

**Section 12A Application from “Agriculture” to
“Government, Institution or Community (1)”**

**for Regularisation of a Pre-cut-off Columbarium ancillary to Hip Tin Temple,
Lot No. 1171 S.B in D.D. 109, Tai Kong Po, Yuen Long**

PLANNING STATEMENT



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Table of Contents

	<u>Page No.</u>
Executive Summary	
1 INTRODUCTION	1
1.1 Purpose of Submission	1
1.2 The Application's Background	1
2 PLANNING BACKGROUND	3
2.1 Site Location and Accessibility	3
2.2 Site and Adjacent Land Uses	3
2.3 Planning History	4
2.4 Land Status	4
3 REZONING PROPOSAL	5
4 DEVELOPMENT PROPOSAL	7
4.1 Master Layout Plan and Development Schedule	7
4.2 Operation and Management of Hip Tin Temple	8
4.3 Access and Traffic Arrangement	8
4.4 Traffic and Crowd Management Plan	9
4.5 Environmental Proposal	10
4.6 Implementation Programme	10
5 PLANNING JUSTIFICATIONS	11
5.1 The History of Hip Tin Temple for Religious and Columbarium Use	11
5.2 Rationale of the Proposed Rezoning	12
5.3 Conforming Government's Intention	13
5.4 Site Suitability for Religious and Columbarium Use	14
5.5 No Advise Impact on the Existing "AGR" Zone	15
5.6 Social Benefits to Locality	17
5.7 Minimum Traffic Impact	18
5.8 Minimum Environmental Impact	19
5.9 Minimum Visual and Landscape Impacts	21
5.10 Unlikely to Set an Undesirable Precedent	23
6 CONCLUSION	24

LIST OF APPENDICES

Appendix I	Supporting Documents submitted to the Private Columbaria Licensing Board
<i>Annex I</i>	<i>Policy Initiatives for Pre-cut-off Columbaria</i>
<i>Annex II</i>	<i>Approval-in-principle for Temporary Suspension of Liability Application</i>
<i>Annex III</i>	<i>Comments from Lands Department under the Private Columbarium Licensing Application</i>
<i>Annex IV</i>	<i>Legal Letter to the Private Columbaria Licensing Board</i>
<i>Annex V</i>	<i>Toilet Consent for the Use of Toilet Facilities</i>
<i>Annex VI</i>	<i>Positive Responses from Hong Kong Police Force on Management Plan under the Private Columbarium Licensing Application</i>
Appendix II	Traffic Impact Assessment
Appendix III	Support Letters Received in the Previous Application

LIST OF FIGURES

	<i>FOLLOWING PAGE</i>	
Plan A	Zoning and Location Plan	2
Plan B	Site and Land Status Plan	4
-	Site Photos: Site and Adjacent Land Uses	4
Plan C	Proposed Amendments to the Kam Tin North OZP	5
Plan D	Master Layout Plan	7
Plan E	Floor Plan and Section Plan	7
Plan F	Proposed Route of Shuttle Bus Services	10
Plan G	The History and Previous Operation of Hip Tin Temple	11
Plan H	Aerial Photo in 1989	16
Plan I	Religious and Social Activities Organised by Hip Tin Temple	17
Plan J	Visual Analysis Plan	22
Plan K	Assessment on Similar Case	23

LIST OF TABLES

	<i>PAGE</i>	
Table 2.1:	Breakdown of Niche Information for Hip Tin Temple	3
Table 3.1:	Proposed Schedule of Uses for "G/IC(1)" Zone	6
Table 4.1:	Development Schedule for the Present Application	8
Table 5.1:	No. of Death and Death Rate in Hong Kong (2017 - 2022)	13
Table 5.2:	Distance between the Site and the Roads in the Vicinity of the Site	20
Table 5.3:	Sewage Generation of Visitors during Festival Periods	21

Executive Summary

This planning application under section 12A of the Town Planning Ordinance is submitted by Toco Planning Consultants Ltd. on behalf of Hip Tin Temple Management Company Ltd. (the Applicant), which is the operator of Hip Tin Temple in Tai Kong Po, Kam Tin North, Yuen Long. It is for the agreement of the Town Planning Board to rezone a site covering Lot No. 1171 S.B in D.D. 109 (the application site), from "Agriculture" to "Government, Institution or Community (1)" ("G/IC(1)") on the approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11. The proposed "G/IC(1)" zone will facilitate the continual operation of the current Pre-cut-off Columbarium with 2,911 niches ancillary to Hip Tin Temple.

Hip Tin Temple was a pre-war structure built in 1932. It is a religious institution dedicated for the deity Kwan Tai and the niches of 17 righteous ancestors of Shing Mun Tsuen. The Cheng clan, who originally lived in Shing Mun Valley in Tsuen Wan, had to move away since the Government needed to construct the Shing Mun Reservoir in the late 1920s. Thus, they had resettled to Kam Tin in 1930 and established Shing Mun San Tsuen. Hip Tin Temple was also relocated to the application site for the convenience of villagers and future generations to worship. Some cremated ashes of the local villagers were interred in the temple. The application site has a very long history of religious and columbarium uses.

In response to the latest requirements of Private Columbaria Ordinance in 2017, the Applicant had submitted the columbarium licensing application to the Private Columbaria Licensing Board on 27.3.2018. The Applicant had fulfilled a series of requirements and obtained the Approval-in-principle Temporary Suspension of Liability on 24.10.2022. This planning application is submitted partly to comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements.

Planning and technical assessments have indicated that the present application is well justified. The application site is suitable for religious and columbarium uses as it is located at a secluded and tranquil location and is far away from residential development. The applied uses are mainly confined within the temple which is small scale in nature and is compatible with the surrounding rural character. It will not result in any significant adverse impacts on land use, traffic, environmental, drainage, sewerage, landscape and visual aspects of the locality. In view of its long history, secluded location, small scale and new policy initiatives, this application will not set an undesirable precedent for similar applications in the area. It will help meeting part of the urgent demand for columbarium niche spaces in Hong Kong, and help improving the financial situation of Hip Tin Temple on the provision of religious and social services and the temple's restoration works.

行政摘要

(內容如有差異，應以英文版本為準)

協天宮管理有限公司 (申請人) 是元朗錦田北大江埔協天宮的經營者，現透過達材都市規劃顧問有限公司，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，將位於丈量約份第 109 約地段第 1171 號 B 分段 (申請地點)，由現時在錦田北分區計劃大綱核准圖編號 S/YL-KTN/11 內之「農業」改為「政府、機構或社區(1)」，以協助協天宮內的附屬截算前骨灰安置所，共存放 2,911 個靈灰位能夠繼續運作。

協天宮是戰前建築物並於 1932 年建立，該廟宇是宗教機構以恭奉關帝及城門村 17 位義士之靈灰位為主。1920 年代尾，原居於荃灣城門谷的鄭氏族人因為政府興建城門水塘而需要搬遷，並於 1930 年移居到錦田及建立城門新村，協天宮也因此搬遷到申請地點上，以方便村民及後代前來拜祭，而村民的骨灰亦於廟內儲存。由此可見，申請地點擁有悠久的宗教及骨灰存放歷史。

因應 2017 年私營骨灰安置所條例的最新要求，申請人已於 2018 年 3 月 27 日向私營骨灰安置所發牌委員會提交了骨灰安置所牌照申請。申請人亦已經符合了一系列的要求，並在 2022 年 10 月 24 日獲得了原則上同意暫免法律責任書，而是次規劃申請是為符合私營骨灰安置所牌照申請的城市規劃要求。

規劃及工程研究指出是次申請理據充分，申請地點寧靜隱蔽，與住宅發展相隔一段甚遠距離，所以很適合用作宗教及靈灰安置所用途。申請用途主要位於一座規模細小的廟宇內，因此在土地利用上與周邊的鄉郊特色互相配合，而且並不會對本區及附近的土地利用、交通、環境、排水、排污、園景及視覺景觀造成不良影響。基於協天宮的長久歷史、隱蔽位置、小規模和最新政策措施，本申請不會對類似申請構成不良先例。相反，本申請能滿足公眾人士對骨灰存放位的強烈需求，以及改善協天宮財務狀況，從而提供宗教及社區服務及廟宇維修。

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 Hip Tin Temple Management Company Ltd. (the Applicant), which is the operator of Hip Tin Temple in Tai Kong Po, Kam Tin North, Yuen Long. It is for the agreement of the Town Planning Board (TPB / the Board) to rezone a site covering Lot No. 1171 S.B in D.D. 109 (the application site) from "Agriculture" ("AGR") to "Government, Institution or Community (1)" ("G/IC(1)") on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11 (see **Plan A**). The proposed "G/IC(1)" zone will facilitate the continual operation of the current Pre-cut-off Columbarium⁽¹⁾ with 2,911 niches ancillary to Hip Tin Temple (the Temple / 協天宮).

1.2 The Application's Background

Hip Tin Temple, also named as Kwan Tai Temple (關帝廟), was built at Tai Kong Po in 1932. It is a religious institution dedicated for the deity Kwan Tai and the columbarium niches of 17 righteous ancestors (17 位清義士) of Shing Mun Tsuen. The Cheng clan, who originally lived in Shing Mun Valley in Tsuen Wan, had to move away because the Government needed to construct the Shing Mun Reservoir in the late 1920s. Thus, they had resettled to Kam Tin in 1930 and established Shing Mun San Tsuen (城門新村). Hip Tin Temple was also relocated to the application site for the convenience of villagers and future generations to worship. Some cremated ashes of the local villagers were interred in the Temple. After the Temple keeper passed away before the 1990s, the managers of the village had established a charity organization to take care of the building and to build up the Temple's reputation, which has attracted new believers to become their worshippers.

Due to the long history of the Temple, it has been renovated several times for restoration and preservation purpose. However, the operation and restoration works of the Temple require large amount of funding, and without the Government's subsidies, their income was mainly relied on the donation of worshippers. In 2013, the Applicant – Hip Tin Temple Management Company Ltd. was set up as the management company of Hip Tin Temple. In response to the request from local villagers, as well as to solicit stable funding to maintain the daily operation of the Temple, the Applicant has been humbly selling columbarium niches to their worshippers since then.

