

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1058

- Applicant** : Masjid AI-Jamia tu-Sauban Limited represented by Chief Force Limited
- Site** : Lots 2813 (Part), 2875 (Part), 2876 (Part), 2878 (Part) and 2879 (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 1,270m² (including GL of about 85m² (6.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Religious Institution (Mosque) with Ancillary Facilities and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary religious institution (mosque) with ancillary facilities and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Religious Institution’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, covered with artificial grass mats and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 and A-2**). According to the applicant, the applied use comprises one single-storey structure and two two-storey structures, with heights ranging from 5m to 7m and a total gross floor area of about 300m² for religious use, toilet, resting rooms, store rooms and guard room, and an open area of about 755m² (59.4% of the Site) for resting and worship activities (**Drawing A-1**). A septic tank is provided to serve the mosque and a metal fence wall is erected along the site boundary to avoid disturbance to the nearby residents. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete for a depth of about 0.1m, raising the site level to +36mPD for site formation (**Drawing A-2**). No further land filling is required. No parking spaces will be provided and no vehicle will be allowed to

enter or park within the Site. No public announcement system or portable loudspeakers, except small portable voice amplifiers, will be used and no burning of incense will be allowed at the Site at all times. The applied use is designed to accommodate a maximum of 120 visitors and two staff members at a time. The operation hours are between 8:00 a.m. and 8:00 p.m. from Mondays to Sundays, including public holidays. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with supporting documents received on 18.3.2025 and 20.3.2025 (**Appendix I**)
- (b) Further Information (FI) received on 2.7.2025* (**Appendix Ia**)
- (c) FI received on 10.10.2025# (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

accepted and not exempted from publication and recounting requirements

1.4 On 2.5.2025 and 15.8.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 and FI at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The applicant is a non-profit religious organisation recognised by the Incorporated Trustees of the Islamic Community Fund of Hong Kong. In recent years, the Muslim community and the number of ethnic minorities in Hong Kong have been growing, and a Muslim community has been formed in the vicinity of Wang Toi Shan. Since most of the existing mosques are located in the urban area, the mosque under the current application is the only place of worship for the Muslim community in the locality, providing a venue to meet the religious needs of the Muslim community living in Yuen Long and the nearby areas.
- (b) The applied use also provides a venue for various community services and activities for the Muslim community, teenagers and elderly in particular, living in Yuen Long and the nearby areas to satisfy their needs for spiritual and community care.
- (c) No parking is allowed within the Site and visitors should access the Site via public transport or on foot. Hence, no adverse traffic impact is anticipated.
- (d) No burning of incense will be allowed at the Site. Hence, no adverse environmental impact is anticipated.
- (e) The Site is in a distance from existing residential structures in the area and is separated from the nearest permitted burial ground by some existing brownfield operations. When conducting religious activities, only small portable voice

amplifiers will be used. Notwithstanding the above, metal fence wall is erected along the site boundary to avoid any potential disturbances to the nearby residents.

- (f) Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application. Should the current application be approved, the applicant will follow relevant procedures to rectify the lease breaches and comply with all of the approval conditions.

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

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

4. Background

The Site is not subject to any active enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

- 5.1 Various minor portions of the Site are the subject of five previous applications (No. A/YL-PH/209, 591, 625, 879 and 918) for various temporary uses. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Four applications (No. A/YL-PH/209, 591, 625 and 879) for temporary open storage and shop and services uses were rejected by the Committee between 1998 and 2021. Application No. A/YL-PH/918 for temporary war game centre was approved with conditions by the Committee on 24.6.2022, and the planning permission was subsequently revoked on 24.3.2024 due to non-compliance with the approval conditions. Considerations of these applications are not relevant to the current application due to different use involved.

6. Similar Application

There is no similar application within the same “AGR” zone on the OZP.

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

7.1 The Site is:

- (a) accessible from Kam Tin Road via a local track;
- (b) currently hard-paved, covered with artificial grass mats and used for the applied use without valid planning permission; and
- (c) located at the periphery of the “AGR” zone.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (including three with valid planning permissions) intermixed with vehicle parks, vehicle dismantle/repair workshops and vacant land. Woodland with graves and a hillside permitted burial ground (Site No. YL/21) mainly within the Lam Tsuen Country Park are located to the northeast of the Site, whereas village settlements of Wang Toi Shan Wing Ning Lei and Wang Toi Shan Shan Tsuen are located within the “Village Type Development” zone to the further west of the Site.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below. Other 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, if any, are provided in **Appendices III and IV** respectively.
- 9.2 The following government departments have adverse comment on or do not support the application:

Land Administration

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) has adverse comments on the application;

- (b) the Site comprises GL and Old Schedule Agricultural Lots 2813, 2875, 2876, 2878 and 2879 all in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;

Unauthorized structure(s) covered by the application

- (c) there is/are unauthorized structure(s) on Lots 2813, 2876, 2878 and 2879 all in D.D.111 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

