

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

**APPLICATION NO. Y/ST/47**

<b><u>Applicant</u></b>	: Memorial Park Hong Kong Limited represented by Knight Frank Petty Limited
<b><u>Plan</u></b>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<b><u>Site</u></b>	: Lots 551 S.A, 551 RP, 640, 644 S.A, 644 S.B and 644 RP in D.D. 176 and Adjoining Government Land, Fo Tan, Sha Tin, New Territories
<b><u>Site Area</u></b>	: About 520.4m <sup>2</sup> (including Government Land of about 63.7m <sup>2</sup> (about 12% of the Site))
<b><u>Leases</u></b>	(a) Lots 551 S.A and 551 RP in D.D. 176: Old Schedule Agricultural Lots (b) Lot 640 in D.D. 176: New Grant No. ST7632 (c) Lot 644 in D.D. 176: New Grant No. 7816
<b><u>Zonings</u></b>	: “Village Type Development” (“V”) (about 88%) “Green Belt” (“GB”) (about 12%)
<b><u>Proposed Amendment</u></b>	: To rezone the application site from “V” and “GB” to “Other Specified Uses” annotated “Columbarium (1)” (“OU(Columbarium (1))”)

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” and “GB” to “OU(Columbarium (1))” to regularise the current columbarium use under the name of Memorial Park Hong Kong (孝思園) (MPHK) providing 3,499 niches (including 1,849 niches which were sold as at 30.6.2017 and 1,650 unsold niches (**Plan Z-1**)). The applicant has proposed a set of Notes for the proposed “OU(Columbarium (1))” zone (**Appendix II**), of which ‘Columbarium’ with a total of 3,499 niches, is a Column 1 use permitted as of right.
- 1.2 According to the applicant, the columbarium has been operating at the Site since 2008. The Site is currently occupied by a two-storey main building for columbarium, a one-storey office block, three one-storey storage rooms, and other outdoor ancillary structures/facilities (**Drawing Z-2**). These structures/facilities mainly include joss paper and incense burners, shrines and columbarium. The opening hour of MPHK is from 9:00am to 6:00pm daily; and from 10:00 am to 2:00 pm during Lunar New Year season. In order to avoid overcrowding at MPHK, visitors are subject to advanced booking during Ching Ming and Chung Yeung festival days.

- 1.3 The major development parameters provided by the applicant are summarised as follows:

Site Area	About 520.4 m <sup>2</sup> (including Government land of about 63.7m <sup>2</sup> )
GFA	About 292.674m <sup>2</sup>
Plot Ratio	About 0.562
Site Coverage	About 39.073%
Number of Building	5
Maximum Building Height	About 6.19m (2 storeys)

- 1.4 According to the Remarks of the proposed Notes for “OU(Columbarium (1))” zone (**Appendix II**), the maximum gross floor area is restricted to 292.674m<sup>2</sup> while the maximum site coverage and building height are restricted to 39.073% and 6.19m respectively. The total number of niches for columbarium use shall not exceed 3,499 (single niches: 3,050; double niches: 449). Minor relaxation of the gross floor area and/or site coverage and/or building height and/or total number of niches restrictions may be considered by the Town Planning Board on individual merits under section 16 of the Town Planning Ordinance.
- 1.5 According to the information provided by the applicant, there are a total of 3,499 niches within the columbarium building and outdoor sites. The breakdown of their sale and occupation conditions are shown as follows:

No. of Niches		Main Building	Outdoor Hau Tak Toi	Outdoor Wall A & B	Total
Sold before 30.6.2017	<i>Single-urn</i>	1,384	219	0	1,603
	<i>Double-urn</i>	246	0	0	246
	<b>Sub-total</b>	<b>1,630</b>	<b>219</b>	<b>0</b>	<b>1,849</b>
Unsold	<i>Single-urn</i>	1,090	1	356	1,447
	<i>Double-urn</i>	158	0	45	203
	<b>Sub-total</b>	<b>1,248</b>	<b>1</b>	<b>401</b>	<b>1,650</b>
<b>Total No. of Niches</b>		<b>2,878</b>	<b>220</b>	<b>401</b>	<b>3,499</b>

- 1.6 According to the information provided by the applicant, the existing trees and planters within the Site will be maintained and managed by the Applicant (**Plan Z-3**). The proposed amendment does not involve any tree felling since the existing trees are regularly inspected by MPHK’s landscape contractor to check their health conditions and any trimming required. The applicant also assists in managing the trees and plants around the periphery of MPHK to improve the landscape amenity around the Site and the access for the visitors.
- 1.7 This Site is not served by any vehicular access and has no parking and loading/unloading bay. Pedestrian access is available via the existing footpath along Fo Tan Nullah linking to Fo Tan Station. Public transport including bus and minibus services is also readily available in the vicinity of the Site. According to the Traffic Impact Assessment (TIA) (**Appendix Ia**), the subject columbarium will not induce adverse traffic impact to the surrounding road network and pedestrian flow. For crowd management, a one-way pedestrian route is imposed to separate the visitors entering and leaving MPHK (**Drawing Z-5**). The maximum number of

visitors within MPMK is limited to 150 persons per hour.

1.8 According to the Environmental Assessment (EA) submitted by the applicant, an integrated joss paper furnace will be used to control smoke and eco-friendly offerings such as electronic incense and flowers are encouraged. In addition, the anticipated noise level is also within the Acceptable Noise Level under the Noise Control Ordinance. The existing septic tank and soakaway facility has sufficient capacity to cope with the sewage generated. As such, no insurmountable environmental problems on air quality, noise and sewerage aspects will be anticipated.

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

- (a) Application form received on 23.11.2020 **(Appendix I)**
- (b) Supporting Planning Statement (including EA, TIA and Management Plan)) **(Appendix Ia)**
- (c) FI received on 1.4.2021 in response to departmental and public comments and enclosing revised EA and Management Plan and a Geotechnical Planning Review Report (GPRR)<sup>#</sup> **(Appendix Ib)**
- (d) FI received on 16.6.2021 in response to departmental and public comments and enclosing a revised EA, TIA and Management Plan for the columbarium<sup>#</sup> **(Appendix Ic)**
- (e) FI received on 2.8.2021 in response to comments from Environmental Protection Department<sup>^</sup> **(Appendix Id)**
- (f) FI received on 16.8.2021 in response to comments from Transport Department and Food and Environmental Hygiene Department<sup>^</sup> **(Appendix Ie)**
- (g) FI received on 27.8.2021 in response to comments from Transport Department<sup>^</sup> **(Appendix If)**

<sup>^</sup> accepted and exempted from publication and recounting requirements

<sup>#</sup> accepted and not exempted from publication and recounting requirements

1.10 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 5.2.2021. Upon request by the applicant, the Committee agreed to defer a decision on the application for two months on 5.2.2021. After the last deferral, the applicant submitted FI on 1.4.2021, 16.6.2021, 2.8.2021, 16.8.2021 and 27.8.2021 in responses to departmental and public comments received. The application is re-scheduled for consideration by the Committee at this meeting on 10.9.2021.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement (**Appendix Ia**). They can be summarized as follows:

- (a) the application is in line with the Government's Policy to provide more columbarium facilities to meet with the present and further demand from the general community. The proposal could serve as an alternative to satisfy the demand by contributing more than a thousand niche spaces for the community;
- (b) the application is compatible with the surrounding context which is predominately rural in character. The abutting Fo Tan Road helps separating the Site from the high-rise and high-density residential and industrial developments, and the proposal is a low-rise development, which will not induce any change to the local village setting. Meanwhile, the applicant has no intention to intensify the scale of MPHk and further encroach onto the adjacent "GB" zone;
- (c) the application is in line with the Government policy to regularise the existing columbarium by making strong efforts to comply with relevant requirements under Private Columbarium Ordinance (PCO). The government should adopt the pragmatic and sensitive approach in considering the applications for regularising MPHk;
- (d) the Site is well recognised by the local community. With its long and strong connection with its patrons, visitors and neighbourhood, regularisation/continuation of the existing columbarium would not bring disruption to the current stakeholders;
- (e) the Site is highly accessible by existing vehicular road and served by nearby public transport facilities. There are also two car parks in the vicinity of the Site providing sufficient parking space for the area. According to the TIA, the application would not induce adverse traffic impact to the road network and pedestrian flow with the implementation of the proposed traffic and crowd management measures;
- (f) the Site is located at the southern edge of the village environ of Fo Tan Village and is segregated from the main village core. With its own separate access, the application will not cause any direct conflict with the existing and future village developments; and
- (g) no insurmountable environmental problems with respect to air quality, noise and sewerage are anticipated. In order to preserve the existing environment and land use character, the existing trees and planters will be maintained and managed by the applicant and the proposal does not involve any tree felling. Besides, the GPRR shows that the proposal would not affect or be affected by geotechnical features in the vicinity.

## 3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of Lots Nos. 551 S.A, 551 RP, 640, 644 S.A, 644 S.B and 644 RP in D.D.176. Detailed information would be deposited at the meeting for Members' inspection. For the adjoining government land, the "owners' consent/notification" requirements as set out in the "Town Planning Board Guidelines on Satisfying

the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

#### **4. Background**

The Site was covered by the first statutory plan No. LST/17 gazetted on 28.4.1961, and was zoned “Residential” and “GB”. The Site was rezoned to “Industrial” (“I”) in 1967, and from “I” to “V” and “GB” in 1978. Since then, the zoning of the Site has remained unchanged. According to the Notes of the current OZP, there is no provision for ‘Columbarium’ use under “V” zone while ‘Columbarium (within a Religious Institution or extension of existing crematorium only)’ is a Column 2 use under “GB” zone requiring planning permission from the Board.

#### **5. Previous Application**

There is no previous application at the Site.

#### **6. Similar Application**

There is no similar application for rezoning within the same “V” and “GB” zones to “OU(Columbarium (1))” zone on the OZP.

#### **7. The Site and its Surrounding Areas (Plan Z-1 to Plans Z-4e)**

7.1 The Site is:

- (a) located to the south of Fo Tan Village near Fo Tan Road;
- (b) partly located within the southern boundary of the ‘Village Environs’ (‘VE’) of Fo Tan Village;
- (c) bounded by a one-storey structure to its north-west separated by a wall of 3 meters high, a footpath to its north-east, and natural slopes covered by vegetation and trees to its south and west; and the minor portion of the Site falling within the “GB” zone is hard paved without any existing trees / vegetation;
- (d) accessible via existing footpaths to its north-east; and
- (e) currently occupied by a columbarium known as MPMK with a two-storey main building, one one-storey office block and three one-storey storage rooms. According to the applicant, the subject columbarium has been in operation since 2008.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is located in an area characterised by village and rural setting, with the major village cluster of Fo Tan Village to its north-west, and natural

landscapes to its south and west;

- (b) the Site is located at the southern fringe of the “V” zone and ‘VE’ boundary of Fo Tan Village;
- (c) the Site is segregated from the nearby high-rise residential and industrial developments by Fo Tan Road and Fo Tan Nullah to its north-east; to the further north-east is the “Comprehensive Development Area (1)” site with an approved scheme for comprehensive residential and commercial development under planning application No. A/ST/927 currently under construction (around 150m from the Site); and
- (d) to the immediate north-east is a footpath underneath Fo Tan Road flyover which links to the Fo Tan Station (around 500m from the Site).

## **8. Planning Intention**

- 8.1 The planning intention of the “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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development in this zone.

## **9. Comments from Relevant Government Bureaux/Departments**

- 9.1 The following Government bureaux/departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Shi Tin, Lands Department (DLO/ST, LandsD):
  - (a) the Site comprises six private lots, namely Lots 551 S.A, 551 RP, 640, 644 S.A, 644 S.B and 644 RP in D.D. 176 and adjoining Government Land. Relevant conditions governing the said private lots are set out as follows:
    - (i) Lots 551 S.A and 551 RP in D.D. 176 are old schedule agricultural lots governed by Block Government Lease

demised for 'Dry Cultivation'. Offensive trade is prohibited. No building or structure is permitted on the lots;

- (ii) Lot 640 in D.D. 176 is governed by New Grant No. ST7632, which is untraceable. The lot was sold by public auction as building lot subject to G.N. 364 of 1934 as amended by G.N. 50 of 1940; and
  - (iii) Lot 644 in D.D. 176 is governed by New Grant No. 7816 dated 9.9.1949 but its conditions are untraceable. The lot was sold by public auction as garden lot on 9.9.1949 subject to inter alia GN 364 as amended by GN 50 of 1940 and SC No. 1(a);
- (b) the structures on Lots 551 S.A and 551 RP in D.D. 176 are in breach of the no building/structure restriction. The columbarium building straddling Lots 640 and 644 RP in D.D. 176 is in breach of G.C. 15 and / or Clause 7(5) of GN 364 (against the deposit of human remains). The structure(s) / structure(s) straddled on Lots 644 S.B and 644 RP in D.D. 176 is in breach of SC No. 1 (a) of New Grant No. 7816 (No building of any description shall be erected on the lot). Illegal occupation of Government Land is also observed within the Site and LandsD reserves the right to take land control action in this regard; and
- (c) if the planning application is approved by the Board, the lot owner is required to apply for a lease modification, land exchange or temporary waiver to regularize the above breaches. However, there is no guarantee that the application(s) will be processed and approved. Such application(s), if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, payment of premium / waiver fee and administrative fee as may be imposed by LandsD. The lot areas and dimensions of building erected on the lots, and the building entitlement of the Site, which being portion of private lots, are subject to verification by his office at the stage of processing of lease modification, land exchange or temporary waiver, as appropriate, if applied.

### **Licensing Requirement**

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

##### *General Comments*

- (a) the Private Columbaria Ordinance, which regulates the operation of private columbaria through a licensing scheme, has come into operation from 30.6.2017 upon gazettal. Under the Private Columbaria Ordinance, an operator of any columbarium will have to obtain a licence before he may sell or newly let niches. Columbaria seeking a licence must comply with the statutory requirements under

the Private Columbaria Ordinance, including those relating to land leases or other land instruments, town planning and building and fire safety. The applicant must also submit a management plan to satisfy the Private Columbaria Licensing Board (the Licensing Board), i.e. the licensing authority under the Private Columbaria Ordinance, that adequate measures would be taken to minimise the traffic, environmental and other adverse impact that operation of the columbarium may have on the neighbourhood. In determining whether to approve an application for a licence or exemption (if applicable), the Licensing Board must have regard to the public interest and may have regard to any other relevant considerations;

*Comments Specific to the Site*

- (b) according to his record, the subject private columbarium has submitted two sets of the specified instrument (SI) applications (viz. one set for a Licence and Temporary Suspension of Liability (covering only niches already sold before 30 June 2017); and another set for a licence and temporary suspension of liability (covering only niches unsold as at 30 June 2017)) in respect of pre-cut-off columbarium. The applications are being processed by the Private Columbaria Affairs Office (PCAO) according to the prevailing procedure. Based on the proposed plans submitted by the applicant in support of these SI applications, it was preliminarily noted that the total number of niches proposed for these two sets of SI applications apparently tally with that proposed for the current planning application. Having said that, the niche information proposed for the SI applications is subject to verification by PCAO; and
- (c) if the Licensing Board decides to approve the licence application, the approved management plan will be included in the licensing conditions for the licensee's observance. Officers of Private Columbaria Affairs Office (PCAO) would timely conduct inspections to licensed private columbaria for checking the conditions of the licence and the requirements of the Private Columbaria Ordinance. Private Columbaria Affairs Office (PCAO) will take appropriate follow-up actions in accordance with the Ordinance should non-compliance be detected.

**Traffic**

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

- having reviewed the revised TIA and the applicant's responses (**Appendix Ib, Ic, Ie and If**) and noting that FEHD confirms to take up the enforcement on the proposed management plan including the "visit-by-appointment" scheme, he has no adverse comment on the application from traffic engineering and transport operation viewpoint.

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



- the proposed amendment will not affect any existing roads surrounding the Site and therefore he has no comment from highways maintenance point of view.

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

- (a) he has no in-principle objection to the application; and
- (b) as the subject columbarium is situated rather close to traffic interchange, visitors may get there by public transport including bus, minibus, taxi and MTR, and then walking to the location for about 3 to 5 minutes. There is no parking facility provided at the columbarium and the location is far away from carriageway.

