

Withdrawn by Applicant

RNTPC Paper No. A/YL-SK/394
For Consideration by the
Rural and New Town
Planning Committee
on 6.12.2024

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

APPLICATION NO. A/YL-SK/394

<u>Applicant</u>	: Sham Shing Tong represented by KTA Planning Limited
<u>Site</u>	: Lot 1633 in D.D. 114, Shek Kong, Yuen Long
<u>Site Area</u>	: About 232.3m ²
<u>Lease</u>	: Lot No. 1633 in D.D. 114 held under Tai Po New Grant No. 2748
<u>Plan</u>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	: “Industrial (Group D)” (“I(D)”)
<u>Application</u>	: Proposed Temporary Religious Institution with Ancillary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary religious institution with ancillary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “I(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of land or building exceeding three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by some temporary structures for storage use (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Lam Kam Road via a local access, with an ingress/egress at the northwestern part of the Site (**Plans A-1 and A-2**). According to the applicant, the proposed use involves three 2-storey structures (not more than 8m in height) for zen practice hall and meditation room, as well as ancillary facilities including meeting room, tuck shop and office, with a total floor area of about 350m² (**Drawing A-1**). No car parking spaces will be provided within the Site, and practitioners are required to take public transportation for accessing the Site. Only practitioners with prior appointment will be allowed, and no one will be allowed to stay overnight at the Site. The applicant estimates

that a maximum of 30 practitioners at different times of the day and 5 staff members will be accommodated at the Site. No columbarium services, worshipping of ancestor tablets and burning of joss paper/offerings will be allowed to take place at the Site. Also, no public announcement system or any form of audio amplification system will be used at the Site. The applicant will also provide adequate supporting facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. The proposed operation hours are between 9 a.m. and 5 p.m. daily, including public holidays.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Planning Statement and **(Appendix I)** attachments received on 14.10.2024
 - (b) Further information (FI) received on 3.12.2024[#] **(Appendix Ia)**
[#]accepted and exempted from the 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 with Planning Statement and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The proposed use can maximise land utilisation which is compatible with the surrounding areas. In view of its small scale, the proposed use will be fully immersed into the tranquil rural environment.
- (b) The proposed temporary use for a period of three years will not jeopardise the planning intention of the “I(D)” zone in the long run.
- (c) The proposed use is intended to support the Ling Wan Monastery to the east of the Site (**Plans A-2 and A-3**) by providing additional zen practice space with supporting small-scale retails facilities to practitioners of monastic activities, bringing positive impact to the community especially youngsters for calm and healthy personalities and traits.
- (d) Adverse drainage, traffic, visual, landscape and environmental impacts arising from the proposed use on the surrounding areas are not envisaged. The applicant will follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ (the COP) to minimise potential environmental impacts. The applicant will also provide adequate supporting facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. No adverse noise impact is anticipated as no public announcement system or any form of audio amplification system will be used in the Site.

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 active planning enforcement action.

5. Previous Application

There was no previous application at the Site.

6. Similar Application

There was no similar application within the same “I(D)” zone in the past five years.

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

7.1 The Site is:

- (a) currently occupied by some temporary structures for storage use; and
- (b) accessible via a local access connecting to Lam Kam Road.

7.2 The surrounding areas are predominantly occupied by village houses/residential structures (including Shek Kong Village to the south) and vacant/vegetated land, with storage yards/workshops and the Ling Wan Monastery to the further north and east of the Site respectively.

8. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other government 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 II and III** respectively.

9.2 The following government department objects to the application:

Land Administration

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

- (i) objects to the application;
- (ii) the Site comprises Building Lot No. 1633 in D.D. 114 held under Tai Po New Grant No. 2748 which contains the restriction that no house shall be more than two storeys in height and no grave shall be made on, nor shall any human remains be interred in, or deposited on the land sold either in earthenware jars; and
- (iii) the following irregularities not covered by the subject planning application have been detected by his office:

Unlawful occupation of Government land (GL) not covered by the planning application

the GL adjoining Lot No. 694, 1625, 1630 and 1636 all in D.D. 114 and Lot No. Sheung Tsuen Lot No. 416 in D.D. 112 has been unlawfully occupied by Ling Wan Monastery (**Plan A-2**) with unauthorised structures without permission. The GL being unlawfully occupied is not included in the application. According to the record, a Short Term Tenancy Offer Letter dated 21.9.2017 was issued to the applicant. However, the offer was not accepted. Any occupation of GL without Government's prior approval is an offence under Cap. 28. This office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice.

10. Public Comment Received During Statutory Publication Period

On 22.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix IV**) was received from an individual raising concerns mainly on the potential environmental impacts generated by the proposed use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary religious institution with ancillary shop and services for a period of three years at the Site zoned “I(D)” on the OZP (**Plan A-1**). The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. Whilst the proposed use is not in line with the planning intention of the “I(D)” zone, there is no known development proposal for implementing the zoned use at the Site. Besides, the applicant claims that the proposed use could provide additional zen practice space with supporting small-scale retail facilities for the practitioners of monastic activities. It is considered that approval of the application on a temporary basis for a period of three years will not jeopardise the long-term planning intention of the “I(D)” zone.
- 11.2 Given its small scale and nature, the proposed use is considered not incompatible with the surrounding areas which are predominated by village houses/residential structures and vacant/vegetated land, with storage yards/workshops and the Ling Wan Monastery to the further north and east of the Site respectively (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application as significant landscape impact arising from the proposed use at the Site is not anticipated.
- 11.3 Regarding DLO/YL of LandsD’s concern on the occupation of GL outside the Site, the applicant will be advised to liaise with LandsD on this land administration matter should the Committee approve the application. Concerned government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. Besides, the applicant will be advised to follow the latest ‘COP’ issued by the Environmental Protection Department to minimise any potential environmental impacts caused by the proposed use on the surrounding areas.
- 11.4 Regarding the public comment received as detailed in paragraph 10, the planning assessment and departmental comments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment mentioned in paragraph 10, PlanD considers that the proposed temporary religious institution with ancillary shop and services could be tolerated for a period of three years.

- 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 three years until 6.12.2027. 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 6.6.2025;
- (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 6.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities within the Site 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 6.6.2025;
- (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 6.9.2025;
- (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 III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "I(D)" zone which is for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements and land within this zone is primarily intended for redevelopment of existing informal industrial uses. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the 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 received on 14.10.2024
Appendix Ia	FI received on 3.12.2024
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comment
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos