

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

APPLICATION NO. Y/ST/48

- Applicant** : Good Faith Limited, represented by PlanPlus Consultancy Limited
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
(at the time of submission)
- Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35
(currently in force)
- Site** : Lots No. 2 and 671 in D.D.181, Tai Wai, Sha Tin, New Territories.
- Site Area** : About 4,006.39m²
- Lease** Lot No. 2 in D.D. 181 (held under New Grant No. 5935)
(a) about 243m² of the lot converted to building land status subject to a height restriction of not more than two storeys; and
(b) for remaining portion of the lot, no building shall be erected and no grave or human remains shall be deposited thereon.
- Lot No. 671 in D.D. 181 (held under New Grant No. 6797)
(a) about 283m² of the lot converted to building land status subject to a height restriction of not more than two storeys; and
(b) for remaining portion of the lot, no building shall be erected and no grave or human remains shall be deposited thereon.
- Zonings** : “Residential (Group B)” (“R(B)”) (about 2,910m² or 73% of the Site)
“Green Belt” (“GB”) (about 1,097m² or 27% of the Site)
(no change to the subject “R(B)” and “GB” zones on the current OZP)
- Proposed Amendment** : To rezone the Application Site from “R(B)” and “GB” to “Other Specified Uses” annotated “Religious Institution with Columbarium” (“OU(Religious Institution with Columbarium)”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “R(B)” (about 73%) and “GB” (about 27%) to “OU(Religious Institution with Columbarium)” to regularize the existing religious institution and columbarium uses under the name of Puguangming Temple (普光明寺) providing 1,779 niches and 810 memorial tablets (**Plan Z-1**). The applicant has proposed a set of Notes for the proposed “OU(Religious Institution with Columbarium)” zone (**Appendix II**), under which

both 'Religious Institution' and 'Columbarium' uses would be permitted as of right. The maximum gross floor area (GFA) is restricted to 1,416m², the maximum building height (BH) is restricted to 3 storeys with a total number of columbarium niches not exceeding 1,779. Based on the individual merits of a development, minor relaxation of GFA, BH and number of niches restrictions may be considered by the Town Planning Board (the Board) on individual merits under section 16 of the Town Planning Ordinance.

- 1.2 According to the applicant, the Site has been occupied for religious institution use by the Lutheran Church since 1950's before the development of Sha Tin New Town. It was subsequently occupied by the Christian Conference of Asia and then followed by the current user, Puguangming Temple. Puguangming Temple has occupied the Site for temple and columbarium uses since May 2010. The existing 3-storey Puguangming Temple at the application site is a place of worship/monastery for Buddhist followers/believer/monks and also accommodates sold and unsold niches in the temple.
- 1.3 The development parameters of the religious institution and columbarium uses are summarized as follows:

Major Development Parameters	
Site Area	About 4,006.39m ²
GFA	About 1,415.853m ² (whole building) (G/F: 716.217m ²) (1/F: 426.285m ²) (2/F: 273.351m ²)
Plot Ratio (PR)	About 0.36
Site Coverage (SC)	About 19%
No. of Structure	1
Maximum BH	3 storeys / 11.9m
Floor Uses	G/F: Religious uses, offices, memorial halls (with both sold and unsold niches), multi-purpose rooms, lavatories, storage and kitchen 1/F: Memorial halls (with both sold and unsold niches) 2/F: Memorial halls (with unsold niches)
No. of Niches sold before 30.6.2017 (the enactment date of Private Columbarium Ordinance (PCO))	1,779 (G/F: 410) (1/F: 1,369) (2/F: 0)
No. of Tablets	810 (all on G/F)

- 1.4 The breakdown of the 1,779 sold niches as proposed in the application are shown as follows:

	<u>Single-urn</u>		<u>Double-urn</u>		<u>Total</u>
	Sold	For Charity	Sold	For Charity	
Occupied	165	16	138	-	319
Unoccupied	731	-	729	-	1,460
Total No. of Sold Niches	912		867		1,779

- 1.5 According to the information provided by the applicant (**Appendix Ia**), the applied 1,779 niches were either directly sold to individuals or first sold to companies then resold to individuals subsequently before 30.6.2017. These 1,779 niches are distributed on G/F (410 niches) and 1/F (1,369 niches) only (**Drawings Z-3 to Z-5**) and are intermixed with 14,483 unsold niches which are under the subject of another section 12A planning application No. Y/ST/49 under processing submitted by the same applicant together with the current application. Except for the number of niches proposed (proposing 14,483 unsold niches), the key development parameters of application No. Y/ST/49 including GFA/PR, SC and BH are the same as the current application.
- 1.6 According to the applicant, Puguangming Temple would operate and open to public from 9:00am to 5:00pm daily including public holidays. The existing building contains religious halls and memorial halls to allow Buddhist followers/believers to offer incense and lamps to Buddha and Bodhisattva and pay respect to ancestors. The religious activities take place on the ground floor of the premises (**Drawing Z-2**).
- 1.7 As stated by the applicant in **Appendix Ic**, regular Buddhist congregation services, chanting and meditation classes, as well as text citing and copying gatherings will be held at the Site, at intervals of twice a month, twice a year, and once a fortnight respectively. Puguangming Temple has also set up a volunteer service team to serve the community.
- 1.8 The Site is currently served by an existing footpath connecting Mei Tin Road to the south. Visitors will access the Site via the existing footpath on both sides of Mei Tin Road after alighting at the nearest public transport stations or private car park in the vicinity (**Drawings Z-6 and Z-7**). No car park, loading/unloading and pick up/drop off spaces are provided in Puguangming Temple. A traffic management plan (TMP) (**Appendix Ia**) has been submitted to support the application. To manage the visitors during the festival periods (i.e. Ching Ming and Chung Yeung festivals and the three weekends before and after festival days), a pedestrian management and admission control plan has been submitted under the TMP and is summarized as below:
- (a) the staff of the temple will divert all incoming visitors to the holding area first before releasing them to the columbarium building;
 - (b) if the columbarium building is found overcrowded, visitors will wait inside the holding area temporarily (**Drawing Z-10**) until the overcrowding situation is relieved;
 - (c) two places are designed for “place of ultimate safe” at the open-air area outside the temple building in the event of emergency (**Drawing Z-11**); and
 - (d) the concrete blocks at the entrance of the footpath connecting Mei Tin Road will be removed as per Fire Services Department (FSD) ’s request (**Plan Z-4b**).
- 1.9 As stated by the applicant in **Appendix Ia**, sound amplification system will only be used indoors for Buddhist congregations and chanting purpose, while the music-involved activities will mainly proceed in indoor or enclosed rooms. The

applicant will maintain the music or chanting volume at the minimum operational capacity to avoid any noise nuisance to the surroundings.

- 1.10 As stated in **Appendices Ia** and **Ic**, visitors will only be allowed to use quality and environmental-friendly incenses provided by Puguangming Temple and the incense offerings shall be placed in designated containers; the applicant will replaced all worship candles with LED light bulbs; and candle, large incense sticks and joss paper burning are prohibited within the Site.
- 1.11 The Sewerage Impact Assessment (SIA) (**Appendix Ia**) has demonstrated that the existing sewers serving the area would be sufficient to cater for the sewage generation from Puguangming Temple and the surrounding catchment areas. No upgrading or improvement works of the existing sewerage system will be required.
- 1.12 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 25.1.2021 **(Appendix I)**
 - (b) Further information (FI) received on 16.9.2022[^] providing **(Appendix Ia)** a consolidated report which supersedes all previous FI submissions¹ and the original planning statement
 - (c) FI received on 28.9.2022[^] **(Appendix Ib)**
 - (d) FI received on 6.10.2022[^] **(Appendix Ic)**
[^] accepted and exempted from publication and recounting requirements
- 1.13 On 24.12.2021 and 20.5.2022, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application as requested by the applicant for two months. Upon receipt of FI submitted by the applicant on 20.7.2022, the application is scheduled for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in section 5 of the planning statement (**Appendix Ia**) and FI (**Appendix Ic**), as summarized below:

- (a) the Application Site has an extended history of 'Religious Institution' use since the 1950s. Puguangming Temple is one of the few Buddhist temples in the Tai Wai, Pak Tin and Heung Fan Liu area and was built in response to the worshippers' demand. The tranquil environment surrounded by mature trees and a stream is suitable for worshippers to meditate and learn Buddhist doctrine. The premises also allows believers to pray for blessings and dedicate merits to their ancestors.
- (b) the provision of public columbarium by the Government has been slow and unable to meet the increasing demand from the public. Puguangming Temple at the Site can

¹ A total of ten previous FIs have been made to respond to departmental comments and to revise relevant technical assessments, among which five submissions received on 28.6.2021, 14.12.2021, 27.4.2022, 20.7.2022 and 5.9.2022 were accepted but not exempted from publication and recounting requirements whilst five submissions received on 30.3.2021, 18.6.2021, 1.9.2021, 5.10.2021 and 23.2.2022 were accepted and exempted from the said requirements.

readily provide 1,779 niches without additional time for planning and development of a new columbarium;

