.2022 and 17.2.2023 to defer making a decision on the application for two months each pending the preparation of FI to address the departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Supplementary Information and FI (**Appendices I, Ia to Ie**). They can be summarized as follows:

- (i) the applicant claims that the columbarium has been in existence since 1988. As the structure is existing, it would not occupy additional space/reduce potential for rural development;
- (ii) the Site is located near the end of Sha Tau Kok Road – Shek Chung Au which is away from village settlements and is sheltered by surrounding trees (**Plans Z-1 and Z-3**). It provides a tranquil resting place for ancestors and negative impact arising from the development on the nearby residents is minimized;
- (iii) the columbarium is in line with the prevailing government’s policy of promoting green burial service and it meets the development needs of the community. It will improve the existing environment and provide feasible supporting facilities for long-term development;
- (iv) the columbarium will only take prior reservation to control the number of visitors. No same-day reservation will be entertained;
- (v) the applicant undertakes to prohibit visitors from entering the Site by private cars and no car park will be provided at the Site. To purchase a niche, buyers would be required to comply with the house rules set by the applicant. Given the Site is accessible by public transport, with the provision of free direct shuttle bus services during festival periods and introduction of ‘visit-by-appointment’ system, it is considered acceptable on traffic terms and no adverse traffic impact on the surrounding areas is anticipated;

- (vi) no burning of joss papers within the columbarium would be allowed and no furnace will be installed. Drainage system would be provided which would not pose negative impacts on the surroundings. No environmental problems are anticipated; and
- (vii) two funds namely 'Charitable Care Fund' and 'Environment Protection Fund' would be set up to help people in need and promote green environment for the community.

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. 31A) by taking reasonable steps to obtain the consent of two current land owners. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The whole Site was zoned "REC" on the first statutory plan, i.e. Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1 gazetted on 30.7.2010 (the key date). According to PlanD's record, the structure at the northern portion of the Site was already in existence before the key date.
- 4.2 Upon consideration of the representations and comments against the DPA Plan No. DPA/NE-STK/1 in 2011 regarding the existing village 'environs' ('VE'), 10-year Small House demand forecast and local topography, the "V" zone for Tong To was enlarged and extended to the south to include the Site and adjoining village houses to cater for future village expansion (**Plans Z-1 and Z-2**). Since then, the "V" zoning of the Site has remained unchanged.
- 4.3 There is no information on the use inside the building structure at the Site immediately before the key date. The Site is currently not the subject of any enforcement actions.

5. Previous Application

Part of the Site is subject to a previous application no. Y/NE-STK/2 subsequently withdrawn by the same applicant on 30.8.2021. While the site area under the current application has been reduced from 312m² to 160m² (i.e. -152m²), mainly involving the open area portion as compared with the previous application, there is no major difference in the proposals in terms of building bulk and number of niches.

6. Similar Application

There is no similar application for rezoning for columbarium use in the vicinity of the Site in the Sha Tau Kok area.

7. **The Site and its Surrounding Areas** (Plans Z-1, Z-2 and Z-3, and photos on Plans Z-4a to Z-4c)

7.1 The Site is:

- (a) partly occupied by a single-storey building (i.e. village house No. 24) used as a columbarium under the name of ‘Liberty Fook Kui’ (自由福居);
- (b) partly occupied by an open area (Plans Z-4a to Z-4c); and
- (c) accessible by vehicles and pedestrians via a local road leading from Sha Tau Kok Road – Shek Chung Au (Plans Z-1, Z-2, Z-3, and Z-4a to Z-4b).

7.2 The surrounding areas are of rural landscape character with the following characteristics:

- (a) to the east is a Tsz Tong (Plan Z-4a);
- (b) to the south are adjoining village houses (No. 25-27). Toilet facilities located outside the Site and a few converted containers used for storage and Sha Tau Kok Farm are located further south;
- (c) to the west are some vacant land occupied by domestic recreational facilities (Plan Z-4a) and to the southwest is a single-storey building used for storage (Plans Z-2, Z-3 and Z-4a);
- (d) to the north are some fallow agricultural land covered with tree groups. To the further northeast is the village cluster of Tong To Village (Plan Z-1);
- (e) the bus and minibus stops on Sha Tau Kok Road – Shek Chung Au are about 550 m away from the Site (Plan Z-1); and
- (f) some permitted burial grounds are found in the vicinity of the Site (Plan Z-1).

8. **Planning Intention**

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

9. Comments from the Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views are summarized as follows:

Land Administration

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

- (a) the Site comprises Lots 1422 S.B (Part) and 1423 S.B (Part) in D.D. 41. Lot 1422 S.B. is Old Schedule lot held under Block Government Lease (demised for agricultural use) without guarantee of right of access. Lot 1423 S.B is a mixed lot comprising 0.01 ac of house land and 0.02 ac of 3rd class agriculture land. The applicant should make his own arrangement for acquiring access to the Site, and there is no guarantee right of access including any adjoining Government Land will be allowed for access to the Site (**Plan Z-2**);
- (b) The proposed boundary of the Site would divide the structure of the columbarium (i.e. House No. 24 of Tong To Ping Tsuen) situated on portion of each Lot 1423 S.B and 1423 S.C in D.D. 41 into 2 parts. His office is not in the position to ascertain the number of niches on the Site. Revision of the site boundary should be considered;
- (c) House No. 24 of Tong To Ping Tsuen is covered by a Building Licence No. BL3NE12C2 but the land document is untraceable;
- (d) An unauthorized structure is erected on the subject lots and extended to the adjoining Lot No. 1422 S.A. in D.D. 41 (**Plan Z-2**). His office reserves the right to take necessary lease enforcement action against the irregularities on private lots as appropriate; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand sharing the same “V” zone for Tong To Village are 17 and 190 respectively.

Licensing Aspect

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

General comments

- (a) under the Private Columbaria Ordinance (the PCO), only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Town Planning Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by 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. Moreover, Section 18(2) of the PCO stipulates that the PCLB may grant a licence only if a Management Plan (MP) submitted by the applicant has been approved by the PCLB;

- (b) the MP submitted to the PCLB should cover matters including traffic and public transport arrangement or management, crowd management, manpower deployment on peak sweeping days or periods and other days, etc. For cases in which planning permission has been given by the Board, the MP should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approved the planning application. In considering the management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including Transport Department, the Police, Fire Services Department and the Planning Department. 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;

Specific comments

- (c) regarding the private columbarium named “自由福居” at No. 24, Tong To Ping Tsuen, Sha Tau Kok, New Territories (Lot 1423, S.B. (Part) in D.D. 41), a set of the specified instrument (SI) application (viz. a Licence and Temporary Suspension of Liability) in respect of pre-cut-off columbarium was received by the PCLB and the applications are being processed by the Private Columbaria Affairs Office (PCAO). Approval-in-principle for Temporary Suspension of Liability was granted by the PCLB to the applicant on 8 August 2022 with validity up to 7 August 2025. It is noted that the total number of niches proposed for the licence application is same as that proposed for this planning application. However, the niche information proposed for the licence application is subject to verification by the PCAO;
- (d) in accordance to the Application Guide promulgated by the PCLB (the Application Guide), the proposed plans (including niche information) of SI application submitted by the applicant should be certified by the qualified professional in the prescribed format; and
- (e) the PCAO has no comments on the application having reviewed the revised MP provided in the FI submissions (**Appendices Id and Ie**). If such MP and the associated licence application are approved by the Licensing Board, then the PCAO will undertake the monitoring of implementation of the MP within the site boundary covered by the licence.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T) (detailed comments are attached in **Appendix II**):

- (a) the applicant should provide the following information/assessment for her consideration:
 - (i) whether the pick up/drop off location at Sha Tau Kok Road would be a proper pick up/drop off location for visitors to the columbarium site should be clarified;
 - (ii) details of the proposed shuttle bus service and travel mode survey are required;
 - (iii) clarification is required regarding the public transport service, public transport occupancy analysis and road link performance; and
 - (iv) assessment on the estimated transport demand daily and during the peakiest one hour during the grave sweeping periods and normal days is missing.

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

- (a) it was observed that the only access road to the Site is a one-lane-two-way road. During the peak season of Ching Ming and Chung Yeung Festivals, large number of grave sweepers visiting the columbarium by motor vehicles may cause traffic congestion at the vicinity. Tailback of motor vehicles could reach Sha Tau Kok Road and thus paralyze the major traffic to and from Sha Tau Kok Border Control Points;
- (b) due to geographic remoteness of the Site, it is anticipated that most visitors will proceed to the Site by motor vehicles. However, according to the submitted MP, no parking space will be allocated at the Site. Since there is no other car park available nearby, illegal parking issues may arise resulting in a serious impediment to traffic flow and cause danger to other road users; and
- (c) he has no comment on the application provided that the local traffic issue would be addressed by the Transport Department having review the revised MP and revised TIA (**Appendices Id and Ie**).

Water Supply

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

- (a) having reviewed the submitted FI (**Appendix Ib**), he has no objection to the application as water supply to the proposed

development is not required; and

- (b) standard pedestal hydrant cannot be provided in the vicinity of the Site.

Local Views

9.1.6 Comments of the District Officer/North, Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals regarding the application. The Resident Representative (RR) of Tong To representing all the villagers of Tong To objects to the application mainly on the following grounds:
 - (i) the columbarium is not an existing use. It was residential use until 1991. Since then the structure had been left vacant. Based on the map prepared by LandsD, there was no domestic structures on the Site before 1913. The applicant's claim is untrue;
 - (ii) the access road to the Site is a single-lane road and the proposed development does not provide any car park facilities. It would cause negative traffic impact on the area as the access road to the Site does not have sufficient capacity to cater for the potential traffic generated from the proposed development;
 - (iii) the Site is located at the end of the village which would pose negative impacts on all the villagers along the way to the Site;
 - (iv) it is undesirable that the sewerage and drainage of the proposed columbarium connects to the villagers' private land;
 - (v) some site formations works have been undertaken at the Site, resulting in tree removal. It is a 'destroy first, apply later' case and should not be encouraged; and the setting of undesirable precedent will further degrade the rural environment and landscape of the area;
 - (vi) no technical assessments have been submitted for consideration in relation to the potential environmental, landscape, civil works, traffic and noise impacts to the surrounding area; and
- (b) the incumbent North District Council member of the subject constituency, the Chairman of Sha Tau Kok District Rural Committee and the Indigenous Inhabitant Representative of Tong To have no comment on the application.

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

- (a) Chief Engineer/Mainland North, Drainage Services Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Director of Fire Services;
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (e) Chief Building Surveyor/New Territories West, Buildings Department
- (f) Director of Agriculture, Fisheries and Conservation;
- (g) Director of Environmental Protection;
- (h) Chief Highway Engineer/New Territories East, Highways Department;
- (i) Project Manager/North, Civil Engineering and Development Department;
- (j) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (k) Director of Leisure and Cultural Services.

10. Public Comments Received During Statutory Publication Period (Appendix III)

10.1. On 5.8.2022, 9.12.2022 and 5.5.2023, the application and FIs were published for public inspections. During the statutory public inspection periods, a total of 131 public comments were received.

10.2. Three public comments submitted by the Chairman of Sheung Shui Rural Committee indicate no comment on the application.

10.3. In addition to the local objections conveyed by DO(N) of HAD, 124 comments were received from the RR and the villagers of Tong To Village. Four comments were received from individuals. Their objecting views are summarized as follows:

- (a) the proposed columbarium would aggravate the traffic congestion in the area, the existing access road leading to the Site does not have sufficient capacity for the potential number of visitors and there is no public transport access to the Site;
- (b) the proposed columbarium would create nuisance and bad feelings to the villagers as it is too close to the village and would affect the fung shui of the area;
- (c) the proposed columbarium would cause environmental pollution such as air and noise to the surroundings, and would add burden to the natural drainage system;
- (d) the proposed columbarium is not compatible with the surrounding environment; and
- (e) some site formation works have been undertaken at the Site, resulting in tree removal, vegetation clearance and filling of land and pond; the approval of application would further degrade the rural environment and landscape of the area.

10.4. The whole set of public comments have been deposited at the meeting for Members'

inspection. Samples of the public comments are at **Appendix III** for Members' reference.

11. Planning Considerations and Assessments

- 11.1. The applicant proposes to rezone the Site from "V" to "OU(Columbarium)" to regularize the current columbarium use with a total of 864 niches. Amongst the 864 niches under the application, the applicant advises that 60 were sold before 30.6.2017 and are occupied. There are still 804 niches available for sale in the columbarium. The applicant has provided a set of Notes for the "OU(Columbarium)" zone of which 'Columbarium' is a Column 1 use permitted as of right, and 'Public Utility Installation' and 'Utility Installation for Private Project' as Column 2 uses which require planning permission. Nevertheless, the applicant has not included the existing building bulk and the total number of niches (i.e. 864) as development restrictions under the "OU(Columbarium)" zone.

Land Use Compatibility

- 11.2. The subject columbarium is located in Tong To Ping Tsuen, outside the village proper of Tong To to its north. The proposed rezoning needs to be comprehensively assessed taking into account the village setting and technical concerns. The Site falls within an area zoned "V" on the OZP with planning intention of designating both existing recognized 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.
- 11.3. The Site is located in an area of rural landscape character comprising village cluster, fallow agricultural land covered with tree groups, and immediately adjoins existing residential dwellings (**Plan Z-3**). It forms an integral part of the village setting where a Tsz Tong and village houses are found. The Site is located in Tong To Ping Tsuen and immediately adjoins existing residential dwellings (House No. 25-27) (**Plans Z-2 and Z-4a**), the "V" zoning for the Site is therefore considered appropriate. The Site shares the same existing vehicular and pedestrian access with the nearby Tsz Tong as well as the adjoining village houses (**Plans Z-2 and Z-4a**). It should be noted that the same local road is also the only vehicular access serving other domestic structures and the nearby Tong To Village to the north and south of the Site respectively (**Plans Z-1 and Z-2**). The subject columbarium with 864 niches at this locality results in close juxtaposition of columbarium use and residential use as well as intermixing of grave sweepers and villagers in the location. In view of its close proximity to existing residential dwellings with the shared pedestrian access, the subject columbarium would inevitably attract grave-sweepers to the village causing nuisance and disturbance to local residents, and is considered not compatible with the overall village setting of the area. While there are only a few existing village houses in the vicinity, it should be noted that the Site forms part of the larger "V" zone where developments of New Territories Exempted Houses are permitted as of right. The columbarium use is considered not compatible with the village setting of the area. There is no strong planning justification for rezoning the Site from "V" to "OU(Columbarium)" to allow columbarium use.

Traffic Impact and Crowd Management

- 11.4. The Site is accessible via an existing local road leading to Sha Tau Kok Road – Shek Chung Au. No parking space and loading/unloading bay is proposed by the applicant. A ‘visit-by-appointment’ system would be adopted to control the maximum number of visitors at all times and up to 22 visitors per session including transitional period of sessions during festival periods (i.e. 20 minutes/session). According to the TIA (**Appendix Id**) and MP (**Appendices Id and Ie**), free direct shuttle bus service is available for booking during Ching Ming and Chung Yeung festival days and their shadow weekends (i.e. Saturdays, Sundays and public holiday(s) within the two weeks immediately before and after the festival days).
- 11.5. The applicant fails to provide information/assessment in relation to the transport arrangement for the visitors, estimated transport demand, public transport provision arrangement, etc. and hence the potential traffic impact arising from the development could not be ascertained. C of P advises that during the peak season of Ching Ming and Chung Yeung Festivals, large number of grave sweepers visiting the columbarium by motor vehicles may cause traffic congestion at the vicinity. Tailback of motor vehicles could reach Sha Tau Kok Road and thus paralyze the major traffic to and from Sha Tau Kok Border Control Points. Illegal parking issue is anticipated as most visitors will proceed to the Site by motor vehicles, which may result in a serious impediment to traffic flow and cause danger to other road users.

Other Technical Aspects

- 11.6. Other government departments including CE/MS, DSD, D of EMS, D of FS, CTP/UD&L of PlanD, CBS/NTW, BD, D of AFC, DEP, CE/NTE, HyD, PM/N, CEDD, Head of GEO, CEDD and CE/C, WSD, have no objection to/comment on the application.

Public Comments and Local Views

- 11.7. There are public comments supporting and objecting the application as detailed in paragraph 10 and local concerns received by DO(N), HAD as detailed in paragraph 9.1.6. There are also 128 public comments objecting to the application mainly on grounds that the proposed development would pose negative impacts on traffic, environment and drainage in the area; it is not compatible with the surrounding environment; site formation works for graves and urns had been undertaken in the vicinity; and it is a ‘destroy first, apply later’ case and should not be encouraged. The planning assessment and comments of government departments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the local objections conveyed by DO(N) of HAD and public comments in paragraphs 9.1.6 and 10 respectively, the Planning Department does not support the proposed rezoning of the Site from “V” to “OU(Columbarium)” for the following reasons:

- (a) the Site falls 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 is considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate southwest. There is no strong planning justification for rezoning of the Site from “V” to “OU(Columbarium)” to permit columbarium use as of right. The current “V” zone for the Site is considered appropriate; and
- (b) the applicant fails to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas.

12.2 Alternatively, should the Committee decide to agree/partially agree to the subject application, PlanD will recommend zoning amendments to the OZP for the consideration of the Committee. The proposed amendments to the approved Sha Tau Kok OZP No. S/NE-STK/2, together with revised Notes and Explanatory Statement, would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.

13. **Decision Sought**

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

14. **Attachments**

Appendix I	Application Form received on 31.7.2020
Appendix Ia	Supplementary Information attached to the application form received on 31.7.2020
Appendix Ib	FI received on 29.11.2022
Appendix Ic	FI received on 20.4.2023
Appendix Id	FI received on 5.6.2023 and 8.6.2023
Appendix Ie	FI received on 12.6.2023 and 13.6.2023
Appendix II	Detailed departmental comments
Appendix III	Sample public comments
Drawing Z-1	Schematic layout of the columbarium
Drawings Z-2a to Z-2d	Sectional Plans
Drawing Z-3	Crowd Control Management Plan
Plan Z-1	Location plan
Plan Z-2	Site plan
Plan Z-3	Aerial photo
Plans Z-4a to Z-4c	Site photos