

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

APPLICATION NO. Y/ST/53

<u>Applicant</u>	: Top Century Group Holdings Limited represented by Aikon Development Consultancy Limited
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34 (at the time of submission) Draft Sha Tin OZP No. S/ST/35 (currently in force)
<u>Site</u>	: Lots 499 S.A RP (Part), 500 S.A RP (Part), 503, 504 (Part), 505 (Part), 506 (Part) in D.D. 42 and Adjoining Government Land, 110 Chek Nai Ping Village, Tai Po Road, Ma Liu Shui, Sha Tin, New Territories
<u>Site Area</u>	: About 189.64m ² (including Government Land of about 46.19m ² (24% of the Site))
<u>Lease</u>	(a) Lots 499 S.A RP (Part), 500 S.A RP (Part), 504 (Part), 505 (Part) and 506 (Part) in D.D. 42: Old Schedule Agricultural Lots (b) Lot 503 in D.D. 42: Old Schedule Building Lot
<u>Zoning</u>	: “Green Belt” (“GB”) (no change to the subject “GB” zone on the current OZP)
<u>Proposed Amendment</u>	: To rezone the application site from “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 “GB” to “OU(Columbarium (1))” to regularise the current columbarium use under the name of Sha Tin Ching Yuen (沙田靜苑) (STCY) providing 1,716 niches (including 336 niches which were sold as at 30.6.2017 and 1,380 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 1,716 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 2009. The Site is currently occupied by a three-storey building for columbarium (**Drawing Z-2**). The opening hour of STCY is from 10:00am to 5:00pm daily; and from 9:00am to 6:00pm during Ching Ming and Chung Yeung festival periods.

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

Site Area	About 189.64 m ² (including Government Land of about 46.19m ²)
GFA	About 119.76m ² (equivalent to a plot ratio of about 0.63)
Site Coverage	About 27.7%
Number of Building	1 (3-storey)
Maximum Building Height	About 7.62m

- 1.4 Under the proposed Notes for the “OU(Columbarium (1))” zone by the applicant (**Appendix II**), development/redevelopment on the Site would be subject to a maximum gross floor area of 119.76m², maximum site coverage of 27.7%, and maximum building height of 3-storey (7.62m) respectively. Furthermore, the total number of niches for columbarium use shall not exceed 1,716.
- 1.5 According to the information provided by the applicant, there are a total of 1,716 niches within the columbarium building. The breakdown of their sale and occupation conditions are shown as follows:

No. of Niches	Double-Urn Niche	Family-Urn Niche	Total
Sold before 30.6.2017	331	5	336
• <i>Occupied</i>	3	0	3
• <i>Unoccupied</i>	328	5	333
Unsold Niches	1,283	97	1,380
Total No. of Niches	1,614	102	1,716

- 1.6 STCY is currently occupying a larger site with peripheral fencing compared to the current application. The applicant has proposed a smaller site to minimize the amount of Government Land involved in support of the subject columbarium use, and to allow a right of way to the squatter structures located to the south-west of the Site. According to the Further Information (FI) submitted, the applicant has committed to revise and provide peripheral fencing along the site boundary of the current planning application, which will be incorporated into the management plan (**Appendix Ib**).
- 1.7 The Site is accessible via the existing footpath along Tai Po Road (Ma Liu Shui). The strip of land located within the Site to its north-west serves as an independent pedestrian access for the subject columbarium use (**Drawing Z-2**). No parking and loading/unloading bay is proposed within the Site. Visitors are expected to access the Site by public transport readily available in the vicinity. Shuttle services will be provided between Fo Tan Station Exit B and Chek Nai Ping lay-by area at a 30-minute interval during festival periods (**Drawing Z-6** and **Plan Z-2a**). The applicant has submitted a Traffic Impact Assessment (TIA) (**Appendix Ia**) to demonstrate the traffic impact to the surrounding road network and pedestrian flow.
- 1.8 For crowd management, a ‘visit-by-appointment’ arrangement is proposed at all times. All visitors are required to make appointment at specific time slots before visit. A maximum of 25 visitors will be allowed to enter the Site in every 30

minutes. An online memorial system has also been set up to allow visitors to commemorate their ancestors in the internet.

- 1.9 STCY only involves the placement of cremated human ashes in individual urns. No incineration of offerings would take place within the Site. According to the sewage proposal submitted by the applicant, two portable toilets within the Site are proposed to cope with the sewage generated.
- 1.10 On landscaping aspect, the only tree within the Site will be properly maintained and managed by the applicant. Soft landscape treatment within the Site by tree and shrubs could also provide landscape and visual amenity to the surroundings (**Drawings Z-3a and 3b**).
- 1.11 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 1.11.2021 (**Appendix I**)
 - (b) Supporting Planning Statement, Management Plan, TIA Report, Drainage and Sewerage Proposals (**Appendix Ia**)
 - (c) Further information (FI) received on 7.1.2022 in response to departmental comments with a revised management plan, and to clarify the background information of STCY^ (**Appendix Ib**)
 - (d) FI received on 21.1.2022 in response to comments from Food and Environmental Hygiene Department with replacement pages for the crowd management plan^ (**Appendix Ic**)

^ accepted and exempted from publication and recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement (**Appendices Ia to Ic**). 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 niches for the community;
- (b) the application is to regularise the current columbarium use to comply with relevant town planning and Government requirements, and to serve the community in a legal and organised manner under the supervision of concerned departments;
- (c) the Site, with a 3-storey building, is screened off from the views from public roads by the surrounding trees and vegetation. The single two-lane Tai Po Road (Ma Liu Shui) also serves as an effective buffer to segregate the applied use from Chek Nai Ping Village;

- (d) the Site is compatible with the surrounding land uses where indigenous graves and hillside burials, and the designated area of Permitted Burial Ground Site No. ST/23 are located. Given their close proximity and nature of uses, the subject columbarium is in full harmony with surrounding graves and burial ground;
- (e) the Site is accessible by existing vehicular road and served by nearby public transport facilities. No car parking and loading/unloading facilities is proposed within the Site. 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; and
- (f) no cremation of human remains and incineration would be taken place within the Site. No insurmountable environmental problems with respect to air quality, noise, drainage and sewerage are anticipated. The existing tree and planters will be maintained and managed by the applicant and the proposal does not involve any tree felling.

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

The applicant is one of the “current land owners”. He 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 sending notification letter to the other land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the adjoining government land, the “owners’ consent/ notification” requirements are not applicable.

4. **Background**

The subject three-storey building for residential use with building entitlement under lease at Lot 503 in D.D. 42 was constructed between 1976 and 1978 based on relevant aerial photos. During the above-mentioned period, the Site was not covered by any statutory plan. The Site was subsequently covered by statutory plan No. LST/69 gazetted on 25.8.1978, and was zoned “GB”. 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 “GB” zone.

5. **Previous Application**

The Site is part of the subject of a previous application (No. Y/ST/46), which was submitted by the same applicant in 2020, for rezoning a larger site from “GB” to “OU(Columbarium)” for columbarium use with the same number of niches (**Plans Z-1 and Z-2a**). The application was subsequently withdrawn by the applicant on 15.10.2021.

6. **Similar Application**

- 6.1 There is no similar application for rezoning to “OU(Columbarium (1))” within the same “GB” zone on the OZP. There is only one similar application (No. Y/ST/47)

for rezoning to “OU(Columbarium)” within/straddling other “GB” zones on the OZP (**Plan Z-1**).

- 6.2 Planning application No. Y/ST/47 located to the south of Fo Tan Village, is for the regularisation of the existing columbarium use under the name of Memorial Park Hong Kong (孝思園) with a total number of 3,499 niches. The application site was proposed to be rezoned from “GB” and “Village Type Development” (“V”) to “OU(Columbarium(1))”¹, of which ‘Columbarium’ is a Column 1 use permitted as of right. The application was agreed by the Committee on 10.9.2021 on the consideration that the application site was located in a convenient location well-served by public transport, was accessible via an independent access not shared by nearby villagers, no adverse traffic and environmental impacts were envisaged, and concerns departments had no objection to or no adverse comment on the application. The site has been rezoned to “OU(Columbarium (1))” on the draft Sha Tin OZP No. S/ST/35.

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

7.1 The Site is:

- (a) located to the south-west of Chek Nai Ping Village separated by Tai Po Road (Ma Liu Shui);
- (b) accessible via an existing footpath along Tai Po Road (Ma Liu Shui); and
- (c) currently occupied by one three-storey building structure for columbarium use known as Sha Tin Ching Yuen.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is generally surrounded by a vegetated knoll with dense woodland to the south and west;
- (b) to the immediate north-east is Tai Po Road (Ma Liu Shui); and to the further north and east is the village cluster of Chek Nai Ping Village; and
- (c) to the immediate south and west are two structures bearing Squatter Control Numbers, several indigenous graves, hillside burials, and permitted burial grounds.

8. Planning Intention

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.

¹ Majority of the application site of planning application No. Y/ST/47 was zoned “V” (88%) with a minor portion zoned “GB” (12%).

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 Lot 499 S.A RP (Part), 500 S.A RP (Part), 503, 504 (Part), 505 (Part) and 506 (Part) in D.D. 42 and adjoining Government Land. Relevant conditions governing the said private lots are set out as follows:
 - (i) Lot 499 S.A RP (Part), 500 S.A RP (Part), 504 (Part), 505 (Part) and 506 (Part) are old schedule agricultural lots governed by Block Government Lease for D.D. 42. Offensive trade is prohibited. No building or structure is permitted on the lots; and
 - (ii) Lot 503 is old building lot governed by Block Government Lease for D.D. 42. Offensive trade is prohibited;
- (b) breach of lease was identified within Lot 504 in D.D. 42 and two relevant warning letters dated 20.6.2016 and 31.10.2017 against unauthorised structure (the staircase) on the lots have been issued. LandsD reserves the rights to take lease enforcement action against the subject lot;
- (c) illegal occupation of Government Land is also observed within and outside the Site. LandsD reserves the right to take land control action in this regard; *and*
- (d) the lots within the Site are subject to the offensive trade clause under the Block Government Lease. ~~The current proposal for columbarium use may be in breach of offensive trade clause if the subject columbarium is considered to be offensive to the locality and neighbourhood~~ ***LandsD would defer to Private Columbarium Licensing Board for the imposition of conditions and more effective enforcement through statutory means under Cap. 630 to address nuisances/disturbance caused by the columbarium as it sees fit.*** The unauthorised structure erected on Lot 504 in D.D. 42 is in breach of Block Government Lease. If the planning application is approved by the Board, the lot owner is required to apply for a lease modification or land exchange or temporary waiver. However, there is no guarantee that the applications will be approved. Such application, 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 / temporary waiver, as appropriate, if applied.

Licensing Requirement

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. 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;
- (b) the management plan submitted to the PCLB should cover matters including traffic and public transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. 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, the Police, Fire Services Department and the Planning Department. If a licence application is approved by the PCLB, the Private Columbaria Affairs Office will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments; and

Comments Specific to the Site

- (c) a set of the specified instrument (SI) application (viz. a licence and temporary suspension of liability (TSOL)) in respect of a pre-cut-off columbarium was received by PCLB and the applications are being processed by the Private Columbaria Affairs Office (PCAO);
- (d) based on the revised niche information submitted by applicant in support of its SI applications, it was preliminary noted that the total number of niches proposed for the SI applications apparently tally with that as shown in the planning statement submitted in support of this planning application. Having said that, PCAO is still in the course of detailed checking of niche information to verify its accuracy; and
- (e) 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. Private Columbaria

Enforcement Team officers of FEHD would conduct inspections to licensed private columbaria in the period of Ching Ming and Chung Yeung Festivals and their shadow period. Any breach of licensing condition detected, verbal warning, written warning or enforcement notice may be issued to the licensee for rectification. A person holding a specified instrument must comply with the conditions imposed on the specified instrument.

Traffic

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

- having reviewed the revised TIA (**Appendix Ia**), and noting that the applicant has proposed a ‘visit-by-appointment’ arrangement and shuttle bus services commuting between the Site and Fo Tan Station, and that FEHD confirms to take up the enforcement on the proposed management plan, he has no adverse comment on the application from traffic engineering viewpoint.

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

- he noted that there is no traffic improvement works required on adjacent road network and has no comment in principle from highways maintenance point of view subject to the following:
 - (i) the proposed TIA shall be agreed by TD; and
 - (ii) regarding Section 5.1 of TIA as attached in the submission, the detail of vehicular site access should straightly follow HyD/TD’s standard. Detailed drawing should be submitted separately for comments before construction.

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

- he has no objection to the application subject to the confirmation from TD and FEHD regarding the TIA and Management Plan.

