

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/352B

- Applicant** : Ms. Kwong Kam Oi represented by Metro Planning & Development Company Limited
- Site** : Lots 1613 (Part), 1614 (Part), 1615 (Part), 1616 (Part), 1619 (Part), 1628 (Part), 1629 (Part), 1630, 1631, 1632 (Part) and 1635 (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 4,950m² (Including Government Land of about 434m² (i.e. 8.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (LFS & TBT OZP) No. S/YL-LFS/9 and Approved Tin Shui Wai Outline Zoning Plan (TSW OZP) No. S/TSW/14
- Zoning** : “Green Belt” (“GB”) (about 94.7%) (on LFS & TBT OZP)
“Open Space (1)” (“O(1)”) (about 5.3%) (on TSW OZP)
- Application** : Temporary Religious Institution (Kwun Yum Temple) for a period of 3 years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary religious institution (Kwun Yum Temple) for a period of 3 years (**Plan A-1a**). The majority of the Site (94.7%) falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui (LFS&TBT) OZP No. S/YL-LFS/9 and a minor portion of the Site (5.3%) falls within an area zoned “O(1)” on the approved Tin Shui Wai OZP No. S/TSW/14. According to the Notes of the LFS&TBT OZP, ‘Religious Institution’ is a Column 2 use under “GB” zone, which requires planning permission from the Town Planning Board (the Board). For the part falling within the TSW OZP, temporary use (expected to be 5 years or less) is always permitted. The Site is currently being used for religious institution (temple) namely Kwun Yum Temple without valid planning permission.
- 1.2 The Site involves 5 previous planning applications (**Plan A-1b**) for pond filling for agricultural use (fruit tree plantation) (Application No. A/YL-LFS/10); pond filling and development of golf driving range (Application No. A/YL-LFS/31); recreational development (Applications No. A/YL-LFS/56 and 172) and place of

recreation, sports or culture and shop and services (Application No. A/YL-LFS/304) respectively. The second application was rejected upon review while the other four were approved with conditions by the Rural and New Town Planning Committee (the Committee). Details of the previous applications are at paragraph 6 and **Appendix III**.

- 1.3 The Site is accessible from Tin Wah Road via a local access road (**Drawing A-2 and Plan A-2**). The ingress/egress point is located at the southeastern boundary of the Site (**Drawing A-3 and Plan A-2**). As shown on **Drawing A-3** and indicated in the submission, there are 8 structures with a total floor area of about 782 m² and building height of about 3m - 7m at the Site, including 1 Kwun Yum statue, 2 rain shelters, 3 prayer rooms, 1 site management office and 1 mobile toilet. There are also 4 private car parking spaces at the Site. The operation hours of the Site are from 9 a.m. to 7 p.m. from Mondays to Sundays including public holidays.
- 1.4 According to the applicant, there are about 50 visitors daily and 200-300 visitors during religious/festive events. Though there are 4 private car parking spaces at the Site, most prayers arrive on foot. No joss paper and incense burning will be allowed in the temple. Besides, the applicant indicates that the Site does not involve columbarium, storage of human remains or ancestral tablets. Neither land/pond filling nor excavation will be carried out at the Site except minimum soil excavation at the site periphery for the provision of surface channel and landscaping.
- 1.5 The northern, eastern and southern portions of the Site are currently hard-paved (about 59% of the Site, 2,854 m²) and occupied by temporary structures while the central portion of the Site is a pond (about 41% of the Site, 2,017 m²) with a footbridge above the pond connecting the northern and southern portions of the Site (**Drawing A-3, Plans A-2, A-4a to 4d**). According to the applicant, the footbridge with supporting from the pond bed was built around 4 to 5 years ago. The north-eastern portion of the Site overlaps with a previous approved planning application (No. A/YL-LFS/304) for place of recreation, sports or culture and shop and services use, which was revoked on 7.1.2020 due to non-compliance with approval conditions on fencing, drainage, fire service installations as well as tree preservation and landscape aspects.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 29.10.2019 with lot index (**Appendix I**) plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan
 - (b) Supplementary Planning Statement attached to Appendix I (**Appendix Ia**)
 - (c) Further Information (FI) received on 30.3.2020 clarifying (**Appendix Ib**) the site details, operation mode and number of visitors
 - (d) FI received on 8.5.2020 clarifying the site details (**Appendix Ic**)
- 1.7 On 13.12.2019 and 6.3.2020, the Committee agreed to defer a decision on the application each for two months as requested by the applicant. The applicant submitted FI on 30.3.2020 and 8.5.2020, and the application is scheduled to be

considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I, Ia and Ib**. They are summarized as follows:

- (a) The proposed development is compatible with the surrounding environment.
- (b) No joss paper and incense burning will be permitted at the Site as an environmental protection initiative.
- (c) There are similar applications for religious institution use approved by the Board in other “GB” and “O” zones (Applications No. A/YL-PN/56 and A/TM/440 respectively).
- (d) The proposed mobile toilets will be cleaned by professional sewage treatment company every day.
- (e) The footbridge with supporting from the pond bed was built around 4 to 5 years ago and no renovation or reconstruction is required.
- (f) The applied use has been existed at the Site for more than a decade and supported by many prayers for spiritual pursuit.

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

The applicant is not a “current land owner” but 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 posting site notice and sending notice to Ping Shan Rural Committee. For the adjoining Government land, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site is subject to an active planning enforcement case (No. E/YL-LFS/492) (**Plan A-2**) and the alleged unauthorized development (UD) is worship place. The Enforcement Notices (EN) was issued to the registered land owners on 14.8.2019 requiring the UD to be discontinued by 14.10.2019. The recent site inspection upon the EN expiry revealed that the UD continued. The Site will be kept under close monitoring for further action.
- 4.2 According to the information available at the Chinese Temples Committee’s website, the subject Kwun Yum Temple is not in the list of temples registered under the Chinese Temples Ordinance.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

- 6.1 The Site involves five previous planning applications (**Plan A-1**) for different uses submitted by different applicants and all of them only cover part of the Site. They are for pond filling for agricultural use (fruit tree plantation) (Application No. A/YL-LFS/10); pond filling and development of golf driving range (Application No. A/YL-LFS/31); recreational development (Applications No. A/YL-LFS/56 and 172) and place of recreation, sports or culture and shop and services (Application No. A/YL-LFS/304) respectively. The second application was rejected upon review while the other four were approved with conditions. Details of these applications and the Committee’s/Board’s decisions are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-LFS/10 (covering western and northern parts of the Site with an area of about 500m²) for pond filling for agricultural use (fruit tree plantation) was approved with conditions by the Committee on 23.8.1996 mainly on the grounds of in line with the planning intention of the “GB” zone, compatible with the surrounding environment, outside Deep Bay Buffer Zone, and addressing departmental concerns through imposition of approval conditions regarding submission of detailed information on the source of fill material and mitigation measures on types of bunds used. The planning permission lapsed on 24.8.1998.
- 6.3 Application No. A/YL-LFS/31 (covering southern part of the Site with an area of about 3,200m²) for pond filling and development of golf driving range with ancillary private club, conservation and recreational facilities was rejected upon review by the Board on 18.12.1998 mainly on the grounds of not in line with the planning intention of the “GB” zone, insufficient information to demonstrate no significant environmental, drainage and flooding impacts on the surrounding areas, unacceptable proposed vehicular access arrangement and undesirable precedent.
- 6.4 Application No. A/YL-LFS/56 (covering northern part of the Site with an area of about 1,000m²) for proposed recreational development including garden, fishing ground, barbecue spot, refreshment kiosk, public car park with ancillary facilities was approved with conditions by the Committee on 28.7.2000 mainly on the grounds of in line with the planning intention of the “GB” zone, compatible with the surrounding environment, no significant traffic and environment impacts to the area and no adverse departmental comments. However, the approved development had not been implemented and the planning permission lapsed on 29.7.2003.
- 6.5 Application No. A/YL-LFS/172 (covering northern part of the Site with an area of about 500m²) for proposed recreational development including barbecue spot,