In response to the latest requirement of Private Columbaria Ordinance (PCO) enacted on 30.6.2017 (see **Annex I** of **Appendix I**), the Applicant had submitted the private

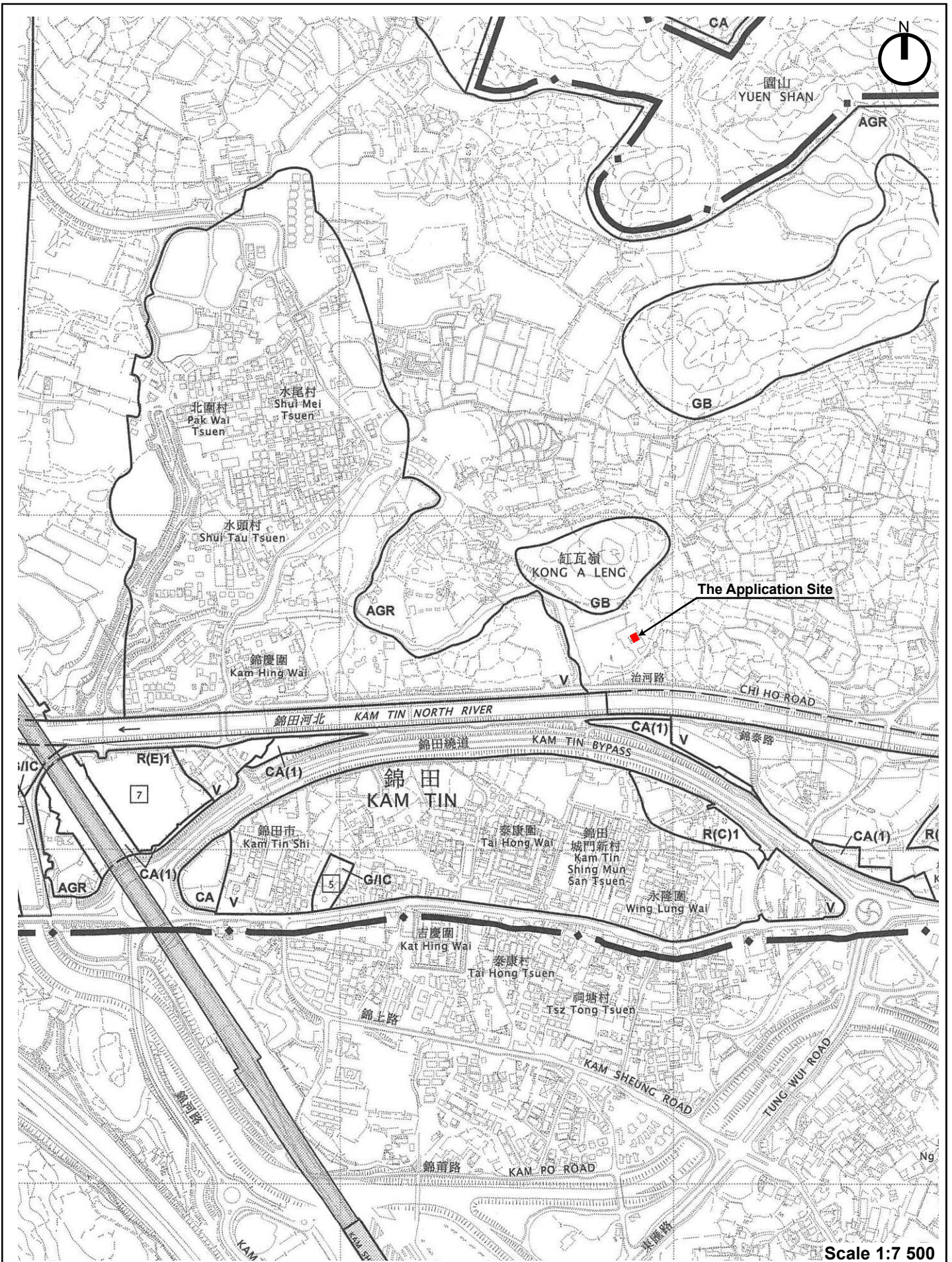
⁽¹⁾ "Pre-cut-off Columbarium" means a columbarium that was in operation, and in which ashes were interred in niches, immediately before the "cut-off time" (i.e. 8 a.m. on 18.6.2014)

columbarium licensing (PCL) application for Hip Tin Temple to the Private Columbaria Licensing Board (PCLB) on 27.3.2018. The Applicant had fulfilled a series of requirements and obtained the Approval-in-principle (AIP) Temporary Suspension of Liability (TSOL) on 24.10.2022 (see **Annex II of Appendix I**). During the 3 years validity period of TSOL, the Applicant has to satisfy the town planning, land lease and building safety requirements in order to obtain the Columbarium Licence. Hence, the Applicant herein submits this s.12A application, partly to comply with the licensing requirements under the PCO and partly to satisfy the town planning requirements.

The development proposal does not involve any alterations and additions to the existing building and no new building has been proposed at the site. Planning and technical assessments have indicated that the present application is well justified based on the following reasons:

- (a) Hip Tin Temple has been in existence at the site since 1932 and its columbarium was established long before the statutory town plan of the area came into force;
- (b) this s.12A application is aimed at regularising the columbarium niches as at the cut-off-time (i.e. 8 a.m. on 18.6.2014), which is in line with the spirit of PCO to resolve the Pre-cut-off Columbarium under a pragmatic and sensitive approach;
- (c) it is also in line with the Government's intention to relieve part of the urgent demand for columbarium niche spaces in Hong Kong;
- (d) the application site is suitable for religious and columbarium uses as it is located at a secluded and tranquil location and is far away from residential development;
- (e) the proposed "G/IC(1)" zone reflects the existing religious and columbarium uses without creating any unnecessary interface issue on the adjacent "AGR" zone;
- (f) the religious and columbarium uses are mainly confined within the Temple which is small scale in nature and is compatible with the surrounding rural character;
- (g) it will result in a series of public gains, and help improving the financial situation of the Temple on the provision of religious and social services;
- (h) it will not result in any adverse impact on land use, traffic, visual, environmental, drainage, sewerage and landscape aspects of the locality; and
- (i) the proposed new zoning is tailor-made for Hip Tin Temple and it will not set a bad precedent for similar applications in the area in view of its long history, secluded location, small scale and new policy initiatives.

The above planning justifications will be explained in detail in the following sections. A Traffic Impact Assessment has been conducted and attached in **Appendix II**.



Plan A: Zoning and Location Plan

Extract of Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11

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 is located at Tai Kong Po, Kam Tin North, Yuen Long (see **Plan B**). It is situated at a secluded and tranquil area mainly surrounded by dry abandoned field. The site is accessible by an existing footpath on the southern side leading to Chi Ho Road, which eventually connects to Kam Tin Bypass (**Photo 4a and b** and **Photo 6**). Bus stops, minibus stops, taxi stands, public car parks and pick-up/ drop-off spaces are available in Kam Tin Town, which is about 10 minutes walking distance from the site.

2.2 Site and Adjacent Land Uses

The application site is about 136.9m² and is mostly covered by a one-storey structure named Hip Tin Temple with a gross floor area (GFA) of about 118.9m². The Temple is a Qing vernacular building of a two-hall-one-courtyard plan of three bays built in 1932. Since then, it has long been a religious institution cum ancillary columbarium. The entire site is characterised by a strong religious and peaceful environment.

Hip Tin Temple comprises a middle hall with four small rooms (**Photo 1**), named 義士軒, 思恩堂, 孝義堂 and 仁愛堂. The main worshipping area is situated in the middle hall (**Photo 1**) while columbarium use has been confined at the four small rooms of the building (**Photo 1** and **Photo 2**). An outdoor rear-side wall (側面外牆) for columbarium use is situated at the southern side of the site adjoining the emergency exit of the Temple connecting 義士軒 (**Photo 3**). Breakdown of niche information for Hip Tin Temple is shown in **Table 2.1**.

Table 2.1: Breakdown of Niches Information for Hip Tin Temple

		義士軒	思恩堂	孝義堂	仁愛堂	側面外牆	Total
Occupied niches	Single-urn	15	0	0	0	0	15
	17-urn	1	0	0	0	0	1
Sold niches but not yet occupied	Single-urn	15	0	0	0	0	15
	Double-urn	0	10	0	0	0	10
Niches available for sale	Single-urn	675	126	588	418	128	1,935
	Double-urn	0	765	0	170	0	935
Total		706	901	588	588	128	2,911

The application site is far away from the village settlements with at least 135m. In front of the Temple (outside the application site), there is a large piece of flat lawn which has been used for temporary tent camping ground with hobby farm and barbecue site under valid planning permission. In order not to affect the operation of Hip Tin Temple,

the operator (Field Fortune Management Limited) has signed an agreement with the Applicant that the aforesaid recreational use will not be open during Ching Ming and Chung Yeung Festival Days and the proposed shadow period. A container toilet, which currently serves the operation of Hip Tin Temple, is located further north of the site (**Photo 5**).

2.3 Planning History

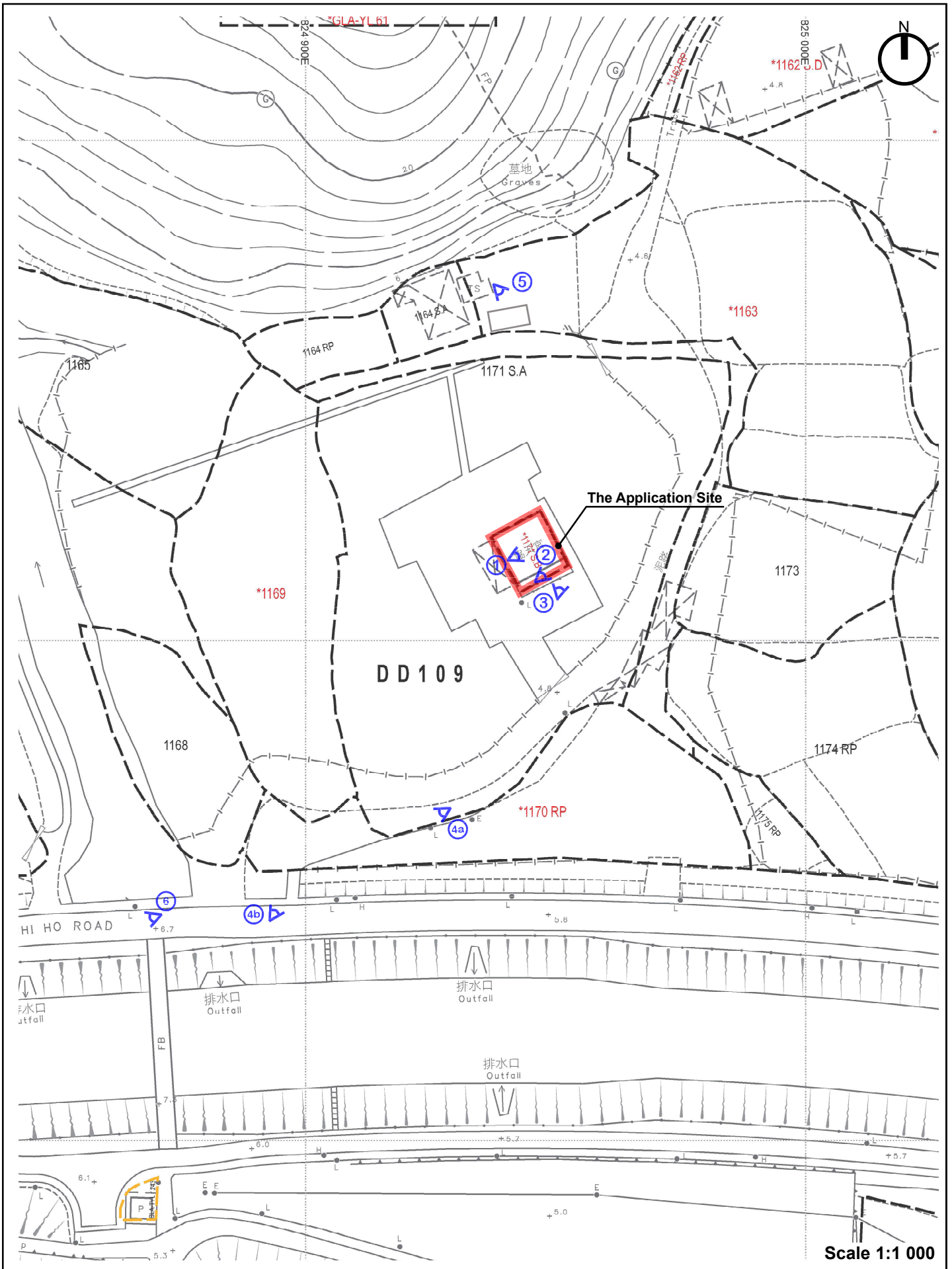
The application site falls within "AGR" zone on the approved Kam Tin North OZP No. S/YL-KTN/11 (see **Plan A**). According to the Notes of the OZP, the planning intention of this zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Nevertheless, the site has long been used for religious and columbarium uses before the publication of the first Kam Tin North Interim Development Permission Area (IDPA) Plan No. IDPA/YL-KTN/1 on 5.10.1990.

