

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TLS/60

<u>Applicant</u>	:	Fat Yuen Temple Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lot 542 in D.D. 401 and Adjoining Government Land (GL), Ma Yau Tong, Sai Kung, New Territories
<u>Site Area</u>	:	About 994.6m ² (including GL of about 65.5m ²)
<u>Land Status</u>	:	(i) Private lot (about 93%) <ul style="list-style-type: none">- New Grant No. 5214 as varied or modified by a Modification Letter dated 27.2.1975- Restricted to private residential and/or religious purposes subject to a maximum building height of two storeys and 25ft above the mean formation level, and a built over area not exceeding 3,000ft²- Remaining area restricted to agricultural purposes only (ii) GL (about 7%)
<u>Plan</u>	:	Draft Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/9
<u>Zonings</u>	:	(i) “Village Type Development” (“V”) (about 83%) (ii) “Green Belt” (“GB”) (about 17%)
<u>Application</u>	:	Religious Institution (Existing Temple and Proposed Ancillary Quarters and Facilities)

1. The Proposal

- 1.1 The applicant seeks planning permission for religious institution (existing temple and proposed ancillary quarters and facilities) at the application site (the Site), which falls within an area mainly zoned “V” (83%) with a minor portion zoned “GB” (17%) on the draft Tseng Lan Shue OZP No. S/SK-TLS/9 (**Plan A-1**). According to the Notes of the OZP, ‘Religious Institution’ use within “V” and “GB” zones requires permission from the Town Planning Board (the Board). The “V” zone portion of the Site is currently hard-paved and occupied by a temple named Fat Yuen Temple (法源寺) and some of its ancillary structures, while the “GB” portion is occupied by a man-made slope with vegetation (**Plans A-2 and A-4c**).

1.2 The application is for regularisation of the existing temple and development of a new three-storey ancillary block for monk quarters and religious activities. According to the applicant, the existing temple at the Site has been officially in operation since 1982, i.e. before the gazettal of the Tseng Lan Shue Interim Development Permission Area (IDPA) Plan No. IDPA/SK-TLS/1 on 12.10.1990. The existing temple could be regarded as an “existing use” under the Town Planning Ordinance. The daily operation of the temple has been supported by six temporary structures which mainly comprise quarters, storage, kitchen, lavatory, meter room and water tank straddling/outside the Site (**Drawing A-7** and **Plan A-2**). As the temporary structures have become dilapidated, the applicant intends to regularise the current setting by demolishing all existing temporary structures and reprovisioning the uses at the proposed ancillary block within the Site. The existing temple is proposed to be retained without modifications. The proposed ancillary block and associated site formation works will be confined within the “V” zone portion of the Site without encroaching onto the “GB” zone. No trees are proposed to be felled.

1.3 Major development parameters of the proposed development are as follows:

Site Area	About 994.6m ² (including GL of about 65.5m ²)	
No. of Blocks	2	
Plot Ratio	About 0.74	
Site Coverage	About 37%	
Gross Floor Area (GFA)	About 735m ²	
	Existing Temple	Proposed Ancillary Block
	186m ² (about 25%)	549m ² (about 75%) (including domestic GFA of 177m ²)
Roofed Area	186m ²	186m ²
No. of Storeys / Building Height (BH)	1 storey / 11m (147.2mPD) (including a 3.38m-tall foundation)	3 storeys / 9.45m (145.65mPD)
Use(s) by Floor	1/F: Temple	G/F: Staff dining area, kitchen, library, meditation/retreat room, lavatories, E&M 1/F: Meeting room, meditation/retreat rooms, lavatories, E&M 2/F: Monk quarters, E&M R/F: E&M, water tank
No. of Units	-	6 quarter rooms
Parking Space	1 private car parking space	

Note:

No development or works are proposed within the “GB” portion that forms part of the private lot within the Site.

1.4 According to the applicant, the existing temporary structures (mainly outside the Site) provide a total of seven quarter rooms resided by four to five long-stay monks, with spare rooms reserved for one to two visiting monks from the Mainland China during religious assembly. Upon completion, the proposed ancillary block will

have six quarter rooms, and the number of monks residing thereat will remain unchanged. Visitors to the temple are normally limited to the existing Buddhists. Public visitors without referral will not be served.

- 1.5 A minor portion of GL is included in the Site (**Plan A-2**) for connection to an existing roundabout outside the Site. Sufficient space for drop-off and manoeuvring of vehicles is reserved within the Site. The applicant anticipates that existing visitors will continue travelling to the temple by public transport. One private car parking space will be provided at the uncovered area of the Site for reserved purpose.
- 1.6 The master layout plan, floor and section plans of the proposed ancillary block, and a location plan of the existing structures related to Fat Yuen Temple submitted by the applicant are at **Drawings A-1 to A-7**.
- 1.7 In support of the application, the applicant has submitted the following documents:

(a) Application form received on 25.5.2022	(Appendix I)
(b) Planning statement	(Appendix Ia)
(c) Further information (FI) received on 30.6.2022*	(Appendix Ib)
(d) FI received on 15.8.2022*	(Appendix Ic)

**Accepted and exempted from publication and recounting requirements*

- 1.8 The application has been deferred once for two months by the Rural and New Town Planning Committee (the Committee) on 15.7.2022 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 planning statement and FI at **Appendices Ia to Ic** and summarised below:

- (a) the existing temple at the Site has a long history. Majority of the “V” zone portion has been used for religious purposes before the gazettal of the IDPA Plan and the development of Ma Yau Tong village;
- (b) Fat Yuen Temple is a religious and charitable organisation under Section 88 of the Inland Revenue Ordinance (IRO) and on the list of ‘Administered Temples’ of the Chinese Temples Committee;
- (c) the existing temporary structures used for monk quarters and religious activities are dilapidated, prone to water leakage and structurally unsafe. There is a genuine need to provide the aged monks and their heirs with a permanent and proper shelter with lift and accessible facilities. The proposed development will enable the applicant to continue promoting Chinese Buddhism and serve loyal Buddhists in a safe and convenient environment;
- (d) the proposed development aims to regularise the current setting by relocating the scattered religious activities from substandard temporary structures into an up-to-standard indoor environment. Any uses/structures within the Site found to be unauthorised will be duly rectified and regularised as and when required by relevant

government departments during lease modification/land exchange application and/or general building plan (GBP) submission stages. Upon relocation of uses into the proposed ancillary block, the applicant undertakes to demolish all existing temporary structures straddling/outside the Site (**Drawing A-7**);

- (e) the proposed ancillary block will be used for religious purposes only. The private lot within the Site is under single ownership of the applicant, who has no intention to develop New Territories Exempted Houses (NTEHs) at the Site. The proposed development will make better use of land resources;
- (f) the proposed development serving religious purposes is in line with the uses permitted under the lease governing the Site. There is no columbarium use in the existing temple/structures or the proposed ancillary block;
- (g) the location of the proposed ancillary block is appropriate as it is close to the existing temple and does not encroach onto the “GB” zone;
- (h) the proposed three-storey ancillary block is not incompatible with the surrounding uses which are predominantly low-rise residential developments and village houses;
- (i) the applicant will liaise with relevant lot owners to obtain the right of way for emergency vehicular access (EVA). Upon approval of the current application, the applicant will seek donations to contribute towards the management/maintenance of the access road;
- (j) approval of the application will not set an undesirable precedent, since the current application shares similar merits with similar applications on other OZPs that were approved by the Board; and
- (k) the proposed ancillary block is small in scale. No adverse impacts from traffic, visual, landscape, environmental and infrastructure perspectives are anticipated. Upon approval of the subject application, the applicant will conduct a geotechnical study if and when required by relevant government departments during the GBP submission stage.

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

The applicant is the sole “current land owner” of the private lot within the Site. Detailed information would be deposited at the meeting for Members’ inspection. As regards the GL portion of the Site, the “owner’s consent/notification” 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) are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for ‘Application for Development within 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 at **Appendix II**.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for 'Religious Institution' within the "V" and/or "GB" zones on the same OZP.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a to A-4c)

7.1 The "V" and "GB" zone portions of the Site are separated by a welded wire fence. The "V" zone portion of the Site is:

- (a) gated, hard-paved and mostly flat with a retained slope at the eastern portion;
- (b) mainly occupied by an existing temple (i.e. Fat Yuen Temple) and parts of a water tank and a two-storey monk quarters. The area between the temple and the temporary structures to its southeast is covered by metal roofing sheets and used for communal space and storage;
- (c) within the village 'environs' ('VE') of Ma Yau Tong; and
- (d) accessible via a local road branching off from Po Lam Road.

7.2 The "GB" portion of the Site is occupied by a man-made slope with vegetation.

7.3 The surrounding areas have the following characteristics:

- (a) six temporary structures ancillary to the temple are straddling/outside the Site (**Plan A-2**). They include four structures straddling/within the area under Crown Land Permit (CLP) No. S7698, namely a monk quarter and storage on a raised platform to the immediate north, as well as a monk quarters, a kitchen, and a lavatory to the immediate southeast. The remaining two structures include a meter room and a water tank to the immediate east;
- (b) to the immediate southeast is a grave on a knoll;
- (c) to the further north, east and southeast is the village cluster of Ma Yau Tong within the "V" zone;
- (d) to the south and west are a stream course and woodland respectively within the "GB" zone; and
- (e) to the further southwest is the Tseung Kwan O Tunnel Plaza.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 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.

9. Comments from Relevant Government Departments

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

Policy Aspect

- 9.1.1 Comments of the Secretary for Home and Youth Affairs (SHYA):

- (a) no objection to the application from religious perspective;
- (b) it is noted that the applicant is a charitable organisation registered under section 88 of the IRO; and
- (c) according to the Hong Kong Buddhist Association (HKBA), a member of the Colloquium of Six Religious Leaders of Hong Kong, the applicant has organised religious activities to promote Buddhism on a regular basis and celebrated various Buddhist festivals. Based on the advice from HKBA, the applicant appears to be a bona fide religious organisation.

Land Administration

- 9.1.2 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

Land Status and Lease

- (a) the Site includes Lot No. 542 in D.D. 401 (the Lot) and a portion of GL between the Lot and the road at front which is intended to be used for vehicular access (**Plan A-2**). There is no guarantee that this portion of GL will be granted if any application to his office is received. Also, it is noted that this portion of GL within the Site is

being occupied. No permission has been given for the unauthorised occupation. The Government reserves the right to take action as may be considered appropriate;

- (b) the Lot, having an area of 10,000ft² (about 929.03m²) (including 3,000ft² (about 278.71m²) building land and 7,000ft² (about 650.32m²) agricultural land), is held under New Grant No. 5214 as varied or modified by a Modification Letter dated 27.2.1975. The Lot is restricted to private residential and/or religious purposes subject to restrictions of a maximum BH of two storeys and 25ft (about 7.62m) above the mean formation level, and a built over area not exceeding 3,000ft² (about 278.71m²). The remaining area of the Lot shall be used for agricultural purposes only. There is no guarantee of any right of way to the Lot. Also, no grave shall be made on nor shall any human remains be interred in, or deposited on the Lot;
- (c) it is noted from the applicant's submission that the height of the existing temple is 11m (about 36ft) which exceeds the 25ft permitted under the existing lease. Also, as shown on the roof floor plan (**Drawing A-5**), the roof of the existing temple has encroached onto the adjoining GL outside the northeastern boundary of the Lot. No permission has been given to occupy the adjoining GL and the Government reserves the right to take any lease enforcement and land control actions as may be considered appropriate;
- (d) the applicant proposes to retain the existing one-storey (11m or about 36ft) temple and erect a three-storey (9.45m or about 31ft) building for monk quarters and ancillary religious use having a total GFA of 735m² and site coverage of 37%. The proposed religious development contravenes the existing lease conditions including the maximum BH of two storeys and 25ft above the mean formation level, and built over area not exceeding 3,000ft² (about 278.71m²). Also, the remaining area of the Lot shall be used for agricultural purposes only;

Existing Structures Straddling/Outside the Site

- (e) there are existing structures straddling the Lot and the area under CLP No. S7698 (the Permit) granted for temporary structures and cultivation only with three structures permitted separately for accommodation, store and latrine. The permittee is not the registered owner of the Lot nor the applicant. Based on the applicant's submissions, the structures straddling the Permit and the Lot are in breach of the Permit. There are some other structures erected on and outside the permit area which are also in breach of the Permit. No permission has been given to occupy the adjoining GL. The Government reserves the right to take any enforcement or land control action as may be considered appropriate should any breach of the conditions of any land documents or unauthorised occupation of GL is detected;

Lease Modification/Land Exchange

- (f) if planning permission is granted for the proposed development, the registered owner will need to apply to LandsD for a lease modification/land exchange for the development proposal. However, there is no guarantee that such application will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In considering any such application received, the portion of GL between the Lot and the road may not be granted and there is no guarantee that any right of way will be given. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including among others, charging of premium and administrative fee as may be imposed by LandsD. Irrespective of whether planning permission is granted or not, the Government reserves the right to take any lease enforcement or land control action as may be considered appropriate should any breach of lease conditions or conditions of any land documents or unauthorised occupation of GL is detected;
- (g) the proposed development may affect the adjoining slope features No. 11NE-D/CR648 and 11NE-D/FR147 (**Plan A-2**). In considering any lease modification or land exchange application, if received, to implement the proposal, the applicant of such application may be required to maintain these slope features;

Small House Development

- (h) the portion of the Site zoned “V” falls within the ‘VE’ of Ma Yau Tong;
- (i) the number of outstanding Small House applications in Ma Yau Tong is 41, all within the “V” zone; and
- (j) the 10-year Small House demand forecast for Ma Yau Tong was 76 as at 8.2.2020. The figure has not been verified by his office.

Building Matters

- 9.1.3 Comments of the Chief Building Surveyor/New Territories West, Buildings Department:
 - (a) no in-principle objection to the application under the Buildings Ordinance; and
 - (b) other detailed comments are at **Appendix III**.

Traffic

- 9.1.4 Comments of the Commissioner for Transport (C for T):

no comment on the application provided that:

- (a) the development is to relocate the uses from the existing temporary structures to a permanent structure; and
- (b) there is no additional pedestrian trip and vehicular trip arising from the proposed development.

Environment

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

- (a) no objection to the application noting that no adverse environmental impact is anticipated with the implementation of relevant measures proposed by the applicant;
- (b) the Site has not been the subject of any substantiated environmental complaint in the past three years; and
- (c) other detailed comments are at **Appendix III**.

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

- (a) the Site is located in an area with a rural village setting and is surrounded mainly by two- to three-storey village/residential houses and dense vegetation;
- (b) the existing temple and the proposed ancillary block will have larger building footprints than that of the surrounding village clusters. However, the building height of the existing temple and the proposed ancillary block is one storey (about 11m) and three storeys (about 9.45m) respectively, which are similar to that of the surrounding village houses. Overall, the proposed development will unlikely induce significant adverse visual impact on the area;

Landscape

- (c) according to aerial photo of 2020 (**Plan A-3**), the Site is situated in an area of miscellaneous urban fringe landscape character predominated by village houses and woodlands. The proposed development of a new three-storey ancillary block adjacent to the existing temple is not entirely incompatible with the existing landscape character in the vicinity;
- (d) with reference to the planning statement, the proposed new ancillary block will not encroach onto the “GB” zone and no existing trees will

be affected. As no significant adverse impacts on the existing landscape resources and character are anticipated, she has no comment on the application from the landscape planning perspective; and

- (e) the applicant is reminded that approval of the application, if granted, does not imply approval of tree works such as pruning, transplanting and felling. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no comment on the application; and
- (b) the Site is located within the village boundary of Ma Yau Tong Village and there is no existing DSD's drainage facility.

Fire Safety

9.1.8 Comments of the Director of Fire Services:

- (a) no objection to the application subject to water supplies and fire service installations being provided to his satisfaction; and
- (b) other detailed comments are at **Appendix III**.

Geotechnical Engineering

9.1.9 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

the existing registered man-made features No. 11NE-D/FR147 and 11NE-D/CR648 within or adjacent to the Site (**Plan A-2**) may affect or be affected by the proposed development. The future geotechnical study (to be carried out by the applicant at later project stage) should cover all man-made slopes and retaining walls within or in the vicinity of the Site, if such slopes or retaining walls would affect or be affected by the development under the project, or if their failure could affect lives and property within or outside the Site. As a result of the study or design, and if found necessary, all upgrading works to existing man-made slopes and retaining walls or construction of new man-made slopes and retaining walls should meet the current safety standard.

Electricity and Town Gas Safety

9.1.10 Comments of the Director of Electrical and Mechanical Services:

- (a) no comment on the application from electricity supply and town gas safety aspects at this stage; and
- (b) other detailed comments are at **Appendix III**.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) District Officer (Sai Kung), Home Affairs Department (HAD); and
- (e) Chief Engineer (Works), HAD.

10. Public Comments Received During Statutory Publication Period

10.1 During the statutory public inspection period, 72 comments, including 40 supporting and 32 opposing comments, were received (**Appendix IV**).

10.2 The 40 supporting comments were submitted by individuals. The main supporting grounds are summarised below:

- (a) the monks at the temple have been promoting Buddhism and serving the community for many years. There is a genuine need to replace the existing dilapidated structures with a new permanent ancillary block, such that the monks can continue serving the temple in a proper environment;
- (b) the existing temple has a long history and has become part of the village. Since the applicant has no intention to develop Small House, the Site should be used for other compatible uses. The proposed three-storey ancillary block is compatible with the surrounding village houses in terms of land use nature, height and development intensity;
- (c) the proposed development will mainly serve existing staff and monks of the temple. As there are few visitors to the temple, no significant adverse traffic impact is anticipated; and
- (d) the proposed development will not encroach onto the “GB” zone. No significant adverse impact on landscape, visual and nature conservation is anticipated.

10.3 The 32 opposing comments (including four petitions with 200 signatures in total and four standard letters) were submitted by the Hang Hau Rural Committee, village representatives and village committee of Ma Yau Tong, and individuals. The main opposing grounds and concerns are summarised below:

- (a) the proposed development is not in line with the planning intention of the “V” zone and not serving the needs of the villagers. The existing temple has not been opened to nearby residents;
- (b) the inclusion of “GB” zone in the Site is unjustified. Adverse impacts from

visual, landscape and nature conservation perspectives are anticipated;

- (c) the proposed development is incompatible with the surrounding village developments. The chanting and burning of paper offerings at the temple have caused great nuisances, noise and air pollution to nearby residents. Further expansion of the temple should be discouraged;
- (d) the applicant is not a bona fide religious organisation, and the existing temple has allegedly involved illegal columbarium use. The proposed development is suspected for expanding the columbarium use thereat;
- (e) the Site and its surrounding areas have been subject to unauthorised occupation of GL and unauthorised building works. The subject application will wrongly regularise the current setting;
- (f) the construction works and increased number of visitors to the temple will generate nuisances and security concerns to nearby residents;
- (g) the access road to the Site comprises private lots owned by nearby residents, and the applicant is not entitled to the right of way. Adverse traffic impact is anticipated. The entry of construction vehicles will obstruct the EVA of other developments and cause damage to the road as well as the utility pipelines underneath; and
- (h) the proposed development with site formation works will adversely affect slope stability and affect the *feng shui* of the existing grave to the immediate southeast of the Site (**Plans A-2 and A-4c**).

11. Planning Considerations and Assessments

The Proposal

- 11.1 The application is for religious institution (existing temple and proposed ancillary quarters and facilities) at the Site, which is mainly zoned “V” (83%) with a minor portion zoned “GB” (17%) on the OZP. The proposal includes the regularisation of the existing temple (i.e. Fat Yuen Temple) and the development of a new three-storey ancillary block for monk quarters and religious activities.
- 11.2 The existing facilities related to Fat Yuen Temple include a temple within the Site and six temporary structures straddling/outside the Site (**Drawing A-7**). The applicant proposes to retain the temple without modifications and demolish all of the six existing temporary structures which, according to DLO/SK, LandsD, are in breach of CLP No. S7698 and occupying GL without permission (**Plan A-2**). The existing uses in the temporary structures will be reprovisioned at the proposed ancillary block within the Site. Moreover, the applicant undertakes to rectify and regularise any unauthorised uses/structures within the Site during the lease modification/land exchange application and/or GBP submission stages.

Planning Intentions

- 11.3 The “V” zone portion of the Site (83%) falls within the ‘VE’ of Ma Yau Tong. The “V” zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. Although the proposed development is not entirely in line with the planning intention of the “V” zone, the temple at the Site was in existence before the gazettal of the IDPA Plan in 1990 and can be regarded as “existing use” under the Town Planning Ordinance. Noting that the applicant is a charitable organisation registered under the IRO and appears to be a bona fide religious organisation, SHYA has no objection to the application from religious perspective. Given the history of Fat Yuen Temple and the nature of the proposed development as a regularisation of the existing temple and its ancillary structures, sympathetic consideration may be given to the application.
- 11.4 Regarding Small House development within the subject “V” zone, DLO/SK, LandsD advises that the number of outstanding Small House applications for Ma Yau Tong is 41 while the 10-year Small House demand forecast is 76. Based on the latest estimate by PlanD, about 3.24ha of land (equivalent to about 130 Small House sites, excluding the Site) is available within the “V” zone of Ma Yau Tong for Small House development, which is sufficient to meet the outstanding Small House applications and the 10-year Small House demand.
- 11.5 As regards the “GB” portion (17%) that forms part of the private lot within the Site, the applicant confirms that no development or site formation works will take place thereat. Upon completion of proposed development, the “GB” portion will remain occupied by a man-made slope with vegetation. As no development or works are proposed within the “GB” portion, there is no concern under TPB PG-No. 10. DAFC has no comment on the application from nature conservation perspective.

Visual and Landscape Aspects

- 11.6 The Site is situated in an area of miscellaneous urban fringe landscape character predominated by village houses and woodland. The proposed development of a new three-storey ancillary block adjacent to the existing temple is not entirely incompatible with the existing rural character in the vicinity. As the proposed development will not affect any existing tree, no significant adverse landscape impacts on the existing landscape resources and character are anticipated. While the existing temple and the proposed ancillary block will have larger building footprints than the surrounding village clusters, the BHs of the existing temple (11m) and proposed ancillary block (9.45m) are similar to the surrounding village houses and will unlikely induce significant adverse visual impact. CTP/UD&L, PlanD has no adverse comment on the application from visual and landscape planning perspectives.

Technical Aspects

- 11.7 C for T has no comment on the application provided that the development is for relocating uses from existing temporary structures into a permanent structure, and that no additional pedestrian/vehicular trip will arise therefrom.

- 11.8 The proposed development with site formation works may affect or be affected by two existing man-made slope features within or adjacent to the Site (**Plan A-2**). DLO/SK, LandsD advises that in considering any lease modification or land exchange application for the proposed development, the applicant may be required to maintain the concerned slope features. H(GEO), CEDD advises that the geotechnical study to be conducted by the applicant at later project stage should cover all man-made slopes and retaining walls, whether they would affect or be affected by the proposed development, and where necessary, upgrade the existing man-made slopes and retaining walls or construct new ones to meet the current safety standard. In this regard, the applicant undertakes to conduct a geotechnical study if and when required by relevant government departments during the GBP submission stage.
- 11.9 Other government departments consulted including DEP, CE/MS, DSD and CE/C, WSD have no objection to or no comment on the application.

Public Comments

- 11.10 The supporting public comments are noted. Regarding the opposing comments raising concerns on suspected columbarium use and right of way issues, the applicant has clarified that no columbarium use is involved and they will liaise with the relevant lot owners to obtain the right of way for EVA. As regards other opposing comments, the concerned government departments' comments in paragraph 9 and the planning assessments in paragraphs 11.1 to 11.9 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 until 14.10.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix V**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "Village Type Development" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention.

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 received on 25.5.2022
Appendix Ia	Planning Statement
Appendix Ib	Further Information received on 30.6.2022
Appendix Ic	Further Information received on 15.8.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance
Appendix III	Detailed Comments from Government Departments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-5	Floor Plans
Drawing A-6	Section Plan
Drawing A-7	Location Plan of Existing Structures Related to Fat Yuen Temple
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2022**