

**Proposed Regularisation of Existing Columbarium  
Use (for Columbarium Niches Sold before  
30.6.2017 only) at Part of G/F to 6/F of  
an Existing Religious Building in  
“Government, Institution or Community” Zone,  
No. 18 Sha Tau Kok Road, On Lok Tsuen,  
Lung Yeuk Tau, Fanling, New Territories**

Applicant : The Emperor Hall Services Company Limited  
Planning Consultants : Vision Planning Consultants Limited  
Date of Submission : 18 January, 2024

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## **Executive Summary**

This planning application aims to seek a permission of the Town Planning Board (“**TPB**”) to regularise the existing columbarium use [solely for extents related to columbarium niches **sold** as at 30 June 2017 – the enactment date of the Private Columbaria Ordinance (“**PCO**”)] at part of G/F to 6/F (“**Application Premises**”) of an existing religious building, known as The Emperor Hall (the “**Hall**”), at Lot No. 4433 S.17 in D.D. 51 (the “**Subject Site**”), No. 18 Sha Tau Kok Road, On Lok Tsuen, Lung Yeuk Tau, Fanling, New Territories. The approval of this planning application is one of the pre-requisite requirements for obtaining a Private Columbarium Licence (“**PCL**”) from the Private Columbaria Licensing Board (“**PCLB**”) under the PCO.

This application involves a total of 1,364 existing sold columbarium niches (i.e., 783 being sold and interred niches; and 581 being sold but not yet interred), which has been updated and registered in the Private Columbaria Affairs Office (“**PCAO**”) on 8.12.2023. All these sold columbarium niches are distributed at 2/F, 3/F and 5/F of the Hall and the rest of the subject premises involved under this application mainly to align with those extents of application being considered by the PCLB. On 6.3.2023, the PCLB granted the Applicant an “Approval-in-Principle” (“**AIP**”) for application for Temporary Suspension of Liability (“**TSOL**”) with respect to the subject sold columbarium niches under this application. All key elements incorporated in this planning application, in particular the extents of the application floor areas, location of sold columbarium niches, and the quantity of such niches at each floor, and the updated management plan, are the same as those registered in the PCAO.

Upon approval of TPB, the Applicant will proceed further to seek the PCLB’s approval on the statutory PCL application for operating these sold columbarium niches at the Application Premises under the PCO. It has been demonstrated that the location of the Subject Site is suitable for the proposed (existing) private columbarium use; is not incompatible with its surrounding use; totally in-line with the land use planning intention of the Subject Site; and meets the soaring demand pressure for such much-needed community facility in the area. No significant adverse or unacceptable traffic, environmental, sewerage or drainage impacts due to the proposed regularisation of the existing sold columbarium niches are anticipated. It is a good case from the land-use planning standpoint.

## 內容摘要

本規劃申請旨獲取城市規劃委員會（下稱「城規會」）批准，規範化現有存放在黃帝祠地下至六樓部分樓層內（下統稱“申請樓層”），於2017年6月30日[《私營骨灰安置所條例》（下稱《條例》）生效當天]前已售出的靈灰位相關的靈灰安置所用途。黃帝祠位於新界 粉嶺 安樂村丈量約份第51約地段第4433號分段17（下稱“申請地點”），即龍躍頭路18號門牌。根據《條例》要求，申請人必須先獲得「城規會」批准後，「私營骨灰安置所發牌委員會」（下稱「發牌委員會」）才可以繼續處理下一步的「私營骨灰安置所牌照」申請事宜。

本規劃申請，合共有1,364個已售出的靈灰位（當中已上灰的有783個，未上灰的有581個）。而上述靈灰位分佈是依照申請人在2023年12月8日向「私營骨灰安置所事務辦事處」（下稱「骨灰辦」），作出更新及確認的數目。所有這些靈灰位實體是置於二樓、三樓及五樓內，其他申請相關的樓層主要是吻合「發牌委員會」已考量的申請範圍。在2023年3月6日，「發牌委員會」批出為期三年「原則上同意」上述已售出的靈灰位的暫免法律責任書申請。今次的規劃申請內容基本上與「骨灰辦」的最新檔案資料相符，包括已售出靈灰位的相關建築樓面範圍、數量、分佈和更新的管理方案。

於「城規會」批准是次申請後，申請人會繼續向「發牌委員會」申請「私營骨灰安置所牌照」，讓這些已售出的靈灰位可以在《條例》監管下持續營運下去。申請地點已證實是完全適合靈灰安置所用途；與周邊用途協調；也完全符合法定規劃意向；及適時地應對目前社區對該等急需社會設施的嚴重需求壓力。申請發展是不會對該區造成不可接受的交通、環境、污水處理或雨水排放影響。這是一個合情合理的用地規劃申請好個案。

## **1. THE PURPOSE**

- 1.1 Vision Planning Consultants Limited is commissioned by The Emperor Hall Services Company Limited (the “**Applicant**”) to prepare and to submit this planning application on its behalf. The Applicant is not the registered land owner of Lot No. 4433 S.17 in D.D. 51 (i.e., No. 18 Sha Tau Kok Road) (hereinafter called the “**Subject Site**”), On Lok Tsuen, Lung Yeuk Tau, Fanling, New Territories (**Figure 1** and **Figure 2**). The Subject Site is presently occupied by a 7-storey religious building, known as The Emperor Hall (the “**Hall**”) (黃帝祠).
- 1.2 The purpose of this application aims to seek a permission from the Town Planning Board (“**TPB**”) to regularise the existing columbarium use (solely for extents related to those **sold** columbarium niches as at 30 June 2017 - the enactment date of the Private Columbaria Ordinance (“**PCO**”)] at part of G/F to 6/F of the Hall (hereinafter collectively called “**Application Premises**”).
- 1.3 On 6 March 2023, the Private Columbaria Licencing Board (“**PCLB**”) under the PCO granted the Applicant an “Approval-in-Principle” (“**AIP**”) for the Temporary Suspension of Liability (“**TSOL**”) application for a period of three years with respect to the existing sold columbarium niches and their related extents of application area at the Application Premises (**Appendix I**).
- 1.4 The approval of the present planning application is one of the pre-requisite requirements for the PCLB to continue to proceed the Applicant’s application for a Private Columbarium Licence (“**PCL**”) for operation of the proposed sold columbarium niches at the Application Premises.
- 1.5 This planning application involves a total of 1,364 existing sold columbarium niches at the Application Premises (i.e., 783 of them are being sold and interred with human ashes; and 581 being sold but not yet interred with human ashes). These sold columbarium niches have been verified and registered in the Private Columbaria Affairs Office (“**PCAO**”) on 8.12.2023 (**Appendix II**).
- 1.6 It should be noted that the number of interred columbarium niches is expected to be increased from time to time as required by the owners and this operational phenomenon has been accepted by the PCAO in practice. All the proposed (existing) sold columbarium niches are distributed at 2/F, 3/F and 5/F of the Hall whereas the rest of the subject floors (i.e., part of G/F, 1/F, 4/F and 6/F of the Hall) being involved in the present planning application mainly serve to align with the

extents of application registered in the PCAO under the PCO.

- 1.7 It should be noted that the Hall also comprises unsold columbarium niches at different floors of the Hall. These unsold columbarium niches will be handled by a separated planning application to the TPB once they have been verified by the PCAO and after the PCLB has granted its AIP for TSOL application for these unsold columbarium niches. In the light of such circumstances, this planning application solely concentrates on the sold columbarium niches and their extents of application in the Hall.
- 1.8 The Subject Site falls within an area zoned “Government, Institution or Community” (“G/IC”) on the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/27 (the “OZP”) (**Figure 1**). In the Notes of the OZP, for “G/IC” zone, ‘Religious Institution’ is a Column 1 use and ‘Columbarium’ is a Column 2 use (**Appendix III**). A planning permission from the TPB under Section 16 of the Town Planning Ordinance (“TPO”) is hence required for the present proposed regularisation of the existing sold columbarium niches at the Application Premises.
- 1.9 To facilitate Members of the TPB to consider this application, a brief background of the Subject Site, the location and distribution of the existing sold columbarium niches at the Application Premises, schematic architectural drawings showing the extents of application in association with the proposed (existing) sold columbarium niches at the Application Premises and planning justifications are included in this Planning Statement.

## **2. BACKGROUND OF THE SUBJECT SITE**

- 2.1 The Hall at the Subject Site is a 7-storey religious building rebuilt in 2005. Before that, the Subject Site was occupied by a single-storey building compound known as Hin Yuen Ancestral Temple (“HYAT”) (軒轅祖祠) which was founded in the late 1920s (**Appendix IV**). Due to a long period of disrepair situation, HYAT was then rebuilt into a 7-storey building in 2005 and renamed as The Emperor Hall since then. **Figure 3** shows the collected old photographs of HYAT before the redevelopment commenced.
- 2.2 The Hall is being listed as one of the pre-cut-off private columbaria in the Development Bureau<sup>1</sup>. On 26 March 2018, under PCO, the Applicant

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<sup>1</sup> Development Bureau (2018). Information on Private Columbaria (Part A and Part B) . Retrieved from [https://www.devb.gov.hk/en/issues\\_in\\_focus/private\\_columbaria/part\\_a\\_and\\_b/index.html](https://www.devb.gov.hk/en/issues_in_focus/private_columbaria/part_a_and_b/index.html)

submitted to the PCLB two separate applications, i.e., one for application for Licence and TSOL for columbarium niches sold as at 30 June 2017 (**Appendix V**); and one application for Licence and TSOL for the columbarium niches unsold as at 30 June 2017 (**Appendix VI**). On 6.3.2023, the PCLB granted the Applicant an AIP for TSOL application for sold columbarium niches at the Application Premises (**Appendix I**).

- 2.3 In Chapter 18 of the Application Guide for Private Columbaria Licence and Other Specific Instruments concerning about the Traffic Impact Assessment Issues in Respect of Pre-cut-off Columbaria Applying for a Licence issued by PCLB in 2018 (**Appendix VII**), it states: *“taking into account the overall interests of the community, the Government has decided to use an empirical evidence approach as the basis for assessing traffic impacts when the Government departments process the licence application from a pre-cut-off columbarium whose operation only involves the number of niches sold before June 30, 2017 (the enactment date of the Private Columbarium Ordinance).”*
- 2.4 In the light of the above, an empirical evidence approach method for assessing the local traffic impact related to the proposed (existing) sold columbarium development as mentioned in **Appendix VII** is applicable to the present planning application. No traffic impact assessment (“TIA”) is therefore required in the present planning application. However, a series of ‘Traffic and Crowd Management Proposals’ has been incorporated in a Management Plan (“MP”) for the overall columbarium development at the Subject Site.
- 2.5 On 12 January, 2024, the Applicant submitted to the PCAO an updated MP (**Appendix VIII**), which was received by the PCAO on 15.1.2024, mainly to reflect the changes in daily operation hours (i.e. now opening from 10am to 4pm), the adoption of WeChat for communications with all owners, and the latest minor clarification on the total number of sold columbarium niches (i.e. being verified as 1,364 instead of 1,360) on 8.12.2023 (paragraph 1.5 above).
- 2.6 Upon approval of this planning application, the Applicant will request the PCLB to proceed further its PCL application for operation of those proposed (existing) sold columbarium niches at the Application Premises under PCO. If TPB considers appropriate, additional planning requirement(s) could be imposed on this updated MP as additional guidance to monitor the proposed (existing) sold columbarium use during the operational phase under the PCO.



### **3. SUBJECT SITE AND ITS SURROUNDINGS**

- 3.1 The Subject Site is located at No. 18 Sha Tau Kok Road, On Lok Tsuen, Lung Yeuk Tau, Fanling, New Territories. It covers a total land area of about 936m<sup>2</sup> and is presently occupied by a 7-storey religious building, known as The Emperor Hall (**Figure 2**). The Subject Site can be accessed by On Lok Street via a 6m wide service lane, which also serves as an Emergency Vehicular Access (“EVA”) of the Hall as shown in **Figure 2** and Photo 3 in **Figure 4**.
- 3.2 As shown in **Figure 4**, the Subject Site is bounded by Sha Tau Kok Road - Lung Yeuk Tau Section to its northwest; Cardinal Industrial Building (基力工業大廈) to its south-east and north-east; On Lok Tsuen Garden to its southwest, separated by an 6m wide EVA; and Rohm and Haas Electronic Material Asia Technology Centre (羅門哈斯電子材料亞洲科技中心) to its south, separated by the 6m wide EVA (**Figure 4**). It is noted that the Subject Site, On Lok Tsuen Garden (安樂村花園) and Pui Ling School (寶血會培靈學校), as shown in **Figure 1**, are closely surrounded by a designated industrial zoning, known as the On Lok Tsuen Industrial Area. A 27m wide Sha Tau Kok Road is physically bisected the Subject Site from the existing domestic development to its farther north and north-west and south-west (**Figure 4**).
- 3.3 Although the Hall is a 7-storey tall building, it can hardly be viewed from the existing Luen Wo Hui Playground or even from Sha Tau Kok Road (about 27m in width) as most of the building massing has been screened off by existing tall mature roadside amenity trees along the two sides of Sha Tau Kok Road (Photos 5 to 7 in **Figure 4**). In addition, there is a level difference of 1.3m between Luen Wo Hui Playground (聯和墟遊樂場) (at +13.2mPD) and the Subject Site (at +11.9mPD) (**Figure 2**). This makes the Hall even more visually secluded when viewed from the residential developments to the farther west, south-west and northwest of the Subject Site.
- 3.4 In local context, the Hall is located about 88m (measured from building wall to building wall) away from the nearest existing residential developments in this part of the Luen Wo Hui area and is physically isolated by a group of urban developments, including Luen Wo Road, Sha Tau Kok Road – Lung Yeuk Tau Section and a long strip of Luen Wo Hui Playground (**Figure 4**).
- 3.5 The Subject Site enjoys extremely high pedestrian accessibility. Two pedestrian subways underneath Sha Tau Kok Road are being provided to connect the Subject Site to the areas of Luen Wo Hui (i.e., one is located about 70m southwest of the

Subject Site and another is about 110m northeast of the Subject Site) (**Figure 5**). These subways provide extremely convenient walking system for all users on the two sides of Sha Tau Kok Road.

- 3.6 The Subject Site also enjoys high public transportation services in the area (**Figure 5**). MTR Fanling Station is located about 850m southwest of the Subject Site requiring only about 10 to 15 minutes walking time to and from the Subject Site through the existing pedestrian walkway system, as shown in **Figure 5**.
- 3.7 Within a 300m catchment radius of the Subject Site (requires less than 5 minutes walking time), a total of 31 bus routes (i.e., 261, 270C, 270D, 270S, 277A, 277X, 278A, 278K, 279A, 279B, 279C, 279X, 373, 56A, 673A, 673, 673P, 70K, 73B, 78A, 78K, 79K, 978A, A43, A43P, N373, N42A, E43, N73, N78 and NA43) and 15 Green-Mini Bus (“**GMB**”) routes (i.e., 52A, 52B, 52K, 54A, 54K, 55K, 56A, 56B, 56C, 56K, 501A, 501C, 501K, 501S and 505) are provided.
- 3.8 Most of the bus stops and GMB stops are distributed in close proximity to the Subject Site and they are well connected to the local walkway system requiring only 5 to 8 minutes walking time (**Figure 5**). Not only that, a GMB terminus is located about 190m to the north of the Subject Site next to Wo Mun Street sandwiched between Grand Regentville (御庭軒) and Regentville (帝庭軒). GMB Route No. 55K runs between MTR Fanling Station and this GMB terminus offering one of the most convenient options to and from the Hall (**Figure 5**).

#### **4. PROPOSED (EXISTING) SOLD COLUMBARIUM USE**

##### ***Key Development Parameters***

- 4.1 The present proposed (existing) columbarium development with respect to the extents of application and the location, distribution, status and quantity of the proposed **sold** columbarium niches at the Application Premises are basically the same as those previously registered in the PCAO.
- 4.2 A total of 1,364 sold columbarium niches are involved in this planning application (i.e., 783 of them are being sold and interred with human ashes and 581 being sold but not yet interred with human ashes) (**Appendix II**). All these sold columbarium niches are mainly distributed at 2/F, 3/F and 5/F of the Hall. Various parts of G/F, 1/F, 4/F and 6/F of the Hall involved in this application are proposed as an attempt to align with those being considered by the PCLB under the TSOL application.

- 4.3 In this planning application, the Applicant has adopted the same layout plans and information figures previously verified by the PCAO in different submissions with a view to ensuring the same set of information related to the sold columbarium niches at the Application Premises can be carry forward in the subsequent the PCL application to be considered by the PCLB under PCO.
- 4.4 **Figures 6 to 12** show the extents of application area, photographs of the existing floor conditions, locations and distributions of the subject sold columbarium niches within the Application Premises (i.e., from G/F to 6/F) in details.
- 4.5 **Table 1** summarises the key development parameters of the proposed (existing) development in each floor of the Hall.

**Table 1 Key Existing Development Parameters of the Hall**

1.	Land Area of Subject Site	About 936m <sup>2</sup>
2.	Total Existing GFA (under approved GBPs)	About 3,001m <sup>2</sup>
3.	Proposed Existing GFA (under Application)	About 1,950m <sup>2</sup>
	G/F	Extent of Application Area 140m <sup>2</sup>
	1/F	Extent of Application Area 322m <sup>2</sup>
	2/F	Extent of Application Area (845 sold niches) 413m <sup>2</sup> (or 318m <sup>2</sup> in UFA)* <sup>1</sup>
	3/F	Extent of Application Area (505 sold niches) 354m <sup>2</sup> (or 272m <sup>2</sup> in UFA)* <sup>1</sup>
	4/F	Extent of Application Area (Office) 85m <sup>2</sup>
	5/F	Extent of Application Area (14 sold niches) 348m <sup>2</sup> (or 263m <sup>2</sup> in UFA)* <sup>1</sup>
	6/F	Extent of Application Area 288m <sup>2</sup>
4.	Total No. of Sold Columbarium Niches*	1,364
	A. Sold and interred with human ashes	783
	B. Sold but not yet interred with human ashes	581

\* as at 30.6.2017; \*<sup>1</sup> mainly used for assessing the maximum visitors' holding capacity

**Table 2 Distribution of Sold Columbarium Niches by Type and by Floor**

		Number of Niches				
		Single-Niche	Twin-Niche	Family-Niche (4 members)	Family-Niche (5 members)	Sub-total
<b>2/F</b>	Niches sold and interred with ashes before 30.6.2017	310	184	3	1	498
	Niches sold but not yet interred with ashes before 30.6.2017	251	96	0	0	347
	<b>Sub-total</b>	561	280	3	1	<b>845</b>
<b>3/F</b>	Niches sold and interred with ashes before 30.6.2017	211	67	0	0	278
	Niches sold but not yet interred with ashes before 30.6.2017	196	31	0	0	227
	<b>Sub-total</b>	407	98	0	0	<b>505</b>
<b>5/F</b>	Niches sold and interred with ashes before 30.6.2017	7	0	0	0	7
	Niches sold but not yet interred with ashes before 30.6.2017	6	1	0	0	7
	<b>Sub-total</b>	13	1	0	0	<b>14</b>
<b>Total</b>	Niches sold and interred with ashes before 30.6.2017	528	251	3	1	783
	Niches sold but not yet interred with ashes before 30.6.2017	453	128	0	0	581
	<b>Total</b>	981	379	3	1	<b><u>1,364</u></b>

4.6 The extents of application and the distribution of all these sold columbarium niches, as shown in **Figures 6 to 12**, are exactly the same as those registered in the PCAO. The total usable floor area (“UFA”) for the proposed (existing) sold columbarium use under the present application is about 853m<sup>2</sup> (i.e., 318m<sup>2</sup> + 272m<sup>2</sup> + 263m<sup>2</sup> = 853m<sup>2</sup>) (**Table 1**). **Table 2** below summarises the breakdown and the status of the proposed (existing) sold columbarium niches respectively on 2/F, 3/F and 5/F within the Application Premises.

***Operation (Existing)***

4.7 The operation hours of the Hall is, and will also be, open from 10am to 4pm daily with 7 full-time staff. During Festival Periods, additional staff (i.e., say at least two additional staff for each active columbarium floor) will be employed to execute the crowd management plan stipulated in the updated MP, as detailed in **Appendix VIII**.

4.8 Indeed, the proposed crowd management plan for Festival Periods has already put into trial run in practice in the past two years, including visit-by-appointment, to notify to all owners via WhatsApp and/or WeChat, and to confirm all pre-registered visit appointments by each time slot. Details of all crowd control measures are briefly outlined in paragraphs 4.12 to 4.17 below. The management office has been monitoring closely the performance of such trial run operational modes from time to time, and will undertake appropriate measures timely to improve the situation if and when necessary.

4.9 Up to the present moment, the proposed crowd control management has been accepted in principle by the PCLB. Should there be any improvement measures required, the Applicant will take necessary action to update this crowd control management timely for consideration of the PCLB.

4.10 A list of house rules and regulations in association with the proposed (existing) columbarium development, as outlined below, have already put into effect in the current practice since 2019 (as stipulated in Section 3(4)(a) – (h) in **Appendix VIII**). All these house rules and regulations have already been incorporated in the updated MP (**Appendix VIII**) and being accepted in principle by PCLB.

4.11 In order to avoid overcrowding problems in the Hall, no worshipping activity and other religious ceremony function/activities will be carried during Festival Periods.

### ***Traffic and Crowd Management Proposals***

#### **Friendly Encouragements to Use Public Transport (Appendix VIII)**

- 4.12 As mentioned in paragraphs 3.5 – 3.8 above, the Subject Site enjoys extremely high pedestrian accessibility to public transportation facilities in the area. At present, most visitors are encouraged to use the public transport facilities (as shown in **Appendix VIII**) as it only requires a very short walking time to and from the Hall via the easily accessible local pedestrian walkway system as shown in **Figure 5**.
- 4.13 If and when necessary, during Festival Periods, the Applicant will provide temporary directional signs in prominent locations near the Hall to guide new visitors in future.

#### **Crowd Control Measures (Figures 13 and 14).**

- 4.14 To ensure a comfortable and pleasant internal environment in each active columbarium room, a special crowd control measures will be adopted during Festival Periods. It has been estimated that the maximum visitors’ holding capacity for columbarium room on 2/F, 3/F and 5/F of the Hall are 159 persons, 136 persons and 132 persons respectively in each visiting time slot. Details of the holding capacity in each subject floor are summarised in **Table 3**.
- 4.15 It should be noted that as each floor has also contained unsold columbarium niches which are undivided portion of the niches wall and have been taken into account for calculating the visitors’ holding capacity as a worst-case scenario.

**Table 3 Estimated Visitors’ Holding Capacity of Columbarium Use by Floor**

<b>Floor</b>	<b>Approximate Usable Floor Area (“UFA”) (For Columbarium Use Only)</b>	<b>Holding Capacity [UFA/2m<sup>2</sup>] (person)</b>
<b>2/F</b>	<b>318m<sup>2</sup></b>	<b>159</b>
<b>3/F</b>	<b>272m<sup>2</sup></b>	<b>136</b>
<b>5/F</b>	<b>263m<sup>2</sup></b>	<b>132</b>
<b>TOTAL</b>	<b>853m<sup>2</sup></b>	<b>427</b>

- 4.16 For fire safety concern under the present building regulations, a maximum visitors’ holding capacity per floor is limited to 120 persons in any one time slot. As stated in the updated MP (**Appendix VIII**), during Festival Periods, each active columbarium room will only allow a maximum of 80 persons per one time slot (one hour per each visit time slot). The management office will distribute three sets of colour tickets each represents one designated floor. Upon receipt of tickets, visitors will need to wait at the designated waiting space on each floor

until further instruction from the staff (**Figures 13 and 14**). Section 5 of the updated MP in **Appendix VIII** provides more details about the crowd control measures.

- 4.17 Unless visitors with walking difficulties or disabilities requiring to use the internal lifts, otherwise, they are expected to walk up and walk down via internal staircases in accordance with the direction signs (**Figure 14**).

Submission of Further Updated Management Plan to PCAO

- 4.18 If any planning conditions to be imposed by the TPB on this planning application, further amendments to the updated MP may be possible, if considers appropriate, to guide/improve the operation of the proposed (existing) sold columbarium use at the Application Premises. If so required, the Applicant submit a future updated MP to incorporating such planning conditions upon TPB's approval and to submit it to PCLB for consideration.

***Environmental Considerations***

- 4.19 As committed in the updated MP (**Appendix VIII**), no burning of joss paper inside the Hall and/or within the Subject Site. However, to respect the burning of joss paper as a kind of Chinese ritual activity for people to worship deities or ancestors, visitors are allowed, if requested, to pass their offerings to the staff for collective incineration at appropriate time in the nearby public burning facilities (i.e., Wo Hop Shek Columbarium & Crematorium).
- 4.20 If and when required, the future management office will provide only one light-incense for each visitor inside the columbarium room. Indeed, all owners will be informed about this arrangement not only through sales agreement, but will also clearly made aware of this via posting a General Notice in areas easily be viewed inside the Hall.
- 4.21 According to the Applicant, in so far no environmental complaints have been received from the local community against the existing columbarium at the Hall. At present, no furnace facility is provided within the Subject Site. The Applicant is confident that the present proposed (existing) columbarium use under application will remain as a clean community facility and no unacceptable environmental problems/impacts on the local area due to the proposed (existing) columbarium use at the Application Premises is anticipated.

## **5. PLANNING JUSTIFICATIONS**

### ***Fully In-line with Government Policy Objectives***

- 5.1 As a matter of fact, private columbaria have been in existence in Hong Kong for decades and quite a number of people had purchased columbarium niches or even interred the ashes of the deceased relatives therein. Though some of the private columbaria are in breach of statutory requirements, it is undeniable that they have been one of the essential burial options driven in part by the shortage of public supply and in part by traditional custom preference.
- 5.2 With the implementation of the PCO since 30 June 2017, the Government’s policy is to adopt a three-pronged approach (that is, increasing public niche supply, regulating private columbaria and promoting green burial) in order to cater for the long-term soaring demand for niches<sup>2</sup>.
- 5.3 As mention in paragraph 1.4 above, on 6.3.2023, the PCLB granted the Applicant an “AIP for TSOL Application” for sold columbarium niches at the Application Premises (**Appendix I**). It represents that the Applicant has already demonstrated its genuine efforts to comply with relevant PCLB’s requirements under the PCO. This planning application is totally in line with the Government’s policy objective to regulate private columbaria where situation permits.

### ***Retaining Full Enforceable Control***

- 5.4 If the present planning application is approved by the TPB, relevant Government departments will retain full authority to monitor the operation of the on-site sold columbarium use a under the TPO (via planning conditions) and/or PCO (via the statutory licensing mechanism in future. Eventually, the PCLB will be the authority to monitor the future operation of the proposed (existing) sold columbarium use at the Application Premises in accordance with the latest updated MP to be approved by PCLB.

### ***Meeting Community Demand and Desire***

- 5.5 Under the prevailing Government policy, cremation over conventional burial is encouraged. Cremation is the mainstream mode of burial arrangements in Hong Kong, in which the number of cremations accounts for over 90% of the number of deaths<sup>2</sup>. Meanwhile, under ageing population, it is projected that the annual number of deaths will increase from 50,653 (actual number in year 2020) to about

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<sup>2</sup> The Government of the Hong Kong Special Administrative Region (2022). *Press Release - LCQ18: Supply of niches*. Available at: <https://www.info.gov.hk/gia/general/202205/04/P2022050400446.htm>



75,540 in year 2040, and a total of 1.2 million cremations are expected to take place in the coming two decades<sup>3</sup>.

- 5.6 In view of the foreseeable rising number of deaths and cremations, the Government launched the “District-based Columbarium Development Scheme” in 2010 with the aim to identifying suitable sites for columbarium developments in 18 districts across the Territory. A total of 24 potential sites were identified in 3 batches in July 2010, December 2010, and April 2011 respectively to examine their suitability for columbarium developments<sup>4</sup>.
- 5.7 However, the pace of columbarium developments under the abovesaid scheme has been slow. Up to the present, only 7 of the 24 potential sites providing a total of 236,435 niches have commenced columbarium operation, whilst 5 planned projects providing a total of around 223,000 niches have obtained support from the District Council (“DC”) (Table 6).
- 5.8 Assuming all of the above projects will be completed as planned, there will still be a shortage of about 740,565 (i.e., 1,200,000 - 459,435) columbarium niches to meet the community needs.
- 5.9 In the light of this, further effort to increase the provision of columbarium niches by both the private and public sector is required. Within which, the regularisation of existing private columbaria, if situation permits like the one under application, would be the most practical “quick-win” measure to meet the immediate local demands.
- 5.10 Moreover, other than searching for new land to accommodate columbaria facilities, which are a type of “*not-in-my-backyard*” land use unwelcomed by the general public, the existing pre-cut-off columbaria could be an alternative for satisfying the community’s demand for columbarium niches, especially for those with certain religious belief.

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<sup>3</sup> Food and Health Bureau (2021). *Legislative Council Panel on Food Safety and Environmental Hygiene - Public Works Programme Item No. 5841CL - Site Formation and Associated Infrastructural Works for Development of Columbarium at Siu Ho Wan, Lantau Island*. [LC Paper No. CB(2)972/20-21(05)]. Available at: <https://www.legco.gov.hk/yr20-21/english/panels/fseh/papers/fseh20210420cb2-972-5-e.pdf>

<sup>4</sup> Legislative Council Secretariat (2017). *Panel on Food Safety and Environmental Hygiene; Background brief prepared by the Legislative Council Secretariat; Issues relating to supply of niches* [LC Paper No. CB(2)1312/16-17(03)]. Available at: <https://www.legco.gov.hk/yr16-17/english/panels/fseh/papers/fseh20170509cb2-1312-3-e.pdf>

**Table 6 Short-term Supply of New Columbarium Niches<sup>5,6,7,8,9</sup>**

Projects obtained support from DC	District Council	Completion Year	Columbarium Niches (About)
<i>Completed Projects</i>			
<b>Diamond Hill Crematorium Extension</b>	Wong Tai Sin	2012	1,540
<b>Wong Nai Chung Road Columbarium</b>	Wan Chai	2019	855
<b>Tsang Tsui Columbarium</b>	Tuen Mun	2020	163,000
<b>Wo Hop Shek Cemetery (Phase 1)</b>	North	2020	44,000
<b>Cheung Chau Columbarium Extension</b>	Islands	2020	1,250
<b>Lai Chi Yuen Cemetery Extension</b>	Islands	2020	790
<b>Cape Collison Road</b>	Eastern	2022	25,000
<b>Subtotal</b>			<b>236,435</b>
<i>Projects to be Completed</i>			
<b>On Hing Lane, Shek Mun</b>	Sha Tin	2025	40,000
<b>Tsuen Wan CP Cemetery Extension<sup>#</sup></b>	Kwai Tsing	2022	81,000
<b>Junk Bay CP Cemetery Extension<sup>#</sup></b>	Sai Kung	2024	
<b>Two sites at Ex-Kwai Chung Incineration Plant</b>	Kwai Tsing	2028	68,500
<b>Two sites at Siu Ho Wan</b>	Tsuen Wan	TBC	33,500
<b>Subtotal</b>			<b>223,000</b>
<b>Grand Total</b>			<b>459,435</b>

<sup>#</sup> Private columbaria (to be) managed by the Board of Management of the Chinese Permanent Cemeteries

5.11 The present proposed (existing) sold columbarium use contain a total of 1,364 sold columbarium niches. It represents a good will of at least 1,364 families’ desire to settle the human ashes of their deceased family members in the Hall. This also stands for an alternative choice for members of the community at this locality. It has been demonstrated that the proposed (existing) sold columbarium use at the Subject Site are not incompatible with its surrounding developments and the operation of such much-needed community facility at this locality is feasible without causing any significant adverse or unacceptable impact on the local area with respect to traffic, environmental, sewerage, drainage, visual or landscape aspects. The overall development will be monitored closely by the subsequent statutory private columbarium licensing system throughout the long-term operational phase.

### ***Unique Community-based Columbarium Services***

5.12 The Subject Site has served the local area for a long period of time since the late

<sup>5</sup> Food and Environmental Hygiene Department (2022), *Supply of Public Niches (from 2019 to 2024)*. Available at: [https://www.fehd.gov.hk/english/cc/notice\\_supply\\_of\\_public\\_niches.html](https://www.fehd.gov.hk/english/cc/notice_supply_of_public_niches.html)

<sup>6</sup> The Government of the Hong Kong Special Administrative Region (2022). *Press Release - LCQ18: Supply of niches*. Available at: <https://www.info.gov.hk/gia/general/202205/04/P2022050400446.htm>

<sup>7</sup> Kwai Ching District Council (2022), *Construction of Columbarium Facilities at the Former Site of the Kwai Chung Incineration Plant on Kwai Yue Street, Kwai Tsing [Paper no. 4/D/2022]*. Available at: [https://www.districtcouncils.gov.hk/kwt/doc/2020\\_2023/en/dc\\_meetings\\_doc/21701/4\\_D\\_2022\\_Revised.pdf](https://www.districtcouncils.gov.hk/kwt/doc/2020_2023/en/dc_meetings_doc/21701/4_D_2022_Revised.pdf)

<sup>8</sup> Food and Health Bureau (2018), *Legislative Council Panel on Food Safety and Environmental Hygiene - New Allocation Arrangement for Public Niches and Green Burial Initiatives [LC Paper No. CB(2)832/17-18(07)]*. Available at: <https://www.legco.gov.hk/yr17-18/english/panels/fseh/papers/fseh20180213cb2-832-7-e.pdf>

<sup>9</sup> The Government of the Hong Kong Special Administrative Region (2021). *Press Release - LCQ9: Supply of niches of public columbaria*. Available at: <https://www.info.gov.hk/gia/general/202106/16/P2021061600496.htm?fontSize=3>

1920’s. With time passing by, Luen Wo Hui (the ‘town market’) has been transformed into a modern township with industrial development surrounding it. Yet, the land-use zoning of the Subject Site in the present OZP has intentionally retained its community-based land-use function in the area, i.e., as a traditional cultural heritage of the local community.

- 5.13 The redevelopment of the HYAT, now renamed as The Emperor Hall, has never changed the nature of its original development intention as a place for worshipping and for keeping of ancestral tablets and funeral urns containing human ashes (i.e., today named as “columbarium”). The redevelopment of HYAT not only aimed to revival its physical appearance, but, more importantly, it inherited the mission of the development to optimise the use of the land resources to continue to provide such type of community-based columbarium services to meet the soaring demand of the community.
- 5.14 In the light of the above and having considered the following factors, the Subject Site is deemed as the most suitable location for the proposed (existing) columbarium use and is totally compatible with its surrounding developments.
- a. The Subject Site is being placed in a secluded location which is physically isolated from the nearest residential developments in Luen Wo Hui (**Figure 4**);
  - b. A group of existing urban developments (i.e., the Luen Wo Hui Gardens and Sha Tau Kok Road) has formed an isolated buffer to separate the Hall from the nearest residential clusters in the area of Luen Wo Hui (**Figure 4**);
  - c. Most parts of the Hall (7-storey building) have been filtered off by the two existing mature trees on the two sides of Sha Tau Kok Road (**Figure 4**);
  - d. The Subject Site is completely surrounded by industrial operations (**Figure 1**);
  - e. A comprehensive existing pedestrian walkway system, which is not only connected the Subject Site to the centre of Luen Wo Hui, but is also linked to the MTR Fanling Station within only 10 to 15 minutes walking time (**Figure 5**);
  - f. All visitors are well aware that they should use the existing pedestrian walkway system to and from the Subject Site via public transport facilities, and no car-parking space for them; and
  - g. Burning of joss paper at the Subject Site is strictly prohibited.
- 5.15 Very clearly, the approval of this application will definitely help the Applicant to continue to operate this unique community-based facility. Indeed, only upon the TPB’s approval of the present application can allow the Applicant to proceed with the subsequent application for a PCL from the PCLB under the PCO. The

proposed operation of the Hall should be managed and maintained in accordance with the approval MP for the PCL. It will be fully monitored the statutory licensing mechanism under the PCO.

***No Adverse Environmental Impact***

- 5.16 As mentioned in paragraph 5.14(g) above (**Appendix VIII**), burning of joss papers is strictly prohibited inside the Hall and/or within the area of the Subject Site. The removal of the two purposely-designed furnaces in front of the Hall has demonstrated the fact that the Applicant has totally committed to promote a clean, tidy and user-friendly community-based columbarium facility in the local area. Therefore, the approval of the present application will not result in generating any unacceptable or significant adverse environmental impacts on its surrounding areas.

***No Adverse Sewerage/Drainage Impact***

- 5.17 The sewerage system of the Hall has already been connected to the public sewer nearby. As the proposed development under application will not involve any additional site formation works or will not require to pave any additional area, no additional surface runoff generated by the proposed development is anticipated. In the light of the above, it can be concluded that no adverse sewerage or drainage impact due to the proposed (existing) sold columbarium use at the Subject Site is anticipated.

***In line with Planning Intention of G/IC Zone***

- 5.18 The Subject Site falls within an area zoned “G/IC” on the OZP (**Figure 1**). Under the Notes of the OZP, the planning intention of the G/IC zone is “... primarily for the provision of Government, institution or community facilities serving the needs of local residents and/or a wider district, region or the territory...”, and ‘columbarium’ is a Column 2 use (**Appendix III**). This means that columbarium is being considered an acceptable use in this zoning if no technical problem will be anticipated.
- 5.19 It has been demonstrated that the Subject Site is most suitable for the proposed (existing) sold columbarium use. In fact, it is not incompatible with its surrounding use as mentioned in paragraph 5.14 above. The existing operation of the proposed (existing) sold columbarium use at the Application Premises will not result in any unacceptable traffic impact on the local road system even during Festival Periods. No adverse environmental impact or sewerage/drainage impact will be resulted in due to the proposed (existing) columbarium use at the Application Premises (paragraphs 5.16 - 5.17 above refer).

5.20 In view of the above, the proposed (existing) sold columbarium use under application is an acceptable land-use in the Subject Site.

## **6. CONCLUSION**

6.1 The present application is to seek permission from the Town Planning Board (“**TPB**”) to regularise the proposed (existing) sold columbarium use (solely for columbarium niches sold before 30 June 2017) at part of G/F to 6/F of The Emperor Hall at Lot No. 4433 S.17 (Part) in D.D.51, No. 18 Sha Tau Kok Road, Lung Yeuk Tau, Fanling, New Territories.

6.2 The purpose of this application aims to seek a permission from the TPB to regularise the existing sold columbarium use at the Application Premises within the Subject Site.

6.3 The present proposed (existing) sold columbarium use under application contains a total of 1,364 sold columbarium niches which is the same as those registered in the PCAO.

6.4 It has been demonstrated that the location of the Subject Site is most suitable for columbarium use; the use under application is considered as an acceptable land-use item listed in Column 2 of the Notes of the OZP for “G/IC” zone. Furthermore, it has been demonstrated that the Subject Site is most suitable for the proposed columbarium use and will not cause any unacceptable traffic, environmental, visual, sewerage or drainage impacts on the local area. This further substantiate that the proposed (existing) sold columbarium use at the Application Premises are suitable and compatible at this locality.

6.5 The approval of the present application represents a positive effort to support and realise the Government’s policy indicated through the enactment of the PCO. The proposed (existing) sold columbarium development at the Application Premises is a unique, clean, tidy, and user-friendly community-based facility.

6.6 Upon approval of this application, the Applicant will request the PCLB to further proceed its application for a Private Columbarium Licence under the PCO and eventually, the proposed (existing) sold columbarium use at the Application Premises will properly be monitored under the statutory licensing mechanism.

6.7 In view of the above, we respectfully request Members of the TPB to give a favourable consideration to and to approve the present planning application so as to allow the Applicant to continue to provide this unique community-based

facility to meet the needs of the community.

**VISION PLANNING CONSULTANTS LIMITED**

**18 January, 2024**

# **Appendix I**

*Approval Letter of “Approval-in-principle for TSOL  
Application” issued by PCLB*

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覆函請寄交食物環境衛生署並引用本署檔案編號

本署檔號: (38) in FEHD PC 72-40/62/2018/077 Pt. 7

掛號郵件

新界粉嶺沙頭角公路(龍躍頭段)18號黃帝祠  
黃帝祠服務有限公司  
(獲授權人士: 梁銳先生)

梁先生:

根據《私營骨灰安置所條例》(第630章)(《條例》)  
申請指明文書

骨灰安置所名稱:	黃帝祠
骨灰安置所地址:	新界粉嶺龍躍頭沙頭角公路—龍躍頭段 18 號黃帝祠地下至六樓(部分) (丈量約份第 51 約地段第 4433 號第 17 分段)
申請人:	黃帝祠服務有限公司
私營骨灰安置所發牌委員會 收到申請的日期:	2018 年 3 月 26 日
指明文書申請類別:	就截算前骨灰安置所牌照申請及暫免法律責任書申請 [只包括 2017 年 6 月 30 日前已出售的龕位]

原則上同意暫免法律責任書申請  
通知書

現致函通知上述申請人, 私營骨灰安置所發牌委員會(發牌委員會)已「原則上同意」上述名為黃帝祠的私營骨灰安置所的暫免法律責任書申請[只包括2017年6月30日前已出售的龕位], 有效期為3年, 由發出此通知書的日期開始計算(即有效期由2023年3月6日至2026年3月5日)。



## 請注意以下事項:

2. 在上述有效期內，申請人須遵守以下的條件：
  - (i) 申請人須確保該骨灰安置所持續符合由消防處制定及適時更新的“私營骨灰安置所消防安全規定”(請參看「私營骨灰安置所牌照及其他指明文書申請指引」附件9的附錄1)；
  - (ii) 申請人須確保建議布局圖(圖則編號002)和樓面平面圖內標示骨灰安置所的所有出口於營業時間內保持開啟。如須關緊該出口門，以防止任何人進入，有關的鎖扣裝置須屬可由內毋須使用鑰匙迅速開啟的類型；以及
  - (iii) 申請人須確保地下樓層通往出口的通道及6樓連接兩旁申請範圍的通道於任何時間內保持暢通無阻。
3. 如果申請人在「原則上同意暫免法律責任書申請」的有效期內不遵守上文第2段所述的條件，發牌委員會可能考慮取消上述「原則上同意暫免法律責任書申請」，並立即就整組申請作定奪。若屆時申請人仍未符合與該暫免法律責任書申請一併提交的牌照申請的所有規定和要求，發牌委員會將可能拒絕整組申請，在該情況下，上述骨灰安置所須結束營運，並按《條例》的相關規定處置骨灰。
4. 在上述3年的有效期內，申請人須根據載於附件一為了符合有關的暫免法律責任書申請要求而提交並獲發牌委員會接納的行動計劃連同時間表，合理地迅速採取所有所需步驟，以符合與該暫免法律責任書申請一併提交的牌照申請的要求，並盡快向發牌委員會(由私營骨灰安置所事務辦事處代收)提交有關的證明文件及資料。
5. 現時發牌委員會並未就上述暫免法律責任書申請作出最終定奪，在上述「原則上同意暫免法律責任書申請」的有效期內，上述骨灰安置所仍處於寬限期。若在「原則上同意暫免法律責任書申請」的有效期內，申請人已符合上述牌照申請的所有規定和要求，發牌委員會會考慮舉行公開會議審議該申請，以直接就該牌照申請作定奪。在定奪上述指明文書申請時，發牌委員會須顧及公眾利益及可顧及任何其他相關因素。
6. 發牌委員會「原則上同意暫免法律責任書申請」並不代表上述牌照申請最終一定獲批。現時就黃帝祠的牌照申請[只包括2017年6月30日前已售出的龕位]的建議圖則(包括龕位資料)的審核工作仍在進行中，現時未確定此暫免法律責任書申請是否符合《條例》第21(2)(a)(ii)條有關骨灰安放容量限於其在以截算時間狀況為準的容量的規定，「原則上同意暫免法律責任書申請」並不表示發牌委

