

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PN/84

- Applicant** : Wat Buddhahamaram Limited represented by FiBi International Project Consultancy Co. Limited
- Site** : Lot 65 RP (Part) in D.D. 135, Pak Nai, Yuen Long, New Territories
- Site Area** : About 11,982m²
- Lease** : Tai Po New Grant No. 2936
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : Coastal Protection Area” (“CPA”)
- Application** : Temporary Religious Institution (Thai Buddhist Monastery) with Ancillary Facilities and Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary religious institution (Thai Buddhist Monastery) with ancillary facilities and filling of land for a period of three years at the application site (the Site) (**Plan A-1**) zoned “CPA” on the OZP. According to the Notes of the OZP, temporary use not exceeding three years may be permitted by the Town Planning Board (the Board) upon application. Also, filling of land within “CPA” zone requires planning permission from the Board. The Site is currently partly vegetated, partly paved and occupied by temporary structures for the applied use without valid planning permission (**Plans A-2, A-4a to A-4g**).
- 1.2 The Site is accessible from Nim Wan Road via a local track, with the ingress/egress located at the south of the Site (**Plan A-2**). As shown on the layout plan (**Drawing A-1**), 21 single-storey structures (not more than 8m in height) with a total floor area of about 945.5m² are used for a Buddhist Monastery which comprises main hall, meditation room, monks’ residential units, storage rooms, activity area and toilet. According to the applicant, 21 existing structures at the Site would be retained while the remaining six structures would be demolished (**Drawing A-5**). No tree felling would be undertaken at the Site. Other areas within the Site would not be developed and would remain unchanged. To prevent and warn off people from entering and disturbing the adjoining mangroves, rope fencing and notices would be set up along the western boundary of the Site (**Drawing A-2**). Wastewater will be treated by septic tank system and would not be directly discharged to the watercourse in the vicinity. No burning of joss paper would take place at the Site and no audio amplification system would be used.

- 1.3 According to the applicant, the operation hours would be between 9 a.m and 6 p.m. daily. No parking and loading/unloading space would be provided. Visitors can access the Site by minibus plying Nim Wan Road and then walk about 150m to the Site (walking time about three minutes). Prior reservation is required for accessing the Site. The maximum number of visitors would not be more than 80 per day and 20 at any one time.
- 1.4 Moreover, the applicant seeks planning permission to regularise the land filling works already undertaken at the Site. As shown on the land filling plan at **Drawing A-4 and Plans A-4c to 4e**, the existing filling of land with bricks and concrete covers the eastern portion of the Site (about 1,614.8m² or 13.5%) with a depth of about 0.2m for circulation purpose. No further filling of land will be carried out at the Site.
- 1.5 The Site is the subject of three previous applications (**Plan A-1**). The last application No. A/YL-PN/15 for the same temporary use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 2.2.2007 but the planning permission subsequently lapsed on 2.2.2010 (details at paragraph 5 below). Compared with the last previous application, the current application is submitted by the same applicant with a reduced site area and an increase in number of structures and total floor area. A comparison of the major development parameters between the last previous application and the current application is as follows:

	Previous Application No. A/YL-PN/15 (a)	Current Application No. A/YL-PN/84 (b)	Difference (b) - (a)
Site area	about 13,480m ²	about 11,982m ²	-1,498m ² (-11.1%)
Applied uses	Temporary Thai Buddhist Monastery for a Period of 3 Years	Temporary Religious Institution (Thai Buddhist Monastery) with Ancillary Facilities and Filling of Land for a Period of 3 Years	Addition of Ancillary Facilities and Filling of Land
No. of structures	11 • 4 Monk's Residential Units • 1 Meditation Room • 2 Storage Huts • 1 Administration Office • 1 Kitchen/Rest room • 2 Latrines	21 • 3 Monk's Residential Units • 9 Meditation Rooms • 2 Storage Rooms • 1 Main Hall of the Monastery • 1 Activity Area • 5 Toilets	+10 (+90.9%)
Total Floor Area	about 194.5m ²	about 945.5m ²	+751m ² (+386%)
Height of structures	1 storey	1 storey	No change
Area of Land Filling	Nil	about 1,614.8m ²	+1,614.8m ²
Depth of Land Filling	Nil	about 0.2m	+0.2m
No. of parking spaces	One	Nil	-1 (-100%)
No. of loading/unloading spaces	Nil		No change

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

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|-----|------------------------------------------------------|---------------|
| (a) | Application Form received on 25.3.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 27.3.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 23.4.2025* | (Appendix Ib) |
| (d) | FI received on 30.4.2025* | (Appendix Ic) |
| (e) | FI received on 12.5.2025* | (Appendix Id) |
| (f) | FI received on 10.6.2025 [#] | (Appendix Ie) |
| (g) | FI received on 10.7.2025 and 11.7.2025* | (Appendix If) |
| (h) | FI received on 23.7.2025* | (Appendix Ig) |

** accepted and exempted from publication and recounting requirements*

[#] accepted but not exempted from publication and recounting requirements

1.7 On 23.5.2025, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ig**. They can be summarised as follows:

- (a) the monastery mainly serves to provide a place for worship and meditation. It is temporary in nature, and would not jeopardise the long-term planning intention;
- (b) the monastery follows the Theravada Forest Tradition of Buddhism and needs to be located within forests or remote areas for practicing meditation and integration with nature;
- (c) the applicant has been searching for a permanent site for the Thai Buddhist monastery over many years. One of the identified sites in Ngau Tam Mei would no longer be available as it would be affected by the development proposal of Ngau Tam Mei¹ ;
- (d) the monastery is small in scale, away from residential areas, and would not operate during sensitive hours. All existing trees and shrubs would also be preserved. Hence, it has minimal adverse environmental, traffic, drainage, landscape and visual impacts on the surroundings;
- (e) while some of the trees have withered over the years due to coastal flooding, those void areas have subsequently been filled in with new planting and cultivation;
- (f) to accommodate for the increase of monks in residence and believers over the years, the number of structures have been increased compared with the previously approved application No. A/YL-PN/15. The main hall could accommodate 20 people while each meditation room could accommodate 1-2 people (**Drawing A-3**); and

¹ The monastery in Ngau Tam Mei is subject to a previous application No. A/YL-NTM/182 which was rejected by the Board on review on 16.12.2005. The monastery in Ngau Tam Mei falls partly within the study area of the Land Use Review Study of Ngau Tam Mei Area which is currently in progress.

- (g) the application has the support of the Royal Thai Consulate-General and the Hong Kong Buddhist Association.

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 Ordinance (TPB PG-No. 31B) by publishing notice in local newspapers and sending notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorized development at the Site, planning enforcement action would be undertaken.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/YL-PN/5, 6 and 15) submitted by the same applicant for the same use at the same site. The former was rejected by the Committee in 2002 while the latter two were approved in 2003 and 2007 respectively. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PN/5 for construction of a proposed new temporary Thai Buddhist Monastery with a total floor area of 258.5m² for a period of three years was rejected by the Committee on 23.8.2002 mainly on grounds of insufficient information in the submission to justify a departure from the planning intention of the “CPA” zone; demolition and new building construction were involved; the proposed redevelopment intensity was considered excessive and no information had been provided in the submission to demonstrate that the proposed development would not have adverse traffic and ecological impacts on the surrounding areas.
- 5.3 Application No. A/YL-PN/6 for the same temporary use at the same site with a total floor area of 194.5m² was approved with conditions by the Committee on 16.5.2003 for a period of three years mainly on the considerations that no intensification of the existing structures was involved; the temporary Buddhist monastery was considered not incompatible with the surrounding setting; and no re-building would be carried out. Subsequently, application No. A/YL-PN/15 for the same use with the same scheme at the same site was approved with conditions by the Committee on 2.2.2007 based on similar considerations stated above and the planning permission lapsed on 2.2.2010.