refreshment kiosk, hobby farming, fishing ground, children playground and ancillary public car park was approved with conditions by Committee on 7.3.2008 mainly on the grounds of compatible with the surrounding land uses, no significant traffic and environmental impacts on the surrounding areas, no adverse departmental comments, and addressing departmental concern by imposing approval conditions. The approved development had not been implemented and the planning permission lapsed on 8.3.2012.

- 6.6 Application No. A/YL-LFS/304 (covering northern part of the Site with an area of about 500m²) for proposed place of recreation, sports or culture and shop and services (including barbecue spot, refreshment kiosk, hobby farming and children playground) was approved with conditions by Committee on 6.4.2018 for a period of 3 years mainly on grounds of not in conflict with the planning intention of the “GB” zone, not incompatible with the characters and land uses in the surrounding areas, in line with the TPB PG-No. 10, no objection/adverse comments from Government departments concerned and in line with the Committee’s previous decisions. The planning permission was revoked on 7.1.2020 due to non-compliance with approval conditions on fencing, drainage, fire service installations as well as tree preservation and landscape aspects.

7. Similar Application

There is no similar application for religious institution use within the “GB” and “O(1)” zones on the OZPs.

8. The Site and Its Surrounding Areas (Plans A-1a to Plan A-4d)

8.1 The Site is:

- (a) currently partly hard-paved and partly occupied by a pond, which is used for temple without valid planning permission; and
- (b) accessible from Tin Wah Road via a local track (**Drawing A-2 and Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a large piece of vacant and unused land on vegetated slopes;
- (b) to its immediate west are suspected unauthorized development (UD) of storage use and toilet;
- (c) to its immediate southwest are suspected UD of parking of vehicles and vacant land; and
- (d) to its immediate east is the “O(1)” zone with presence of fish ponds and vegetation; and to the further east across Tin Ying Road is the nullah and a public housing development named Tin Chak Estate.

9. Planning Intention

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. However, limited development may be permitted if they are justified on strong planning grounds.

10. Comments from Relevant Government Bureau/Departments

10.1 The following Government bureau/departments have been consulted and their views on the application are summarized as follows:

Religious Policy

10.1.1 Comments of the Secretary for Home Affairs:

It is noted from the application form that no information on the religious organization operating the facilities on the Site is submitted. The applicant is required to submit supplementary information on the religious institution (Kwun Yum Temple) concerned e.g. background, history and the relationship between the applicant and the organization, etc.

Land Administration

10.1.2 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) His site inspection in November 2019 revealed that some structures had been erected on portions of the unleased Government land (G.L.) within the Site.
- (c) No permission is given for occupation of G.L. of about 434m² in area (subject to verification) included in the Site. The act of occupation of G.L. without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of G.L. or erection of new structures which is found commenced on or after 28 March 2017.
- (d) The Site is accessible from Tin Wah Road through private lots and G.L.. His office provides no maintenance work for the G.L. involved and does not guarantee any right-of-way to the Site.

- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the G.L. from the Site or apply for a formal approval prior to the actual occupation of the G.L. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Landscaping

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

- (a) The Site located to the west of Tin Chak Estate lies mainly in an area of “GB” zone and partly in “O(1)” zone. The northern portion of the Site partly overlaps with previous approved planning application No. A/YL-LFS/304 for barbecue spot and hobby farm use. The current application seeks planning permission for temporary religious institution use for a period of 3 years.
- (b) With reference to the site visit by his office on 13.11.2019, the Site is hard paved with existing temporary structures. About half of the Site is occupied by a pond with existing trees found within the Site at the southeastern portion. The applied use appears to be already in operation. The Site is situated in an area of rural landscape character. Significant change to the landscape character arising from the application is not envisaged. Hence, he has no objection from the landscape planning perspective.
- (c) In view that there are existing trees screening the site, it is considered adequate to impose a planning approval condition to maintain all existing trees within the Site in good condition for the duration of the approval period should the application be approved by the Board.
- (d) Some trees within the Site are in poor condition. Dieback twigs, dead branches, topped and leaning trees are observed. The applicant is reminded to carry out regular inspection for existing trees and undertake remedial measures such as pruning, staking or tree removal as necessary to minimize tree risk.
- (e) The applicant is advised that approval of the application by the Board

does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works.

Nature Conservation

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

- (a) The Site is partly paved and disturbed and occupied by temporary structures while the southern portion is a pond. According to the application, the proposed development would not involve filling of land/pond, excavation of land, nor tree felling. The proposed layout plan also indicated that the proposed structures within the Site would be limited to 1 storey with maximum height of 7m on the paved/distributed area, while the pond would be retained. Furthermore, the applicant has stated that the proposed development (i.e. Kwun Yum Temple) has been existed at the Site for more than a decade. In view of the above, she has no adverse comment on the application from nature conservation point of view.
- (b) Should the application be approved, the applicant should be advised to preserve the existing trees on Government land within and adjacent to the Site.

Traffic

10.1.5 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.6 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road.

Environment

10.1.7 Comment of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) Major environmental issue is not envisaged provided that the applicant would properly design the temple to address the traffic noise from Tin Ying Road.
- (d) Should the planning application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the environmental Aspects of Temporary Uses and Open Storage Sites” (“the COP”).

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his department.
- (c) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (d) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Fire Safety

10.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit

relevant layout plans incorporated with the proposed FSIs to his department for approval.

- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

10.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations [B(P)R] respectively.
- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

District Officer's Comments

10.1.11 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has received one comment from the representatives of Sha Kiu Tsuen and Mong Tseng Tsuen on the application objecting to the application mainly on the ground of adverse traffic impact (**Appendix IV**).

10.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (c) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Director of Food and Environmental Hygiene (DFEH); and
- (h) Commissioner of Police (C of P).

11. **Public Comments Received During Statutory Publication Period**

On 5.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 2 public comments were received from a villager of Sha Kong Wai Tsuen and an individual objecting to the application for the reasons of adverse traffic and environmental impacts and degradation of the surrounding area (**Appendices V-1 and V-2**):

12. **Planning Considerations and Assessments**

12.1 The current application is for temporary religious institution (Kwun Yum Temple) for a period of 3 years. The Site is mainly zoned “GB” on the OZP. The planning intention of “GB” zone is to define 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. However, limited development may be permitted if they are justified on strong planning grounds. This strip of “GB” zone where the Site is located mainly serves as a buffer between the Tin Shui Wai New Town to its east and the natural landscape of vegetated hill slopes to its west (**Plan A-1a**). The Site involves hard-paved area (about 59% of the Site, 2,854 m²) and a pond (about 41% of the Site, 2,017 m²). The hard-paved area is currently occupied by 8 structures including Kwun Yum statue, prayer rooms, rain shelters, management office and mobile toilet, with a total floor area of about 782m². According to the applicant, there are about 50 visitors daily and 200-300 visitors during religious/festive events to the Site. In view of the nature and scale of the development, it cannot be considered that the applied use is in line with the planning intention of the “GB” zone and there is no strong planning justification given in the submission for a departure of such planning intention, even on a temporary basis.

12.2 The Site is situated in an area of rural landscape character comprising scrubland, vegetated hillslopes, ponds and suspected UD of parking of vehicles. The applied use is considered not compatible with the surrounding environment.

- 12.3 According to the TPB PG-No.10, there is a general presumption against development within the “GB” zone. New development will only be considered in exceptional circumstances and must be justified with very strong planning grounds. For the current application, there is no information in the submission on how the religious organization operating the facilities on the Site, the religious institution (Kwun Yum Temple) concerned e.g. background, history and the relationship between the applicant and the organization, etc. Besides, there is no strong planning justification in the submission to support the applied use in the “GB” zone. As mentioned in para. 12.1 above, the Site involves 59% hard-paved area (about 2,854 m²). In fact, part of the hard-paved area (about 1,237 m²) was converted from the pond since late 1990s (**Plans A-3b and A-3c**) and the Site has been occupied for temple use. Besides, the applicant indicates that a footbridge with supporting from the pond bed was built in the pond around 4 to 5 years ago (**Plan A-4a**) to facilitate the internal circulation within the Site. Moreover, CTP/CEP, PlanD pointed out that the Site is subject to an active planning enforcement case (No. E/YL-LFS/492) (**Plan A-2**) for unauthorized development (UD) of worship place.
- 12.4 Relevant departments including C for T, CE/MN of DSD, DEP, D of FS and CTP/UD&L, PlanD have no adverse comment on the application on the traffic, drainage, environment, fire safety and landscape aspects.
- 12.5 The Site involves five previous applications with different site extents for agriculture or recreational uses by different applicants. All of them only cover part of the Site. Application No. A/YL-LFS/31 (covering southern part of the Site with an area of about 3,200m²) for pond filling and development of golf driving range was rejected in 1998 mainly on grounds of not in line with planning intention; no information to demonstrate no adverse environmental, drainage and flooding impacts; and setting undesirable precedent. For the other four approved applications (No. A/YL-LFS/10, 56, 172 and 304), they only partly overlap with the Site (about 500m² to 1,000m² or 10 to 20%). The applied uses for agricultural or passive recreational purpose under the previous approved applications are considered generally in line with the planning intention of the “GB” zone and/or in line with the TPB PG-No. 10. For the current application, it is different from the previous approved applications in that about 59% of the Site (2,854 m²) was hard-paved, of which about 1,237 m² was converted from the pond, and the applied use cannot be considered as in line with the planning intention of the “GB” zone.
- 12.6 No approval for similar temporary religious institution use has been granted by the Committee within the same “GB” zone. The Site is currently used as a Kwun Yum Temple without planning permission and subject to active enforcement actions. Approval of the application would set an undesirable precedent and encourage proliferation of similar religious institution use within the same “GB” zone thereby frustrating its planning intention. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- 12.7 There are 2 public comments received and one comment relayed from DO/YL, HAD objecting to the application on the grounds as summarized in paragraphs 11 and 10.1.11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraphs 10.1.11 and 11 above, the Planning Department does not support the application for temporary religious institution use (Kwun Yum Temple) for a period of 3 years for the following reasons:

- (a) the applied use is not in line with the planning intention of the “Green Belt” zone, which 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until **29.5.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no joss paper and incense burning, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **28.2.2021**;
- (e) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the existing trees within the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.11.2020**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of

the Director of Fire Services or of the Town Planning Board by **28.2.2021**;

- (i) if any of the above planning conditions (a), (b), (c), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (g) or (h) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application Form received on 29.10.2019 with lot No. plan, vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan and proposed drainage plan
Appendix Ia	Supplementary Planning Statement attached to Appendix I
Appendix Ib	Further Information (FI) received on 30.3.2020 clarifying the site details, operation mode and number of visitors
Appendix Ic	FI received on 8.5.2020 clarifying the site details
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous Applications covering the Site
Appendix IV	Public Comment Relayed from District Officer/Yuen Long, Home Affairs Department
Appendices V-1 and V-2	Public Comments Received During Statutory Publication Period

Appendix VI	Advisory Clauses
Drawing A-1	Lot No. Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape and Tree Preservation Plan
Drawing A-5	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plans A-3a to A-3c	Aerial Photos
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
MAY 2020**