

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

**APPLICATION NO. A/YL/248**

- Applicant** : Evangelical Free Church of China Yan Fook Church Limited  
represented by Lanbase Surveyors Limited
- Premises** : Shops No. 3 and 6, G/F, Denker Plaza, No. 16 Hi Yip Street, Tung  
Tau Industrial Area, Yuen Long, New Territories
- Total Floor** : 830m<sup>2</sup> (about)  
**Area of Premises**
- Lease** : Yuen Long Town Lot No. 443 held under New Grant No. 4390  
- The ground floor of any building or part of any building erected or to be erected on  
the lot shall not be used for any purpose other than for non-industrial purposes  
(excluding residential, godown and petrol filling station)
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/23
- Zoning** : “Other Specified Uses” (“OU”) annotated “Public Car Park with  
Ground Floor Retail Shops(1)” (“OU(Public Car Park with Ground  
Floor Retail Shops(1)”)  
[restricted to a maximum plot ratio of 5 and a maximum building height of 15  
storeys excluding basement(s)]
- Application** : Proposed Temporary Religious Institution (Church) for a Period of 5  
Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) located on G/F of an existing 3-storey public car park building for a proposed temporary religious institution (church) use for a period of 5 years. According to the Notes for the “OU(Public Car Park with Ground Floor Retail Shops(1)” zone, ‘Religious Institution’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises with a total floor area of about 830m<sup>2</sup> is currently vacant (**Plan A-4**). According to the applicant, the proposed temporary religious institution (church) is intended to support the religious activities carried out by the applicant in Yuen Long district. The Premises is proposed to accommodate 250

worshippers at maximum for worshipping and fellowship activities. Offices and function rooms are provided within the Premises in support of the religious activities. The layout plan submitted by the applicant is shown in **Drawing A-1**.

1.3 The operation hours of the proposed religious institution are as follows:

<b>Proposed Activities/Uses</b>	<b>Operation Hours</b>
Sunday worship service	from 10:30 a.m. to 12:30 p.m. every Sunday
Fellowship activities	from 10:30 a.m. to 10:00 p.m. from Monday to Saturday
Church office	10:00 a.m. to 5:00 p.m. daily

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

- (a) Application form received on 27.6.2018 **(Appendix I)**
- (b) Planning statement attached to **Appendix I** **(Appendix Ia)**
- (c) Further Information received on 7.8.2018 in response to departmental comments on traffic issues and clarifying the events to be organised in the proposed development (*accepted and exempted from publication and recounting requirements*) **(Appendix Ib)**
- (d) Further Information received on 13.8.2018 enclosing a replacement floor layout plan (*accepted and exempted from publication and recounting requirements*) **(Appendix Ic)**

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

The justifications put forth by the applicant in support of the application are detailed in Section 6 of **Appendix Ia** as well as **Appendices Ib** and **Ic**. They are summarised as follows:

### No contravention to long-term planning intention of the subject zone

- (a) The proposal only involves a temporary use of 'Religious Institution (Church)' which is a Column 2 use allowed for through application to the Board. It is for a period of 5 years and would not contravene the long-term planning intention of the subject zone.

### Meeting local demand for a new church

- (b) The number of worshippers in Yuen Long and Tuen Mun districts are expected to keep increasing to about 250 in coming years. In order to provide more convenient religious activities to the worshippers in the districts as well as a new community formed by new residential developments including The

Spectra, Twin Regency and Wang Fu Court in the surroundings, there is a need to set up a new church for meeting the local demand. The largest function room (floor area of 280m<sup>2</sup>) proposed in the Premises is able to accommodate 250 worshippers for worship service.

No interface problem with surrounding land uses

- (c) Whilst the Premises falls within Tung Tau Industrial Area, the area is being transformed into business area and there are new residential developments in the surroundings. In addition, the main worship activities are generally carried out within the Premises provided with air-conditioning facilities on Sundays and public holidays. No interface problem between the proposed temporary use and the weekday industrial and/or commercial activities is anticipated.

Precedent approved planning application for similar use

- (d) Given that a similar planning application for religious institution use (No. A/YL/163) in the surrounding area within similar “OU(Public Car Park to include Retail and Residential Uses” zone was approved by the Board in 2008, the subject application should be acceptable.