6. Similar Application

There is no similar application for religious institution use within the subject “CPA” zone.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4g)

7.1 The Site is:

- (a) partly vegetated, partly paved and occupied by temporary structures for the applied use without valid planning permission;
- (b) accessible from Nim Wan Road via a local track; and
- (c) partly within the Long Jok Tsuen Site of Archaeological Interest.

7.2 The surrounding areas are predominated by unused land, farmland and ponds intermixed with residential dwellings, temporary structures and a field study centre. The mangroves in Ha Pak Nai along the Deep Bay coastline are located to the north and west of the Site.

8. Planning Intention

- 8.1 The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, and in view of the conservation value of the area within the “CPA” zone, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau / Departments

- 9.1 Apart from the government bureau as set out in paragraph 9.2 below, other bureau / departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.
- 9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary of Home and Youth Affairs (SHYA):

- (a) Having studied the application materials submitted by the applicant, she notes that the Hong Kong Buddhist Association has certified that the applicant is a proper religious entity registered in Hong Kong and has been actively engaging in various religious and charitable activities to spread the teachings of Lord Buddha over past years. Having checked the official website of the Inland Revenue Department, the applicant has been a charitable organization registered under section 88 of the Inland Revenue Ordinance (Cap. 112) since 1998. She is satisfied that the applicant is a bona fide religious and charitable organisation.
- (b) According to the application materials, the subject Thai Buddhist Monastery is intended to house worshipping activities with a view to promoting Buddhism. It appears that the Thai Buddhist Monastery is religious-related. Having regard to the foregoing, subject to comments from other government bureau / departments, she generally supports the application from religious perspective.

10. Public Comments Received During Statutory Publication Period

On 1.4.2025 and 13.6.2025, the application was published for public inspection. During the statutory public inspection periods, two public comments from an individual (**Appendix V**) were received objecting to the application mainly on grounds that applied use is not in line with the planning intention of “CPA” zone; the scale of development involving over 20 structures is too excessive and would affect the surrounding natural habitats; the Site falls within the Long Jok Tsuen Site of Archaeological Interest; planning application No. A/YL-PN/83 for a field study centre adjacent to the Site has recently been rejected by the Committee; and the proposed traffic arrangement without any vehicle parking is doubtful.

11. Planning Considerations and Assessments

11.1 The application is for temporary religious institution (Thai Buddhist Monastery) with ancillary facilities and filling of land for a period of three years within the “CPA” zone of the OZP (**Plan A-1**). The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a presumption against development in this zone. The Site is currently largely vegetated with trees and occupied by scattered temporary structures for the applied use. The applicant proposes to preserve the existing trees and shrubs at the Site. While the applied use is not in line with the planning intention, the applicant is a charitable institution under section 88 of the Inland Revenue Ordinance (Cap. 112) and the proposal would provide religious service to the local Buddhist community and promote Buddhist traditions. In this regard, the SHYA supports the application from religious point of view. To avoid potential disturbances to nearby habitats

within the “CPA” zone, the applicant has proposed to provide rope fencing and notices along the western boundary facing the adjoining mangroves. Considering that the applicant has undertaken to take measures such as rope fencing and notices to protect and minimise the disturbance on the nearby habitats, the Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from nature conservation point of view. In view of the above and taking into account the planning assessments below, sympathetic consideration may be given to the application on a temporary basis for a period of three years.

