

APPLICATION PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H8/440

- Applicant** : Shinnyo-En Hong Kong represented by KTA Planning Limited
- Premises** : 2/F, Commercial Podium of 2-4 Tin Hau Temple Road and 180 Tung Lo Wan Road, Tin Hau, Hong Kong
- Floor Area** : 1,165 m² (about)
- Lease** : Inland Lot (IL)Nos. 3505, 3576, 3577, 3980, 3572 RP and 3573
- ILs 3505, 3576, 3577 and 3980 are virtually unrestricted while ILs 3572 RP and 3573 shall be used for non-industrial purposes only
 - All subject to the non-offensive trades clause
- Plan** : Draft North Point Outline Zoning Plan (OZP) No. S/H8/27
- Zonings** : “Commercial/Residential” (“C/R”) (About 58% of the premises) and “Residential (Group A)” (“R(A)”) (About 42% of the premises)
[Both restricted to a maximum building height (BH) of 120 metres above Principal Datum (mPD) or the height of the existing building, whichever is the greater]
- Application** : Proposed Religious Institution

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed religious institution for a Buddhist community, namely Shinnyo-En Hong Kong (真如苑香港) at the application premises (the Premises) (**Plan A-1**). According to the Notes of the OZP, ‘Religious Institution’ is a Column 2 use under both “C/R” and “R(A)” zones requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Premises occupies the entire 2/F of the interlinked commercial podium of Park Commercial Centre (百樂商業中心) (an existing 24-storey commercial development within the “C/R” zone) and Magnolia Mansion (景香樓) (an existing 23-storey residential development with commercial uses on the podium floors and domestic use on the upper floors within the “R(A)” zone) (**Plan A-2**). The Premises is currently vacant (**Plan A-4**).
- 1.3 According to the applicant, three main activities will be conducted at the Premises, including Buddhist services (about 100 to 150 participants per service over the

weekend and less than 100 participants per service on weekdays), meditation training (often conduct at the end of each service) and course (“Dharma School”, up to 10 students per course), as well as other activities such as meetings and volunteer activities. Various facilities including a main altar area, multi-purpose rooms, private meditation rooms and other supporting facilities will be provided within the Premises. The Premises is separately accessed from Tin Hau Temple Road via the escalator in the podium of Park Commercial Centre (**Plan A-3**). Visitors to the religious institution will be encouraged to use public transport. The existing floor plan and the proposed layout plan of the Premises submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application Form received on 8.2.2024 (Appendix I)
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 14.3.2024 (Appendix Ib)
(accepted and exempted from the publication requirement)

2. **Justifications from the Applicant**

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

- (a) the proposed development is in line with the planning intention of the “C/R” and “R(A)” zones, and is considered not incompatible with other uses such as the kindergarten at the same podium, adjacent land uses including shop and services and eating place uses at the lower floors of residential developments, and Government, Institution and Community (GIC) facilities in the vicinity;
- (b) the current premises for the religious institution in Wan Chai has been in use since 1998 and is facing issues of deteriorating building conditions and insufficient floor space. The proposed development could provide sufficient floor space to enable continuous provision of the much-needed religious services to the local community;
- (c) the Premises is well-served by various modes of public transport including MTR, bus and tram running along Causeway Road;
- (d) the number of persons attending services at weekends will be around 100 to 150 persons only, and members are encouraged to use public transport to gain access to the Premises. Hence, the proposed development will not lead to pedestrian and traffic congestion;
- (e) with separate access provided to Park Commercial Centre at Tin Hau Temple Road, no disturbance or nuisance to the residents of Magnolia Mansion is anticipated. This access is also separated from the lift lobby of Park Commercial Centre, and therefore the proposed development will not affect other users situated at the upper floors of the commercial building;
- (f) there are a number of approved planning applications for religious institution use in the vicinity; and

- (g) apart from being well-served by public transport, the Premises will not rely on openable windows for ventilation. There will be no burning of joss paper or incense during the religious services, and fire services installations will be implemented and maintained in efficient working order at all times. As such, adverse impacts from traffic, environmental and fire safety aspects arising from the proposal are not anticipated.

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 notifying the land owner(s). 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 four and one similar applications for religious institution within “C/R” and “R(A)” zones respectively on the North Point OZP (**Plan A-1**). All were approved with/without conditions by the Metro Planning Committee (the Committee) between 1991 and 2016 on the considerations that the proposed developments were not incompatible with the surrounding land uses; were physically segregated from the residential use in the same buildings or adjacent residential buildings and would unlikely generate nuisances to the residents; and no adverse traffic impacts were anticipated. 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 and A-4)

- 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 buildings are summarised below:

Floor	Park Commercial Centre	Magnolia Mansion
LG/F	Eating Place	-
G/F	Shop & Services, Eating Place	Shop & Services
1/F	Kindergarten	
2/F	Subject Premises	
3/F - 22/F or 23/F	Offices, Learning Centres, Tutorial Schools	Residential Units

- 6.2 The surrounding areas have the following characteristics:

- (a) largely residential in character with some commercial uses including restaurants, local shops and real estate agency on the lower floors of the

residential buildings along Tin Hau Temple Road and Tung Lo Wan Road;

- (b) intermixed with GIC uses including a Chinese temple (i.e. Tin Hau Temple), a secondary school (i.e. Queen's College), and a local open space (i.e. Tin Hau Temple Garden); and
- (c) the area is well-served by public transport including MTR, bus and tram.

7. Planning Intentions

The planning intention of the "C/R" zone is primarily for commercial and/or residential development. Commercial, residential and mixed commercial/residential uses are always permitted.

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) the applicant aims at providing a venue for religious training activities and worshipping. According to the official website of the applicant, it organised various religious activities on a regular basis. In view of the above, we are satisfied that the applicant is a bona fide religious organisation. It is also noted that the applicant is a charitable organisation registered under section 88 of the Inland Revenue Ordinance (IRO); and
- (b) three main activities will be conducted at the Premises on a monthly basis, including Buddhist services, meditation training and Dharma courses. There will be a main altar area for worship activities and rooms for the Dharma School and meditation. Other ancillary facilities will also be provided within the Premises. As the proposed facilities appear to be religious-related, we should have no objection to the proposed religious institution.

Land Administration

8.1.2 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

The Premises under application falls within six private lots, namely IL 3505, IL 3576, IL 3577, IL 3980, IL 3572 RP and IL3573. The leases governing IL 3505, IL 3576, IL 3577 and IL 3980 (i.e. lots accommodating Park

Commercial Centre) are virtually unrestricted except the standard non-offensive trades clause. A no-objection letter permitting the carrying out of five offensive trades (i.e. Oilman, Tavern Keeper, Victualler, Butcher and Sugar-baker) on the said four lots was issued on 6 August 2002. For the remaining two lots, IL 3572 RP and IL 3573 (i.e. lots accommodating Magnolia Mansion), according to their leases, they are subject to the standard non-offensive trades clause and shall be used for non-industrial purposes only excluding the purposes for a motor vehicle showroom, the parking of public vehicles, the operation of a taxi or public hire business, the assembly or repair or maintenance of motor vehicles or a petrol or service station. In this connection, provided that there would be no provision and sale of food and beverages on the portion falling within IL 3572 RP and IL 3573, the proposed religious institution at the subject premises would not contravene the respective lease conditions.

Building Matters

8.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) the proposed religious institution partly falls within Park Commercial Centre and partly falls within Magnolia Mansion which are physically separated by fire shutters. The fire shutters separating the Premises should be maintained;
- (c) since the proposed religious institution is situated at the Premises of two different buildings, the applicant is reminded that both parts of the Premises should be self-sustainable under the BO in all aspects including but not limited to the provisions of Means of Escape, Means of Access, Fire Resisting Construction, Barrier Free Access and Sanitary Fitments; and
- (d) his advisory comments are at **Appendix IV**.

Traffic

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

- (a) no in-principle objection to the application; and
- (b) it is noted from the SPS that the staff/participants/visitors/trainees can gain access to the Premises via various public transport instead of using private vehicles.

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

services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

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

- (a) Direction of Environmental Protection (DEP);
- (b) Chief Engineer/Hong Kong & Islands Division, Drainage Services Department;
- (c) District Officer (Wan Chai), Home Affairs Department;
- (d) Chief Highway Engineer/Hong Kong, Highways Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Director of Electrical and Mechanical Services; and
- (g) Commissioner of Police.

9. Public Comments Received During Statutory Publication Period

On 16.2.2024, the application was published for public inspection. During the statutory public inspection period, five opposing public comments were received from the Owners' Committee of Ming Tak Mansion (明德樓業主委員會) (i.e. a building to the east of the subject buildings as shown in **Plan A-2**) and individuals (**Appendix III**). The objections are mainly made on the grounds that the capacity of the narrow pedestrian walkway at Tin Hau Temple Road is inadequate; the proposed religious institution or increased visitors would adversely affect other tenants and children from the kindergarten/learning centres/tutorial schools situated in the same building; there are already two temples in the neighbourhood to cater for the community's religious needs; and the religious practices may induce fire safety concerns.

10. Planning Considerations and Assessments

10.1 The application is for proposed religious institution at the Premises within the inter-linked commercial podium of the subject buildings (i.e. Park Commercial Centre and Magnolia Mansion) which fall partly within the "C/R" and "R(A)" zones (about 58% and 42% of the Premises respectively) on the OZP. The "C/R" zone is intended primarily for commercial and/or residential development. 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 occupying the entire 2/F of the dedicated commercial portion is provided with a direct access to Tin Hau Temple Road via an escalator within the commercial podium. As the residential/commercial floors above are served by separate entrances and lifts/escalators, the Premises is well-served by various modes of public transport including MTR, bus and tram, and the applicant assures that there will no burning of joss sticks or incense and central air conditioning will be provided, it is envisaged that the proposed use will not cause nuisance or inconvenience to the residents/tenants/users of the subject buildings. Moreover, the proposed religious institution is considered not incompatible with other uses in the commercial portion and the surrounding areas which are predominantly residential in character and intermixed with some commercial and GIC uses and open space. SHYA has no objection to the application in view that the applicant is a bona fide

religious organisation registered under IRO and the facilities proposed at the Premises are religious-related.

- 10.2 Relevant departments consulted including C for T and DEP have no objection to or adverse comments on the application. CBS/HKE&H, BD advises that the fire shutters separating the Premises between Park Commercial Centre and Magnolia Mansion should be maintained. 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 Five similar applications for religious institution within “C/R” or “R(A)” zones on North Point OZP were approved by the Committee between 1991 and 2016 as stated 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, the applicant’s justifications, departmental comments and planning assessments above are relevant.

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 5.4.2028, 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 condition of approval and recommended advisory clauses for the application 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	Application Form received on 8.2.2024
Appendix Ia	SPS received on 8.2.2024
Appendix Ib	FI received on 14.3.2024
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Floor Plans of existing 1/F and 2/F of the subject podium
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**