

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

APPLICATION NO. Y/NE-STK/4

<u>Applicant</u>	: Aloes Garden (HK) Limited represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Various Lots in D.D. 41 and Adjoining Government Land (GL), Tong To, Sha Tau Kok, New Territories
<u>Site Area</u>	: About 17,441.7m ² (including about 2,904.2m ² of GL, or about 17% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use) except for Lot 1332 in D.D. 41 (demised for house use)
<u>Plan</u>	: Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zonings</u>	: (i) "Agriculture" ("AGR") (about 11,893m ² or 68% of the Site) (ii) "Green Belt" ("GB") (about 5,549m ² or 32% of the Site)
<u>Proposed Amendment</u>	: 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 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 applicant does not propose any development restriction in the Notes for the "OU(Columbarium)" zone. 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 12,237 niches in the Columbarium Area (about 6,501m² or about 37% of the Site) in the eastern portion of the Site (**Drawings Z-4a** and **Z-4b**). Out of the 12,237 niches, 6,141 niches are proposed as at-grade niche blocks (each of about 0.46m (W) x 0.45m (D) x 1.1m (H)) (i.e. Large Niches). The remaining 6,096 niches are proposed to be accommodated in eight one-sided niche walls of 3.5m tall¹ (i.e. Standard Niches).

¹ Each one-sided niche wall will provide six rows of smaller niches with a size of about 0.25m (W) x 0.47m (D) x 0.25 (H) each.

- 1.3 A three-storey ancillary service building (with a height of about 10.5m) is proposed at the northwestern part of the Site, with a total floor of about 1,612m² (**Drawing Z-3**)². It will provide facilities such as multi-function rooms, canteen, office, storeroom, toilet and kitchen. According to the applicant, the multi-function rooms serve as a buffer waiting area for grave sweepers during festival days, and as ceremonial room in the normal days. The indicative development scheme also includes a two-storey guardroom and office, a single-storey accessible toilet, and the canopy structures proposed for walkway and niche walls, which account for a floor area of about 1,632m². The overall proposed floor area under the indicative development scheme is about 3,244m² (plot ratio of about 0.19) with site coverage of about 12.6%³(**Drawing Z-1**).
- 1.4 The Site is accessible via Sha Tau Kok Road – Shek Chung Au to the south. A total of 140 private carparking spaces (among which 134 parking spaces are for visitors and six parking spaces are for staff), four pick-up/ drop-off points for private cars/ taxis, four lay-bys for shuttle buses and a realigned access road will be provided at the Site. In addition, a waiting area that can accommodate nine private cars will be provided for cars waiting to enter the proposed columbarium. Fence walls of about 2.5m high are proposed along the site boundary, except for small sections which will be bounded by the niche walls and the southern tip adjoining Sha Tau Kok Road – Shek Chung Au where wired mesh fence is proposed (**Drawing Z-1**).
- 1.5 The proposed columbarium is tentatively scheduled to commence and come to full operation in 2028. According to the applicant, the proposed columbarium will be operated by a non-profitable NGO named Sha Tau Kok Association Limited (STKA)⁴. 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. In the proposed house rules to be included in the sales agreement of niches, only niche owners and their family members will be allowed to enter the proposed development.
- 1.6 The master layout plan, landscape master plans, layout plans of the columbarium area and ancillary service building, proposed site formation levels, and traffic management proposals are shown in **Drawings Z-1 to Z-6f**. The major development parameters of the indicative development scheme are summarized as follows:

² The ancillary service building comprises three building blocks that are detached on ground floor, with two of them connected by corridors on the first and second floors.

³ Including the proposed ancillary service building, guardroom and office, toilet, and canopies, but excluding the proposed at-grade niche blocks.

⁴ According to the applicant, STKA is a company which was formerly exempted from tax under section 88 of the Inland Revenue Ordinance since 2013 and such a status was discontinued earlier. The applicant advises that STKA is currently seeking the permission to re-instate such a status under section 88.