No adverse traffic impact

- (e) The proposed temporary religious institution would only accommodate 250 worshippers at maximum on Sundays and public holidays for worship and other religious activities, and most of them would catch public transports mainly MTR and/or walking. Also, their events would mainly be arranged during off-peak hours that would not be in conflict with the peak hours in the subject working area. No adverse traffic impact is therefore anticipated.

No adverse environmental impact

- (f) The proposed temporary religious institution would be situated within an existing building which only involves some internal conversion and decoration works, and no redevelopment works is required. In addition, only passive events, such as worshipping, fellowship and gathering activities, instead of active events are mostly organised. Therefore, no adverse environmental impact is anticipated.

**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. 31) by giving notification to the lot owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

The existing building where the Premises is located is the subject of a previous application (No. A/YL/226) for redevelopment of the existing building into an 8-storey office cum public car park building with G/F retail shops above a level of basement private car park, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.11.2017. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

**5. Similar Application**

There is no similar application within the subject “OU” zone on the OZP.

**6. The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

6.1 The Premises:

- (a) occupies Shops No. 3 and 6 on G/F of an existing 3-storey purpose-built public car park building with retail shops on the ground floor, namely Denka Plaza;
- (b) is currently vacant; and
- (c) abuts Hi Yip Street.

6.2 The subject building (Denka Plaza):

- (a) is located in the southern portion of the Tung Tau Industrial Area;
- (b) the existing floor uses are summarized below:

<b>Floor</b>	<b>Existing Use</b>
G/F	Retail shops (i.e. a motor-vehicle showroom and a bicycle shop), vacant Premises, 7 nos. of private car parking spaces and 2 nos. of heavy goods vehicle loading/unloading bays
1/F and 2/F	Public car park (130 nos. of private car parking spaces)

- (c) is accessible from Hi Yip Street and well served by public transport including MTR, buses and public light buses. The MTR Long Ping Station is about 200m to its southwest and is within 10-minute walking distance.

6.3 The surrounding areas of Denka Plaza have the following characteristics:

- (a) it is located in the Tung Tau Industrial Area generally occupied by

industrial or warehouse buildings with a number of vehicular service shops on G/F on land zoned “OU(Business)” and “OU(Business)(1)”;

- (b) to its north across Hi Yip Street is an amenity area with trees on land zoned “Open Space” (“O”);
- (c) to its immediate south-east is Po Leung Kuk Energetic Youth Club on land zoned “Government, Institution or Community” (“G/IC”);
- (d) to its immediate south is Wang Yip Street South Rest Garden on land zoned “O”;
- (e) to its further south-west across Wang Yip Street West and Wang Yip Street South is a site zoned “CDA” for comprehensive residential development (Application No. A/YL/182-1) named The Spectra (**Plan A-1**); and
- (f) at the western and northern peripheries of the Tung Tau Industrial Area across Wang Yip Street West are two residential developments viz. Wang Fu Court and Twin Regency respectively on land zoned “Residential (Group E)1” (“R(E)1”) (**Plan A-1**).

## **7. Planning Intention**

The “OU(Public Car Park with Ground Floor Retail Shops)” zone is intended primarily for public car park with ground floor retail shops.

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

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

### **Land Administration**

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

- (a) The lot where the Premises located falls within Yuen Long Town Lot No. 443, which is held under New Grant No. 4390 dated 11.5.1998 and it is subject to a waiver letter dated 12.1.2018 for fixed term of 3 years and thereafter quarterly which commenced from 16.11.2009 for parking of unlicensed motor vehicles parking spaces on 2/F. Special condition No. 5(a) of the New Grant provides that the G/F of any building or part of any building erected or to be erected on the lot shall not be used for any purpose other than for non-industrial purposes (excluding residential, godown and petrol filling station). In this regard, the proposed temporary religious institution (church)

use on ground floor is acceptable from land administration point of view. The lot owner has applied for a lease modification to her office for proposed office cum public car park with ground floor retail shop, which is still in processing stage.

- (b) Her office has no comment on the application. The applicant is reminded to ensure the proposed temporary use of the Premises for religious institution use comply with aspects including but not limited to fire and building planning requirements under the prevailing Ordinances and Regulations.