- (c) policy initiatives have been announced by the Chief Executive in Council on 22.11.2017 to address land premium and traffic impact assessment (TIA) issues of pre-cut-off columbaria seeking a licence. A “pragmatic and sensitive” approach has been adopted to reduce the magnitude of social disruption and discontent. The 1,779 niches under application were sold to individuals before cut-off date for pre-cut-off columbarium and thus the “pragmatic and sensitive” approach should be applicable to the current application;
- (d) the current application can rectify the zoning boundary and designate the most appropriate zoning that reflects the existing use. At the same time, it would contain the scale of development to avoid negative impact to the surrounding environment;
- (e) nearly half of the Site is within “R(B)” zone with uphill slopes and mature trees and is not feasible for medium-density residential development. The other half of the Site zoned “GB”, which has a general presumption against development. Redevelopment for residential use at the Site is not feasible;
- (f) the applicant is committed to undertaking different traffic measures including a TMP to ensure that the traffic impact will be acceptable;
- (g) the sewerage impact assessment concludes that the capacity of the existing sewers will be sufficient to cater for the sewage generated from the Site. The proposed connection from Puguangming Temple to the nearest existing manhole will be undertaken by the applicant;
- (h) no pesticides would be adopted for the landscape area and water quality of the surrounding watercourse would not be affected. Visitors are not allowed to burn their own incenses, candles, large incense sticks or joss paper within the Site and hence adverse air quality impact is not anticipated. No significant noise will be generated from the operation of the temple and columbarium as sound amplification system will not be used outdoor and music-involved activities will proceed indoor only; and
- (i) no changes will be made to the existing green setting. The rezoning proposal preserves the existing condition at the Site as well as the landscape and natural elements in the surroundings.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Zoning History of the Site

- 4.1 The Site has been occupied by various religious uses since 1950's. It has been zoned for residential use since the first statutory plan of Sha Tin area was gazetted in 1961. The northern part of the Site was rezoned to "GB" in 1987 as the area was mainly covered with vegetation and was considered not suitable for development, and the current zonings of the Site (partly "R(B)" and partly "GB") remains unchanged since then.

Private Columbarium Ordinance (PCO)

- 4.2 The 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 the 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 from a pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. When departments assess applications involving private columbaria, the niches sold before 30.6.2017 will be treated as the baseline level that the TIA requirement can be exempted. Notwithstanding, operators of individual columbaria still 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 the Private Columbaria Licensing Board (PCLB) their views on suitable mitigation measures that should be followed up by individual cases.

5. **Previous Applications**

- 5.1 The Site is the subject of two previous section 12A planning applications Nos. Y/ST/33 and Y/ST/40 submitted by the same applicant in 2016 and 2018 for rezoning the Site from "R(B)" and "GB" to "OU(Religious Institution with Columbarium)" mainly for columbarium use with 20,000 and 14,540 niches respectively. Both applications were subsequently withdrawn by the applicant.

6. **Similar Application**

- 6.1 There is no similar application for rezoning sites to "OU(Religious Institution with Columbarium)" within the same "GB" and "R(B)" zones on the OZP.
- 6.2 There is another s.12A application No. Y/ST/49 submitted by the same applicant covering the same Site (**Plan Z-2**), proposing to rezone the Site from "R(B)" and "GB" to "OU(Religious Institution with Columbarium)" with the same set of Notes and development restrictions under the current application except that the total number of niches should not exceed 14,483 which are all unsold niches. The application is under processing.

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

7.1 The Site is:

- (a) surrounded by vegetated uphill slopes to the west and northeast;
- (b) currently occupied by a 3-storey building for religious institution and columbarium uses under the name of Puguangming Temple; and
- (c) only accessible via a footpath uphill with a width of about 2m to 3.5m and a length of about 200m from Mei Tin Road to the entrance of the columbarium with no vehicular access. The footpath is situated on unallocated government land, and there are two concrete blocks at its entrance adjoining Mei Tin Road (**Plan Z-4b**).

7.2 The surrounding areas have the following characteristics:

- (a) the immediate surrounding areas are predominantly natural in character with dense vegetation and mature trees. A natural stream is running from the north to the southeast of the Site;
- (b) to the north of the Site are two structures under Shing Mun Tunnel Road used by Puguangming Temple forming part of the application site for the previous applications No. Y/ST/33 and Y/ST/40 submitted by the same applicant which was subsequently withdrawn;
- (c) to the south of the Site across the footpath and a slope is Mei Chung Court with the nearest residential tower (i.e. Lok Chung House) located about 20m from the Site. Situated on a sloped area, the site level of the Site (about 30 to 36 mPD) is higher than the site level of Mei Chung Court near Lok Chung House (about 25 mPD). Mei Chung Court is accessible from the entrances at Mei Tin Road. Two squatter clusters, namely Pak Tin Village Area 2 and Fuk Lok Tsuen, with about 20 squatter structures are located further northwest uphill about 125m and 510m from the Site respectively. While Mei Chung Court does not share the access (i.e. the footpath mentioned in paragraph. 7.1(c)) with the Site, the two squatter clusters uphill are only accessible by the concerned footpath and share their access with the Site;
- (d) to the further southeast across Mei Tin Road are other high-rise residential developments including May Shing Court and Mei Lam Estate about 160m and 395m from the Site respectively; to the further southwest within the same “R(B)” zone are private residential developments namely Park View Garden and Granville Garden about 320m and 370m from the Site respectively; and
- (e) MTR Tai Wai Station is about 1,000m to the southeast of the Site.

8. **Planning Intentions**

- 8.1 The planning intention of the “R(B)” zone is primarily for medium-density developments where commercial uses serving the residential neighbourhood 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 within 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 two private lots, namely Lot No. 2 and Lot No. 671 in D.D. 181;
- (b) Lot No. 2 in D.D. 181 is an agricultural lot sold by auction and is held under New Grant No. 5935. According to available record, a portion of the lot having an approximate area of 0.06 acre or 243m² had been converted into building land status which is subject to a height restriction of not more than two storeys. Other than the said portion, no building shall be erected and no grave or human remains shall be deposited on the lot;
- (c) Lot No. 671 in D.D. 181 is an agricultural lot sold by auction and is held under New Grant No. 6797. According to his office record, a portion of the lot having an approximate area of 0.07 acre or 283m² had been converted into building land status which is subject to a height restriction of not more than two storeys. Other than the said portion, no building shall be erected and no grave or human remains shall be deposited on the lot;
- (d) the use of the Site for columbarium purpose and the existing building erected thereon are in breach of the lease for Lot No. 2 and Lot No. 671 in D.D. 181. Warning letters have been issued by his office on 31.3.2016 for Lot No. 2 in D.D. 181 and Lot No. 671 in D.D. 181 respectively against the above breaches and the letters have been registered in the Land Registry;
- (e) he reserves the rights under Land (miscellaneous Provisions) Ordinance to take land control action against any unlawful occupation of government land by the structure at the western side of Lot No. 671 in D.D. 181;
- (f) if the planning application is approved by the Board, the lot owner is required to apply for a lease modification/land exchange/temporary waiver for rectifying breach of the lease. However, there is no guarantee that the application(s) submitted to LandsD will be approved and such application(s) will be considered by LandsD acting in its capacity as the landlord at its sole discretion, if received. In the event

of any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD. LandsD reserves the right to take lease enforcement action against the breach of the government lease;

- (g) the lot areas and the dimensions of building erected on the Lots and the building entitlement of the Site are subject to verification by his office at the stage of processing of lease modification/land exchange/waiver, as appropriate, if applied;
- (h) the “place of ultimate safe” (**Drawing Z-11**) falls within Lot No. 2 and 672 in D.D.181. It appears that the “place of ultimate safe” is an open area for holding visitors of the columbarium in case of emergency. Upon approval of the planning application, the applicant is required to submit regularization application to LandsD for the columbarium use and its ancillary use in one go. The incorporation of different measures/ requirements into land lease would be subject to, amongst other things, the prevailing land administrative policy and the decision of the District Land Conference upon considering the lease conditions. Any terms proposed to be incorporated into the lease are required to be land-related and enforceable under lease; and
- (i) the building(s) and /structure(s) within the application site are not New Territories Exempted House (NTEH).
- (j) his office has no adverse view on the Director of Fire Services (D of FS)’s comment on the removal of the concrete blocks along the existing footpath to avoid unnecessary hindrance for users. The erection of the concrete blocks along the footpath is to deter the use of the footpath as vehicular access and illegal parking. The original intention on the use of the footpath as pedestrian access should not be deviated. The footpath was formed by Housing Department together with the development of STTL 396 (Mei Chung Court);
- (k) the applicant has applied to his office for removal of the above mentioned concrete blocks erected on footpath connecting to Puguangming Temple on 16.8.2022. Having liaised with D of FS for their intention, his office has replied to the applicant on 5.9.2022 that the contractor of land control team of his office will replace the concrete blocks on the concrete footpath with bollards. This proposal is acceptable by D of FS. His office will be responsible for the replacement cost and the subsequent maintenance for the bollards. The estimated time of the replacement works will be about 3 months. D of FS will be informed upon the completion of the replacement works; and
- (l) the replacement of concrete blocks by bollards should not alter the use of the footpath, i.e. pedestrian access and the proposed replacement is intended to facilitate D of FS’s rescue works. Given the proposed replacements work is originated from the subject planning application, the replacement works will be arranged upon the approval of the subject rezoning application by the Board.

Licensing Requirement

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

Provision and licensing requirement for private columbaria

- (a) under 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 PCLB, including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, electrical and mechanical safety, environmental protection, etc.;
- (b) section 18(2) of the PCO stipulates that the PCLB may grant a licence only if a management plan submitted by the applicant has been approved by the PCLB. The management plan submitted by the licence applicant to the PCLB should cover matters including traffic and transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. among various matters. For cases in which planning permission has been given by the Board, the management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approved the planning application. In considering the management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including Transport Department (TD), Hong Kong Police Force (HKPF), FSD and Planning Department (PlanD). If a licence application is approved by the PCLB, the Private Columbaria Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;

Site-specific comments

- (c) the applicant had submitted the application for licence and temporary suspension of liability (TSOL) (covering only niches already sold before 30.6.2017), which were both received by the PCLB on 20.3.2018. The applicant informed PCAO in writing on 3.5.2021 of his intention to reduce the total number of niches sold as at the enactment date from 14,540 to 1,779. This set of Specified Instrument (SI) applications is still being processed by the PCAO according to the prevailing procedures; and
- (d) the PCAO has recently conducted on-site inspection to Puguangming Temple and the proposed niche information in respect of the SI applications was verified (i.e. the total number of sold niches as at enactment date was verified to be 1,779). The total number of occupied and unoccupied niches (1,779 in total), as well as the niches breakdown of sold niches are found tallied with PCAO's record.

Traffic

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

- (a) in accordance with the policy initiatives announced by the Government on 22.11.2017, if the niches concerned have been sold or interred before 30.6.2017 as confirmed by FEHD, TD will use a pragmatic and sensitive approach as the basis for assessing the traffic impact of the application. As the number of sold niches in the application is found to be the same as the number of sold niches in the SI application and in accordance with the said policy initiative, there is no in-principle objection to the planning application; and
- (b) the TMP submitted by the applicant with assessment based on 1,779 niches (**Appendix Ia**) was found fundamentally acceptable and he has no comments from traffic engineering and transport operation point of view.

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

- as the concerned access road (i.e. the existing footpath) will remain as present and will not be maintained by his office, he has no comment on the application.

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

- (a) the crowd management measures proposed revealed no specific risks on traffic and crowd management. He has no comment on this application; and
- (b) according to records, Tim Sum Police Division has received three nuisance complaints from the public related to Puguangming Temple in the past three years. The three complaints were about noise of prayers, crowd gathering inside the temple and goods obstruction outside the temple. All cases were concluded with neither prosecution nor further action required.

Environment

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

- (a) noting that:
 - i. the operation hour would be from 9:00 am to 5:00 pm;
 - ii. no joss paper burning or candle burning would be allowed, only environmental-friendly incense and LED light bulbs would be provided;
 - iii. sound amplification system will not be used for outdoor activities and musical activities would only be conducted in indoor area / enclosed room. Those rooms will be

designed to meet the relevant noise criteria as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) with necessary provisions including silencers, acoustic louvres and enclosure to control the noise sources;

- iv. the applicant would adopt good practice in using registered pesticides; and
- v. sewage would be discharged into public sewer with sufficient capacity;

she is of the view that insurmountable environmental impact arising from the application is not anticipated;

- (b) in response to the public comments, she advised that there was no record of complaint for environmental nuisance between 17.6.2020 and 17.6.2022. There was also no legal notice or prosecution action being issued/undertaken during that period.

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

- (a) he has no comments on the application; and
- (b) in response to the public comments, he advised that indirect ecological impacts on nearby habitats or wildlife arising from air pollution should not be anticipated.

Urban Design and Landscape

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

Urban design and visual aspects

- (a) as the application is mainly to regularize the current columbarium use within the as-built structure at the Site without any increase in building bulk, it is unlikely that it would impose significant adverse visual impact on the surrounding areas;

Landscape aspect

- (b) she has no objection to the application from landscape planning perspective;
- (c) based on the aerial photo of 2019, the Site is situated in an area of residential urban landscape character surrounded by residential buildings of Mei Chung Court to the south and dense woodland in the subject “GB” zone. The Site is already in operation and the application aims to regularize the existing 3-storeys religious institution and columbarium use, which are considered not entirely incompatible with the environment of the Site; and

- (d) according to the planning statement, the proposed development mainly involves uses in existing building within the Site, significant adverse impact arising from the application on existing landscape resources is not anticipated.

Building Matters

9.1.9 Comments of Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (CBS/NTE(2)&R, BD):

- (a) he has no objection to the application subject to the following comments under the Buildings Ordinance (BO);
- (b) with reference to his record, no structures/buildings at the Site has been approved by the Building Authority;
- (c) if the existing structure is erected on leased land without approval of the BD (not being a NTEH), it is unauthorized under the BO and should not be designated for any approved use under the application unless such is permissible under the PCO;
- (d) for any unauthorised building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect the removal of the UBW in accordance with the policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the Site under the BO;
- (e) if the proposed use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety requirements as maybe imposed by the licensing authority;
- (f) apart from the BO, the use and operation of a columbarium is also subject to the control of various other legislations on town planning, environment hygiene, traffic control, fire safety, etc. and the land lease restrictions under the jurisdiction of the respective government departments. In addition to complying with the requirements of the BO, the applicant should also seek agreement/approval from the relevant departments and licensing authorities where applicable;
- (g) for emergency vehicular access (EVA) issue, if any building works to be carried out will result in a new building, the Site should be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41(D) of the Building(Planning)Regulations respectively; and
- (h) he does not have comments under the BO regarding fire services installation matter.