Site Area	About 17,441.7m ² (including GL of about 2,904.2m ² or about 17% of the Site)		
Floor Area	About 3,244 m ²		
Plot Ratio	About 0.19		
Covered Area³	About 2,190m ²		
Site Coverage³	About 12.6%		
No. of Niches (Drawings Z-1, Z-4a and Z-4b)	Niche Type	No. of Niches	No. of Ashes
	Large Niche (at-grade niche blocks)	6,141	6,141
	Standard Niche (on eight one-sided niche walls)	6,096	6,096
	Total	<u>12,237</u>	<u>12,237</u>
Proposed Structures (Drawings Z-1 and Z-3)	Structure/ Use	Floor Area (about)	Building Height (about)
	a. Ancillary Service Building (including multi-function rooms, canteen, office, storeroom, toilet and kitchen)	1,612m ²	10.5m (3 storeys)
	b. Guard Room and Office	28m ²	7m (2 storeys)
	c. Canopy over Walk-Way and Niche Walls	1,598m ²	3.5m
	d. Toilet	6m ²	3.5m (1 storey)
Proposed Internal Transport Facilities (Drawing Z-1)	Private Car parking Spaces	140 (including 134 for visitors (4 for disabled persons); and 6 for staff)	
	Pick-up/ Drop-off Points for Private cars/ Taxis	4	
	Private Car Waiting Spaces	9	
	Lay-by for Shuttle Buses	4	

Transport Arrangements (Drawings Z-6a to Z-6f)

- 1.7 According to the traffic impact assessment (TIA) submitted by the applicant (**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 Peak Grave Sweeping Days (including the day of Ching Ming Festival, Chung Yeung Festival, and every Saturday, Sunday and public holiday two weeks before and after the festivals), the number of visitors approaching and leaving the Site during peak hour are

anticipated to be 1,800 visitors/hour and 1,738 visitors/hour respectively. This is expected to generate 195 vehicles/hour approaching the Site and 189 vehicles/hour leaving the Site during the peak hour⁵.

- 1.8 Measures including the provision of pedestrian crossing facilities and footpath widening to ensure pedestrian safety are proposed by the applicant at Sha Tau Kok Road (**Drawings Z-6d** and **Z-6e**). During the Peak Grave Sweeping Days, the following crowd management measures are proposed:

- (i) the operation hours will be extended from 10am - 5pm to 8am - 6pm;
- (ii) all visitors will be required to have prior registration for electronic entry passes, and reservation of parking spaces will be required at least two weeks in advance;
- (iii) a free shuttle bus service will be provided to travel between Tai Wo MTR Station and the proposed development from 7:30am to 6:30 pm (i.e. 30 minutes before and after the operation hours) with a headway of eight minutes. In the proposed house rules to be included in the sales agreement of niches, only patrons with permits will be allowed to use the shuttle bus service (**Drawing Z-6a**);
- (iv) a checkpoint will be set up within the Site to regulate private cars with permits and shuttle bus entering the Site (**Drawing Z-6b**); and
- (v) 15 staff will be deployed to undertake crowd management and facilitate parking arrangement at the proposed columbarium, and two additional staff will be deployed at Tai Wo MTR Station to regulate the queueing situation for the proposed shuttle bus service (**Drawings Z-6b** and **Z-6c**).

- 1.9 In addition, improvement works is proposed at Tai Po Tai Wo Road/ Po Nga Road junction near Tai Wo MTR Station (**Drawing Z-6f**). According to the TIA, the road link assessment and the junction assessment indicate that all identified key road links and key junctions would operate within capacity with the proposed columbarium. The applicant undertakes to implement the road improvement works proposed under the TIA whether or not such requirement is included as lease conditions⁶.

Environmental Impact

- 1.10 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 (see paragraph 1.4) could mitigate the potential noise impact on the surrounding noise sensitive receivers (NSRs), including the residential dwellings in the vicinity. Environmental mitigation measures will be adopted during both construction and operation stages, as necessary, to minimize potential environmental nuisance to the surroundings.

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

⁶ District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that requirement on the proposed road improvement works at the road junction of Tai Po Tai Wo Road and Po Nga Road (**Drawing Z-6f**) would not be incorporated into the lease since it is outside the Site and located at Tai Po.

Tree Preservation and Landscape Proposal

- 1.11 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 107 trees within the Site and 6 trees immediately outside the site boundary. No Old and Valuable Trees (OVT) or protected species were identified. Out of the total of 113 trees, 67 trees (59%) with an average diameter at breast height (DBH) of about 224mm will be felled; 38 trees (34%) are proposed to be transplanted; and only eight trees (7%) will not be affected by the proposal and hence proposed to be retained. To compensate the loss of existing trees, 171 heavy standard trees with an average DBH of about 80mm are proposed to be planted. While the tree compensation is at a ratio of not less than 1:1 in terms of number of trees, it is at a ratio of less than 1:1 (i.e. 1:0.91) in terms of aggregated DBH.

Cultural Heritage Impact

- 1.12 Sha Tau Kok San Tsuen Sites of Archaeological Interest (SAI) is located to the east of the Site (**Plan Z-1**). The applicant advises that no construction works, including excavation works, will be carried out at the SAI, and 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.

Other Technical Assessments

- 1.13 Other technical assessments, including Sewerage Impact Assessment (SIA) (**Appendix III of Appendix Ia**), Drainage Impact Assessment (DIA) (**Appendix IV of Appendix Ia**), Visual Impact Assessment (VIA) (**Appendix VI of Appendix Ia**), and Geotechnical Planning Review Report (GPRR) (**Appendix VII of Appendix Ia**) are submitted in support of the rezoning application.
- 1.14 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Planning Statement received on 3.5.2023 (**Appendix I**)
 - (b) Further information (FI) received on 4.12.2024 (**Appendix Ia**) enclosing the Consolidated Report^{#7}
accepted and exempted from publication requirements
- 1.15 On 28.7.2023 and 16.8.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each to address departmental comments.

⁷ Supplementary Information (SI) received on 30.6.2023 and a total of 14 previous FI submissions (received on 30.6.2023[#], 14.7.2023[#], 21.7.2023[#], 18.8.2023[#], 7.11.2023[^], 5.1.2024[^], 27.3.2024[^], 10.5.2024[#], 31.5.2024[#], 4.6.2024[^], 27.9.2024[^], 12.11.2024[#], 20.11.2024[#] and 25.11.2024[#]) were received in response to departmental comments with relevant technical assessments, of which five (marked with ^) were accepted and not exempted from publication and recounting requirements and nine were accepted and exempted from publication and recounting requirements. The consolidated supplementary planning statement in **Appendix Ia** supersedes the original supplementary planning statement, SI, and all FIs and hence they are not attached to this paper.

2. Justifications from the Applicant

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

- (i) the population of Hong Kong has 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;
- (ii) the interface issue is minimal as the proposed niches are located in the eastern portion of the Site adjacent to a Permitted Burial Ground (**Plan Z-1**), and existing graves are present within or to the east of the Site. There are access road, car parks and ancillary service building within the Site between the proposed niches and the rural uses to the west. The proposed development is of low density with a plot ratio of 0.19 and maximum building height of 10.5m. It is compatible with the surrounding rural setting;
- (iii) as demonstrated in the submitted technical assessments, the proposed columbarium will not result in adverse traffic, environmental, sewerage, drainage, landscape, visual, and geotechnical impacts on the surroundings;
- (iv) the applicant has consulted the villages/ residents representative of the adjacent Tong To village and 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 (**Drawing Z-7**). The applicant undertakes to donate some niches to those in need, including villagers of Tong To and charitable institutions; and
- (v) the applicant undertakes to remove the unauthorised structures on private lots and the urns/ graves on GL within the Site prior to the land exchange application. The applicant also undertakes to implement the road improvement works proposed under the TIA, regardless of whether such requirement is included as lease conditions or not.

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. 31A) by publishing notices in local newspapers and sending notice to relevant rural committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB PG-No. 31A 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 not subject to any active planning enforcement action⁸.

5. Previous Applications

- 5.1 There is no previous s.12A application covering the Site, except for a withdrawn application No. Y/NE-STK/1⁹.
- 5.2 For s.16 applications, there were five previous applications within parts of the Site. Applications No. A/NE-STK/5, 13, 21 and 25 were submitted by a different applicant for temporary public vehicle park (PVP) (coaches and private cars only), which 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. According to the information under application No. A/NE-STK/14, the proposed excavation of land was intended to conduct ground investigation works, assess the stability of the slopes, and recommend necessary geotechnical engineering to prevent potential landslips. The considerations of these applications are not relevant to the current application.
- 5.3 Details of the previous applications are at **Appendix III** and their locations are shown at **Plan A-1**.

6. Similar Application

- 6.1 There is no similar application for rezoning in the same “AGR” and “GB” zones to “OU(Columbarium)”.
- 6.2 There was a similar application (No. Y/NE-STK/3) for rezoning in a nearby “V” zone to the west of the Site to “OU(Columbarium)” on the same OZP. The application was for the regularisation of an existing columbarium use with a site area of about 160m² involving a total number of 864 niches. It was rejected by the Committee on 14.7.2023 mainly on the grounds of not being compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate southwest; and failing to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas.
- 6.3 Details of the similar application are at **Appendix IV** and its location is shown at **Plan Z-1**.