Environment

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

- he has no objection to the application as there is no insurmountable environmental impact anticipated from the existing columbarium. The applicant is reminded to observe and comply with the legislative requirements and prevailing guidelines on proper management of waste generated from the proposal and to follow the best practices in the ProPECC PN 5/93 “Drainage Plans subject to comment by Environmental Protection Department”.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the Site is located at the fringe of the “GB” zone with an area of about 189.64m², which is predominantly surrounded by trees and dense vegetation. Noting that the application is to regularize the current 3-storey structure (about 7.62m in height) for columbarium use and no additional building would be proposed, it is unlikely that the application would have 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 2021 (**Plan Z-3**), the Site is situated in an area of uplands and hillsides landscape character surrounded by dense woodland within the “GB” zone. The site is hard paved with an existing 3-storey building block for existing columbarium use, at-grade planters for shrub and tree plantings are observed surrounding the building block within the site;
- (d) village houses in Chek Nai Ping are observed in an area zoned “V” in close proximity to the north of the Site. The proposal mainly involves retention of the existing 3-storey building block with no addition building to be proposed within the site, and that no vegetation clearance would be involved; significant adverse landscape impact arising from the application is not anticipated; and
- (e) the site is already in operation and this application aims to regularize current columbarium use within existing building block, significant adverse impact on existing landscape character within and surrounding is not anticipated.

Fire Safety

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

- he has no comment on the application from the fire safety perspective.

Building Matters

9.1.9 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 (BA); and

- (b) his detailed comments on the application are at **Appendix III**.

Religious Policy

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

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

Local Views

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

- Indigenous Inhabitant Representative of Chek Nai Ping Village expresses that villagers have grave concerns on the traffic and environmental impact since the Site is close to Chek Nai Ping Village.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Chief Engineer/Mainland South, Drainage Service Department; and
- (d) Project Manager/North, Civil Engineering Development Department.

10. Public Comments Received During Statutory Publication Period

10.1 On 12.11.2021, the application was published for public inspection. During the statutory public inspection period, a total of 383 comments were received.

10.2 The 267 **supporting** views from individuals are summarised as follows:

- (a) the subject columbarium is located near the existing permitted burial ground and separated by surrounding trees and roads from nearby residential developments. It would not bring adverse visual and landscape impacts to the surroundings;
- (b) considering the small scale of the subject columbarium with the provision of shuttle bus, confirmation from relevant technical assessments, and the proper implementation of the proposed management plan, it would not bring adverse environmental and traffic impacts to the surroundings; and
- (c) the subject columbarium could provide the much-needed niches supply in Hong Kong and bring job opportunities.

10.3 For the remaining 116 public comments objecting to the application, they are from Sha Tin Rural Committee, a member of Sha Tin District Council, Chek Nai Ping Village Representatives, villagers of Chek Nai Ping Village, Kadoorie Farm and Botanic Garden, and other individuals. Their **objecting** views are summarized as follows:

- (a) the subject columbarium is not in line with the planning intention of the “GB” zone. Approval of the application would set an undesirable precedent for similar applications and bring irreversible impact to the “GB” zone;
- (b) the Site involves illegal occupation of Government Land and breaches of land leases. Granting of Government Land for the operation of private columbarium would set an undesirable precedent for similar operations;
- (c) the application involves “Destroy First, Build Later” development approach for the subject columbarium. Approval of the application would weaken the integrity of the existing town planning system;
- (d) the application would bring additional pedestrian and traffic flow to the surrounding area. The proposal might result in unauthorised parking of private vehicles and overload the public transport facilities in the vicinity;
- (e) the columbarium use would lead to fire and safety risks, and cause adverse environmental, visual, and landscape impacts to the surroundings; and
- (f) despite the fact that the Site is located near the existing permitted burial ground, the columbarium would affect the “fung shui” of the village and the mental health of the residents nearby.

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.

11. Planning Considerations and Assessments

The proposal

11.1 The applicant proposes to rezone the Site from “GB” to “OU(Columbarium (1))”² in order to regularise the current columbarium use with a total of 1,716 niches (including 336 sold and 1,380 unsold niches as at 30.6.2017) at the Site known as Sha Tin Ching Yuen (沙田淨苑). According to the Notes for “OU(Columbarium (1))” zone proposed by the applicant, ‘Columbarium’ is a Column 1 use which is always permitted. 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.

² A site currently occupied by a columbarium development under the name of Memorial Park Hong Kong (孝思園) is already zoned “OU(Columbarium (1))” on the draft Sha Tin OZP No. S/ST/35. Should the current application be agreed by the Committee, another “OU(Columbarium)” sub-zone would be designated for the Site.

Land Use Compatibility

- 11.2 The Site is situated at a rural neighbourhood comprising village settlements, green hill knolls, tree groups, indigenous graves and hillside burials. It is separated from nearby village settlements to the north and east by Tai Po Road (Ma Liu Shui). The Site is located at the fringe of the existing “GB” zone and the subject columbarium use is confined to the current scale within the existing 3-storey columbarium structure, and screened off by existing trees and planters. The north-eastern strip of land within the Site will serve as an independent pedestrian access to the subject columbarium structure. The revised peripheral fencing would allow a separate access to the adjoining squatter structures. Permitted burial grounds, indigenous graves, and hillside burials are located to its immediate south and west (**Plan Z-2a**). In view of the overall setting of the Site, it is considered that there would be limited nuisance to the surroundings in terms of potential intermixing of grave-sweepers and villagers in this locality.

Traffic Impact and Crowd Management

- 11.3 The Site is served by Tai Po Road (Ma Liu Shui) and accessible via an existing footpath along the road. Public transport including bus and minibus services is readily available in the vicinity of the Site. The columbarium development is expected to generate traffic and attract additional pedestrian flow during the peak hours of festival periods. In this regard, a “visit-by-appointment” arrangement is proposed by the applicant in which all visitors are required to make appointment in specific time slots before visit. A maximum of 25 visitors are allowed to enter in every 30 minutes. Shuttle services between Fo Tan Station Exit B and Chek Nai Ping lay-by area is proposed at a 30-minute interval during festival periods. Noting that FEHD will take up the enforcement of the management plan including the “visit-by-appointment” arrangement, C for T has no adverse comment on the application from traffic engineering viewpoint, and C of P has no in-principle objection to the application.
- 11.4 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 measures proposed under the approved management plan would be monitored under the existing licensing mechanism of columbarium.

Other Technical Aspects

- 11.5 Having reviewed the drainage and sewerage proposals, DEP, CE/C, WSD, and CE/MS, DSD have no objection to the application as there will be no incineration of offerings and funeral ceremonies to be taken place at the Site, and there are sufficient capacities from the two proposed portable toilets to cater for the sewerage generated. CTP/UD&L, PlanD has no objection to the application from urban design and landscape planning perspective as adverse impacts on visual and landscape resources are not anticipated; and DAFC has no comment on the application from tree preservation point of view as the application will not involve

any clearance of vegetation and tree. Other Government departments including D of FS and CBS/NTW, BD have no objection to/comment on the application.

Similar Application

- 11.6 There is one similar application (No. Y/ST/47) for proposed rezoning of “GB” and “V” to “OU(Columbarium (1))” on the Sha Tin OZP, which was agreed by the Committee in 2021 mainly on the consideration that it was located in a convenient location well-served by public transport, was accessible via an independent access not shared by nearby villagers, no adverse traffic and environmental impacts were envisaged, and concerns departments had no objection to or no adverse comment on the application.

Public Comments

- 11.7 While there are public comments in support of the application, adverse public comments and local objections against the application have been received. For the “fung shui” concern raised by local villagers, it should be noted that it was not a planning consideration of the Board. As for other issues, the planning assessments 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 local views conveyed by DO(ST) of HAD and 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 reason is suggested for Members’ reference:
- the Site falls within an area zoned “Green Belt” (“GB”) with the planning intention 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. There is no strong planning justification to rezone the Site from “GB” to “OU(Columbarium (1))” zone to allow columbarium use. The current “GB” 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

Appendix I	Application form received on 1.11.2021
Appendix Ia	Supporting Planning Statement, Management Plan, TIA Report, Sewerage and drainage proposals
Appendix Ib	FI received on 7.1.2022 in response to departmental comments and to clarify the background information of the application
Appendix Ic	FI received on 21.1.2022 in response to FEHD's comments with replacement pages for the crowd management plan
Appendix II	Proposed Notes of the OZP for "OU(Columbarium (1))" zone
Appendix III	Detailed departmental comments
Appendix IV	Public comments
Drawing Z-1	Location plan
Drawing Z-2	Layout plan
Drawings Z-3a to 3b	Existing site condition plans
Drawings Z-4 to Z-5	Floor plans
Drawing Z-6	Proposed pick-up and drop-off points of the shuttle services
Plan Z-1	Location plan
Plans Z-2a to Z-2b	Site plan
Plan Z-3	Aerial photo
Plans Z-4a to Z-4c	Site photos

**PLANNING DEPARTMENT
JANUARY 2022**