

RNTPC Paper No. A/YL-KTS/910B  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 20.5.2022

---

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/910**

<b><u>Applicant</u></b>	:	Amsua Trading Company Limited represented by Aikon Development Consultancy Limited
<b><u>Site</u></b>	:	Lot 1542 RP (Part) in D.D. 106, Yuen Kong San Tsuen, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 1,730 m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Religious Institution (Mosque)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed religious institution (mosque) at the application site (the Site). According to the Notes of the OZP, ‘Religious Institution’ is a Column 2 use within the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is paved, partly occupied by a few temporary structures for prayer rooms uses and partly used for parking of vehicles without planning permission.
- 1.2 According to the applicant, a building block with a maximum building height of about 32.95mPD (3 storeys) and a floor area of about 1,925m<sup>2</sup> will be erected on the Site for the proposed mosque, with facilities including prayer area, library and reading corner, Mehrab (for where the Iman (Priest) stands / sits to give sermons), Iman’s room (Priest Room), activity rooms, function area and other ancillary facilities (**Drawings A-1 to A-5**). The open area at the southern part of the Site is proposed to be used as farming area (**Drawing A-6**).

- 1.3 The Site is involved in 8 previous applications (details are at paragraph 5 below). The last application (No. A/YL-KTS/778) submitted by the same applicant for development of a mosque and a school similar to the applied use as the current application was rejected by the Rural and New Town Planning Committee (the Committee) in July 2018. A comparison of the major development parameters of the previously rejected application No. A/YL-KTS/778 and the current application are shown in the table below:

<b>Development Parameters</b>	<b>Previously Rejected Application No. A/YL-KTS/778 (a)</b>	<b>Current Application No. A/YL-KTS/910 (b)</b>	<b>Difference (b) – (a)</b>
<b>Applied Use</b>	Proposed religious institution (mosque with ancillary facilities and community hall) and school	Proposed religious institution (mosque)	N/A
<b>Site Area (about)</b>	1,730 m <sup>2</sup>	1,730 m <sup>2</sup>	No change
<b>Plot Ratio</b>	1.79	1.11	-0.68 (-38%)
<b>No. of Block(s)</b>	2	1	-1 (-50%)
<b>Total GFA (about)</b>	3,095 m <sup>2</sup>	1,925 m <sup>2</sup>	-1,170 m <sup>2</sup> (-37.8%)
<b>- Mosque (Block A) (about)</b>	1,940 m <sup>2</sup>	1,925 m <sup>2</sup>	-15 m <sup>2</sup> (-0.8%)
<b>- Kindergarten (Block B) (about)</b>	1,155 m <sup>2</sup>	-	N/A
<b>Building Height (about) (main roof)</b>			
Mosque (Block A)	32.95 mPD (3 storeys)	32.95mPD (3 storeys)	No change
Kindergarten (Block B)	30.4 mPD (3 storeys)	-	N/A
<b>Site Coverage (about)</b>	57.23 %	38%	-19.23%
<b>Parking Facilities</b>			
Private Car Parking Space	13 (including 1 for accessible parking)	3 (including 1 for accessible parking)	-10 (-76.9%)
No. of Motorcycle Parking Space	3	-	-3
No. of Small Coach Loading/Unloading Space	1	-	-1
No. of Mini-bus Loading/Unloading Space	5	1	-4 (-80%)
No. of Taxi drop off	1	1	No change

- 1.4 The block plan, floor plans, sections and landscape proposal submitted by the applicant are at **Drawings A-1 to A-6**.
- 1.5 According to the applicant, the proposed mosque is mainly to serve the local Muslim community of Kam Tin/Pat Heung area, as well as Muslims from other districts. The proposed mosque is designed for accommodating a maximum of 200 worshippers. There will be 5 worship sessions per day and each session will have about 50 people. For Friday “Jumah” prayer (2nd session on Friday) with special significance in Islam, there may be more worshippers and the capacity of which will be not more than 200 people. The mosque is open for morning prayer from around 4:20 a.m. until 9:00 p.m. daily<sup>1</sup>. The proposed development is anticipated to be completed in 2024. The applicant states that given the small scale of the proposed religious institution, adverse impact on the traffic and environment aspects and infrastructure provision is not anticipated.

#### *Traffic*

- 1.6 The applicant proposes to set back the north-eastern boundary of the Site fronting the local access to allow widening of the local access road to improve the access arrangement (**Drawing A-1**). 3 private car parking spaces, 1 taxi drop off and 1 loading/unloading (U/UL) space will be provided within the Site (**Drawing A-1**). No more than 10 vehicle/hour is anticipated for the proposed development. The main entrance of the Site will be located at Kam Sheung Road while the vehicular access will be located at the northeast of the Site via a section of local access road connecting to Kam Sheung Road. Most of the visitors are anticipated to access the Site by means of public transport while the car parking spaces are reserved for its VIPs and Charity Head.

#### *Drainage and Sewerage*

- 1.7 The drainage from the proposed development will be connected to the existing public drainage system. No additional surface-runoff is anticipated and no increment of existing catchment is expected. As there is no public sewerage system serving the area, the applicant proposes that a septic tank and soakaway pit system will be used, which will be reviewed at the detailed design stage.

#### *Environment*

- 1.8 To minimise the potential noise impact, the applicant states that the worshipping and related activities including all noise sensitive uses of the proposed mosque will be carried out indoors, with the provision of double-glazed windows and air-conditioning. No public announcement system, portable loudspeakers or any form

---

<sup>1</sup> According to the applicant, the main gate of the Site will be open for morning prayers of the mosque. The mosque will remain open until 9:00p.m. daily, except during Ramadan (holy month of Muslim) when the gate would remain open until 10:30p.m.. The applicant stated that people will mainly come to the mosque at prayer times later in the day.

of audio amplification system will be installed outdoors. Hence adverse environmental impacts are not anticipated.

### *Landscape and Visual*

- 1.9 According to the applicant, there is no existing tree at the Site. Soft landscaped planters and greenery are proposed on ground floor, building façade and fence wall of the proposed mosque. As a result, about 268m<sup>2</sup> of landscape and planting area will be provided. Besides, the provision of farming area of about 470m<sup>2</sup> will also help enhance the overall landscape quality. Also, given the low-rise nature of the proposed development and proposed setback from Kam Sheung Road, no adverse visual impact is anticipated.
- 1.10 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary planning statement (**Appendix I**) received on 4.10.2021
  - (b) Further Information (FI) received on 4.12.2021 (**Appendix Ia**)
  - (c) FI received on 23.3.2022 (**Appendix Ib**)
  - (d) FI received on 5.5.2022 (**Appendix Ic**)
  - (e) FI received on 12.5.2022 (**Appendix Id**)
  - (f) FI received on 13.5.2022<sup>2</sup> (**Appendix Ie**)
- 1.11 As requested by the applicant, the Committee agreed to defer consideration of the application twice on 26.11.2021 and 28.1.2022 respectively so as to allow time for preparation of FI to address the departmental and public comments. The applicant submitted FI on 23.3.2022 and the application is scheduled for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary planning statement and FIs at **Appendices I to Ie**. They can be summarized as follows:

---

<sup>2</sup> The FI submitted on 13.5.2022, i.e. **Appendix Ie**, is a consolidated planning statement including the supplementary planning statement submitted on 30.9.2021, and the FIs submitted on 23.3.2022, 5.5.2022 and 12.5.2022 respectively for ease of reference of the Committee.

- (a) There are only five permanent mosque buildings in Hong Kong with none of which located in the New Territories. The proposed development would fulfil the demand for a permanent mosque for the Islamic community in the Kam Tin/Pat Heung area.
- (b) The existing temporary structures erected on-site have been used as mosque for prayers in the area since 2014. The application is for regularizing the current use by a mosque. The existing facilities are operated by Amsua Education Foundation Limited, a charitable institution funded by the applicant registered under section 88 of the Inland Revenue Ordinance (Cap 112) since 2012. The applicant will transfer ownership of the Site to the current operator (Amsua Education Foundation Limited) for future operation and maintenance of the religious institution.
- (c) The Site is located at a convenient location suitable for the mosque development. Apart from its compatibility with the existing surrounding context both in terms of building height and volume, the design of the proposed mosque will integrate well with the buildings nearby and surrounding context.
- (d) The proposed development would not cause any nuisance to the neighbourhood and would not incur adverse geotechnical, traffic and transport, drainage, sewerage, environmental, landscape and visual impacts to the surrounding areas.

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

The applicant is the sole “current land owner”. 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. Nevertheless, it was noticed that the southern portion of the Site is currently occupied with structures. Should there be sufficient evidence to prove that the development at the Site constitutes an unauthorised development under the Town Planning Ordinance (Cap.131), planning enforcement action may be followed.

### **5. Previous Applications**

- 5.1 The Site is the subject of 8 previous applications. 7 applications (No. A/DPA/YL-KTS/32, A/YL-KTS/53, 153, 250, 276, 307 and 358) are for various temporary open storage / outdoor car showroom uses which are not relevant to the current application. For the last application (No. A/YL-KTS/778) for proposed religious institution (mosque with ancillary facilities) and school, it was submitted by the same applicant as the current application. The application was rejected by the Committee on 6.7.2018 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; the applicant failed to

demonstrate that the proposed development would not generate adverse landscape impact on, nor be subject to environmental noise impact from, the surrounding areas; and approval of the application would set an undesirable precedent.

- 5.2 Details of the applications are summarized in **Appendix II** and the locations are shown on **Plan A-1b**.

## **6. Similar Application**

There is no similar application within the same “AGR” zone in the vicinity of the Site on the OZP.

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

- 7.1 The Site is:

- (a) paved, partly occupied by a few temporary structures for the prayer rooms and partly used for parking of vehicles; and
- (b) accessible via Kam Sheung Road.

- 7.2 The surrounding areas are rural in character predominated by residential structures/dwellings, plant nursery, cultivated agricultural land, open storage/ storage yards, warehouse, parking of vehicles and vacant land. Most of the open storage/ storage yards and parking of vehicles are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) to its west are plant nurseries, residential structures/dwellings, parking of vehicles, storage yards, vacant land and cultivated agricultural land;
- (b) to its north across Kam Sheung Road are residential dwellings/structures of Yuen Kong Tsuen, parking of vehicles, a car beauty service and vacant structure within the “Village Type Development” (“V”) zone; and
- (c) to its east and south across a local track are a warehouse, open storage yards, residential dwellings/structures, vacant land and cultivated agricultural land. Yuen Kong San Tsuen zoned “V” is located to the further south (**Plan A-1a**).

## **8. Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## 9. **Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application are summarized as follows:

### **Religious Policy Aspect**

#### 9.1.1 Comments of the Secretary for Home Affairs (SHA):

- (a) While the applicant is a privately-owned Hong Kong-based trading company, and is neither a bona fide religious nor a charitable organisation registered under section 88 of the Inland Revenue Ordinance (IRO), based on the FI submitted (**Appendices Ia**), the ownership of the Site will be officially transferred from the applicant to Amsua Educational Foundation Limited upon approval of the planning application.
- (b) Considering that the Foundation is a bona fide registered religious and charitable organisation, and the proposed development is intended for a place of worship, he has no objection to the planning application from the religious point of view subject to no adverse comments received from other relevant bureaux / departments and the local community, as appropriate.

### **Land Administration**

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

- (a) The Site comprises Lot 1542 RP (Part) in D.D. 106 which, by terms of the lease under which it is held, is demised as agricultural ground. No structures are allowed to be erected without the prior approval of the Government. The actual site area and boundary of the lot involved will be subject to verification upon receipt of land exchange application, if any.
- (b) The Site falls within an area affected by the Shek Kong Airfield Height Restriction. No building or structure (including addition or fittings) shall exceed the height limit stipulated under the relevant plan.
- (c) The Site is within Yuen Kong Tsuen, which is a recognized village. However, the boundary of Yuen Kong Tsuen has yet been defined. The area, on which the Site situates, is primarily reserved for development of NTEH by Indigenous Villagers under the NT Small House Policy. Hence, non-NTEH land exchanges would not normally be entertained even planning permission is given by TPB.

- (d) In the event of implementation of the project, a land exchange would be required. Having regards to paragraph (c) above, LandsD would exercise its discretion in its private landlord's right on whether any land exchange application would be entertained. The applicant should be reminded that there is no guarantee that the land exchange application will be processed even if the planning application is approved by TPB.

### **Traffic**

#### 9.1.3 Comments of Commissioner for Transport (C for T):

- (a) Having reviewed the FIs submitted (**Appendices Ia**), he has no further comment on the planning application from traffic engineering perspective.
- (b) Should the application be approved, the condition on the design and provision of vehicular access and car parking and loading / unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board should be included.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road. The applicant should be responsible for his own access arrangement.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Agriculture**

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

- (a) The Site is a cemented vacant land. As such, he has no comment on the planning application from nature conservation perspective.
- (b) Nevertheless, there are agricultural activities in the vicinity of the Site. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural perspective.



## **Environment**

### 9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) Having reviewed the FIs submitted (**Appendices Ic and Id**), the applicant has indicated that: (i) the sewage estimation is 7m<sup>3</sup>/day for the proposed development and an on-site septic tank/soakaway pit system is proposed for sewage treatment; (ii) all sensitive use in the proposed development will be provided air-conditioning and will not rely on opening window/door for ventilation; and (iii) TD has endorsed the traffic data which the proposed development will induce no more than 10 vehicles/hour during day-time between 7:00a.m. and 7:00p.m. and no more than 3 vehicles/hour between 7:00p.m. and 7:00a.m. during normal days and festival periods/special events, he has no objection to the application from the environmental protection perspective.
- (b) The applicant is advised of the following:
  - (i) to close windows/doors when religious activities are being carried out inside the proposed development to avoid causing noise nuisance to the surroundings;
  - (ii) to keep the loading/unloading activities on-site as quiet as possible; and
  - (iii) to design the septic tank according to the requirements stated in ProPECC PN 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department”, including percolation test and clearance requirements and duly certified by an Authorized Person.

## **Building Matters**

### 9.1.7 Comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are UBW under the BO and should not be designated for any

proposed use under the application.

- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's 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 Site under the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Urban Design and Landscape**

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

#### **Urban design**

- (a) She has no objection to the application from urban design perspective.
- (b) The Site falls within the "AGR" zone on the OZP. It is predominantly rural in character, comprising open storage yards, temporary uses, agricultural land and village type developments of 1 to 3 storeys.
- (c) The applicant seeks planning permission for proposed religious institution (Mosque) involving a 3-storey non-domestic structure (up to 32.95mPD) and a farming area of about 470 m<sup>2</sup>, with a plot ratio of about 1.11. It is considered not incompatible with the surrounding context and is unlikely to induce significant visual impact to the surrounding areas.

#### **Landscape**

- (d) According to aerial photo of 2021, the Site is located in an area of rural fringe landscape character surrounded by village houses, temporary structures, carparks and clusters of trees. No active farming is observed within and in the vicinity of the Site. According to her record, there is no approved planning application for similar use in the vicinity of the Site. In view that the Site is located nearby the existing village houses and the proposed 3-storey building is in

small scale, the proposed use is considered not incompatible with the landscape setting in proximity.

- (e) According to her site visit photos in October 2021, the Site is hard paved with temporary structures. Existing ornamental / common trees species in fair condition are observed at the northern and south-eastern site boundary, which are not affected by the proposed building with reference to Appendix C “Indicative Architectural Drawings” of the Supplementary Planning Statement (**Appendix Ie**). According to the Supplementary Planning Statement, about 42.7% greening would be provided on G/F of the Site, of which about 470m<sup>2</sup> farming area for fruits planting / vegetable farming is proposed at the southern part of the Site for the Muslim community, and about 268m<sup>2</sup> landscape and planter area is proposed surrounding other sides of the proposed building.
- (f) Although no details of the landscape proposal is provided, having considered that further significant adverse landscape impact arising from the proposed development within the Site is not anticipated, she has no objection to the application from the landscape planning perspective.

9.1.9 Comments from the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) Based on the information provided (**Appendices I and Ie**), it is noted that the proposed religious development mainly consist of one block with building height of 3 storeys. Since the adjacent village type developments with 3 number of domestic storeys are permitted under the OZP, he has no comment from architectural and visual impact point of view.

### **Drainage**

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

- (a) He has no in-principle objection to the application from the public drainage point of view.
- (b) Should the application be approved, the conditions on submission of drainage proposal and implementation of the drainage proposal for the development should be incorporated in the planning permission.

### **Fire Safety**

#### 9.1.11 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) and water supplies for firefighting being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the BD. If the aforementioned requirements cannot be complied with, enhanced fire safety provisions shall be required.

### **Electricity and Gas Safety**

#### 9.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from regulatory services perspective.
- (b) There is a LPG filling station at Kam Sheung Road, which is in close vicinity of the Site (**Plan A-1a**). For any development that introduces a substantial increase of nearby population to the filling station, it is required to conduct a quantitative risk assessment (QRA) study taking into account the proposed development to substantiate that the government risk guidelines can be met.

### **District Officer's Comments**

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

- (a) He has no particular comment on the application.
- (b) His office received 23 comments including 21 supporting and 2 objecting views during the local consultation. The supporting views are from Consulate General of the Islamic Republic of Iran, Hong Kong & Macao, Consulate General of Pakistan, Hong Kong and other organisations. They support the application mainly on the grounds that there are only 5 mosques in Hong Kong with none of which located in the New Territories to serve the growing Muslim community. The proportion of ethnic minorities increase from 5% in

2006 to 8% in 2016 with that of Muslim population increase from 1.3% to 4.1% and many of them living in the New Territories. According to one of the commenters (United Welfare Union Hong Kong Limited), 2 new mosques in Mong Kok and Tung Chung were granted to their organisation recently.

- (c) Pat Heung Rural Committee (PHRC) and a comment jointly submitted by a member of PHRC and Village Representatives of Yuen Kong San Tsuen object to the application. They object to the application mainly on the grounds that the proposed development is incompatible with the existing agriculture activity and residential dwellings in the surrounding; the proposed uses should go through a rezoning process; approval of the application may generate conflicts between Muslims and the local residents due to cultural and religious differences; the proposed development will have adverse traffic, pedestrian safety, sewage and visual impacts, noise and flooding problems, affecting the tranquil living environment and create nuisances and security issues to the neighbourhood; affecting the 'Fung Shui' of Yuen Kong Tsuen and Yuen Kong San Tsuen; and technical assessments should be approved by relevant departments.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Commissioner of Police (C of P).

## **10. Public Comments Received During Statutory Publication Period**

- 10.1 The application and the FIs received were published for public inspection. During the statutory inspection period, a total of 838 public comments were received (**Appendix III**).
- 10.2 A total of 424 public comments objecting the application were received from PHRC, a Yuen Long District Councillor, Village Representatives of Yuen Kong San Tsuen, Yuen Kong Tsuen, Tin Sam Tsuen and Tai Wo Tsuen, owners/villagers and residents of the abovementioned four villages, and individuals. They object to the application mainly on the grounds that the proposed development is not in line with the planning intention of "AGR" zone; incompatibility with the existing rural character in the surroundings; the proposed use should go through a rezoning process; approval of the application may generate conflicts between the local residents and Muslims due to cultural and religious differences; the proposed development will have adverse traffic, pedestrian safety, sewage and visual impacts, noise and flooding problems, thus

affecting the tranquil living environment and create nuisances and security issues to the neighbourhood; the proposed development will affect the ‘Fung Shui’ of the nearby villages; no technical assessments (besides a traffic impact assessment at the stage of application No. A/YL-KTS/778) and report in Chinese are not included in the current submission; no communication with the local villagers regarding the application; and the setting of an undesirable precedent.

- 10.3 The remaining 414 public comments supporting the application were received from Royal Consulate General of Saudi Arabia, Islamic organisations (with a letter containing 2,559 signatures and another one containing 189 signatures), and individuals. They support the application mainly for the reasons that there is no proper mosque in the New Territories; the proposed mosque could help meet the demand of the growing Muslim community for praying place at an easily accessible location in the New Territories; the proposed use can benefit the ethnic community and provide a safe place for worship and study; the bringing about of social harmony and promoting the Muslim culture in Hong Kong; no impact on the existing village character nor affect the traffic flow; and the applicant can deliver the proposed development by itself.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed religious institution (mosque) at a Site within the “AGR” zone. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development is not in line with the planning intention of the “AGR” zone and DAFC does not support the use of the Site for non-agricultural development from agricultural development perspective. The Site is located at the fringe of the “AGR” zone and is highly accessible through Pat Heung Road and Kam Sheung Road which are two major accesses of the Kam Tin / Pat Heung area. Although the application is not supported by DAFC, SHA has no objection to the application and considers that it is for provision of a worship place to the Muslim community. In addition, the applicant states that the Site has not been put to active farming use for more than two decades. In this regard, sympathetic consideration may be given to the current application if the applicant can address the technical concerns associated with the proposed mosque development.
- 11.2 The proposed use with PR of 1.11 and BH of 32.95mPD (3 storeys) is considered not incompatible with the surrounding areas which are rural in character predominated by residential structures/dwellings, plant nurseries, cultivated agricultural land, vacant land, warehouse and open storage/storage yards.
- 11.3 On traffic aspect, the applicant states that the proposed development would induce insignificant impact on the surrounding road network, and the boundary of the Site will be set back to allow widening of the local access road for improving the access arrangement. When compared with the previously rejected application (No. A/YL-KTS/778), the current scheme involves a mosque without a kindergarten, and

only five vehicular parking facilities (including 3 private car parking spaces, 1 taxi drop off and 1 loading/unloading spaces), instead of 23, are proposed. C for T has no objection to the application from traffic engineering perspective.

- 11.4 Regarding the noise impact, the applicant states that the worshipping and related activities will be carried out indoors and the proposed mosque will be provided with double-glazed windows and air-conditioning. No public announcement system, portable loudspeakers or any form of audio amplification system will be installed outdoors. DEP has no objection to the application from the noise perspectives as long as all windows are closed during worshipping times. Regarding the sewerage impact, the applicant proposes the use of septic tank and soakaway pit system to treat the sewerage from the proposed development. In this regard, DEP has no adverse comment on the application and advises that the design of the septic tank should follow the requirements stated in ProPECC PN 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department”, including percolation test and clearance requirements and duly certified by an Authorized Person.
- 11.5 On visual perspective, CTP/UD&L of PlanD considers that the proposed development is not incompatible with the surrounding visual context and is unlikely to induce significant adverse visual impact to the surrounding areas. She also considers that significant adverse landscape impact arising from the proposed development within the Site is not anticipated and has no objection to the application. CA/CMD2 of ArchSD has also no adverse comment from the visual point of view as the proposed mosque is considered not inharmonious with the adjacent village type developments which are of 3 storeys in building height. Other relevant government departments, including CE/MN of DSD, CHE/NTW of HyD and D of FS, have no adverse comment on the application.
- 11.6 The Site is the subject of a previous application (No. A/YL-KTS/778) submitted by the same applicant for a mosque and a school development, which was rejected by the Committee in July 2018 for reasons as stated in paragraph 5 above. Instead of proposing a mosque and a kindergarten, the current scheme only involves a mosque and a farming area with changes in planning parameters including reduction in total GFA and vehicle parking facilities with relevant measures introduced so as to address departmental comments from traffic, environment and landscape aspects. C for T, DEP and CTP/UD&L of PlanD have no adverse comments on the current application.
- 11.7 There are 838 public comments received during the statutory public inspection periods in which 424 object to the application and 414 support the application with the grounds as set out in paragraphs 10.2 and 10.3 above. Regarding the public comments / local objections against the application, it should be noted that ‘fung shui’ issue is not a material consideration of the Board. To address the locals’ concerns on the proposed development, an advisory clause could be imposed requesting the applicant to undertake consultation with the local residents to address their concerns. For other matters / concerns raised by the commenters and locals, relevant government departments’ comments and planning considerations and assessments as stated 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 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 until 20.5.2026, 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 following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the design and provision of vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission and implementation of water supplies for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the submission and implementation of a quantitative risk assessment to the satisfaction of the Director of Electrical and Mechanical Services 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 reasons for rejection are suggested for Member's reference:

the proposed development 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. It is also intended 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.

## 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**

<b>Appendix I</b>	Application form received on 4.10.2021
<b>Appendix Ia</b>	FI received on 4.12.2021
<b>Appendix Ib</b>	FI received on 23.3.2022
<b>Appendix Ic</b>	FI received on 5.5.2022
<b>Appendix Id</b>	FI received on 12.5.2022
<b>Appendix Ie</b>	FI received on 13.5.2022
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawings A-1 to A-6</b>	Floor plans, sections and indicative landscape plan
<b>Plan A-1a</b>	Location plan
<b>Plan A-1b</b>	Location plan with previous applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a &amp; A-4b</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2022**