⁸ The northern part of the Site was subject to planning enforcement action against unauthorized development (UD) involving storage use (No. E/NE-STK/44) with the Enforcement Notice (EN) issued on 28.8.2023. Subsequent site inspection revealed that the UD was discontinued. A Compliance Notice for EN was issued on 26.1.2024, and Compliance Notice for Reinstatement Notice was issued on 13.6.2024.

⁹ S.12A application No. Y/NE-STK/1 was submitted by the same applicant for the same use as the current application, which was subsequently withdrawn on 14.9.2020. Comparing the previous application to the current application, the differences include a reduction in number of niches (from 24,519 niches to 12,237 niches) and an increase in the floor area (from 2,668m² to 3,244m²).

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;
- (b) occupied by a temporary PVP with a valid planning permission (No. A/NE-STK/25) at its southern tip; 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) to the immediate east of the Site are graves in or around Permitted Burial Ground (**Plan Z-2**), as well as the “V” zone of San Tsuen (the nearest about 5m from the Site’s eastern boundary);
- (c) to the immediate west and southwest of the Site are predominantly occupied by residential dwellings, along with a plant nursery and some active/ fallow agricultural lands;
- (d) to the further west are the Sha Tau Kok Farm within the “Recreation” (“REC”) zone and Robin’s Nest Country Park. To the northwest of the Site is the “V” zone of Tong To (the nearest about 16m from the Site’s northern boundary); and
- (e) to the south of the Site is Sha Tau Kok Road – Shek Chung Au. Across the road are temporary structures and a “GB” zone.

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 DLO/N, LandsD:

- (a) the Site comprises 73 various lots and 627 various sub-sections of Lots 1161, 1162, 1164, 1165, 1166 and 1167 in D.D. 41 and adjoining GL. Lot 1332 in D.D. 41 is an Old Schedule House Lot and the remaining lots are Old Schedule Agricultural Lots held under the Block Government Lease. The lease of the Lots contains restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (b) there are unauthorised structures on part of the private lots. The lot owner(s) should immediately rectify the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (c) no consent is given for the inclusion of GL in the Site. Portions of the GL within the Site have been occupied without any permission. The applicant should be reminded that any occupation of GL without Government's prior approval is an offence under Cap. 28. The occupier(s) should immediately cease any occupation of GL and her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (d) portions of the Site are covered by Letter of Approval (LoA) and Government Land Licence (GLL) which were issued for erection of temporary structures as tabulated below. Given the permitted structures are not existing on site, her office reserves the rights to take enforcement action and cancel the LoA/ GLL;

LoA/ GLL Nos.	Location	Nature
LoA No. L1061	Lot 1069 in D.D. 41	Pigsty
LoA No. L1064	Lot 447 S.B RP in D.D. 41	Pigsty
GLL T6636	GL adjoining Lot 1332 in D.D. 41	Cultivation and temporary structures for dwelling and pigsty

- (e) for the proposed land exchange for columbarium use, prior policy support from the relevant Bureau and/or the approval-in-principle of the Private Columbarium Licence has to be obtained. And even if relevant policy support and/or approval-in-principle

have/has been obtained, the applicant is hereby reminded that every land exchange application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved. The application, if approved, will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including the payment of premium and administrative fee(s). Notwithstanding, she has to reiterate and stress that as there are urns/graves on GL within the Site, granting of GL to the applicant is not acceptable and will not be considered by her office under the prevailing policy. She objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy;

- (f) according to the TIA submitted by the applicant (**Appendix I of Appendix Ia**), a proposed road improvement was suggested to be carried out at the road junction of Tai Po Tai Wo Road and Po Nga Road (**Drawing Z-6f**), which involves GL and public roads maintained by Highways Department (HyD) only. Noting the proposed works are outside the Site and located at Tai Po, such requirement would not be incorporated under lease; and
- (g) the applicant is reminded that no tree on GL should be interfered, disturbed or felled.

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 has to comply with the planning-related requirements and other requirements prescribed in the Ordinance or specified by the Private Columbaria Licensing Board (PCLB). A licence applicant is required to submit a management plan to PCLB for approval. In determining whether to approve an application for a licence, PCLB must have regard to the public interest and may have regard to any other relevant considerations;
- (b) as for the TIA report submitted for this application, he trusts that concerned departments will offer their professional advice/comments from traffic and crowd management perspectives. The applicant should obtain the Board's consent/approval of the planning application before submitting the management plan to PCLB, and 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. When considering the management plan submitted by a licence

applicant, PCLB will consult the concerned departments and take their comments into account in deciding whether to approve the management plan;

- (c) having checked his office record, PCLB has not received any application for specified instruments from the applicant “Aloes Garden (HK) Ltd., 香港沉香園有限公司” so far; and
- (d) 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 comments on the application from traffic operation perspective; and
- (b) he has no comments on the application from traffic engineering perspective provided that the applicant could provide relevant written confirmation from LandsD to secure LandsD’s agreement on incorporating the proposed road improvement works in the land lease accordingly.

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

- (a) the proposed access arrangement and the TIA for the run-in/out at Sha Tau Kok Road – Shek Chung Au should be commented and approved by Transport Department (TD);
- (b) the run-in/out should be designed and constructed in accordance with prevailing HyD Standard Drawings to the satisfaction of HyD and TD; and
- (c) he has no comments provided that LandsD agrees to incorporate the proposed improvement works into the land lease, or that an alternative mechanism is established to ensure that the applicant adheres with the relevant conditions and requirements. His other detailed comments are at **Appendix V**.

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

- (a) unable to give any advice on the application at this stage unless PCLB has accepted the concerned application; and
- (b) no comment on the application at this stage.

Urban Design and Landscape

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

Urban Design Aspect

- (a) she has no comment on the application from urban design aspect;
- (b) being located at the foothills of Robin's Nest, the Site abuts Sha Tau Kok Road – Shek Chung Au to the south. The Site and its surrounding areas are predominantly rural in character mainly comprising vegetated hillslopes interspersed with temporary structures and clusters of village houses (with building heights ranging from about 7mPD to 34mPD), as well as burial grounds. The columbarium area is confined to its eastern portion (i.e. about 40% of the site area), which is largely enclosed by the two Permitted Burial Grounds on the south and north, with the eastern end flanked by plantation area ranging from 1.2m to 5.1m in widths and the western fringe with 3.5m high one-sided niche wall facing inside the Site. Taking into consideration the site context and given that the proposed development is low-rise in nature, there are no particular comments from the urban design perspective;
- (c) according to the submitted VIA, the proposed development would be largely screened by the existing woodlands and not cause significant adverse visual impact on the identified key public viewing points as compared with the existing condition. Besides, periphery planting of trees is proposed to minimize the potential visual impacts;

Landscape Aspect

- (d) with reference to the aerial photo of 2022 and tree information in Tree Preservation and Landscape Proposal, the Site is mainly covered by wild vegetation with existing trees of common species scattered within the Site. Based on the latest submitted information, among the 107 nos. of existing trees within the Site, two trees are proposed to be retained, 38 trees to be transplanted and 67 trees to be removed. 171 new trees of native species in heavy standard are proposed within the Site;
- (e) based on the aerial photo of 2022, the Site is situated in an area of rural coastal plains landscape character comprising vegetated areas, tree clusters, dense woodland, burial grounds within the “GB” zone and temporary structures. According to the record, no similar application was approved by the Board in the vicinity of the Site within the same “AGR” and “GB” zones. There is a concern that approval of the application may permanently alter the rural landscape character of the “AGR” zone; and
- (f) the applicant should be advised that approval of the application does not imply approval of tree works such as pruning,

transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.

Agriculture and Natural Conservation

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

Agricultural Perspective

- (a) the Site falls within the “AGR” and “GB” zones and is occupied by structures. 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 an agricultural perspective;

Nature Conservation Perspective

- (b) no comment on the revised Tree Preservation and Landscape Proposal from nature conservation perspective;
- (c) the Site is vegetated with some paved footpaths found within the Site. There are a number of large and mature trees in fair condition. A natural stream is found close to the northern boundary of the Site. A concrete nullah is located at the east of the Site. An Incense Tree nursery is found outside the western boundary of the Site;
- (d) while the Site itself is not considered to be of much ecological value, he is of the view that the large and mature native trees within the Site should be retained as far as possible from nature conservation perspective; and
- (e) should the application be approved, the applicant should adopt good site practice to avoid any adverse ecological impact on the natural stream close to its northern boundary and the nearby natural environment during the construction and operation stage.