According to the TPB Guidelines No. 24D, a use in existence before the publication of the first plan which has continued since it came into existence. The facilities in Hip Tin Temple in reality could be regarded as "existing uses" and planning permission from the Board is not required. However, it is difficult to provide sufficient historical evidence to support the claim under the legal procedure in a short period of time during the process of PCL application. Hence, the Applicant has decided to go through the planning application system so as to comply with necessary town planning requirement for the PCL application for Hip Tin Temple.

2.4 Land Status

The application site involves private Lot No. 1171 S.B in D.D. 109 (see **Plan B**), which is owned by Hip Tin Kung. The Applicant – Hip Tin Temple Management Company Ltd. has signed a tenancy agreement with the landowner of the subject private lot to guarantee the right to continuously use the premises for columbarium purpose between 12.1.2020 and 30.6.2047. According to the Lands Department's comments from PCLB Licensing application, they consider the application licensing area (which is the same as the current rezoning application boundary) permits the placements of urns (**Annex III of Appendix I**).

In regards to the right of way to the application site, the Applicant advised that there is a footpath leading from Chi Ho Road via Lot Nos. 1170 RP and 1171 S.A in D.D. 109 to the application site and has been in existence for a long time. The Applicant had engaged a legal consultant for legal opinion on easement and right of way by prescription and submitted the legal letter to the PCLB in order to meet one of the requirements regarding the right to use the columbarium premises under the PCL application (see **Annex IV of Appendix I**). The PCLB considered the submitted documents are valid and issued the AIP-TSOL to the Applicant on 24.10.2022.



Plan B: Site and Land Status Plan



Photo 1: The main worshipping area in the middle hall.



Photo 2: 義士軒.



Photo 3: Side exit of Hip Tin Temple and Columbarium Wall E.



a



b

Photo 4a and b: Footpath leading to the application site.



Photo 5: Container toilets north of the application site.



Photo 6: Chi Ho Road.



Site Photos : Site and Adjacent Land Uses

(See Plan B for Visual Points)

3. REZONING PROPOSAL

This s.12A application involves the following amendments to the approved Kam Tin North OZP No. S/YL-KTN/11:-

(i) **Amendment Item 1 – OZP (Plan C)**

It is proposed to rezone the area covering Lot No. 1171 S.B in D.D. 109 from "AGR" to "G/IC(1)" zone in order to reflect the existing character of religious institution and columbarium uses in Hip Tin Temple.

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

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' use to be placed under Column 1 uses (i.e. uses always permitted) of 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.

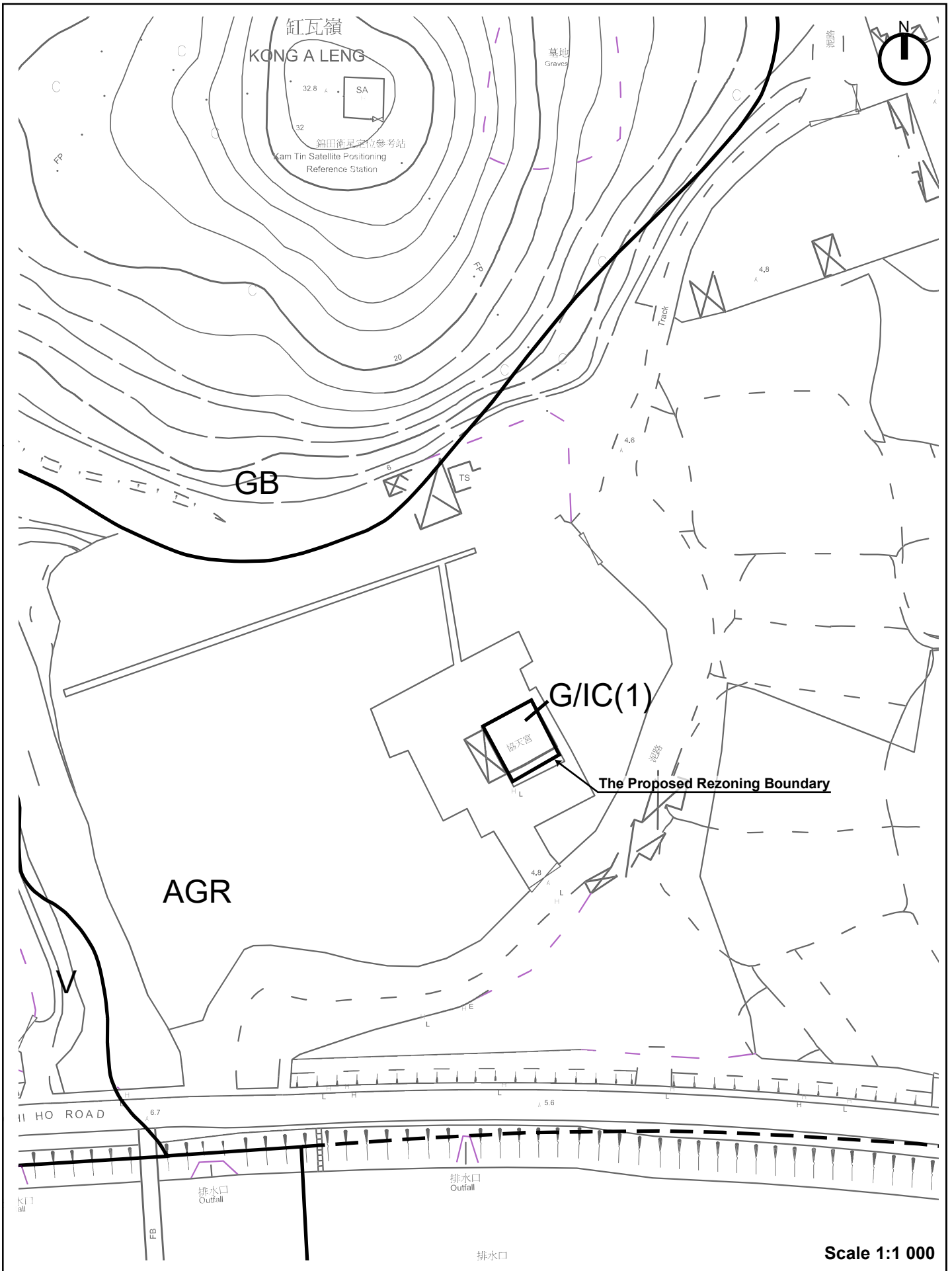
In view that the Applicant has submitted a detailed development proposal with supporting technical assessments, 'Columbarium' use is suggested to be placed under Column 1 of the proposed "G/IC(1)" zone so as to allow the Applicant to comply with the town planning requirements and obtain the Columbarium Licence within the 3 years validity period of TSOL. Moreover, the religious institution use in Hip Tin Temple has been in existence long before the statutory town plan of this area came into force. Hence, it is also suggested 'Religious Institution' use to be put under Column 1 uses of the proposed "G/IC(1)" zone.

However, most uses that are currently fall under Column 1 or Column 2 of the "AGR" zone, such as 'Agricultural Use' and 'Picnic Area' 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 Hip Tin Temple.

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

It is proposed to specify this new zoning is intended for religious institution and columbarium use. The maximum number of columbarium niches within this zone as a whole shall not exceed 2,911 niches (the total number of niches in Hip Tin Temple as at 30.6.2017 - the enactment date of PCO). A building height restriction of 1 storey has been imposed in the new zoning.

The proposed "G/IC(1)" zone is tailor-made for the Temple and it will not set a precedent case for other similar applications. It should be noted that the provision of a new columbarium should be defined as the "Post-cut-off Columbarium".



Plan C: Proposed Amendments to the Kam Tin North OZP

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

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 (d) under Remarks)	

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 2,911.
- (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 1 storey 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 number of niches/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.

4. DEVELOPMENT PROPOSAL

Hip Tin Temple is a pre-war structure existed at the application site since 1932. Due to the long history of the Temple, it has been renovated several times for restoration and preservation purpose. Nevertheless, the current ash interment capacity of Hip Tin Temple (i.e. 2,911 niches) has been limited to that as at the cut-off time (i.e. immediately before 8 a.m. on 18.6.2014).

4.1 Master Layout Plan and Development Schedule

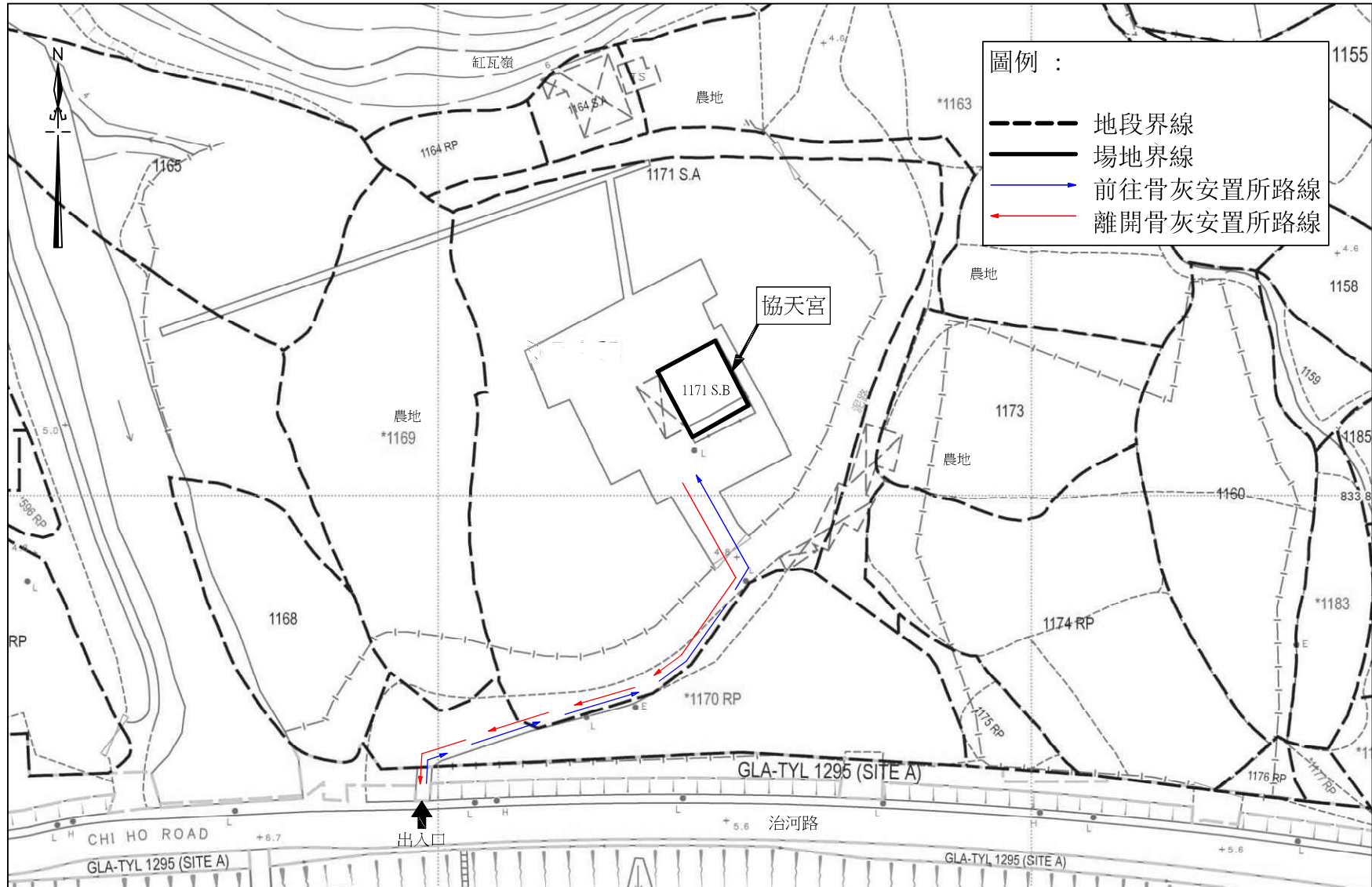
The Master Layout Plan, which reflects the latest proposed layout plan of the PCL application for Hip Tin Temple, is shown at **Plan D**. The development scheme in support of this s.12A application is intended to comply with the requirements of PCO for regularising the existing columbarium ancillary to Hip Tin Temple at the application site. It does not involve any alterations and additions to the existing building and no new building has been proposed at the site. The internal layout and section of Hip Tin Temple are shown in **Plan E**.