**Environment**

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

- having reviewed the revised EA and the applicant's FIs (**Appendices Ic to Ie**), he has no objection to the application and notes the following:
  - (i) there is no construction, extension or alteration works involved at the Site;
  - (ii) operation of the joss paper furnace would follow EPD's "Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places";
  - (iii) the columbarium would not be operating beyond 6 p.m. on any day;
  - (iv) the noise generating equipment would not be operated in the evening and night time;
  - (v) the septic tank and soakaway facilities would have sufficient capacity for the sewage generated on-site;
  - (vi) licensed collector would be engaged to regularly collect sewage in the septic tank; and
  - (vii) no land contamination issue is envisaged.

**Water Supply**

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

- he has no objection to the application.

### **Urban Design and Landscape**

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

##### *Urban Design and Visual*

- (a) the Site is located within the “V” and “GB” zones, and the surrounding areas are characterized by village and rural setting. In view of the small scale of the scheme, it is unlikely that the proposal under application would induce significant adverse visual impacts on the surrounding areas;

##### *Landscape*

- (b) she has no objection to the application from landscape planning perspective;
- (c) based on the aerial photo of 2020, the Site is situated in an area of industrial urban landscape character comprising village houses to its immediate north, clusters of trees to its south and Fo Tan Road to the east. According to the site photos provided in Appendix VII of the planning statement, existing vegetation and trees are observed in planters and in the form of pot planting within the Site. As per para. 5.9.3 of the planning statement, the applicant proposed to preserve all existing trees and planters within the site. Therefore, Significant adverse impact arising from the application on existing landscape resources is not anticipated; and
- (d) According to section 4.2 and Appendix I of the planning statement, the proposed development parameters are generally similar to the existing condition within the Site. The Site is already in operation and the application aiming to regularize the existing two-storey building for columbarium use is considered not entirely incompatible with the environment.

### **Fire Safety**

#### 9.1.9 Comments of the Director of Fire Services (D of FS):

- he has no specific comment on the application.

### **Building Matters**

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

- (a) according to his record, no structures / buildings at the Site has been approved by the Building Authority; and
- (b) his detailed comments on the application are at **Appendix III**.

### **Geotechnical Aspect**

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

- having reviewed the revised GPRR (**Appendix Ib**) submitted by the applicant, he has no adverse comment on the application.

### **Religious Policy**

9.1.12 Comments of the Secretary of Home Affairs (SHA):

- MPHK is not a bona fide religious organisation and charitable organisation registered under section 88 of the Inland Revenue Ordinance.

### **Local Views**

9.1.13 Comments of the District Officer/Shan Tin, Home Affairs Department (DO/ST, HAD):

- Indigenous Inhabitant Representative of Fo Tan Village expressed that villagers had grave concerns on the traffic and environmental impact since the Site was close to Fo Tan Village.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Director of Leisure and Cultural Services;
- (c) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office;
- (d) Chief Engineer/Mainland South, Drainage Service Department; and
- (e) Project Manager/North, Civil Engineering Development Department.

## **10. Public Comments Received During Statutory Publication Period**

10.1 On 14.12.2020, 16.4.2021 and 25.6.2021, the application and the subsequent FIs were published for public inspection. During the statutory public inspection periods, a total of 2,002 comments were received. Of them, 200 from Shatin Rural Committee, an ex-Shan Tin District Council member, villagers of Fo Tan Village, Designing Hong Kong, the Owners' Corporation of The Palazzo, residents of Ficus Garden and individuals raise objection to the application (in which 32 are in the form of a standard letter). Regarding the remaining 1,802 comments from individuals, 1,801 of them support the application (in which 1,744 are in the form of a standard letter), and 1 of them only provides views to the application regarding potential air pollution to be caused by the subject columbarium. Their views are summarized as follows:

Objecting Views (200)

- (a) the Site is surrounded by a village cluster to the north and dense vegetation to the south and west. The subject columbarium is not compatible with the existing conditions of the area. Approval of the application will set an undesirable precedent for similar applications;
- (b) the subject columbarium would affect the “fung shui” of the village and the mental and physical health of residents nearby;
- (c) the application would bring additional pedestrian and traffic flow to the surrounding area and worsen the traffic congestion problem, especially Fo Tan Road. The proposal might result in unauthorised parking of private vehicles and overload the public transport facilities in the vicinity;
- (d) the columbarium use involving joss paper burning would result in adverse environmental impact including noise and air pollutions and endangering the safety of villagers and the public in case of fire;
- (e) the subject columbarium involves breach of land lease. Approving the rezoning application to regularise unauthorised development is unjustified; and
- (f) there are lots of columbarium facilities in Sha Tin District. The large public columbarium in Shek Mun is also under construction to meet the increasing demand in the future.

Supporting Views (1,801)

- (g) the Site is located at a convenient location in the New Territories with adequate connection to public transport facilities nearby. The subject columbarium will not cause significant burden to the existing traffic network;
- (h) the applicant has satisfied the requirements of Government departments to ensure the safety and environmental conditions of the Site;
- (i) the subject columbarium is well-managed through implementing suitable crowd control and traffic management measures including the visit-by-appointment system and good pedestrian circulation management; and
- (j) the existing structures within MPHK are low-rise and screened-off by existing natural landscape and tree canopy. The subject columbarium will not cause adverse landscape and visual impacts to the surrounding.

- 10.2 The whole set of public comments have been deposited at the meeting for Members’ inspection. Samples of the public comments objecting to the application are at **Appendix IV** for Members’ reference.

## 11. Planning Considerations and Assessments

### *The proposal*

- 11.1 The applicant proposes to rezone the Site from “V” and “GB” to “OU(Columbarium (1))” in order to regularise the current columbarium use with a total of 3,499 niches (including 1,849 sold and 1,650 unsold niches as at 30.6.2017) at the Site known as MPHK. According to the proposed Notes for “OU(Columbarium (1))” zone proposed by the applicant, ‘Columbarium’ is a Column 1 use which is always permitted as of right. It is also stipulated under the Remarks of the proposed Notes to confine any new development / redevelopment of the Site to the proposed development parameters under the current application in terms of maximum gross floor area, site coverage and building height as well as the maximum total number of niches (**Appendix II**).
- 11.2 Majority of the Site (about 88%) falls within “V” zone where there is no provision for ‘Columbarium’ use according to the Notes of the OZP. The rezoning application involving columbarium use needs to be comprehensively assessed taking into account the overall setting and technical concerns.

### *Land Use Compatibility*

- 11.3 The Site is situated in area of rural landscape character comprising village settlements to the northwest, and natural slopes with clusters of trees and vegetated land to the south and west (**Plan Z-2a** and **Plan Z-2b**). It is located at the southern fringe of the “V” zone and ‘VE’ boundary of the recognised village of Fo Tan. The Site is segregated from high-rise residential and industrial developments by Fo Tan Road on its north-east. It is accessible via an independent pedestrian access which is not shared by nearby villagers; and is separated from the adjacent structure to its immediate north-west by a wall of 3 meters high. 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. CTP/UD&L, PlanD has no objection to the application from the urban design and visual perspective.

### *Traffic Impact and Crowd Management*

- 11.4 The Site is not served by vehicular access. It is accessible by existing footpaths linking to Fo Tan Station. Public transport including bus and minibus services is readily available in the vicinity of the Site. As the columbarium development is expected to generate traffic and attract additional pedestrian flow, the applicant has submitted a TIA and proposed a “visit-by-appointment” arrangement during festival days to control the maximum number of visitors, and to regulate the flow of visitors. Noting that FEHD will take up the “visit-by-appointment” arrangement, C for T has no adverse comment on the application from traffic engineering and transport operation viewpoint. C of P has no in-principle objection to the application subject to the implementation of the proposed crowd management plan as detailed in the TIA report.
- 11.5 As advised by DFEH, the “visit-by-appointment” arrangement proposed by the applicant, along with other measures mentioned under the proposed management plan, will be included in the licensing conditions for the Licensing Board’s

consideration and approval. If the Licensing Board decides to approve the licence application, the approved management plan will be monitored by the Private Columbaria Enforcement Team of FEHD. In this regard, the “visit-by-appointment” arrangement would be monitored under the existing licensing mechanism of columbarium.

#### *Urban Design and Landscape Aspect*

- 11.6 The application is for regularising the current columbarium development at the Site. According to the applicant, all development parameters shall remain the same as that of the existing buildings within the Site and no new building and/or major revision to the existing buildings is involved in the application. All existing trees within the Site will be properly maintained. CTP/UD&L of PlanD has no adverse comment on the application as significant adverse impacts from urban design, visual and landscape perspectives are not anticipated.

