

APPLICATION PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H15/287

- Applicant** : The Chinese Rhenish Church, Hong Kong Synod represented by Aikon Development Consultancy Limited
- Premises** : Shop C (Portion) and Shop D on G/F and 1/F, Happy View Building, 165-167 Main Street, Ap Lei Chau, Hong Kong
- Floor Area** : About 384m²
- Lease** : Ap Lei Chau Inland Lot No. 91
(a) 75 years from 16.8.1973 and renewable for a further term of 75 years
(b) restricted to non-industrial purposes
- Plan** : Approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/33
- Zoning** : “Residential (Group A)2” (“R(A)2”)
[restricted to a maximum building height (BH) of 85 metres above Principal Datum (mPD) (or 100mPD for sites with an area of 400m² or more) or the height of the existing building, whichever is the greater]
- 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) (**Plan A-1**). According to the Notes of the OZP for “R(A)” zone, ‘Religious Institution’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a total floor area of about 384m², occupies Shop C (portion) and Shop D on G/F, and the entire 1/F of the 2-storey non-domestic podium of a composite commercial/residential development (namely Happy View Building). The Premises is currently under renovation.
- 1.3 According to the applicant, the G/F will be used as a lobby and waiting area while the 1/F will have an assembly hall, offices, a function room and ancillary facilities to support various religious activities (**Drawings A-1 and A-2**). Assemblies will normally be held on Sundays from 10:00 to 13:00 while other religious group activities and services, meetings and community care services to support the neighbourhood will be held from Mondays to Saturdays from 10:00 to 18:00. Prayer meetings and choir practices will be held on Wednesdays and Fridays

respectively from 19:30 to 21:30. The applicant anticipates that about 30 to 80 persons will participate in these activities and services.

- 1.4 The Premises can be accessed from Main Street, Ap Lei Chau through an exclusive entrance for the Premises separated from the entrance for the residential portion of the building (**Plan A-3**). Visitors to the religious institution will be encouraged to use public transport.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 9.8.2024 **(Appendix I)**
 - (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
 - (c) Further Information (FI) received on 24.9.2024 **(Appendix Ib)**
(exempted from publication and recounting requirements)

2. Justifications from the Applicants

The justifications put forth by the applicant in support of the application as set out in the SPS and FI (**Appendices Ia and Ib**) are summarised as follows:

- (a) the proposed use is in line with the planning intention of the “R(A)” zone, and is considered not incompatible with other uses of the building, including other commercial uses within the non-domestic podium and residential floors above. Besides, the proposed use is considered not incompatible with the surrounding area, which is predominantly residential in nature with retail shops and restaurants on the lower floors of the residential buildings;
- (b) the proposed use will serve the demand for religious establishment in the surrounding areas. As part of its mission, the applicant will also provide community services to the nearby residents. The proposed use will be able to satisfy the neighbourhood’s need for spiritual and community care;
- (c) as the proposed use is small-scale and the Premises enjoys high accessibility being well served by different modes of public transport, no significant or adverse traffic impact is anticipated. Besides, participants will arrive and leave the proposed church in a staggered manner, and sufficient waiting spaces will be provided within the proposed church, thereby preventing any overflow of pedestrians onto the public footpath;
- (d) the proposed use is non-polluting in nature and will be operated in a fully enclosed environment with independent access. Together with the security measures and installation of noise partition walls in sound-proofing material/ ceiling in sound-absorbing material and double-glazing windows, the proposed use will not generate adverse interference or noise nuisance to other users of the building;
- (e) the internal layout has been designed to take into account all fire safety considerations. The Premises has been designed with direct shop frontage and fire exit to the adjoining street. In addition, appropriate fire safety installations would be implemented to the satisfaction of relevant government departments; and

- (f) there were several approved similar applications for ‘Religious Institution’ use within “R(A)” zone in the territory over the past years. Approval of the current application will not constitute an undesirable precedent.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “current land owner” of the Premises 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 obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Premises.

5. Similar Applications

There are two similar applications (No. A/H15/203 and A/H15/273) for religious institution (church) within “R(A)” zone on the Aberdeen & Ap Lei Chau OZP (**Plan A-1**). They were approved with/without condition by the Metro Planning Committee (the Committee) in 2004 and 2017 respectively on the considerations that the proposed uses were not incompatible with the surrounding land uses; were physically segregated from the residential use in the same buildings and would unlikely generate nuisances to the residents; and would unlikely to have significant adverse impacts. Details of the similar applications are summarised in **Appendix II**.

6. The Premises and Its Surrounding Areas (Plans A-1 and A-2 and Photos on Plans A-3 to A-5)

- 6.1 The location and current conditions of the Premises are detailed in paragraph 1.2 above. The current major floor uses of the subject building are summarised below:

Floor	Current Uses
G/F	Shops and Services*, Recyclable Collection Centre*, The Premises (under renovation)
1/F	The Premises (under renovation)
2/F – 22/F	Flats

*with separate direct entrance from the street

- 6.2 The surrounding areas have the following characteristics:

- (a) mainly residential in character with some commercial uses including restaurants and retail shops on the lower floors of the residential buildings along Main Street, Ap Lei Chau and Yuet Hoi Street;

- (b) intermixed with Government, Institution or Community (GIC) uses including Ap Lei Chau Clinic to the south and Ap Lei Chau Fire Station to the further west;
- (c) to the north is a bus terminus and Ap Lei Chau Wind Tower Park; and
- (d) the area is well served by public transport including MTR (Lei Tung Station), bus and green mini-bus.

