

**Section 12A Application from “Village Type Development” to**

**“Government, Institution or Community (1)”**

**for Regularisation of a Pre-cut-off Columbarium**

**ancillary to Sai Lam Temple,**

**Lot Nos. 63 and 296 (part) in D.D. 185,**

**Sheung Wo Che No. 198, Sha Tin**

**PLANNING STATEMENT**

西林寺



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### **Executive Summary**

This planning application under section 12A of the Town Planning Ordinance is submitted by Toco Planning Consultants Ltd. on behalf of Sai Lam (Salvation) Foundation Ltd.. It is for the agreement of the Town Planning Board (TPB) to rezone part of the area in Sai Lam Temple (SLT), Sha Tin covering Lot Nos. 63 and 296 (part) in D.D. 185 (the application site) from "Village Type Development" ("V") to "Government, Institution or Community (1)" ("G/IC(1)") on the Approved Sha Tin Outline Zoning Plan No. S/ST/38. The proposed "G/IC(1)" zone is intended to reflect the existing religious use of SLT and to permit the Applicant to submit the subsequent planning application under section 16 of the Town Planning Ordinance to regularise the current Pre-cut-off Columbarium with 10,960 sold niches ancillary to SLT at the application site.

SLT is a famous religious institution which has been in existence and long been a favourable place for worshipping activities for the community at the application site since 1923. In view of the religious principle of SLT that are highly respecting the value of life, it has long been providing columbarium service since 1936. On 30.6.2017, the Private Columbaria Ordinance (PCO) came into effect and the Government is prepared to adopt a pragmatic and sensitive approach to resolve properly the historic problem of Pre-cut-off Columbaria in order to minimise any social concern arising from people who have purchased these niches and massive displacement of interred ashes before the introduction of regulatory regime. In response to the requirements of the PCO, the Applicant had submitted a private columbarium licensing (PCL) application to apply for a Columbarium Licence for SLT on 20.3.2018. The Applicant had fulfilled a series of specified requirements and obtained the Approval-in-principle Temporary Suspension of Liability (TSOL) on 17.8.2020, and further obtained a 3 years extension for the TSOL in August 2023. During the validity period of TSOL until 16.8.2026, the Applicant has to comply with a series of licensing requirements, including but not limited to town planning, land lease and building safety.

In May 2024, the Government launched a public consultation on the proposed amendments to the PCO, and one of the proposals is to adjust the two basic eligibility criteria for Exemption. The purpose of such amendments is to allow the Pre-cut-off Columbaria to apply for an Exemption, and approved with such, they may continue to operate at its current confined scale (i.e. as at 30.6.2017), but not allowed to newly sell or let out niches. Although SLT currently covers only the sold niches, and the newly Exemption option for SLT is supposedly the most suitable solution for regularise its Pre-cut-off Columbarium, the operator however stressed that their consumers raised grave concerns on the stringent requirements of an Exemption under section 56(1) of the PCO, as it would greatly affect their interest and freedom to choose the internment right of the purchased niche(s). Given effect to the majority view of the consumers, the Applicant has to continue with the PCL application seeking a Columbarium Licence, and thus submits this s.12A application to seek TPB's sympathetic consideration.

Planning and technical assessments have shown that the application site is well suitable for religious and columbarium uses as it is located in an inconspicuous area that mainly surrounded by retaining walls, slopes and mature trees, but in close proximity to public transport facilities. The existing buildings in SLT are low-rise in nature, which are far away from the major residential developments and village core and separated by sufficient physical segregation. The proposed "G/IC(1)" zone is compatible with the adjacent land uses in Pai Tau and Sheung Wo Che area, which is a traditional religious area with temples and funeral related facilities in Sha

Tin. It will not result in adverse impact on the "V" zone due to its unique site background, sophisticated land use character in the area, adequate land for small house and strong supports from the local residents. The subject development will not result in any significant impacts on the traffic, environmental, sewerage, geotechnical, visual and landscape aspects of the locality. In view of its long history, unique location, appropriate scale and new policy initiatives, the application will not set an undesirable precedent for similar applications within the same "V" zone.

## 行政摘要

(內容如有差異，應以英文版本為準)

西林(普眾)基金會有限公司透過達材都市規劃顧問有限公司，現根據城市規劃條例第 12A 條向城市規劃委員會遞交修訂圖則申請 (第 12A 條申請)，將位於沙田西林寺的部分地方，包括丈量約份第 185 約地段第 63 號及 296 號(部分) (申請地點)，由現時在沙田分區計劃大綱核准圖編號 S/ST/38 內之「鄉村式發展」改為「政府、機構或社區(1)」。擬議「政府、機構或社區(1)」將反映西林寺的現有宗教機構，以及准許其後根據城規條例第 16 條作出規劃申請，將附屬西林寺的截算前骨灰安置所，共 10,960 個靈灰位規範化。

西林寺是一間著名的宗教場所，於 1923 年在申請地點建立，並長久以來為大眾提供宗教拜祭活動。基於其尊重生命的宗教原則，西林寺的骨灰存放服務早於 1936 年已經開始運作。私營骨灰安置所條例 (下稱「條例」) 於 2017 年 6 月 30 日生效，政府有意把截算前骨灰安置所這些歷史問題妥善處理，以避免在引入規管制度前已購買龕位之人士蒙受損失及大量已安放骨灰被遷移，而引致社會不安。申請人因應條例之要求，已於 2018 年 3 月 20 日就私營骨灰安置牌照 (牌照) 向私營骨灰安置所發牌委員會提交了截算前骨灰安置所之私營骨灰安置所牌照申請 (牌照申請)，並已經符合了一系列指定要求，在 2020 年 8 月 17 日獲得了原則上同意暫免法律責任書，並於 2023 年月再獲得暫免法律責任書的三年延期。申請人必需在暫免法律責任書寬限期內 (即是 2026 年 8 月 16 日或之前) 符合一系列牌照要求，包括但不限於城市規劃、地政及建築安全等法規要求。

政府在 2024 年 5 月就條例修訂展開公眾諮詢，其中修訂建議包括將申請豁免書的兩項基本申請資格放寬，以容許截算前骨灰安置所申請豁免書，並可在獲批准後繼續以現有規模營辦骨灰安置所，但不可新出售或新出租龕位。由於西林寺現時只涉及已出售灰位，而條例的新修訂理應為西林寺的截算前骨灰安置造就最適合的規範化處理方式，不過經營者坦承客人對豁免書的嚴格要求 (尤其是條例第 56(1)條) 表示極度憂慮，因為會嚴重影響他們已購買龕位的安放權的利益及自由。鑑於眾多客人的意見，申請人因此須繼續透過牌照申請以取得牌照，因此提交是次第 12A 條申請，以尋求城規會的著情考慮。

規劃及工程評估認為申請地點比較為隱蔽，四周被山坡、樹木和護土牆所包圍，但鄰近公共交通設，因此很適合作宗教及靈灰安置用途，而且西林寺的現有建築物低矮，遠離主要住宅發展及村屋群並有適當的物理屏障所隔開。另外，擬議「政府、機構或社區(1)」不會與毗連土地利用不相協調，申請地點位於排頭及上禾輦區，是傳統宗教區並設有廟宇及殯儀相關設施。鑒於申請地點的獨有地盤背景、地區獨特的土地利用特性、足夠的土地作村屋發展及本地居民的大力支持，因此不會對「鄉村式發展」地帶造成不良影響。本計劃不會對本區及附近的交通、環境、排污、岩土、視覺景觀及園境造成不良影響。基於西林寺的長久歷史、位置獨特性、合理規模和最新政策措施，本申請不會對同一「鄉村式發展」地帶內的類似申請構成不良先例。

## 1. INTRODUCTION

### 1.1 Purpose of Submission

This planning application under section 12A of the Town Planning Ordinance (s.12A application) is submitted by Toco Planning Consultants Ltd. on behalf of Sai Lam (Salvation) Foundation Ltd. (the Applicant), the operator of Sai Lam Temple (SLT) in Sha Tin. It is for the agreement of the Town Planning Board (the Board/ TPB) to rezone part of the site in SLT covering Lot Nos. 63 and 296 (part) in D.D. 185 (the application site) from "Village Type Development" ("V") to "Government, Institution or Community (1)" ("G/IC(1)") on the Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/38 (see **Plan A**). The proposed "G/IC(1)" zone is intended to reflect the existing religious use of SLT and to permit the Applicant to submit the subsequent planning application under section 16 of the Town Planning Ordinance (s.16 application) to regularise the current Pre-cut-off Columbarium<sup>1</sup> with 10,960 sold niches ancillary to SLT at the application site.

### 1.2 The Application's Background

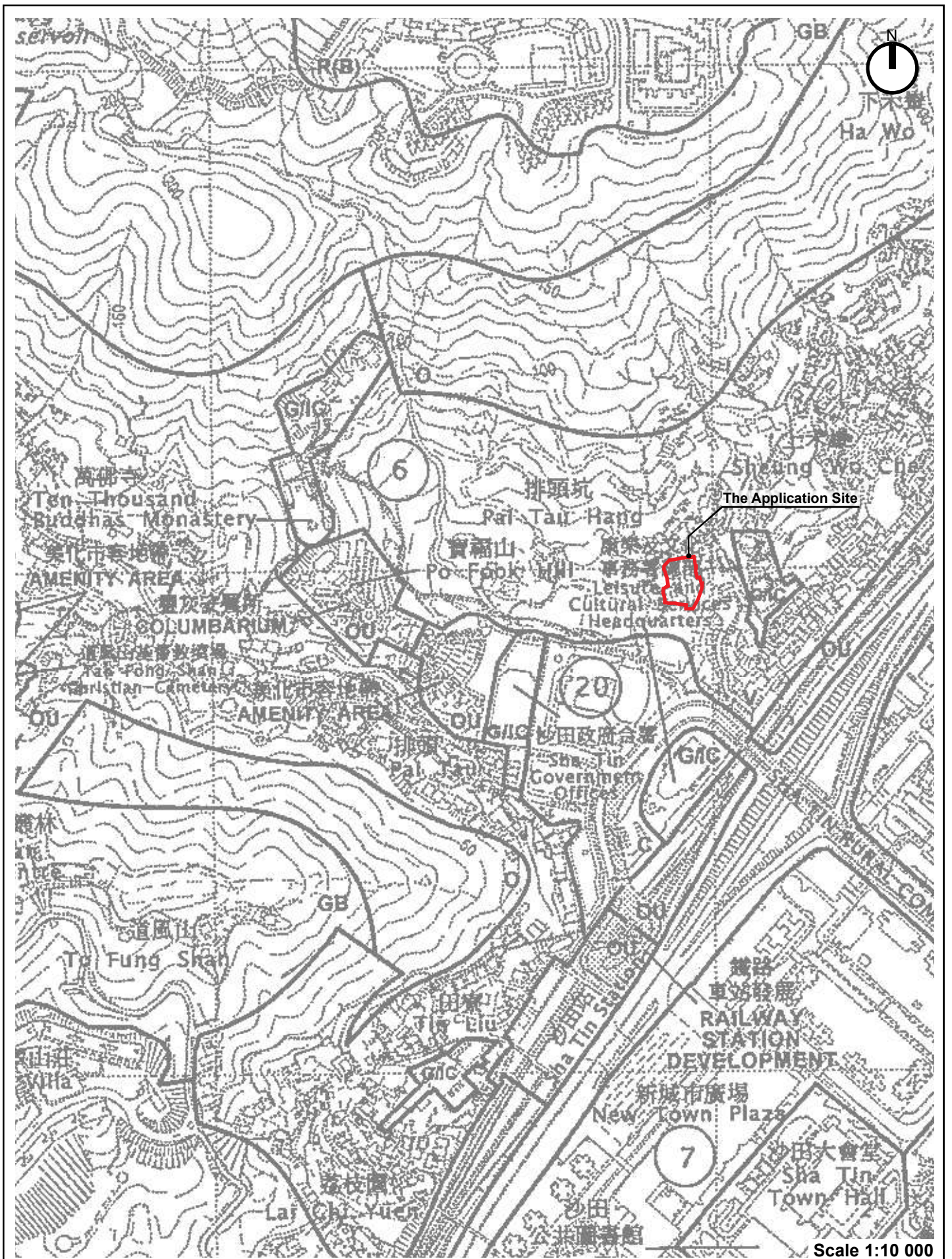
SLT is a famous religious institution established at the lower part of Sheung Wo Che, Sha Tin in 1923. It has a long history of religious and communal uses, and has been a favourable place for worshipping activities for the community. Over the past decade many well-established temples in the New Territories (N.T.) play an important role in the provision of columbarium facilities. In view of the religious principle of SLT that are highly respecting the value of life, the application site has long been providing columbarium service since 1936.

On 30.6.2017, the Private Columbaria Ordinance (PCO) came into effect to resolve properly the historic problems which have accumulated over the years regarding consumers who purchased niches from private columbaria. The Government is prepared to adopt a pragmatic and sensitive approach to resolve the Pre-cut-off Columbaria under a licensing scheme and all the private columbarium in Hong Kong must be either covered with a Columbarium Licence or an Exemption (see **Appendix I**).

In response to the requirement of the PCO, the Applicant had submitted a private columbarium licensing (PCL) application to the Private Columbaria Board (PCLB) on 21.3.2018 to apply for a Columbarium Licence for SLT (see **Annex I** of **Appendix II**). The Applicant had fulfilled a series of specified requirements and obtained the Approval-in-principle (AIP) Temporary Suspension of Liability (TSOL) on 17.8.2020, and further obtained a 3 years extension for the TSOL in August 2023 (see **Annex II** and **Annex III** of **Appendix II**). During the validity period of TSOL until 16.8.2026, the Applicant has to comply with a series of licensing requirements, including but not limited to town planning, land lease and building safety.

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<sup>1</sup> "Pre-cut-off columbarium" means a columbarium that was in operation, and in which ashes were interred in niches, immediately before the "cut-off time" (i.e. 8 a.m. on 18.6.2014).



## Plan A: Zoning and Location Plan

Extract of Approved Sha Tin Outline Zoning Plan No. S/ST/38



In May 2024, the Government launched a public consultation on the proposed amendments to the PCO, and one of the proposals is to adjust the two basic eligibility criteria<sup>2</sup> for Exemption, thus offering the option of applying for an Exemption to eligible Pre-cut-off Columbaria (see **Appendix III**). If these Pre-cut-off Columbaria opt to apply for an Exemption and approved with such, they may continue to operate at its current confined scale (i.e. as at 30.6.2017), but not allowed to newly sell or let out niches.

Although SLT currently covers only the sold niches, the operator stressed that their consumers raised grave concerns on the stringent requirements of an Exemption as it would greatly affect their interest and freedom to choose the interment right of the purchased niche(s). As defined by section 56(1) of the PCO (see **Appendix IV**), the holder of an Exemption in respect of a Pre-cut-off Columbarium must not replace the name of a dedicated person contained in an endorsed register, or cause such a name to be replaced, by the name of another person unless that other person is a relative of the dedicated person, whether or not living, and the purchaser has made a statutory declaration to confirm that fact. **Given effect to the majority view of the consumers, the Applicant has to continue with the PCL application seeking a Columbarium Licence.** Hence, this s.12A application is submitted to seek TPB's sympathetic consideration, in order to partly comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements.

### 1.3 The Present Scheme

A s.12A application for regularising the Pre-cut-off Columbarium in SLT with the same number of niches (10,960 niches, including 8,905 single niches and 2,055 double-urn niches) was submitted to the Board on 27.5.2022 (Application No. Y/ST/55). While majority of the Government departments had no major comment on the application, the application was withdrawn on 28.6.2023 because the Private Columbaria Affairs Office (PCAO) was still in the process of reviewing the niche information provided by the Applicant under the PCL application. In PCAO's letter dated 15.1.2024, the PCLB accepts the information provided (see **Annex IV of Appendix II**).

The development scheme under this application does not involve any alterations and additions to the existing buildings and no new building has been proposed. Nevertheless, it has taken into account the departmental comments received from the previously withdrawn application. A series of improvement measures have been proposed for SLT and they are summarised as follows:

#### (a) Site Boundary and Visual Improvement

The rezoning boundary has been largely reduced so as to tally with the application boundary under the PCL application (see **Annex V of Appendix II**). It

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<sup>2</sup> First criterion amendment: Date of columbarium commenced operation to relax to before 8am on 18.6.2014 from the existing criteria of before 1.1.1990; Second criterion amendment: Date of columbarium ceased sale of interment rights to relax to from 30.6.2017 from the existing criteria of from 8am on 18.6.2014.

covers only the main columbarium operational area in SLT (i.e. columbarium portion, management office, waiting area and pedestrian circulation area). The open area within the site aims to serve for the unimpeded pedestrian flow and visitors' holding area for SLT in order to comply with the PCO requirement. Landscape features are proposed to minimise the potential visual impact to the locality.

**(b) Proper Planning Control**

The Applicant proposes to amend the zoning of the application site from "V" to "G/IC(1)" with 'Religious Institution' to be put under Column 1 (uses always permitted) of the schedule of uses and 'Columbarium' with a few selected uses to be put under Column 2 (uses that may be permitted with or without conditions on application to the TPB) of the schedule of uses. This will allow the relevant Government departments to strictly control the total amount of niches and the development scheme by the mechanism of approval conditions of s.16 application.

**(c) Special Traffic Arrangement**

The Applicant intends only to rectify the columbarium niches sold before 30.6.2017 (i.e. 10,960 niches) in order to meet the approved policy initiatives to address Traffic Impact Assessment (TIA) issues by using an empirical evidence approach as the basis for assessing traffic impacts of a Pre-cut-off Columbarium whose operation only involves the number of niches sold before 30.6.2017.

As a mandatory licensing requirement, the Applicant had submitted a Management Plan with Traffic and Crowd Management Plan (TCMP) to the PCLB, and the Hong Kong Police Force (the Police) subsequently considered the Management Plan is acceptable (see **Annex VII of Appendix II**). Nevertheless, the Applicant has further improved the TCMP (i.e. visit-by-appointment system with not more than 300 visitors per hours, columbarium to be **closed on Ching Ming/ Chung Yeung Festival Day**, etc.) so as to eliminate any possibility of causing significant disturbance to the local villagers, in particular during the festive event.

**(d) Environmental Improvement**

Smokeless joss paper furnaces have been installed and the recommendations in Environmental Protection Department's (EPD) Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places will be followed. Information regarding the installation of the smokeless joss paper furnaces was submitted to the PCLB and it was accepted by the EPD (see **Annex VIII of Appendix II**).

**(e) Good Relationship with the Local Villagers**

In order to relieve the local concerns on any potential nuisance arising from the operation of SLT, the Applicant has spent utmost efforts on the local communication works (地區聯絡工作). During the statutory public consultation period of the previous s.12A applications, a significant number of support letters have been received from the local villagers and organisations (see **Appendix V**).

In addition, the Applicant has recently received a "no objection on columbarium regularisation application for SLT" letter from the resident of Temporary Structure No. 193 located north of the application site (see **Appendix VI**).

Planning and technical assessments have indicated that this s.12A application is well justified based on the following reasons:

- (a) SLT is a popular religious institution in the Sha Tin District which has been in existence at the application site since 1923. It has been active in holding religious events and participated in public welfare and charity activities for the community. The columbarium ancillary to SLT has been in operation for more than 50 years.
- (b) The stringent condition of an Exemption would greatly affect the consumer's interest and freedom to choose the interment right of the purchased niche(s). Given effect to the majority view of the consumers, the Applicant therefore will continue with the PCL application applying for a Columbarium Licence so as to provide flexibility and enhance protection of the consumer interests.
- (c) This s.12A application is aimed at regularising the sold niches of the Pre-cut-off Columbarium in SLT. It is a necessary step to meet one of the licensing requirements of the PCO, which is fully in line with the Government's intention to resolve these (pre-ordinance') columbaria by a pragmatic and sensitive approach.
- (d) The application site is well suitable for religious and columbarium uses as it is located in an area that mainly surrounded by retaining walls, slopes and mature trees, but in close proximity to public transport facilities. The existing buildings in SLT are low-rise in nature, which are far away from the major residential developments and village core and separated by sufficient physical segregation.
- (e) The proposed "G/IC(1)" zone for religious and columbarium uses is compatible with the adjacent land uses in Pai Tau and Sheung Wo Che area, which is a traditional religious area with temples and funeral related facilities in Sha Tin.
- (f) The proposed "G/IC(1)" zone will not result in adverse impact on "V" zone due to its unique site background, sophisticated land use character in the area, adequate land for small house and strong supports from the local residents.
- (g) The subject development will not result in any significant impact on land use, traffic, environmental, sewerage, landscape, visual and geotechnical aspects of the locality. Traffic management measures are proposed to ensure SLT can be run in a safe, orderly and smooth fashion during the festive event.
- (h) The proposed new zoning is tailor-made for SLT and it will not set an undesirable precedent for similar applications because it is the only Pre-cut-off Columbarium with all sold niches within the same "V" zone.

The development proposal and planning justifications will be explained in detail in the following sections. Various technical assessments are attached in **Appendices IX to XIII**.





Photo 1: Main Entrance of Sai Lam Temple



Photo 2: Pedestrian Access and Gathering Area



Photo 3: Building A (Worshipping Area)



Photo 4: Worshipping Area in Building A



Photo 5: Building B

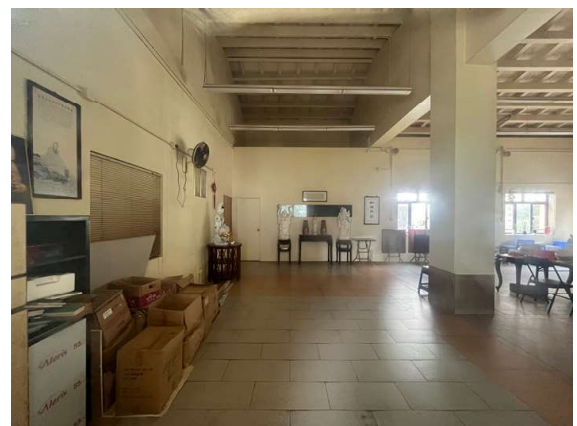


Photo 6: Worship Hall on 1/F of Building E



Photo 7: Columbarium Halls on 1/F of Building E



Photo 8: Building C



## Site Photos (1): Site Condition



Photo 9: Building D



Photo 10: Building E



Photo 11: Columbarium Hall on G/F of Building E (Previously Named '龍華堂')



Photo 12: Shop



Photo 13: Management Office



Photo 14: Temple Adjoining the Application Site (三元宮)



Photo 15: Bus Terminus near the Site



Photo 16: Sha Tin Railway Station near the Site



## Site Photos (2): Site and Adjacent Land Uses

## 2. PLANNING BACKGROUND

The location, accessibility, site condition, adjacent land uses, planning history and land status of the application site will be presented in this section.

### 2.1 Site Location and Accessibility

The application site, named Sai Lam Temple (**Photo 1**), is located at the lower part of Sheung Wo Che, which is a traditional religious and funeral related area in Sha Tin. It is bounded by To Fuk Shan Tsz (道福山祠) to the north, Sam Yuen Kung Temple (三元宮) (**Photo 14**) and Sin Tin Tao Home for the Aged (先天道安老院) to the east, a piece of vacant land with some mature trees and a footpath to the south, and a large grave to the west. The site is situated in a tranquil location mainly surrounded by slopes and trees, and is far away from the major residential developments and village core.

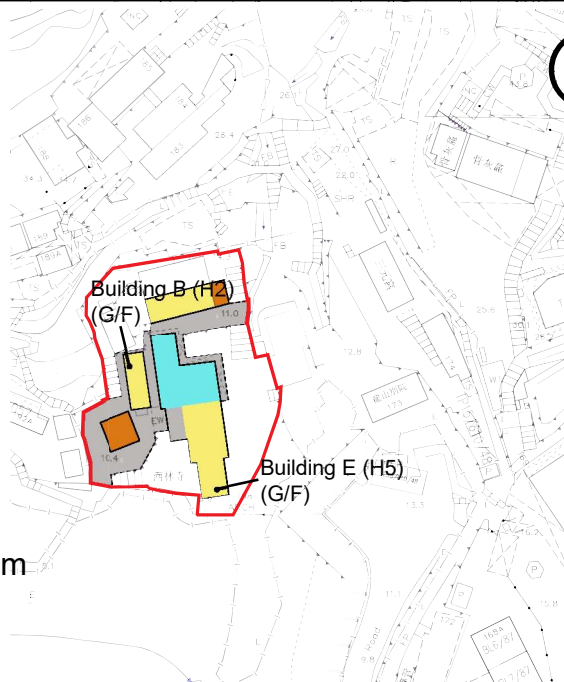
There is no vehicular access leading to the application site directly. However, the area is well served by public transport services. Mass Transit Railway (MTR) Sha Tin Station is about 500m walking distance from the site. In addition, there is a public transport interchange near Sha Tin MTR Station and there are numerous franchised bus routes and Green Minibus Bus (GMB) routes serving the area. Vehicular traffic could pick-up/drop-off passengers for the site at Pai Tau Street.

### 2.2 Site Condition

SLT is a religious institution with columbarium facilities which has been in existence at the application site since the 1920s. It comprises two platform areas situated in a level of ~7mPD and ~22mPD. The lower platform area is entirely covered by the application site with a size of about 1,482m<sup>2</sup> in area. It is currently occupied by a mix of religious and columbarium facilities (**Photo 3**, **Photo 5**, **Photo 9** and **Photo 11**), such as worship halls (**Photo 4** and **Photo 6**), management office, shop (**Photo 12** and **Photo 13**), store room and columbarium (**Photo 7** and **Photo 8**). The upper platform area, which falls outside the application site, is mainly occupied by Sam Yuen Kung Temple (i.e. religious use), toilets and storage. The present uses of SLT covering only the application site are shown and summarised in **Plan B** and **Plan C** respectively.

The entire site is characterised by a religious and peaceful environment. An open courtyard with some landscape features and seats is present in front of Building E (H5) and serves as a gathering area (**Photo 2** and **Photo 10**). Two smokeless joss paper furnaces have been installed near the management office and shops.

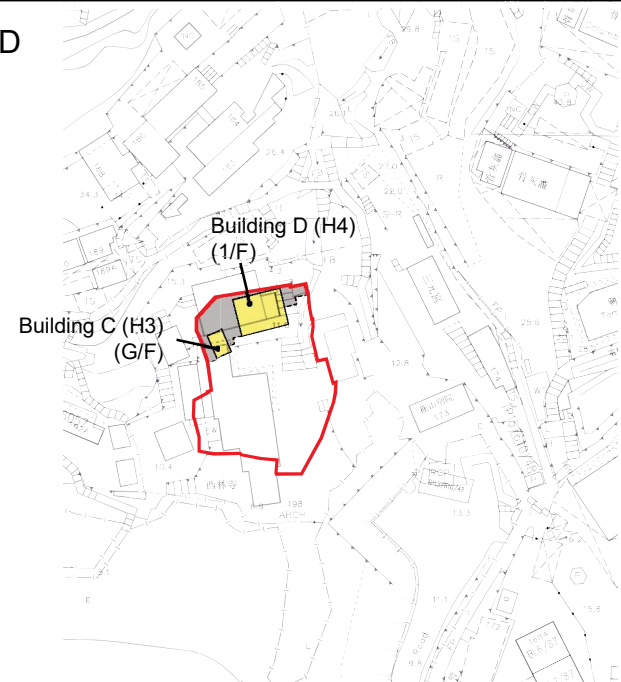
At around 7mPD



Legend

- Columbarium
- Office & Storage Room
- Worshipping Hall
- Access Area

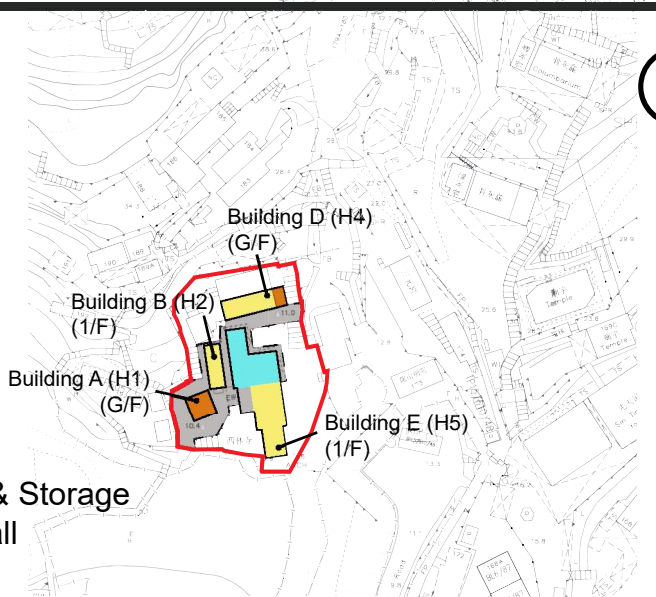
At around 15mPD



Legend

- Columbarium
- Access Area

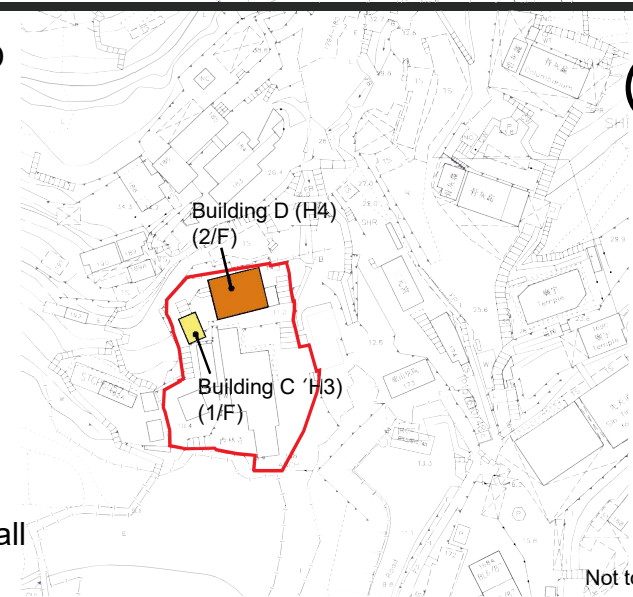
At around 11mPD



Legend

- Columbarium
- Praying Room & Storage
- Worshipping Hall
- Access Area

At around 22mPD



Legend

- Columbarium
- Worshipping Hall
- Access Area

Not to Scale



# Plan C: Land Use Pattern of Sai Lam Temple



## 2.3 Adjacent Land Uses

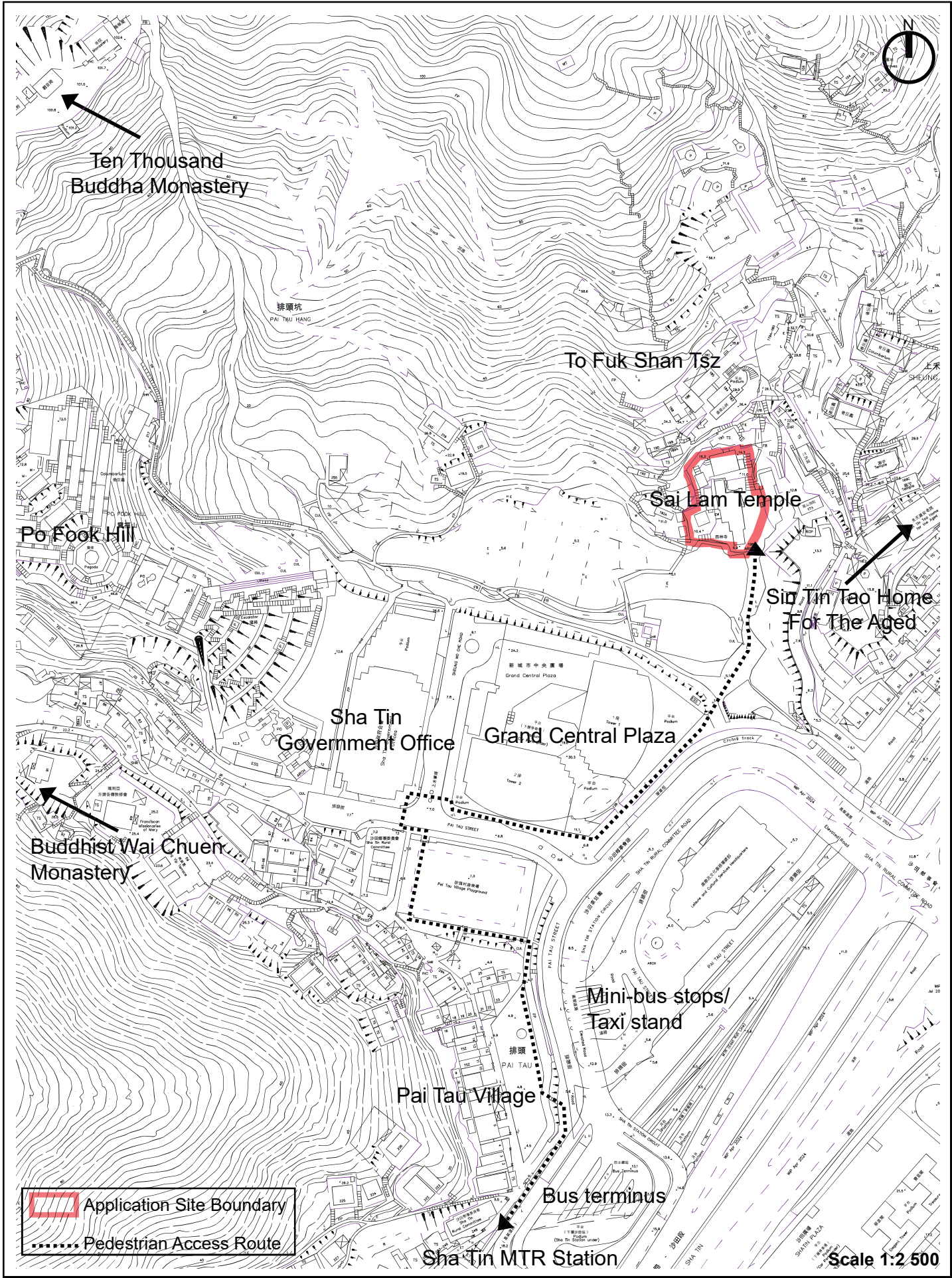
The application site is located at the lower part of Sheung Wo Che, which is highly mixed with religious institutions, columbaria and domestic structures. It is also surrounded with hill slopes, mature trees and burial ground. Adjacent land uses of the site are described below (also see **Plan D**):

- (a) North – A Pre-cut-off Columbarium named To Fuk Shan Tsz is located north of the application site.
- (b) East – To the immediate east of the site is Sam Yuen Kung Temple, which is the earliest religious building in SLT. To the further east is a "G/IC" site covering the Sin Tin Tao Home for the Aged, which is an old people's home with temple and columbarium facilities.
- (c) South – The area south of the site is a piece of vacant land with some mature trees and a footpath leading to the application site.
- (d) West – The western side of the site is a large grave, slopes with mature trees and the main entrance of To Fuk Shan Tsz. A large columbarium named Po Fook Hill is located further west of the site.

## 2.4 Planning History

The application site falls within "V" zone on the Approved Sha Tin OZP No. S/ST/38. According to the Notes of the OZP, the planning intention of this zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Other commercial, community and recreational uses may be permitted on application to the Board.

SLT has been operated as a religious institution since 1923, and its ancillary columbarium use has been in operation since 龍華堂 (equivalent to the current 崇孝堂, 崇禮堂 and 崇義堂 located in the G/F of Building D (H4)) was constructed in 1936. It was later converted into three columbarium halls and renamed to the current 崇孝堂, 崇禮堂 and 崇義堂 (located in the G/F of Building D (H4)). According to the TPB Guidelines No. 24D, if a use in existence before the publication of the first plan which has continued since it came into existence, no action is required to make the "existing use of any land or building" conform to a statutory plan until there is a material change of use or the building is redeveloped. Since 'Religious Institution' use in SLT and 'Columbarium' use in the G/F of 龍華堂 have long been in existence at the application site before the gazette of the first Sha Tin OZP No. LST/19 on 28.4.1961, they can be tolerated under the Town Planning Ordinance.



# Plan D: Adjacent Land Uses Plan

Subsequently in 2006, some areas of the existing buildings in SLT were renovated into columbarium use so as to meet the urgent needs of columbarium niches in Hong Kong. Since 'Columbarium' use does not fall under Column 1 or Column 2 of the schedule of uses in the current "V" zone, a s.12A application to amend the zoning of the site will be required in order to facilitate process on the regularisation of the Pre-cut-off Columbarium at the site. Thus, this s.12A application is submitted for TPB's approval.

A similar s.12A application (No. Y/ST/13) for proposed rezoning of part of the same "V" zone to "G/IC(1)" to continue the current columbarium use at Chi Ha Yuen (紫霞園) is located uphill to the northwest of the site. On 10.2.2012, the Board decided to partially agree to the aforesaid application by rezoning the concerned "V" site to "G/IC" with 'Columbarium' use included as a Column 2 use to ensure the implementation of appropriate mitigation measures to address the environmental and sewerage impacts.

## 2.5 Land Status

As shown in **Plan E**, the application site covers Lot Nos. 63 and 296 (part) in D.D. 185, which are owned by Sai Lam Temple Foundation Ltd. (SLT Foundation Ltd.). The Applicant - Sai Lam (Salvation) Foundation Ltd. has signed a tenancy agreement with the owner of the subject lots to guarantee the right to continuously use the premises for columbarium purpose. Lot No. 63 is an old schedule lot with 0.04 acre for house and 0.06 acre for agricultural purposes, whereas Lot No. 296 is a building and garden lot governed by New Grant No. 6292 with an area of 0.23 acre. Upon approval of the subsequent s.16 application, the owner of the subject lots will apply to Lands Department for a temporary waiver of any breach of lease conditions covering the subject private lots at the application site.



### 3. PROPOSED REZONING FOR SPECIAL CONSIDERATION

#### 3.1 Proposed Amendments to the Outline Zoning Plan

This s.12A application involves the following amendments to the current Approved Sha Tin OZP No. S/ST/38:-

**(a) Amendment Item 1 – OZP (Plan F)**

It is proposed to rezone the application site covering Lot Nos. 63 and 296 (part) in D.D. 185 from "V" to "G/IC(1)". The rezoning boundary under this application is the same boundary as proposed under the PCL application for SLT, which covers those areas related to the main columbarium operation (i.e. columbarium portion, management office, waiting area and pedestrian circulation area).

**(ii) Amendment Item 2 – Schedule of Uses (Table 3.1)**

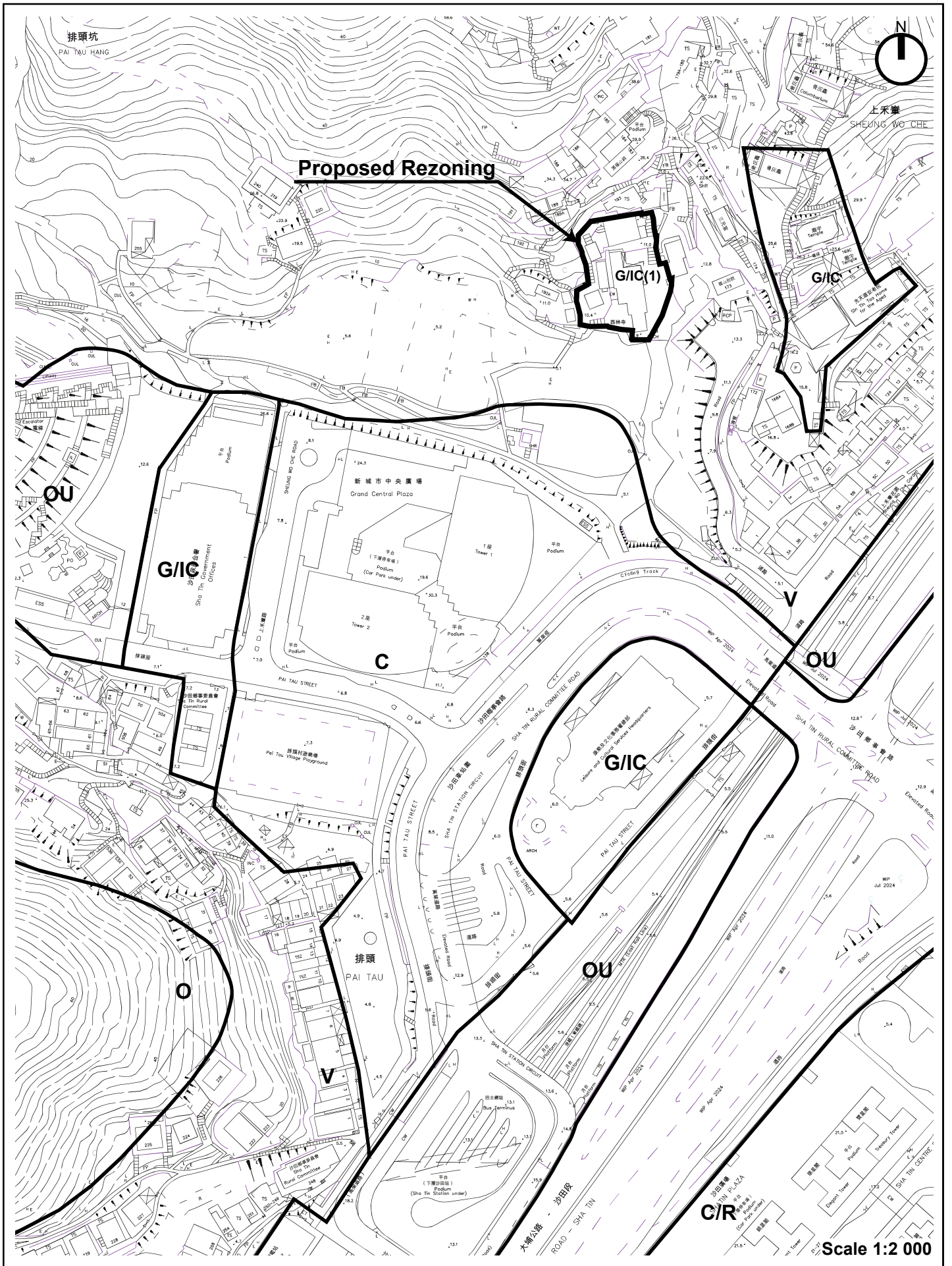
Since 'Religious Institution' use at SLT has been in existence since 1923, it is therefore suggested that 'Religious Institution' use could be put under Column 1 of the schedule of uses in the proposed "G/IC(1)" zone. On the other hand, 'Columbarium' use has been included under Column 2 of the schedule of uses in the proposed "G/IC(1)" zone so as to allow the subsequent submission of a s.16 application for the regularisation of the columbarium ancillary to SLT.

Most uses that are currently fall under Column 1 or Column 2 of the schedule of uses in the "V" zone, such as 'Agricultural Use' and 'House (New Territories Exempted House only' etc., will be excluded to be put under the schedule of uses in the proposed "G/IC(1)" zone. They are not related to the current operation or future improvement plan of SLT.

**(iii) Amendment Item 3 – Planning Intention and Remarks (Table 3.1)**

It is proposed to specify this new zoning which is intended to regularise the Pre-cut-off Columbarium in the area. The maximum number of niches (i.e. 10,960 niches – already confirmed by the PCLB) for columbarium use within this zone as a whole shall not exceed the total number of niches in SLT on 30.6.2017 (the enactment date of PCO). A maximum building height restriction of 3 storeys has also been imposed.

The proposed "G/IC(1)" zone will facilitate the relevant Government departments to properly control the number of niches and development scheme by way of approval conditions of the s.16 application. It is tailor-made for the area and it will not set a precedent case for other similar applications. It should be noted the provision of a new columbarium should be defined as the "Post-cut-off Columbarium".



# Plan F: Proposed Amendment to Sha Tin OZP

**Table 3.1 Proposed Schedule of Uses for "G/IC(1)"**

GOVERNMENT, INSTITUTION OR COMMUNITY (1)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Religious Institution	Columbarium (specified number of niches in paragraph (a) under Remarks) Eating Place Public Utility Installation Residential Institution Shop and Services (Retail Shop only) Social Welfare Facility Utility Installation for Private Project

Planning Intention

This zone is intended primarily for religious institution and columbarium uses.

Remarks

- (a) On land designated "Government, Institution or Community (1)", the maximum number of niches for columbarium use shall not exceed 10,960.
- (b) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height of 3 in terms of number of storey(s) or the height of the existing building, whichever is the greater.
- (c) In determining the maximum number of storey(s) for the purposes of paragraph (b) above, any basement floor(s) may be disregarded.
- (d) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

### 3.2 Basis of the Proposed Rezoning

The proposed rezoning is strongly justified based on the following reasons:-

(i) **To Comply with Government's Intention to Resolve the Historic Problems**

The Government has emphasised in many public occasions that they are prepared to adopt a pragmatic and sensitive approach to resolve the Pre-cut-off Columbaria so as to minimise any social disruption arising from people who have purchased these niches and massive displacement of interred ashes before the introduction of regulatory regime (see **Appendix I**). On 30.6.2017, the PCO came into effect and all the private columbarium in Hong Kong must be either covered with a Columbarium Licence or an Exemption. Thus, the Applicant had submitted the PCL application for SLT before the expiry date on 29.3.2018 (see **Annex I of Appendix II**).

(ii) **Necessary Steps for the Columbarium Licensing Application Complies with Policy Initiatives Related to Traffic Impact Assessment of Pre-cut-off Columbaria Announced by Government**

The Applicant had fulfilled a series of requirements and obtained the AIP TSOL on 17.8.2020 (see **Annex II of Appendix II**), and further obtained a 3 years extension for the TSOL in August 2023 (see **Annex III of Appendix II**). During the validity period of TSOL until 16.8.2026, the Applicant has to satisfy, including but not limited to, town planning, land lease and building safety. To comply with the town planning requirements, Planning Department (PlanD) advised in the letter that the Applicant is required to submit the s.12A application or s.16 application unless the columbarium is an "Existing Use" (in existence before the publication of the first statutory town plan in Sha Tin, i.e. 28.4.1961) (see **Annex VI of Appendix II**). Although SLT has long been providing columbarium service since 1936, it is relatively difficult to solicit solid evidence (i.e. on-site photos) on the date of first interment in niche for an old columbarium. Moreover, the situation and operation in SLT has developed over time. Therefore, the Applicant has decided to go through the planning application system.