Environment

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

he has no further comment in terms of air quality, noise, water quality, waste management and land contamination, and sewerage impacts from environmental planning perspective.

Drainage

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

he has no comment on the SIA and DIA.

Heritage Preservation

- 9.1.10 Comments of the Chief Heritage Executive (Antiquities & Monuments), Antiquities and Monuments Office (CHE(AM), AMO):

he has no comment from the heritage preservation perspective.

District Officer's Comments

- 9.1.11 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

- (a) the Resident Representative (RR) and Indigenous Inhabitant Representative (IIR) of Tong To support the application mainly on the considerations that the proposed development could alleviate the shortage of niche supply in Hong Kong and the North District; and regularising the existing burial area. It should be noted that the RR of Tong To has received 151 support letters from the villagers;
- (b) a member of the North District Council (NDC) cum Chairman of Sha Tau Kok District Rural Committee, four other members of NDC, the incumbent North District Councilor of N16 Constituency and the Chairman of Lung Shan Area Committee object to the application mainly on the grounds that the proposed development is not in line with the Blue and Green Recreation, Tourism and Conservation Circle proposed under Northern Metropolis Action Agenda; allegedly unauthorised occupation of GL/ private lots and construction of burial urns; adverse traffic impact; incompatibility with the surroundings; and the presence of excessive columbarium in North District; and
- (c) three members of the NDC have no comment.

- 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) Director of Leisure and Cultural Services (DLCS).

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 19.5.2023, 17.11.2023, 19.1.2024, 5.4.2024, 14.6.2024 and 18.10.2024, the application and FIs were published for public inspections. During the statutory public inspection periods, a total of 24 public comments were received, including one supporting comment submitted by the RR of Tong To (**Appendix VIa**); 17 objecting comments from Sha Tau Kok District Rural Committee, two members of the NDC, Alliance for the Concern Over Columbarium Policy, a resident of Tong To and five individuals (**Appendix VIb**); and six comments submitted by a member of the NDC indicating no comment on the application (**Appendix VIc**).
- 10.2 The supporting grounds submitted by the RR of Tong To are summarized as follows:
- (a) the Site is located at a remote location, adverse traffic impact on the surroundings are not anticipated;
 - (b) the Site is located adjacent to a Permitted Burial Ground subject to unorganised burials, and the proposed columbarium would allow a more orderly burial in the area;
 - (c) the proposed development will not pre-empt any Government's planned or committed development; and
 - (d) the subject application is supported by residents of the nearby Tong To village.
- 10.3 The objecting grounds are summarised as follows:
- (a) the proposed columbarium involves extensive felling of trees and is not in line with the planning intentions of the "AGR" and "GB" zones;
 - (b) the applicant has been unlawfully occupying GL and private lots for construction of burial urns and filling of land by construction materials, such "destroy first, build later" practice should not be encouraged;
 - (c) considering the recent opening-up of Sha Tau Kok, as well as the presence of hobby farm and Permitted Burial Ground in the vicinity, the proposed columbarium would lead to adverse traffic impact on the surrounding road networks, especially during the Ching Ming Festival and Chung Yeung Festival;
 - (d) the proposed columbarium would pose adverse environmental, drainage, landscape and visual impacts on the area;
 - (e) there are already multiple columbaria developed in the North District, hence any additional columbarium in the area is not recommended;
 - (f) some of the private lots within the Site are not owned by the applicant. The requirements for licence application under PCO may not be fulfilled; and

- (g) the operator of the proposed columbarium is not a charitable institution as claimed by the applicant.

11. Planning Considerations and Assessments

The Proposal

- 11.1 The applicant proposes to rezone the Site from “AGR” (68%) and “GB” (32%) to “OU(Columbarium)” for a columbarium development. According to the indicative development scheme submitted by the applicant, the proposed columbarium will provide 12,237 niches in the Columbarium Area (about 6,501m² or about 37% of the Site) in the eastern portion of the Site. Among the 12,237 niches, about half (6,141 niches) are proposed as at-grade niche blocks occupying most of the Columbarium Area, and the remaining half (6,096 niches) are proposed to be accommodated in eight one-sided niche walls.
- 11.2 In the Notes for the proposed “OU(Columbarium)” zone submitted by the applicant, ‘Columbarium’ is a Column 1 use which is always permitted, and ‘Public Utility Installation’ and ‘Utility Installation for Private Project’ are Column 2 uses which require planning permission from the Board. The applicant has not included any development restrictions in the Notes of the proposed “OU(Columbarium)” zone. However, given the relatively large scale of the proposed niches (i.e. 12,237), should the application be approved, it is considered that appropriate restriction on development intensity/ number of niches should be imposed in the Notes.

