

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

APPLICATION NO. A/I-CC/32

<u>Applicant</u>	: 611 Bread of Life Christian Church Limited (611靈糧堂有限公司) represented by Tony Ip Green Architects Limited
<u>Site</u>	: No. 87 – 89 Hing Lung Main Street, Cheung Chau
<u>Site Area</u>	: About 170.882m ²
<u>Lease</u>	: Lots No. 408 s.A and 409 RP in D.D. Cheung Chau - Old Schedule Lots held under Block Government Lease
<u>Plan</u>	: Approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/9
<u>Zoning</u>	: “Village Type Development” (“V”) <i>[maximum building height (BH) of 3 storeys (8.23m), or the height of the existing building, whichever is the greater]</i>
<u>Application</u>	: Proposed Religious Institution and Eating Place (Church and Café)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed religious institution and eating place (church and café) at the application site (the Site) (**Plans A-1 and A-2**). The Site falls within an area zoned “V” on the approved Cheung Chau OZP No. S/I-CC/9. According to the Notes of the OZP for the “V” zone, ‘Religious Institution (not elsewhere specified)’ and ‘Eating Place’ other than those located on the ground floor of a New Territories Exempted House (NTEH) are Column 2 uses which require planning permission from the Town Planning Board (the Board).
- 1.2 The current application involves the use of an existing 3-storey building, which is not a NTEH, for religious institution and eating place uses. According to the applicant, the existing building, which was previously used as a bank with safe deposit vault and ancillary office, is currently vacant (**Plans A-4a and A-4b**). Shop and services use at the Site was approved in 2022 but the proposed use has not been implemented (please refer to paragraph 5.1 below). The applicant proposes to change the building to church (G/F for reception, 1/F and 2/F for office and activity rooms) and a café (G/F). In addition to the religious activities,

the church will also provide services to support the local community, such as marriage counselling and cross-generation communication workshops. Visitors could enter and exit through two exits at the Site (**Drawing A-1**). The lift to be installed in the building is to serve the disabled visitors and elders of the church, while other visitors of the church would use the two staircases going up to the upper floors. According to the applicant, the café (about 42.157m²) can accommodate about 20 to 25 seating places for customers/visitors and the church (about 452.501m²) can accommodate about 135 seating places. It is expected that the total capacity of the building would be less than 200 people. The proposed church and café will be open from Tuesday to Sunday and public holidays from 9:00 to 21:00. The target completion time of the proposed development is 2025. The floor plans (including the access arrangements), elevation and section plans are at **Drawings A-1 to A-6**. The major development parameters of the proposed development are as follows:

Site Area	:	About 170.882m ²
Total Floor Area	:	About 494.658m ²
Number of Storeys	:	3 (G/F for reception area of church and a café) (1/F to 2/F for church)
Building Height	:	10.65m ¹ (15.92mPD)

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

- (a) Application Form received on 8.8.2023 (**Appendix I**)
- (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
- (c) Further Information (FI) submitted on 13.9.2023 (**Appendix Ib**)
[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 SPS (**Appendix Ia**). They are summarised as follows:

- (a) the existing building was built in 1983. The use of the existing building for church and café will make effective use of scarce land resources as it only involves change of uses without any change to the BH. The building will be upgraded with barrier-free facilities such as provision of a lift to provide free access for persons with disabilities;

¹ Accordance to the general building plan approved in 1983, the BH at the main roof level of the existing building is 10.65m. Taking into account the roof-top structures, the BH of the existing building at the upper roof level is 15.25m (20.52mPD).

- (b) the proposed church and café are intended to serve the local community. It will also be a welcoming social place for both local residents and visitors by holding different activities. It will enhance the social and cultural well-being of the community as well as providing a platform and opportunity for local youth to get involved and contribute to the local community;
- (c) the proposal would not affect the land for village type development, hence it will not contravene the planning intention of the “V” zone;
- (d) the applicant currently rents venues at other locations in Cheung Chau. Having a permanent location for the church, the applicant will have better control over the scheduling and organisation of activities and services, which will make it easier to serve the local community;
- (e) the proposed uses in an existing building will not generate any adverse air, water and noise impacts. Light Refreshment Restaurant Licence will be applied for the proposed café on G/F. Since significant nuisances to nearby local residents are not anticipated, the proposed uses are considered compatible with the surrounding environment; and
- (f) as the proposed church and café mainly focus on providing services to local residents of Cheung Chau, it would not attract large flow of people. Level of service (LOS) assessment was conducted and no adverse pedestrian traffic impact is anticipated.