Fire Safety

9.1.10 Comments of the D of FS:

- (a) he has no in-principle objection to the application subject to the provision of fire service installations and water supplies for firefighting to his satisfaction;
- (b) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD;
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) the concrete blocks located along the existing footpath shall be removed to avoid unnecessary hindrance for users. As regards the applications for License under PCO, fire safety requirements were issued on 28.2.2019 and yet to be complied with;
- (e) the proposed replacement of concrete blocks by movable bollards at the existing footpath is deemed to be acceptable from licensing point of view and his office has no specific comment on the time frame of the proposed replacement works; and
- (f) as regards the spacing between each movable bollard, his office recommends a spacing not less than 700mm and/or 1100mm (if possible) to facilitate the operation of ambulance stretcher and Emergency Medical Assistant Motorcycle respectively.

District Comments

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

- the residents of Mei Chung Court have raised objection to the proposal. They are of the view that there are environmental impacts resulting from the proposal since the Site is close to Mei Chung Court.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Project Manager/North, Civil Engineering Development Department (PM/N, CEDD);
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Executive Secretary (Antiquities and Monument), Antiquities and Monuments Office, Development Bureau (ES(AMO), DEVB); and
- (f) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD).

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and the FIs were published for public inspection between 5.2.2021 and 11.3.2022. During the statutory public inspection periods, a total of 1,314 comments were received.
- 10.2 570 public comments from individuals support the application and their major views are summarized as follows:
- (a) there is a keen demand for columbarium supply in the society. The proposal would help ease the high demand of columbarium in Hong Kong and regularize the private columbarium;
 - (b) the Site is relatively remote, and is equipped with environmental-friendly facilities. Therefore the proposal would not cause adverse impacts to the surrounding areas; and
 - (c) the place has a nice ambience for visitors to pay respect to their ancestors. The existing environmental setting would allow their ancestors to rest in peace.
- 10.3 744 public comments including 36 comments from the Sha Tin Rural Committee, a Legislative Council (LegCo) Member, a Member of Sha Tin District Council, Kardoorie Farm and Botanic Garden Corporation, Alliance for the Concern over Columbarium Policy, Designing Hong Kong Limited, incorporated owners and owners committee of the nearby residences and 708 comments from individuals raised objection to/expressed adverse comments on the application and their major views are summarized as follows:
- (a) the development of religious institution and columbarium is not compatible with the planning intentions of the “R(B)” and “GB” zones as these zonings were intended for residential development and nature conservation respectively. The approval of this application would affect the “GB” character of the Site and set an undesirable precedent for the surrounding areas. It will also lead to potential cumulative impacts of approving these type of applications in the “GB” zone jeopardizing the planning intention of “GB” zone;
 - (b) the proposed emergency vehicular access (EVA) will involve in road widening and felling of trees would affect the existing natural terrain;
 - (c) the proposal will cause adverse traffic impact on the surrounding areas during the festive seasons as the Site shares the same road with the residents of Mei Chung Court, May Shing Court and Mei Lam Estate;
 - (d) there are limited public transport access to the Site, and the public transport system is unable to support the increase of visitors and bring inconvenience to other passengers and residents in the area;
 - (e) the increase of visitors has affected the car parking demand during festival periods, causing inconvenience to the nearby residents;
 - (f) the current location of the Site is only served by a footpath, and with no

vehicular access nor EVA. Local residents are concerned with the safety of the Site;

- (g) the columbarium development is located close to nearby residential areas. Due to joss paper burning and food remains, environmental nuisance including air pollution to the surrounding areas is anticipated during the festive seasons. The public is also concerned with noise, air quality, sewerage, fire hazard and public security issues resulting from the temple and columbarium developments. The air pollution resulted from the burning of offerings would also affect the ecology in the vicinity;
- (h) the food remains left behind during festivals have attracted wild animals to the area, which disturbs the residents and the ecosystem within the local area;
- (i) the Site is close to a watercourse and Mei Chung Court. The Board and relevant authorities should examine the potential impacts on water quality;
- (j) the Site involves illegal tree felling;
- (k) Puguangming Temple is listed in Part B in “The Information on Private Columbaria” published by the Development Bureau, and is not in compliance with the BO and lease condition. The columbarium development is suspected of illegal sales of niches before obtaining the relevant permission and licences. The approval of the rezoning proposal might release a wrong signal to the public that unlawful actions of private columbaria are tolerated by the Government;
- (l) there are other legal columbaria in the Tai Wai area. It is unfair to further increase additional columbarium in the Tai Wai area as such responsibility should be shared by all 18 districts in Hong Kong;
- (m) the Government should promote “Green Burial” to reduce this type of development; and
- (n) with the limited land resources and high demand for housing, the Government should take the opportunity to increase supply of public housing.

