

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

**APPLICATION NO. A/TKO/117**

- Applicant** : Great Commission Church Limited
- Premises** : Shops 28 and 29, G/F, Commercial Accommodation of Corinthia By The Sea, 23 Tong Yin Street, Tseung Kwan O
- Total Area of Premises** : 211.069m<sup>2</sup>
- Lease** : (a) Pink Hatched Black Area of Tseung Kwan O Town Lot No. 117  
(b) Restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes under New Grant No. 21467
- Plan** : Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/26
- Zoning** : “Residential (Group A)5” (“R(A)5”)  
  
[Maximum domestic plot ratio (PR) of 3 and maximum non-domestic PR of 0.5, maximum site coverage (SC) of 50% (excluding basement(s)), and maximum building height (BH) of 65mPD, or the PR, SC and BH of the existing building, whichever is the greater.]
- Application** : Proposed Religious Institution (Christian Church)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed religious institution (Christian church) at Shops 28 and 29 on G/F of a residential cum commercial development (Corinthia By The Sea) at 23 Tong Yin Street, Tseung Kwan O (the Premises). The Premises fall within an area zoned “R(A)5” on the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/26 (**Plan A-1**). According to the Notes of the OZP, ‘Religious Institution’ is a Column 2 use in “R(A)” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises with a total floor area of 211.069m<sup>2</sup> are located on G/F of the commercial accommodation of Corinthia By The Sea (**Plans A-1 and A-2**).

- 1.3 According to the applicant, the proposed Christian church is designed to accommodate a maximum of 120 people and the assemblies are normally on Sundays, Wednesdays and Fridays. Assembly hall, activity room and staff room are proposed within the Premises in support of the religious activities. The applicant anticipates that a majority of the visitors will visit the church on foot and by public transport. The ground floor plan, site plan and layout floor plan of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-3**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 29.4.2019 **(Appendix I)**
  - (b) Supplementary Information received on 2.5.2019 **(Appendix Ia)** providing information on number of visitors, opening hours and revised Ground Floor Plan, Site Plan and Layout Floor Plan
  - (c) Further Information received on 29.5.2019 **(Appendix Ib)** *(exempted from publication)*

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ib**. They can be summarised as follows:

- (a) There is insufficient number of Christian churches in Sai Kung District, including Tseung Kwan O.
- (b) The proposed Christian church provides bilingual (English and Cantonese) services and needed valuable services to the young and growing community.
- (c) No noise nuisance will be generated to the residents nearby as all gatherings will be held inside the Premises outside of normal night hours (i.e. 10:00pm until 8:30am). No activity outside the Premises will be held at any time. There will not be any broadcasting audio message outside the Premises.
- (d) The regular assemblies of the proposed church are normally 9:00am to 1:00pm on Sundays, and 7:00pm to 9:00pm on Wednesdays and Fridays. According to the landlord, the average daily visitors to the most visited facilities of the commercial accommodation, i.e. the Smart ID Replacement Centre and kindergarten, are more than 500 on weekdays. The pedestrian traffic generated from the proposed church is expected to be within the normal pedestrian volume as these most visited facilities are off during the peak opening hours of the Premises, which is 9:00am-1:00pm on Sundays. Due to the small scale of the proposed church, its pedestrian flow is also expected to be less than those of other permitted uses such as fast food restaurant.

- (e) The demand for public car parking spaces and loading/unloading spaces generated from the proposed church is low. They could be accommodated by the hourly parking spaces and loading/unloading spaces provided at the development.

**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. 31A) by obtaining consent of the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

There is no previous application for the Premises.

**5. Similar Application**

There is a similar application (No. A/TKO/77) for proposed religious institution within the “R(A)” zone on the OZP. This application was approved with conditions by the Committee on 28.4.2006 mainly on the grounds that the proposed development is not incompatible with the adjoining uses within the commercial complex; and will unlikely create nuisance to the nearby residents as it is located within a free-standing commercial complex separated from the residential portion of the same development. Details of the similar application are set out in **Appendix II** and its location is shown on **Plan A-1**.

**6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plan A-4a to A-4c)**

6.1 The Premises are:

- (a) located on G/F of a 2-storey commercial accommodation, which is the non-domestic portion of Corinthia By The Sea;
- (b) currently vacant;
- (c) accessible from Tong Yin Street via a 24-hour pedestrian walkway between The Wings IIIb and Corinthia By The Sea (**Plan A-2**); and
- (d) about 340m south of MTR Tseung Kwan O Station (**Plan A-1**).

6.2 The subject development (Corinthia By The Sea) is a residential cum

commercial development which comprises 7 residential towers with a 2-storey commercial accommodation over 1-storey basement. The commercial accommodation is mainly used for commercial purposes including restaurant, hair salon, kindergarten, tutorial school and clinic. The Tseung Kwan O Smart Identity Card Replacement Centre is also located within the commercial accommodation. The basement is for car-parking and loading/unloading purposes. The commercial accommodation including the Premises and the residential towers are separated with independent entrances (**Plan A-4b**).

6.3 The surrounding areas have the following characteristics:

- (a) developments in the vicinity are predominantly residential cum commercial developments with commercial uses on the lower floors, which include The Wings IIIb to its north, Alto Residences and Capri to its southwest, and Ocean Wings and Twin Peaks to its east (**Plan A-1**);
- (b) to its immediate east and south is vacant land zoned “Open Space” which is designated for the proposed town park; and
- (c) to its west across Tong Yin Street are a vacant school site and French International School of Hong Kong.

## 7. **Planning Intention**

- 7.1 The planning intention of “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 7.2 For area zoned “R(A)5”, retail and commercial activities should be developed along the edge that fronts onto the proposed town park.

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

- 8.1 The following government departments have been consulted and their views are summarized as follows:

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Premises fall within the Pink Hatched Black Area of TKOTL 117 (the Lot) and the New Grant No. 21467 governing the Lot stipulates that the Lot shall not be used for any purpose other than for non-industrial (excluding godown,

hotel and petrol filling station) purposes. The lease for the Lot also stipulates that the total gross floor area (GFA) of the building erected on the Pink Hatched Black Area for non-industrial (excluding private residential, godown, hotel and petrol filling station) purposes shall not be less than 3,000 sq.m.;

- (b) there is no in-principle objection to the application with respect to (a) the user restriction and (b) minimum GFA restriction for non-industrial (excluding private residential, godown, hotel and petrol filling station) use within the Pink Hatched Black Area of the lease of the Lot; and
- (c) the details of the development proposal with regard to GFA and site coverage restrictions of the lease of the Lot would be examined during the general building plan submission stage. The comment to the same is hereby reserved.

### **Traffic**

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

as the subject site is in the shopping mall of Corinthia By The Sea and there are provision of visitor carpark and loading/unloading spaces in the mall, he has no comments on the application from traffic viewpoint.

### **Environment**

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

- (a) no objection to the application; and
- (b) in view of the small scale and nature of the proposed development, it will unlikely cause major pollution.

### **Drainage**

#### 8.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no objection to the application from drainage and sewerage maintenance viewpoint; and
- (b) in response to the public comment on sewerage works, please be advised that since super typhoons Hato and Mangkhut hit Hong Kong in August 2017 and September 2018 respectively, DSD has been carrying out local flood prevention and drainage improvement works in Tseung Kwan O Area 68.

The works were commenced in end January 2019 and are targeted to be completed by mid-2019.

**Building Matters**

8.1.5 Comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE(2)&Rail, BD):

- (a) no in-principle objection under the Buildings Ordinance to the application;
- (b) sufficient means of escape should be provided according to Code of Practice for Fire Safety in Buildings 2011; and
- (c) the applicant should appoint an Authorized Person to submit building plans for Building Authority's approval. Detailed comments would be given at plan submissions stage.

**Fire Safety**

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

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided before operation of the proposed use to the satisfaction of his Department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

**District Officer's Comments**

8.1.7 Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

- (a) no comment on the application; and
- (b) Mr. TSE Ching-fung, District Council member of the constituency and the Owners Committee of the Corinthia By The Sea have no particular comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (b) Commissioner of Police (C of P);

- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD); and
- (e) Director of Electrical and Mechanical Services (DEMS).

**9. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 7.5.2019. During the statutory public inspection period, which ended on 28.5.2019, four public comments were received (**Appendix III**). Two commenters express views that the proposed church could make good use of the Premises; and bring diversity to the shopping area and benefit the surrounding business. The other two commenters object to the application due to concerns on the potential noise nuisance to the nearby residents from the church assemblies and the gathering outside the church; the pedestrian traffic on the narrow and convoluted pedestrian route from Tong Yin Street to the site; incompatible with the government use next door; already many churches in the vicinity; and potential health and safety issues from the nearby sewerage works.

**10. Planning Considerations and Assessments**

- 10.1 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. The proposed Christian church is located on the G/F at the purpose-built non-domestic part of the residential cum commercial development, Corinthia By The Sea. The non-domestic portion of the “R(A)5” zone is intended to promote retail and commercial activities along the edge that fronts onto the proposed town park. The proposed church with a floor area of about 211m<sup>2</sup> would not bring about significant impact on the intended provision of retail and commercial activities.
- 10.2 The proposed Christian church is considered not incompatible with other existing uses at the commercial accommodation of Corinthia By The Sea which mainly consist of restaurant, hair salon, kindergarten, tutorial school, clinic and the Tseung Kwan O Smart Identity Card Replacement Centre. It is also considered not incompatible with the surrounding developments which are predominantly residential cum commercial developments with commercial uses on the lower floors.
- 10.3 The proposed Christian church is small in scale with a total floor area of about 211m<sup>2</sup> accommodating around 120 people. As the commercial accommodation and the residential towers of Corinthia By The Sea are primarily separated with independent entrances, it is unlikely that the proposed use will cause nuisance to the residents or adverse impacts on the surroundings. The Premises are within walking distance to the MTR Tseung Kwan O Station and there are provisions of visitor carpark and

loading/unloading spaces in the development. Relevant departments consulted including EPD and TD have no objection to/comment on the application.

- 10.4 With regard to the commenters' concerns on the potential noise nuisance, pedestrian flow and compatibility of the church with surrounding uses, planning assessments in paragraphs 10.2 and 10.3 above are relevant. As for the concerns on the nearby drainage works, DSD advises that the works are nearing completion.

## **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 and having taking into account public comments in paragraph 9, the Planning Department has no objection to the application.

- 11.2 Should the Committee decide to approve the application, the permission shall be valid until 21.6.2023, 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 are also suggested for Members' reference:

### Approval Condition

the provision of fire service installations and water supplies for fire-fighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

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

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

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 12.2 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.

- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application form received on 29.4.2019
<b>Appendix Ia</b>	Supplementary information received on 2.5.2019
<b>Appendix Ib</b>	Further information received on 29.5.2019
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Public comments
<b>Appendix IV</b>	Advisory clauses
<b>Drawing A-1</b>	Ground Floor Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Floor Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2019**