Hip Tin Temple is a Qing vernacular building of a two-hall-one-courtyard plan of three bays. Sufficient natural ventilation for the building can be received through from the large roof light (天井) in the middle of the building (see site photo). Nevertheless, natural ventilation will be provided as far as practical. The Applicant will also explore the possibility of providing temporary ramps at appropriate locations so as to comply with "Design Manual: Barrier Free Access 2008".



The application site is not accessible by vehicles. However, emergency vehicles could reach onto the lawn fronting the Temple from Chi Ho Road via a local access. In order to operate Hip Tin Temple in a safe, orderly and smooth fashion during the grave sweeping occasions, a Traffic and Crowd Management Plan (TCMP) with a crowd management measures has been proposed by the Traffic Consultant (**Section 4.4** refers). It will be implemented during the "grave sweeping festival periods", including Ching Ming and Chung Yeung Festival Day and their shadow periods.

Development schedule for the present application is shown in **Table 4.1**. The total number of 2,911 niches applied under this application is the same figure as recorded on the PCL application for Hip Tin Temple and the breakdown of niches information can be found in **Table 2.1** on page 3. The subject development is low-rise in nature with a total GFA of not exceeding 118.9m². It is compatible with the surrounding rural character.



(Extracted of Annex 15 Submitted to the PCLB)

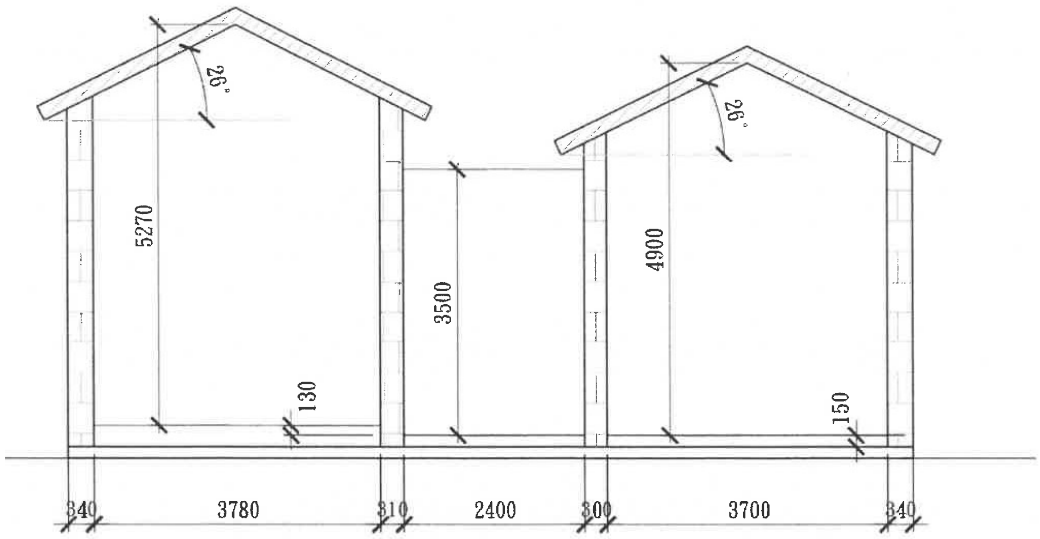
比例: 1 : 1000



Plan D: Master Layout Plan



Floor Plan
(Extracted of Annex 15 Submitted to the PCLB)



Section Plan
(Extracted of Structural Assessment Report Submitted to the PCLB)

Scale 1:100

Table 4.1: Development Schedule for the Present Application

	Application Site	
Site Area (m ²)	About 136.9m ²	
Plot Ratio	0.868 (approximate)	
Proposed GFA (m ²)	Not exceeding 118.9m ²	
	Religious Use (see blue colour in Plan E)	39.5m ²
	Indoor Columbarium (see yellow colour in Plan E)	77.5m ²
	Outdoor Columbarium (see red colour in Plan E)	1.9m ²
Site Coverage	86.9% (approximate)	
No. of Block(s)	1	
Max. Building Height	Not more than 6m (1 storey)	
No. of Niche(s)	2,911 niches	

4.2 Operation and Management of Hip Tin Temple

The Applicant – Hip Tin Temple Management Company Ltd. is the management company of Hip Tin Temple and there are currently 5 staff working for the Temple site. Additional staffs will be deployed in future, in particular during the grave sweeping occasion, based on the circumstances.

The operation hour of Hip Tin Temple (for both religious institution and columbarium use) is from 9:00am to 6:00pm during non-grave-sweeping festival periods (daily from Monday to Sunday) and from 7:00am to 6:00pm during the grave sweeping festival days, including Ching Ming and Chung Yeung Festival Day, and two weeks before the festival day and two weeks after the festival day.

The administrative office of Hip Tin Temple is located at G/F of 75 Fourth Lane Shing Mun San Tsuen. However, for the operation of religious institution and columbarium, an 'administrative counter' (consist of a table, a chair and one staff) will be placed near the entrance inside the Temple.

4.3 Access and Traffic Arrangement

The application site is served by a footpath connecting to a feeder road named Chi Ho Road, which is connected to Kam Tin Bypass by Kong Tai Road in the east and by Kam Hing Road in the west. Kam Tin Bypass is a dual two-lane Rural Trunk Road connects the north Kam Tin Town Centre connecting to Kam Tin Road via roundabouts at the eastern and western ends of the town centre. There are several existing public transport provisions in the vicinity of the application site with the regular and special franchised bus, and GMB routes serving the area.

Due to the site constraint, no internal transport facilities will be provided within the application site. Visitors must use shuttle bus provided by the Applicant and loading and unloading at the specified layby at Kam Tin Bypass, and then walk through a footpath to access the application site.

4.4 Traffic and Crowd Management Plan

In order to further minimise any potential traffic impact arising from the development, the Traffic Consultant has suggested a TCMP as presented in the Traffic Impact Assessment (see **Appendix II**). The TCMP will be implemented during Ching Ming and Chung Yeung Festival Day, and two weeks before the festival day and two weeks after the festive day and are summarized as follows:-

(a) Pedestrian Access Arrangement and Admission Control

Admission control will be preformed at the entrance. The advanced booking procedures are mandatory. Only visitors with the valid booking confirmations will be allowed to admit the columbarium building. Only niche owners and their family members with proofs of memberships are allowed to enter the Temple. The sale agreement for the purchase of niche will include a set of house rules which are to regulate the conduct of visitors and are legally binding on the purchasers in their use of the niches and effective in controlling their conduct. It includes special management measures such as, visitors must take the free shuttle bus and loading and unloading at the specified layby at Kam Tin Bypass on Peak Grave Sweeping Days. Other than the peak grave sweeping days, shuttle bus only policy are also applicable during non-peak seasons.

For those who did not drop-off at the specified layby, the sticker for admission to the Temple will not be given and shall be rejected from admission.

(b) Visit-by-Appointment System

Visit-by-appointment system (informed of visit date; admission time; and number of visitor) will be implemented to control the number of visitors entering the site. Entrance control will be performed at the entrance and visitors will be allowed to enter the Temple for worship by sessions. Visitors will be guided to wait in the waiting area within the Temple. The Temple has limited area and has maximum holding capacity of a total of 30 persons in view of fire safety according to 'Code of Practice for Fire Safety in Buildings'. Through entrance control, the number of visitors would be 60 persons per hour (i.e. four 15-minutes session with 15 persons per session).

Other than peak grave sweeping days, visit-by-appointment will also be implemented. The maximum hourly visitor number will be constrained to 10 visitors.

(c) Shuttle Bus Services

The Applicant proposes to provide free shuttle bus services for visitors between Hip Tin Temple and the West Rail Kam Sheung Road Station. Advance booking for the shuttle bus service is always required before a visit. The operation of the shuttle bus involves during peak grave sweeping days and days other than peak grave sweeping days (**Plan F**).

4.5 Environmental Proposal

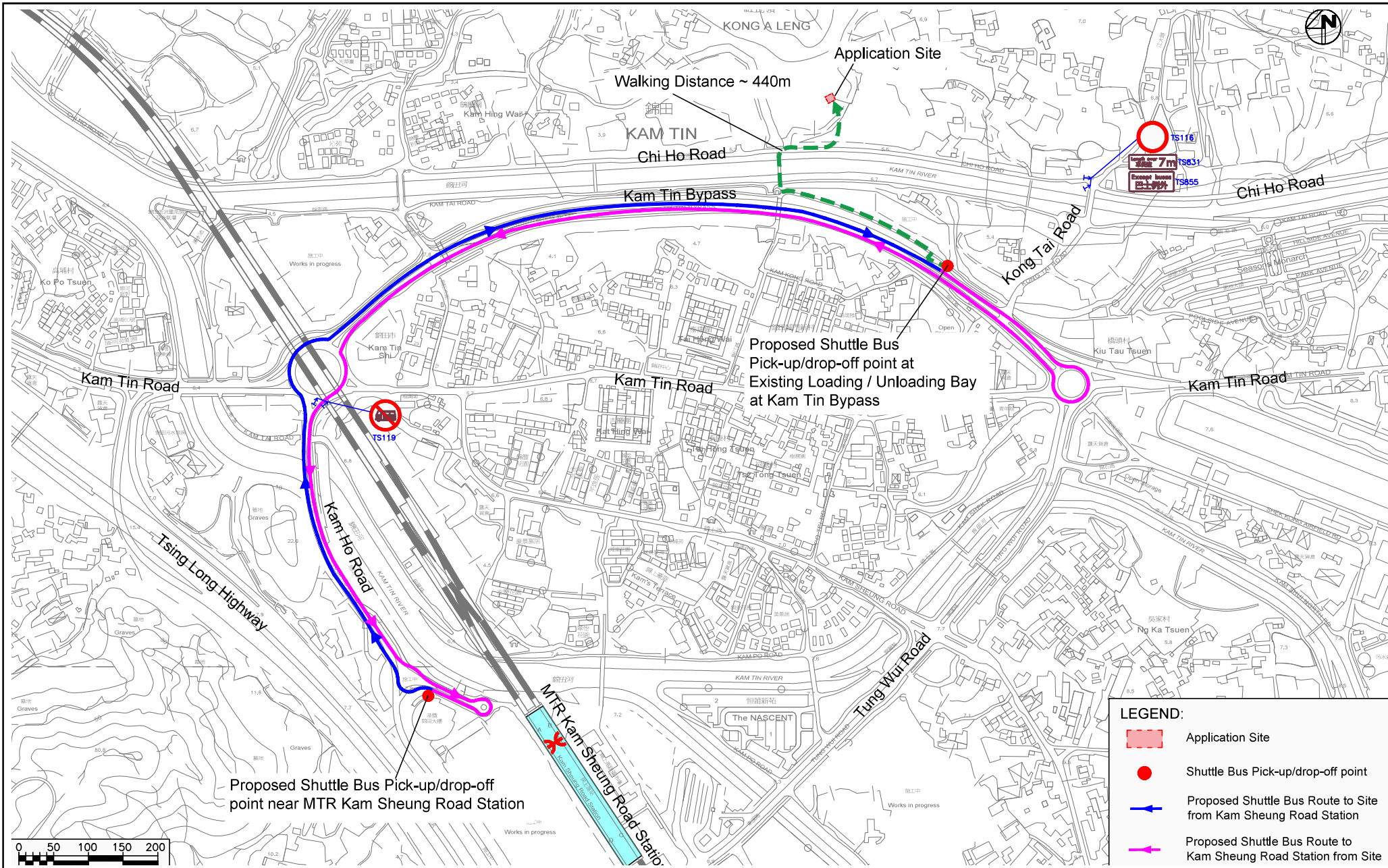
To maintain a peaceful and tranquil environment, no funeral service would be allowed at the application site. The religious and worshipping activities would be properly monitored to ensure no nuisance would be caused by the noise generated from the site. Sufficient staffs will be deployed to manage the site in a proper and tranquil manner.

Burning of ritual paper will be prohibited within the application site. Buyers of the niche spaces will have to observe the "no incineration process and no burning of ritual paper, incense and joss stick" requirement which will be written in the sale contract. Instead, other means of worship to show condolence would be provided, such as vase for placing flowers. 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 Environmental Protection Department (EPD).

An adequate drainage network exists within the application site. The runoff within the site will be conveyed to the stream course nearby via the existing peripheral channels. In order to cater sewage arising from the proposed (existing) development, the Applicant has a consent with the landowner of Lot 1163 in D.D.109 to allow the visitors to use existing container toilet located on Lot 1163 in D.D. 109 (**Annex V of Appendix I**). If necessary, the Applicant will provide additional temporary toilets as a backup plan to cater the need during peak season.

4.6 Implementation Programme

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



Plan F: Proposed Route of Shuttle Bus Services

5. PLANNING JUSTIFICATIONS

Hip Tin Temple has been in existence at the application site since 1932. It is situated in an isolated location, far away from residential settlement. For application for regularisation of columbarium use, each application should be assessed on individual merit based on the following criteria:-

- (a) background of the religious institution and the associated columbarium;
- (b) assessment on Government's intention, site suitability and land use compatibility;
- (c) technical and precedent concerns have been adequately addressed.

Planning and technical assessments have indicated that the proposed rezoning is well justified based on the reasons presented in this section.

5.1 The History of Hip Tin Temple for Religious and Columbarium Use

Hip Tin Temple, also named as Kwan Tai Temple, was built at the application site in 1932. It is a religious institution dedicated for the deity Kwan Tai and the columbarium niches of 17 righteous ancestors of Shing Mun Tsuen. According to the Historic Building Appraisal of Hip Tin Temple conducted by the Antiquities Advisory Board in 2010, the Cheng clan, who originally lived in Shing Mun Valley in Tsuen Wan, had to move away because the Government needed to construct the Shing Mun Reservoir in the late 1920s. Therefore, they had resettled to Kam Tin in 1930 and established Shing Mun San Tsuen. Hip Tin Temple (and the niches of 17 righteous ancestors) was also relocated to the application site for the convenience of future generations and villagers to worship (**Photo 7 - Photo 9**). Some cremated ashes of the local villagers were interred in the Temple.

Hip Tin Temple is one of the assessments on the heritage value of 1,444 buildings completed by the expert panel under the Antiquities Advisory Board. Due to the long history of the Temple, it has been renovated several times (i.e. 1972, 1979, 1990, 1999 and 2010) for restoration and preservation purpose (**Photo 10**). After the Temple keeper passed away before the 1990s, the managers of the village have established a charity organization to take care of the building and to build up the Temple reputation, such as holding regular religious, village and social activities (**Photo 11**), which has attracted many new believers to become their worshippers.

However, the operation and restoration works of the Temple require large amount of funding, and without the Government's subsidies, their income was entirely relied on the donation of villagers and worshippers. In 2013, the Applicant – Hip Tin Temple Management Company Ltd. was set up as the management company of Hip Tin Temple. In response to the request from local villagers, as well as to solicit stable funding to maintain the daily operation of the Temple, the Applicant had renovated the Temple in late 2013 and has been humbly selling columbarium niches to their worshippers since 5.12.2013 (**Photo 12**). Some photos showing the history and the previous operation of Hip Tin Temple provided by the Applicant are shown **Plan G**.

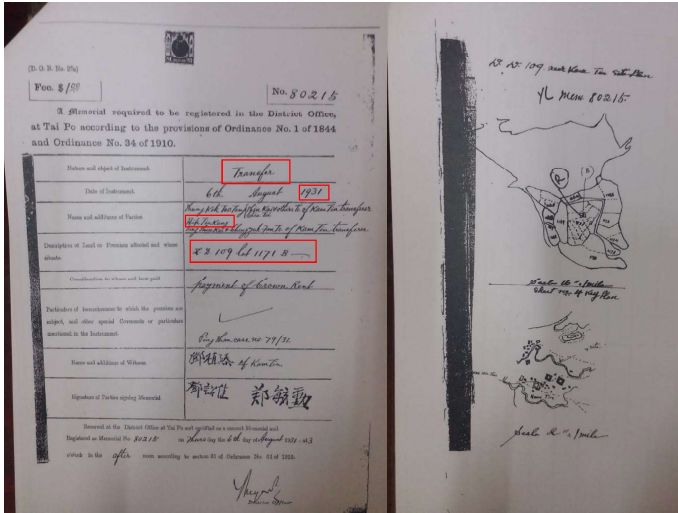


Photo 7: Land document for relocation of Hip Tin Temple to the application site.

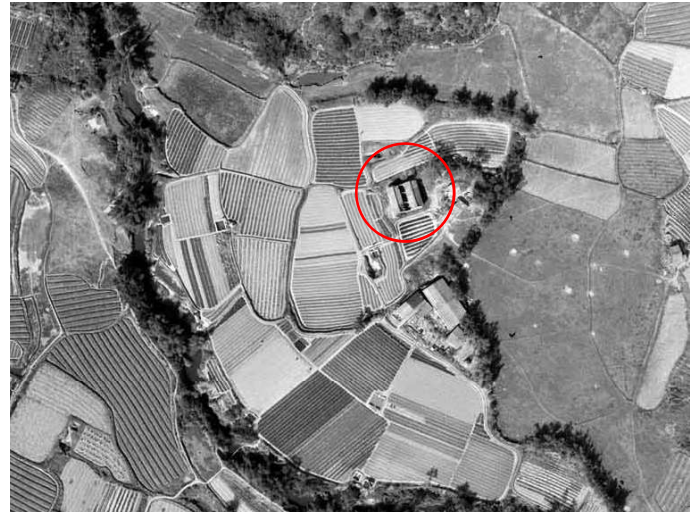


Photo 8: Aerial photo taken from 1964.



Photo 9: The 17 righteous ancestors.

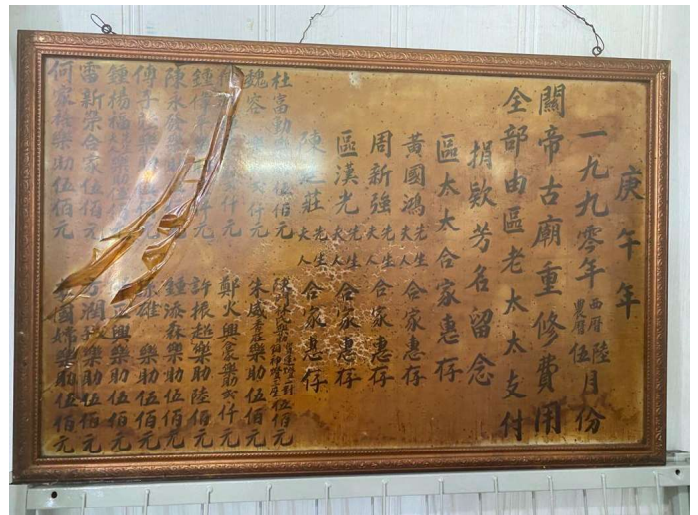


Photo 10: Record of renovation for Hip Tin Temple.



Photo 11: Religious and village activities in the temple.



Photo 12: The previous look of columbarium for Hip Tin Temple before rearrangement in late 2017.



Plan G: The History and Previous Operation of Hip Tin Temple

5.2 Rationale of the Proposed Rezoning

This s.12A application is strongly justified for rezoning the site from "AGR" to "G/IC(1)" for religious and columbarium uses for the following reasons:

(a) **The 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 historic problem of these 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. In contemplating these policy initiatives, the Government would take into account the overall interests of the community so as to avoid affecting the descendants (see **Annex I of Appendix I**).

On 30.6.2017, the PCO came into effect and the private columbarium in Hong Kong must be covered with a Columbarium Licence, Exemption or TSOL. The policy objectives aim at stipulating proper regulation on private columbaria so that they could complement the public columbaria to meet the social needs for ancestral worshipping, to add supply and choice of niches and related services. As such, the Applicant had submitted the PCL application for Hip Tin Temple before the expiry date on 29.3.2018.

(b) **Essential Planning Mechanism to Comply with the New Requirement**

The Applicant had fulfilled a series of requirements and obtained the AIP TSOL on 24.10.2022 (see **Annex II of Appendix I**). During the 3 years validity period of TSOL, the Applicant has to satisfy, including but not limited to, town planning, land lease and building safety. To comply with the town planning requirements, the Applicant is required to submit 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 Kam Tin North, i.e. 5.10.1990). Although the Temple was established at the site in 1932, and the ancillary columbarium has been in operation for a very long period of time, it is very difficult to provide sufficient historical evidence on the date of first interment in niche for the columbarium under the legal procedure in a short period of time. Thus, the Applicant has decided to comply with the town planning requirement by way of planning application.

Since 'Columbarium' use does not fall under Column 1 or Column 2 of the current "AGR zone, the Applicant herein submits a s.12A application to amend the zoning of the site to "G/IC(1)" with 'Columbarium' use to be placed under Column 1 of the new proposed zone. This could streamline the development control process for Hip Tin Temple to comply with the town planning requirements for the PCL application. Thus, the proposed rezoning is an essential mechanism to facilitate regularization of the columbarium ancillary to Hip Tin Temple. 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.

5.3 Conforming Government's Intention

This s.12A application is in line with the Government's policy objectives:

(a) Policy Initiative to Safeguard Overall Interest of the Community

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 ashes to be properly placed should be respected. With the introduction of PCO, the Government have strong intention to resolve the historic problems of Pre-cut-off Columbaria under the 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.

The subject columbarium exists before the pre-cut-off time and the present application is in line with the spirit of PCO to regulate the operation of private columbaria through a licensing scheme. The Applicant has a genuine intention to regularise the existing columbarium and the total number of 2,911 niches under this application is the same as recorded on the enactment date of PCO, i.e. 30.6.2017.

(b) Meeting the Strong Demand for Columbarium Niche Spaces in Hong Kong

According to the Census and Statistics Department, Hong Kong has an annual death rate of about 6.9% (see **Table 5.1**). The numbers indicate a steady increase in annual demand for niche spaces. The demand for niche spaces will continue to increase due to the ageing population and other factors. With a growing ageing population in Hong Kong, the no. of deaths and cremations have been gradually rising annually, resulting in an increasing public demand for columbarium facilities.

Although columbaria are essential facilities for the community, it is not easy to develop given the small geographical size and the large population as well as strong local resistance against such facilities to be provided in their area. The subject columbarium with around 2,800 niche spaces available for sale at this suitable location can facilitate in increasing the supply of columbarium niches to help meeting the urgent public demand.

Table 5.1: No. of Death and Death Rate in Hong Kong (2017 - 2022)

	2017	2018	2019	2020	2021	2022
No. of Death	46,800	47,400	47,400	50,700	51,400	63,700
Death Rate	6.3	6.4	6.4	6.8	6.9	8.7

This planning application is in line with the policy objectives which aim at stipulating proper regulation on private columbaria so that they could complement the public columbaria to meet the social needs for ancestral worshipping, to add supply and choice of niches and related services. Furthermore, it would also help improving the financial situation of the Temple on the provision of religious and social services.

5.4 Site Suitability for Religious and Columbarium Use

A planning assessment on the site suitability for columbarium use in Hip Tin Temple has been conducted and the findings are summarised as follows:-

(a) Accessible Location

The application site is located about 5 minutes driving distance away from Kam Sheung Road West Rail Station, major public transport facilities, and public car park. Visitors and staffs could access the site via the proposed free shuttle bus service provided by the Applicant.

(b) Segregation from Domestic Uses

Although the application site is situated within the reasonable distance from public transport facilities, it is located in a secluded area predominantly covered with flat lawn, trees, stream course and small hill with burial ground. The site and its surrounding area are segregated from the closest village houses and residential developments at a distance of at least 135m (see **Plan J** in **Section 5.9**). These developments are generally well-screened from Hip Tin Temple by stream course, trees and bypass. Thus, the site is hardly visible from outside.

(c) Grave Sweeping Activities Mainly Confine within the Temple

Since the 1970s the Government has been encouraging cremations instead of traditional burials. However, the number of cremations have risen substantially in the past 50 years due to the progress in providing new public columbaria is primarily constrained by the limited land supply and most people's 'not in my back yard' attitude. In fact, many well-established religious bodies play an important role in the provision of columbarium facilities over the past decades given that the public are relatively less concerned about the columbarium managed by religious bodies. From the land use compatibility point of view, the provision of columbarium facility within a religious institution is considered acceptable.

Hip Tin Temple has long been a popular religious institution in the area. Up to the present moment, the Applicant has demonstrated smooth operation of the Temple and good relationship with the local people. The Applicant will implement the TCMP to ensure the ancillary columbarium will not create any unnecessary nuisance issue to the surrounding area, especially during festive seasons.

(d) No Insurmountable Constraints

As detailed in **Section 5.7 - Section 5.9** and the technical assessment in the Appendices, the subject development is sustainable in visual, landscape, traffic, environmental and engineering terms. It is noticed from the previous application that concerned Government departments had no major concerns on the technical aspects of the development. In comparison with the previous application, the present application in terms of the application site boundary, major development parameters, number of columbarium niches and building form remain unchanged.

The subject development is small scale in nature and there would be no insurmountable problems caused by the development taken into account the improvement measures proposed in the technical assessments.

In view of the observations above, the application site is well suitable for columbarium use in terms of locational advantage, reasonable distance away from residential use, and good management in the past. With the proposed mitigation measures adopted, the potential impacts of the small scale development to the vicinity would be minimized.

5.5 No Adverse Impact on the Existing "AGR" Zone

The proposed "G/IC(1)" zone is generally compatible with the surrounding area based on the following reasons:

(a) Rationalisation of the Existing Land Use Pattern

The application site is currently zoned "AGR" on the Kam Tin North OZP. Although the planning intention of the "AGR" zone is mainly for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes, it should be highlighted that the application site has a long history of institutional use predominantly occupied by a one-storey building named Hip Tin Temple since 1932.

When the statutory planning control of the area (i.e. the first Kam Tin North IDPA Plan) came into force on 5.10.1990, the TPB had taken a comprehensive approach to zone the site and its surrounding into a large piece of "AGR". Nevertheless, the application site has been continuously and actively operated as a religious institution with ancillary columbarium of 17 righteous ancestors and the local villages (see **Plan H**). Therefore, the present application for rezoning the site to "G/IC(1)" is very logical in order to reflect its existing uses.

(b) Not Suitable for Agricultural Rehabilitation

As stated above, the application site has never been functioned as "AGR" since the gazette of Kam Tin North IDPA Plan No. IDPA/YL-KTN/1. Due to the long history of Hip Tin Temple, it is one of the assessments on the heritage value of 1,444 buildings completed by the expert panel under the Antiquities Advisory Board. Antiquities Advisory Board considered that the subject Temple has some built heritage value. The Temple is a respectful and recognised building in the Kam Tin area and thus it is considered not appropriate to demolish for agricultural rehabilitation.

Moreover, the subject application is intended to comply with the requirements of PCO for regularising the columbarium ancillary to Hip Tin Temple at the site. It does not involve any alterations and additions to the existing building and no new building has been proposed at the site. Therefore, the approval of this application will not hinder the potential of the surrounding area for agricultural use.

In fact, the application site has a small area of about 136.9m², which represents less than 0.00006% of the entire "AGR" zone (i.e. 2,289,219m²) on the Kam Tin North OZP. Hence, the proposed (existing) use would not result in a significant loss of "AGR" land.

(c) Compatible with the Adjacent Land Uses

The proposed "G/IC(1)" zone is compatible with the surrounding area which are predominately rural in character, predominantly covered with flat lawn, trees, nullah and small hill with burial ground. The current scheme is intended to regularise the existing operation of the columbarium at the site without changing the existing building or proposing any new building. As regard the development intensity, a GFA of about 118.9m² and a building height of not more than 6m (one storey) are considered appropriate for the surrounding area. A TCMP with a systematic crowd management method for the monastery has been proposed to ensure that the operation of Hip Tin Temple can be run in a safe, orderly and smooth fashion without creating any crisis during the grave sweeping occasions. Therefore, the subject small scale development will unlikely create any significant unnecessary interface issue on the adjacent "AGR" zone at anytime.

(d) Strong Support from the Local Residents

The Temple has always maintained a good relationship with the local villagers. In order to further relieve the public concerns on any potential nuisance to the local villagers in this locality, the Applicant has spent utmost efforts on the local communication works (地區聯絡工作). In the previous application (No. Y/YL-KTN/3), out of the total 500 public comments received, 497 (about 99.4%) supported the applications and only 3 (about 0.6%) objected. In addition, it is noticed that a number of local representatives and villagers wrote to the Board to express their strong support to the application (see **Appendix III**). They include:-

- 錦田城門新村代表
- 錦田城門新村村民
- 大江埔村民
- 錦田村民
- 永隆圍村民

When considering public comments fairly and reasonably, one would usually consider the number in the majority, and minority, and give effect to the majority view. The overwhelming support received during the previous application, especially majority of the support were from the local residents, illustrates that the general public consider the subject development is favourable and acceptable.

In view of the long history of the Temple, low agricultural rehabilitation value of the site, small scale development compatible with the adjacent land uses, and support from local villagers, the approval of this rezoning application will not result in significant adverse impact on the existing "AGR" zone.



Affirmation from a Local Villager

聲明

本人鄭以興 香港身份證 [REDACTED]

現居於 葵涌油蔴地路192號

謹以至誠鄭重聲明：
叔鄭以興前任鄭安錄祖及鄭登若祖
司理人於一九八二年四月二十八日和父親鄭叔公
鄭馥猷的靈灰安葬於錦田協天宮內。

本人謹啟《宣誓及聲明條例》並誠以此此項鄭重聲明，並親自為其職無訛。

此項聲明於 一九八二年 月 日 作出

在本地政府註冊處 鄭以興 簽名

作出保證者：鄭以興 已先行簽署一經此項本文件內容向聲明人作出
實明權及遺囑認證的保證，並會將本人印署為聲明人主持的聲明書實向
註冊處

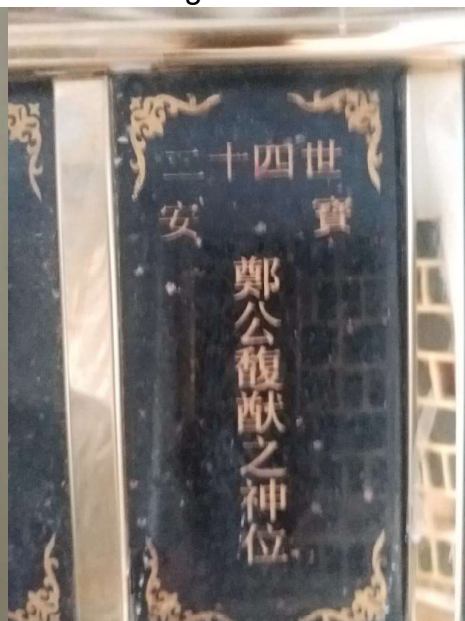
在本人面前作出：
監誓員：張曉紅

本人 謹於 年 月 日 作出
謹以至誠鄭重聲明，本人謹啟本文件所採用的法定格式文
件，本人已將本文件內容向聲明人 鄭以興 簽名
證明，並會將本人印署為聲明人主持的聲明書實向
註冊處

此項聲明書於 年 月 日 作出
在本地政府註冊處

在本人面前作出：
監誓員：

HKAP 1043 (Rev. 1/2002)



Plan H: Aerial Photo in 1989

5.6 Social Benefits to Locality

Approval of this s.12A application will result in the following social benefits and planning gains:-

(a) **Policy Initiative to Safeguard Overall Interest of the Community**

The columbarium ancillary to Hip Tin Temple complies with the PCO to regulate the operation of private columbaria through a licensing scheme. The Applicant has a strong intention to regularise the existing columbarium uses to comply with all the requirements for the PCL application, 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.

(b) **The Rehabilitation of the Temple**

Being one of the most popular temples in the Kam Tin North area, Hip Tin Temple has over 90 years of history (**Photo 13**). Due to the long history of the Temple, it has been renovated several times for restoration and preservation purpose (**Photo 14**). However, the operation and restoration works of the Temple require large amount of funding and, without the Government's subsidies, their income is entirely relied on the donation of worshippers and the ancillary columbarium. Therefore, this application is submitted to facilitate the continuous and healthy operation of the Temple.

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

Hip Tin Temple has been long been offering religious columbarium services for the community (**Photo 15**). Besides, the Temple has also actively participated in public welfare and charity activities for the community (see **Plan I**). For example, the Hong Kong Charity Cycling Championship, recreational (planting) events and educational (school) events (**Photo 16 – Photo 18**).

Hip Tin Temple has long been operating without the Government's subsidies. Maintenance and management of all the facilities in the Temple are responsible by Hip Tin Temple Management Company Ltd.. Approval of this s.12A application would help improve their financial situation in maintaining and upgrading its facilities and to provide other social services.



Photo 13: Worshipping activities inside Hip Tin Temple.



Photo 14: Regular restoration and preservation works.



Photo 15: Religious celebration for Hip Tin Temple.



Photo 16: Charity events involved by Hip Tin Temple.



Photo 17: Holding recreational (planting) events.



Photo 18: Holding educational (school) events.



