

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

**APPLICATION NO. Y/NE-STK/7**

<b><u>Applicant</u></b>	: Aloes Garden (HK) Limited represented by Goldrich Planners and Surveyors Limited
<b><u>Site</u></b>	: Various Lots in D.D. 41 and Adjoining Government Land (GL), Tong To, Sha Tau Kok, New Territories
<b><u>Site Area</u></b>	: About 13,382m <sup>2</sup> (including about 2,815m <sup>2</sup> of GL, or about 21% of the Site)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<b><u>Zonings</u></b>	: (i) "Agriculture" ("AGR") (about 8,618m <sup>2</sup> or 64% of the Site) (ii) "Green Belt" ("GB") (about 4,764m <sup>2</sup> or 36% of the Site)
<b><u>Proposed Amendment</u></b>	: To rezone the application site from "AGR" and "GB" to "Other Specified Uses" annotated "Columbarium" ("OU(Columbarium)")

**1. The Proposal**

- 1.1 The applicant proposes to rezone the application site (the Site) from "AGR" and "GB" to "OU(Columbarium)" for proposed columbarium development. According to the Notes for the proposed "OU(Columbarium)" zone submitted by the applicant (**Appendix II**), 'Columbarium' is a Column 1 use which is always permitted, and 'Public Utility Installation' and 'Utility Installation for Private Project' are the only Column 2 uses which require planning permission from the Town Planning Board (the Board). The proposed "OU(Columbarium)" zone is subject to a maximum gross floor area (GFA) of 3,136m<sup>2</sup>, building height (BH) of three storeys, and 6,495 niches for columbarium use. Based on the individual merits of a development, minor relaxation of the GFA/BH/number of niches may be considered by the Board on application under s.16 of the Town Planning Ordinance (the Ordinance). The Site is largely vacant, partly used as an access road and partly covered with vegetation and trees with some graves.
- 1.2 According to the indicative development scheme submitted by the applicant (**Drawing Z-1**), the proposed columbarium will provide 6,495 niches in the Columbarium Area (about 6,037m<sup>2</sup> or about 45% of the Site) in the eastern portion of the Site (**Drawing Z-4a**). All niches are proposed as at-grade niche blocks with a dimension of about 0.44m (W) x 0.45m (D) x 1.1m (H). The schematic design of the niches is shown at **Drawings Z-4b to Z-4d**.

- 1.3 A three-storey ancillary service building (with a height of about 10.5m) is proposed at the northwestern portion of the Site, with a total floor area of about 1,538m<sup>2</sup> (**Drawing Z-3**)<sup>1</sup>. It will provide facilities such as multi-function rooms, canteen, office, toilet and kitchen. According to the applicant, the multi-function rooms serve as a buffer waiting area for grave sweepers during Peak Grave Sweeping Days (including the day of Ching Ming Festival, Chung Yeung Festival, and the Saturdays, Sundays and public holidays within two weeks before and after the festivals), and as ceremonial rooms in the normal days. The indicative development scheme also includes a two-storey guardroom with a height of about 6m and a floor area of about 18m<sup>2</sup>, as well as the canopy structures proposed for walkway and passageway, which account for a floor area of about 1,580m<sup>2</sup>. The proposed total GFA under the indicative development scheme is about 3,136m<sup>2</sup> with plot ratio (PR) of about 0.23 and site coverage (SC) of about 16%<sup>2</sup>(**Drawing Z-1**).
- 1.4 The existing access road within the Site is proposed to be realigned, serving as an independent access to the Site. The realigned single two-lane vehicular road and pedestrian walkway within the Site are proposed to connect the proposed columbarium to Sha Tau Kok Road – Shek Chung Au to the south. The proposed vehicular road will also serve as an Emergency Vehicular Access (EVA) connecting to three existing local tracks to the north and west of the Site (**Drawing Z-1**)<sup>3</sup>, with proposed minor realignment of the three local tracks outside the Site. The proposed vehicular road and pedestrian walkway within the Site will be installed with control gates and public access will be restricted<sup>4</sup>.
- 1.5 A total of 65 private carparking spaces (among which 62 parking spaces are for visitors and three parking spaces are for staff), three pick-up/ drop-off points for private cars/ taxis, three lay-bys for shuttle buses and two private car waiting spaces will be provided at the Site. Fence walls of about 2.5m to 4.5m high are proposed along the site boundary, except for part of the vehicular road/ pedestrian walkway near Sha Tau Kok Road – Shek Chung Au where 1.5m high wired mesh fence is proposed. Also, 1.2m to 3.5m wide plantation areas will be provided along the eastern and western boundaries of the Site (**Drawing Z-1**).
- 1.6 The proposed columbarium is tentatively scheduled to commence and come to full operation in 2030. According to the applicant, the proposed columbarium will be operated by Sha Tau Kok Association Limited (STKA), which is a non-profitable non-governmental organisation exempted from tax under section 88 of the Inland Revenue Ordinance. The operation hours will normally be from 10am to 5pm daily, and be closed on New Year Day and the first three days of Lunar New Year. During Peak Grave Sweeping Days, the operation hours will be extended to 8am to 6pm.

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<sup>1</sup> The ancillary service building comprises two building blocks that are detached on ground floor, and are connected on the first and second floors.

<sup>2</sup> PR and SC calculations include the proposed ancillary service building, guardroom and canopies, but exclude the proposed at-grade niche blocks.

<sup>3</sup> According to the applicant, the proposed vehicular road partly falls within the coach pick-up/drop-off zone of Sha Tau Kok Farm, and the owner of Sha Tau Kok farm has no objection to the proposed vehicular road.

<sup>4</sup> The two control gates at the vehicular and pedestrian entrances within the Site would be opened during operation hours, while the three control gates at the EVA entrances would be closed at all times. Staff will be deployed at all times at the Site to open the gates whenever necessary.

- 1.7 The master layout plan, landscape master plans, layout plans of the Columbarium Area and ancillary service building, proposed site formation level plan, and traffic management proposals are shown in **Drawings Z-1 to Z-6e**.

*Transport Arrangements (Drawings Z-6a to Z-6e)*

- 1.8 According to the submitted traffic impact assessment (TIA) (**Appendix I of Appendix Ia**), the Site is currently served by franchised bus services (i.e. route nos. 78K, 78S and 277A) and a green minibus service (i.e. route no. 55K) within 500m walking distance. During the peak hour of Peak Grave Sweeping Days, the number of visitors approaching and leaving the Site are anticipated to be 831 visitors/hour and 734 visitors/hour, which will generate 127 vehicles/hour and 89 vehicles/hour respectively<sup>5</sup>.
- 1.9 On both normal days and Peak Grave Sweeping Days, all visitors and private cars will be required to have prior reservation made at least two weeks in advance on a first-come first-serve basis. Each niche is eligible to register up to four visitors and one parking permit per day with durations limited to one hour. Visiting timeslot will be arranged on a 15-minute interval (i.e. 8:00am – 9:00am, 8:15am – 9:15am, etc.). Quota of visitors and vehicles at the Site are set at 831 (i.e. anticipated peak hour visitor as mentioned in paragraph 1.8 above) and 62 (i.e. number of visitor carpark) respectively at all times. No walk-in arrangement will be allowed for visitors and private cars. Visitors and private cars without reservation or with reservation of other timeslots will be asked to leave immediately. The following additional crowd management measures are proposed during the Peak Grave Sweeping Days:
- (i) the operation hours will be extended from 10am - 5pm to 8am - 6pm;
  - (ii) a free shuttle bus service will be provided to travel between Tai Wo MTR Station and the Site from 7:30am to 6:30pm (i.e. 30 minutes before and after the operation hours) (**Drawing Z-6a**). Prior reservation for shuttle bus service is required to be made at least two weeks in advance on a first-come first-serve basis. Only visitors with boarding permit will be allowed to use the shuttle bus service; and
  - (iii) a minimum of 15 staff will be deployed to undertake crowd management and facilitate parking arrangement, including two staff to be deployed at Tai Wo MTR Station to regulate the queueing situation of the proposed shuttle bus service (**Drawings Z-6b and Z-6c**).
- 1.10 Apart from the proposed realignment of the existing road within the Site mentioned in paragraph 1.4 above, the applicant also proposes a two-way priority junction at the run-in/out of the Site at Sha Tau Kok Road, and the provision of pedestrian crossing facilities and footpath widening at Sha Tau Kok Road in the vicinity of the Site (**Drawing Z-6d**). In addition, improvement works are proposed at the junction of Tai Po Tai Wo Road and Po Nga Road near Tai Wo MTR Station (**Drawing Z-6e**). According to the TIA, all identified key road links and key junctions would operate within capacity with the proposed columbarium in place. The applicant undertakes to carry out all proposed improvement works, regardless

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<sup>5</sup> Vehicles including shuttle bus service proposed by the applicant, franchised bus, private car and taxi.

of whether they are included as conditions under the land lease or Private Columbarium Licence, and that all such improvement works will be designed and constructed at the applicant's own cost. Should the application be agreed, the applicant will further liaise with the Transport Department (TD), Lands Department (LandsD) and Food and Environmental Hygiene Department (FEHD) in this regard.

#### *Environmental Impact*

- 1.11 According to the applicant's Environmental Assessment (EA) (**Appendix II of Appendix Ia**), no burning of rituals papers and joss sticks will be allowed, and no burners/ furnace will be provided within the proposed columbarium. The proposed fence walls along the site boundary and double glazing window at multi-function rooms in the ancillary service building could mitigate the potential noise impact, such as the noise arising from the ceremonies, on the surrounding noise sensitive receivers (NSRs) including the residential dwellings in the vicinity. The provision of shuttle bus service as mentioned in paragraph 1.9 above serves to avoid overcrowding of traffic in the peak hours, minimising the potential air quality impact during operation phase. No adverse environmental impact is anticipated.

#### *Tree Preservation and Landscape Proposal and Visual Impact Assessment (VIA)*

- 1.12 According to the applicant's Landscape Master Plan (**Drawings Z-2a to Z-2e**) and Tree Preservation and Landscape Proposal (**Appendix V of Appendix Ia**), there are 116 trees within the Site. No Old and Valuable Trees (OVT) or protected species were identified. Out of the total 116 trees, 80 trees (69%) are proposed to be felled; 34 trees (29%) are proposed to be transplanted; and two trees (2%) are proposed to be retained. To compensate the loss of existing trees, 98 heavy standard trees with an average diameter at breast height (DBH) of about 80mm are proposed to be planted, achieving a tree compensation ratio of over 1:1<sup>6</sup>. According to the VIA submitted by the applicant (**Appendix VI of Appendix Ia**), fence walls and periphery tree plantings at the Site and existing trees outside the site boundary will provide screening effects towards the Site. The proposed development will have insignificant effect on public viewers and visual resources, and the overall visual impact is negligible.

#### *Cultural Heritage Impact*

- 1.13 Sha Tau Kok San Tsuen Site of Archaeological Interest (SAI) is located to the east of the Site (**Plan Z-1**). The applicant advises that the Site is located about 20m from the boundary of the SAI, and no construction works will be carried out outside the site boundary. Also, protective measures will be implemented during the construction phase of the proposed development. Should there be discovery of antiquity or supposed antiquity, the applicant will inform Antiquities and Monuments Office (AMO) immediately.

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<sup>6</sup> According to the applicant, the tree compensation ratio is 1:1.34, i.e. 73 trees to be felled (excluding seven undesirable species of *Leucaena leucocephala*) to 98 trees to be planted.

*Other Technical Assessments*

- 1.14 Other technical assessments, including Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), and Geotechnical Planning Review Report (GPRR) (**Appendices III, IV and VII of Appendix Ia** respectively) are submitted in support of the rezoning application.
- 1.15 The Site is the subject of a previous s.12A application (No. Y/NE-STK/4) submitted by the same applicant for rezoning the application site from “AGR” and “GB” zones to “OU(Columbarium)” for columbarium development with a different indicative development scheme of a larger scale. Application No. Y/NE-STK/4 was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 20.12.2024. Details of the previous application are set out in paragraph 5 below.
- 1.16 Compared with the rejected previous application, the current application involves a reduction of site area, number of niches and private car parking spaces with less anticipated number of visitors. A comparison between the current application and previous application No. Y/NE-STK/4 is set out below:

<b>Major Development Parameters</b>	<b>Previous Application (No. Y/NE-STK/4) (a)</b>	<b>Current Application (No. Y/NE-STK/7) (b)</b>	<b>Difference (b) – (a)</b>
<b>Site Area (about)</b>	17,441.7m <sup>2</sup> <i>(including GL of about 2,904.2m<sup>2</sup> or about 17% of the Site)</i>	13,382m <sup>2</sup> <i>(including GL of about 2,815m<sup>2</sup> or about 21% of the Site)</i>	-4,059.7m <sup>2</sup> (-23%)
<b>Zonings</b>	“AGR” (68%) “GB” (32%)	“AGR” (64%) “GB” (36%)	-4% +4%
<b>No. of Niches</b>	12,237 <sup>(1)</sup>	6,495	-5,742 (-47%)
<b>No. of Blocks</b>	4	3	-1 (-25%)
<b>Maximum BH (about)</b>	3-storey (about 10.5m)	3-storey (about 10.5m)	-
<b>GFA (about)</b>	3,244 m <sup>2</sup>	3,136 m <sup>2</sup>	-108m <sup>2</sup> (-3%)
<b>PR (about)</b>	0.19	0.23	+0.04 (+21%)
<b>Covered Area<sup>(2)</sup> (about)</b>	2,190m <sup>2</sup>	2,135m <sup>2</sup>	-55m <sup>2</sup> (-3%)
<b>SC<sup>(2)</sup> (about)</b>	12.6%	16.0%	+3.4%
<b>Private Car Parking Space</b>	140 <i>(including 134 for visitors (4 for disabled persons); and 6 for staff)</i>	65 <i>(including 62 for visitors (2 for disabled persons); and 3 for staff)</i>	-75 (-54%)
<b>Pick-up/ Drop-off Points for Private Cars/ Taxis</b>	4	3	-1 (-25%)

Major Development Parameters	Previous Application (No. Y/NE-STK/4) (a)	Current Application (No. Y/NE-STK/7) (b)	Difference (b) – (a)
Private Car Waiting Spaces	9	2	-7 (-78%)
Lay-by for Shuttle Buses	4	3	-1 (-25%)
No. of Visitors Approaching/ Leaving the Site per Hour <sup>(3)</sup>	1,800/1,738	831/734	-969 (-54%)/ -1,004 (-58%)
No. of Vehicles Approaching/ Leaving the Site per Hour <sup>(3)</sup>	195/189	127/89	-68 (-35%)/ -100 (-53%)

Remarks:

- (1) Out of the 12,237 niches proposed under application No. Y/NE-STK/4, 6,141 niches were proposed as at-grade niche blocks with similar size as the current proposal, and the remaining 6,096 niches were proposed to be accommodated in eight one-sided niche walls of 3.5m tall.
- (2) Including the proposed structures and canopies but excluding the proposed at-grade niche blocks.
- (3) During peak hours of Peak Grave Sweeping Days.

1.17 In support of the application, the applicant has submitted the following documents:

- (a) Application Form and Planning Statement received on 27.11.2025 **(Appendix I)**
- (b) Consolidated Report received on 5.3.2026<sup>7</sup> **(Appendix Ia)**

1.18 On 23.1.2026, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and Consolidated Report (**Appendices I and Ia**), as summarised below:

- (i) the proposed development can replace the existing unlawful graves/urns at the Site with a tidy and orderly columbarium, and the existing graves/urns at the Site will be accommodated in the proposed columbarium;
- (ii) Permitted Burial Ground is found to the north and the south of the Site, and the proposed columbarium use is of a similar nature;

<sup>7</sup> A total of four previous Further Information (FI) submissions (received on 7.1.2026, 8.1.2026 and 9.1.2026<sup>^</sup>, 30.1.2026 and 4.2.2026<sup>#</sup>, 10.2.2026<sup>^</sup> and 3.3.2026<sup>^</sup>) were received in response to departmental comments with relevant technical assessments, of which three (marked with <sup>^</sup>) were accepted and exempted from recounting requirement and one was accepted and not exempted from recounting requirement (marked with <sup>#</sup>). The consolidated report in **Appendix Ia** supersedes the original planning statement and all FIs and hence they are not attached to this paper.

- (iii) the distance between the Site and the nearby “Village Type Development” (“V”) zones is longer than that between the Permitted Burial Ground and the nearby “V” zones. The impact of the proposed development to the villages is less significant;
- (iv) the proposed at-grade niche blocks are similar to the existing graves/urns at the Permitted Burial Ground. The niche blocks have a smaller size when compared to graves/urns, hence it is considered comparably a more economic form of land use. Also, they resemble the traditional form of housing the deceased underground, which is comforting and acceptable to the local villagers;
- (v) the Columbarium Area is located at the eastern part of the Site, and is separated from the rural uses on the west of the Site by access road, car parks and ancillary service building. In addition, a row of trees is proposed along the site boundary to provide screening and amenity. The proposed development is of low density with a PR of 0.23 and maximum BH of 10.5m. It is compatible with the surrounding rural setting;
- (vi) there was a total of 141 unauthorised graves/urns at the Site in 2016, 104 of which had been removed by the applicant (**Drawing Z-7**). Currently, there are no unauthorised graves/urns on the GL within the Site, and the applicant has identified the descendants of the remaining 37 unauthorised graves/urns on the private lots within the Site. All the descendants have agreed to relocate the graves/urns into the proposed columbarium once it is completed;
- (vii) the population of Hong Kong is on an ageing trend. There has been a substantial increase in the number of cremations, which in turn leads to a strong demand for columbarium facilities;
- (viii) as demonstrated in the submitted technical assessments, the proposed columbarium will not result in adverse traffic, environmental, sewerage, drainage, landscape and visual impacts on the surroundings; and
- (ix) the applicant has consulted the villages/ residents representative of Tong To and the nearby residents. Letters indicating no objection/ support to the proposed development from some of the residents, operators and/or lot owners nearby have been obtained. The locations of their respective lots are indicated on **Drawing Z-8**. The applicant will donate some niches to Tong To villagers and charitable institutions, as well as a union of the taxi drivers named Full Caring Foundation (的總愛心基金會).

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

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and sending notice to Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB PG-No. 31B is not applicable.

#### **4. Background**

- 4.1 On the first statutory plan covering the Site, i.e. Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1 which was gazetted on 30.7.2010, the Site was zoned “AGR” and “GB”. Since then, the zonings of the Site have remained unchanged.
- 4.2 The Site is currently not subject to any active planning enforcement action.

#### **5. Previous Applications**

- 5.1 The Site is the subject of a previous s.12A application No. Y/NE-STK/4 which was submitted by the same applicant as the current application to rezone the application site from “AGR” and “GB” zones to “OU(Columbarium)” with a different indicative development scheme, which involved a site area of about 17,441.7m<sup>2</sup> and 12,237 niches. Application No. Y/NE-STK/4 was rejected by the Committee on 20.12.2024 mainly on the grounds that the columbarium use was considered not compatible with the village setting of the area considering that the proposed columbarium was of a relatively large scale providing 12,237 niches and the application site was close to the “V” zones of San Tsuen and Tong To; and there was no strong planning justification for rezoning the site from “AGR” and “GB” to “OU(Columbarium)”.
- 5.2 Part of the Site were the subject of five previous s.16 applications. Applications No. A/NE-STK/5, 13, 21 and 25 submitted by a different applicant for temporary public vehicle park (PVP) (coaches and private cars only) were approved with conditions by the Committee in 2015, 2018, 2021 and 2024 respectively. The remaining application No. A/NE-STK/14 for proposed excavation of land (for ground investigation works for assessing the stability of slopes) submitted by the same applicant as the current application was approved with condition by the Committee on 1.6.2018.
- 5.3 Details of the previous applications are at **Appendix III** and their locations are shown at **Plan A-1**.

#### **6. Similar Applications**

- 6.1 There is no similar application for rezoning in the same “AGR” and “GB” zones to “OU(Columbarium)”.
- 6.2 There are two similar applications (No. Y/NE-STK/3 and 6) for rezoning largely the same site in the nearby “V” zone to the west of the Site to “OU(Columbarium)” and “Government, Institution or Community (1)” (“G/IC(1)”) respectively on the same OZP to regularise an existing columbarium use under the name of ‘Liberty Fook Kui’ (自由福居) involving 864 niches. Application No. Y/NE-STK/3 was rejected by the Committee on 14.7.2023 mainly on the grounds of being not compatible with the existing village setting of the area, and being failed to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas. Subsequently, application No. Y/NE-STK/6 covering largely the same site was partially agreed by the Committee on 21.11.2025 mainly

on the considerations that the revised operational arrangement and reduced number of visitors of the columbarium would help minimising the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents in the area; the columbarium use was considered not entirely incompatible with the village setting of the area; and there was no major adverse departmental comment<sup>8</sup>.

