

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TKO/124

<u>Applicant</u>	:	Christian & Missionary Alliance Good Soil Church represented by Masterplan Limited
<u>Premises</u>	:	Units B01 - B03, B05, B06, G02, G05, G05A and G13, B/F and G/F, Capri Place, 33 Tong Yin Street, Tseung Kwan O
<u>Total Area of Premises</u>	:	3,185.1m ² (about)
<u>Lease</u>	:	(a) Pink Area of Area (a), and Pink Area and Pink Cross-Hatched Black Area of Area (b) of Tseung Kwan O Town Lot No. 125 (b) Restricted to non-industrial (excluding private residential, godown, hotel and petrol filling station) purpose under New Grant No. 21510
<u>Plan</u>	:	Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/28
<u>Zoning</u>	:	“Residential (Group A)6” (“R(A)6”) (Area (a) and Area (b)) [Maximum domestic plot ratio (PR) of 2 and maximum non-domestic PR of 0.5, maximum site coverage (SC) of 50% (excluding basement(s)), and maximum building height (BH) of 50mPD for Area (a) and 35mPD for Area (b), or the PR, SC and BH of the existing building, whichever is the greater.]
<u>Application</u>	:	Religious Institution (Church)

1. The Proposal

- 1.1 The applicant seeks planning permission for Religious Institution (Church) at Units B01 - B03, B05, B06, G02, G05, G05A and G13, B/F and G/F, Capri Place, 33 Tong Yin Street, Tseung Kwan O (the Premises). The Premises fall within an area zoned “R(A)6” on the approved Tseung Kwan O Outline Zoning Plan (the OZP) No. S/TKO/28 (**Plan A-1**). According to the Notes of the OZP, ‘Religious Institution’ is a Column 2 use in “R(A)” zone which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises with a total floor area of about 3,185.1m² are located on B/F and G/F of Capri Place. The basement portion of the proposed use can be accessed from ground level through various lifts, escalators and stairs at different parts of the Premises (**Drawings A-1 and A-2**).
- 1.3 Part of the premises has been used as church and the applicant proposes to extend its existing church operation to other units in the same premises to meet the existing and long-term community needs. The breakdown of the uses at the existing operation and the proposed extension units on B/F and G/F is as follows:

Existing Operation	Existing Uses
Unit G02	Office
Unit G05A	Access stairs
Unit B01	Annex assembly hall
Unit B02	Adjunct uses
Gross floor area (GFA) of existing operation	960.8m ²
Proposed Extension	Proposed Uses
Unit G05	Adjunct uses
Unit G13	Office
Unit B03	New main assembly hall
Unit B05	Adjunct uses
Unit B06	Office
GFA of proposed extension	2224.3m ²
Total GFA	3185.1m ²

- 1.4 According to the applicant, the church will be open from 8:30am to 5:00pm on Sundays with two service sessions from 9:30am to 11:00am and 11:30am to 1:00pm. Up to a total of 700 people would be accommodated. Assembly halls, offices and adjunct uses (e.g. activity/study rooms) are proposed within the Premises in support of the religious activities. The applicant anticipates that a majority of the visitors will visit the church on foot and by public transport. The floor plans for B/F and G/F of the proposal submitted by the applicant are at **Drawings A-1 to A-2**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 27.7.2021 (**Appendix I**)
 - (b) Supporting Planning Statement received on 27.7.2021 (**Appendix Ia**)
 - (c) Supplementary Information received on 3.8.2021 (**Appendix Ib**)
 - (d) Further Information received on 7.9.2021 (**Appendix Ic**)
(*exempted from publication and recounting requirements*)

- (e) Further Information received on 13.9.2021 (**Appendix Id**)
(*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 **Appendices Ia to Id**. They can be summarised as follows:

- (a) There is insufficient number of Christian churches to serve the growing population of Tseung Kwan O. The proposal, with increased capacity, can serve a larger population and would meet the existing and long-term community needs in the local area.
- (b) The proposed use is compatible with the other existing uses at Capri Place, which comprises community-oriented uses that facilitate and serve local residents, such as nursery, kindergarten, family sports centre, elderly care centre, grocery store, community centre, and small specialties food store. The proposed use is also compatible with the surrounding area of the Premises which comprises predominantly residential developments with supporting retail/commercial uses, facilities and services including religious institutions (churches).
- (c) The proposed use will not lead to adverse traffic and pedestrian impacts. Most visitors will travel on foot and by public transport. The Premises are well connected with wide footpaths with low usage in the area. It is anticipated that only a few visitors will travel by car and taxi (about 4%, with demand of 14 parking spaces). The provision of car parking spaces at Capri Place (77 car parking spaces designated for commercial accommodation) will be sufficient to accommodate the demand generated by the proposed use.
- (d) No noise nuisance will be generated to the nearby residents as all church worshipping activities and assemblies will be held in the underground basement level, which would provide noise containment without affecting the upper residential portion. No complaint has been received by residents regarding the current operation of the church. The direct accesses to the church will be increased and volunteers will usher the visitors in an orderly and quiet manner.
- (e) The proposed use will not lead to interface problems with the residential portion of Capri as the commercial and residential portions are separated with independent entrances. The pedestrian walkways on ground level along the building are also provided with a cantilevered cover.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent of the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

