

RNTPC Paper No. A/YL-KTS/979  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.12.2023

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

**APPLICATION NO. A/YL-KTS/979**

<b><u>Applicant</u></b>	:	Wah Kong Temple Association represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 900 (Part), 901 S.A, 901 S.B (Part), 902 (Part), 903 (Part), 904 (Part), 905 (Part) and 906 (Part) in D.D. 103, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	:	About 1,800 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>	:	Religious Institution (Temple) with Ancillary Facilities and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for religious institution (temple) with ancillary facilities and associated filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Religious Institution (not elsewhere specified)’ is a Column 2 use within the “AGR” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within “AGR” zone also require planning permission from the Board. The Site is occupied by the applied use without valid planning permission.
- 1.2 According to the applicant, the applied use is for temple of “Wah Kong Sin-si” (華光先師) where various religious activities including Taoist and Buddhist text study lectures and promotion of Taoism and Buddhism will be held. No columbarium services, worshipping of ancestor tablets and burning of joss paper/offerings will take place at the Site. The applied use involves 9 single-storey structures for temple and ancillary store room, guard room, washroom and greenhouse. The remaining area would be mainly used as open space for worshipping and meditation activities. The

application includes regularisation of filling of land with concrete and bricks for site formation and circulation area. The proposed operation hours are between 10 a.m. and 5 p.m. daily. The Site is not served by vehicular access and is accessible via a local pedestrian path branching off from Kam Sheung Road MTR Station (**Plans A-1 and A-2**). There would be 4 staff and 16 visitors (with 8 visitors in each morning and afternoon sessions) by appointment who will access the Site per day. A septic tank for sewerage treatment is proposed. The major development parameters are summarized below:

<b>Site Area (about)</b>	1,800 m <sup>2</sup>
<b>Extent of Filling of Land</b>	About 783 m <sup>2</sup> for site formation of structures and circulation area (with a depth of not more than 0.2m to +9.5mPD/+11mPD)
<b>Plot Ratio</b>	0.15
<b>No. of Block(s)</b>	9 (for temple and ancillary facilities including storeroom, guard room, greenhouse and washroom)
<b>Total GFA (about)</b>	265 m <sup>2</sup>
<b>Height of Blocks</b>	1 storey (not more than 5m)
<b>Site Coverage (about)</b>	15%
<b>No. of Parking Space(s)</b>	Nil

1.3 The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-2**.

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

- (a) Application form and supplementary planning statement (**Appendix I**)  
received on 2.11.2023
- (b) Further Information (FI) received on 7.12.2023\* (**Appendix Ia**)
- (c) FI received on 13.12.2023\* (**Appendix Ib**)

*\*exempted from publication and recounting requirements*

## **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 Ib**. They can be summarized as follows:

- (a) Wah Kong Temple Association is a non-profit organisation which aims at providing a venue to promote Taoism and Buddhism to the public. The operator has organised various religious activities and community service bringing benefits to the wider community. The previous approved application for temporary hobby farm was operated by the applicant with the aim to promote Taoism and Buddhism. In 2023, the applicant obtained funding to incorporate religious activities and farming activities within the Site, therefore they submit the current application for religious institution.
- (b) The visitors will generally use public transport and walk to the Site from Kam Sheung Road MTR Station via a local pedestrian track. The Site is located at a convenient location suitable for the temple development. Apart from its compatibility with the existing surrounding context both in terms of building height and volume, the design of the temple will integrate well with the buildings nearby and surrounding context.
- (c) The development would not cause any nuisance to the neighbourhood and would not incur adverse traffic and transport, drainage, sewerage, environmental, landscape and visual impacts to the surrounding areas. Should the planning application be approved, the applicant pledges to comply with the approval conditions imposed by the Board.
- (d) The applicant will submit relevant applications to Lands Department for the temple after obtaining planning permission.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by notifying the current land owners. 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.

## **5. Previous Application**

The Site is the subject of a previous application No. A/YL-KTS/814 for temporary place of recreation, sports or culture (hobby farm) which is not relevant to the current application.

Details of the application are summarized in **Appendix II** and the location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are 2 similar applications (No. A/YL-KTS/824 and 910) for religious institution within “AGR” zone on the OZP in the past 5 years. The applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2020 and 2022 respectively mainly on the grounds that the development was not incompatible with the surrounding land uses; relevant bureau and departments consulted, including the Home Affairs Bureau, in general had no objection and/or their technical concerns could be addressed by appropriate approval conditions.
- 6.2 Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
  - (a) occupied by the applied use without valid planning permission (**Plans A-2 to A-4**); and
  - (b) accessible via a local pedestrian access branching off from Kam Sheung Road MTR Station (about 700m from the Site).
- 7.2 The surrounding areas are rural in character, mainly occupied by residential structures/dwellings (to the Site’s immediate south and west), farmlands/orchards, vacant land and graves and woodland, to the further south is “Conservation Area” (“CA”) zone.

## **8. Planning Intention**

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, 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 Bureau/Departments**

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

### **Religious Policy**

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

It is noted that the applicant is a bona fide religious and charitable organisation registered under Section 88 of the Inland Revenue Ordinance (Cap. 112). According to the applicant, the applied use is for a temple of “Wah Kong Sin-si” for various religious activities involving Taoist and Buddhist text study lectures. Among the proposed 9 one-storey non-domestic structures, it is noted that two are temples while the others are store rooms, greenhouses and washrooms. As the proposed temple appears to be religious-related, she has no objection to the planning application from religious point of view.

### **Land Administration**

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

- (a) He has adverse comments on the application.
- (b) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (c) There are unauthorized building works (UBWs) and/or uses on Lot No. 901 S.B in D.D. 103 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.
- (d) Should planning approval be given to the application, the lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, if the religious institution (temple) with ancillary facilities is temporary in nature, the applicant has to apply for a short term waiver. If the religious institution (temple) with ancillary facilities is intended for permanent use, the applicant has to apply for a land exchange. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including

among others the payment of rent or fee, as may be imposed by the LandsD.

### **Traffic**

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

- (a) No adverse comment on the planning application from traffic engineering perspective.
- (b) There is no vehicular access to the Site. The public is envisaged to go to the site by walking. The pedestrian flow is considered small and the impact is considered minimal.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD does not and will not maintain any access connecting the Site and Kam Ho 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 subject site falls within the “AGR” zone and is occupied by structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The subject site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the subject site possesses potential for agricultural rehabilitation, the proposed development is not supported from an agricultural perspective.
- (b) There is no comment on the application from nature conservation perspective.

## **Environment**

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

- (a) No objection to the application.
- (b) No substantiated environmental complaints concerning the Site have been received in the past three years.
- (c) The applicant is advised: (a) to provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department" including completion of percolation test and certification by Authorized Person; (b) to recruit licensed collectors to collect and dispose the sewage and waste from the portable toilets; (c) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances; (d) no public announcement system or any form of audio amplification system is allowed to be used on the Site; and (e) no columbarium services, worshipping of ancestor tablets and burning of joss paper/offerings is allowed at the Site.

## **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 UBWs. 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 UBWs under the BO and should not be designated for any proposed use under the application.
- (c) For UBWs erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any

existing building works or UBWs 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) The proposed development is considered not incompatible with the surrounding context and is unlikely to induce significant visual impact to the surrounding areas.

#### **Landscape**

- (b) No objection to the application from landscape planning perspective.
- (c) Based on the aerial photo of 2022, the site is located in a settled valleys landscape character comprising residential structures/dwellings, temporary structures, active farmlands, scattered tree groups and dense woodland within “CA” zone in the south. The Site is partly hard paved, partly a grass area and occupied by some temporary structures. No significant landscape resources is observed within the Site. According to the submission, more than half of the Site is proposed to be open space area. Significant adverse landscape impact on landscape character and landscape resources arising from the applied use is not anticipated.

### **Drainage**

9.1.9 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.



### **Water Supplies**

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **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) being provided to his satisfaction.
- (b) Based on the proposed access route, it is noted that the nearest available street fire hydrant is more than 500 m away from the Site. In this regard, street fire hydrant system with adequate flow, pressure and size of water tank shall be provided in the Site.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

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

he has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

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) the Director of Electrical and Mechanical Services (DEMS); and

- (c) Commissioner of Police (C of P).

#### **10. Public Comment Received During Statutory Publication Period (Appendix III)**

The application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application mainly on the grounds that the proposed development would encourage brownfield operation at the Site.

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

- 11.1 The application is for religious institution (temple) with ancillary facilities and associated filling of land at the Site zoned “AGR”. The temple will only be used for studying Taoist and Buddhist texts without columbarium use or joss burning. 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 applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the applied use from agricultural perspective. SHYA has no objection to the application from religious point of view and considers that the applicant is a bona fide charitable organisation. In this regard, sympathetic consideration may be given to the current application if the applicant can address the technical concerns associated with the applied religious institution.
- 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 adjacent areas. In this regard, CE/MN, DSD and DEP have no objection to the application from drainage and environmental perspectives.
- 11.3 The Site is situated in an area of rural fringe predominated by village houses, farmland, temporary structures and woodlands. The applied use, comprising 9 single-storey structures with PR of 0.15 spanning a Site of about 1,800m<sup>2</sup> only accounts for a site coverage of 15%. The remaining area is dedicated to open space. The temple use with such development intensity is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD considers that the applied use is unlikely to induce significant visual and landscape impacts.
- 11.4 The Site is accessible via a pedestrian path to Kam Sheung Road Station (**Plan A-1**). The applicant claims that there would be 16 visitors (with 8 visitors in each morning and afternoon sessions) who will access the Site per day by public transport. The pedestrian flow is considered insignificant. In this regard, C for T has no adverse comment on the application from traffic engineering perspective.
- 11.5 According to the applicant, there would be no burning of joss paper/offerings at the Site. Sceptic tank for sewerage treatment is proposed. There was no substantiated environmental complaint concerning the Site in the past three years. DEP has no

objection to the application and advises the applicant to observe the relevant pollution control ordinances. Other concerned departments, including CE/MN, DSD and D of FS also have no adverse comment on the application. Relevant approval condition is recommended in paragraph 12.2 below to address the technical requirements of concerned government department. DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs at the Site. In this regard, the applicant undertakes to submit relevant applications to LandsD. Relevant advisory clause on need for application to LandsD for regularisation for UBWs is recommended.

- 11.6 There are 2 approved similar applications for religious institution in the past 5 years as stated in paragraph 6.1. Approving the current application is in line with the Committee's previous decisions.
- 11.7 There is 1 public comment received during the statutory public inspection period objecting to the application for the reasons as detailed in paragraph 10 above. In this regard, the departmental comments and planning assessments 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 comment 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 22.12.2027, 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 condition of approval and advisory clauses is also suggested for Members' reference:

### Approval condition

the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage 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 applied use 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 2.11.2023
<b>Appendix Ia</b>	FI received on 7.12.2023
<b>Appendix Ib</b>	FI received on 13.12.2023
<b>Appendix II</b>	Previous applications covering the Site and similar applications within “AGR” zone on the OZP
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan with previous and similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos