

RNTPC Paper No. Y/ST/56A
For Consideration by the
Rural and New Town Planning
Committee on 8.9.2023

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

APPLICATION NO. Y/ST/56

- Applicant** : China Honour (Hong Kong) Limited, Million Union (Hong Kong) Limited, Grand Step International Limited and China Ease Development Limited represented by Knight Frank Petty Limited
- Site** : Lots 35, 36 S.A, 36 RP, 38 S.A ss. 1, 38 S.A RP, 624, 676 and 699 in D.D. 176, Wo Liu Hang Village, Fo Tan, Shatin, New Territories
- Site Area** : About 438m²
- Lease** (a) Lots 676, 699 and 624 in DD 176: New Grant Building Lot
(b) Lot 35 in DD 176: Old Schedule Agricultural Lot converted into house status
(c) Lots 36 S.A, 36 RP, 38 S.A ss. 1, 38 S.A RP in DD 176: Old Schedule Agricultural Lot
- Plan** : Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35
(at the time of submission)
- Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36
(currently in force)
- Zoning** : “Village Type Development” (“V”)
(at the time of submission and remains unchanged)
- Proposed Amendment** : To rezone the Application Site from “V” to “Other Specified Uses” annotated “Columbarium (2)” (“OU(Columbarium (2))”)

1. The Proposal

- 1.1 The applicant proposes to rezone the application site (the Site) from “V” to “OU(Columbarium (2))” to regularize the current columbarium use under the name of Yan Hau Ancestral Hall (YHAH) (仁孝宗祠) providing 5,100 sold niches as at 30.6.2017¹ (**Plan Z-1**). The applicant has proposed a set of Notes for the proposed “OU(Columbarium (2))” zone (**Appendix II**), under which ‘Columbarium’ is a Column 1 use permitted as of right, subject to a maximum gross floor area (GFA) of 345.41m², site coverage (SC) of 47.2%, building height (BH) of 6.8m, and total number of niches of 5,100.
- 1.2 According to the applicant, the columbarium has been operating at the Site since 2007. The Site is divided into two portions (i.e. Zone 1 in the east and Zone 2 in

¹ The date when the Private Columbarium Ordinance (PCO) came into effect.

the west) (**Drawing Z-1** and **Plan Z-2a**) for columbarium use. Zone 1, with a site area of about 104.52m², consists of two 2-storey buildings (i.e. Blocks A and B) accommodating a total of 1,692 and 1,467 sold niches respectively. Zone 2, with a site area of about 333.48m², consists of two 1-storey buildings (i.e. Blocks C and D) and a 2-storey building (i.e. Block E) accommodating a total of 603, 537 and 801 sold niches respectively. The floor plans of the columbarium are shown in **Drawings Z-2 to Z-10**.

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

	Zone 1	Zone 2	Overall
Site Area (about)	104.52m ²	333.48m ²	438m ²
GFA (about)	217.04m ² Block A: 139.36m ² Block B: 77.68m ²	128.37m ² Block C: 19.2m ² Block D: 18.01m ² Block E: 91.16m ²	345.41m ²
Site Coverage	N/A	N/A	47.2%
No. of Structures	2	3	5
Building Height	Block A: 2 storeys (6.8m) Block B: 2 storeys (6.14m)	Block C: 1 storey (2.64m) Block D: 1 storey (2.805m) Block E: 2 storeys (6.59m)	1 – 2 storeys 2.64 – 6.8m
No. of Sold Niches	3,159 Block A: 1,692 Block B: 1,467	1,941 Block C: 603 Block D: 537 Block E: 801	5,100

- 1.4 The breakdown of the 5,100 sold niches are shown as follows:

	Single-Urn Niche	Double-Urn Niche	Other-Urn Niche*	Total
Occupied	1,739	1,009	507	3,255
Unoccupied	1,347	495	3	1,845
Total No. of Niches	3,086	1,504	510	5,100

** Including Triple-Urn, Quadruple-Urns, Consecutive Single-Urn and Consecutive Double-Urn Niches*

- 1.5 According to the applicant, the subject columbarium has a total of 5,100 sold niches intermixed with 3,728 unsold niches (a total of 8,828 niches) within the 5 columbarium blocks under this application. As advised by the applicant, the unsold niches will be sealed off permanently to avoid selling or newly letting out in future.
- 1.6 The application does not involve clearance of existing landscape features and trees. The three existing trees within Zone 2 of the Site will be retained and maintained.
- 1.7 The operation hours of YHAH are from 9:00am to 5:00pm all year round including Ching Ming and Chung Yeung festival days. To avoid overcrowding at YHAH, 'Visit-by-Appointment' arrangement is proposed during festival days (four weekends before and after the Ching Ming and Chung Yeung Festivals).