### **Traffic**

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

Upon examining the applicant's response at **Appendix Ib**, he has no further comment on the application from the traffic engineering perspective.

### **Environment**

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

- (a) Based on the further information (**Appendix Ib**) provided by the applicant, he notes that the religious activities would only be carried out within the Premises with air-conditioning facilities provided, which mitigates the industrial noise impact arising from nearby industrial buildings and the main worship activities are generally carried out on Sundays and public holidays. Therefore, no interface between the proposed church and the weekday industrial activities would be anticipated.
- (b) The applicant should be reminded to make reference to the "Hong Kong Planning Standards and Guidelines" to implement the mitigation measures as appropriate to minimise the potential environmental impact.

### **Drainage**

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

On the basis of information provided, he notes that the proposed development would mainly involve proposed usage inside the existing Premises and the intended functions of the existing drainage facilities would not be affected. Therefore, he has no comment on the application from the public drainage point of view.

### **Fire Safety**

#### 8.1.5 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matter**

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

In the absence of detailed information as prescribed under the Building (Administration) Regulations, he is not in a position to advise whether the proposed scheme can be approved under the Buildings Ordinance (BO). However, he has the following preliminary comments:

- (i) before any new building works are to be carried out in the Premises, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO as the proposal also involves change of use of the Premises;
- (ii) the applicant should be reminded that any proposed structures within the Premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority if necessary; and
- (iii) detailed checking of plans will be carried out during building plan submissions stage.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) District Officer(Yuen Long), Home Affairs Department (DO(YL), HAD).

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

On 6.7.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 27.7.2018, one public comment was received on the ground of the inappropriateness to accommodate a church beside a car/heavy vehicle park where people will gather for hours (**Appendix III**).

**10. Planning Considerations and Assessments**

10.1 The Premises is for religious institution (church) for a period of 5 years on G/F of an existing 3-storey purpose-built public car park building with retail shops on G/F zoned “OU(Public Car Park with Ground Floor Retail Shops(1)” on the OZP.

10.2 Although the proposed temporary religious institution (church) under application is not entirely in line with the planning intention of the subject “OU” zone, it could provide such service to serve any such demand in the area. The proposed development is not incompatible with the other retail shop uses on G/F of the existing building. Whilst there is a previous planning application No. A/YL/226 approved by the Committee on 10.11.2017 for redevelopment of the existing building into an 8-storey office cum public car park building with G/F retail shops above a level of basement private car park, approval of the application on a temporary basis would not jeopardize the redevelopment plan of the existing building.

10.3 Relevant government departments consulted, including DEP, C for T, CE/MN, DSD, D of FS and BD have no objection to or adverse comment on the application. Adverse environmental, traffic, drainage, fire safety and building safety impacts are not anticipated. To address the technical requirements on fire safety aspect, relevant approval conditions are recommended in paragraph 11.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission.

10.4 There is a public comment received during the statutory publication period as summarised in paragraph 9. The above planning considerations and assessment are also relevant.

**11. Planning Department’s Views**

11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9, the Planning Department considers that the proposed religious institution (church) could be tolerated for a period of 5 years.

11.2 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 5 years until 17.8.2023. The following conditions of approval and advisory clauses are also



suggested for Members' reference:

Approval conditions

- (a) the submission of a fire service installations and water supplies for firefighting 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 17.2.2019;
- (b) in relation to (a) above, the implementation of the fire service installations and water supplies for firefighting 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 17.5.2019; and
- (c) if any of the above planning conditions (a) or (b) 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**.

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

the proposed development is not in line with the planning intention of the "OU(Public Car Park with Ground Floor Retail Shops(1))" zone which is primarily for public car park with ground floor retail shops. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

**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 on a temporary basis.
- 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**

**Appendix I**            Application form received on 27.6.2018

<b>Appendix Ia</b>	Planning statement attached to <b>Appendix I</b>
<b>Appendix Ib</b>	Further Information received on 7.8.2018 in response to departmental comments on traffic issues and clarifying the events to be organised in the proposed development
<b>Appendix Ic</b>	Further Information received on 13.8.2018 enclosing a replacement floor layout plan
<b>Appendix II</b>	Previous application covering the Premises
<b>Appendix III</b>	Public comment on the application received during the public inspection period
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout plan of the Premises
<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 4b</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2018**