

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PN/82

- Applicant** : One Rupee Foundation (Hong Kong) Limited
- Site** : Former Ha Pak Nai Tsuen Public Primary School, Ha Pak Nai, Yuen Long, New Territories
- Site Area** : About 1,000m²
- Land Status** : Government Land (GL)
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : (i) “Agriculture” (“AGR”) (about 98.9% or 989m²)
(ii) “Green Belt” (“GB”) (about 1.1% or 11m²)¹
- Application** : Proposed Temporary Religious Institution (Buddhist Bodhimanda and Chanting Centre) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary religious institution (buddhist bodhimanda and chanting centre) for a period of five years at the application site (the Site) (**Plan A-1**) zoned “AGR” on the OZP. According to the covering Notes of the OZP, ‘Religious Institution (not elsewhere specified)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The proposal involves making use of the two existing school buildings in a closed school premises (i.e. former Ha Pak Nai Tsuen Public Primary School), which is currently vacant, for the proposed use (**Plan A-2, A-4a to A-4b**).
- 1.2 The Site is accessible from Nim Wan Road via a local track, with the main ingress/egress located at the southwest of the Site (**Plan A-2**). As shown on the layout plan (**Drawing A-1**), the Site makes use of two existing vacant school buildings of about 3m to 4m in height, with a total floor area of about 166m². The main block (i.e. Block 1) would be converted to a bodhimanda (道場) and chanting centre, whilst Block 2 would be maintained for toilet use. According to the applicant, while there will be no alteration or modification to the existing school structures, refurbishment works would be undertaken. No parking and loading/unloading space would be provided. No tree felling would be undertaken at the Site.

¹ Considered as minor boundary adjustment in zoning boundaries which is permitted under the covering Notes of the OZP.

- 1.3 According to the applicant, the bodhimanda and chanting centre is mainly for holding various Buddhist services and lectures, as well as for individual worshipping and meditation. Services are usually held on festive days². The monks may stay overnight at the Site during services. With the exception of Smoke Offering Ceremony (煙供法會)³ which would be held outdoor as considerable amount of smoke would be generated, all activities would be held indoor. While joss sticks would be burnt for worshipping, no burning of joss paper or incense paper would take place at the Site. Small-scale audio amplifiers would be used during services. No columbarium will be provided within the Site.
- 1.4 According to the applicant, the operation hours would be between 9 a.m and 9 p.m. daily. Visitors can access the Site by minibus plying Nim Wan Road and then walk about 50m to the Site (walking time about one minute). The average patronage of the services would be about 50 to 70 persons, whereas the number of visitors on days with no ceremony would be about 8 to 10 persons. No prior reservation is required for accessing the Site.
- 1.5 The Site is the subject of two previous applications (**Plan A-1**). The last application No. A/YL-PN/76 for the same use at the same site submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.4.2024 but the planning permission was subsequently revoked on 5.10.2024 due to non-compliance with approval conditions (details at paragraph 5 below).
- 1.6 In support of the application, the applicant has submitted the Application Form which was received on 20.11.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the bodhimanda and chanting centre had been operating at Hung Shui Kiu for many years. In October 2023, the Hung Shui Kiu premises was returned to the Lands Department (LandsD) for public housing development. In September 2023, the bodhimanda and chanting centre applied to LandsD for using vacant government sites for relocation;
- (b) the applicant is a charitable institution under section 88 of the Inland Revenue Ordinance (Cap. 112) which aims at preaching Buddhism, promoting compassion, purifying souls and fostering harmony in society. The foundation has opened its premises to the public for worshipping, meditating and chanting, as well as offering Buddhist lectures free of charge. The foundation has also engaged in voluntary services, such as distribution of meal boxes and daily goods to various organizations, elderly homes and persons in need;

² Including New Year Eve, New Year, Chinese New Year, Ching Ming Festival, Hungry Ghost Festival and Buddha's Birthday.

³ According to the applicant, Smoke Offering Ceremony would be held one to two times per year, with each time lasting for about an hour.

- (c) after the approval of the previous application (No. A/YL-PN/76), the applicant has applied for Short Term Tenancy (STT) from District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) in order to proceed with the submission and implementation of fire service installations (FSIs) proposal and drainage proposal. The applicant has also engaged a registered fire service installation contractor to prepare the FSIs proposal and the comments from the Director of Fire Services (D of FS) were only conveyed by DLO/YL of LandsD to the applicant in September 2024. The applicant overlooked and has missed the time limit for compliance with the approval conditions which was on 5.10.2024; and
- (d) the applicant hopes the Committee can reconsider the application.

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

As the Site involves GL only, the “owner’s consent/notification” 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) are not applicable to the application.

4. Background

The former Ha Pak Nai Tsuen Public Primary School was commissioned at the Site in 1971. Prior to its closure in 1997, it was a co-educational primary school. According to the Planning Department’s (PlanD) latest Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism (the VSP Review) promulgated in May 2024, the Site is recommended to be retained for government, institution or community (GIC) use.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/YL-PN/56 and 76) submitted for temporary religious institution uses approved by the Committee between 2019 and 2024. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-PN/56 submitted by a different applicant for proposed temporary religious institution (Taoist temple and place for Taoist education) for a period of five years was approved with conditions by the Committee on 22.2.2019 mainly on considerations of being in line with the recommended long-term use of the Site; not incompatible with the rural character of the neighbourhood; and no adverse comments from concerned government departments. However, the planning permission was subsequently revoked on 22.1.2023 due to non-compliance with time-limited conditions on the implementation of drainage and fire service installations proposals.
- 5.3 Application No. A/YL-PN/76 for the same use with the same scheme and submitted by the same applicant of the current application was approved with conditions by the Committee on 5.4.2024 based on similar considerations as stated in paragraph 5.2 above. However, the planning permission was subsequently revoked on 5.10.2024

due to non-compliance with time-limited conditions on the submission of drainage and FSIs proposals.

6. Similar Application

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

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

7.1 The Site is:

- (a) a closed school premises of the former Ha Pak Nai Tsuen Public Primary School comprising two single-storey buildings and a playground. It is currently vacant; and
- (b) accessible from Nim Wan Road via a local track.

7.2 The surrounding areas are predominated by woodland, with residential dwellings scattered mainly along Nim Wan Road. Other uses including cultivated agricultural land, and storage and open storage yards are also located in the vicinity. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The “AGR” zone is intended 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 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

9.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) The Site largely falls within the “AGR” zone and is generally vacant with some structures. Agricultural activities are very active in the vicinity, and 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 proposed development is not supported from agricultural perspective.

- (b) It is noted that the site is subject to a previously approved application for similar use. According to the application, the proposed development would not involve alteration of existing building, excavation, diversion of stream, site formation nor tree felling. In view of the above, he has no strong view on the application from nature conservation point of view.
- (c) The applicant should note his advisory comments in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 29.11.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from The Conservancy Association and an individual (**Appendix V**) were received raising concerns over the potential environmental nuisance caused by smoke offering ceremonies and non-compliance with approval conditions of the previous permission, and suggesting that approval should be restricted to three years.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary religious institution (Buddhist bodhimanda and chanting centre) for a period of five years within the “AGR” zone of the OZP (**Plan A-1**). While the DAFC does not support the application as the Site possesses potential for agricultural rehabilitation, the Site had been hard-paved and used as a school from 1971 before the introduction of statutory planning control to the area until its closure in 1997. According to the VSP Review promulgated by PlanD in May 2024, the Site is recommended to be retained for GIC uses. In this regard, the applicant is a charitable institution under section 88 of the Inland Revenue Ordinance (Cap. 112) and the proposal would provide religious service to the public. The Secretary of Home and Youth Affairs has no objection to the application from religious point of view. Hence, the proposal is generally in line with the recommended long-term use of the Site.
- 11.2 The surrounding areas comprise predominantly woodland, with scattered residential dwellings mainly along Nim Wan Road. Meanwhile, the Site had been used as a school for some 26 years and left vacant at present. The proposed use is considered not entirely incompatible with the rural character of the neighbourhood. The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.3 Other concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and D of FS have no objection to/adverse comment on the application from environmental, traffic, drainage and fire safety aspects respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraph 12.2 below.

- 11.4 The Site was involved in two approved previous applications for temporary religious institution uses. The last application No. A/YL-PN/76 which was submitted by the same applicant with the same scheme as the current application was approved with conditions by the Committee on 5.4.2024. The planning permission was revoked on 5.10.2024 due to non-compliance with the time-limited approval conditions regarding submission of drainage and FSIs proposals. In the current application, the applicant has explained that it had taken steps to take forward the approved proposal by submitting STT application to LandsD and engaging a registered FSI contractor to follow up on compliance with the approval condition regarding provision of FSIs. Furthermore, to support the current application, the applicant has submitted a FSIs proposal and D of FS has no objection to the current application. As such, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that there are two previously approved applications for the same applied use at the Site, approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments raising concerns as stated in paragraph 10, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until **10.1.2030**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.7.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.10.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services

or of the Town Planning Board by **10.7.2025**;

- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.10.2025**;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 20.11.2024
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**