- 6.3 Details of the similar applications are at **Appendix IV** and their locations are shown at **Plan Z-1**.

## 7. **The Site and its Surrounding Areas** (Plans Z-1 to Z-4g)

7.1 The Site is:

- (a) largely vacant, partly used as an access road and partly covered with vegetation and trees with some graves/urns;
- (b) encroaching onto a temporary PVP with a valid planning permission (No. A/NE-STK/25) at its south; and
- (c) accessible via Sha Tau Kok Road – Shek Chung Au to the south.

7.2 The surrounding areas have the following characters:

- (a) rural character comprising residential dwellings, active/ fallow agricultural land and graves. A natural stream and a concrete nullah are located to the north and the east of the Site respectively;
- (b) the same “GB” zone on the northeast and southeast of the Site is designated as Permitted Burial Ground and occupied by graves/urns (**Plan Z-2**);
- (c) the “V” zone of San Tsuen is about 20m from the Site’s eastern boundary. There are scattered residential dwellings to the west of the Site, along with some active/ fallow agricultural lands;
- (d) to the further west are the Sha Tau Kok Farm within “Recreation” (“REC”) zone and Robin’s Nest Country Park. To the northwest of the Site in about 60m is the “V” zone of Tong To; and
- (e) to the south of the Site across Sha Tau Kok Road – Shek Chung Au are temporary structures in “REC” zone and a “GB” zone.

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<sup>8</sup> Compared with application No. Y/NE-STK/3, application No. Y/NE-STK/6 involved revised operational arrangements of the columbarium, including the reduction of maximum number of visitors per day from 600 to 400 for Festival Period (referred to Ching Ming Festival, Chung Yeung Festival, and the Saturdays and Sundays within two weeks before and after both festival days) and from 280 to 40 for Non-Festival Period; and reduction of operation days during Non-Festival Period from seven to two days a week.

## **8. Planning Intentions**

- 8.1 The planning intention of “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **9. Comments from the Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views are summarised as follows:

### Land Administration

- 9.1.1 Comments of the District Lands Officer/North, LandsD (DLO/N, LandsD):

### Land Status

- (a) the Site comprises GL and 534 Old Schedule Agricultural Lots in D.D. 41 held under Block Government Lease, which contains the restriction that no structure is allowed to be erected unless prior approval of the Government is given;
- (b) submission of land exchange application is required for implementation of this rezoning proposal (if approved). The applicant is reminded that every application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting on the capacity as landlord and there is no guarantee that the land exchange application will eventually be approved by LandsD. If the application for land exchange is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fee;
- (c) presumably, the private lots within the Site are under multiple ownerships. The applicant is advised to note that any land exchange application should be submitted by all owners of the affected lots;

### Inclusion of GL

- (d) according to the applicant, GL of about 2,815m<sup>2</sup> is included in the Site. The area and extent of the affected GL has not yet been

verified at this stage. Having said that, it is noted some areas of the affected GL, particularly the portions forming the proposed access roads to the proposed development, may not be incapable of reasonable separate alienation or development. In view of the aforesaid, the GL included in the Site may not be available/ able to be granted for the subject proposal (if applied);

#### Boundary of the Site

- (e) the boundary of the Site does not align with the boundaries of some affected private lots. This would render the remaining portion(s) of those affected private lots fragmented in an odd shape. The applicant should confirm it is his intention;

#### Proposed Access Roads

- (f) it is noted the applicant has explained that the proposed footpath was diverted to avoid having conflict with an existing electricity pole. However, the alignment of the proposed vehicular access together with footpath may be refined to avoid the concerned electricity pole, which, if considered necessary, may also be relocated at the applicant's own costs with prior consent from the electricity company. Further, subject to the Highways Department's (HyD) view on necessary slope modification works (for Slope No. 3/NE-C/C45), the applicant may in fact provide a short direct access to Sha Tau Kok Road over GL. While his office has no expertise in road design, the applicant should therefore further review and justify the access road proposal. Having said the above, the applicant should take note his comment in paragraph 9.1.1 (d) above;

#### Access to adjoining Private Lots

- (g) it is noted that portions of existing village roads/ tracks/ footpaths have been included in the Site. Notwithstanding the applicant alleged that local villagers had their own vehicular access road and did not need the proposed internal vehicular road except in emergency case, it is noted that the access to the adjoining private lot(s) may still be affected by the proposed development. The applicant should re-divert or re-provide vehicular / pedestrian access for the adjoining private lots / occupiers upon development; and

#### Other Comment

- (h) the applicant is reminded that no tree growing on GL should be interfered with without prior approval obtained from the Government.