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 Member’s reference.

10.5 On 23.6.2022, upon the request of LegCo Member Hon. Dominic LEE Tsz-king vide a letter dated 14.6.2022 (**Appendix V**), a meeting was held among PlanD, Hon. LEE and local representatives of Mei Chung Court, Lower Shing Mun Area and Tung Lo Wan Village. They have expressed their views against the application similar to those raised in their public comments submitted during statutory public inspection periods of the application. PlanD issued a letter on 29.6.2022 (**Appendix VI**) in response to their concerns raised in the letter dated 14.6.2022 and during the meeting. Concerns raised by representatives of local residents in the meeting have also been conveyed to relevant government departments for follow-up action as appropriate.

11. Planning Considerations and Assessments

- 11.1 The applicant proposes to rezone the Site from “R(B)” (73%) and “GB” (27%) to “OU(Religious Institution with Columbarium)” to permit both religious institution and columbarium uses as of right with development restrictions of a maximum GFA of 1,416m², a maximum building height of 3 storeys and a maximum of 1,779 niches. The applicant has claimed that the 1,779 niches under application were sold before 30.6.2017. These niches were intermixed with the 14,483 unsold niches on G/F and 1/F of the columbarium (**Drawings Z-3 to 5**) which are the subject of another s.12A application No. Y/ST/49 submitted by the same applicant and is under processing.

Planning Intention and Land Use Compatibility

- 11.2 The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. 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 within this zone. The Site is currently occupied by a three-storey structure for religious institution and columbarium uses under the name of Puguangming Temple. 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 and other impacts arising from the development.
- 11.3 The majority of the Site falls within the “R(B)” zone where Mei Chung Court with 6 residential blocks accommodating 1,940 flats is located. The Site is about 20m to the north of the nearest residential block (Lok Chung House) in Mei Chung Court and is on a higher site level (at about 30 to 36mPD) than the site level of Mei Chung Court (25mPD) which is separated from the Site by vegetated slopes. To the further southeast are May Shing Court and Mei Lam Estate, which are about 160m and 395m from the Site respectively. Private residential developments, namely Park View Garden and Granville Garden are about 320m and 370m to the southwest respectively. Visitors heading to the columbarium at the Site would need to share the major vehicular access, i.e. Mei Tin Road, for public transport with these residential developments in the area (**Plan Z-1**). After alighting from public transport, they need to walk uphill to the Site via a footpath of about 2m to 3.5m wide branching off from Mei Tin Road along the northeastern boundary of Mei Chung Court. While the footpath concerned is the only access to the Site, it is not an access to Mei Chung Court but a shared access with Pak Tin Village Area 2 and Fuk Lok Tsuen uphill, about 125m and 510m to the further northwest of the Site respectively, comprising about 20 squatter houses.
- 11.4 Although the Site is close to residential clusters, it is accessible by a separate footpath branching off from Mei Tin Road and does not share its access with Mei Chung Court which has its entrances at Mei Tin Road, though it shares access with a limited number of squatters uphill to the northwest of the Site. While only one residential block in Mei Chung Court, i.e. Lok Chung House, which is 20m away is close to the Site, it is separated from the Site by a vegetated slope with no direct physical linkage. In view of the setting, limited intermixing of gravesweepers and residents at the location is expected. Potential nuisance to the local residents arising from the 1,779 niches is expected to be limited and could be addressed by appropriate measures proposed under the applicant’s TMP and conditions to be imposed under the licence

to be granted under PCO in consultation with relevant government departments as appropriate. As regards the religious institution use at the Site, it is considered not incompatible with the surrounding developments given its scale and nature of use.

- 11.5 For the portion of the Site within “GB” zone, it is mainly a formed land with limited vegetation where part of the columbarium building is erected on (**Plans Z-2 and Z-3**).

