

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

APPLICATION NO. Y/ST/57
(for 2nd Deferment)

- Applicant** : To Fuk Shan Limited, represented by R&U Planning and Development Consultants Limited
- Site** : Lots No. 484 (Part), 494 (Part), 495 (Part), 540 S.A and 540 RP (Part) in D.D. 185 and adjoining Government Land, Sheung Wo Che, Sha Tin, New Territories
- Site Area** : About 4,060m²
(including Government Land of about 49m²)
- Lease** : Lot No. 484 in D.D. 185
(a) a building and garden lot sold under New Grant No. 7924
(b) a height restriction of not more than two storeys
(c) no building shall be used as a 'Chai Tong'
(d) no grave or human remains shall be deposited on the lot
- Lot Nos. 494 and 495 in D.D. 185
(a) a garden lot sold under New Grant No. 8002
(b) no building shall be erected on the lot
(c) no grave or human remains shall be deposited on the lot
- Lot Nos. 540 S.A and 540 RP in D.D. 185
(a) a sub-section of a building and garden lot sold under New Grant No. 8363
(b) a height restriction of not more than two storeys
(c) no building shall be use as a 'Chai Tong'
(d) no grave or human remains shall be deposited on the lot
- Plan** : Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/35
(at the time of submission)
- Approved Sha Tin OZP No. S/ST/36
(currently in force)
- Zoning** : "Village Type Development" ("V")
- Proposed Amendment** : To rezone the application site from "V" to "Other Specified Uses" annotated "Religious Institution with Columbarium" ("OU (Religious Institution with Columbarium)")

1. **Background**

- 1.1 On 8.8.2022, the applicant submitted a s.12A planning application to rezone the application site (the Site) from “V” to “OU (Religious Institution with Columbarium)” to regularize the existing religious institution and columbarium use (providing 24,833 niches of which 5,927 are sold niches) under the name of To Fuk Shan Tsz (道福山祠) (**Plan Z-1**).
- 1.2 On 28.10.2022, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) agreed to defer making a decision on the application for two months, as requested by the applicant, to allow time to prepare further information (FI) to address departmental comments.
- 1.3 On 19.12.2022 and 2.3.2023, the applicant submitted FI including response-to-comment tables and revised technical assessments including a Geotechnical Planning Review Report and a revised Traffic Impact Assessment in response to departmental and public comments.

2. **Request for Deferment**

On 2.5.2023, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer the consideration of the application for two months in order to allow time to prepare further information (FI) to address departmental comments (**Appendix I**).

3. **Planning Department’s View**

- 3.1 The Planning Department has no objection to the request for the second deferment as the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33A) in that the deferment would allow the applicant to prepare FI to address outstanding departmental comments.
- 3.2 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within three months upon receipt of FI from the applicant. If the FI submitted by the applicant is not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The applicant should be advised that the Committee has allowed a total of four months for preparation of the submission of FI. The second deferment should be the last deferment, and no further deferment would be granted unless under very special circumstances and supported with strong justifications.

4. **Decision Sought**

The Committee is invited to consider whether or not to accede to the applicant’s request for deferment. If the request is not acceded to, the application will be submitted to the Committee for consideration at the next meeting.

5. Attachments

**Appendix I
Plan Z-1**

Letter dated 2.5.2023 from the applicant's representative
Location plan

**PLANNING DEPARTMENT
MAY 2023**