- 4.1 The Premises were involved in a previous application (No. A/TKO/91) for proposed public vehicle park (private cars and motorcycles), which covered the entire sites of Capri and Alto Residences prior to their development, to facilitate the inclusion of a public vehicle park at the application site for land sale. It was approved by the Rural and New Town Planning Committee (the Committee) on 16.12.2011.
- 4.2 Details of the application are set out in **Appendix II** and the location of the site is shown on **Plan A-1**.

5. **Similar Applications**

- 5.1 There are two similar applications (No. A/TKO/77 and A/TKO/117) for religious institution use within the “R(A)” zone on the OZP.
- 5.2 Application No. A/TKO/77 for proposed religious institution (Baptist church) at the G/F of the commercial centre of Fu Ning Garden was approved with conditions by the Committee on 28.4.2006 mainly on the grounds that the proposed use was not incompatible with the adjoining uses within the commercial complex; and would unlikely create nuisance to the nearby residents as it was located within a free-standing commercial complex separated from the residential portion of the same development.
- 5.3 Application No. A/TKO/117 for proposed religious institution (Christian church) at the G/F of the commercial accommodation of Corinthia By The Sea was approved with conditions by the Committee on 21.6.2019 on the grounds that the proposed use was not incompatible with other existing uses at the commercial portion of the subject development and the surrounding developments which were predominantly residential cum commercial developments; and would not cause nuisance to the residents or adverse impacts on the surroundings due to separate entrances and its small scale.
- 5.4 Details of the two applications are set out in **Appendix III** and their locations are shown on **Plan A-1**.

6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plan A-4a to A-4f)

6.1 The Premises are:

- (a) located on B/F and G/F of Capri Place which will occupy about 40% of the commercial GFA, with about 38.4% and 1.6% of the GFA located on B/F and G/F respectively;
- (b) partly occupied by the applied use without planning permission (Units G02, G05A, B01 and B02). The proposed extension areas for the church are currently occupied by a grocery shop (Unit G05), a family sports centre (Unit B03) and left vacant (Unit G13, B05 and B06);
- (c) accessible from Tong Yin Street and Tseung Kwan O Waterfront Park; and
- (d) about 600m from MTR Tseung Kwan O Station and 800m from Tiu Keng Leng Station.

6.2 The subject development (Capri Place) is the commercial portion of Capri which comprises a 3-storey commercial accommodation, including 1-storey basement, beneath 9 residential towers (B/F, G/F and 1/F). Other than the applied use that is currently in operation, the tenants of Capri Place include a family sports centre, grocery shops, a restaurant, a nursery, a kindergarten, an elderly care centre and a community centre on B/F and G/F. Capri Place, including the Premises, and the residential towers can be accessed by independent entrances.

6.3 The surrounding areas have the following characteristics:

- (a) developments in the vicinity are predominantly residential cum commercial developments with commercial uses on the lower floors, with Alto Residences to the east, Corinthia By The Sea (where a similar Application No. A/TKO/117 is located within its commercial accommodation) and The Wings III to the northeast and Ocean Shores to the west;
- (b) to the north across Tong Yin Street is a Government, Institution or Community (GIC) cluster including the French International School of Hong Kong, the Tseung Kwan O Government Offices (under construction) and land reserved for a school (currently occupied by temporary works area); and
- (c) to the south and southwest are Tseung Kwan O Waterfront Park and an underground desilting compound.

7. Planning Intention

The planning intention of “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.

8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views are summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

no in-principle objection to the planning application with respect to (i) the user restriction, (ii) maximum GFA restriction of the concerned non-industrial purpose, (iii) minimum GFA restriction of the concerned non-industrial purpose for the Pink Cross-Hatched Black Area of Area (b), (iv) building height restriction of the Lot as well as building height restriction and number of storey height restriction for the Pink Cross-Hatched Black Area of Area (b), and (v) the maximum SC restriction under the lease of the Lot.

Traffic

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

no comment on the application from district traffic point of view.

Building Matters

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

- (a) no in-principle objection to the application under the Buildings Ordinance (BO);
- (b) before any new building works are carried out, prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. Authorized Person must be appointed to co-ordinate all building works in accordance with the BO. However, the carrying out of minor works can follow the provisions laid down under Minor Work Control System;
- (c) the proposed change in use of the existing shops to church

would significantly increase the number of occupants. Sufficient means of escape should be provided according to Code of Practice for Fire Safety in Buildings 2011;

- (d) every room used for the purpose of an office shall be provided with natural lighting and ventilation in accordance with Building (Planning) Regulation (B(P)R) 30 and 31;
- (e) every room containing soil fitment or waste fitment shall be provided with natural lighting and ventilation in accordance with B(P)R36; and
- (f) detailed comments will be given during general building plans submission stage.

Fire Safety

8.1.4 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 before operation of the proposed use to the satisfaction of his Department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

8.1.5 Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

- (a) no particular comment on the application; and
- (b) his office has not received any adverse comment from the Owners' Committees of the Capri and Alto Residences and Tseung Kwan O (South) Area Committee.

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/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (e) Commissioner of Police (C of P);

- (f) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD); and
- (g) Director of Electrical and Mechanical Services (DEMS).

9. Public Comments Received During Statutory Publication Period

- 9.1 The application was published for public inspection on 6.8.2021. During the 3-week statutory public inspection period, which ended on 27.8.2021, 52 public comments were received from individuals (**Appendix IV**). 49 commenters support the application mainly for reasons that the proposed use can address community needs for church use and provide convenience to nearby church attenders; contribute to healthy development and positive impact on the community; there is sufficient commercial uses in the nearby area; and the church can make good use of the Premises and bring in more people to support the retail/commercial operation.
- 9.2 Three commenters object to the application on the grounds that the proposed use will occupy spaces originally intended for commercial activities to serve the nearby residents and the premises should be used for provision of social welfare facilities.

10. Planning Considerations and Assessments

- 10.1 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. The existing church and its proposed extension are located on B/F and G/F of the purpose-built non-domestic portion (Capri Place) of the residential cum commercial development (Capri). While the proposed use will occupy about 40% of total commercial GFA of Capri Place, the majority of the church use will be located on B/F and commercial uses are provided in the adjacent developments including Alto Residences and Corinthia By The Sea. As such, it would not bring significant impact on the intended provision of retail and commercial activities in the area.
- 10.2 The proposed church use is considered not incompatible with other existing uses at Capri Place which mainly consists of grocery shops, a restaurant, a nursery, a kindergarten, an elderly care centre and a community centre. It is also considered not incompatible with the surrounding developments which are predominantly residential cum commercial developments with commercial uses on the lower floors.
- 10.3 The proposed church use will be open from 8:30am to 5pm on Sundays and accommodate around 700 people. The basement portion of the church would be accessed through various lifts, escalators and stairs at different parts of the building (**Drawings A-1 and A-2**). As there are independent entrances for Capri Place and the residential towers of Capri, it is unlikely

that the proposed use will cause nuisances to the residents or adverse impacts on the surroundings. According to the applicant, no complaint has been received regarding the current operation of the church. DO(SK), HAD also advises that no adverse comment from the owners' committees of the nearby residential developments has been received. The Premises are within walking distance from and MTR Tseung Kwan O and Tiu Keng Leng Stations and there are provisions of visitor car parking and loading/unloading spaces at Capri Place. Relevant government departments consulted including C for T, D of FS and DEP have no objection to/adverse comment on the application.

- 10.4 Two similar applications (No. A/TKO/77 and 117) for religious institution uses within the "R(A)" zone were approved with conditions by the Committee on the grounds that the proposed use was not incompatible with other existing uses at the commercial complex/commercial portion of the development, and would not cause nuisance to the nearby residents.
- 10.5 Regarding the public comments raising objection to the application as mentioned in paragraph 9 above, the planning assessments in paragraphs 10.1 and 10.2 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taking into account the public comments in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, the permission shall be valid until 24.9.2025, 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 fire-fighting 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 V**.

- 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 period of which the permission should be valid.
- 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 28.7.2021
Appendix Ia	Supporting planning statement
Appendix Ib	Supplementary information received on 3.8.2021
Appendix Ic	Further information received on 7.9.2021
Appendix Id	Further information received on 13.9.2021
Appendix II	Previous application
Appendix III	Similar applications
Appendix IV	Public comments
Appendix V	Advisory clauses
Drawing A-1	Ground Floor Plan
Drawing A-2	Basement Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4f	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**