Plan I: Religious and Social Activities Organised by Hip Tin Temple

5.7 No Adverse Impact in Traffic

A Traffic Impact Assessment has been carried out as presented in **Appendix II**. It has the following conclusions:-

- (a) The assessment year is set as 2030, i.e. 3 years from the licensing year in 2027.
- (b) In order to minimise the amount of vehicular traffic in the area, the Applicant proposes to provide free shuttle bus services for visitors between the subject development and West Rail Kam Sheung Road Station. Also, a maximum of 60 visitors per hour would be allowed to access the columbarium and visitors are required to make appointment via visit-by-appointment system before their visits.
- (c) It is estimated that around 10 passenger car units (5 in and 5 out) are to be induced by the subject development during the peak hour during the festival period.
- (d) The 2030 Peak Hour Reference Traffic Flows (i.e., without the subject columbarium) are estimated taking into account the planned and committed developments, as well as the future population and employment in Yuen Long District and Northwest New Territories.
- (e) The additional traffic to be induced by the Proposed Development is added to the 2028 Reference Flows to obtain the 2030 Design Flows (i.e. with the subject development).
- (f) Junction capacity assessments are carried out for all the key junctions within the Study Area. With the improvement works, the results indicated that the key junctions in the area would perform satisfactorily in the design year of 2030 with the proposed TCMP by the subject development. The traffic impact to be induced by the subject development would be acceptable without creating adverse impact on the nearby road network with the proposed management plans.

The results of the assessment indicate that, with the provision of free shuttle bus services to be provided by the Applicant, 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 columbarium would not pose adverse traffic impacts to the road network in the vicinity of the application site.

Moreover, a Management Plan was submitted to the PCLB and the Police considered it is acceptable (see **Annex VI** of **Appendix I**). Since this s.12A application has submitted a detailed TCMP in the TIA report, the Applicant will incorporate the TCMP into the Management Plan after this planning application is approved by the Board.

5.8 Minimum Environmental Impact

The proposed (existing) development will not result in any significant environmental impact (i.e. air quality, vehicular emission, noise, sewerage and drainage) based on the following considerations:-

(a) Air Quality

Major source of air pollutants during the operation of a columbarium would be burning of ritual papers at the site. However, there will be no incineration process and no burning of ritual paper at indoor or outdoor area of the subject development as administrative measure. The worship activities, if any, would be mainly carried out at indoor and sufficient staffs will be deployed to manage the site in a proper and tranquil manner. Thus, the operation of Hip Tin Temple will not cause unacceptable air quality impact to the surrounding. Potential air sensitive receivers (ASRs), such as residential use, are located far away (i.e. more than 130m) from the site.

The temporary camping site further west of the application site may be considered as an ASR. However, the operator of the aforesaid recreational development agreed to close operation during the Ching Ming and Chung Yeung Festival days and the proposed shadow period, and an agreement have been signed between the operator and the Applicant. Secondly, the distance from Hip Tin Temple's main entrance to the edge of the tent camping ground area is approximately 35m. The worshipping activities are mainly confined within the Temple and no burning of joss paper is allowed. Therefore, no adverse air quality impact is anticipated during the operation of the columbarium.

On the other hand, there is no major air and odour emission sources in the vicinity of the columbarium. The application site is situated at a relatively remote location mainly surrounded by flat lawn, trees, canopies and small hill. Based on the site visit conducted on April 2024, no chimneys were identified within 500m from the site. Hence, visitors and staffs in the columbarium will not be subjected to adverse air quality impact from the surrounding.

(b) Vehicular Emission

Air pollutions related to vehicular emissions are resulted from the nearby traffic emissions and concentration levels of these pollutants are related to dispersion distance of the pollutants. The application site has no vehicular access and it can only be reached on foot. Air quality impacts due to the traffic emissions from the surrounding roads of the site may assess based on the criteria of Hong Kong Planning Standards and Guidelines (HKPSG), which stated the minimum buffer distance requirement from different road types to different open space uses in Table 3.1 of Chapter 9 of the Guideline.

Table 5.2 shows the distance between the application site and the roads around the site. The distance between the subject rural road and the Temple has a distance of about 12.5m, which meets HKPSG's requirements. Moreover, based on the latest traffic arrangement, no internal transport facilities will be provided within the application site. Visitors must use shuttle bus provided by the Applicant and loading and unloading at the specified layby at Kam Tin Bypass, and then walk through a footpath to access the application site. Therefore, no significant vehicular emission impact will be imposed to the application site.

Table 5.2: Distance between the Site and the Roads in the Vicinity of the Site

Road/Street	Distance from the subject site	Road Type	Buffer distance from passive recreational uses stated in HKPSG for different road type	Compliance with the HKPSG
Kam Tin Bypass	~163m	Rural Trunk Road	>20m	Yes
Kam Tai Road	~115m	Feeder Road	Not specified in the HKPSG >5m following the Local Road	N/A
Chi Ho Road	~67m	Feeder Road	Not specified in the HKPSG >5m following the Local Road	N/A
Rural road at the south of the site	~12.5m	Rural Road	Not specified in the HKPSG >5m following the Local Road	N/A

(c) Noise

Since the columbarium is not designed for noise sensitive use, it is not considered as noise sensitive receiver, as such, the noise criteria specified in HKPSG is not applicable to the site. Also, due to the columbarium is not designed for conducting any funeral ceremony, and the general operation activities such as worships/praying to be mainly carried out at the site is relatively quiet in nature, adverse noise impact due to operation of the columbarium on the surrounding areas is not expected. The religious and worshipping activities would be properly monitored to ensure no nuisance would be caused by the noise generated from the site.

(d) Sewerage

In order to cater sewage arising from the proposed (existing) development, the Applicant has a consent with the landowner of Lot 1163 in D.D.109 to allow the visitors to use existing container toilet located on Lot 1163 in D.D. 109 (see **Annex V of Appendix I**). As advised by the Applicant, the said container toilet has 4 toilets with a holding capacity of about 1m³. With reference to the Environmental Impact Assessment (EIA) report of Sandy Ridge Cemetery, the estimated sewage flows during festive periods for the columbarium has been suitably adopted as presented in **Table 5.3**. A more conservative approach has been applied that 70% (instead of 50%) of the total number of visitors will be assumed to use toilet and contribute to sewage flow generation. The peak daily flow during peak period (Ching Ming Festival) for the subject development is estimated to be 1.6012m³ per day.

In order to cater sewage arising from the proposed (existing) development with up to 2,911 niches, it is recommended to modify the said container toilet with a holding capacity of about 2m³ and installed with jet toilets (~1L of water per flush). Or as an alternative, the Applicant can provide 2 portable toilets with a size of 400litre sewage capacity within the application site to cater the need during peak season. Sewage and waste from the portable toilets shall be collected and disposed by licensed collectors.

Table 5.3: Sewage Generation of Visitors during Festival Periods

Total visitors	A	660 visitors/day	As advised by the Traffic Consultant
No. of staffs (operational area)	B	5 staffs/day	Advised by the Applicant
Unit flow fate (for staff)	C	0.08m ³ /person/day	Refer to Commercial Employee of GESF ⁽¹⁾
Unit flow fate (for visitors)	D	0.0026m ³ /person/visit	200ml micturition ⁽²⁾ + 1L flushing ⁽³⁾ + 1.4L Handwashing ⁽⁴⁾
% of visitors will go to toilet	E	70%	Based on other Monastery Project ⁽⁵⁾
Total unit flow rate (visitors + staffs)	F	1.6012m ³ /day = 1,601.2 Litres/day	(A x E x D) + (B x C)

1. EPD publication Guidelines for Estimating Sewage Flows (GESF) for Sewage Infrastructure Planning Version 1.0, March 2005
2. Human's micturition is assumed to be 200mL in accordance with p. 3081 of "Magill's Medical Guide", 6th ed.
3. The volume of flushing system is advised by the supplier of chemical/container toilet
4. BEAM Plus New Buildings Version 1.2 in July 2012
5. Reference has been made to the sewage flow calculation from the Tai Po Tsz Shan Monastery project, in which 50% of the total number of visitors were assumed to contribute to sewage flow generation. Due to the relatively remote location of Hip Tin Temple site, a more conservative approach has been applied that we have assumed 70% of the total number of visitors will use toilet and contribute to sewage flow generation.

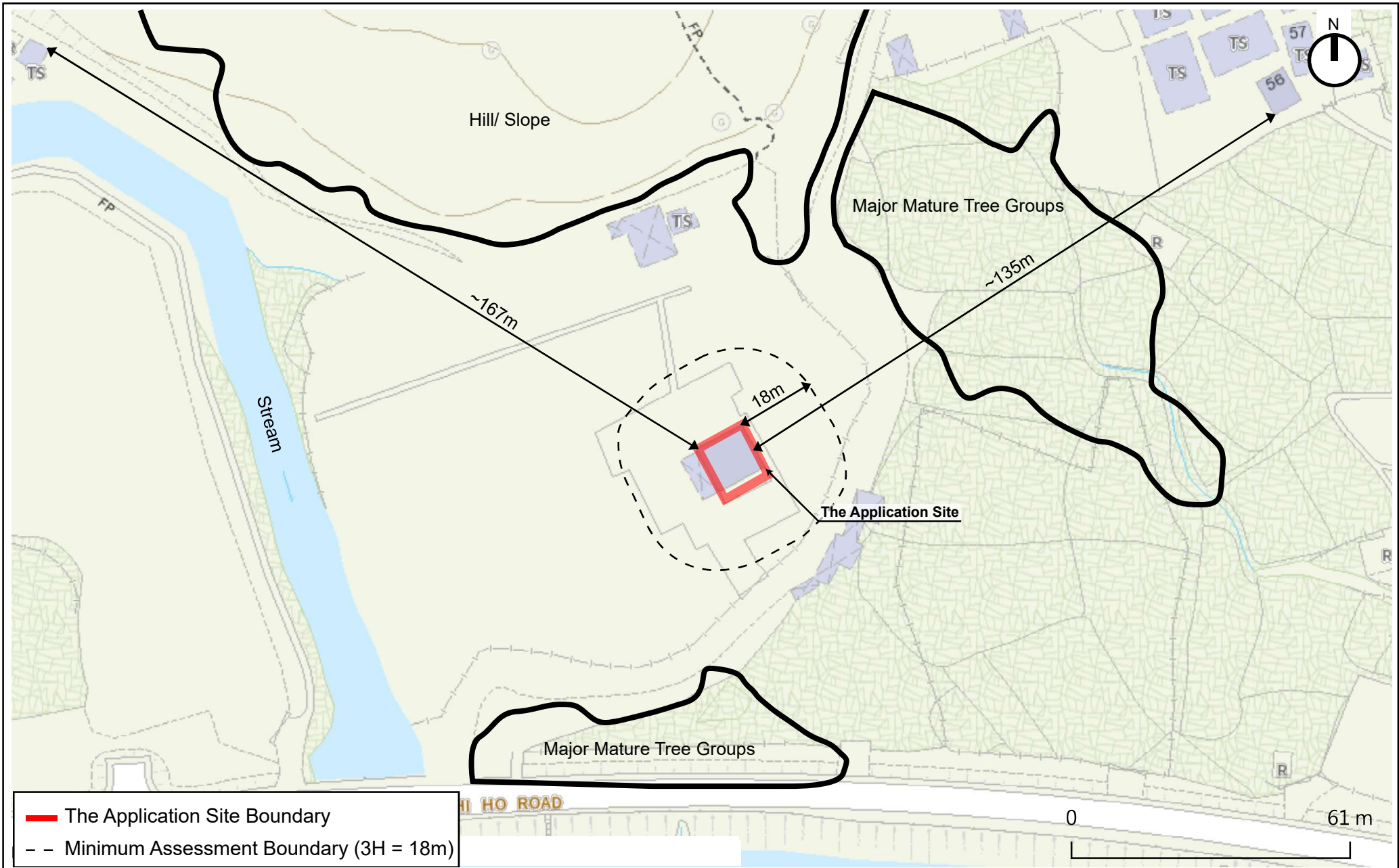
(e) Drainage

An adequate drainage network exists nearby the application site. The runoff within the site will be conveyed to the stream course nearby via the peripheral channels. Since this application only involves the regularisation of the columbarium use without affecting the building bulk within the site, it is anticipated that the drainage flow would not be significantly changed.