Over the past several years, many operators of private columbarium have expressed serious concern that the submission of TIA in seeking planning permissions is a major hurdle. On 22.11.2017, the Government has approved a policy initiative to address such issue by **adopting an empirical evidence approach as the basis for assessing traffic impacts of a Pre-cut-off Columbarium whose operation only involves the number of niches sold before 30.6.2017**. Thus, the Applicant has decided to only cover the 10,960 sold niches as at before 30.6.2017 in the current application. This will result in speeding up the procedure for obtaining the Licence and **avoiding emergence of aggrieved consumers of niches sold before the enactment of the PCO**.



**(iii) Latest Proposed Legislative Amendments to the Existing PCO**

In May 2024, the Government launched a public consultation on the proposed amendments to the PCO. According to the Public Consultation Document (see **Appendix III**), as at 31.3.2024, 27 out of 60 Pre-cut-off Columbaria which have submitted the PCL application applying for a Columbarium Licence still have not met the planning-related requirements. Among them, 24 of them did not apply for an Exemption because they either failed to meet the two basic eligibility criteria for Exemption or they wished to continue to sell niches, while the remaining 3 have applied for an Exemption concurrently. If these 24 private columbaria eventually cannot fulfil all requirements for a Columbarium Licence, they will have to cease operation, triggering large-scale ash disposal and causing disturbance to the concerned ancestors and the interest of their families.

The PCO embraces a pragmatic and sympathetic approach to the handling of Pre-cut-off Columbaria so as to minimise losses of the consumers and social disruption arising from massive displacement of interred ashes, and at the same time, balancing the general public's interest, the impact of these Pre-cut-off Columbaria to their neighbourhood are to be minimised. Thus, the Government proposes to adjust the two basic eligibility criteria for Exemption to allow the abovementioned "Pre-cut-off Columbaria" to apply for an Exemption.

The Applicant is eligible to apply for an Exemption for SLT subject to the official confirmation of such amendments are adopted. However, due to the stringent requirements of an Exemption (i.e. the interment right of a niche concerned is either the person who purchased before the cut-off time; the name of the dedicated person which has been entered into the endorsed register; or direct relatives of the person who purchased the niche concerned (see **Appendix IV**)), the operator stressed that it is not practical for SLT to apply for an Exemption. Whilst compliance with the town planning requirement would no longer be required for an Exemption, many consumers expressed their grave concern of such restriction to the Applicant, as many of them have purchased a niche(s) for non-immediate family members or as a backup for anyone who is in need who may not be a direct relative of the purchaser of the concerned niche(s). **The stringent condition of an Exemption would greatly affect the consumer's interest and freedom to choose the interment right of the purchased niche(s).**

**Given effect to the majority view of the consumers, the Applicant therefore will continue with the PCL application applying for a Columbarium Licence so as to provide flexibility and enhance protection of the consumer interests.** The proposed rezoning is an essential mechanism to facilitate regularisation of the columbarium in SLT. It is in line with the Government's intention to take care of the sentiment of the descendants, in particular their wish not to upset the resting place of the deceased as far as practicable.

### 3.3 Alternative Option of the Proposed Rezoning

Under the PCL application, the Applicant has already satisfied majority of the licensing requirements (i.e. environmental aspects, fire safety and building safety) (see **Annex VIII, Annex IX and Annex X of Appendix II**). Regarding the land aspects, under the current practice of PCL application, relevant Government departments would only process the land application after the Applicant has obtained an AIP Licence. **To obtain an AIP Licence, one of the requirements is to comply with the town planning requirement.**

As detailed in **Section 3.1** above, the main proposal of this s.12A application is to place 'Columbarium' under Column 2 of the schedule of uses in the proposed "G/IC(1)" zone so as to allow the subsequent submission of a s.16 application for the regularisation of the columbarium ancillary to SLT. This proposal is to allow relevant Government departments and the TPB to see the **Applicant's dedication to allow the Government to have sufficient control mechanism over the existing development.** However this process will approximately take at least a minimum of two years time, factoring in the process of plan making subject to the approval of the current s.12A application. The **indefinite waiting time** of the plan making process and the subsequent submission of a s.16 application will adversely affect the time for the Applicant to comply with the remaining requirement(s) (i.e. land requirement) to obtain the Columbarium Licence. **The Applicant has the urgency to obtain the Licence to avoid giving rise to social disruption.**

According to the planning cases in relation the s.12A application for regularising the Pre-cut-off Columbarium, it is noticed that the TPB has recently approved several columbarium cases and **recommended 'Columbarium' to be placed under Column 1 uses (i.e. uses always permitted) of the schedule of uses in a proposed new zone.** This is because the Board considered there will be sufficient control mechanism on details and technical requirements of the columbarium use under the licence regime of PCO and, thus, consideration could be given to streamline the development control process.

In view that the Applicant has satisfied many of the requirements under the PCL application and initiatives introduced by the Government to resolve the Pre-cut-off Columbaria (especially those whose operation only involves the number of niches sold before 30.6.2017) so as to minimise any social disruption arising from people who have purchased these niches and massive displacement of interred ashes, **the Applicant hopes that the Board could alternatively consider recommending 'Columbarium' to be placed under Column 1 of the schedule of uses in the proposed "G/IC(1)" with stipulation of appropriate development restrictions (such as maximum building height and number of niches) at the OZP to streamline the development control process for SLT.**

## 4. DEVELOPMENT PROPOSAL

### 4.1 Master Layout Plan and Development Schedule

#### 4.1.1 Master Layout Plan (Plan G)

The development scheme in support of this s.12A application is intended to comply with the requirements of PCO for regularising the existing columbarium in SLT. Since majority of the Government departments had no major comment on the previous s.12A applications, the development scheme under this application does not involve any alterations and additions to the existing buildings and no new building has been proposed.

A Master Layout Plan and a set of architectural plans, which reflect the latest proposed layout plan for the PCL application for SLT, are shown in **Plan G** and **Annex V** of **Appendix II** respectively. SLT comprises two single use and three mixed use buildings of management offices, worship halls, shop, and columbarium with a total number of 10,960 niches. Each building varies in height, size, and functions, and details of each building are described below:-

- **Building A (H1):** It is a single storey worship hall placing a Guanshiyin Bodhisattva (觀音) sculpture and hundreds of sculpture of the same kind in a smaller size on the two side of the wall. This building provides a sacred and tranquil space for visitors to worship for religious purpose.
- **Building B (H2):** It is a two-storey building comprises of a columbarium on the first level on top of an ancestral tablet room for visitors paying tribute to their ancestors without urns placed in the niche.
- **Building C (H3):** It is a two-storey columbarium building serving the general public on the ground level and deceased monks of SLT and old villagers from the surrounding villages on the first level.
- **Building D (H4):** It is a three-storey building with a worshipping area on top of the columbarium. There are three religious statues placed inside the worshipping area, in which two of them were passed over from SLT with a 88-year old pagoda and a Guanshiyin Bodhisattva statue. The lower level contains of three columbarium rooms and a worshipping room.
- **Building E (H5):** It is the largest building at the site. It has two levels with management office, shop, and columbarium located on the ground level, and a praying room and columbarium on the first level.

All the facilities within the application site will be available for public use by visitors. The abundant provision of open area and planting around the buildings will help dispersing the activities of the visitors while their privacy is also accommodated when paying tribute to their ancestors.

#### 4.1.2 Operation and Management of Sai Lam Temple

SLT has its own management team to undertake the management and maintenance of the facilities within the application site. Up to the present moment, the management team has demonstrated that the smooth operation of SLT and the facilities at the site are always up to satisfactory standard. Additional staffs will be deployed in future, in particular during the grave sweeping occasion, based on the recommendations as stipulated in the latest TIA and the Management Plan.

Currently, SLT operates daily, including weekends and public holidays, between 09:00 and 18:00. In view that the peak traffic demands occurs at the Ching Ming Festival, with Chung Yeung Festival being the second busiest, special traffic arrangement will be implemented and the columbarium will be open between 08:00 and 18:00, but **closed on Ching Ming/ Chung Yeung Festival Days** as recommended in the latest TIA and the Management Plan.

#### 4.1.3 Development Schedule

Development schedule of the present scheme and development parameters of the proposed (existing) facilities are shown in **Table 4.1** and **Table 4.2** respectively. Whilst this s.12A application mainly involves the retention of the uses within the existing buildings without affecting their bulk, the gross floor area (GFA) calculation has been slightly adjusted based on detailed checking by the project architect and the inclusion of eco-furnaces within the site. The open area at the application site is hard-paved which serves for the pedestrian circulation and holding area. It is an essential function to meet the requirement of the relevant Government departments and the PCLB.

Latest niche count, which had submitted under the PCL application and subsequently accepted by the PCLB (see **Annex IV** of **Appendix II**), is shown in **Table 4.3**. The number of columbarium niches (i.e. 10,960 niches) only involves those were sold before 30.6.2017 (i.e. the enactment date of PCO).

**Table 4.1: Development Schedule of the Present Scheme**

	Application Site
Site Area (m <sup>2</sup> )	About 1,482m <sup>2</sup>
Plot Ratio	0.72 (approximate)
Proposed Total GFA (m <sup>2</sup> )	About 1,068.761m <sup>2</sup>
Site Coverage	36% (approximate)
No. of Blocks	5
Building Height	3 storeys max. (about 11.963m)
No. of Niches	10,960 sold niches (8,905 single-urn niches + 2,055 double-urn niches)

**Table 4.2: Development Parameters of the Proposed (Existing) Facilities**

Building	Floor	Facilities	Building Height	GFA
A (H1)	G/F	Worshipping Hall	7.4m	37.946m <sup>2</sup>
B (H2)	G/F	Store Room and Ancestral Tablet Room	8.5m	39.592m <sup>2</sup>
	1/F	Columbarium (崇仁堂)		42.258m <sup>2</sup>
C (H3)	G/F	Columbarium (崇明堂)	7.69m	31.366m <sup>2</sup>
	1/F	Columbarium (崇光堂)		31.366m <sup>2</sup>
D (H4)	G/F	Columbarium (崇義堂、崇禮堂、崇孝堂)	11.963m	64.846m <sup>2</sup>
		Worshipping Hall		15.842m <sup>2</sup>
	1/F	Columbarium (崇新堂)		134.963m <sup>2</sup>
	2/F	Worshipping Hall		134.963m <sup>2</sup>
E (H5)	G/F	Management Office and Store Room	10.635m	124.678m <sup>2</sup>
		Shop		94.645m <sup>2</sup>
		Columbarium (崇高堂、崇敬堂)		55.239m <sup>2</sup>
	1/F	Columbarium (崇福堂、崇德堂)		124.678m <sup>2</sup>
		Praying Room, Storage Room		126.879m <sup>2</sup>
Other Facilities	-	Eco-Furnace 1	-	8m <sup>2</sup>
	-	Eco-Furnace 2	-	1.5m <sup>2</sup>
<b>Total GFA</b>				<b>1,068.761m<sup>2</sup></b>

**Table 4.3: Latest Niche Count**

Classification	Single-Urn Niche	Double-Urn Niche	Total
No. of Sold & Occupied Niches	2,500	1,118	3,618
No. of Sold but Not Yet Occupied Niches	6,405	937	7,342
<b>Total Sold Niches</b>	<b>8,905</b>	<b>2,055</b>	<b>10,960</b>



## **4.2 Landscape Proposal**

### **4.2.1 Introduction of the Landscape Proposal**

This Landscape Proposal is prepared in support of this s.12A application to rectify the existing columbarium ancillary to SLT at the application site. It outlines the landscape design, including a landscape layout with proposed planting schemes for the site. It also assesses the landscape and visual impacts of the building, aiming to enhance the development within its existing context. By addressing the landscape impacts, this proposal seeks to integrate the development sensitively into the surrounding environment. A more detailed design package will be developed at the detailed design stage.

### **4.2.2 The Site and its Context**

The application site is located at Lot Nos. 63 and 296 (part) in D.D. 185, which is in the lower part of Sheung Wo Che, east of To Fung Shan – the traditional religious district in Sha Tin. It is currently occupied by SLT, which has a very long history of religious and columbarium use. According to the site inspection and topographic survey provided by the Applicant, there are no existing tree(s) identified within the site boundary.

Given that the application site functions as a temple, it experiences high visitor traffic, particularly during festivals when worship activities peak. Extensive planting areas may not be ideal, as they could obstruct the circulation space needed for visitors. Therefore, this proposal seeks to strike a balance between creating an inner landscape that harmonises with the surroundings while accommodating the practical needs of visitors.

### **4.2.3 Landscape Design Concept**

The primary aim of the landscape proposal is to respond thoughtfully to the site's conditions, the building's form and function, and to deliver a practical landscape scheme. Key factors considered in the design include:

- A sensitive response to the site's context, addressing both the landscape character and visual amenity.
- Harmonisation with the proposed building and its architectural style.
- Maximising opportunities for soft landscaping to create a green, welcoming setting.
- Enhancing the arrival experience for users through thoughtful design elements.

The landscape character of the assessment area reflects a traditional Chinese temple setting, centered around the SLT. The open space is designed to complement the temple's cultural and religious atmosphere, with most worship activities taking place during special religious and cultural festivals. To ensure a balance between maintaining a peaceful environment for visitors, supporting worship activities, and enhancing the aesthetics, it is recommended to propose some greenery on-site, particularly near the

site entrance. This will create a natural green buffer to screen any unsightly views from outside, contributing to a more serene atmosphere.

#### 4.2.4 Tree Treatment Recommendation

The Landscape Master Plan in **Plan H** indicates the proposal to deliver a practical landscape scheme for SLT, and soft landscaping will be the primary focus. The following factors were considered in selecting plant species:

- Low maintenance requirements.
- Tolerance to wind and exposed conditions.
- Ability to screen the existing buildings and reduce visual impact on nearby residents.

In an effort to enhance the environment of the application site and promote public enjoyment, new tree species have been introduced to the landscape. **Two** *Araucaria heterophylla* (南洋杉) have been placed at the front edge to provide tall visual screening from external viewpoints, while **seven** *Garcinia spicata* (福木) are planted along the western sloping edge to define the pathway. These new proposed trees are heavy standard planting which seeks to maximise the opportunities for greenery effect within the entire area. A summary table of the introduced trees is shown in **Table 4.4** below.

**Table 4.4: Summary of Introduced Trees**

Botanical Name	Chinese Name	Height (mm)	Spread (mm)	DBH (mm)	Quantity
<i>Araucaria heterophylla</i>	南洋杉	5000	3000	100	2
<i>Garcinia spicata</i>	福木	3500	2000	100	7

In view that the development scheme under this application does not involve any alterations and additions to the existing buildings and no new building has been proposed, as well as there are no existing trees within the site boundary, landscape mitigation measures in construction phase are considered not necessary. Softworks contractor are recommended to be engaged to ensure proper maintenance of the new planting during the establishment period (usually for the first year after planting). This will ensure that the soft landscape measures within the site are in a healthy condition prior to the finished scheme being handed back to SLT.

#### 4.2.5 Soil Depth for Planting and Irrigation

Planting in open spaces is proposed in at-grade planting beds with 1200mm deep planting soil.

The proposed irrigation system will use a tap water supply for manual operation. Lockable water points will be installed at 40-meter intervals to ensure full coverage of the site. The final source of water supply is pending approval from Water Supplies Department.



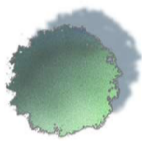


LEGENDS

- 01 Columbarium, Religious Institution
- 02 Columbarium
- 03 Columbarium, Religious Institution, Shop
- 04 Religious Institution
- 05 Columbarium, Office
- 06 Sam Yuen Kung Temple
- 07 Proposed Eco-furnace
- 08 Concrete Paving Surface
- 09 Artificial Granite Paving Surface

Compensatory Planting List

Botanical Name	Chinese Name	Size (mm) Height x Spread x DBH	Qty.
<i>Araucaria heterophylla</i>	南洋杉	5000 x 3000 x 100	2
<i>Garcinia spicata</i>	福木	3500 x 2000 x 100	7



Proposed Tree

Application Site Boundary



## 4.3 Access Arrangement and Special Traffic Arrangement

### 4.3.1 Access Arrangement

SLT is located in Sheung Wo Che, Sha Tin. The area is well served by public transport services. MTR Sha Tin Station is about 500m walking distance (about 10 minutes' walk) from the application site. In addition, there is a public transport interchange near MTR Sha Tin Station and there are numerous franchised bus routes and GMB routes serving the area. SLT is easily accessible by these public transport facilities.

There is no vehicular access road leading to the application site directly. In such case, the subject development will not have any parking and loading/unloading provisions. Vehicular traffic could pick-up/drop-off passengers at Pai Tau Street.

Currently, special traffic arrangement and crowd management will be deployed by the Police at Pai Tau Street and its vicinity to facilitate crowd control during the peak grave sweeping days. According to the correspondences between the Applicant and the Police over the past several years, it is expected that the Police will continue to provide resources for crowd management near Pai Tau Village during the grave sweeping days (see **Appendix VII**).

A TIA has been updated to assess the traffic and pedestrian impact to be generated by SLT and to propose a feasible transport and traffic arrangement for the grave sweeping festival periods (see **Appendix IX**).

### 4.3.2 Special Traffic Arrangement

As a mandatory requirement of the PCL application, the Applicant had submitted a Management Plan with TCMP to the PCLB, and the Police subsequently considered the Management Plan is acceptable (see **Annex VII** of **Appendix II**). Nevertheless, the Applicant has further improved the TCMP to ensure the festive event to be operated in SLT can be run in a safe, orderly and smooth fashion without creating any significant nuisance to the local residents.

The Management Plan has been updated based on the latest TCMP as proposed in the TIA (see **Appendix X**). It will be implemented throughout the Festive Periods (i.e. Ching Ming/ Chung Yeung Festivals and 2 weekends before the Festival Day and two weekends after). The proposed measures are summarised as follows:

#### (a) Opening Hours

The columbarium operates daily, including weekends and public holidays. On Peak Grave Sweeping Days (i.e. Ching Ming/ Chung Yeung Festivals and two weekends before the Festival Day and two weekends after), the columbarium will be open between 08:00-18:00, but **closed on Ching Ming/ Chung Yeung Festival Days**.

**(b) Member-Only Scheme**

SLT will only allow niche owners and their family members and relatives with proof of membership are allowed to enter the columbarium. Visitors will only allow to access the columbarium when led and permitted by the staff of SLT.

**(c) Visit-by-Appointment System**

Two months prior to Ching Ming/ Chung Yeung Festival, SLT will contact the members via electronic means and to arrange appointments with them for individual visits to SLT regarding the Visit-by-Appointment system and special crowd arrangement for worship during the Festive Periods. At the same time, visitors are strongly advised/ encouraged to use public transport to access SLT.

Visitors and their accompanies must reserve a place via the Visit-by-Appointment system on a first come first serve basis with at least 24 hours prior to their visit to SLT. Members will be informed about information such as visit date; admission time (30-minutes slot); total nos. of visitors permitted; no vehicular access to the site; no parking spaces onsite; and reminder to take public transportation.

**(d) Admission Control System**

An admission control will be performed at the entrance. Admission cards will be issued when they register at the entrance. Only visitors with the admission cards will be allowed to admit the columbarium buildings, and they are required to return the cards to the staff when leaving the site. Staffs reserve the right to reject visitors entering the site if visitors arrive late for 30 minutes or do not follow the procedure and make an appointment before their visits.

Visitors will be allowed to enter the columbarium by sessions. Each hour will be divided into two 30-minutes sessions. The crowd will be controlled and limited to 150 visitors entering the columbarium in each session. Therefore, through entrance control, the number of visitors would be 300 persons per hour (i.e. two 30-minutes sessions with 150 persons per session).

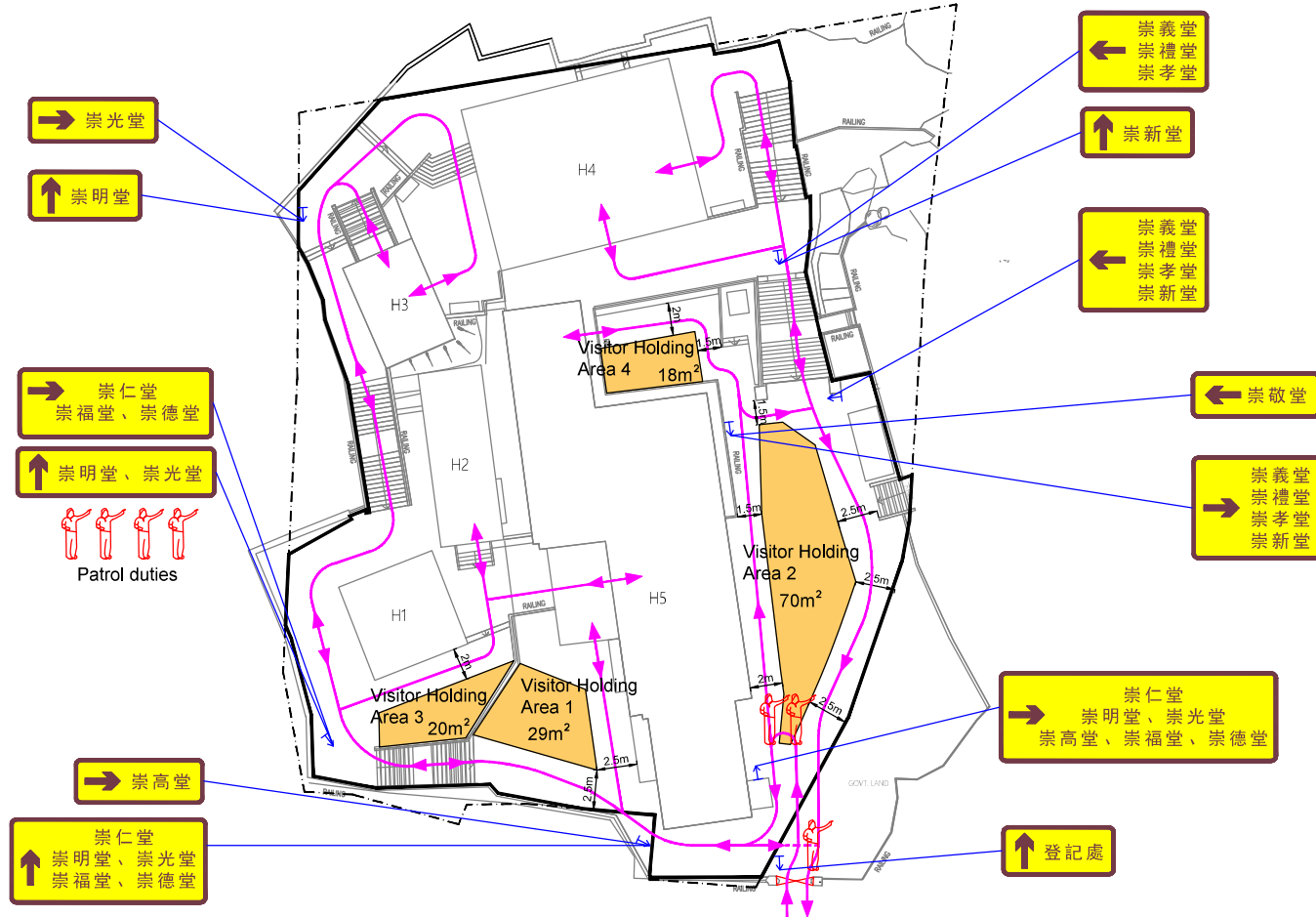
**(e) Holding Capacity**

Based on the limitations on the number of persons allowed in some of the halls imposed by Buildings Department (BD) under the PCL application, and assessment based on the maximum indoor usable floor area in view of fire safety according to "Code of Practice for Fire Safety in Buildings", the columbarium will be restricted to accommodate not more than 116 visitors staying in the building at any time.

**(f) Holding Area(s), Staffing and Directional Signs**

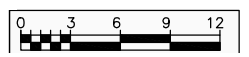
Holding areas, staffing and directional signs are indicated in **Plan I**. In case of number of visitor exceeding 116 inside the columbarium building, holding area will be provided. The total holding area is about 137m<sup>2</sup> where can hold about 228 visitors with service level of C.

A total of 10 management staff/ security guards will be deployed and assigned to



**Legend:**

- Visitor Holding Area
- Lot Boundary
- Site Boundary
- Site Staff / Security
- Main Pedestrian Routing



Plan I: Proposed Holding Areas, Staffing and Directional Signs within the Site

designated locations to regular and manage the site, ensuring the smooth operation of the crowd management plan. Each hall has limited card number, which is based on its indoor capacity. If no card left for distribution, it means the hall has reached its capacity. The visitor will be guided to the holding area to wait in turn. Clear signage to entrance/ exit and each hall will be displayed in the site to assist visitors to follow.

**(g) Proposed Pedestrian Routing**

A pedestrian route between the application site and public transport interchange has been proposed to reduce nuisance to the general public (see **Plan J**). The operator will encourage visitors of SLT to use the proposed routing and adequate staff will be stationed to direct SLT visitors to the proposed routing.

**(h) Data Collection and Review of TCMP**

The Applicant shall produce a traffic report for each festival period, summarising all traffic-related information on the day. All the information can be used to elevate the operation efficiency and effectiveness of the crowd management. At the same time, if necessary, the information can be provided to the Police, TD and other relevant Government departments such that they can provide comments/ suggestions on the TCMP. As a result, necessary actions can be taken before the festival period to improve the overall crowd management with an objective to minimise the possible impact to the public.

#### **4.4 Environmental Proposal**

The Applicant will adopt the following environmental proposal:-

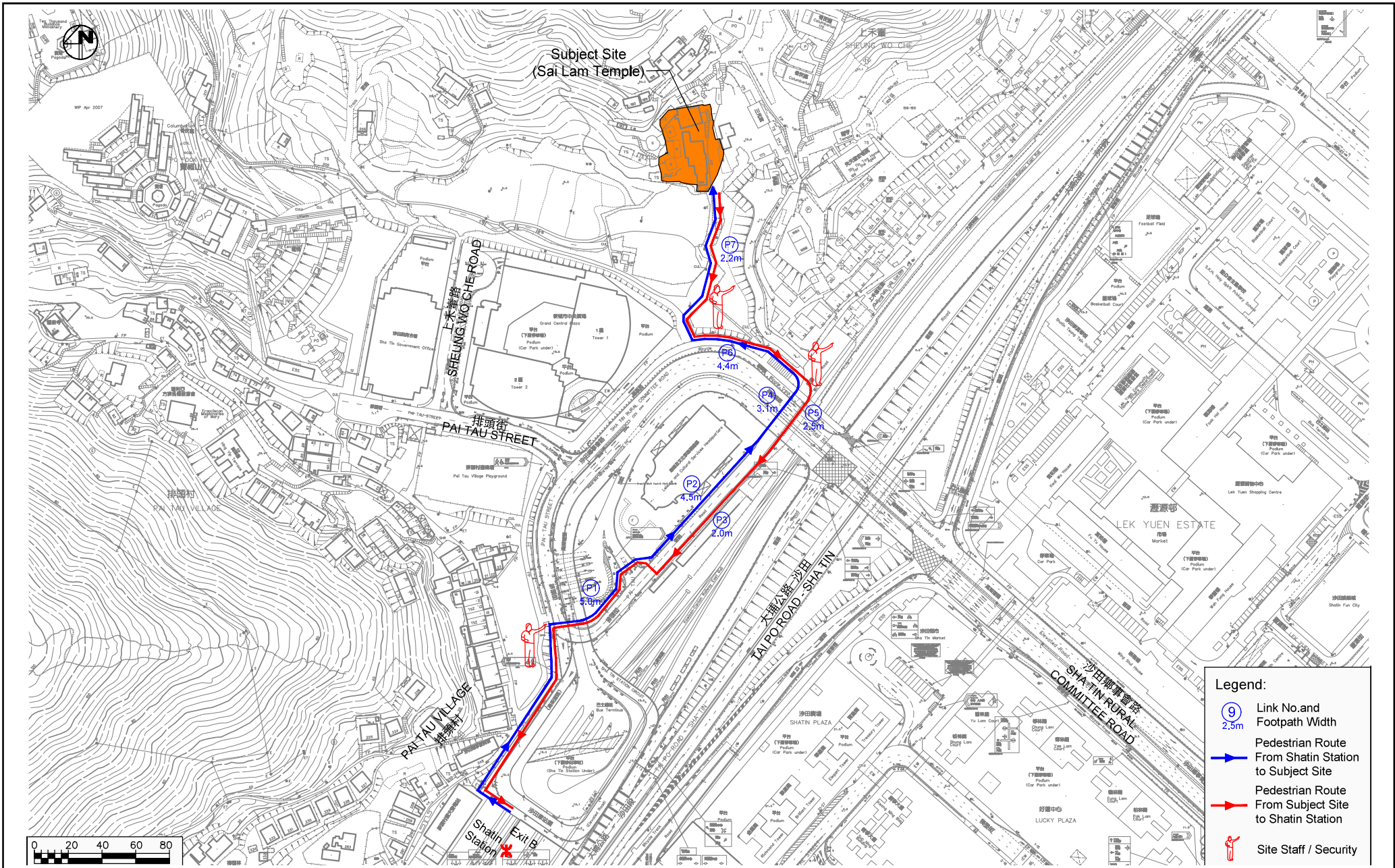
**(a) Smokeless Joss Paper Furnace**

In order to reduce the potential air quality impact arising from joss paper burning, smokeless joss paper furnaces with high dust and smoke removal efficiency have been purchased and installed on site. In addition, information regarding the installation of the smokeless joss paper furnaces had been submitted to the PCLB and it was accepted by EPD on 3.7.2019 (see **Annex VIII of Appendix II**).

The Applicant is committed to follow good operation practice and administrative measures recommended in *Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places* published by EPD.

**(b) Toilets Facilities**

In order to cater sewage arising from the proposed (existing) development, the Applicant has obtained a consent from the owner of Lot 394 S.B RP in D.D. 185 (i.e. SLT Foundation Ltd.) to allow the staffs and visitors of SLT using the existing toilets located on the aforesaid lot (see **Appendix VIII**).



During non-festival, there are only about 10 staffs on site with no more than 125 visitors each day, based on the Applicant's observations. The sewage from staff and visitors during non-peak periods is therefore proposed to be discharged to the foul Manhole FMH4045451, which is connected to the public sewerage system.

During festival periods, wastewater arising from the site staff and visitors will be discharged into foul Manhole FMH4045454. It is anticipated that no unacceptable impact on the public sewerage system from the development during festival periods. Additional one to two portable chemical toilets will also be provided during festival periods and the collected sewage will be tankered away by a licensed contractor at least once per day.

An Environmental Assessment (EA) and Sewerage Impact Assessment (SIA) were conducted to support the previous s.12A application (Application No. Y/ST/55) as presented in **Appendix XI** and **Appendix XII**. Justifications on the technical assessments are detailed in **Section 5**.

#### **4.5 Fire Fighting Proposal**

Adequate fire services installations have been installed within SLT according to the requirements from Fire Services Department (FSD) under the PCL applications. Required documents were submitted to the PCLB and it was accepted by FSD (see **Annex IX of Appendix II**).

#### **4.6 Implementation Programme**

This s.12A application is intended to regularise the Pre-cut-off Columbarium in SLT. The AIP Licence is anticipated to be obtained from the PCLB by the end of 2027, taking into account the timing for processing the s.12A application, TPB's plan making on the new OZP, s.16 application, fulfilment of planning approval conditions and compliance of relevant building safety regulation, etc.

## 5. TECHNICAL ASSESSMENTS

### 5.1 Minimum Traffic Impact

A TIA has been carried out as presented in **Appendix IX**. It has the following conclusion:

- (a) The subject development which will provide a total of 10,960 niches, of which 3,618 niches has been occupied. The assessment year is set as 2030, i.e. 3 years from the anticipated licensing year 2027.
- (b) Traffic count and pedestrian count surveys were undertaken during the Ching Ming Festival in 2024. It is identified that the peak hour of traffic flow is 14:45 - 15:45, and peak hour of visitors of grave sweeping activity is 10:55 - 11:55.
- (c) To dilute the visitor number as well as minimise the impact of vehicular traffic in the area during the peak grave sweeping days, the columbarium will be closed on Ching Ming/ Chung Yeung Festival Day. Other than that, the Applicant will implement "Visit-by-Appointment" system to regulate the number of hourly visitors. Visitors are required to make reservation in advance of their visits, otherwise would be rejected to access the site. The specific circulate route for pedestrians accessing and leaving SLT has been proposed in the TCMP.
- (d) Not more than 300 visitors per hour to visit SLT at the peak hour, it is estimated that around 18 passenger car units (9 in and 9 out) are to be induced by the application site during the peak hour of peak grave sweeping days.
- (e) The additional traffic to be induced by the subject development is added to the 2030 Reference Flows to obtain the 2030 Design Flows.
- (f) Junction capacity assessments are carried out for all the key junctions within the Study Area. The results indicated that the key junctions would perform satisfactorily in the design year of 2030. The traffic impact to be induced by the subject columbarium would be acceptable without creating adverse impact to the nearby road network.
- (g) Level of Service assessments are also carried out for all the critical pedestrian links within the Study Area. The results indicated that within the implementation of the proposed TCMP, all the key pedestrian links would perform satisfactorily in the design year of 2030.

The results of the TIA indicate that, with the implementation of the proposed TCMP, the amount of traffic to be induced by the subject development would be small and hence the potential traffic impact to be induced by the existing columbarium would not pose adverse traffic impact to the road network in the vicinity of the application site. In addition, the Management Plan has been updated based on the said TIA (see **Appendix X**). With the introduction of the aforesaid systematic crowd management method, it is expected that the festive event to be operated in SLT can be run in a safe, orderly and smooth fashion without creating any significant nuisance to the local residents.



## 5.2 Minimum Environmental and Sewerage Impacts

An EA and SIA were conducted for the previous s.12A application (Application No. Y/ST/55) as presented in **Appendix XI** and **Appendix XII** respectively. Key findings of the assessment are summarised as follow:

### (a) Key findings of the EA

- i) The application site is currently occupied by worship hall as well as columbarium use that can accommodate 10,960 niches. Air quality, noise, water quality and waste management have been assessed in the EA report to support the s.12A application.
- ii) In terms of air quality, as only minor works such as renovation works will be carried out during the construction phase, air quality during construction phase will be minimal. During operation phase, the Applicant shall follow the major considerations as well as good operation practice and administrative measures recommended in *Guidelines on Air Pollution Control for Joss Paper Burning at Chinese Temples, Crematoria and Similar Places* published by EPD. Therefore, no adverse air quality impact is anticipated during the operational phase.
- iii) As only minor renovation works will be carried out during the construction phase, significant construction noise impact is not anticipated. During operation, no adverse noise impact is anticipated from religious ceremonies/activities, traffic or the operation of building services equipment. Therefore, no adverse noise impact is anticipated during the operational phase of the project.
- iv) Water quality impact during construction phase is not anticipated. The Applicant shall handle the site drainage during the construction phase according to ProPECC No. PN1/94 and no adverse water quality impacts are therefore anticipated during the construction stage. During operation, no adverse water quality impact is anticipated from the toilets or joss paper furnaces because sewage and wastewater will be discharged to municipal sewer or collected and tankered away off-site by a licensed collector. The Applicant shall seek consent from relevant departments, including EPD and Drainage Services Department (DSD), relating to the discharge of sewage and wastewater from the smokeless furnaces into government sewers.
- v) In terms of waste management, no major construction work will be required. As such, no significant construction waste is anticipated and all waste generated will be handled and disposed of in accordance with the Waste Disposal Ordinance. During operation, Municipal Solid Waste (MSW) is the only major type of waste that will be generated, which will be collected and

disposed of regularly. As such, no adverse waste management impact is anticipated and no special measures are likely be required to manage MSW.

- vi) With the implementation of the recommended mitigation measures and the adoption of good site practice, the findings of this Environmental Assessment study demonstrate the environmental acceptability of the project, both during renovation and operation.

**(b) Key findings of the SIA**

- i) A SIA has been conducted to evaluate the possible sewerage impacts and to recommend the most suitable handling of sewage for the s.12A application.
- ii) Two scenarios have been identified for the purpose of assessment: Scenario 1, during festival periods (i.e. Ching Ming Festival and Chung Yeung Festival) when there will be a large number of visitors; and Scenario 2, during non-festival periods, when there will be fewer visitors.
- iii) Under Scenario 1, sewage from staff and visitors during peak periods will be discharged into the public sewerage system. All sewage from staff of the site during peak periods together with the sewage from the village houses at the upstream of the site, with a peak flow of 0.00930m<sup>3</sup>/s in total will be discharged into the public sewerage system via foul Manhole FMH4045451. In order to alleviate the sewerage impact during festival periods, it is recommended to provide additional one to two portable chemical toilets for collecting the sewage generated from the visitors.
- iv) All sewage from staff and visitors under Scenario 2 of the site during non-peak periods, together with the sewage from the village houses at the upstream of the Site, with a peak flow of 0.00374m<sup>3</sup>/s in total will be discharged into the public sewerage system via foul Manhole FMH4045451.
- v) As mentioned in para. 3.4.3 of the SIA, approximately 5.8% to 40.1% of the sewer capacities between Manholes FMH4045451 and Manhole FMH4045455 (i.e. 150mm to 225mm sewers) will be contributed under Scenario 1. As mentioned in para 3.4.4 of the SIA, approximately 5.2% to 16.1% of the sewer capacities between Manhole FMH4045451 and Manhole FMH4045455 will be contributed. As such, there will be no unacceptable sewerage impact arising from the site. No upgrading works for the public sewerage system are therefore required.

It is considered that this s.12A application will not result in any significant adverse impact / no insurmountable technical problem on the environmental and sewerage aspects of the locality since the findings of the previous EA and SIA would still be applicable to this case based on the following observations:

- The development scheme in support of this s.12A application is intended to comply with the requirements of PCO for regularising the existing columbarium in SLT. Since majority of the Government departments had no major comment on the previous applications, the development scheme under this application does not involve any alterations and additions to the existing building and no new building has been proposed. Only minor renovation works may be carried out during the construction phase.
- In comparison with the previous s.12A application, the rezoning boundary under this application has been revised so as to tally with the licensing boundary under the PCL application. For example, Site B (the Sam Yuen Kung Temple portion which covers Lot 331 RP (part) and 393 S.B RP (part) in D.D. 185) has been omitted and Site A (the main columbarium operational of SLT which covers Lot 63 and 296 (part) in D.D. 185) has been slightly adjusted to confine only the area within the retaining wall. Nevertheless, the study area in the previous EA and SIA has fully covered the rezoning boundary under this s.12A application.
- In comparison with the previous s.12A application, the total number of niches (i.e. 10,960 niches), building bulk and facilities of each block within the application site and the operation and opening hour of SLT under this application has remained unchanged. Smokeless Joss Paper Furnaces have already been installed on site. Information regarding the installation of the smokeless joss paper furnaces had been submitted to the PCLB and it was accepted by EPD on 3.7.2019 (see **Annex VIII of Appendix II**).
- For the estimation of sewage generation during peak season (Scenario 1), the SIA in the previous application was calculated based on 4,105 visitors and 28 staffs per day under the previous TCMP. Since the TCMP under this application has been revised to 3,000 visitors and 10 staffs per day during peak season, the estimated sewage flow for this application would be lower than the previous application.
- No new developments or planned developments are founded in the vicinity of the application site.

The Applicant is committed to follow the recommendations as proposed in the previous EA and SIA. While the existing toilets within the Sam Yuen Kung Temple portion falls outside the application site under this s.12A application, as requested by the PCLB under the PCL application for SLT, the Applicant has already obtained a consent from the owner of Lot 394 S.B RP in D.D. 185 (i.e. SLT Foundation Ltd.) on 11.5.2020 in order to allow the staffs and visitors of SLT using the existing toilets located on the aforesaid lot (see **Appendix VIII**). Subsequently, no further comment was received by the Applicant and the PCLB had granted SLT an AIP TSOL on 17.8.2020 (see **Annex II of Appendix II**).

In view of the above, it is hoped that the relevant Government departments could also give favourable consideration to this application.

### 5.3 Minimum Geotechnical Impact

A Geotechnical Planning Review Report (GPRR) was conducted for the previous s.12A application (Application No. Y/ST/55) as presented in **Appendix XIII**. Key findings of the assessment are summarised as follow:

- (a) The study area of the GPRR covers Lot No. 63, 296 (part), 331 RP (part) and 393 S.B RP (part) in D.D. 185, Sha Tin. A s.12A application was made to apply for regularisation of the existing columbarium in SLT. All the existing structures (i.e. Block A to Block H) within the study area do not require any further construction works. Hence, neither site formation nor foundation work would be required.
- (b) There are altogether 10 number of registered geotechnical features within the study area maintained by the lot owners - SLT Foundation Ltd.. Based on current desk study's findings, all these features have no record of Engineer Inspection been carried out. There are relevant documents to some features that Stage Studies and Landslip Prevention and Mitigation Studies have been carried out under Government contract. Hence, future studies to these features including ground investigation works to be established each individual Factor of Safety is up to currently Government safety standard is required, and shall be conducted in the implementation stage after planning approval is obtained.
- (c) Nevertheless, there were no landslide records within the site or its adjacent areas. The nearby structures are squatters of Pai Tau Hang located north of the site. As the site does not require any site formation, excavation and lateral support works and foundation works as such, these low-rise structures will not affect adversely or be affected by SLT. There are no other developments nearby.
- (d) It is envisaged that no further geotechnical works to the existing building blocks. However, there are although 10 registered geotechnical features responsible by SLT Foundation Ltd.. Further studies to these features are required, if found necessary to carry out slope upgrading works. All proposed works shall be submitted to BD for approval.

It is considered that this s.12A application will not result in any significant adverse impact / no insurmountable technical problem on the geotechnical aspect of the locality since the findings of the previous GPRR would still be applicable to this case based on the following observations:

- The development scheme in support of this s.12A application is intended to comply with the requirements of PCO for regularising the existing columbarium in SLT. Since majority of the Government departments had no major comment on the previous applications, the development scheme under this application does not involve any alterations and additions to the existing building and no new building has been proposed.

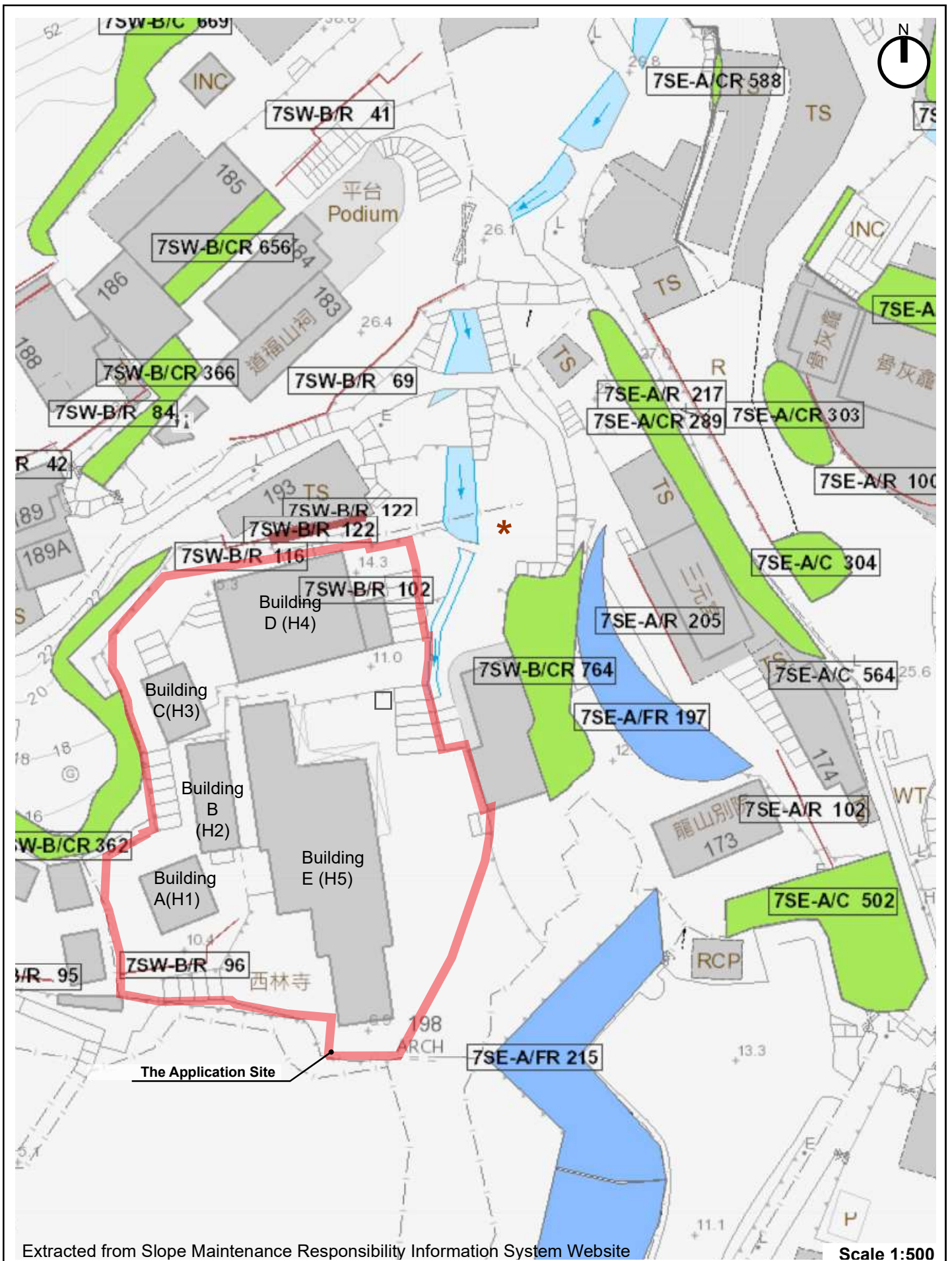
- In comparison with the previous s.12A application, the rezoning boundary under this application has been revised so as to tally with the licensing boundary under the PCL application. For example, Site B (the Sam Yuen Kung Temple portion which covers Lot 331 RP (part) and 393 S.B RP (part) in D.D. 185) has been omitted and Site A (the main columbarium operational of SLT which covers Lot 63 and 296 (part) in D.D. 185) has been slightly adjusted to confine only the area within the retaining wall. Nevertheless, the study area in the previous GPRR has fully covered the rezoning boundary under this s.12A application.
- In comparison with the previous s.12A application, the site area under this application has been largely reduced from 2,524.4m<sup>2</sup> to 1,482m<sup>2</sup>. There are only 3 numbers of registered geotechnical features maintain by the lot owners (see **Plan K**). A summary of table is listed below.

**Table 5.1: Registered Geotechnical Features within the Site**

	<b>Feature</b>	<b>Responsibilities lot / boundary</b>	<b>Remarks</b>
1	7SW-B/CR362(1)	Lot 296 in D.D. 185	BD:15/06/2019
2	7SW-B/R102	Lot 296 in D.D. 185	Stage 2 Report
3	7SW-B/R96	Lot 296 in D.D. 185	-

- No new developments or planned developments are founded in the vicinity of the application site.

The Applicant is committed to follow the recommendations (only in relation to the above 3 registered geotechnical features) as proposed in the previous GPRR. In view of the above, it is hoped that the relevant Government departments could also give favourable consideration to this application.



# Plan K: Registered Geotechnical Features Plan

## 5.4 Minimum Landscape and Visual Impacts

The proposed (existing) development will not result in any significant landscape and visual impacts based on the following considerations:-

### (a) Landscape Consideration

- i) The application site is located in the lower part of Sheung Wo Che, east of To Fung Shan, a traditional religious district in Sha Tin. It is situated in an area of urban fringe landscape character, which is highly mixed with religious institutions, columbaria and low-rise domestic structures. Since the 1920s, the site has long been occupied by a well-known religious institution called Sai Lam Temple for the use of religious and urn storage purposes.
- ii) The subject development is already built and under operation for a long period of time. According to the site inspection and topographic survey provided by the Applicant, there are no existing tree(s) identified within the site boundary. Given that the application site functions as a temple, it experiences high visitor traffic, particularly during festivals, when worship activities peak. Extensive planting areas may not be ideal, as they could obstruct the circulation space needed for visitors. Therefore, this proposal seeks to strike a balance between creating an inner landscape that harmonises with the surroundings while accommodating the practical needs of visitors. As described in **Section 4.2**, 9 new trees are proposed to be planted near the south and southwestern part of the site in order to alleviate the visual intrusion of the subject development and enhance the greenery scene of the site.
- iii) In view that the development scheme under this application does not involve any alterations and additions to the existing buildings and no new building has been proposed, as well as there are no existing trees within the site boundary, landscape mitigation measures in construction phase are considered not necessary. Softworks contractor are recommended to be engaged to ensure proper maintenance of the new planting during the establishment period (usually for the first year after planting). This will ensure that the soft landscape measures within the site are in a healthy condition prior to the finished scheme being handed back to SLT.
- iv) With the adoption of the landscape proposal and no new building (as well as no alteration to the existing buildings) is proposed, significant adverse impact arising from the applied use on the landscape resources is not anticipated. The Applicant is committed to maintain the proposed trees within the site in satisfactory condition at all times.

**(b) Visual Consideration**

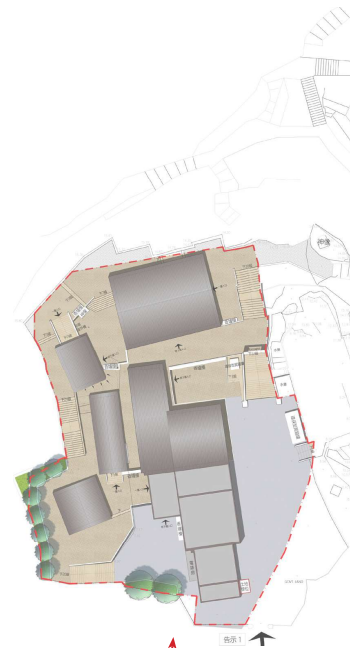
- i) This s.12A application is submitted to regularise a Pre-cut-off Columbarium in SLT which has been established at the lower part of Sheung Wo Che for a very long period of time. As the development proposal does not involve changes in the existing low-rise built form, adverse visual impact generated from the development is considered not anticipated. The scale of the existing development with a plot ratio of about 0.72, a site coverage of about 36% and a maximum building height of not higher than 12m is relatively small in nature, which visually blends in well with the adjoining urban fringe area.
- ii) SLT is mainly surrounded by a number of religious and institutional uses. It is bounded by To Fuk Shan Tsz (columbarium use) to the north, Sam Yuen Kung Temple (religious use of SLT) to the east and Sin Tin Tao Home for the Aged (old people's home with religious and columbarium use) to the further east, and a large grave to the west. The area south of the site is a piece of vacant land with some mature trees and a footpath leading to the site. These land uses retain each of their own privacy and tranquil environment by existing landscape screening. As stated in **Section 4.2** and **Section 5.4(a)**, additional landscaping features are introduced so as to enhance the visual quality of the site and also to screen off the existing buildings in SLT from the adjacent developments. A photomontage showing the visual improvement of SLT is attached in **Plan L**.
- iii) **Plan M** shows that SLT is topographically located in a secluded area (**Photo A**). Such area is mostly segregated by mature trees, access road, slope and elevated road, and is not easily visible from outside (**Photo B**). There is no Visual Sensitive Receiver (VSR) in the adjacent area and only a few VSRs can be founded to the further south of the application site. Some village houses fall within 200m radius of the site, but they are not in the direct sightline to SLT due to their building orientation are facing to Tai Po Road (**Photo C**). They are also separated to the site by Sin Tin Tao Home for the Aged (columbarium), access road, slope and mature trees. Therefore, the site is not visible from the local villages (**Photo D**).
- iv) Other major residential developments including Lek Yuen Estate, Shatin Plaza, and Lucky Plaza are situated more than 200m away from the application site. In view of the small size of the proposed (existing) development, as well as the visual obstruction from Sha Tin Rural Committee Road (elevated road), Tai Po Road, and the 30-storey Leisure and Cultural Service Headquarters, the visual impact on residents will be minimal (**Photo E** and **Photo F**).
- v) Given the small scale of the buildings situated in a secluded location, local concerns regarding visual impacts associated with the subject development is not be anticipated.



**PHOTOMONTAGE 1**



**EXISTING CONDITION**



**KEY PLAN**



**PROPOSED SCENERY**



Photo A: Sai Lam Temple is topographically located in a secluded area.



Photo B: Sai Lam Temple is mainly surrounded by mature trees, access road, slope and elevated road.



Photo C: Building orientation mainly facing Tai Po Road or opposite direction from Sai Lam Temple.

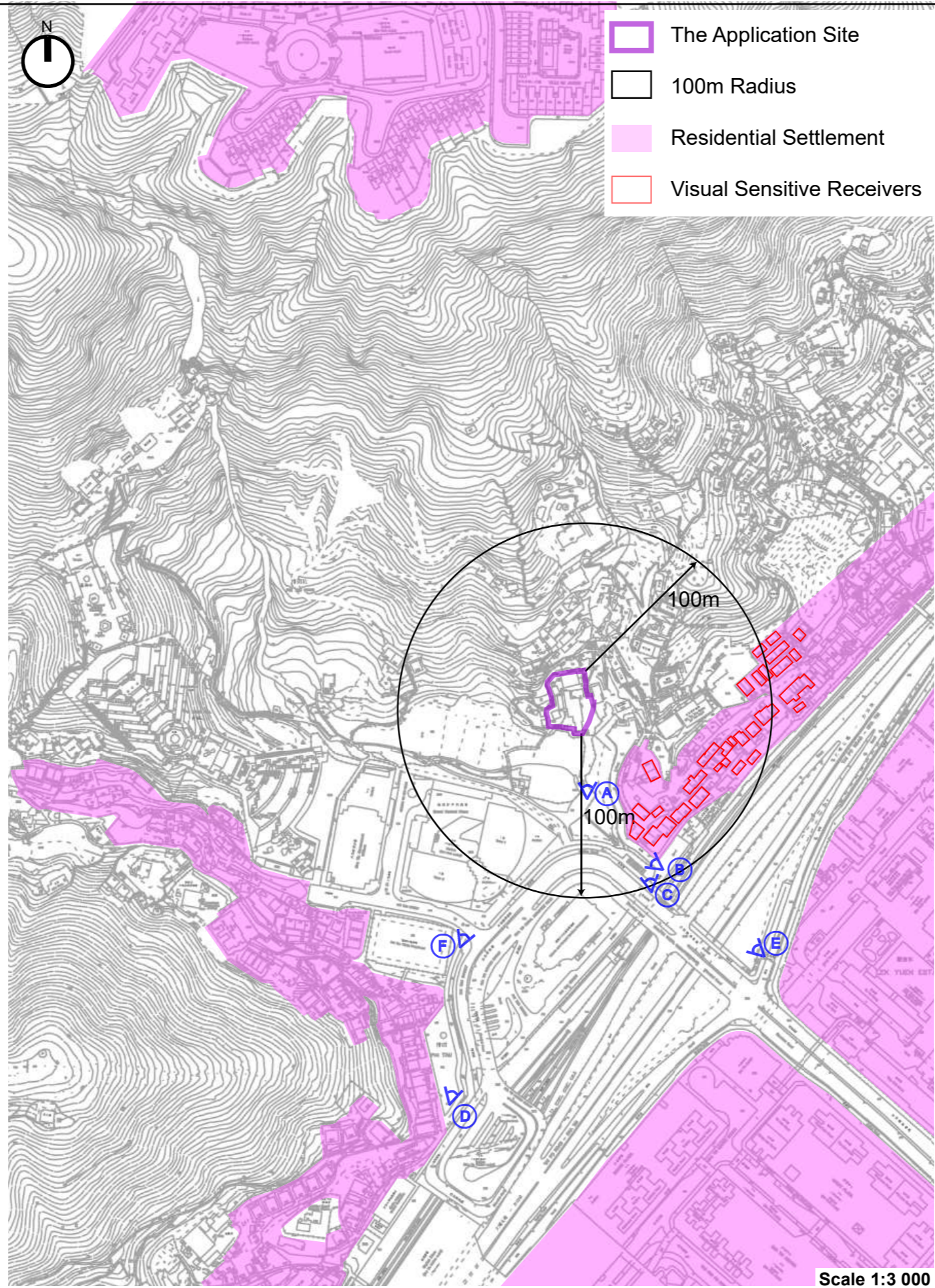


Photo D: View from village core of Pai Tau.



Photo E: View from Lek Yuen Estate.

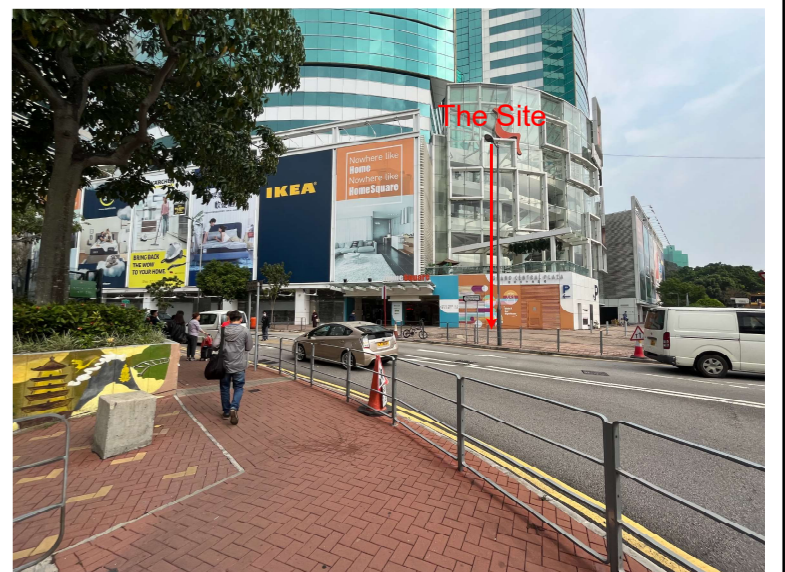


Photo F: View from Pai Tau Playground.



## Plan M: Minimum Visual Impact

## 6. PLANNING JUSTIFICATIONS

Sai Lam Temple has been in existence at the application site since the 1920s. It is located in the Pai Tau and Sheung Wo Che area, which is a traditional religious district mixed with religious institutions, columbaria and village houses. This s.12A application is submitted to regularise the current Pre-cut-off Columbarium with 10,960 sold niches in SLT. For planning application covering a Pre-cut-off Columbarium, each application should be assessed on its individual merits based on the following criteria:

- (a) Government Initiative: To justify whether the columbarium has fully complied with the latest Government's policy objectives for regularising a Pre-cut-off Columbarium.
- (b) Planning Background and History: To conduct a comprehensive historical research on the religious institution and the associated columbarium so as to identify whether the subject uses exist before or after the surrounding developments.
- (c) Community Needs: To demonstrate the columbarium will result in the social benefits and planning gains, and to demonstrate the benefits of regularising the Pre-cut-off Columbarium outweigh the disadvantages (if any).
- (d) Site Suitability: To assess whether the subject site is suitable for columbarium use in terms of location, distance from residential developments, visual impact, etc, and to propose mitigation measures when necessary.
- (e) Land Use Compatibility: To assess the land use compatibility for the site and its surrounding area so as to demonstrate whether the subject uses can be technically (or based on historical factor to be) co-existed with the adjacent land uses. Justifications for rezoning the site from "V" to "G/IC(1)" zone for columbarium use shall be provided.
- (f) "V" Zone: To demonstrate whether the implication on the subject "V" zone have been addressed, i.e. the current "V" zone is no longer suitable for the application; no nuisance on local residents; rezoning the site for columbarium use will not affect the provision of Small House to meet the demand in the area; etc.
- (g) Precedent Effect: To demonstrate the approval of this s.12A application will not set an undesirable precedent for other similar rezoning applications in the same "V" zone, or if unavoidable, to demonstrate the approval of this s.12A application will not result in significant cumulative impact that will lead to a general degradation of the area.

Planning and technical assessments have indicated that this s.12A application is well justified and has address the above criteria based on the reasons as presented in this section.

## 6.1 Essential Planning Mechanism to Comply with the Private Columbaria Ordinance

This s.12A application is fully in line with the Government's policy objectives to regularise the Pre-cut-off Columbarium in SLT for the following reasons:

### **(a) The Introduction of Private Columbaria Ordinance in 2017 to Regulate Private Columbaria**

TPB as a public body has a duty to act fairly and reasonably, while consistency and fairness are linked concerning Government's policy initiatives for Pre-cut-off Columbaria, which are highly relevant. As detailed in Section 3.2(i), the Government introduced the PCO to establish a licensing regime in order to ensure private columbaria's compliance with statutory and Government requirements, enhance protection of consumer interests, and foster adoption of a sustainable mode of operation by the industry. The PCO came into effect on 30.6.2017, and this s.12A application is submitted in order to comply with the Town Planning Ordinance, which is a mandatory requirement for apply the PCL application covering a Columbarium Licence.

### **(b) To Avoid Giving Rise to Social Disruption**

SLT is a religious institution which has over 90 years of history and details of its history will be provided in Section 6.2 below. SLT was and still currently is one of the famous landmarks in the Sha Tin District. With the current of a total of 10,960 sold niches, if the columbarium in SLT eventually cannot fulfil the requirements for the PCL application, it will have to cease operation of the ancillary columbarium (not the religious institution), **triggering ash disposal action causing disturbance to the concerned ancestors and the interests of their families**. In addition, due to the reputation of SLT in the industry, **it may cause a significant disturbance to the PCL applications for many other religious institutions** which are still in the process of obtaining their specified instruments under the PCO, which the Government hopes to avoid.

### **(c) The Government's Intention to Achieve More Effective Execution of the Regulatory Regime on Private Columbaria**

As detailed in Section 3.2(ii) and Section 3.2 (iii), the Government has reviewed the PCO from time to time in light of the actual operational experience of the private columbaria in Hong Kong. In May 2024, it has proposed to amend certain provisions of the PCO and enhance the implementation details, so as to achieve more effective execution of the regulatory regime on private columbaria (see Appendix III). One of the proposals is to adjust the two basic eligibility criteria for Exemption, thus offering the option of applying for an Exemption to eligible Pre-cut-off Columbaria. If these Pre-cut-off Columbaria opt to apply for an Exemption and approved with such, they may continue to operate at its current confined scale as at 30.6.2017, but not allowed to newly sell or let out niches.

SLT currently covers only the sold niches, and the proposed adjustment to the two basic eligibility criteria for Exemption by the Government is supposedly the most ideal solution for SLT to regularise the Pre-cut-off Columbarium. However, the operator stressed that their consumers raised grave concerns on the stringent requirements of an Exemption as it would greatly affect their interest and freedom to choose the interment right of the purchased niche(s). As defined by section 56(1) of the PCO, the holder of an Exemption in respect of a Pre-cut-off Columbarium must not replace the name of a dedicated person contained in an endorsed register, or cause such a name to be replaced, by the name of another person unless that other person is a relative of the dedicated person, whether or not living, and the purchaser has made a statutory declaration to confirm that fact. **Given effect to the majority view of the consumers, the Applicant has to continue with the PCL application seeking a Columbarium Licence**, and thus submits this s.12A application to seek TPB's sympathetic consideration.

**(d) Comply with the Town Planning Requirements**

As 'Columbarium' does not fall under Column 1 or Column 2 of the schedule of uses in the current "V" zone, the Applicant has to submit this s.12A application to amend the zoning of the site to "G/IC(1)" with 'Columbarium' listed under Column 2. After the plan marking procedure by TPB is completed, the Applicant will submit a s.16 application to comply with the town planning requirements.

In order to speed up the procedure for obtaining the Columbarium Licence, the Applicant has decided to only cover the 10,960 sold niches as at before 30.6.2017 in this s.12A application, so as to meet the approved policy initiatives<sup>3</sup> to speed up the compliance of the town planning process. However, as stated in **Section 3.2**, this process will take at least a minimum of two years time, factoring in the process of plan making subject to the approval of the current rezoning application. The **indefinite waiting time** of the plan making process and the subsequent submission of a s.16 application will adversely affect the time for the Applicant to comply with the remaining requirement(s) (i.e. land requirement) to obtain the Licence. With several precedent cases present, the Applicant hopes that the Board could consider recommending 'Columbarium' use to be placed under Column 1 of the proposed "G/IC(1)" with stipulation of appropriate development restrictions at the OZP to streamline the development control process for SLT.

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<sup>3</sup> According to the Press Releases dated 22.11.2017, the Government had approved two policy initiatives to address the land premium and TIA issues of Pre-cut-off Columbaria seeking a Columbarium License. For initiative relating to TIA, after 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 PCL application from a Pre-cut-off Columbarium whose operation only involves the number of niches sold before June 30, 2017.

## 6.2 Historical Incident for Religious and Columbarium Services in Sai Lam Temple

The columbarium in SLT is not brand new but in existence at the application site for a very long period of time. The historical planning background of SLT is described below:

### (a) The History of Sai Lam Temple

SLT is a Buddhist organisation established by Mr. Leung Chi Hang (also named as Venerable Woon Ching - 澆清法師) in 1923. It was once a famous venue for Buddhist practice and mainly used for meditation, holding Buddhist learning session, and worshipping activities. It also provided assistance to monks who came in from all over China, welcoming them with open arms and treating them with respect and honour. Venerable Yuet Kai (月溪法師), the founder of Ten Thousand Buddhas Monastery, used to live in SLT for 16 years until he established the Thousand Buddhas Monastery in 1949.

The earliest building in SLT is the Sam Yuen Kung Temple, which was built in 1931. It is a registered temple of the Chinese Temples Committee and is the only temple in Hong Kong that is dedicated for Sam Yuen (三元三品三官大帝). The temple was active in the 1960s and the 1970s, offering palm reading, lot explanation and vegetarian food services.

After the Second World War, SLT continued to be a well-known Buddhist institution as well as a place of leisure with landscape features such as water ponds planted with a variety of water lilies, bridges and pavilions which have been built in traditional Chinese architectural style. As it was also built with a restaurant serving vegetarian food as well as living quarters for the devotees of Buddhism, it was a famous place of the N.T. where people went for pilgrimage or for picnic. Right before Venerable Woon Ching passed away in 1980, the ownership of SLT was transferred to Thai Golden Finance Co. Ltd.. The new owner subsequently intended to develop the site into a shopping plaza but was not successful. Thereafter SLT became derelict until the ownership was transferred to the Applicant's affiliated company - SLT Foundation Ltd. with the intention to rehabilitate the religious institution. After the restoration works for SLT and Sam Yuen Kung Temple were completed on 2009 and 2019 respectively, SLT has again become a favourable place for religious and columbarium uses in the area.

Extract pages from "沙田文物誌" describing the history the SLT is shown in **Plan N**.

### (b) The Columbarium Service in Sai Lam Temple

Public consultation on review of columbarium policy states that the public are relatively less concerned about the columbarium facilities managed by religious bodies. Over the past decade many well-established temples, such as Yuen Yuen Institute in Tsuen Wan, Lung Shan Temple in the North District, Fung Ying Seen Koon in Fanling and Ching Chung Koon in Tuen Mun, play an important role in the provision of columbarium facilities. In view of the religious principle of SLT

# 道場佛堂

## 宗教祭祀

### 西林寺

西林寺位於沙田火車站對開山麓，即「上禾輦村」的位置，毗鄰為先天道安老院。

1923年，原籍廣東南海之梁子衡在此建立「西林寺」，據悉梁氏先後共有九位妻妾，而首三名於國內身故。其後，梁氏來港發展，於二十世紀初在九龍威前政府機場附近及旺角林蘭街經營「西鄉團素食館」。自於沙田建立「西林」後，便逐步將九龍兩所素食館結束。成為「西林」主持後，梁子衡以法號浣清自居，除容許和尚到來掛單，亦替善信做法事及招待遊人。

西林寺佔地廣闊，近入口處有荷蓮，寺內建築盡是亭台樓閣，甚是雅緻，兩旁黃竹參天，有清涼爽快之感。西林寺之入口設有一門樓牌坊，門上的匾額刻有「西林」二字，左右則刻有對聯一副：

「西樓演法宣修濟，林集禪門變學禪。」

寺內最早落成之建築初為戰後改作「三元宮」的一座，另有西鄉團提供素食，並設有茶室，室內擺放了紅木傢具，滿壁名人書畫，門額書有「龍天常在」四字，樓上設有客房數間，供遊客及善信休息逗留，再向前進便是另一座兩層高之建築物，下層為「龍華堂」，室內安放一些先人靈位和骨灰，而堂外有對聯一副：

「簾疎榻靜閣中趣，茶熟香清世外情。」



門庭冷落已超過四分之一世紀之西林寺



龍華堂上層為「觀音塔殿」，殿內供奉觀音菩薩

## 姑婆屋

### 姑婆屋

在舊社會中有所謂「自梳女」，她們憑著自己努力工作，將所得的收入儲蓄起來作為養老之用，然後將畢生積蓄交予一些「齋堂」，作為購買「房份」，稱之為「入房」，意即向「齋堂」付出一筆費用，然後由「齋堂」提供膳宿，直至百年歸老。

這類專收「梳起西裝」之婦女之「齋堂」，由於入住者純屬女性，故此俗稱「姑婆屋」，以沙田而言，在20世紀初出現，尤以戰前為甚，直至現代之老人宿舍出現，其歷史角色才漸漸消失和取代。可考者包括位於「上禾輦村」之「西林寺」、「佛光堂」、「紫霞園」、「下禾輦村」之「瑞霞園」、「新村村」之「慈航淨院」等。

以西林寺為例，戰前一些自梳女與西林寺之主持浣清大師訂立「生養死葬」契約，她們向西林寺一次過繳付700元，西林寺提供棲身之所及膳食，直至其身故，西林寺會負責一切善後。在戰後至1950年代，更多了一些從國內逃難來港之單身女士，此期間「入房」者，其費用約為2,000至3,000元，同樣會與西林寺訂明「生養死葬」之協議。

浣清大師於1980年去世後，其子無意繼續保留西林寺，並將其出售予一泰國財團，據悉該財團購入西林寺時本承諾繼續照顧寺內老嫗，可惜，由於後來不再聘用原先負責料理寺內事務之工人，從此，便再沒有工人為她們煮食及清潔，一群老嫗唯有靠社會福利署提供之援助以渡餘生，最後，幸得毗鄰之先天道安老院悉數接收，始能安享晚年。

## 宗教祭祀

## 宗教祭祀

樓上為「觀音塔殿」，殿內供奉著觀音，觀音像前為一座金色的琉璃漆塔，殿外亦有對聯一副：

「過去正法明如來，現前世觀音菩薩。」

從「龍華堂」前拾級而上，可進「大悲願門」，此牌坊亦刻有對聯一副：

「成妙功德具大慈悲，於一身心現千手眼。」

再下有小橋，而大悲路之盡頭為「佛子疊塔」，實際是僧尼藏骨灰之所，右為半山亭，題有「觀瀑」二字於其上，旁有對聯一幅：

「佛地有聲傳，無非鳥聲泉聲風聲雷聲響響盡果，禪門無色相，只有山色月色樹色雲色色色悟空。」

除西鄉團外，其餘的建築物多是後來增建，如入口之門樓牌坊、「觀音塔殿」及「龍華堂」，因其門聯刻有民國第一屆丙子年，即1936年。

寺內另設有歌廳、乒乓球桌、康樂棋盤、還有後來加添之機動遊戲機及唱片播放機，特別適合年青人士享樂，皆是戰後才添置之設施。

1980年，浣清大師去世，據悉其子便將西林寺出售予泰國財團，將此一矗立於沙田半個世紀之旅遊勝地推進歷史廢墟之中。(註：2006年中已有本地商人從泰國財團購得西林寺之擁有權。)



於1936年才建成之「龍華堂」內本安放先人靈位與骨灰，但自1980年迄今，已無人料理

## 宗

### 三元宮

「三元」即上元、中元、下元，而三元宮內所供奉之「三元大帝三元大帝」乃上古之堯帝、舜帝及禹帝。相傳於二、三千年前，三元宮本在上海，只有皇帝及文武百官能參拜，並於三國亂時倒塌。不知何時，善信在廣州興建了更大的廟堂。至1949年，由於共產黨奪得政權，廣州三元宮主持林伯擔心會受到逼害，便逃難南來，並帶著三元宮之籤簿到西林寺投稟主持梁子衡(浣清大師)。

位於上禾輦村之三元宮，前身為西林寺範圍內最早興建之建築物，建於1931年，後供一些和尚掛單。至1951年，與主持梁子衡同村兄弟的梁廣來此投稟他，梁子衡見其無所事事，遂建議梁廣在那兒辦廟堂，以維持生計。

梁廣最終得一名葉姓及一名徐姓人士合作，每人斥資5,000元，合共15,000元發展，其中5,000元作頂手費，另以月租75元(至梁子衡後人出售西林寺時，月租為250元)向梁子衡租下此物業。當時他們本打算辦觀音廟或天后廟，最終因廣州三元宮前主持林伯在此之關係，遂決定建三元宮，並借助林伯在此方面之知識，成立了全港唯一供奉三元大帝之廟宇。二人利用餘下的10,000元作裝修及宣傳，約在1954-1955年開始運作，但不久葉姓因病退出，徐姓後來亦辭去，只剩梁姓一家。

善信可以在廟中買賣燭參拜神明，亦可求籤及找專人解籤，更可要求三元宮代做功德或消除惡運。主持做法事時，只會在本宮內神前，而不會到外處舉行，做法事所需之道袍及法器，至今仍保存於宮內。

昔日，三元宮之香火也頗鼎盛，特別是1960至1970年代，善信又以女性居多，據說，著名粵語片名星如方艷芬、李香琴、羅蘭等也曾到此，而三元宮也曾成為電影拍攝之場地。

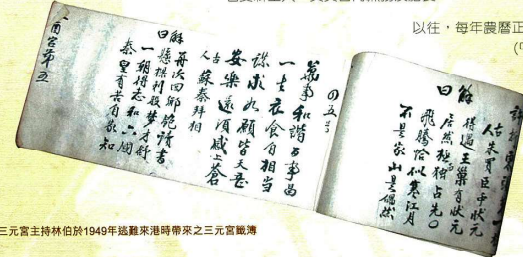
最旺盛的時候，三元宮內共有十人坐鎮，當中包括四名負責掌管命理和指點迷津的、兩名專為善信解籤、兩名負責做功德，他們並非受僱於三元宮，而是由三元宮提供每人一個檔位(包括抬椅)及膳食，收入則雙方「五五分帳」，另外還有一名受薪工人，負責宮內庶務及膳食。



全港唯一一所供奉三元大帝三元大帝之廟堂

以往，每年農曆正月十五日(上元節)、七月十五日(中元節)及十二月十五日(下元節)

為神誕之期，前來參神上香之善信較多。不過，隨著西林寺之荒蕪及沙田新市鎮之發展，昔日遊人及善信求神問卜的熱鬧情景已不復見，剩下的只有與此座建築物同齡之老主持梁先生。



廣州三元宮主持林伯於1949年逃難來港時帶來之三元宮籤簿

that are highly respecting the value of life<sup>4</sup>, SLT has long been providing such traditional services for their followers and the society.

As recorded in the "沙田文物誌", columbarium service in SLT has long been in operation since 龍華堂 was built in 1936. The G/F of 龍華堂 was later renamed to the current 崇孝堂, 崇禮堂 and 崇義堂 (G/F of Building D (H4)). Following the change of ownership of SLT in the late 1970s and the death of Venerable Woon Ching, SLT was left dilapidated subsequently. Nevertheless, the niches in the G/F of 龍華堂 were still in existence and they have been respectfully relocated to 崇光堂, the 1/F of Building C (H3). A comparison between 龍華堂 (Photo on the left) and 崇孝堂, 崇禮堂 & 崇義堂" (Photo on the right) is shown below.



於1936年才建成之“龍華堂”內本安放先人靈位與骨灰，但自1980年迄今，已乏人料理



In the hope that SLT could again become a favourable temple in Hong Kong, the Applicant had spent utmost effort and money to carry out detailed assessments and a series of restoration and improvement works over the past several years. Since 2009, SLT has been re-selling columbarium niches to the general public in order to maintain its daily operation and healthy financial situation. This is also in line with the wish of the late honourable Venerable Woon Ching to fully respect the after-death arrangement.

### 6.3 Essential Social Facilities to meet the Community Needs

Approval of the application will result in the following social benefits and planning gains:-

#### (a) Policy Initiative to Safeguard Overall Interest of the Community and Avoid Any Social Disruption

Burial arrangement is a necessary element to allow family, relatives and friends pay respect to their ancestors and loved ones, which is an important matter for both the departed and the living. The wish of deceased to have their cremated

<sup>4</sup> According to the "沙田文物誌", Venerable Woon Ching had signed an agreement with the self-comb women (自梳女) and the single women who escaped from the Second World War so as to look after their daily living and take care of their funeral matters (生養死葬)



ashes to be properly placed should be respected. According to another Town Planning Appeal Board (TPAB) case No. 6 of 2015, which involves the provision of a new columbarium in Au Tau, Yuen Long (Joyous Cheer Appeal Decision), the TPAB has acknowledged a columbarium is a public gain since there is a high demand for niches by the public.

As detailed in **Section 6.1**, the columbarium of SLT complies with the PCO to regulate the operation of private columbaria through a licensing scheme, hence the submission of the current s.12A application. According to the press release (see **Appendix I**), the Government have strong intention to resolve the historic problems and would adopt a pragmatic and sensitive approach towards the consumers who have purchased these niches, and the dedicated persons, to minimise their losses and any social disruption arising from massive displacement of interred ashes.

It is important to note that the subject application is **not concerned with a new or standalone columbarium. FHB has also acknowledged in the PCO the importance of existing private columbaria** in the three-pronged strategy for handling cremated human ashes in the past. The **human factor** is highly relevant as one is concerned with human ashes, which should be dealt with using empathy, and compassion. If the subject application is refused by the Board, it would create social disruption and/or disadvantages to the public due to the following reasons:

- The operator would have to carry out the "prescribed ash disposal procedures" set out in the PCO, including returning the ashes to the eligible claimants, which is not in line with the Government's policy to adopt a pragmatic and sensitive approach towards the consumers who have purchased these niches. In this case, there are 10,960 niches already sold, and among which 3,618 niches are already occupied.
- Due to the reputation of SLT in the industry, it may cause a significance disturbance to the PCL applications for many other religious institutions which are still in the process of obtaining their specified instruments under the PCO.

On balance, it is considered that **the benefits of regularising the Pre-cut-off Columbarium ancillary to SLT outweigh the above disadvantages**. It will also be of advantage to the local residents in the area if planning permission with a list of stringent conditions is given by the Board in the subsequent s.16 application. Moreover, the Applicant is well aware that the planning approval will be revoked by the Board, which will at the same time affect the Columbarium Licence, if the undertakings and approval conditions are breached.

**(b) Supporting the Temple to Participate in Religious and Charity Works**

SLT is also a social service organisation that actively promotes the improvement of health care of the elderly and disability, Buddhist education, and community development through events, classes, and donation. Up to the present moment, SLT has been involved in many charity works with many recognized charities and community groups (see **Plan O**). For example, SLT has been involved in hosting many events such as the pre-death arrangement tour (享壽生命之旅), Pun Choi Feast for elderly and disabilities, Bathing Buddha (浴佛) for Buddhist festivals and worshipping ritual (功德法事) for natural disaster. It also hosts regular classes of Tai Chi and Buddhist classes for the public and worshippers. Apart from social support, SLT has also been providing financial support to Sha Tin Kai Fong Welfare Group, Sheung Wo Che Village, the Hong Kong Association of Senior Citizens, Tung Wah Group of Hospitals, Caritas Hong Kong and emergency relief such as the 2010 Yushu earthquake.

SLT has long been operating without the Government's subsidies. Maintenance and management of all the facilities in SLT are responsible by SLT Foundation Ltd.. Approval of this s.12A application and the subsequent s.16 application would help improve their financial situation in maintaining and upgrading its facilities and to provide other social services. Landscape treatment will be provided to further soften the building structures so that the development would blend in with the natural environment.

#### **6.4 Site Suitability for the Subject Development**

A planning assessment on the site suitability for religious and columbarium use in SLT has been conducted and the findings are summarised as follows:

**(a) Convenient Location**

The application site is situated in a convenient location within 10 minutes walk from the Sha Tin Railway Station. It is also conveniently served by various modes of public transport facilities including buses, mini-buses and taxis. In terms of vehicular linkage, it is easily accessible to Sha Tin Rural Committee Road, a local distributor, and Tai Po Road, a district distributor. Drop-off spaces and public car parks are available near Pai Tau Village and several shopping malls in the town centres. This locational advantage allows the site to be conveniently accessible to visitors and staffs.

**(b) Segregation from Domestic Uses**

Even though SLT is situated within the reasonable distance from public transport facilities, it is located far away from major residential developments. The Applicant has also received a no objection letter from the resident of Temporary Structure No. 193 located north of the application site for the regularisation applications in relation to the columbarium in SLT (see **Appendix VI**). The existing buildings within the site are low-rise in nature and they are hardly visible from outside due



Photo 1: Pun Choi Feast for Disabilities, hosted by Sai Lam Temple and Caritas Hong Kong.



Photo 2: Pre-death Arrangement Tour, hosted by Hong Kong Columbarium Merchants Association and Hong Kong Federation of the Blind.



Photo 3: Distribution of Fortune Bags, hosted by Sai Lam Temple, Pai Tau Village, Lower and Upper Wo Che Village.



Photo 4: Bathing Buddha during Buddhist Festival.



Photo 5: Tai Chi Class



Photo 6: Buddhist Lecture.



## Plan O: Sai Lam Temple as a Social Service Organisation

to its topography, reasonable distance and visual barriers by mature trees, slopes and elevated road. The existing environment within SLT allows the visitors to commemorate their ancestors in a convenient and peaceful environment.

**(c) Good Management over the Past Years**

SLT is a popular religious institution established in Sha Tin for more than 90 years. It has its own management team to take up the maintenance and management responsible and. Up to the present moment, it has not induced any significant traffic or environmental impacts to the locality. SLT always maintains a good relationship with its neighbourhood.

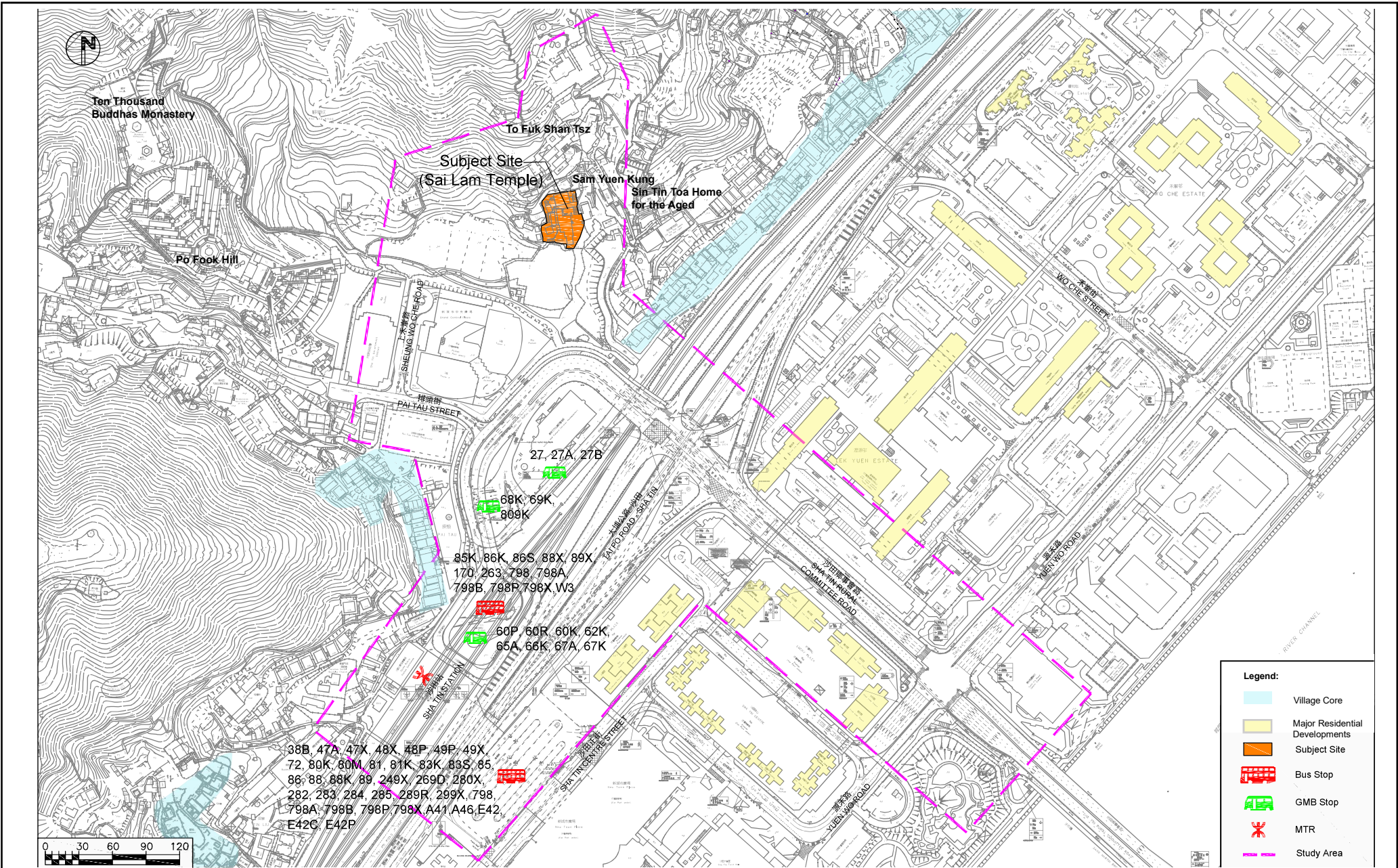
In order to relieve the local concerns on any potential nuisance arising from the operation of SLT, the Applicant has spent utmost efforts on the local communication works (地區聯絡工作). During the statutory public inspection period of the previous s.12A applications, a significant number of support letters have been received from the local villagers, local organisation and also the reputable persons (see **Appendix V**). In addition, the Applicant has recently received a "no objection on columbarium regularisation application for SLT" letter from the resident of Temporary Structure No. 193 located north of the application site (see **Appendix VI**).

In view of the observations above, the application site is well suitable for religious and columbarium use because of its convenient location, good public transportation in the area, reasonable distance away from residential use with sufficient segregation, and good management in the past (see **Plan P**). With the proposed mitigation measures adopted, the potential impacts arising from the subject small scale development would be minimised.

## **6.5 Land Use Compatibility Assessment**

Hong Kong is a compact city and it is common to find a mixture of uses in the urban area. TPB Guidelines states that the Board recognised there are merits in functionally and physically integrating different types of compatible uses within a building or over a spatial area, in particular when it helps create vitality and diversity in an area. Appropriate planning control should be provided to avoid the possible nuisance and interface problem.

There are many dictionary definitions of 'compatible'. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is in the sense that different users can co-exist subject to technical feasibilities. In support of this s.12A application, a planning assessment has been conducted to demonstrate that the existing columbarium in SLT is compatible with the surrounding area, which is sophisticated in nature due to the special planning history of the area. Besides, there are strong planning justifications for rezoning the site from "V" to "G/IC(1)" zone for columbarium use. Justifications are provided below:



Plan P: Site Suitability for Religious and Columbarium



**(a) Evolution of Land Use in Pai Tau and Sheung Wo Che Area**

As detailed in **Section 6.2**, the application site has a very long history of religious and columbarium uses before the gazettal of the first statutory town plan in Sha Tin on 28.4.1961 (see **Plan Q**), i.e. No. LST/19. Before Venerable Woon Ching passed away in 1980, SLT was an attraction for locals for recreational and religious use. It is currently still one of the main landmarks in the Sha Tin District.

When the ownership of SLT was transferred to Thai Golden Finance Co. Ltd. before Venerable Woon Ching passed away, SLT has been left abandoned ever since in a deteriorated condition until it was purchased by the Applicant's affiliated company. It was renovated as SLT to accommodate the needs of religious and columbarium use which conforming the traditional institutional character of the site (see **Plan R**). No additional building has been added to the original site.

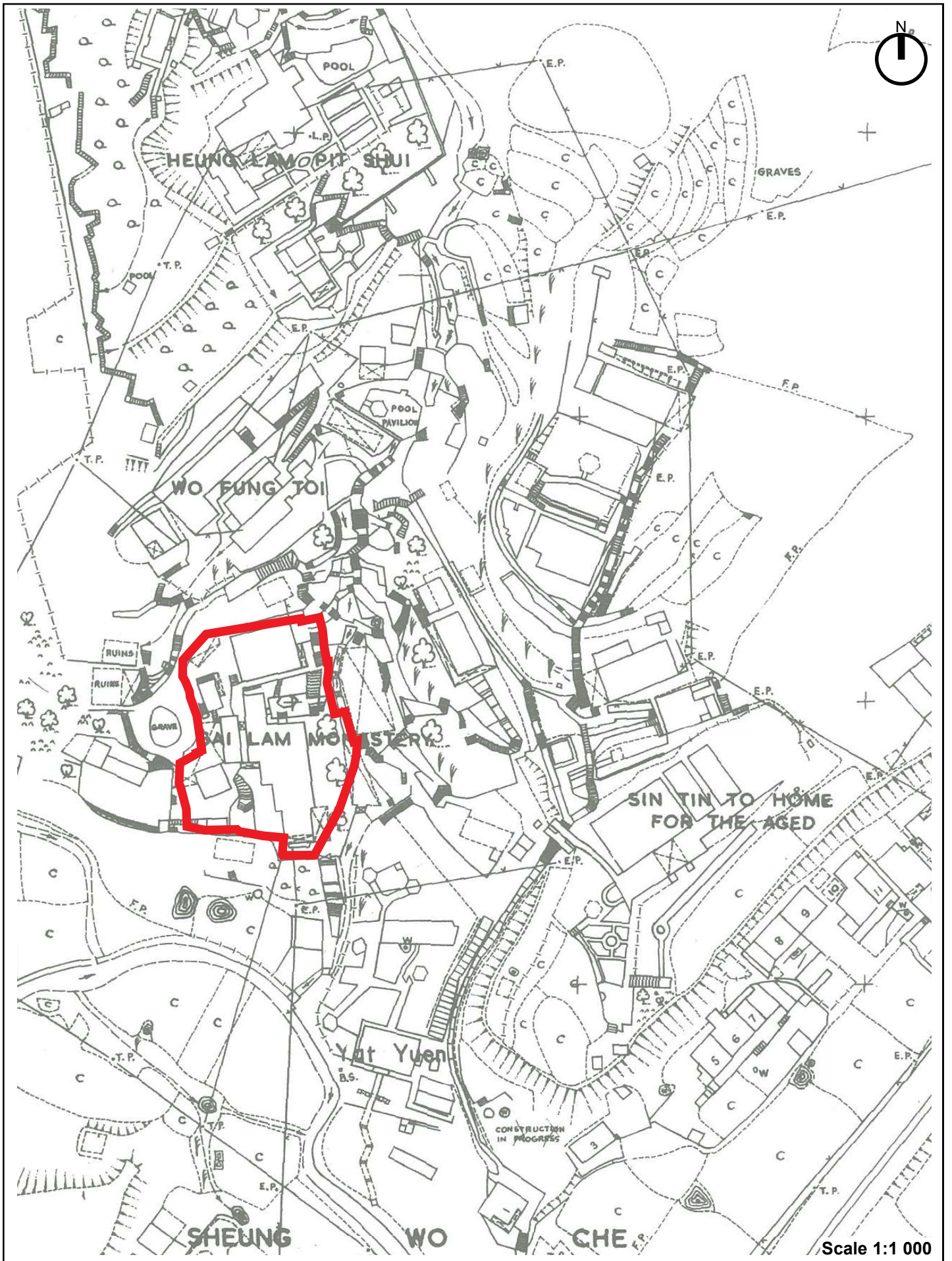
**(b) Sheung Wo Che Has a Strong Religious and Institutional Use Background**

Before Sha Tin became a new town, the natural scenery of Pai Tau and Sheung Wo Che area had attracted many religious institutions to be stationed in the area. There are approximately 20 religious institutions located at the Pai Tau and Sheung Wo Che as showed in **Plan S**. Po Fook Hill, one of the largest columbarium in Hong Kong, is located approximately 200m west of SLT. Given its proximity to the Sha Tin Railway Station, these religious institutions have long been a favourable place for worshipping.

When the statutory planning control came into force on 28.4.1961, i.e. the gazettal of first Sha Tin OZP No. LST/19, the Government had taken a comprehensive approach to zone the entire Pai Tau and Sheung Wo Che area to "Green Belt" and "V" under the Sha Tin OZP No. LST/47 on 21.3.1966. Since SLT is located at the fringe of village environ of Pai Tau, Tin Liu, Sheung Wo Che & Ha Wo Che, it had been included in the larger "V" zone. In fact, SLT and its surrounding area are, and have always been the unique institutional land use setting, rather than the general village setting.

Until 6.6.2003, a number of existing institutional uses in the Pai Tau and Sheung Wo Che area had been rezoned by the Board to "G/IC" and "Other Specific Uses" ("OU") zonings under the Sha Tin OZP No. S/ST/17 so as to reflect the existing institutional land use character in the area. It should be highlighted that **those TPB's rezoning cases are within the village environ of Pai Tau, Tin Liu, Sheung Wo Che & Ha Wo Che** (see **Plan S**). Those institutional uses include:

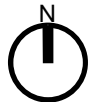
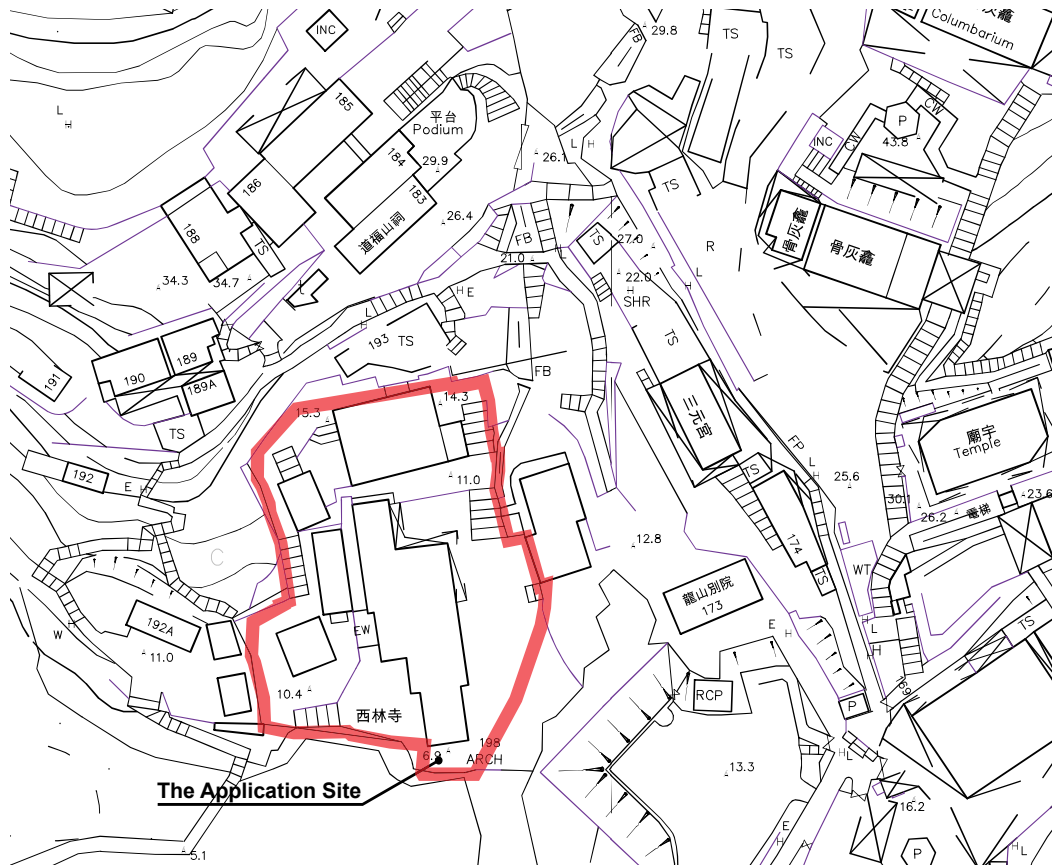
- Po Fook Hill from "V" to "OU (Columbarium)"
- Ten Thousand Buddhas Monastery from "V" to "G/IC"
- To Fung Shan Christian Cemetery from "V" to "OU (Cemetery)"
- Chi Ha Yuen from "V" to "G/IC"
- Sin Tin Tao Home for the Aged from "V" to "G/IC"
- Buddhist Poh Yea Home for the Aged from "V" to "G/IC"



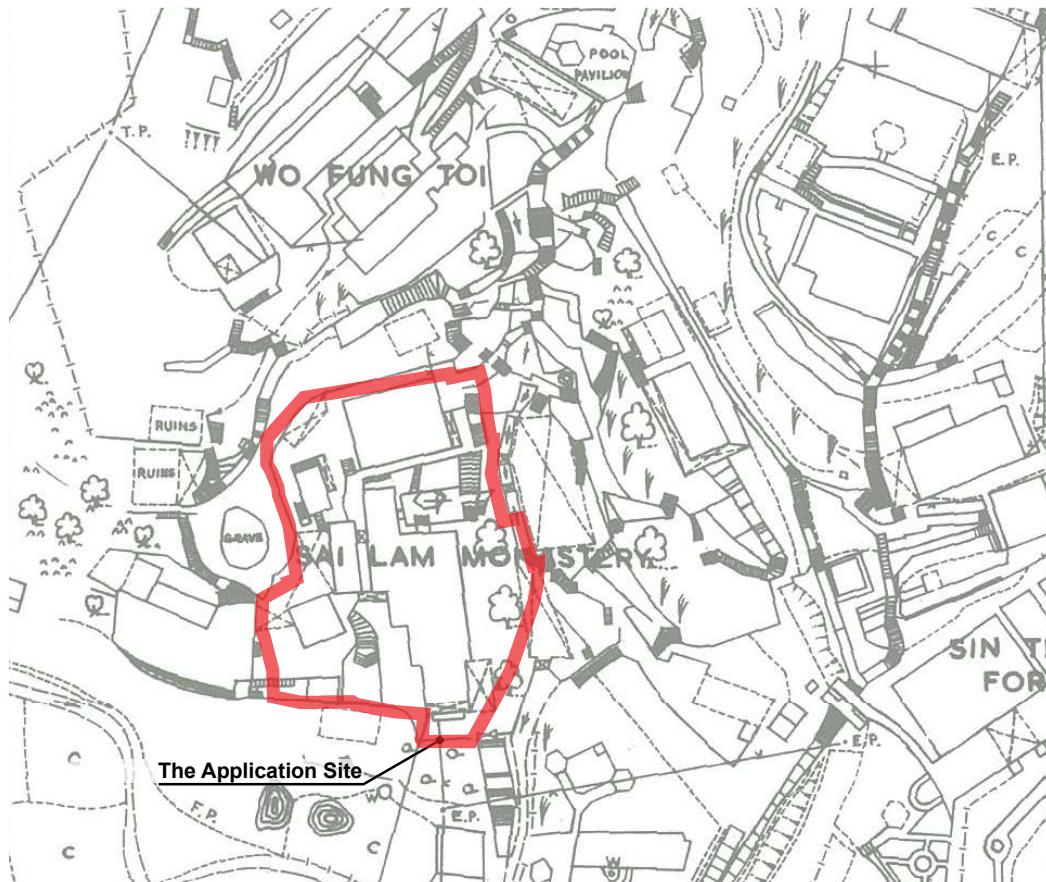
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Plan Q: Historical Survey Plan in 1957  
 Extract of 1957 Survey Plan 146-NW-A



Current Situation (Year 2024)



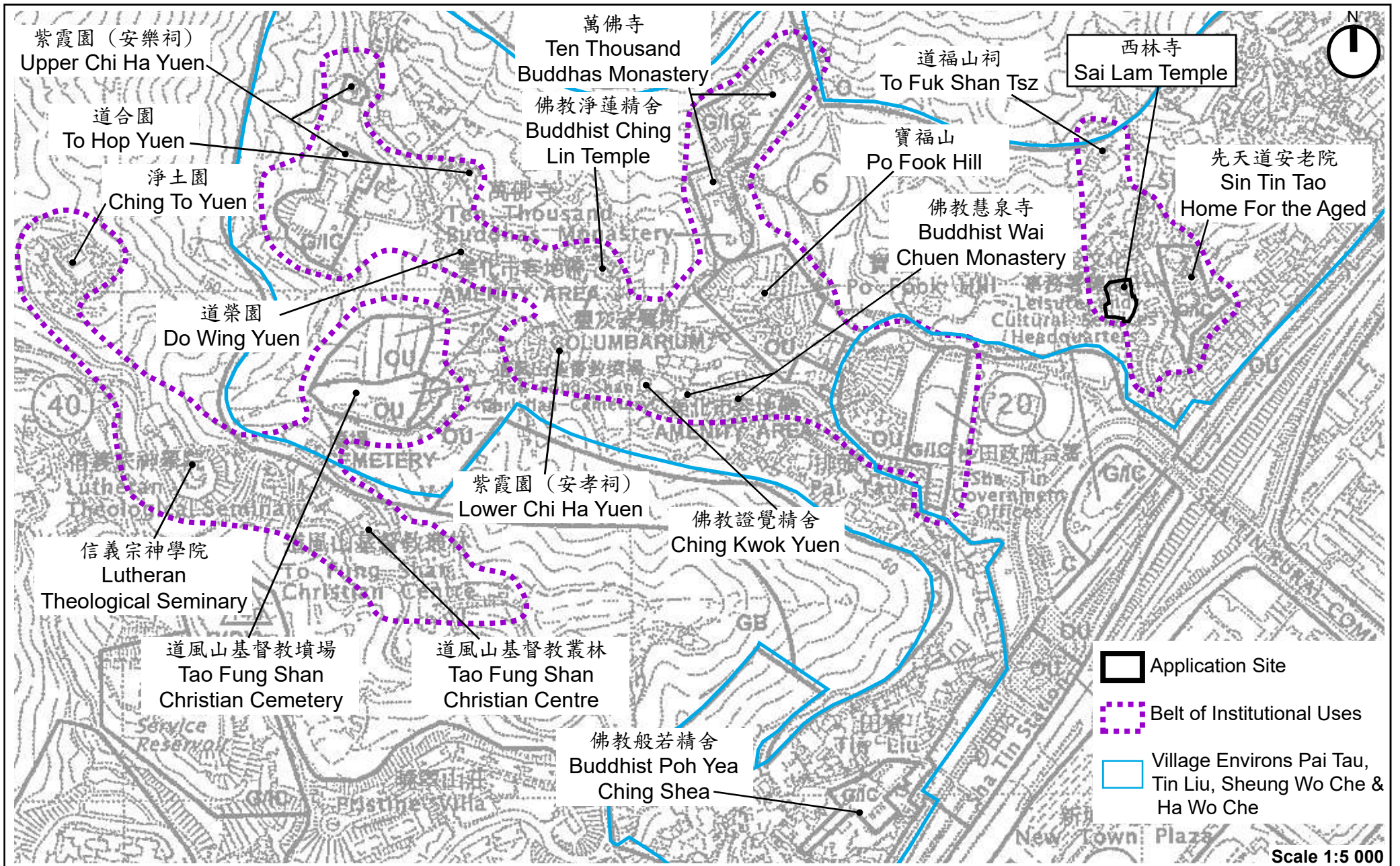
Previous Situation (Year 1957)

Scale 1:1 000



# Plan R: Same Site Configuration





Plan S: Religious and Institutional Uses in the Vicinity of the Site

SLT has been operated as a religious institution cum columbarium for more than 80 years. It has never been functioned as village type development. Therefore, this s.12A application for rezoning the application site to "G/IC(1)" is very logical in order to reflect its existing uses and back to its appropriate use.

**(c) Compatible with the Adjacent Land Uses**

The proposed (existing) development is highly compatible with the surrounding land uses where a number of existing graves and religious and institutional uses are located. To the north is a columbarium named To Fuk Shan Tsz. To the immediate east of the site is Sam Yuen Kung Temple and further east is the "G/IC" site covering the Sin Tin Tao Home for the Aged which has been used for old people's home with temple and columbarium facilities. To the south of the site is a piece of vacant land with some mature trees and a footpath leading to the site. To the west of the site is a graveyard and slopes with mature trees. A large columbarium named Po Fook Hill is located further west of the site. Existing graveyards and religious and institutional uses in the vicinity of the site is shown in **Plan T**.

Furthermore, as detailed in **Section 6.4**, the application site is located far away from major residential developments and village core. It is segregated from the nearest village dwellings by access road, slopes and mature trees. SLT is not in the direct sightline of the village houses due to its building orientation.

**(d) Strong Justification for Rezoning from "V" to "G/IC(1)" for Columbarium Use**

To conclude, the subject development is strongly justified for the proposed rezoning because it has unique features and characteristics. They are:-

- i) This s.12A application is submitted to regularise a Pre-cut-off Columbarium in SLT, which has been established at the lower part of Sheung Wo Che for a very long period of time, in order to comply with the Government's intention in properly resolving such historical issue under a licensing scheme.
- ii) The Pai Tau and Sheung Wo Che area has a sophisticated land use character due to the special historical planning background in the past. The subject development is highly compatible with the adjacent land uses, where a number of existing graves and religious and institutional uses are located. It is also far away from major residential developments and village core with sufficient segregation. Thus, SLT and its surrounding area are characterised by unique institutional land use setting, rather than general village setting.
- iii) SLT itself has a very long history of religious and columbarium uses before the gazettal of the first statutory town plan in Sha Tin. In 2003, the Board had rezoned a number of existing institutional uses in the Pai Tau and Sheung Wo Che area from "V" to "G/IC" and "OU" zonings so as to reflect the existing institutional land use character in the area. Those institutional uses are all within the village environ of Pai Tau, Tin Liu, Sheung Wo Che & Ha Wo Che.

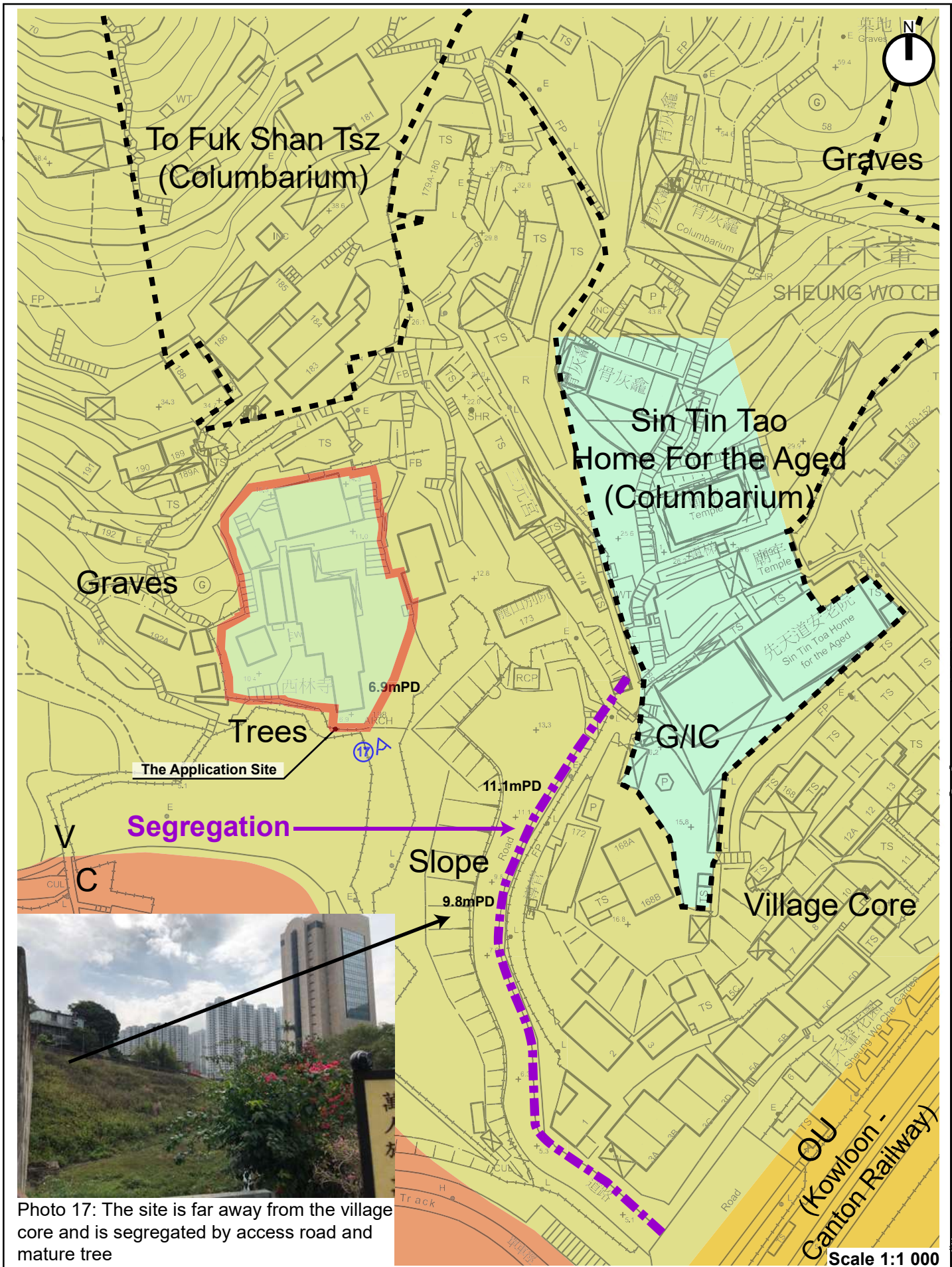


Photo 17: The site is far away from the village core and is segregated by access road and mature tree



# Plan T: Land Use Compatibility Plan

## 6.6 No Adverse Impact on "V" Zone

Detailed planning assessment has been conducted and the subject development would not significantly result in adverse impact on those villages for the following reasons:

### (a) Columbarium Existed Long before Later Small Houses Adjacent

With reference to the Gig Lok Monastery Appeal Decision No. 5 of 2021 (on costs) (GLM Appeal Decision), the TPAB confirmed that **timing and context are important** because many columbaria existed long before later residential buildings close by or any future planned and or unplanned developments. It is understood that the Government had introduced a Village Extension Area of Pai Tau and Sheung Wo Che (VEA) scheme in 1981, which is located on Government land south of the application site and the VEA scheme was updated in 2015<sup>5</sup>. In the VEA scheme, the Government should and has taken into account the existence of SLT and provided a footpath leading to the religious institution and the ancillary columbarium. As SLT has been in existence since before the introduction of the VEA scheme, **any concern of land use incompatibility or sharing the same access road with the adjoining (non-existence) VEA should not be a reason of concern.**

### (b) Nuisance on Local Residents and Sharing Same Access are Non-issue

It is noted that the Board had recently approved two similar columbarium cases, namely Ku Ngam Ching Yuen and Memorial Park Hong Kong within "V" zone in Sha Tin on 4.12.2020 and 10.9.2021 respectively (Application Nos. Y/ST/42 and Y/ST/47). The Board gave favourable consideration to these applications because their access would not pass through the nearby villages.

Based on observation, as indicated on **Plan U**, the proposed pedestrian routing to SLT from the MTR Shatin Station to the intersection near the public carpark in front of Sheung Wo Che Tsuen is shared by several major groups of the general public:- (1) people heading to the minibus terminus/ taxi pickup and drop off point near Pai Tau Village; (2) people heading to the Leisure and Cultural Services Department Building; (3) users of the public carpark in front of Sheung Wo Che Tsuen; (4) residents of Sheung Wo Che Tsuen; and (5) visitors to Sin Tin Toa Home for the Aged. In the latter section of the proposed pedestrian routing to SLT, **it will be separated and leads directly towards SLT, whilst the routing towards Sheung Wo Che direction is continuously shared by visitors to Sin Tin Toa Home for the Aged and residents of Sheung Wo Che Tsuen.**

**Public roads are intended that such roads should be open to public use and form part of the overall public road system, thus sharing the same access road would bring nuisance and giving priority of access to the local residents should not be a reason for concern.** Nevertheless, a Management Plan with TCMP will be strictly implemented during festival periods.