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 Departments

8.1 The following government 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) based on the SPS provided by the applicant, the applicant aims to erect a venue for the Religious Institution (Church) as a spiritual home and gospel foothold. According to the applicant’s official website, it has been organising various religious activities on a regular basis. In view of the above, we are satisfied that the applicant is a bona fide religious organisation. Having checked the official website of the Inland Revenue Department, we note that the applicant is a charitable organisation registered under section 88 of the Inland Revenue Ordinance (Cap. 112); and
- (b) according to the application materials, the proposed Church with assembly hall, function room, offices and other ancillary facilities will be used to organise religious activities, including worships and religious gatherings. As the proposed facilities appear to be religious-related, we should have no objection to the proposed Religious Institution (Church) in the application.

Land Administration

8.1.2 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) the Premises falls within Ap Lei Chau Inland Lot No. 91 (“the Lot”) which is held under Conditions of Exchange No. 10173 for a term of 75 years commencing from 16.8.1973 and renewable for a further term of 75 years. The Lot is restricted to non-industrial purposes; and

- (b) the proposed use does not conflict with the lease conditions governing the Lot and so if the application is approved by the Board, the applicant is not required to seek a lease modification from LandsD. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

Building Matters

8.1.3 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) no objection to the application; and
- (b) detailed comments are at **Appendix IV**.

Traffic

8.1.4 Comments of Commissioner for Transport (C for T):

- (a) no objection to the application having considered that the applicant will implement appropriate measures to minimise the potential traffic impact to the nearby carriageway and footpath, which include the followings:
 - (i) encourage their staff, participants and visitors to use public transport for arriving and leaving the Premises through leaflets, emails, etc.;
 - (ii) schedule large group activities with sufficient time gap;
 - (iii) arrange their participants to arrive and leave the Premises in a staggered manner; and
 - (iv) provide adequate waiting areas within the Premises to prevent any spill over onto the public footpath.

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 equipment being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (e) Director of Electrical and Mechanical Services;

- (f) Commissioner of Police; and
- (g) District Officer (Southern), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, 15 supporting comments from individuals were received (**Appendix III**). The major grounds of the supporting comments are summarised as below:

- (a) the proposed use can provide more services and activities for the community and help people in need;
- (b) the Chinese Rhenish Church has been part of the community for about 40 years, providing spiritual worship venue for Christians, education for infants, tuition classes for primary and secondary students, and fellowship and gatherings for the youth. Its presence will foster connection and harmony in the community;
- (c) the location makes it convenient for people to attend church; and
- (d) the proposed use will not cause any adverse impact to other owners and users of the building and the neighbourhood of Main Street, Ap Lei Chau.

10. Planning Considerations and Assessments

10.1 The application is for proposed religious institution (church) at the Premises within the non-domestic podium of a composite commercial/residential development (namely Happy View Building) which falls within the “R(A)” zone on the OZP. While 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. The Premises occupies portion of G/F and the entire 1/F of the dedicated non-domestic podium, and the two floors are interconnected through an internal staircase and lift. The Premises is provided with a direct access to Main Street, Ap Lei Chau through an exclusive entrance (**Plans A-3 and A-4**). The residential floors above are served by separate entrances, staircases and lifts. Moreover, the Premises is well-served by various modes of public transport including MTR, bus and green mini-bus, and the applicant assures that sound-proofing noise partition walls, sound-absorbing ceilings and double-glazing windows will be installed for the weekly assembly area in the Premises. Hence, it is envisaged that the proposed church will not cause nuisance or inconvenience to the residents of the same building. Moreover, the proposed religious institution is considered not incompatible with other existing uses in the non-domestic podium and the surrounding areas which are predominantly residential in character and intermixed with some commercial and GIC uses. SHYA has no objection to the application in view that the applicant is a bona fide religious organisation and the facilities proposed at the Premises are religious-related.

10.2 Relevant Government departments consulted including C for T, DEP and CBS/HKW of BD have no objection to or adverse comments on the application. D of FS requests provision of fire service installations and equipment to his

satisfaction. Adverse building safety, fire safety, traffic and environmental impacts are not anticipated. To address the above technical requirements, relevant approval condition and advisory clauses are recommended in paragraph 11.2 below.

- 10.3 Two similar applications for religious institution within “R(A)” zone on the same OZP were approved by the Committee as detailed in paragraph 5 above. Approval of the current application is in line with the Committee’s previous decisions.
- 10.4 Regarding the public comments received during the publication period, all supportive views are noted.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and taken into account the public comments mentioned in paragraph 9, 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 4.10.2028, 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 approval condition and advisory clauses are suggested for Members’ reference:

Approval Condition

The provision of fire service installations and water supplies for firefighting 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 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
Appendix Ia

Application Form received on 9.8.2024
SPS

Appendix Ib	FI received on 24.9.2024
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 to A-2	Floor Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**