5.9 Minimum Visual and Landscape Impacts

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

- (a) The application site is topographically located in a secluded area of Tai Kong Po in Kam Tin. With a small site area of 136.9m², it is mostly occupied by a single-storey temple named Hip Tin Temple, which is a Qing vernacular building of a two-hall-one-courtyard plan of three bays. Hip Tin Temple was built at the site in 1932 and has long been a popular worshipping attraction to the local people in Kam Tin. The existing building at the site is low-rise and small-scale in nature and it has been used for religious and columbarium uses for a very long time.
- (b) The application site and its surrounding area is rural in character intermixed with flat lawn, vacant/unused land, stream course, trees, canopies, and a small hill with burial ground. The site is far away from residential development and village type development with at least 135m and it is well segregated from them by existing trees, hill slope, stream course and infrastructures. The existing small scale development at the site is hardly visible from outside.
- (c) The present application is intended to comply with the requirements of PCO for proper control of the existing columbarium ancillary to Hip Tin Temple at the application site. It does not involve any alterations and additions to the existing building and no new building has been proposed at the site. Majority portion of the columbarium has been confined within the Temple and the outdoor rear-side columbarium wall only cover a very small area of 1.9m². This columbarium wall has been well screened by surrounding visual obstructions such as trees, canopy and fence.
- (d) A Visual Analysis Plan for Hip Tin Temple is shown in **Plan J**. There is no Visual Sensitive Receiver (VSR) in the vicinity of the site. Taking into account the reasonable separation from nearby villages and residential developments, the location of the application site, as well as the existing hill slope and landscape features surrounding the site, the proposed (existing) development is unlikely result in significant visual impacts on the surrounding area.
- (e) The proposed (existing) development is small scale in nature which is not incompatible to the surrounding landscape character. The worshipping activities mainly confine within the Temple. Moreover, the rezoning proposal does not involve the change of landscaping of the adjacent area. Hence, significant impact on the existing landscape resources and landscape character is not anticipated.



Plan J: Visual Analysis Plan



5.10 Unlikely to Set an Undesirable Precedent

In view of its long history, secluded location, small scale and new policy initiatives, the present application will unlikely become an undesirable precedent for similar application based on the following justifications:

(a) **The Subject Development is not an Undesirable Use**

Hip Tin Temple has long been in existence at the application site since 1932. This application is to seek TPB's approval to rectify the existing columbarium ancillary to Hip Tin Temple, which is in line with the policy objective for regularising the private columbarium existed before the introduction of PCO. It involves the retention of existing buildings which are low-rise and low-density in nature.

The application site and the surrounding "AGR" zone is far away from residential uses, and is well segregated from them by Kam Tin River, stream course, mature trees, slope, mature trees and Kam Tin Bypass. The religious institution and columbarium located in such isolated location is not incompatible with the surrounding land uses. It is relatively a clean facility and is not an undesirable use.

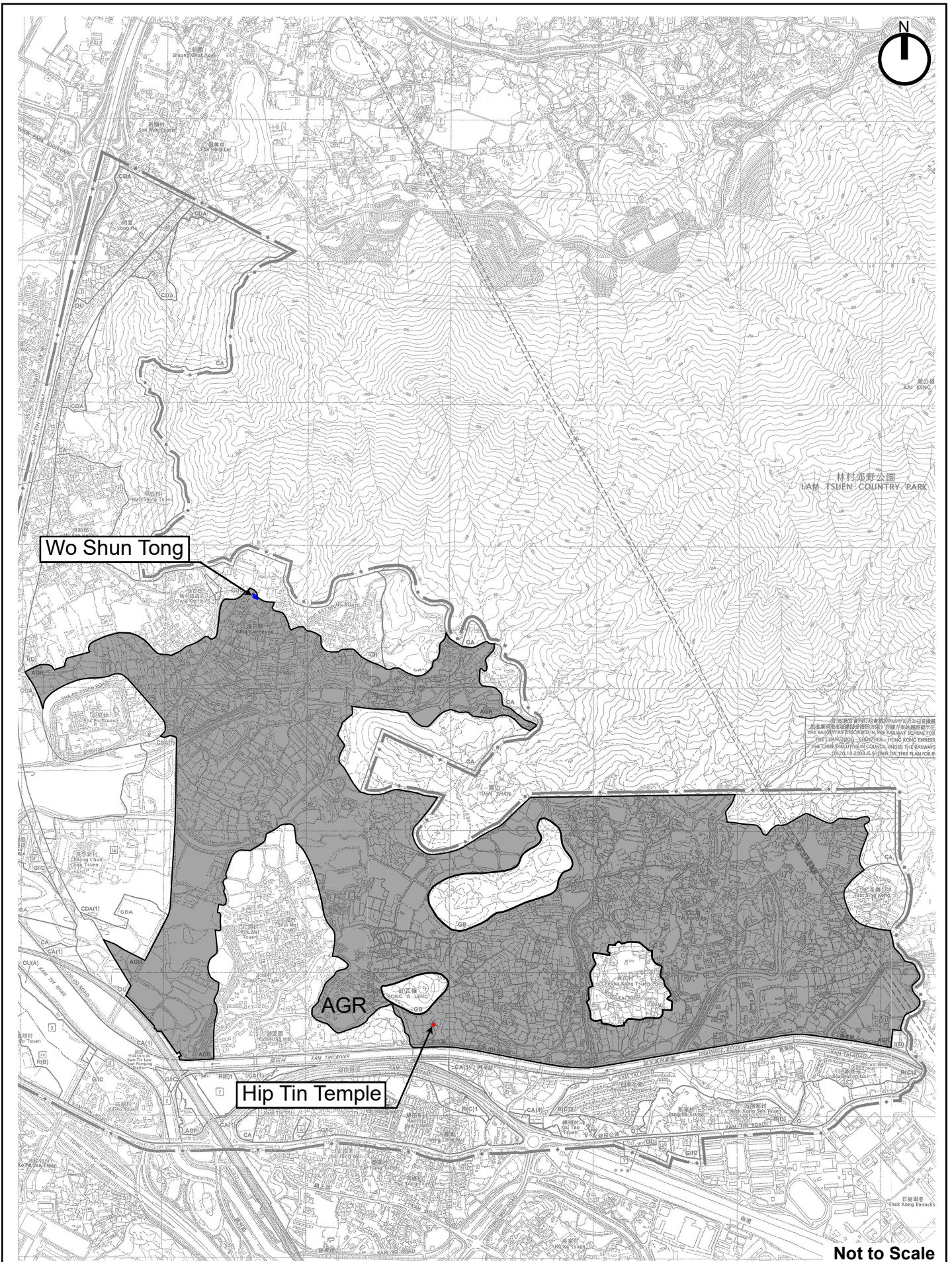
(b) **Special Type of Columbarium Application**

The columbarium ancillary to Hip Tin Temple can be defined as a Pre-cut-off Columbarium which refers to columbarium that was in operation, and in which ashes was interred in niches, immediately before 8 a.m. on 18 June 2014. In response to the latest requirement of PCO, the Applicant had submitted both applications for Columbarium Licence and TSOL for Pre-cut-off Columbarium in Hip Tin Temple to the PCLB before the expiry date of 29.3.2018. In order to facilitate the columbarium licensing application, the Applicant has to comply with all statutory requirements, including town planning, land lease and building safety. Thus, the present application is submitted to regularise the existing columbarium and the nature of this application is totally different to those planning application for providing a new columbarium or increasing number of columbarium niches.

(c) **No Similar Case in the Same "AGR" zone**

Apart from Hip Tin Temple, it is noticed that there is only one Pre-cut-off Columbarium within the same "AGR" zone, i.e. Shun Tak Chong Wah Village Wo Shun Tong Clansmen Association Ltd. (hereafter named as "Wo Shun Tong"). However, Wo Shun Tong is located in Fung Kat Heung which is about 1.5km away from Hip Tin Temple (see **Plan K**). It is not served by proper vehicular access and the traffic arrangement pattern for Wo Shun Tong is totally different to Hip Tin Temple. Therefore, Wo Shun Tong can be hardly classified as "similar case" and the risk of "creating a precedent" due the present application is not substantial.

Hence, approval of this application will not result in setting an undesirable precedent for similar applications. The Applicant trusts that the Board could consider the each case on its individual merits to ensure no adverse impact will be resulted.



Plan K: Assessment on Similar Case

6. CONCLUSION

On 30.6.2017, the PCO came into effect and the private columbarium in Hong Kong must be covered with Columbarium Licence, Exemption or TSOL. In response to the latest requirements of PCO, the Applicant had submitted the PCL application for Hip Tin Temple to the PCLB on 27.3.2018. The Applicant had fulfilled a series of requirements and obtained the AIP TSOL on 24.10.2022. During the 3 years validity period of TSOL, the Applicant has to satisfy a list of stringent statutory requirements, including town planning, land lease and building safety.

In order to fulfill the town planning requirement, this s.12A application is submitted to seek TPB's agreement to amend the zoning of the application site covering Lot No. 1171 S.B in D.D. 109 from "AGR" to "G/IC(1)" on the approved Kam Tin North OZP No. S/YL-KTN/11. It does not involve any alterations and additions to the existing building and no new building has been proposed at the site. The proposed "G/IC(1)" zone will facilitate the continual operation of the current Pre-cut-off Columbarium with 2,911 niches ancillary to Hip Tin Temple.

Planning and technical assessments have indicated that the present application is well justified based on the following reasons:-

- (a) Hip Tin Temple has been in existence at the site since 1932 and its columbarium was established long before the statutory town plan of the area came into force;
- (b) this s.12A application is aimed at regularising the columbarium niches as at the cut-off-time (i.e. 8 a.m. on 18.6.2014), which is in line with the spirit of PCO to resolve the Pre-cut-off Columbarium under a pragmatic and sensitive approach;
- (c) it is also in line with the Government's intention to relieve part of the urgent demand for columbarium niche spaces in Hong Kong;
- (d) the application site is suitable for religious and columbarium uses as it is located at a secluded and tranquil location and is far away from residential development;
- (e) the proposed "G/IC(1)" zone reflects the existing religious and columbarium uses without creating any unnecessary interface issue on the adjacent "AGR" zone;
- (f) the religious and columbarium uses are mainly confined within the Temple which is small scale in nature and is compatible with the surrounding rural character;
- (g) it will result in a series of public gains, and help improving the financial situation of the Temple on the provision of religious and social services;
- (h) it will not result in any adverse impact on land use, traffic, visual, environmental, drainage, sewerage and landscape aspects of the locality; and
- (i) the proposed new zoning is tailor-made for Hip Tin Temple and it will not set a bad precedent for similar applications in the area in view of its long history, secluded location, small scale and new policy initiatives.

In view of the small scale development and planning justifications presented in this Planning Statement, honourable members of the TPB are requested to agree with this s.12A application.