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<sup>5</sup> Found in DH25/2015 of Shatin District Council discussion paper dated May 2015



Photo 18



Photo 19



Photo 20



Photo 21

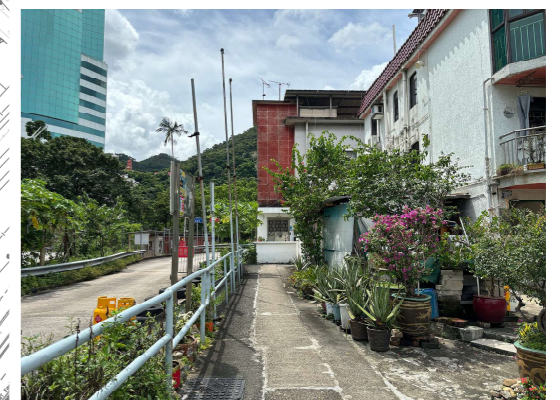
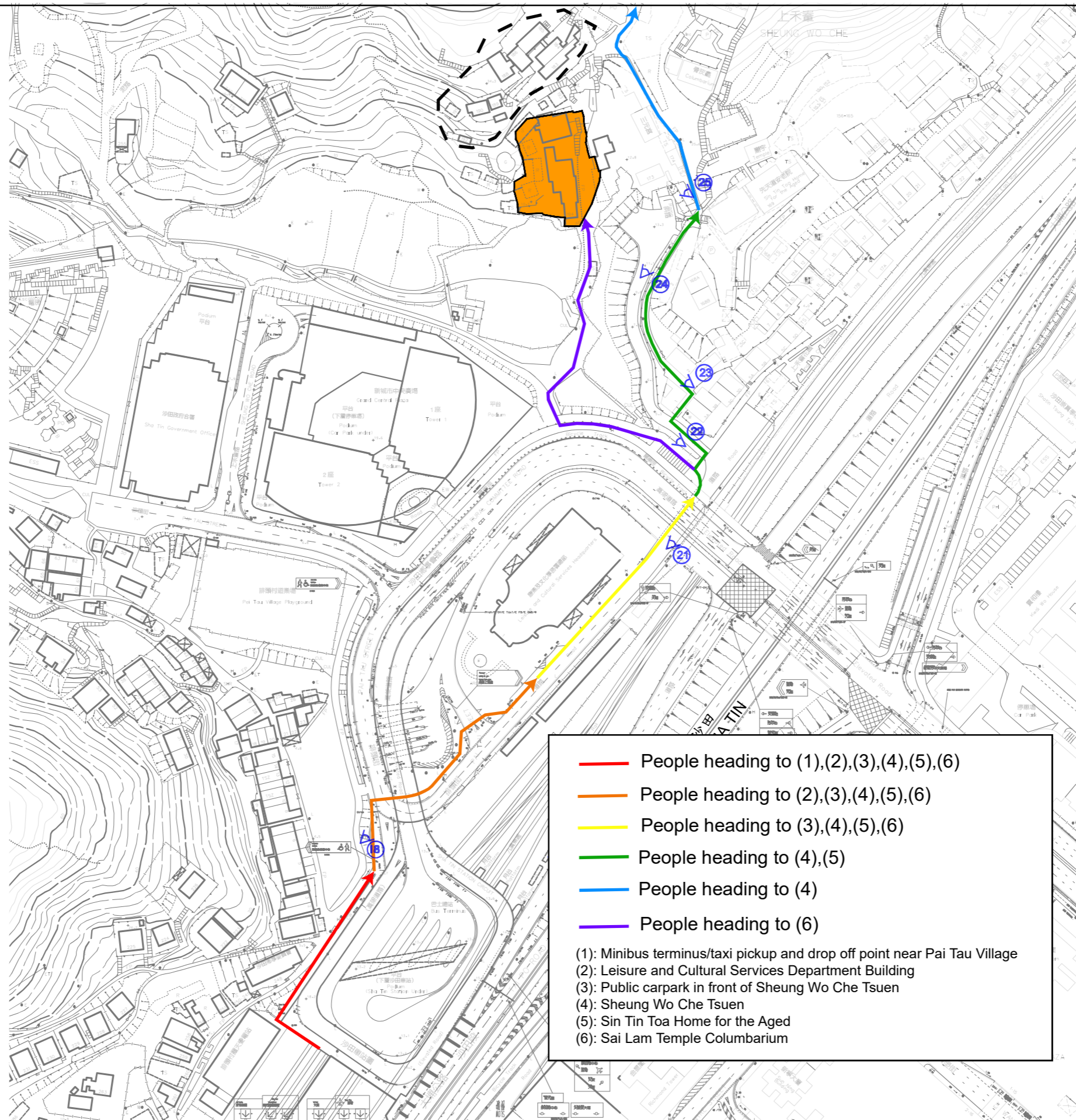


Photo 22



Photo 23

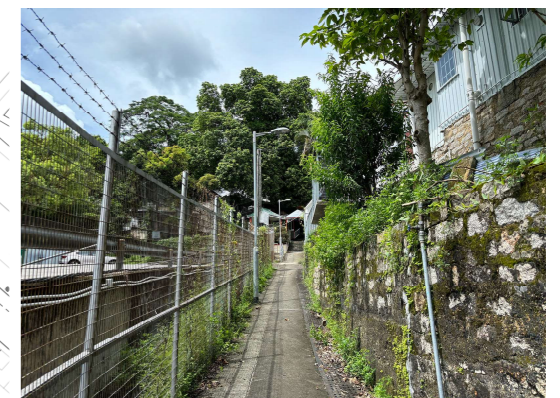


Photo 24

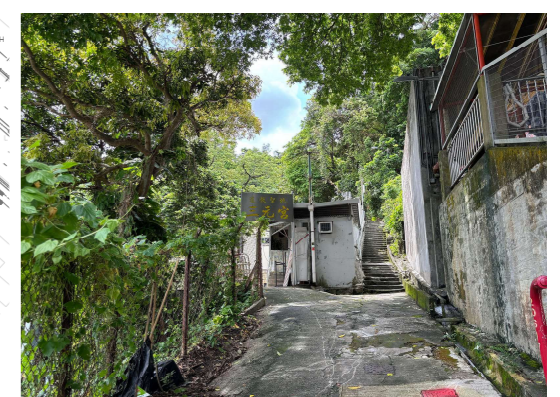


Photo 25

Not to Scale



# Plan U: Pedestrian Access Pattern of Different Groups of the General Public

**(c) The Site is Conducive for Religious cum Columbarium Uses**

The application site is conducive for religious cum columbarium uses based on the following reasons:-

- This application is intended to regularise the existing religious and columbarium use in SLT. The site has a long history of religious and communal uses since the establishment of SLT in the 1920s, i.e. long before the publication of the first Sha Tin OZP on 28.4.1961.
- The site is located at an inconspicuous area surrounded by graves, religious institutions and columbaria rather than small houses. The buildings at the site are low-rise in nature and they are hardly visible from outside. Landscape features are proposed to provide a natural screening buffer for SLT.
- The site is within a short walking distance to public transportation. An existing main site access is available for SLT.

In view of the long history, strong religious character, inconspicuous location and sufficient visual buffer, the proposed "G/IC(1)" zoning represents a more appropriate zoning treatment for SLT. The settlements of Sheung Wo Che Village are mostly concentrated to the further southeast of the site segregated by an access road, slopes and mature trees.

**(d) No Impact on Supply of Land for Small House Applications**

SLT, being surrounded by clusters of religious institutions, columbaria, slope with mature trees and burial ground, is considered not suitable for small house development. It is situated far away from the village core and is segregated by access road, slopes and mature trees. It is also not possible for the Applicant to demolish the SLT for village type development given that the SLT is an important icon in Sha Tin. 'Religious Institution' use at the site can be regarded as an "existing use" which is as of right under the Town Planning Ordinance.

Under the same "V" zone, there is sufficient land available at the eastern part of Sheung Wo Che which is considered more suitable for new small houses based on the observations below:-

- it is situated far away from the existing columbaria and burial ground;
- it is located in a flat area which is relatively free of mature trees and vegetation;
- it is mostly vacant with only a few temporary structures in the area; and
- it is within the village core of Sheung Wo Che and can avoid the scattering of village houses over the "village environ" area.

The application site has a total area of about 1,482m<sup>2</sup>. According to the Sha Tin OZP, the total area of the same "V" zone is about 509,172m<sup>2</sup>. In comparing the application site with the same "V" zone, the loss of "V" land in this rezoning

application is less than 1%. Hence, the regularisation of SLT would not result in a significant loss of “V” land.

**(e) Strong Support from the Villagers**

To carry on the temple’s tradition as a historical recreation and religious organisation, SLT actively promote a variety of social services serving the elderly and disabilities, worshippers, and community as stated in **Section 6.3(b)**. SLT has always kept a good relationship with its adjacent neighbours and villages. With reference to the previously withdrawn s.12A application for the SLT case (i.e. Nos. Y/ST/16, Y/ST/34, Y/ST/45 and Y/ST/55) a significant number of the support letters had been received (see **Table 6.1** and **Appendix V**). Some of those supporting comments received were submitted by reputable persons, village representatives and organisations in the area. They include:-

- 上禾輦原居民村長
- 上禾輦居民村長
- 沙田鄉事委員會

In addition, the Applicant has recently received a “no objection on columbarium regularisation application for SLT” letter from the resident of Temporary Structure No. 193 located north of the application site (see **Appendix VI**). When considering public comments, **one would usually consider the number in the majority, and minority, and give effect to the majority view, the relevance and the weight of the comments.**

**Table 6.1: Public Comments from Previous Applications**

Application No.	Total	Support	Opposite	Neutral	Not Relevant
Y/ST/16	6,102	6,012	90	0	0
Y/ST/34	4,198	4,180	18	0	0
Y/ST/45	1,923	1,922	1	0	0
Y/ST/55	923	922	1	0	0
<b>Total</b>	<b>13,146 (100%)</b>	<b>13,036 (99.2%)</b>	<b>110 (0.8%)</b>	<b>0 (0%)</b>	<b>0 (0%)</b>

Considering the undesirability of the application site for small house development, and the general support/no objection from the villagers to SLT, the potential impact on the village environ of Sheung Wo Che and its small house demand posed by the proposed development is therefore not significant. The prospect using this piece of land for small house development is slim.

In conclusion, SLT has been in existence before the first town plan in Sha Tin and rezoned as ‘V’ by the TPB. In addition, both private lots allow building entitlement under the lease. Therefore, the Application Site would not revert to village type developments. The proposed “G/IC(1)” zone would be more appropriate to reflect the existing land use in SLT.

## 6.7 Unlikely to Set an Undesirable Precedent

The approval of this s.12A application will not set an undesirable precedent for other similar rezoning applications in the same "V" zone for the following reason:

### (a) Columbarium is not a Sensitive Community Facility

Columbarium is an essential social facility for the community to allow family, relatives and friends pay respect to their ancestors and loved ones, which is an important matter for both the departed and the living. It is similar in nature and of equal importance as other communal and institutional facilities such as hospital, home for the aged and school. The Government had openly emphasised the importance of dispelling the misconception harboured by some members of the public that graveyards and columbaria are evil and offensive. Hence, columbarium is considered not an incompatible use in the community which can be commonly found in the urban area or adjacent to the flats developments or village houses, i.e. Po Fook Hill in Sha Tin.

According to the court case UNI-Creation Investments Ltd. v Secretary for Justice (HCMP 2166/2015), the judge mentioned that **columbarium itself is not an offensive business, and that legislation has been put in place to regulate such businesses in Hong Kong to make sure they are properly managed.** According to the GLM Appeal Decision, the TPAB also considered that the columbarium is not a sensitive community facility, under the Hong Kong Planning Standards and Guidelines (HKPSG). This focuses on a mortuary, funeral depots, and funeral parlours – with dead bodies, which raise health and safety issues. In contrast, ashes in an urn pose no health and safety risks. It is common and a fact of life, for residential properties to be close or adjacent to cemeteries (e.g. Happy Valley and Pokfulam). Therefore, it is **agreed in several cases that columbarium is not an undesirable use.**

### (b) Adequate Control Mechanism for Pre-Cut-Off Columbaria

The present application is submitted to regularise the Pre-cut-off Columbarium in order to comply with the regulatory planning requirements of PCO. A Pre-cut-off Columbarium means a columbarium that was in operation, and in which ashes were interred in niches, immediately before the cut-off time, i.e. 8:00 a.m. on 18.6.2014. Therefore, **it is totally different to those planning application for increasing number of columbarium niches or providing a new columbarium which should be defined as the "Post-cut-off Columbarium".**

Furthermore, there will be sufficient control mechanisms for SLT in future. The proposed new zoning will facilitate the relevant departments to strictly control the number of niches, development intensity and the proposed scheme under the OZP restrictions. **There will also be control mechanism on details and technical requirements of the proposed (existing) columbarium use under the licence regime of PCO.**



**(b) Study on Similar Cases of Pre-cut-off Columbarium in Sha Tin Area**

According to the list of licensing applications for Pre-cut-off Columbarium submitted to the PCLB before 29.3.2018, there are 19 cases in Sha Tin still under processing (see **Table 6.2** and **Plan V**).

**Table 6.2: Study on Similar Cases of Pre-cut-off Columbarium in Sha Tin Area**

Name	Same "V" Zone	Applied for Sold Niches Only	Type of Specific Instrument		Remark(s)
			Licence	Exemption	
<b>Sai Lam Temple</b>	√	√	√		
Memorial Park Hong Kong			√		Planning Application Approved
Shatin Po Fook Hill			√		Columbarium Licence Granted
Buddhist Wai Chuen Monastery	√			√	Planning Application Approved
Shun Shin Chee Kit Yin Koon Ltd.		√		√	Planning Approval Not Required
Do Wing Yuen	√	√	√		
普光明寺			√		Planning Approval Not Required
Yan Hau Ancestral Hall		√	√		
Ku Ngam Ching Yuen			√	√	Planning Application Approved
To Fuk Shan Tsz	√		√		
Shatin Ching Yuen			√		Planning Application Approved
Tsing Lin Tsing She	√		√	√	
Do Hop Yuen	√		√		
慈航淨院海會塔	√	√		√	Planning Approval Not Required
Sin Tin Toa Home For The Aged		√	√	√	
Ching To Yuen			√		
Ching Kwok Yuen	√	√		√	Planning Approval Not Required
Poh Yea Ching Shea Ltd.		√		√	Planning Approval Not Required
Ten Thousand Buddha Monastery			√		

The concern of allowing a planning application may set a precedent may be relevant consideration **only if similar sites with similar characteristics can be identified within the same "V" zone**. The special characteristics of the present application are summarized below:

- SLT is a traditional religious institution which has been in existence at the site for a very long time. The columbarium in SLT is a Pre-cut-off Columbarium, i.e. a columbarium that was in operation, and in which ashes were interred in niches, immediately before the cut-off time (i.e. 8 a.m. on 18.6.2014).



Do Hop Yuen (Lic)

-  Religious Institution registered under the Chinese Temples Committee
- Lic** Columbaria applied for Licensing Application
- Exe** Columbaria applied for Exemption Application
- G/IC** Zoning



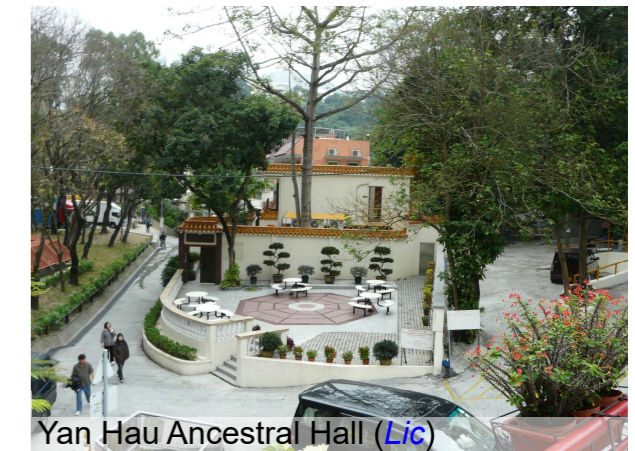
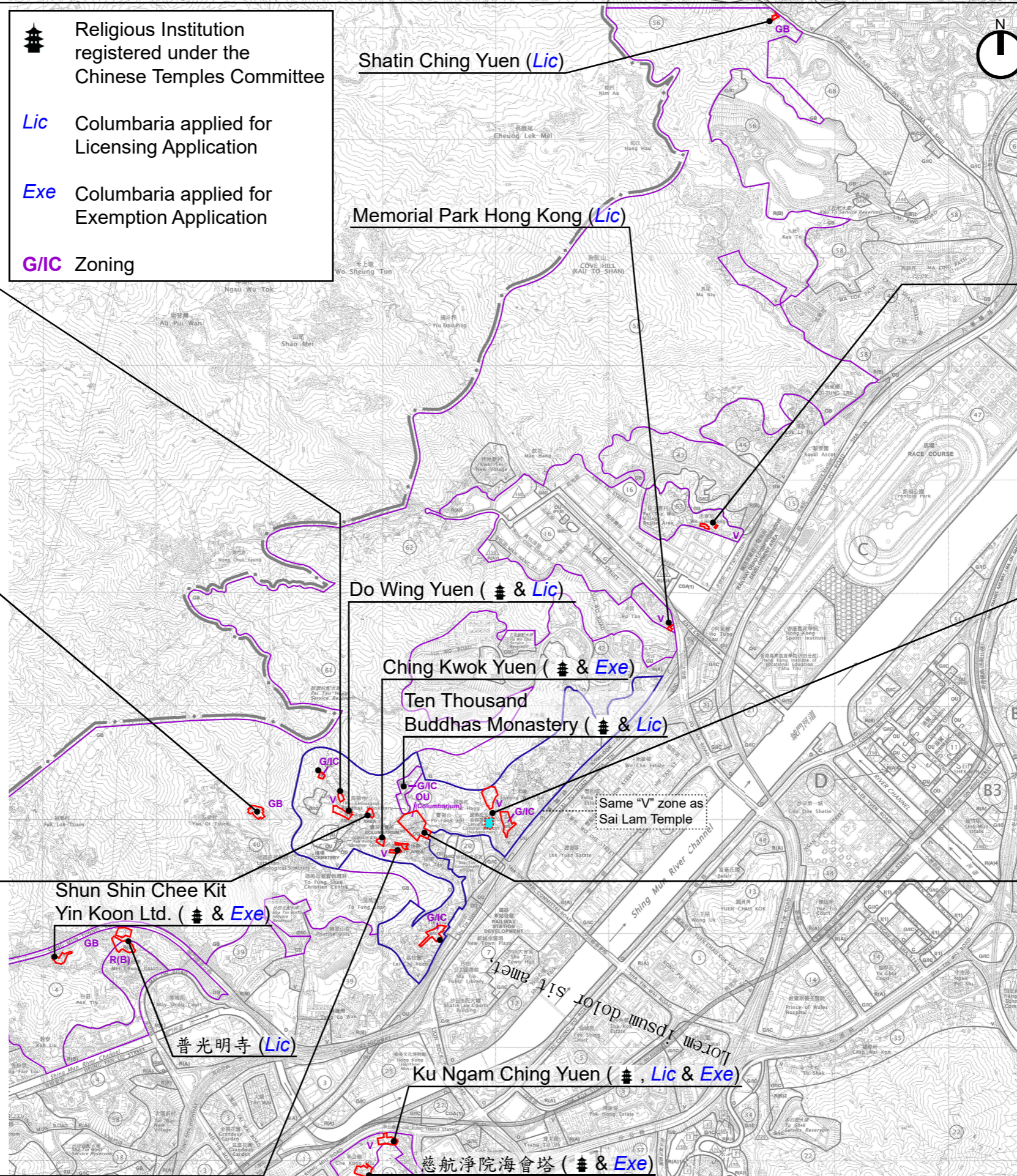
Ching To Yuen (Lic)



Tsing Lin Tsing She (Lic & Exe)



Buddhist Wai Chuen Monastery (Exe)



Yan Hau Ancestral Hall (Lic)



Sin Tin Toa Home For The Aged

To Fuk Shan Tsz

Sai Lam Temple

Sai Lam Temple (Pagoda & Lic)  
To Fuk Shan Tsz (Lic)  
Sin Tin Toa Home For the Aged (Lic & Exe)



Po Fook Hill (Lic)



Poh Yea Ching Shea Ltd. (Pagoda, Lic & Exe)



## Plan V: PCLB Applications submitted by Pre-cut-off Columbaria in Sha Tin Area

- SLT had submitted the PCL application to the PCLB before the expiry date of 29.3.2018. It should be noted that those columbaria applied for an Exemption do not need to comply with the planning-related requirements.
- This s.12A application (as well as the Columbarium Licence) only covers niches already sold before 30.6.2017 to meet the new policy initiatives.

Given the unique background, location and characteristics of this application, no similar case could be found within the same "V" zone. There are two cases with similar religious characteristics and development criteria (i.e. Do Wing Yuen and Ku Ngam Ching Yuen). The s.12A application for Ku Ngam Ching Yuen (No. Y/ST/42) was already approved by the Board on 4.12.2020. **However, it should be noted that those applications are applied for both sold niches and niches that are available for sale – such nature is totally different to the subject SLT case.** Thus, the risk of creating a precedent is not substantial. Each application should be assessed on its own merit.

**(d) Strong Support from the Locals and Villagers**

As detailed in **Section 6.5(e)**, majority of the public comments received were in support of the Applicant from the neighbours and villagers during the public consultation period of the previous applications (see **Appendix V** and **Appendix VI**). When considering public comments, one would usually consider the number in the majority, and minority, and give effect to the majority view, relevance and weight of the comments.

**(e) Similar Case Study**

This s.12A application is a special type of planning application which is intended to rectify the Pre-cut-off Columbarium at the site (and only covers those niches sold before 30.6.2017). **Table 6.3** shows that there are a number of approved cases which have the similar characteristics to this application, such as:

- The columbarium has long been established and is zoned "V" on the OZP;
- The subject columbarium is (or was) one of the Pre-cut-off Columbaria;
- The columbarium is an ancillary use of the religious institution;
- TD and the Police had no comment on the TIA and Management Plan.

All these applications had received favourable consideration by the Board. It is hoped that TPB would give sympathetic consideration to this similar application.

**Table 6.3: Similar Rezoning Cases (From "V" Zone) for Pre-cut-off Columbarium**

Application No.	Location	Approval Date
Y/ST/47	Memorial Park Hong Kong	10.9.2021
Y/ST/42	Ku Ngam Ching Yuen	4.12.2020
Y/ST/13	Chi Ha Yuen	10.2.2012

## 7. CONCLUSION

The Government has emphasised in many public occasions that they need to adopt a pragmatic and sensitive approach to resolve properly the historic problems of Pre-cut-off Columbarium which have accumulated over the years. The PCO came into effect on 30.6.2017 and the private columbarium in Hong Kong must be covered with Licence, Exemption or TSOL. SLT had submitted the columbarium licensing application which must comply with all statutory and government requirements, including town planning, land lease and building safety during the validity period.

This s.12A rezoning application is submitted to comply with the town planning requirement under the PCL application for the TPB's agreement to amend the zoning of the site at various lots in D.D. 185 from "V" to "G/IC (1)" on the Approved Sha Tin OZP. The proposed new zoning reflects the existing religious use of SLT and to permit the subsequent submission of a s.16 planning application for regularising a Pre-cut-off Columbarium with 10,960 niches (sold before 30.6.2017) ancillary to SLT. Improvement measures have been proposed in addressing the departmental comments received from the previously withdrawn application. Planning and technical assessments have indicated that the present application is well justified based on the following reasons:-

- (a) SLT is a popular religious institution in the Sha Tin District which has been in existence at the application site since 1923. It has been active in holding religious events and participated in public welfare and charity activities for the community. The columbarium ancillary to SLT has been in operation for more than 50 years.
- (b) The stringent condition of an Exemption would greatly affect the consumer's interest and freedom to choose the internment right of the purchased niche(s). Given effect to the majority view of the consumers, the Applicant therefore will continue with the PCL application applying for a Columbarium Licence so as to provide flexibility and enhance protection of the consumer interests.
- (c) This s.12A application is aimed at regularising the sold niches of the Pre-cut-off Columbarium in SLT. It is a necessary step to meet one of the licensing requirements of the PCO, which is fully in line with the Government's intention to resolve these (pre-ordinance') columbaria by a pragmatic and sensitive approach.
- (d) The application site is well suitable for religious and columbarium uses as it is located in an area that mainly surrounded by retaining walls, slopes and mature trees, but in close proximity to public transport facilities. The existing buildings in SLT are low-rise in nature, which are far away from the major residential developments and village core and separated by sufficient physical segregation.
- (e) The proposed "G/IC(1)" zone for religious and columbarium uses is compatible with the adjacent land uses in Pai Tau and Sheung Wo Che area, which is a traditional religious area with temples and funeral related facilities in Sha Tin.

- (f) The proposed "G/IC(1)" zone will not result in adverse impact on "V" zone due to its unique site background, sophisticated land use character in the area, adequate land for small house and strong supports from the local residents.
- (g) The subject development will not result in any significant impact on land use, traffic, environmental, sewerage, landscape, visual and geotechnical aspects of the locality. Traffic management measures are proposed to ensure SLT can be run in a safe, orderly and smooth fashion during the festive event.
- (h) The proposed new zoning is tailor-made for SLT and it will not set an undesirable precedent for similar applications because it is the only Pre-cut-off Columbarium with all sold niches within the same "V" zone.

In view of the merits of the proposed scheme and detailed planning justifications presented in this Planning Statement, honourable members of the TPB are requested to agree with this s.12A application.