

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/579

- Applicant** : Lotus Temple Limited represented by Chief Force Limited
- Site** : Lots 1445 RP (Part), 1446, 1609 (Part), 1610 (Part), 1612 S.B ss.1 and 1612 S.B RP (Part) in D.D. 116 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 2,118 m² (about) (including GL of about 50m² or 2.4%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19 (currently in force)

Approved TT OZP No. S/YL-TT/18 (at the time of submission)
[No change to the zoning of the application site on the OZP]
- Zoning** : “Agriculture” (“AGR”)
- Application** : Religious Institution (Temple) with Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a religious institution (temple) with associated filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Religious Institution (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently mainly occupied by the applied use without valid planning permission and partly vacant (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the applied use is for a Buddhist temple where various religious activities involving Buddhist text study and promotion of Buddhism will be held. No columbarium services, worshipping of ancestor tablets and burning of joss paper/offerings will take place at the Site. A septic tank and soakaway system is provided within the Site. No medium or heavy goods vehicles will be allowed to access the Site. On average, two members of staff will be present at the Site for maintenance and cleaning and about 24 visitors per week will visit the

Site for retreat and Buddhist study. Plans showing the vehicular access leading to the Site, site layout with fire service installations (FSIs) proposal and site paving plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site involves a previous application (No. A/YL-TT/316) for the same use as the current application (without filling of land), which was rejected by the Board on review on 25.7.2014. Compared with the rejected previous application, the current application is submitted by a different applicant for the same use at a larger site with similar layout and development parameters, which are summarised as follows:

	Previously Rejected Application No. A/YL-TT/316 (a)	Current Application No. A/YL-TT/579 (b)	Difference (b) – (a)
Applied Use	Religious Institution (Temple) with Ancillary Staff Quarters	Religious Institution (Temple) with Associated Filling of Land	Omission of ancillary staff quarters and inclusion of filling of land
Site Area	824 m ²	2,118 m ²	+1,294 m ² (+157%)
Extent of Filling of Land	Nil	About 516 m ² for access road and parking (i.e. with a depth of 0.15m)	+546 m ²
Gross Floor Area	608.5 m ²	639 m ²	+30.5 m ² (+5%)
No. of Blocks	7 (for staff quarters, toilets, store room, worship halls, kitchen and indoor hydroponics farm, etc.) [ancestral/spirit tablets were found at the Site]	2 (for religious use, toilet, restroom and store room)	-5 (-74%)
Height of Blocks	1 storey (3-5.3m)	1 storey (5m)	---
No. of Parking Space(s)	Nil	4 for private cars (5m x 2.5m each)	+4

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

- (a) Application Form with Attachments received on 3.11.2022 (**Appendix I**)
- (b) Further Information (FI) received on 28.12.2022 and 30.12.2022 (**Appendix Ia**)
[accepted and not exempted from publication and recounting requirement]

- 1.5 On 23.12.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, its attachments and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) Lotus Temple is a non-profit organisation which aims at providing a venue to promote Buddhism to the public. The operator has organised various religious activities, including dharma readings, lectures/seminars and experience camps as well as community service to nearby villagers in the past, bringing benefits to the wider community;
- (b) the visitors will generally use public transport and walk to the Site from the nearest bus stop via a local track (i.e. about 985m); and
- (c) the proposal would not jeopardise the planning intention of the “AGR” zone. Should the planning application be approved, the applicant pledges to expedite compliance with the approval conditions imposed by the Board.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 Part of the Site involves two rejected previous applications, including one application for proposed filling of land for permitted agricultural use (No. A/YL-TT/372), which is not relevant to the current application. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-TT/316 for the same use as the current application (albeit with ancillary staff quarters and without filling of land) covering part of the Site was rejected by the Board on review on 4.7.2014 mainly on the grounds that the

applied use was not in line with the planning intention of the “AGR” zone; there was insufficient information to demonstrate that there would be no adverse vehicular and pedestrian traffic impacts and environmental nuisances arising from the applied use; and approval of the application would set an undesirable precedent.

6. Similar Applications

There is no similar application within the subject “AGR” zone.

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

7.1 The Site is:

- (a) accessible from Yau Shin Street some 600m to its north via a local track (**Drawing A-1**); and
- (b) currently mainly occupied by the applied use without valid planning permission and partly vacant (**Plans A-2 to A-4b**).

7.2 The surrounding areas have the following characteristics (Plans A-2 and A-3**):**

- (a) rural in character predominated by cultivated and fallow agricultural land, with scattered residential structures, open storage/storage yards, vegetated land and unused/vacant land;
- (b) there are residential structures in the immediate vicinity of the Site, with the nearest ones located to its immediate north and northwest; and
- (c) some open storage/storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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 in the subject “AGR” zone.

9. Comments from Relevant Government Bureau/Departments

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

Religious Policy Aspect

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

In view that the applicant is a bona fide religious and charitable organisation registered under Section 88 of the Inland Revenue Ordinance who seeks permission for religious use for regularisation purpose, 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) the Site comprises GL and 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;
- (b) no permission is given for occupation of GL (about 50m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed; and
- (c) he has grave concerns given that there are unauthorised building works and/or uses on the private lot(s) which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by his department.

Traffic

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

- (a) having considered the FI submitted (**Appendix Ia**), she has no comment on the application from traffic engineering perspective;
- (b) the local track leading to the Site is not under her purview; and
- (c) detailed comments are at **Appendix IV**.

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

- (a) no adverse comment on the application; and
- (b) detailed comments are at **Appendix IV**.

Environment

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

- (a) no objection to the application and detail comments are at **Appendix IV**; and
- (b) no substantiated environmental complaints concerning the Site have been received in the past three years.

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is occupied by some structures. Agricultural activities are 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 and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) there is no comment on the application from nature conservation perspective.

Landscape

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

According to the aerial photo and site photos, the Site is situated in area of rural fringe predominated by temporary structures, village houses, farmland, and scattered tree groups and is already occupied by the applied use and the lawn area with potted plants at the northern portion of the Site is observed. The applied use is currently in operation. No significant landscape impact on existing landscape resources is observed.

Drainage

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

- (a) no objection in principle to the proposed development from the public drainage point of view; and
- (b) should the Board consider the application acceptable from the planning point of view, approval conditions requiring the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction and detail comments on the submitted FSI proposal are at **Appendix IV**.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) no objection to the application; and
- (b) as there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. Detailed comments are at **Appendix IV**.

District Officer's Comments

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

his office has not received any comment from the village representatives in the vicinity regarding the application.

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

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

10. Public Comments Received During the Statutory Publication Periods

10.1 The application and FI were published for public inspection on 11.11.2022 and 10.1.2023 respectively. During the statutory public inspection periods, five public comments were received, including three supporting comments, one objecting and one comment providing views on the application.

Supporting Comments (three comments)

10.2 The Hong Kong Buddhist Association, a representative of Yeung Uk Tsuen and Shek Tong Tsuen (in the form of a petition letter with 56 signatures) and the Chairman of Yuen Long District Council support the application on the grounds that no traffic congestion has been caused by the temple in the past 10 years and that approval of the application would keep promote the advancement of Buddhism in Hong Kong and bring social harmony to the society and the local community (**Appendices III-1 to III-3**).

Objecting Comment (one comment)

- 10.3 World Wide Fund for Nature Hong Kong objects to the application on the grounds that the development is a ‘destroy first, build later’ case which degrade the environment and not in line with the planning intention of the “AGR” zone, approval of the application would set an undesirable precedent and the applied use and the structures have been illegally operated and erected for eight years that should not be legitimised by obtaining planning approval (**Appendix III-4**).

Other Comment (one comment)

- 10.4 One individual alleges that the applied use would pave the way for a columbarium operation at the Site and raises concerns on the potential traffic impact. The individual also questions the identity of the applicant and whether any enforcement action had been taken since the previous application was rejected (**Appendix III-5**).

11. Planning Considerations and Assessments

- 11.1 The application is for religious institution (temple) with associated filling of land at the Site zoned “AGR” on the OZP. 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. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation, agricultural infrastructures are available in the area and the agricultural activities in the vicinity are active. Although the application is not supported by DAFC, SHYA has no objection to the application and considers that it is for regularisation of the religious use at the Site and 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 existing religious institution.
- 11.2 While 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, CE/MN, DSD and DEP have no objection/no adverse comment in this regard from drainage and environmental perspectives.
- 11.3 The Site is situated in area of rural fringe predominated by temporary structures, village houses, farmland, and scattered tree groups. The subject development, comprising two single-storey structures with a total floor area of about 639 m² spanning a site of about 2,118 m², is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD considers that no significant landscape impact on the existing landscape resources is observed.
- 11.4 The Site is accessible via a local track leading from Yau Shin Street about 600m to its north via a local track (**Plan A-3**). The applicant claims that, on average, about 24 visitors will visit the Site per week mostly by public transport and walk to the Site from the nearest bus stop via a local track (i.e. about 985m). When

compared with the previously rejected application (No. A/YL-TT/316), the current scheme involves a temple without ancestral/spirit tablets and a smaller group of visitors (from 80-100 visitors each week in the previous scheme reduced to 24 visitors per week in current scheme). In this regard, C for T has no comment on the application from traffic engineering perspective.

- 11.5 Regarding the environmental nuisance to residents in the surrounding area, the applicant pledges that there would be no burning of joss paper/offerings at the Site and proposes to use a septic tank and soakaway pit system for sewerage treatment. There is no substantiated environmental complaint concerning the Site in the past three years and no relevant public comment/complaint regarding environmental nuisance has been received in respect of the current application. 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. Adverse drainage and fire safety impacts on the surrounding area are not envisaged. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.6 The Site is the subject of a previous application (No. A/YL-TT/316) submitted for the same use with ancillary staff quarters, which was rejected by the Board on review in 2014 mainly on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; and the applicant had failed to demonstrate in the submission that there would be no adverse traffic and environmental impacts arising from the applied use, amongst other grounds. It was also noted that ancestral tablets were found within one of the worship halls at the Site. Compared to the previous scheme, the current scheme involves a smaller group of visitors (24 per week) and the applicant confirms that no columbarium service, worshipping of ancestral tablets and burning of joss papers/offerings would be provided within the Site. Adverse traffic impacts or potential environmental nuisance to the residents are not envisaged, and C for T, DEP and CTP/UD&L, PlanD have no adverse comments on the current application.
- 11.7 There are five public comments received in which three support the application, one objects to the application and one provides comments on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

12 Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the ‘Religious Institution’ use under application is already in operation. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) no columbarium services, worshipping of ancestor/spirit tablets and burning of joss papers/offerings, as advised by the applicant, is allowed within the Site;
- (b) the provision of drainage facilities within six months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.8.2023;
- (c) the provision of water supplies for firefighting and fire service installations within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.8.2023; and
- (d) if the above planning condition (b) or (c) 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 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 development is not in line with the planning intention of the "AGR" zone which is primarily intended 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. No strong planning justification has been provided in the submission to justify a departure from the planning intention.

13 Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14 Attachments

Appendix I	Application Form with Attachments received on 3.11.2022
Appendix Ia	FI received on 28.12.2022 and 30.12.2022
Appendix II	Previous Applications
Appendices III-1 to III-5	Public Comments

Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan with FSIs Proposal
Drawing A-3	Site Paving Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**