#### *Other Technical Aspects*

- 11.7 According to the EA submitted by the applicant, an integrated joss paper furnace will be used to control smoke in accordance with the “Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places” promulgated by EPD, and septic tank and soakaway facilities are proposed to cope with the sewage generated. Having reviewed the EA, DEP, CE/C, WSD, and CE/MS, DSD have no objection to the application as there will be no insurmountable air and noise issues involved; and there is sufficient capacity to cater for the sewage generated. Other Government departments including D of FS and CBS/NTW, BD have no objection to / adverse comment on the application.

#### *Land Administration and Building*

- 11.8 The columbarium building straddling Lots 640 and 644 RP in D.D. 176 is in breach of GN 364 against the deposit of human remains. The structures on Lots 551 S.A, 551 RP, 644 S.B and 644 RP in D.D. 176 are in breach of the no building/structure restriction (**Plan Z-2b**). Illegal occupation of Government Land is also observed within the Site. DLO/ST of LandsD advises that should the application be approved by the Board, the applicant has to apply lease modification / land exchange / temporary waiver to regularise the above breaches. However, there is no guarantee that such application would be approved.
- 11.9 Part of the Site falls within the ‘VE’ of one recognized village, Fo Tan Village (**Plan Z-2a** and **Plan Z-2b**). As advised by DLO/ST, LandsD, Fo Tan Village has one outstanding Small House application and its 10-year Small House demand forecast is 90. It is estimated that about 0.06ha (or equivalent to about three Small House sites) of land is available within the “V” zone. While land available within the “V” zones is insufficient to fully meet the future Small House demand of 91 Small Houses, such available land is capable to meet the outstanding Small House application. Also, no Small House application within the Site has been received by LandsD, and all private lots within the Site are owned by the applicant.
- 11.10 According to CBS/NTE(1)&L, BD, there is no record of approval by the BA for the existing columbarium structures within the Site. Any existing structures on the Site

intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### *Public Comments*

- 11.11 There are adverse public comments and local objection against the application. In this regard, the planning assessment and comments of Government departments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no in-principle objection to the application.
- 12.2 Should the Committee decide to agree/partially agree to the application, the relevant proposed amendments to the Sha Tin OZP, together with the revised Notes and Explanatory Statement, will be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.
- 12.3 Alternatively, should the Committee decide not to agree to the subject application, the following reasons are suggested for Members' reference:
- the Site falls within an area zoned "Village Type Development" ("V") with the planning intention primarily for development of Small Houses by indigenous villagers. There are existing village houses located to its immediate and further northwest and the columbarium use will cause nuisance to the surrounding developments. There is no strong planning justification to rezone the Site from "V" to "OU(Columbarium)1" zone to allow columbarium use at the Site. The current "V" zone for the Site is considered appropriate.

## **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**

<b>Appendix I</b>	Application form received on 23.11.2020
<b>Appendix Ia</b>	Supporting Planning Statement (including EA, TIA and Management Plan))
<b>Appendix Ib</b>	FI received on 1.4.2021 in response to departmental and public comments and enclosing revised EA and Management Plan and a Geotechnical Planning Review Report (GPRR)
<b>Appendix Ic</b>	FI received on 16.6.2021 in response to departmental and public

	comments and enclosing revised EA, TIA and Management Plan
<b>Appendix Id</b>	FI received on 2.8.2021 in response to comments from Environmental Protection Department
<b>Appendix Ie</b>	FI received on 16.8.2021 in response to comments from Transport Department and Food and Environmental Hygiene Department
<b>Appendix If</b>	FI received on 27.8.2021 in response to comments from Transport Department
<b>Appendix II</b>	Proposed Notes of the OZP for “OU(Columbarium (1))” zone
<b>Appendix III</b>	Detailed departmental comments
<b>Appendix IV</b>	Public comments
<b>Drawing Z-1</b>	Location plan
<b>Drawing Z-2</b>	Master Layout plan
<b>Drawings Z-3 to Z-4</b>	Floor plans
<b>Drawings Z-5</b>	Traffic and crowd control management plan
<b>Plan Z-1</b>	Location plan
<b>Plans Z-2a to 2b</b>	Site plan
<b>Plan Z-3</b>	Aerial photo
<b>Plans Z-4a to Z-4e</b>	Site photos

**PLANNING DEPARTMENT**  
**SEPTEMBER 2021**