Traffic Arrangements and Crowd Management

- 11.6 According to the policy initiative announced by the Government on 22.11.2017, the Government is prepared to use an empirical evidence approach as the basis for assessing traffic impacts for pre-cut-off columbarium whose operation only involves the number of niches sold before 30.6.2017. According to Chapter 18 of the “Application Guide for Private Columbarium Licence and other Specified Instruments” published by the PCLB at **Appendix IV**, submission of a TIA is not required if the columbarium only covers niches already sold before 30.6.2017.
- 11.7 The PCAO has recently conducted on-site inspection to Puguangming Temple and the proposed niche information in respect of the SI applications was verified (i.e. the total number of sold niches as at enactment date was verified to be 1,779). The total number of occupied and unoccupied niches (1,779 in total) is found tallied with PCAO’s record. C for T has advised that as the number of niches in the application (i.e. 1,779) is the same as the figure in the SI application and in accordance with the policy initiative announced by the Government on 22.11.2017, there is no in-principle objection to the planning application.
- 11.8 C for T has advised that the TMP in which a pedestrian management and admission control plan has been included as detailed in paragraph 1.8 is fundamentally acceptable and he has no comments from traffic engineering and transport operation point of view. C of P has also considered that the crowd management measures revealed no specific risks on traffic and crowd management and he has no comment on the application.

Fire Safety

- 11.9 To address D of FS’s concern on public safety, DLO/ST, LandsD has agreed that the concrete blocks on unallocated government land located at the entrance of the existing footpath connecting Mei Tin Road could be removed and replaced by bollards upon approval of the application.

Urban Design and Landscape Aspect

- 11.10 Noting that the application is mainly to regularize the current columbarium use within the as-built structure at the Site without any increase in building bulk and the existing 3-storeys religious institution and columbarium uses are considered not entirely incompatible with the environment of the Site, 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.

Environment

11.11 Under the current proposal, no joss paper and candle burning would be allowed; only environmental-friendly incense and LED light bulbs would be provided; activities involving sound amplification system and musical instrument will only be conducted in indoor area/enclosed room; good practice in using registered pesticides will be adopted; and sewage will be discharged to public sewer with sufficient capacity. DEP is of the view that insurmountable environmental impact arising from the application is not anticipated.

Other Technical Aspects

11.12 Other government departments including DLO/ST of LandsD, ES(AMO) of DEVB, CE/MS of DSD, CE/C of WSD, DAFC, DLCS, PM/N of CEDD, H(GEO) of CEDD, CHE/NTE of HyD and CBS/NTE(2)&R of BD have no objection to/adverse comment on the application.

Public Comments

11.13 The 570 supporting public comments are noted. For the 744 public comments objecting to the application, the planning assessment and comments of government departments above are relevant.

11.14 Regarding public comments raising concern on the proposed EVA, it should be noted that the proposal was subsequently removed by the applicant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 above and having taken into account local views conveyed by DO/ST of HAD and the public comments mentioned in paragraphs 9.1.11 and 10 above, the Planning Department has no objection to the rezoning of the Site from "R(B)" and "GB" to "OU(Religious Institution with Columbarium)".

12.2 Should the Committee decide to agree / partially agree to the subject 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 consideration 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 reason is suggested for Members' reference:

- The columbarium is in close proximity to and not compatible with the residential developments in the surrounding areas. It will cause nuisance to the local residents. There is no strong planning justification to rezone the Site from "R(B)" and "GB" to "OU(Religious Institution and Columbarium)" to allow columbarium use at the Site. The current zonings are 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**

Appendix I	Application form received on 25.1.2021
Appendix Ia	FI received on 16.9.2022 providing a consolidated report which supersedes all previous FI submissions and the original planning statement
Appendix Ib	FI received on 28.9.2022 providing replacement pages for consolidated report and a clarification letter to supersede previous FI submissions and the original planning statement by the consolidated report and this FI submission
Appendix Ic	FI received on 6.10.2022 providing replacement pages for consolidated report and further clarifications
Appendix II	Recommended Schedule of Uses for the Notes of “OU(Religious Institution and Columbarium”) Zone
Appendix III	Sample of Public Comments
Appendix IV	Extract of Chapter 18 of the “Application Guide for Private Columbarium Licence and other Specified Instruments” published by the Private Columbaria Licensing Board
Appendix V	Letter dated 14.6.2022 from Hon. Dominic LEE Tsz-king to the Director of Planning
Appendix VI	Letter dated 29.6.2022 from the Director of Planning to Hon. Dominic LEE Tsz-king
Drawing Z-1	Lot Index Plan for the Application Site
Drawing Z-2	Indicative Ground Floor Layout Plan with Site Photos
Drawing Z-3	Location Plan of Niches on G/F
Drawing Z-4	Location Plan of Niches on 1/F
Drawing Z-5	Location Plan of Niches on 2/F
Drawing Z-6	Public Transport Facilities in the vicinity
Drawing Z-7	Major Pedestrian Routes to the Subject Site
Drawing Z-8	Existing Footpath connecting Puguangming Temple
Drawing Z-9	The Management and Controlling Mechanism
Drawing Z-10	Expected Pedestrian Arrangement During Festival Days
Drawing Z-11	Proposed Arrangement for “Place of Ultimate Safe” in the Event of Emergency
Plan Z-1	Location Plan
Plan Z-2	Site Plans
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4c	Site photos