### Licensing Requirement

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

- (a) under the Private Columbaria Ordinance (the PCO), only private columbaria that have obtained a licence may sell or newly let out niches. Any private columbarium which applies for a licence must comply with the Ordinance (Cap. 131) and other requirements prescribed in the PCO or specified by the Private Columbaria Licensing Board (the PCLB), including land-related, building-related, right to use the columbarium premises, deed of mutual covenant (if applicable), fire safety, etc. Section 18(2) of the PCO stipulates that the PCLB may grant a licence only if a management plan submitted by the applicant has been approved by the PCLB. The management plan submitted to the PCLB should cover matters including traffic and public transport arrangement or management, crowd management, manpower deployment on peak grave sweeping days or periods and other days or periods, etc. For cases in which planning permission has been given by the Board, the management plan should include the crowd and traffic management measures accepted (and the conditions imposed) by the relevant departments and the Board when the Board approved the planning application. In considering the management plan submitted by a licence applicant, the PCLB will take into account comments provided by concerned departments including TD, the Hong Kong Police Force (the Police), Fire Services Department (FSD) and Planning Department (PlanD). If a licence application is approved by the PCLB, the Private Columbaria Affairs Office (PCAO) will oversee the monitoring of the licensee's implementation of the approved management plan in coordination with other concerned departments;
- (b) having checked his office's record, the PCLB did not receive any application for specified instruments from the applicant "Aloes Garden (HK) Ltd., 香港沉香園有限公司" so far; and
- (c) other detailed comments on the application are at **Appendix V**.

### Traffic

#### 9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) he has no comment on the application from traffic operation perspective; and
- (b) he has no comment on the application from traffic engineering perspective, and the applicant shall provide (i) relevant written confirmation from LandsD to secure LandsD's agreement on incorporating the proposed improvement works in the land lease or from FEHD to ensure the proposed improvement works/measures would be included in the Private Columbarium Licence accordingly;

and (ii) the confirmation that all the improvement works proposed would be carried out by the applicant's at his own cost.

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

- (a) the proposed access arrangement and TIA should be commented by TD;
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Sha Tau Kok Road – Shek Chung Au;
- (c) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) the applicant should take adequate precautionary measures to avoid damaging roads, street furniture, drainage and slopes etc. maintained by his office. Damage caused to roads, street furniture, drainage and slopes etc. maintained by his office due to the proposed works shall be repaired to his satisfaction at the applicant's own costs; and
- (e) other detailed comments on the application are at **Appendix V**.

9.1.5 Comments of the Commissioner of Police (C of P):

- (a) he has no adverse comment on the application;
- (b) there are no mitigation/ management measures which will be implemented by the Police to relieve the adverse traffic impact in the vicinity of the Site, if any, during the periods of Ching Ming and Chung Yeung Festivals; and
- (c) other detailed comments on the application are at **Appendix V**.

Urban Design and Landscape

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD):

Urban Design

- (a) she has no adverse comment on the VIA, which concludes that negligible visual impact arising from the proposed development on public viewers is anticipated;

Landscape

- (b) she has no adverse comment on the application from landscape planning perspective;

- (c) based on the aerial photo of 2025 and site photos taken on 10.12.2025, the Site is situated in an area of rural coastal plains landscape character comprising farmlands, temporary structures, campsite, vegetated areas and tree clusters. Majority of the Site is hard-paved and currently used as a vehicular road, and tree clusters are found at the Site. The proposed development is considered not entirely incompatible with the landscape character of its surroundings;
- (d) according to the tree preservation and landscape proposal, 116 trees surveyed, two trees would be retained, 34 trees transplanted, and 80 trees felled including seven undesirable trees. 98 heavy standard trees are proposed to be compensated for the tree loss, as such the tree compensation ratio would still achieve at least 1:1 in quantity;
- (e) two distinctive landscape resource have been identified within the Site, including one tree of particular interest (TE 989 – *Ficus religiosa*) and one mature tree (TE 36 – *Ficus religiosa*), both of which are proposed to be retained in-situ;
- (f) adverse landscape impact arising from the application is not anticipated; and
- (g) other detailed comments on the application are at **Appendix V**.

#### Agriculture and Natural Conservation

9.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

##### Agriculture

- (a) the Site falls within the “AGR” and “GB” zones. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed rezoning is not supported from agricultural perspective; and

##### Nature Conservation

- (b) according to his site visit on 17.12.2025, a paved vehicular track was found in the middle of the Site. The trees recorded within the Site are of common species, with some of them being cultivated and exotic. There were also paved roads and graves in the surrounding environment. In addition, to compensate for the trees to be felled, native trees are proposed to be planted. In this regard, he has no strong view on the application from nature conservation perspective.

### Environment

#### 9.1.8 Comments of the Director of Environmental Protection (DEP):

- (a) it is noted from the EA and SIA reports that adverse environmental impact from the proposed development is not anticipated with the implementation of mitigation measures. In view of the above, he has no in-principle objection to the application;
- (b) he has no comment on the submitted EA and SIA; and
- (c) no environmental complaint against the Site was received in the past three years.

### Drainage

#### 9.1.9 Comments of the Chief Engineer/ Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no comment on the DIA and SIA reports. He has no in-principle objection to the planning application; and
- (b) for proposed drainage works outside the application site boundary, the applicant is reminded to submit drainage details to DSD for comment and acceptance at a later statutory submission stage as appropriate.

### Heritage Preservation

#### 9.1.10 Comments of the Executive Secretary (Antiquities & Monuments)<sup>2</sup>, AMO (ES(AM)<sup>2</sup>, AMO):

- (a) she has no in-principal objection to the application;
- (b) the Site is in the proximity of Sha Tau Kok San Tsuen SAI. In the Planning Statement and the EA, the applicant states there will be no construction works within the SAI. A series of protective measures and a non-construction area separating the SAI and the site boundary are proposed. In addition, AMO should be informed immediately when antiquities or supposed antiquities are discovered in the course of works for timely detailed study and formulation of mitigation measures for AMO's endorsement prior to implementation; and
- (c) the applicant is required to implement properly the measures and the separation area as stated in the Planning Statement and EA if the application is approved by the Board.

9.2 The following government departments have no objection to/ no adverse comment on the application. Their detailed comments on the application are at **Appendix V**.

- (a) Director of Fire Services (D of FS);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD);
- (f) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);  
and
- (g) District Officer (North), Home Affairs Department (DO(N), HAD).

## **10. Planning Considerations and Assessments**

### *The Proposal*

10.1 The applicant proposes to rezone the Site with an area of about 13,382m<sup>2</sup> from “AGR” (64%) and “GB” (36%) to “OU(Columbarium)” for a proposed columbarium development. The proposed columbarium will accommodate 6,495 niches in the form of at-grade niche blocks in the Columbarium Area (about 6,037m<sup>2</sup> or about 45% of the Site) in the eastern portion of the Site. According to the Notes of the proposed “OU(Columbarium)” zone submitted by the applicant (**Appendix II**), ‘Columbarium’ is a Column 1 use which is always permitted, and the proposed zoning is subject to a maximum GFA of 3,136m<sup>2</sup>, BH of three storeys, and 6,495 niches for columbarium use. Based on the individual merits of a development, minor relaxation of the GFA/BH/number of niches may be considered by the Board on application under s.16 of the Ordinance. Taking into account the planning assessments below, there is no in-principle objection to the proposed rezoning.

### *Planning Intentions and Land Use Compatibility*

10.2 The Site is largely vacant, partly used as an access road and partly covered with vegetation and trees with some graves/urns. No agricultural activities are observed at the Site. While DAFC does not support the application from an agricultural perspective as the Site possesses potential for agricultural rehabilitation, he has no strong view on the application from nature conservation perspective, and advises that the trees recorded within the Site are of common species with some of them being cultivated and exotic. According to the indicative development scheme submitted by the applicant, the proposed at-grade niche blocks would be accommodated in the eastern portion of the Site largely falling within the “GB” zone. While the “GB” zone is primarily for defining the limits of urban and sub-urban development areas and there is a general presumption against development within “GB” zone, it should be noted that a majority of the subject “GB” zone (i.e. on its northeast and southeast portions) is designated as Permitted Burial Ground (about 13,320m<sup>2</sup> or 56% of the “GB” zone). The Site encroaches on about 20%

of the subject “GB” zone (about 4,764m<sup>2</sup>), which are currently occupied by sporadic graves/urns.

- 10.3 The Site is accessible to Sha Tau Kok Road – Shek Chung Au, and its surrounding areas are of rural character mainly comprising residential dwellings, active/ fallow agricultural land and Permitted Burial Ground with graves/urns to its immediate northeast and southeast. The “V” zones of San Tsuen and Tong To are about 20m and 60m from the site boundary respectively. While there are scattered residential dwellings to the west of the Site, according to the indicative development scheme submitted by the applicant, the proposed at-grade niche blocks will be separated from these residential dwellings by the proposed access road, car parks and ancillary service building at the Site. The applicant also proposes to provide fence walls of 2.5m to 4.5m tall along the site boundary (except for the proposed vehicular road/ walkway near Sha Tau Kok Road where wire mesh fence is proposed), and 1.2m to 3.5m wide plantation areas along the eastern and western boundaries of the Site. The Site will be served by an independent vehicular road/ walkway connecting to Sha Tau Kok Road, while there is a separate existing local access road outside the Site branching off from Sha Tau Kok Road that serves the residential dwellings to the west of the Site. In view of the proposed layout of the columbarium, provision of fence walls and plantation areas along the site boundary as well as the availability of an independent access to the Site, the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents in the area is expected to be limited and could be addressed by appropriate measures proposed by the applicant as mentioned in paragraph 1.9 above, as well as the conditions to be imposed under the licence to be granted under PCO in consultation with relevant government departments as appropriate. It is considered that the indicative development scheme together with the proposed measures have taken into account the setting of the area to address land use compatibility and interface issues with the surrounding area.
- 10.4 To compensate for the loss of 80 existing trees, the applicant proposes to plant 98 heavy standard trees at the Site. According to the VIA, the proposed development would be largely screened by the fence walls and periphery planting at the Site as well as the existing trees outside the Site. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and no adverse comment on the VIA. She considers that the proposed development is not entirely incompatible with the landscape character of its surroundings, and adverse landscape impact arising from the application is not anticipated.

#### *Traffic Impact and Crowd Management*

- 10.5 According to the TIA submitted by the applicant, a total of 65 private carparking spaces, three pick-up/ drop-off points for private cars/ taxis, three lay-bys for shuttle buses and two private cars waiting spaces are proposed within the Site. During Peak Grave Sweeping Days, the operation hours of the proposed columbarium will be extended, and all visitors and private cars will be required to have prior registration made at least two weeks in advance. In addition, a free shuttle bus service will be provided between Tai Wo MTR Station and the Site.
- 10.6 The applicant also proposes road improvement works at the junction of Tai Po Tai Wo Road and Po Nga Road, a two-way priority junction at the run-in/out of the Site, and the provision of pedestrian crossing facilities and footpath widening at Sha Tau

Kok Road. C for T has no comment on the application and advises that the applicant shall seek relevant written confirmation from LandsD or FEHD to ensure the proposed improvement works/measures to be included in the lease or Private Columbarium Licence; and confirm that all the improvement works proposed would be carried out by himself at his own cost. In this regard, the applicant commits that should the application be agreed, he undertakes to carry out all proposed improvement works which will be designed and constructed at his own cost, and will further liaise with TD, LandsD and FEHD in this regard.

#### *Other Technical Aspects*

- 10.7 Other government departments consulted, including CE/MN, DSD, DEMS, D of FS, CBS/NTW, BD, DEP, PM/N, CEDD, H(GEO), CEDD and CE/C, WSD, have no objection to or no comment on the application. Regarding DLO/N, LandsD's concern on the inclusion of GL, site boundary, proposed access roads and access to adjoining private lots, the applicant should liaise with LandsD on the land administrative matters should the Committee agree the rezoning application.

#### *Previous and Similar Applications*

- 10.8 The Site is the subject of a previous s.12A application (No. Y/NE-STK/4) submitted by the same applicant for rezoning the application site from "AGR" and "GB" zones to "OU(Columbarium)" for columbarium development with a different indicative development scheme, which was rejected by the Committee on 20.12.2024 as detailed in paragraph 5.1 above. Compared with the rejected previous application, the current application involves a reduction of site area (from about 17,441.7m<sup>2</sup> to about 13,382m<sup>2</sup>) and further distance of the site boundary from the "V" zones of San Tsuen (from 5m to 20m) and Tong To (from 16m to 60m). Also, there is a substantial reduction of proposed number of niches from 12,237 to 6,495, and private car parking spaces from 140 to 65 under the current application. During peak hours of the Peak Grave Sweeping Days, the anticipated number of visitors approaching/leaving the Site per hour under the current application is reduced from 1,800/1,738 to 831/734 respectively, whereas the expected number of vehicles approaching/leaving the Site per hour is also decreased from 195/189 to 127/89 respectively. The overall reduction in development scale, number of visitors and anticipated traffic flow under the current application would help minimising the potential nuisance to the surroundings in terms of intermixing of grave sweepers and villagers/residents in the area, and hence the proposed development is considered not incompatible with the surrounding area.
- 10.9 While there is no similar s.12A application within the same "AGR" and "GB" zones, there are two applications (No. Y/NE-STK/3 and 6) covering largely the same site to the west of the Site to rezone from "V" to "OU(Columbarium)"/ "G/IC(1)" for regularisation of an existing columbarium use involving 864 niches. Among them, application No. Y/NE-STK/6 was partially agreed by the Committee on 21.11.2025 as detailed in paragraph 6.2 above. The planning considerations of the approved application are applicable to the current application.

#### *Development Restrictions to be Stipulated on the OZP*

- 10.10 According to the Notes for the proposed "OU(Columbarium)" zone submitted by the applicant (**Appendix II**), Columns 1 and 2 uses as well as the restrictions on

GFA, BH, number of niches, and the provision of minor relaxation of the development restrictions as mentioned in paragraph 10.1 above are proposed. Should the application be agreed by the Committee, PlanD will work out the amendments to the OZP, details of development restrictions to be set out in the Notes and/or the Explanatory Statement (ES) for the Committee's consideration prior to gazetting of the proposed amendments to the OZP under section 5 of the Ordinance.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 above, PlanD has no in-principle objection to the application.
- 11.2 Should the Committee decide to agree/partially agree to the application, PlanD would work out the appropriate amendments to the OZP, including development restrictions to be set out in the Notes and the ES, for the consideration of the Committee prior to gazetting under Section 5 of the Ordinance upon reference back of the OZP.
- 11.3 Alternatively, should the Committee decide not to agree to the application, the following reason is suggested for Members' reference:

the Site falls within an area zoned "Agriculture" ("AGR") and "Green Belt" ("GB"). There is no strong planning justification for rezoning the Site from "AGR" and "GB" to "Other Specified Uses" annotated "Columbarium" to permit columbarium use as of right. The current "AGR" and "GB" zonings for the Site are considered appropriate and should be retained.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide to partial agree/not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

## **13. Attachments**

<b>Appendix I</b>	Application Form received on 27.11.2025
<b>Appendix Ia</b>	Consolidated Report received on 5.3.2026
<b>Appendix II</b>	Proposed Notes for "OU(Columbarium)" submitted by the Applicant
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Detailed Departmental Comments

<b>Drawing Z-1</b>	Master Layout Plan
<b>Drawings Z-2a to Z-2e</b>	Landscape Master Plans
<b>Drawing Z-3</b>	Layout Plan of the Ancillary Service Building
<b>Drawings Z-4a and Z-4d</b>	Layout Plans of the Columbarium Area
<b>Drawings Z-5</b>	Proposed Site Formation Level Plan
<b>Drawings Z-6a to Z-6e</b>	Proposed Transport Arrangement
<b>Drawing Z-7</b>	Plan Showing the Situation of Graves before and after the Removal of Graves by the Applicant
<b>Drawing Z-8</b>	Plan Showing Lots and Locations where Owners/ Operators Agree or Have No Objection to the Proposed Columbarium
<b>Plan Z-1</b>	Location plan
<b>Plan Z-2</b>	Site plan
<b>Plan Z-3</b>	Aerial photo
<b>Plans Z-4a to Z-4g</b>	Site photos

**PLANNING DEPARTMENT  
MARCH 2026**