員會已接納與此暫免法律責任書申請一併提交的牌照申請的建議圖則(包括龕位資料)內的資料。

7. 當上述「原則上同意暫免法律責任書申請」期限接近屆滿時，若申請人仍未符合與該暫免法律責任書申請一併提交的牌照申請的所有規定和要求，而如果申請人已按照載於附件二的行政安排提交附件二所指明的文件，發牌委員會會考慮應否延長「原則上同意暫免法律責任書申請」的有效期。發牌委員會在決定是否延長「原則上同意暫免法律責任書申請」的有效期時會考慮的因素載於附件二，當中包括申請人有否證明已根據其為了符合該暫免法律責任書申請要求而提交並獲發牌委員會接納的行動計劃連同時間表(見附件一)，合理地迅速採取所有所需步驟，以符合與該暫免法律責任書申請一併提交的牌照申請的所有要求。

8. 若申請人仍未符合與該暫免法律責任書申請一併提交的牌照申請的所有規定和要求，亦未能證明致使發牌委員會信納申請人已合理地迅速採取所有所需步驟，以符合《條例》中有關上述牌照申請的所有規定和要求，發牌委員會將不會延續「原則上同意暫免法律責任書申請」的有效期，而會就上述整組申請作定奪。若申請人在發牌委員會作出定奪時仍未符合有關上述牌照申請的所有規定和要求，發牌委員會將拒絕整組申請。在此情況下，骨灰安置所須結束營運，並按《條例》的相關規定處置骨灰。

9. 若有任何疑問，請致電2350 7397或發送電郵致pc\_app@fehd.gov.hk與個案經理何健熙先生聯絡。

私營骨灰安置所發牌委員會秘書林綺萍



2023年3月6日

#### 重要提示

骨灰安置所營辦者有責任確保骨灰安置所符合所有適用於其骨灰安置所的法例和政府規定，並且遵守所有相關當局(包括但不限於建築事務監督、地政總署署長、規劃署署長、消防處處長、警務處處長、運輸署署長、環境保護署署長、機電工程署署長或其他決策局、政府部門以及有關的主管當局)按其執行的法例或職權所訂立的一切要求及條件，以及須就違反的事項承擔各類刑罰及法律責任。

## 重要提醒

任何私營骨灰安置所在 2018 年 3 月 29 日之後，如果沒有暫免法律責任書申請在處理中，亦未取得任何指明文書，便不能繼續營辦。任何人士在沒有指明文書的情況下營辦、維持、管理或以任何方式控制骨灰安置所即屬違法，循簡易程序定罪，可處罰款二百萬元及監禁 3 年；如循公訴程序定罪，則可處罰款五百萬元及監禁 7 年。

在寬限期後而沒有持有任何指明文書的情況下繼續營運骨灰安置所，或停辦骨灰安置所，營辦人須根據《私營骨灰安置所條例》附表 5 的「訂明骨灰處置程序」處置存放於該骨灰安置所內的骨灰，否則即屬犯罪，違例者可被檢控，循簡易程序定罪，可處最高罰款二百萬元及監禁 3 年；而循公訴程序定罪，則可處最高罰款五百萬元及監禁 7 年。

## 重要事項

《私營骨灰安置所條例》第 99 條 — 提供虛假或具誤導性的資料的罪行

(1) 任何人如 —

(a) 根據本條例，就某骨灰安置所提出申請，而在該申請中，或在與該申請相關的情況下，提供在要項上屬虛假或具誤導性的資料；  
或

(b) 在知悉某資料在要項上屬虛假或具誤導性的情況下，根據本條例，向署長、獲授權人員或公職人員，提供該資料，  
即屬犯罪。

(2) 任何人犯第(1)款所訂罪行，一經定罪，可處罰款五十萬元及監禁 2 年。

副本送：

暫免法律責任書申請檔案：FEHD PC 72-40/64/2018/093

根據《私營骨灰安置所條例》（第 630 章）向私營骨灰安置所發牌委員會提交截至前私營骨灰安置所牌照及暫免法律責任書申請  
（只包括 2017 年 6 月 30 日已售出的龕位）

擬議的行動計劃

骨灰安置所名稱：黃帝祠

骨灰安置所地址：新界粉嶺龍躍頭沙頭角公路 - 龍躍頭段 18 號黃帝祠地下至六樓（部分）（丈量約份第 51 約地段第 4433 號第 17 分段）

[只包括 2017 年 6 月 30 日前已售出的龕位]

時間	擬議行動計劃
(i) 關於建築物的規定	
所有程序預計將於 2023 年 1 月中旬完成	就私營骨灰安置所事務辦事處（下稱「辦事處」）於 2022 年 6 月 2 日來函有關屋宇署對申請方案的第 3(i) 項意見，申請人與承辦商已完成該項還原工程，預計將於 2023 年 1 月中旬把完工證明書遞交屋宇署審批。
(ii) 關於消防安全的規定	
在收到貴辦事處的回覆後，申請人會適時跟進	申請人已於 2022 年 10 月 14 日遞交 VENT/425 完工表格及通風系統圖則予消防處審批，並已收到消防處通風系統課於 2022 年 11 月 17 日所發出的通風系統符合規定通知書。申請人亦已於 2022 年 12 月 20 日遞交最新的消防裝置及設備證書及已修訂樓面平面圖予消防處審批。
(iii) 關於規劃的規定	
在收到貴辦事處的回覆後，申請人會適時跟進	申請人預料將於 2023 年 4 月遞交最新的龕位資料及有關圖則予發牌委員會審批。待發牌委員會完成審核上述資料後，以及現場實地核對龕位數量後，便會隨即向城市規劃委員會遞交土地用途規劃申請書。
(iv) 關於建議圖則的規定	
在收到貴辦事處的回覆後，申請人會適時跟進	申請人已於 2022 年 9 月 29 日遞交已修改圖則予發牌委員會審批。

獲授權人士姓名及簽署：

梁銳

梁銳

法人團體印章：



香港身份證號碼：

[REDACTED]

日期：2022 年 12 月 29 日

(v) 關乎機電工程的規定	
在收到 貴辦事處的回覆後，申請人會適時跟進	申請人已於 2019 年 4 月 8 日遞交表格 WR2 予發牌委員會審批。
(vi) 關乎管理方案的規定	
在收到 貴辦事處的回覆後，申請人會適時跟進	申請人於 2021 年 11 月 2 日遞交最新的管理方案予發牌委員會審批。

\*如需就已提交的文件作補充，申請人會在收到食環署和相關部門通知後適時書面回覆。

獲授權人士姓名及簽署:

梁銳

梁銳

法人團體印章:



香港身份證號碼:



日期: 2022 年 12 月 29 日

## **「原則上同意暫免法律責任書申請」的有效期 發牌委員會決定是否延長有效期時考慮的因素及有關行政安排**

當「原則上同意暫免法律責任書申請」的有效期接近屆滿時，若申請人仍未符合與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請的所有規定和要求，而如果申請人已按照下述的行政安排提交第3段所述的文件，發牌委員會會考慮應否延長「原則上同意暫免法律責任書申請」的有效期。

### **發牌委員會在決定是否延長有效期時考慮的因素**

2. 發牌委員會在決定是否延長「原則上同意暫免法律責任書申請」的有效期時會考慮以下因素：

(i) **保障公眾安全:**

- 申請人有否證明能夠確保在「原則上同意暫免法律責任書申請」的延長有效期內該骨灰安置所繼續符合就暫免法律責任書申請的有關建築物、消防及機電安全的要求；

(ii) **合理地迅速採取行動以符合牌照/豁免書(視乎何者適用)申請的要求:**

- 申請人有否證明已根據其為了符合該暫免法律責任書申請要求而提交並獲發牌委員會接納的行動計劃連同時間表，合理地迅速採取所有所需步驟，以符合與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請的所有要求。上述行動計劃指「原則上同意暫免法律責任書申請」通知書夾附的行動計劃連同時間表；

(iii) **更新的行動計劃連同時間表:**

- 申請人有否提交更新的行動計劃連同時間表，就與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請並未符合的要求範疇，列出申請人將採取的所有行動的計劃及註明每項行動的預計完成日期。發牌委員會亦會考慮該更新行動計劃連同時間表是否可以接受；以及

(iv) 公眾利益及其他相關因素:

- 發牌委員會在決定是否延長「原則上同意暫免法律責任書申請」的有效期時會顧及公眾利益及可能顧及其他相關因素。

**發牌委員會決定是否延長有效期的有關行政安排**

3. 基於上述第 2 段所述的考慮因素，如果申請人希望發牌委員會考慮延長就該骨灰安置所的「原則上同意暫免法律責任書申請」的有效期，申請人須在該「原則上同意暫免法律責任書申請」的現時有效期屆滿日之前的6 個月前提交以下文件：

(a) 關乎《條例》第 21(3) 條的規定:

在一般情況下，申請人須提交由合資格專業人士妥為填寫及簽署的更新 **PCLU2 表格**<sup>1</sup>，除非屋宇署的書面意見認為申請人就延長該骨灰安置所的「原則上同意暫免法律責任書申請」的有效期的目的無須提交更新 PCLU2 表格；

(b) 就關乎消防安全的要求:

妥為填寫及簽署載於本**附件二**的**附錄一**的**申請人聲明及承諾書**，以及提交該範本所指明的文件/資料/證明書。

(c) 就關乎機電安全要求:

妥為填寫及簽署載於本**附件二**的**附錄二**的**申請人聲明及承諾書**。

- (d) **進度報告**以述明申請人有否根據其為了符合該暫免法律責任書申請要求而提交並獲發牌委員會接納的行動計劃連同時間表(「該行動計劃」現再次夾附於本信的**附件**，以便參閱)，合理地迅速採取所有所需步驟，以符合與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請的所有要求。該**進度報告**須就「該行動計劃」(指「原則上同意暫免法律責任書申請」通知書夾附的行動計劃連同時間表)內的每個步驟列明申請人有否完成行動及完成日期；若申請人並未完成某步驟，須交代理由及列出現時進度。該**進度報告**必須由申請人的獲授權人士妥為簽署及印上申請人的蓋章及註明申請人名稱和簽署人的姓名及簽署日期；

<sup>1</sup>依照「私營骨灰安置所牌照及其他指明文書申請指引」附件 6 的 PCLU2 表格範本。

- (e) **更新的行動計劃連同時間表**: 就與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請現時仍未符合要求的範疇, 列出申請人將採取的所有行動的計劃及註明每項行動的預計完成日期。該**更新行動計劃連同時間表**必須由申請人的獲授權人士妥為簽署及印上申請人的蓋章及註明申請人名稱和簽署人的姓名及簽署日期;以及
- (f) **申請人的更新資料**: 如果申請人是法人團體, 申請人須提交該法人團體在公司註冊處最近期的周年申報表的副本(必須由公司註冊處處長核實為真實副本)(如果申請人先前已提交上述最近期文件, 則無須再次提交)。如果申請人有其他重大變更(例如重要控制人的更改), 申請人亦須提交有關資料及證明文件。

4. 申請人在提交上述第 3 段所述的文件時, 請在來信內的標題列出「**提交予私營骨灰安置所發牌委員會考慮延長「原則上同意暫免法律責任書申請」的有效期的文件**」的字眼, 該信必須由申請人的獲授權人士妥為簽署及印上申請人的蓋章及註明申請人名稱和簽署人的姓名及簽署日期。

5. 私營骨灰安置所事務辦事處(下稱「骨灰所辦」) 會把收到的上述第 3 段所述的文件分送至有關部門以作審核並從其範疇的角度表達該部門是否反對延長該「原則上同意暫免法律責任書申請」的有效期或提供其他意見(例如: 申請人須符合的要求及/或遵守的條件)。骨灰所辦在收到這些意見後, 會把意見發給申請人, 讓申請人有機會回應及提交有關文件以符合有關要求。在提交上述第 3 段所述的文件予發牌委員會考慮時, 骨灰所辦會向發牌委員會一併報告有關部門提供的意見及申請人提交的回應及/或補充文件(如有的話)予發牌委員會考慮。

6. 若申請人**沒有**在該「原則上同意暫免法律責任書申請」的現時有效期屆滿日之前的 6 個月前提交上述第 3 段所述的文件, 當該「原則上同意暫免法律責任書申請」的有效期限接近屆滿時, 發牌委員會未必會考慮延長「原則上同意暫免法律責任書申請」的有效期。如果在該「原則上同意暫免法律責任書申請」的有效期限屆滿時申請人並未符合與該暫免法律責任書申請一併提交的牌照/豁免書(視乎何者適用)申請的所有規定和要求, 發牌委員會可能**不會延長**「原則上同意暫免法律責任書申請」的有效期, 而會就上述整組申請作定奪。若申請人在發牌委員會作出定奪時仍未符合有關上述牌照/豁免書(視乎何者適用)申請的所有規定和要求, 發牌委員會將拒絕整組申請。在此情況下, 骨灰安置所須結束營運, 並按《條例》的相關規定處置骨灰。

-完-



申請人就消防安全提交的「確認及承諾書」和有關文件  
以供私營骨灰安置所發牌委員會考慮  
是否延長「原則上同意暫免法律責任書申請」的有效期

骨灰安置所名稱:	黃帝祠 [只包括 2017 年 6 月 30 日前已出售的龕位]
骨灰安置所地址:	新界粉嶺龍躍頭沙頭角公路—龍躍頭段 18 號 黃帝祠地下至六樓(部分) (丈量約份第 51 約地段第 4433 號第 17 分段)
申請人 :	黃帝祠服務有限公司
私營骨灰安置所發牌委員會 (發牌委員會)收到申請的日期:	2018 年 3 月 26 日
申請指明文書類別:	就截算前骨灰安置所申請 牌照*/豁免書*/暫免法律責任書

\*請刪去不適用者

本申請人現**確認**自發牌委員會就上述骨灰安置所給予「原則上同意暫免法律責任書申請」以來上述骨灰安置所一直遵守由消防處制定及適時更新的“私營骨灰安置所消防安全規定”(請參看「私營骨灰安置所牌照及其他指明文書申請指引」附件 9 的附錄 1)。

2. 本申請人**承諾**，如果發牌委員會批准延長上述骨灰安置所的「原則上同意暫免法律責任書申請」的有效期，本申請人會確保上述骨灰安置所在該延長有效期內持續符合由消防處制定及適時更新的“私營骨灰安置所消防安全規定”(請參看「私營骨灰安置所牌照及其他指明文書申請指引」附件 9 的附錄 1)。

3. 本申請人亦**承諾**，如果需要就上述骨灰安置所進行下列的事項，本申請人必定事先以書面通知消防處，並在確定消防處不反對後才展開相關工作。

- (i) 改動骨灰安置所的布局;
- (ii) 改裝或加裝消防裝置及設備;
- (iii) 改裝或加裝危險品倉庫;
- (iv) 改裝或加裝機動式通風系統; 以及
- (v) 改裝或加裝用作祭壇、假天花板、間隔、布簾及窗簾或牆面裝飾的可燃物料。

## 提交有關文件

4. 本申請人現提交下列消防安全文件，以供私營骨灰安置所發牌委員會考慮是否延長「原則上同意暫免法律責任書申請」的有效期：

(備註：如果申請人已在過去一年內向消防處提交下列文件，則只須夾附該些文件的副本。)

	文件名稱	文件份數	夾附於本「確認及承諾書」的附件編號
1	私營骨灰安置所的相關有效消防裝置及設備證書(F.S.251)副本 (包括手提滅火裝備、應急照明系統及配備照明裝置的出口指示牌等消防裝置及設備)	一份	
2	私營骨灰安置所的危險牌照副本 (如果此項目不適用於上述骨灰安置所，請在最右欄填“不適用”)	一份	
3	私營骨灰安置所的危險牌照的相關有效消防裝置及設備證書(F.S.251)副本 (如果此項目不適用於上述骨灰安置所，請在最右欄填“不適用”)	一份	
4	私營骨灰安置所的機動式通風系統裝置的有效年檢證書副本 (如果此項目不適用於上述骨灰安置所，請在最右欄填“不適用”)	一份	
5	私營骨灰安置所的定期測試證明書(表格 WR 2)副本	一份	

申請人[的獲授權人士]#簽名 : \_\_\_\_\_

申請人[的獲授權人士]#姓名 : \_\_\_\_\_

申請人[的獲授權人士]#職位 : \_\_\_\_\_

簽署日期 : \_\_\_\_\_

申請人的蓋章# : \_\_\_\_\_

#如果申請人屬法人團體

申請人就機電安全提交的「確認及承諾書」  
以供私營骨灰安置所發牌委員會考慮  
是否延長「原則上同意暫免法律責任書申請」的有效期

骨灰安置所名稱:	黃帝祠 [只包括 2017 年 6 月 30 日前已售出的龕位]
骨灰安置所地址:	新界粉嶺龍躍頭沙頭角公路—龍躍頭段 18 號 黃帝祠地下至六樓(部分) (丈量約份第 51 約地段第 4433 號第 17 分段)
申請人 :	黃帝祠服務有限公司
私營骨灰安置所發牌委員會 (發牌委員會)收到申請的日期:	2018 年 3 月 26 日
申請指明文書類別:	就截算前骨灰安置所申請 牌照*/豁免書*/暫免法律責任書

\*請刪去不適用者

本申請人現**確認**自發牌委員會就上述骨灰安置所給予「原則上同意暫免法律責任書申請」以來上述骨灰安置所一直遵守由機電工程署制定及適時更新的私營骨灰安置所的機電安全規定 (請參看「私營骨灰安置所牌照及其他指明文書申請指引」[附件 11](#))。

2. 本申請人**承諾**，如果發牌委員會批准延長上述骨灰安置所的「原則上同意暫免法律責任書申請」的有效期，本申請人會確保該骨灰安置所在該延長有效期內持續符合由機電工程署制定及適時更新的私營骨灰安置所的機電安全規定 (請參看「私營骨灰安置所牌照及其他指明文書申請指引」[附件 11](#))。

申請人[的獲授權人士]#簽名 : \_\_\_\_\_  
 申請人[的獲授權人士]#姓名 : \_\_\_\_\_  
 申請人[的獲授權人士]#職位 : \_\_\_\_\_  
 簽署日期 : \_\_\_\_\_  
 申請人的蓋章# : \_\_\_\_\_

#如果申請人屬法人團體

## **Appendix II**

*Letter Submitted to Private Columbaria Affairs Office on  
8.12.2023 for clarification of application of Niches Already Sold  
Before 30 June 2017*

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VISION PLANNING CONSULTANTS LTD.  
弘域城市規劃顧問有限公司

副 本  
C O P Y

我方檔案編號: FS-LYT/PCL-S/EH/18-99  
貴方檔案編號: FEHD PC 72-40/62/2018/077  
日期: 2023 年 12 月 7 日

專人送遞

九龍 長沙灣道 681 號，  
貿易廣場 5 樓 501-502 室，  
私營骨灰安置所事務辦事處  
(私營骨灰安置所發牌委員會秘書處)

逕啟者：

位於新界 粉嶺 沙頭角公路 (龍躍頭段) 18 號 丈量約份第 51 約地段 第 4433 號 第 17 分段 黃帝祠 地面層 至六樓(部分)的私營骨灰安置所在截至前 (即 2017 年 6 月 30 日前) 已售出的龕位的私營骨灰安置所牌照及暫免法律責任書申請

就上述申請事宜，經多次反覆翻查所有相關記錄後，申請人發現當中有四個 已售龕位 早前被漏報 (有 3 個) 及誤報 (有 1 個) (即已售龕位的實際總數目是 1,364，並不是原先錯報的 1,360 個)。附件一包含上述四個 已售但漏報/誤報龕位 的澄清及證明文件、骨灰安置所內安放骨灰狀況及其相關補充資料。同時，申請人也提交最新擬議行動計劃，予 貴辦事處一併審閱及批准。

如對上述文件有任何疑問，請即與本公司 [REDACTED]  
[REDACTED] 電話 2566 9988，專此。

弘域城市規劃顧問有限公司  
董事 總經理 陳劍安

Encl. (附件一)  
[EH-PCL-S 18/99]



# **Appendix III**

*Extracted Notes of the OZP*

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GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot Animal Quarantine Centre (in Government building only) Broadcasting, Television and/or Film Studio Eating Place (Canteen, Cooked Food Centre only) Educational Institution Exhibition or Convention Hall Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Institutional Use (not elsewhere specified) Library Market Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Research, Design and Development Centre Rural Committee/Village Office School Service Reservoir Social Welfare Facility Training Centre Wholesale Trade	Animal Boarding Establishment Animal Quarantine Centre (not elsewhere specified) * <u>Columbarium</u> Correctional Institution Crematorium Driving School Eating Place (not elsewhere specified) Flat Funeral Facility Helicopter Landing Pad Holiday Camp Hotel House Off-course Betting Centre Office Petrol Filling Station Place of Entertainment Private Club Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Refuse Disposal Installation (Refuse Transfer Station only) Residential Institution Sewage Treatment/Screening Plant Shop and Services (not elsewhere specified) Utility Installation for Private Project Zoo

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.



# **Appendix IV**

*Legal Documents Submitted to the Development Bureau on  
1.12.2010*

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# LEUNG KIN & CO.

Solicitors, Agents for Trademarks & Patents

## 梁 堅 律 師 行

Yuen Long Head Office	: 6th Floor & 9th Floor, Hang Seng Yuen Long Building, Nos.91-93 Castle Peak Road, Yuen Long, New Territories, Hong Kong. Tel : 24743811 Fax : 2473 5700/2443 2235 E-mail: <a href="mailto:lkco@netvigator.com">lkco@netvigator.com</a>	元朗總行	: 香港新界元朗青山公路九十一至九十三號 恆生元朗大廈六樓及九樓 電 話 : 二四七四 三八一一 圖文傳真 : 二四七三 五七零零 二四四三 二二三五
Tuen Mun Office	: Shop No.35, Level 2, Waldorf Garden, Tuen Mun, New Territories, Hong Kong. Tel : 2452 4176 Fax : 2452 2949 E-mail: <a href="mailto:lktm@biznetvigator.com">lktm@biznetvigator.com</a>	屯門分行	: 香港新界屯門華都花園商場壹樓三十五號舖 電 話 : 二四五二 四一七六 圖文傳真 : 二四五二 二九四九
Fanling Office	: No.6 Luen Fat Street, Ground Floor, Luen Wo Market, Fanling, New Territories, Hong Kong. Tel : 2675 0611 Fax : 2675 4247 E-mail: <a href="mailto:lkfl@biznetvigator.com">lkfl@biznetvigator.com</a>	粉嶺分行	: 香港新界粉嶺聯和墟聯發街六號地下 電 話 : 二六七五 零六一一 圖文傳真 : 二六七五 四二四七
Kwai Chung Office	: Room 802, 8 <sup>th</sup> Floor, Fook Yip Building, Nos.53-57 Kwai Fung Crescent, Kwai Chung, N.T. Tel : 2615 9886 Fax : 2615 1777 E-mail: <a href="mailto:lkcf@lkco.com.hk">lkcf@lkco.com.hk</a>	葵涌分行	: 香港新界葵涌葵豐街 53-57 號福業大廈 8 樓 802 室 電 話 : 二六一五 九八八六 圖文傳真 : 二六一五 一七七七

DX Exchange No.: DX 980016 Yuen Long 1 文件交匯號碼: DX 980016 Yuen Long 1

Your Ref: \_\_\_\_\_ Date : 1<sup>st</sup> December 2010  
Our Ref : YL/36000/10 Please reply to our : Yuen Long Office  
for the attention of Mr. Leung Kin

Development Bureau,  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong.  
Dear Sirs,

BY FAX 2868 4530 AND BY POST

Re: Emperor Hall

We refer to your letter dated 3<sup>rd</sup> November 2010 in respect of the above matter, a copy of which has just been handed over to us by our client Emperor Hall Services Company Limited with instructions to make further representation in addition to your standard form completed by our client and submitted to you on 14<sup>th</sup> November 2010.

In the said standard form, our client's position is that it agrees to the information as set out in column 6 but disagrees to the information as detailed in column 5. We are instructed by our client to add further information relating to column 6 as follows:-

- (a) The root of title commences from Deed of Surrender dated 15<sup>th</sup> June 1918 which does not contain any user restriction including the restriction that the property cannot be used as a columbarium.
- (b) The property has been all along used as a columbarium. A temple known as the Hing Yuen Ancestral Temple was erected on the property in the late 1920s by the villagers of the neighbouring On Lok Tsuen. It was established as ancestral hall and used by the villagers in many ways including the worship of ancestors, the keeping of ancestral tablets and funeral urns containing the human ashes. Further, the Hin Yuen Ancestral Temple provided a place of worship of the Hin Yuen Hung Di and other heavenly deities. Copy photographs of the said Hin Yuen Ancestral Temple showing that it was a place providing the accommodation for funeral urns and ancestral tablets are enclosed for your reference.

### Partners

LEUNG KIN

B.A. (Hons.)

梁 堅 律 師

KWONG TING CHUNG

SIMON

B.Nur.(Hons.);LL.B.(Chin. Law)

鄺 挺 中 律 師

### Assistant Solicitors

LEUNG KI HIN

CONSTANCE

LL.M.; CPA (Aust.)

梁 祈 牽 律 師

LEE BEATRICE ANN

LL.B.(Hons.)

李 灝 霖 律 師

### Consultants

CHOI TAK SHING

B.Sc. (Hons.); LL.B.

(Hons.)

蔡 德 成 律 師

HO YING CHU

ANITA

LL.B.(LondonU);

LL.M.(City U)

何 瑩 珠 律 師

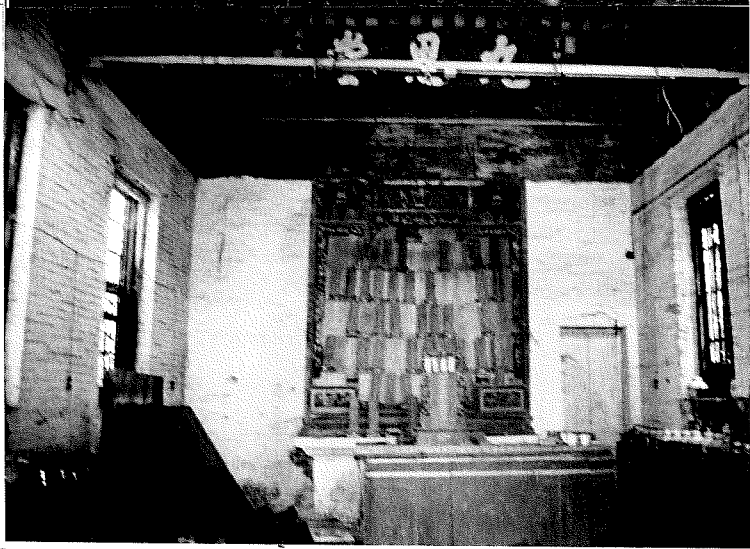
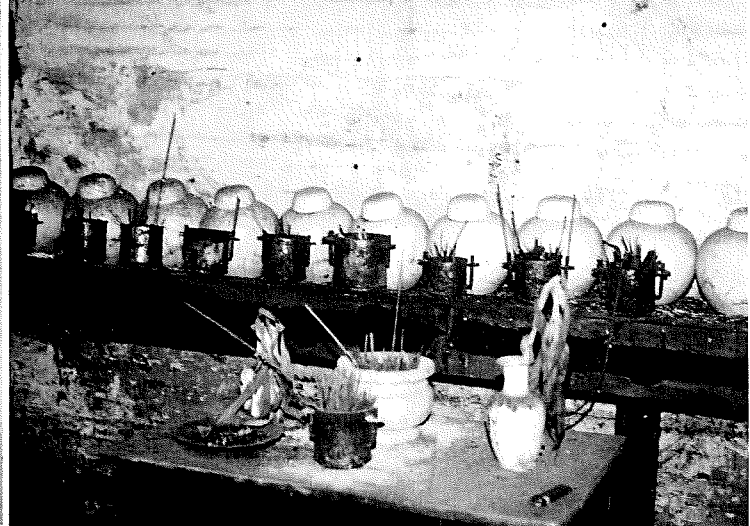
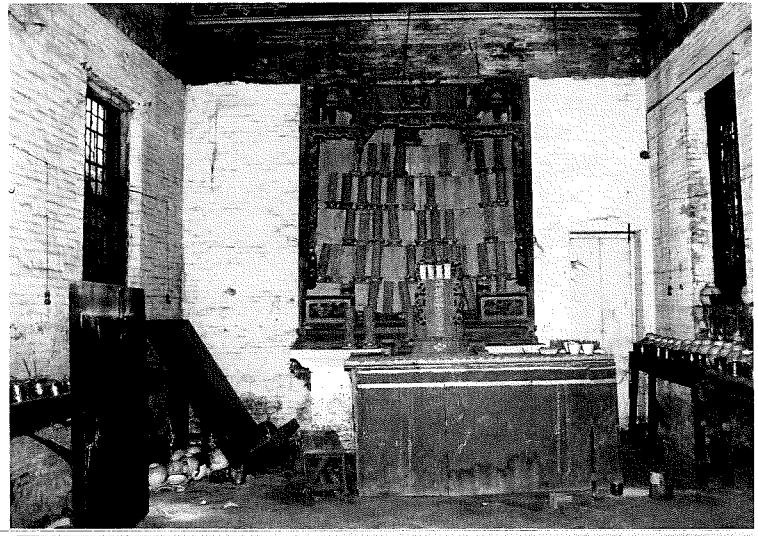
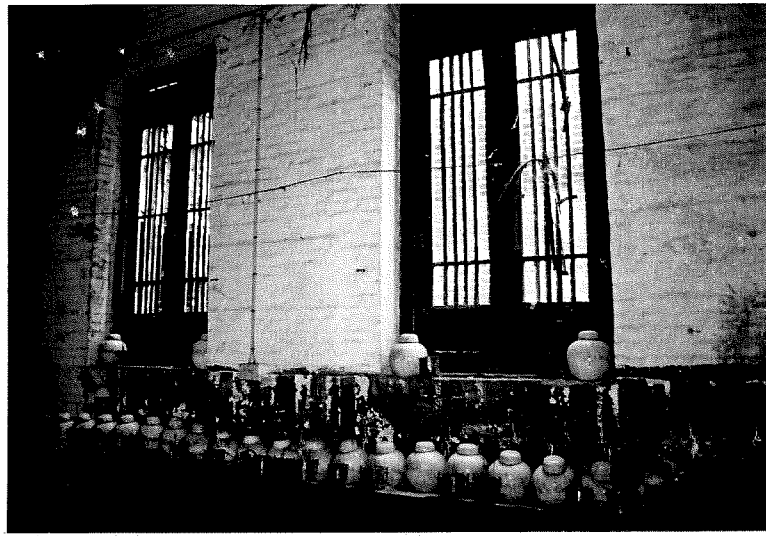
- (c) The Emperor Hall was erected to replace the said dilapidated Hiu Yuen Ancestral Temple after the enactment of the Town Planning Ordinance. The services of providing a place for worship of ancestors, the keeping of ancestral tablets and funeral urns containing the human ashes by Emperor Hall after its establishment are the continuation of services hitherto carried out by the said Hin Yuen Ancestral Temple.

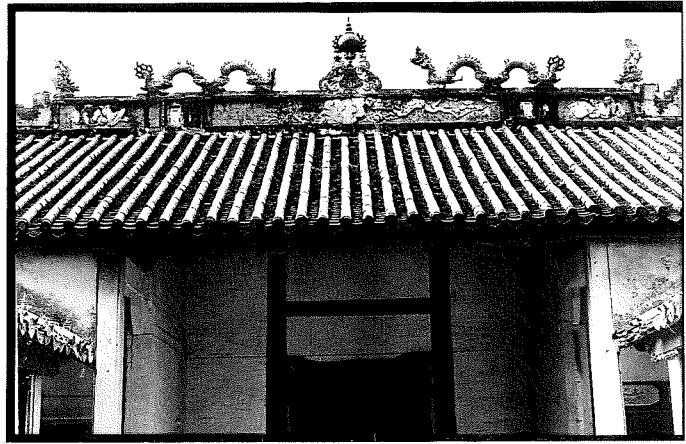
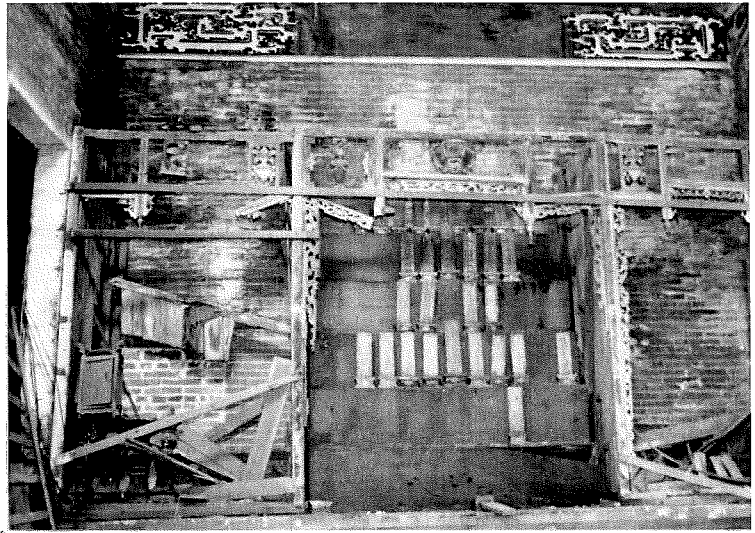
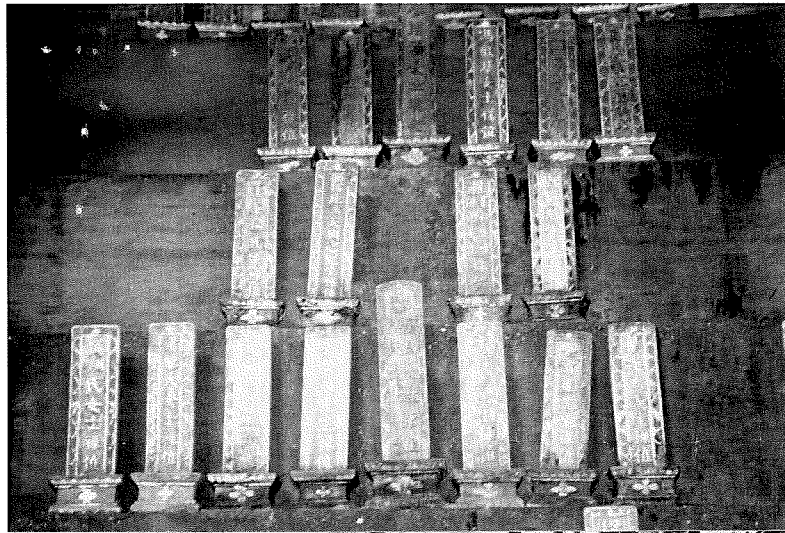
In the circumstances, we are of the view that the services provided by Emperor Hall do not constitute a breach of lease conditions and are in compliance with planning requirements as the said services are continuation of the existing user.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized, cursive 'Z' or '3' shape.

LK/ckl  
c.c. client





# **Appendix V**

*Letter Submitted to Private Columbaria Affairs Office on  
26.3.2018 in support of Application for Niches **Sold**  
as at 30 June 2017*

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VISION PLANNING CONSULTANTS LTD.  
弘域城市規劃顧問有限公司

我方檔案編號: FS-LYT/PCL-S/EH/18-02  
日期: 2018年3月26日

專人送遞

香港 灣仔 皇后大道東 269 號  
呂祺教育服務中心 5 樓 505 室,  
私營骨灰安置所事務辦事處  
(私營骨灰安置所發牌委員會秘書處)

副 本  
C O P Y

逕啟者：

**截算前私營骨灰安置所牌照及暫免法律責任書申請 (只包括 2017 年 6 月 30 日  
前已售出的龕位)**

**私營骨灰安置所位於新界 粉嶺 沙頭角公路 (龍躍頭段) 18 號 丈量約份第 51  
約地段 第 4433 號 第 17 分段 黃帝祠 地面層至六樓 (部分)**

申請人黃帝祠服務有限公司 委託 弘域城市規劃顧問有限公司，根據《私營骨灰安置所條例》(第 630 章)，就位於上述地址在截算前的私營骨灰安置所，向私營骨灰安置所發牌委員會提交私營骨灰安置所牌照及暫免法律責任書的申請 (只包括 2017 年 6 月 30 日前已售出的龕位)。

根據《私營骨灰安置所牌照及其他指明文書的申請指引》(2018 年 2 月版)，現附上申請表正本及副本各一份，一封申請人授權本公司的授權書，以及部分有關申請的證明文件，包括：

- 一、 有關法人團體的證明文件(附錄 1)；
- 二、 安放權出售協議樣本(附錄 2)；
- 三、 符合消防安全的證明文件(附錄 3)；
- 四、 符合機電安全的證明文件(附錄 4)；
- 五、 符合土地規定的證明文件(附錄 5)；
- 六、 符合規劃規定的證明文件(部分)(附錄 6)；
- 七、 骨灰安置所處的使用權的證明文件(附錄 7)；
- 八、 通報計劃資料副本(附錄 8)；及
- 九、 行動計劃(附錄 9)。

如對上述文件有任何疑問或需要額外補充資料，請與本公司 [REDACTED]  
[REDACTED]，電話 2566 9988，專此，

弘域城市規劃顧問有限公司  
董事 總經理 陳劍安

[EH-PCL-S ltr02]



# **Appendix VI**

*Letter Submitted to Private Columbaria Affairs Office on  
26.3.2018 in support of Application for Niches **Unsold**  
as at 30 June 2017*

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VISION PLANNING CONSULTANTS LTD.  
弘域城市規劃顧問有限公司

我方檔案編號: FS-LYT/PCL-US/EH/18-02  
日期: 2018年3月26日

專人送遞

香港 灣仔 皇后大道東 269 號  
呂祺教育服務中心 5 樓 505 室,  
私營骨灰安置所事務辦事處  
(私營骨灰安置所發牌委員會秘書處)

副 本  
C O P Y

逕啟者：

截算前私營骨灰安置所牌照及暫免法律責任書申請 (只包括 2017 年 6 月 30 日仍未售出的龕位)

私營骨灰安置所位於新界 粉嶺 沙頭角公路 (龍躍頭段) 18 號 丈量約份第 51 約地段 第 4433 號 第 17 分段 黃帝祠 地面層至六樓 (部分)

申請人黃帝祠服務有限公司 委託 弘域城市規劃顧問有限公司，根據《私營骨灰安置所條例》(第 630 章)，就位於上述地址在截算前的私營骨灰安置所，向私營骨灰安置所發牌委員會提交私營骨灰安置所牌照及暫免法律責任書的申請(只包括 2017 年 6 月 30 日仍未售出的龕位)。

根據《私營骨灰安置所牌照及其他指明文書的申請指引》(2018 年 2 月版)，現附上申請表正本及副本各一份，一封申請人授權本公司的授權書，以及部分有關申請的證明文件，包括：

- 一、 有關法人團體的證明文件(附錄 1)；
- 二、 安放權出售協議樣本(附錄 2)；
- 三、 符合消防安全的證明文件(附錄 3)；
- 四、 符合機電安全的證明文件(附錄 4)；
- 五、 符合土地規定的證明文件(附錄 5)；
- 六、 符合規劃規定的證明文件(部分)(附錄 6)；
- 七、 骨灰安置所處的使用權的證明文件(附錄 7)；
- 八、 通報計劃資料副本(附錄 8)；及
- 九、 行動計劃(附錄 9)。



如對上述文件有任何疑問或需要額外補充資料，請與本公司 [REDACTED] [REDACTED]，電話 2566 9988，專此，

弘域城市規劃顧問有限公司  
董事 總經理 陳劍安

[EH-PCL-US ltr02]

# **Appendix VII**

*Extract of Chapter 18 of the Application Guide for Private  
Columbarium Licence and Other Specific Instruments*

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## Chapter 18: Traffic impact assessment issues in respect of pre-cut-off columbaria applying for a licence

### (A) Overview

- (1) On 22 November 2017, the Government announced two policy initiatives to address the issues of waiving payment for the regularisation exercise and traffic impact assessment (TIA) in respect of pre-cut-off columbaria applying for a licence. The press release concerned is at [Annex 26](#).
- (2) The requirements on TIA are shown in the table below:

The specified instrument under application	The columbarium is required to obtain TPB's approval (Note 1)	Pre-cut-off columbarium (Note 2)	The licence under application/ the planning application covers only niches already sold before 30 June 2017	Crowd/traffic management		Remarks
				A TIA is required	A management plan is required	
Exemption	No	Yes	N/A	No	No	This arrangement was made before the commencement of the PCO
Licence	N/A (Note 3)	Yes	No matter yes or no	No	Yes	Same as before
Licence	Yes	Yes	Yes	No	Yes	New arrangement
Licence	Yes	Yes	No (i.e. unsold niches are included)	Yes	Yes	Same as before
Licence	Yes (Note 4)	No	No matter yes or no	Yes (Note 5)	Yes	Same as before

- Note 1: “TPB” means the Town Planning Board. TPB’s approval must be obtained if the columbarium has not complied with the planning-related requirements.
- Note 2: A pre-cut-off columbarium means a columbarium that was in operation, and in which ashes were interred in niches, immediately before 8 a.m. on 18 June 2014 (“the cut-off time”).
- Note 3: Planning permission in respect of the columbarium has been granted, or rezoning or planning permission is not required.
- Note 4: If TPB’s approval has been obtained, there is no need to submit application for planning permission to the TPB.
- Note 5: Even though the location/premises relating to the application is/are not covered in the statutory plans or “columbarium” use is an always permitted use in the relevant plans, the applicant may still be required by other departments concerned to submit a TIA where necessary.