

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/302

- Applicant** : Evangelical Free Church of China Yan Fook Church Limited represented by DeSPACE (International) Limited
- Premises** : Shop G1B, Dawning Views Shopping Plaza, No. 23 Yat Ming Road, Fanling, New Territories
- Premises Area** : About 586m²
- Lease** : Fanling Sheung Shui Town Lot No. 193
(a) under New Grant No. 13173
(b) restricted to non-industrial (excluding godown, hotel, petrol filling station and offensive trade) purposes
(c) podium structure shall not be used for private residential purposes
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/28
- Zoning** : “Residential (Group A)” (“R(A)”)
- Application** : Proposed Religious Institution (Church)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed religious institution (church) at the application premises (the Premises), which fall within an area zoned “R(A)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Religious Institution’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises are currently vacant (**Plan A-4**).
- 1.2 The Premises are located on G/F of the shopping plaza within the non-domestic podium of the existing composite residential/commercial development, namely Dawning Views, and are accessible directly from G/F of the subject development whilst there are separated accesses to the residential portion of the subject development (**Drawing A-1**). According to the applicant, the proposed use involves a total floor area of about 586m² to accommodate an assembly hall, a multi-function hall and function rooms, and ancillary facilities to support religious worshipping and related community activities (**Drawing A-2**). Assemblies will be held between 9:00 a.m. and 10:00 p.m. on Saturdays and Sundays with a maximum of about 200 participants at a time, and other religious and community activities will be held between 9:00 a.m. and 10:00 p.m. during weekdays with a

maximum of about 50 participants at a time. Whilst car parking and loading/unloading (L/UL) spaces serving the shopping plaza are provided on G/F and 1/F of the podium, the applicant will remind visitors of the proposed church to take public transport. Plans showing layout of the proposed use submitted by the applicant are on **Drawings A-1 and A-2**.

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

- (a) Application Form with attachments received on 3.10.2025 (**Appendix I**) and 8.10.2025
- (b) Further Information (FI) received on 13.11.2025* (**Appendix Ia**)
* *accepted and exempted from 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 and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applicant is a religious organisation and has been providing religious and community services for more than 70 years in Hong Kong. The proposed church at the Premises enables the applicant to extend its services to the Fanling area. It will provide various activities including religious worshipping, Bible studies, youth programs, counselling and community outreach, strengthening the community bonding in the area.
- (b) There are independent accesses for the shopping plaza, including the Premises, which are separated from the accesses to the residential blocks of the subject development. Any interface issue between the proposed use and the residents on the upper floors is not anticipated. The proposed church will occupy about 7% of the total commercial floor area of the shopping plaza, and it is compatible with other commercial uses in the shopping plaza and the surrounding areas.
- (c) The Premises are highly accessible and well-served by different modes of public transport. There are also parking and L/UL spaces provided for the shopping plaza. Fire safety measures will be implemented within the Premises. Adverse traffic and fire safety impacts arising from the proposed use are not 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. 31B) by publishing notices in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous application involving the Premises.

5. **Similar Application**

There is no similar application for religious institution within the “R(A)” zone on the OZP.

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

6.1 The Premises are:

- (a) located on G/F of the shopping plaza within the non-domestic podium of the existing composite residential/commercial development, namely Dawning Views;
- (b) accessible directly from G/F of the subject development separated from the accesses to the residential portion of the development; and
- (c) currently vacant.

6.2 Dawning Views is a composite residential/commercial development comprising a two-storey non-domestic podium and 12 residential blocks of 29 storeys above the podium. The podium mainly accommodates the subject shopping plaza and car parking spaces. The subject development is accessible from Yat Ming Road to the south. 1/F of the subject shopping plaza is connected to the podium of the adjacent development to the west, namely Avon Park (**Plan A-2**). The current uses of the subject development are summarised below:

Floor	Current Uses
G/F	shops and services, eating place, kindergarten, vacant premises (including the Premises), residential lobbies, L/UL
1/F	shops and services, eating place, car parking, plant rooms
2/F	landscape garden, clubhouse, residential lobbies, plant rooms
3/F to 31/F	residential flats

6.3 The surrounding areas are mainly high-rise residential developments with commercial uses on the lower floors, including Avon Park, Wah Sum Estate and King Shing Court. To the southeast and west are the Fanling Government Secondary School and the Buddhist Ching Kok Lin Association School respectively. Bus and mini-bus stops are located on Yat Ming Road and the Fanling MTR station is located about 500m to the northwest (**Plans A-1 and A-2**).

7. **Planning Intention**

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.