Planning Intentions

- 11.3 The Site has been zoned “AGR” and “GB” since the gazettal of the first statutory plan covering the Site (i.e. Sha Tau Kok DPA Plan No. DPA/NE-STK/1) on 30.7.2010. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of the “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.
- 11.4 The surrounding areas of the Site are of rural character mainly comprising residential dwellings, active/ fallow agricultural land, and graves. A plant nursery and some active agricultural lands are located to the west of the Site. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation; agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. While the Site itself is not considered to be of much ecological value, DAFC is of the view that the large and mature native trees within the Site should be retained as far as possible from nature conservation perspective. The current “AGR” and “GB” zonings for the Site are considered appropriate and should be retained. There is no strong planning justification for rezoning the Site from “AGR” and “GB” to “OU(Columbarium)” for the proposed columbarium use at the

Site.

Land Use Compatibility

- 11.5 The proposed columbarium is close to the existing residential dwellings, with less than 20m from the adjacent “V” zones of San Tsuen and Tong To (**Plans Z-1 and Z-2**). While a Permitted Burial Ground is located to the east of the Site, notably, there are residential dwellings immediately adjoining the Site to its west, south and southeast (**Plans Z-2 and Z-3**).
- 11.6 While fence walls and niche walls are proposed along the site boundary, it should be taken into consideration that the proposed columbarium development is of relatively large scale, providing 12,237 niches. According to the submitted TIA, it is anticipated that during the peak hour of Peak Grave Sweeping Days, the number of visitors approaching and leaving the Site would be 1,800 visitors/hour and 1,738 visitors/hour respectively, generating 195 vehicles/hour approaching the Site and 189 vehicles/hour leaving the Site. The proposed run-in/out of the Site adjoins the only vehicular access branching from Sha Tau Kok Road – Shek Chung Au serving the domestic dwellings to the west of the Site and the “V” zone of Tong To to the northwest of the Site (**Plans Z-2 and Z-3**).
- 11.7 In view of the scale of the proposed columbarium and its close proximity to existing residential dwellings to its west and southwest, the proposed columbarium would inevitably attract a lot of grave-sweepers to the area causing nuisance and disturbance to local residents. Approval of the application for proposed columbarium development would result in close juxtaposition of columbarium use and residential use. The columbarium use is considered not compatible with the village setting of the area.

Traffic Impact and Crowd Management

- 11.8 The Site is accessible via Sha Tau Kok Road – Shek Chung Au. A total of 140 private carparking spaces, four pick-up/ drop-off points for private cars/ taxis, and four lay-bys for shuttle bus are proposed within the Site. According to the TIA submitted by the applicant, during Peak Grave Sweeping Days, the operation hours of the proposed columbarium will be extended, and all niches owners and their family members will be required to have prior registration for an electronic entry pass, and reservation of parking spaces should be 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. A checkpoint will be set up within the Site to regulate private cars with permits and shuttle bus entering the Site. The applicant also proposes road improvement works at Tai Po Tai Wo Road/ Po Nga Road junction, and provision of pedestrian crossing facilities and footpath widening at Sha Tau Kok Road.
- 11.9 The C for T and CHE/NTE, HyD have no comments on the application provided that LandsD agrees to incorporate the proposed road improvement works in the land lease. In this regard, DLO/N, LandsD advises that requirement on the proposed road improvement works at the road junction of Tai Po Tai Wo Road and Po Nga Road would not be incorporated into the lease since it is outside the Site and located at Tai Po. Nevertheless, the applicant indicates that he is willing and undertakes to carry out the agreed road improvement works, regardless of whether the works

are included in the lease conditions of the proposed land exchange or not.

- 11.10 DFEH advises that the licence applicant under the PCO is required to submit a management plan to PCLB for approval.