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

The applicant is the sole ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for ‘Application for Eating Place within Village Type Development Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) is relevant to the proposed eating place in the application. The relevant assessment criteria are summarised in **Appendix II**.

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/I-CC/26) submitted by a different applicant for proposed shop and services use on G/F, 1/F and 2/F of the existing building. The application was approved with condition by the Committee on 18.2.2022 mainly on the grounds that the proposed use was considered not incompatible with the land uses in the vicinity and was suitable for serving the local community and visitors to Cheung Chau due to its prime location. The proposed use has not been implemented and the planning permission is valid until 18.2.2026.

- 5.2 Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are two similar applications for proposed eating place/shop and services uses within the same “V” zone on the OZP. Application No. A/I-CC/23 is for redevelopment of an existing building into a 3-storey building for eating place and shop and services uses. Application No. A/I-CC/24 is for proposed eating place (restaurant) on the ground floor of an existing building. Applications No. A/I-CC/23 and A/I-CC/24 were approved with condition by the Committee on 1.6.2018 and 20.11.2020 respectively mainly on consideration that the proposed use(s) was/were considered not incompatible with the general commercial cum residential uses in the vicinity, small in scale and would not create any adverse traffic and environmental impacts.
- 6.2 Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.3 There is no similar application for proposed religious institution within “V” zone on the same OZP.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-3 and site photos on **Plans A-4a to A-4c**)

- 7.1 The Site is:
- (a) occupied by a 3-storey building which is currently vacant and located at a corner site at the junction of Hing Lung Main Street and Shing Cheong Lane; and
 - (b) accessible from Hing Lung Main Street and also from Praya Street via Shing Cheong Lane, both leading to Cheung Chau Ferry Pier.
- 7.2 The surrounding areas have the following characteristics:
- (a) the surrounding area is predominately occupied by 2 to 3-storey village houses mostly with shop and services or eating place uses on the ground floor;
 - (b) retail/shop and services use(s) occupying 1 to 3 storeys of the building are found along Hing Lung Main Street and Tai San Street, and Tai San Praya Road to the further southwest of the Site (**Plan A-4c**);
 - (c) a public open space at Tung Wan Road is about 70m to the north of the Site, which is a popular spot to gain access to the Cheung Chau Ferry Pier at Praya Street and the Tung Wan Beach at Cheung Chau East; and

- (d) Cheung Chau Ferry Pier is about 110m to the northwest of the Site and Cheung Chau Municipal Services Building is about 110m to the southwest of the Site.

8. Planning Intention

The planning intention of the “V” zone is primary for the provision of land for the retention of the existing village areas. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) no in-principle objection to the proposed uses from land administration point of view;
- (b) the Site comprises Lot No. 408 s.A and Lot No. 409 RP in D.D. Cheung Chau. The lots are Old Schedule building lots held under Block Government Lease; and
- (c) the building at the lots is not a NTEH and the area of the lots and the development parameters of the existing building as stated in the planning application have not been verified by LandsD. The lessees are required to seek LandsD’s prior approval before commencement of building works on the lots.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):

no comment on the application and the LOS in the SPS from traffic engineering point of view.

- 9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

no comment on the application from highways maintenance point of view provided that the public footpath adjacent to the Site will not be affected.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

no objection to the application from environmental and sewerage perspectives in view of the small scale of the proposed development.

9.1.5 Comments from the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

no comment on the application and the applicant's responses on sewerage system with a wastewater treatment calculation.

Building Matters

9.1.6 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Building Department (CBS/NTE1&L, BD):

- (a) no in-principle objection to the application under the Buildings Ordinance; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix VI**.

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations being provided to the satisfaction of his department; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix VI**.

Licensing Matters

9.1.8 Comments of the Director of Food and Environmental Hygiene Department (DFEH):

detailed comments are included in the recommended advisory clauses at **Appendix VI**.

Heritage

9.1.9 Comments of the Executive Secretary (Antiquities and Monuments), Development Bureau:

- (a) the Site does not fall within any site of archaeological interest; and

- (b) other detailed comments are included in the recommended advisory clauses at **Appendix VI**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Electrical & Mechanical Services;
- (d) District Officer/Islands, Home Affairs Department; and
- (e) Head of Sustainable Lantau Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

10.1 On 15.8.2023, the application was published for public inspection. During the statutory publication period, a total of 89 public comments submitted by individuals were received. Amongst them, there are 83 supporting comments and six opposing comments on the application. A full set of the public comments is deposited at the Board's Secretariat for Members' inspection.

Supporting Comments

10.2 The major grounds of the 83 supporting comments (samples at **Appendix Va**) are summarised below.

- (a) the proposed uses can address community needs and provide a venue for local residents to gather, which helps to grow a sense of belongings to Cheung Chau;
- (b) the proposed church offers a venue and provides services to support neighbours with emotional and spiritual needs, which can contribute to create positive impact on the community; and
- (c) a new café can provide more dining options for local residents and help attract more tourists to the area.

Opposing Comments

10.3 The major grounds of the six opposing comments (**Appendix Vb**) are summarised below:

- (a) as streets in the vicinity are narrow, provision of a café may induce more pedestrian flow and create adverse impact on the community;
- (b) the operation of the proposed café would create noise nuisances (e.g. in particular the kitchen equipment, air conditioner and goods delivery activities would generate noise nuisances), air pollution and environmental hygiene problems;

- (c) the existing sewerage system may not have adequate capacity to treat discharges from the proposed café, which will generate adverse environmental impact on drainage and sewage aspects; and
- (d) excessive restaurants in the area may lead to commercialisation of Cheung Chau, which will affect the community characteristics.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed religious institution and eating place uses (church and café) at the Site which falls within an area zoned “V” on the OZP. The planning intention of the “V” zone is primarily for the provision of land for the retention of the existing village areas. Commercial, community and recreational uses may be permitted on application to the Board. Although the proposed uses are not entirely in line with the planning intention of the “V” zone, given that the Site is located at the junction of Hing Lung Ming Street and Tai San Street, and near Cheung Chau Ferry Pier and a public open space, the prime location renders it suitable for community and commercial developments to serve the local community and visitors to Cheung Chau.
- 11.2 The proposed religious institution and eating place uses (church and café) are considered not incompatible with the surrounding residential use intermixed with commercial uses (i.e. village houses). There are other 3-storey village type buildings with non-domestic uses occupying the ground floor along Hing Lung Main Street and Tai San Street (**Plan A-4c**). In addition, those non-domestic uses occupying the whole 3-storey building can also be found on Tai San Street, Tai San Praya Road near Cheung Chau Municipal Building and the waterfront (**Plan A-4c**). The above-mentioned uses in the neighbourhood are mostly existing uses before the publication of the first Cheung Chau OZP in 2004.
- 11.3 The proposal involves the use of an existing 3-storey building, which has been left vacant, for church and café. The Site is at a corner abutting Hing Lung Main Street and Shing Cheong Lane, both leading to Cheung Chau Ferry Pier. The proposed church and café, which are intended to serve the local community, is expected to have a capacity less than 200 people. It is unlikely that the small scale and operation hour of the proposed uses will cause nuisances to the local residents or adverse impacts on the surroundings. It would unlikely induce any adverse impacts on pedestrian traffic, drainage, sewage, environmental and fire safety aspects. Relevant government departments including C for T, CE/HK&I of DSD, DEP and D of FS have no objection to or no adverse comment on the application. The technical requirement raised by D of FS could be addressed by the incorporation of approval condition in paragraph 12.2 below.
- 11.4 The proposed eating place is also generally in line with the assessment criteria set out in TPB PG-No. 15A in that it is unlikely to create environmental nuisance and cause inconvenience to the local residents; there are no adverse impacts on technical aspects; and it can provide catering facilities to serve the visitors.
- 11.5 There are a previous application (No. A/I-CC/26) and two similar applications (Nos. A/I-CC/23 and A/I-CC/24) for proposed eating place/shop and services

uses within the same “V” zone approved by the Committee. Approval of the current application is generally in line with the Committee’s previous decisions.

- 11.6 The supporting public comments are noted. Regarding the public comments objecting to the application, the departmental comments in paragraph 9 and the planning assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid until 22.9.2027, 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 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 VI**.

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 8.8.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 13.9.2023
Appendix II	Relevant Extract of TPB PG-No. 15A
Appendix III	Previous Application

Appendix IV	Similar Applications
Appendix Va	Samples of Supporting Public Comments
Appendix Vb	Opposing Public Comments
Appendix VI	Recommended Advisory Clauses

Drawings A-1 to A-4	Floor Plans of G/F, 1/F, 2/F and Roof
Drawing A-5	Elevation Plan
Drawing A-6	Section Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**