8. **Comments from Relevant Government Bureau/Departments**

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

Policy Aspect

8.1.1 Comments of the Secretary for Home and Youth Affairs (SHYA):

- (a) no objection to the application;
- (b) the applicant was established to nurture Christians and make them the real disciples to live out the spirits of Christ in their personal lives, families, churches, workplaces and society. The applicant has also organised religious activities regularly for Christians. In view of the above, SHYA is satisfied that the applicant is a bona fide religious organisation. Having checked the official website of the Inland Revenue Department, it is noted that the applicant is a charitable organisation registered under section 88 of the Inland Revenue Ordinance (Cap. 112); and
- (c) according to the applicant’s submission, the proposed religious institution will be used as a multifunctional assembly hall designed to facilitate worship, fellowship and community programs for expanding the applicant’s Christian faith services.

Land Administration

8.1.2 Comments of the District Lands Officer/North, Lands Department:

- (a) the Premises fall within Fanling Sheung Shui Town Lot No. 193 (the Lot) which is held under New Grant No. 13173 dated 30.5.1997 (the New Grant);
- (b) in terms of user restriction, the Lot is restricted for non-industrial (excluding godown, hotel, petrol filling station and any offensive trade under the Public Health and Municipal Services Ordinance) purposes. Moreover, the Premises form part of “the Podium Structure” as defined in the New Grant, which shall not be used for private residential purposes. The proposed use complies with the said user restriction under lease; and
- (c) advisory comments are at **Appendix II**.

Fire Safety

8.1.3 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 to his satisfaction;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) advisory comments are at **Appendix II**.

Building Matters

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

- (a) no objection to the application;
- (b) before any new building works (including offices and rooms containing soil or waste fitments) are to be carried out on the Premises, the prior approval and consent from the Building Authority should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance; and
- (c) advisory comments are at **Appendix II**.

8.2 The following government departments have no objection to or no adverse comment or no comment on the application, and their advisory comments, if any, are at **Appendix II**:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Director of Environmental Protection (DEP);
- (e) District Officer (North), Home Affairs Department (DO(N), HAD);
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Director of Electrical and Mechanical Services; and
- (h) Commissioner of Police.

9. Public Comments Received During Statutory Publication Period

On 10.10.2025, the application was published for public inspection. During the statutory public inspection period, a total of 36 public comments were received, with 35 supporting comments from individuals including members of Yan Fook Church and residents in the Fanling area (**Appendix IIIa**); and one comment from an individual providing views

(**Appendix IIIb**). The supporting comments mainly consider that the proposed use can provide religious and community services needed by the nearby residents; the Premises are easily accessible; the proposed use is compatible with the surrounding areas; and no adverse impacts are anticipated. The comment providing views raises concerns on the scale of the proposed church and the potential traffic impact.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed religious institution (church) at the Premises zoned “R(A)” (**Plan A-1**). Whilst the “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. According to the applicant, the proposed use will provide religious and community services to the Fanling area. SHYA has no objection to the application in view that the applicant is a bona fide religious organisation. The proposed use at the Premises will take up about 7% of the total commercial floor area of the shopping plaza, and is considered not excessive in scale.
- 10.2 The proposed use is not incompatible with the shop and services, eating places and kindergarten uses in the shopping plaza accommodated in the non-domestic podium of the subject development. As the Premises are accessible directly from G/F of the subject development separated from the accesses to the residential portion, it is envisaged that the proposed use will not cause nuisance to the residents of the subject development. The proposed use is also considered not incompatible with the surrounding areas which are mainly high-rise residential developments with commercial uses on the lower floors, and intermixed with schools.
- 10.3 The Premises are well-served by various modes of public transport including MTR, bus and minibus. While no separate parking facilities will be provided for the proposed use, car parking and L/UL spaces are also available at the subject development for the shopping plaza. According to the applicant, visitors of the proposed church will be reminded to take public transport. C for T has no adverse comment on the application. Other relevant government departments consulted, including D of FS, CBS/NTW, BD, CE/MN, DSD, DEP and DO(N), HAD, have no objection to or no adverse comment on the application. To address the technical requirements of concerned department, appropriate approval conditions are recommended in paragraph 11.2 below.
- 10.4 Regarding the public comments as mentioned in paragraph 9, the departmental comments and planning assessments above are relevant.

11. Planning Department’s Views

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

- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.11.2029, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of fire service installations and water supplies for firefighting before operation of the approved use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with before operation of the approved use, 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 II**.

- 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 date when the validity of the permission should expire.
- 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 with attachments received on 3.10.2025 and 8.10.2025
Appendix Ia	FI received on 13.11.2025
Appendix II	Recommended advisory clauses
Appendices IIIa and IIIb	Public comments
Drawing A-1	Ground floor plan
Drawing A-2	Proposed layout plan
Plan A-1	Location plan

Plan A-2

Site plan

Plan A-3

Aerial photo

Plan A-4

Site photos

**PLANNING DEPARTMENT
NOVEMBER 2025**