Landscape

- 11.11 The Site is partially covered with vegetation and trees. According to the applicant, there are 107 trees within the Site and 6 trees immediately outside the site boundary. To compensate the loss of 67 existing trees that are proposed to be felled, 171 heavy standard trees are proposed to be planted. The CTP/UD&L, PlanD advises that the Site is situated in an area of rural coastal plains landscape character comprising vegetated areas, tree clusters, dense woodland, burial grounds within the “GB” zone and temporary structures. Also, no similar application was approved by the Board in the vicinity of the Site within the same “AGR” and “GB” zones. She raises concern that approval of the application may permanently alter the rural landscape character of the “AGR” zone.

Other Technical Aspects

- 11.12 DLO/N, LandsD advises that there are urns/graves on GL within the Site. Granting of GL to the applicant is not acceptable and will not be considered by her office under the prevailing policy. Noting that there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy, DLO/N, LandsD objects to the application. Other government departments including CE/MN, DSD, DEMS, D of FS, CBS/NTW, BD, DEP, PM/N, CEDD, Head of GEO, CEDD and CE/C, WSD, have no objection to/no comment on the application.

Similar Application

- 11.13 While there is no similar s.12A application for rezoning in the same “AGR” and “GB” zones to “OU(Columbarium)”, there was a similar application (No. Y/NE-STK/3) to rezone the site from “V” in Tong To to “OU(Columbarium)” in the vicinity of the Site on the same OZP. The application was rejected by the Committee on 14.7.2023 mainly on the grounds of not being compatible with the existing village setting of the area, particularly the residential dwellings located to its immediate southwest; and failing to demonstrate that the columbarium use would not cause adverse traffic impact on the surrounding areas.

Public Comments and Local Views

- 11.14 There are local views received by DO(N), HAD and public comments supporting and objecting the application as detailed in paragraphs 9.1.11 and 10. The planning assessments and comments of government departments above are relevant. With regard to the objecting public comments concerning the number of columbaria in the North District, there is a public columbarium operated by FEHD (i.e. Wo Hop Shek Columbarium currently providing 110,100 niches) and four private columbaria licensed or exempted under PCO (i.e. Wun Chuen Sin Kwoon (雲泉仙館), Fung Ying Seen Koon (蓬瀛仙館), Lung Shan Temple (龍山寺) and Hong Kong Kun Chung Temple (香港觀宗寺)) in the North District. Regarding the objecting comments on the status of the operator, the applicant explained that the

operator, i.e. STKA, is a company which was formerly exempted from tax under section 88 of the Inland Revenue Ordinance and such a status was discontinued earlier. According to the applicant, STKA is currently seeking the permission to re-instate such a status under section 88.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the local views conveyed by DO(N) of HAD and public comments in paragraphs 9.1.11 and 10 respectively, the Planning Department does not support the proposed rezoning of the Site from “AGR” and “GB” to “OU(Columbarium)” for the following reason:

the Site falls within an area zoned “Agriculture” (“AGR”) and “Green Belt” (“GB”). The proposed columbarium use is considered not compatible with the village setting of the area, particularly the residential dwellings to its west and southwest as well as the “Village Type Development” zones of San Tsuen and Tong To in the vicinity. 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 application site are considered appropriate and should be retained.

- 12.2 Alternatively, should the Committee decide to agree/partially agree to the subject application, PlanD will recommend zoning amendments to the OZP for the consideration of the Committee. The proposed amendments to the approved Sha Tau Kok OZP No. S/NE-STK/2, together with revised Notes and Explanatory Statement, would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the OZP.

13. Decision Sought

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

14. Attachments

Appendix I	Application Form received on 3.5.2023
Appendix Ia	FI received on 25.11.2024 enclosing the Consolidated Report
Appendix II	Proposed Notes for “OU(Columbarium)” by Applicant
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Detailed Departmental Comments
Appendices VIa to VIc	Public Comments

Drawing Z-1	Master Layout Plan
Drawings Z-2a to Z-2e	Landscape Master Plans
Drawing Z-3	Layout Plan of the Ancillary Service Building
Drawings Z-4a and Z-4b	Layout Plans of the Columbarium Area
Drawings Z-5a and Z-5b	Proposed Site Formation Levels
Drawings Z-6a to Z-6f	Proposed Transport Arrangement
Drawing Z-7	Plan Showing Lots and Locations where Owners/ Operators Agree or Have No Objection to the Proposed Columbarium
Plan Z-1	Location plan
Plan Z-2	Site plan
Plan Z-3	Aerial photo
Plans Z-4a to Z-4g	Site photos

**PLANNING DEPARTMENT
DECEMBER 2024**