Unlawful occupation of GL covered by the application

- (d) the GL covered by the application (about 85m² as mentioned in the application) has been fenced off/unlawfully occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD has grave concerns to the planning application since there is unlawful occupation of GL and regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the unlawful occupation of GL as demanded by LandsD. This office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (e) if the planning application is approved, the lots owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot(s) and if unlawful occupation of GL is ceased, the lot owner(s) shall apply to his office for a Short Term Tenancy (STT) to permit the occupation of GL. The application(s) for STW and/or STT will be considered by LandsD acting in the capacity as a landlord and there is no guarantee that it will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee, as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (f) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;

- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

District Office’s Comments

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

- (a) no particular comment on the application; and
- (b) seven comments from the Pat Heung Rural Committee, the lot owner of Lot 2813 in D.D. 111 (i.e. 橫台山鄧廷桂祖司理) (with signatures of the villagers of Wang Toi Shan attached), village representative of Wang Toi Shan Wing Ning Lei, and Wang Toi Shan Village Office objecting to the application were received during the local consultation periods¹.

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 25.3.2025 and 17.10.2025, the application was published for public inspection. During the statutory public inspection periods, 24 public comments were received, including 11 providing supportive views on the application (**Appendix Va**) and 13 objecting to the application (**Appendix Vb**).
- 10.2 The 11 public comments providing supportive views were received from the Incorporated Trustees of the Islamic Community Fund of Hong Kong and individuals mainly on the grounds that the applied use can meet the religious needs of the Muslim Community living in Yuen Long and the surrounding areas and provide a safe and peaceful venue for religious activities; the Site is easily accessible by the worshippers; and the applied use provides spiritual guidance, educational programs and charitable services which benefit the community.
- 10.3 The 13 public comments objecting to the application were received from the Pat Heung Rural Committee, the lot owner of Lot 2813 in D.D. 111 (i.e. 橫台山鄧廷桂祖司理) (with signatures of the villagers of Wang Toi Shan attached), village representative of Wang Toi Shan Wing Ning Lei, Wang Toi Shan Village Office and individuals mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone; approval of the application would set an undesirable precedent; the Site is not a suitable location for mosque given its close proximity to residential dwellings and burial grounds, which affects the ‘*fung shui*’

¹ The same submissions were received during the statutory public inspection periods of the application and the views are incorporated in paragraph 10.3.

of the area; presence of the mosque may create conflicts between the local residents and Muslims due to cultural and religious differences; the applied use would cause adverse traffic, environmental and noise impacts on the surrounding areas; and consent from the current land owner(s) had not been obtained before the submission of the current application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary religious institution (mosque) with ancillary facilities and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). While the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant, which is a non-profit religious organisation recognised by the Incorporated Trustees of the Islamic Community Fund of Hong Kong, claims that the applied use is intended to provide a venue for meeting the religious needs of and various community services for the Muslim community living in Yuen Long and the nearby areas. Since most of the existing mosques are located in the urban area, the applied use is the only place of worship for the Muslim community in the locality. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of five years.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site is located at the periphery of the “AGR” zone and the applied use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly open storage/storage yards intermixed with vehicle parks, vehicle dismantle/repair workshops and vacant land. Woodland with graves and a hillside permitted burial ground are located to the northeast of the Site, whereas the nearest village settlements of Wang Toi Shan Wing Ning Lei and Wang Toi Shan Shan Tsuen are located to the further west of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that the applied use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact within the Site arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments,

relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental nuisance on the surrounding land uses. Regarding DLO/YL, LandsD's concerns on the unauthorized structures and unlawful occupation of GL within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the application be approved by the Committee.

- 11.5 Regarding the local views conveyed by DO(YL) and public comments mentioned in paragraphs 9.2.3 and 10 respectively above, the departmental comments and planning assessments above are relevant. Besides, '*fung shui*' is not a material planning consideration. Regarding consent from the current land owner(s), the applicant has complied with the requirements set out in TPB PG-No. 31B and has taken reasonable steps to obtain owner's consent of the current land owner(s) as detailed in paragraph 3 above. Should the current application be approved by the Committee, the applicant will be advised to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s).

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.2.3 and 10 respectively above, PlanD 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 five years until 5.12.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.6.2026;
- (b) in relation to (a) above, the implementation of the revised 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 5.9.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 5.6.2026;
- (e) in relation to (d) above, the implementation of the revised 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 5.9.2026;

- (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 the expiry of the planning permission, the reinstatement of the site including the removal of fill materials and 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 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 associated filling of land is not in line with the planning intention of the "AGR" zone, which 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. 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 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 date when the validity of the permission should expire.
- 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 supporting documents received on 18.3.2025 and 20.3.2025
Appendix Ia	FI received on 2.7.2025
Appendix Ib	FI received on 10.10.2025

Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices Va and Vb	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**