- 11.2 The applicant also applies to regularise the existing paving with bricks and concrete of 0.2m in depth covering the eastern portion of the Site (about 1,614.8m² or 13.5%). Filling of land within the “CPA” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impact on the natural environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and DAFC have no objection to/no adverse comment on the application from drainage and nature conservation perspectives respectively.
- 11.3 The surrounding areas comprise predominantly unused land, farmland, ponds, temporary structures and a field study centre. The applied use is considered not entirely incompatible with the rural character of the surrounding land uses. Despite the increase in structures (from 11 to 21) and total floor area (from 194.5m² to 945.5m²) compared with the last approved application No. A/YL-PN/15, the applied use only involves single storey structures occupying less than 8% of the Site. Besides, aerial photos between 2007 and 2024 (**Plan A-3a to A-3d**) showed that the Site has remained largely vegetated. The applicant claimed that while some of the trees have withered over the years due to coastal flooding, those void areas have subsequently been filled in with new planting and cultivation (**Plans A-4b to A-4d**). Noting that no tree felling and no landscape impact would be caused and further significant landscape impact on the existing landscape resources within the Site is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments consulted including the Director of Environmental Protection, Commissioner for Transport, CE/MN of DSD, Director of Fire Services (D of FS) and Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office (CHE/AMO) have no objection to/adverse comment on the application from environmental, traffic, drainage, fire safety and archaeological aspects respectively. The technical requirements of CE/MN of DSD, D of FS and CHE/AMO could be addressed by imposing approval conditions in paragraph 12.2 below. As the Site is zoned “CPA”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “CPA” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.5 The Site was involved in three previous applications (No. A/YL-PN/5, 6 and 15) for the same temporary religious institution use submitted by the same applicant as the current application. The former was rejected by the Committee in 2002 while the latter two were approved with conditions by the Committee in 2003 and 2007 respectively. The planning permission of the last previous application No. A/YL-

PN/15 lapsed on 2.2.2010. Compared with application No. A/YL-PN/15, the current application involves a decrease in site area by 11% and an increase in number of structures (from 11 to 21) and total floor area (from 194.5m² to 945.5m²) mainly for expansion of the main hall and addition of ten structures of which eight are meditation rooms. The applicant has explained that the increase in scale is to accommodate for the increase in monks and believers over the years. As discussed in paragraphs 11.2 and 11.3 above, despite the increase in structures and total floor area, the Site has remained largely vegetated and DAFC and CTP/UD&L of PlanD have no comments on the current application from nature conservation and landscape perspectives respectively. Considering the unique background of the application, the nature of the applied use, the religious service it can provide to the local Buddhist community, the support from SHYA and no adverse comments from relevant government departments, sympathetic consideration may be given to the current application. Although the Committee had rejected a previous application No. A/YL-PN/5, the circumstances of the rejected application are different in that there were adverse departmental comments. Approval of the current application is not in conflict with the previous decisions of the Committee.

- 11.6 Regarding the public comments objecting to the application as summarised in paragraph 10, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Regarding application No. A/YL-PN/83, which is for a temporary field study, education and visitor centre, the planning considerations and assessments are not relevant to the current application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 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 three years until **1.8.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage impact assessment within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office, or of the Town Planning Board by **1.2.2026**;
- (b) in relation to (a) above, the implementation of the drainage proposal identified in the drainage impact assessment within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office, or of the Town Planning Board by **1.5.2026**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (d) 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 **1.2.2026**;
- (e) in relation to (d) 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 **1.5.2026**;
- (f) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of hard paving and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with filling of land is not in line with the planning intention of "CPA" zoning which is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 13.2 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 permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 25.3.2025
Appendix Ia	SI received on 27.3.2025
Appendix Ib	FI received on 23.4.2025
Appendix Ic	FI received on 30.4.2025
Appendix Id	FI received on 12.5.2025
Appendix Ie	FI received on 10.6.2025
Appendix If	FI received on 10.7.2025 and 11.7.2025
Appendix Ig	FI received on 23.7.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Plan showing Ingress/Egress
Drawing A-3	Plan showing the Capacity of Each Structure
Drawing A-4	Land Filling Plan
Drawing A-5	Plan showing the Existing Structures to be demolished
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plans A-3a to A-3d	Aerial Photos taken in 2007, 2014, 2020 and 2024
Plans A-4a and A-4g	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**