- 1.8 The Site is accessible via a local track road/footpath branching off a cul-de-sac leading to Wo Liu Hang Road. There is no direct vehicular access to the Site. According to the applicant, there are alternative pedestrian accesses available for local villagers to/from their residential dwellings without passing through YHAH (**Drawings Z-11a and 11b**). The existing planter at the entrance/exit at Zone 2 within the Site will be removed for staircase widening to facilitate pedestrian flow (**Drawing Z-11b**).
- 1.9 No parking space and loading/unloading bay is proposed by the applicant. The visitors are encouraged to visit YHAH by means of public transport available in the vicinity. In terms of traffic management, a traffic impact assessment (TIA) (**Appendix Ia**) is submitted to support the application. To facilitate the traffic and pedestrian flow during festival days, the following major special arrangements have been proposed in the Management Plan (**Drawings Z-11a and 11b**):
- (i) a ‘Visit-by-Appointment’ arrangement during festival days and 4 weekends before/after the festival days to regulate the number of visitors to the subject columbarium;
 - (ii) on-site waiting areas to facilitate pedestrian circulation;
 - (iii) on-site and off-site supporting staff stationed to ensure a smooth traffic and pedestrian flow by holding directional signs; and
 - (iv) temporary suspension of the adjacent village carpark to the north of the Site with consent obtained from the representatives of Wo Liu Hang to ensure pedestrian safety and regulate traffic flow.
- 1.10 No joss paper furnace/joss-stick burning activities and religious activities are proposed within the Site. There is also no sewer connection to the Site.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 22.7.2022 (**Appendix I**)
 - (b) Supporting planning statement, management plan, and various technical assessment reports
 - (c) Further Information (FI) received on 16.9.2022 [#]
 - (d) FI received on 15.11.2022
 - (e) FI received on 6.2.2023
 - (f) FI received on 21.4.2023 [#]
 - (g) FI received on 27.4.2023
 - (h) FI received on 13.6.2023 with revised planning statement,
- (**Appendix Ia²**)

² A consolidated report containing the finalized technical assessments (**Appendix Ia**) was submitted by the applicant on 13.6.2023, which has consolidated all the previous submissions. Hence, the relevant FIs are not attached in this Paper.

management plan, and reports [#]

[#] *accepted but not exempted from publication and recounting requirements*

- 1.12 On 12.9.2022, 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.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form and supporting planning statement (**Appendices I and Ia**). They can be summarized as follows:

- (a) the subject application is in line with the government policy of regulating the operation of private columbaria. The applicant has demonstrated a strong effort to comply with relevant regulations including the PCO, and has applied to the Private Columbaria Affairs Office (PCAO) for a Licence and Temporary Suspension of Liability. The Government should adopt a pragmatic and sensitive approach when considering the subject application;
- (b) the subject columbarium is in line with the 2011 Policy Address in that columbaria are essential facilities for the community and should be constructed across the territory;
- (c) the subject columbarium is conveniently accessible by the existing road network and public transport. There is no traffic impact during special days (i.e. Ching Ming and Chung Yeung Festival periods) and special traffic arrangements are proposed on festival days to address traffic issues;
- (d) the existing boundary wall of YHAH will be modified to provide an internal footpath within Zone 2 to minimize disturbance to the existing villagers (**Drawing Z-11a**);
- (e) the subject development will not result in adverse air quality, noise and sewerage impacts on the surroundings; and
- (f) YHAH, being a low-rise development, is compatible with the surrounding land uses and village setting.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site was first covered by statutory plan since the gazettal of the first Sha Tin statutory plan No. LST/17 in 1961 and was zoned “~~Residential~~” **“Industrial”**. The Site was subsequently rezoned to “V” on statutory plan No. LST/69 ~~CE~~ gazetted in 1980~~3~~. 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.

5. **Previous Applications (Plan Z-1)**

The Site is part of the subject of six previous rezoning applications for columbarium use (Nos. Y/ST/12, Y/ST/22, Y/ST/25, Y/ST/30, Y/ST/43 and Y/ST/44). Application Nos. Y/ST/12, Y/ST/22, Y/ST/25 and Y/ST/30 were submitted by a different applicant to rezone the Site, the adjacent private lot and Government Land from "V" to "Government, Institution or Community (1)" ("G/IC(1)") involving a total of 8,000 sold and unsold niches. The remaining two applications (Nos. Y/ST/43 and Y/ST/44) were submitted by the same applicant to rezone the application site from "V" to "OU(Columbarium)" involving a total of 8,828 sold and unsold niches. The rezoning proposals of all previous applications are different from the current application involving 5,100 sold niches. All the previous applications were subsequently withdrawn by the applicants mostly after issuance of RNTPC papers.

6. **Similar Application (Plan Z-1)**

- 6.1 There is no similar application for rezoning in the same "V" zone to "OU(Columbarium)".
- 6.2 There is only one similar application (No. Y/ST/47) for rezoning in another "V" zone near Fo Tan Village to "OU(Columbarium)" zone on the OZP. Planning application No. Y/ST/47 is for the regularization of the existing columbarium use located to the south of Fo Tan Village, 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 "V" and "Green Belt" ("GB") to "OU(Columbarium(1))"³, with 'Columbarium' permitted as of right subject to development restrictions on the maximum GFA of 292.674m², BH of 6.19m, SC of 39.073% and number of niches of 3,499.
- 6.3 Application No. Y/ST/47 was agreed by the Committee on 10.9.2021 on consideration that the subject columbarium is not incompatible with the surrounding land use, the application site was located at the fringe of the "V" zone and accessible via an independent access not shared by nearby villagers, no adverse traffic and environmental impacts, and concerned departments had no objection to or no adverse comment on the application. This site is currently zoned "OU(Columbarium (1))" under the approved Sha Tin OZP.

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

7.1 The Site is:

- (a) occupied by five one to two-storey(s) buildings used as columbarium;
- (b) located within the village 'environs' ('VE') of two recognized villages,

³ The majority of the application site of planning application No. Y/ST/47 was zoned "V" (88%) with a minor portion zoned "GB" (12%).

namely Wo Liu Hang and Pat Tsz Wo Resite Area at the foothill of Kau To Shan; and

- (c) accessible via an existing local track road/footpath branching off a cul-de-sac connecting to Wo Liu Hang Road (**Plan Z-2b**), which serves as major access to the residential dwellings of the two villages to the north, east and west of the Site.

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

- (a) to the immediate north of the Site (Zone 2) are several residential dwellings and temporary structures for storage purposes. To the further north and northeast are a village car park, natural slopes covered by vegetation, sporadic graves, and a permitted burial ground;
- (b) to the east are residential dwellings of Wo Liu Hang;
- (c) to the south are an existing open space (Wo Liu Hang Rest Garden) and Fo Tan industrial area with two public toilets in the vicinity;
- (d) to the west are village houses of Wo Liu Hang with an existing New Territories Exempted House (NTEH) (House 10) immediately adjoining Block D of the subject columbarium in Zone 2, which is currently used as an ancillary office of YHAH (**Drawing Z-1**). To the further west are residential dwellings of Pat Tsz Wo. Wo Liu Hang Playground is to the south-west of the Site; and
- (e) MTR Fo Tan Station is about 500m away from the Site.

8. **Planning Intention**

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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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/Shia Tin, Lands Department (DLO/ST, LandsD):

- (a) the Site comprises eight private lots, namely Lot 35, 36 S.A, 36 RP, 38 S.A ss.1, 38 S.A RP, 624, 676, and 699 in DD. 176. Relevant conditions governing the said private lots are set out as follows:
- (i) Lot 35 is an old schedule agricultural lot. According to records available, the lot was converted into “House” status;
 - (ii) Lot 36 is an old schedule agricultural lot. No building or structure is permitted on the lot;
 - (iii) Lot 38 is an old schedule agricultural lot. No building or structure is permitted on the lot;
 - (iv) Lot 624 should be governed by New Grant No. 7151 which is however not available in Land Registry. According to records available, the lot is for building purposes;
 - (v) Lot 676 is a building lot under New Grant No. 8382. In brief, amongst other conditions governing the provision of open space, scavenging lane etc., no house erected on the lot shall be more than two storeys in height. No grave or any human remains shall be deposited on the lot and no building erected on the lot shall be used as “Chai Tong” or for any other purpose of a similar nature;
 - (vi) Lot 699 is a building lot under New Grant No. 8829. In brief, amongst other conditions governing the provision of open space, scavenging lane etc., no house erected on the lot shall be more than two storeys in height. No grave or any human remains shall be deposited on the lot and the house to be built on the lot shall be a traditional Chinese village-type house;
- (b) breaches of lease were identified by his office within Lot 676 and 699 in DD. 176 and the relevant warning letters dated 31.3.2016 about non-compliance with the restriction against human remains on the Lot have been registered in the Land Registry;
- (c) Lots 35, 36 S.A, 36 RP, 38 S.A ss.1 and 38 S.A RP in D.D. 176 within the Site are subject to the offensive trade clause under the Block Government Lease. LandsD would defer to Private Columbarium Licensing Board (PCLB) 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 see fits. Having regard to the above, the subject proposal is not permitted under lease. Should the planning application be approved by the Board, the lot owner has to apply to LandsD for a lease modification or waiver as appropriate according to the applicable guidelines. However, there is no guarantee that the lease modification or waiver application 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;

- (d) the lot areas and the dimensions of buildings erected on the subject lots and the building entitlement of the Site, being portion of private lots, are subject to verification by LandsD at the stage of processing of waiver or lease modification; and
- (e) the Site falls within the boundary of 'VE' of Wo Liu Hang and Pat Tsz Wo Resite Area. The number of outstanding Small House applications for Wo Liu Hang and Pat Tsz Wo Village is 27 while the 10-year Small House demand forecast is 105. The figures for 10-year Small House demand are provided by the concerned indigenous inhabitant representatives and LandsD is not in a position to verify the accuracy of the figures.

Licensing Requirement

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

General Comments

- (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, 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 (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;

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 pre-cut-off

columbarium was received by the PCLB and the applications are being processed by the PCAO;

- (d) the site boundary and the total number of niches proposed under the rezoning application (i.e. 5,100) do not tally with that under the SI application (i.e. 8,828). The submission of revised plans and change of application address for the SI application has not been received by PCAO yet. The PCLB has given “Approval-in-principle for TSOL Application” to the subject columbarium with a validity period of three years from 10 December 2021 to 9 December 2024; and
- (e) if the PCLB 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. Upon 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 for the subject columbarium, and that FEHD confirms to take up the enforcement on the proposed management plan, he has no in-principle objection to the application from traffic engineering and transport operation point of view.

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

- noting that there are no traffic improvement works required on adjacent road network, he has no comment from highways maintenance point of view.

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):

- (a) it is noted that no joss paper furnace, no major construction, no religious activity and no vehicle traffic would be involved in the Site; and the existing lavatories in the office, which have been connected to public sewerage system, would be limited for staff uses only.

Visitors are advised to use the nearby public toilets if needed; and

- (b) in view of the above, insurmountable environmental impact arising from the subject use is not anticipated. As such, he has no objection to the application. Nevertheless, the applicant is reminded to ensure due implementation of relevant environmental pollution control measures during the staircase widening works.

Urban Design and Landscape

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

Urban Design and Visual Aspects

- (a) according to the applicant's submission, the proposal aims to regularize the current columbarium use at the Site and there is no change in the development parameters of the current condition. In view of the low-rise nature of the proposal, there are no particular comments from the urban design and visual perspectives;

Landscape Aspect

- (b) based on aerial photo of 2022, the Site is situated in an area of urban fringe landscape character comprising village houses, clustered tree groups, and industrial buildings in an area zoned "Industrial" to the south of the Site. The proposed rezoning is considered not incompatible with the existing landscape character in the proximity;
- (c) according to the Planning Statement, the Site is already in operation since 2007. Existing trees identified within the Site are proposed to be retained, and the waiting areas will be furnished with seats and planters. Since significant adverse landscape impact arising from the development is not anticipated, she has no objection to the application from landscape planning perspective; and
- (d) the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.

Building Matters

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

- (a) there is no record of approval by the Building Authority (BA) for the existing buildings/structures for columbarium use at the Site; and
- (b) detailed comments are at **Appendix III**.

Fire Safety

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

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

District Officer's Comments

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

- (a) some of the locals reflected great concerns about the traffic and environmental impacts on the vicinity of the Site; and
- (b) a letter from the Alliance For the Concern Over Columbarium Policy dated 2.6.2023 was received by the office. The alliance objects to the application mainly on the following grounds:
 - (i) the applied use is not in line with the planning intention of "V" zone, and is not a permitted use under the planning and land administration regimes. Approval of the application will result in an undesirable precedent;
 - (ii) the subject columbarium is incompatible with the existing and future land use setting of Fo Tan; and there are adverse local objections on the subject application;
 - (iii) the applied use would bring adverse traffic and sewerage impacts on the surroundings; and
 - (iv) the provision of the planned public columbarium is sufficient to cope with the demand.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Director of Leisure and Cultural Services;
- (c) Chief Engineer/Mainland South, Drainage Service Department;
- (d) Project Manager/North, Civil Engineering Development Department;
- (e) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (f) Executive Secretary (Antiquities and Monument), Antiquities and Monuments Office, Development Bureau.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 5.8.2022, 30.9.2022, 5.5.2023, and 30.6.2023, the application and FIs were published for public inspection. During the statutory public inspection periods, a total of 1,325 comments were received.

10.2 The 718 **supporting** views from the Vice Chairmen of Heung Yee Kuk New Territories, the Chairman of Sha Tin Rural Committee, the Chairman of Wo Liu Hang Rural Committee, the Village Representative (VR) and Indigenous Inhabitant Representative (IIR) of Wo Liu Hang, and other individuals (of which 703 are in the form of 4 standard letters) are summarized as follows:

- (a) there is a keen demand for columbarium in society. The subject columbarium provides the much-needed niches supply to the local community;
- (b) the subject columbarium is a socially responsible organization which supports the development of Wo Liu Hang. It has helped with the provision of greenery within the village;
- (c) the subject columbarium is located in the vicinity of MTR Fo Tan Station. It will encourage the use of public transportation for the visitors; and
- (d) the subject columbarium is fenced off by walls and/or greenery. There is limited nuisance/psychologically impacts on nearby residents. In addition, it will not bring adverse visual and environmental impact to the surroundings.

10.3 The 603 public comments objecting to the application are from the VR and IIR of Pat Tsz Wo Village, the Incorporated Owners of The Palazzo, Royal Ascot, and other individuals. Their **objecting** views are summarized as follows:

- (a) the Site is located in the vicinity of the residential/industrial areas in Fo Tan. With the recent completion of various residential developments, the subject columbarium is incompatible with the surrounding land uses;
- (b) the subject columbarium is an unauthorized use. It is not in compliance with the building, planning and land-related requirements. Approval of the application would weaken the integrity of the existing town planning system and encourage the “Destroy First, Build Later” development approach;
- (c) the subject columbarium will bring adverse traffic impact on the surroundings. The additional traffic and pedestrian flow generated will overload Fo Tan Station and major junctions of Fo Tan, especially during the festival periods. It is questionable whether the management plan submitted could be fully implemented/enforced;
- (d) the subject columbarium will bring adverse impacts on various aspects including environmental (air and noise), visual, landscape, fire safety, and public safety concerns to nearby residents;
- (e) the subject columbarium will affect the “fung shui” of the village as well as the mental health of the nearby residents;
- (f) the subject columbarium will affect the property prices of the nearby residential developments;
- (g) there is no urgency to implement the proposal as the public columbarium in Shek Mun has already been under construction to satisfy the demand in the

district. Other government, institution or community uses should be considered for the Site; and

- (h) the Site is not in line with the planning intention of the “V” zone, which is to reserve land for village type development. Rezoning the Site to “OU(Columbarium)” would lower its land use flexibility.
- 10.4 Four individuals provided views on the application. They mainly suggested that Fo Tan should be developed into a commercial-residential community; and the subject columbarium should be relocated to the slopes adjacent to Chun Yeung Estate, Fo Tan.
- 10.5 The whole set of public comments have been deposited at the meeting for Members’ inspection. Samples of the public comments are at **Appendix IV** for Member’s reference.

11. Planning Considerations and Assessments

The proposal

- 11.1 The applicant proposes to rezone the Site from “V” to “OU(Columbarium (2))” in order to regularize the current columbarium use with a total of 5,100 sold niches as at 30.6.2017 at the Site known as Yan Hau Ancestral Hall. According to the Notes for the “OU(Columbarium (2))” 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 that any new development/redevelopment of the Site are subject to maximum GFA of 345.41m², SC of 47.2%, and BH of 6.8m as well as the number of niches not exceeding 5,100. Based on individual merits of the proposal, minor relaxation of the above parameters may be considered by the Board on application. There are a total of 8,828 niches at the Site comprising 5,100 sold niches (of which 3,255 niches have been occupied) intermixed with 3,728 unsold niches. As advised by the applicant, this application only covers the 5,100 sold niches while the 3,728 unsold niches not covered by this application will be sealed off permanently in the future.

Land Use Compatibility

- 11.2 The Site is situated at the foothill area of Kau To Shan mainly comprising low-rise village houses, tree clusters/vegetated slopes, sporadic graves, and high-rise industrial buildings. It falls within the “V” zone covering the existing villages and is part of the ‘VE’ of the recognized villages of Wo Liu Hang and Pat Tsz Wo, forming an integral part of the village setting. The Site is surrounded by existing village houses/residential dwellings to its north, east and west. To the north of the Site is a piece of formed land which is currently used as a village car park but is also an available site potentially for Small House development. Access to the Site mainly relies on the existing footpath shared by adjoining village dwellings. The subject columbarium located in close proximity to existing residential dwellings would result in close juxtaposition of columbarium use and residential use as well as intermixing of grave-sweepers and villagers in the locality, which is not desirable. In view of the above, the proposed use is considered not compatible with the existing village setting of the area.

Traffic Impact and Crowd Management

- 11.3 The Site is accessible via an existing local track road/footpath branching off a cul-de-sac leading to Wo Liu Hang Road. No parking space and loading/unloading bay is proposed by the applicant. In this regard, a “visit-by-appointment” arrangement as mentioned in paragraph 1.9 is proposed by the applicant to limit the number of visitors. According to the TIA, the assessed road junctions and footpaths have sufficient capacities to accommodate the additional traffic and pedestrian flow generated from the development. 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 and transport operation perspectives, and C of P has no in-principle objection to the application.

Other Technical Aspects

- 11.4 DEP, CE/C, WSD, and CE/MS, DSD have no objection to the application as there would be no joss paper furnace, major construction, religious activity, and vehicle traffic involved, and there are sufficient capacities from the nearby public toilets to cater for the sewerage generated by visitors. CTP/UD&L, PlanD has no objection to the application from urban design and landscape planning perspectives as adverse impacts on visual and landscape resources are not anticipated. Other government departments including D of FS and CBS/NTW, BD have no objection to/comment on the application.

Similar Application

- 11.5 There is one similar application (No. Y/ST/47) for proposed rezoning of “V” and “GB” to “OU(Columbarium (1))” in Fo Tan on the Sha Tin OZP. The application site is served by an independent access, surrounded by slopes and road structures to the west, south and east, and is located at the southern fringe of the “V”. It was agreed by the Committee in 2021 mainly on consideration that the subject columbarium was not incompatible with the surroundings; located at a convenient location well-served by public transport; accessible via an independent access not shared by nearby villagers; no adverse traffic and environmental impacts, and concerned departments had no objection to or no adverse comment on the application. The planning circumstances of that application are different from this application as the Site of the subject application is surrounded by residential dwellings to the north, east and west with a shared pedestrian access, and would cause potential intermixing of grave-sweepers and villagers in the locality and nuisances to the villagers.

Public Comments and Local Concerns

- 11.6 There are public comments supporting and objecting the application as detailed in paragraph 10.3 and local concerns received by DO(ST), HAD as detailed in paragraph 9.1.10. For the concerns regarding “fung shui” and property prices, they are not material planning considerations 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 and having taken into account the public comments mentioned in paragraphs 9.1.10 and 10, the Planning Department does not support the proposed rezoning of the Site from “V” to “OU(Columbarium (2))” for the following reason:

- the Site falls within an area zoned “V” with the planning intention primarily for development of Small Houses by indigenous villagers. The columbarium use under application is considered not compatible with the existing village setting of the area, particularly the residential dwellings located to its north, east and west, with the major pedestrian access shared by nearby villagers. There is no strong planning justification for rezoning of the Site from “V” to “OU(Columbarium (2))” zone to allow columbarium use. The current “V” zone for the Site is considered appropriate.

12.2 Alternatively, should the Committee decide to agree/partially agree to the application, the relevant proposed amendments to the OZP, together with the revised Notes and Explanatory Statement, will be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance when opportunity arises.

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 22.7.2022
Appendix Ia	Consolidated report received on 13.6.2023
Appendix II	Proposed Schedule of Uses for “OU(Columbarium(2))” zone
Appendix III	Detailed departmental comments
Appendix IV	Samples of public comments
Drawing Z-1	Site Layout Plan
Drawing Z-2 to Z-10	Floor Plans
Drawings Z-11a and 11b	Traffic Management Plans
Plan Z-1	Location Plan
Plans Z-2a to Z-2b	Site Plan
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4f	Site Photos