

RNTPC Paper No. A/TKO/130
For Consideration by the
Rural and New Town
Planning Committee
on 8.11.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TKO/130

- Applicant** : C&MA Sun Kei Alliance Church Limited represented by KJL Limited
- Premises** : Shops 15 and 15A, Level 1, Bauhinia Garden Commercial Complex,
11 Tong Chun Street, Tseung Kwan O
- Floor Area** : About 96m²
- Lease** : Tseung Kwan O Town Lot 125
- (i) Under New Grant No. 9342 dated 26.8.1998 as varied and modified by a Modification Letter dated 27.10.2000;
 - (ii) Restricted to non-industrial (excluding private residential, godown, hotel and petrol filling station) purpose subject to non-offensive trades clause; and
 - (iii) Within the Hatched Black Area designated as non-residential building area
- Plan** : Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/30 (currently in force)
- Draft Tseung Kwan O OZP No. S/TKO/29 (at the time of submission)
[No change to the zoning of the Premises on the OZP]
- 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 Shops 15 and 15A on 1/F of Bauhinia Garden Commercial Complex in Tseung Kwan O (the Premises). The Premises are located in the commercial complex building of Bauhinia Garden, which is a Private Sector Participation Scheme development. According to the Notes of the OZP, ‘Religious Institution’ is a Column 2 use of the “R(A)” zone which requires

planning permission from the Town Planning Board (the Board).

- 1.2 The Premises comprise two units (i.e. Shops 15 and 15A) with a total floor area of about 96m². Shop 15 with a floor area of about 46m² is vacant and Shop 15A with a floor area of about 50m² is currently used as a hair salon (**Plans A-4a to A-4b**). Besides regular prayer meetings, Sunday services and other religious-related activities, the applicant also proposes to provide various community services/activities at the Premises including supporting activities for the families with special learning needs and disabled persons, services/activities for the elderly and extracurricular activities for the youth etc. The Premises are fronting the internal corridor at 1/F of the subject building which is connected to the staircases or elevators of the subject building at its northern and southern ends as well as a footbridge connecting to the adjoining shopping mall of The Grandiose (i.e. PopCorn 2).
- 1.3 The church will be opened from 9:30 a.m. to 5:30 p.m. daily and may extend to 10 p.m. for special events if necessary. It is anticipated to accommodate a maximum of 30 people. The proposed layout plan submitted by the applicant is at **Drawing A-1**. According to the applicant's plan, Shop 15 will be operated in the first phase, while Shop 15A will be operated in second phase until the end of its current rental lease term (i.e. mid-2027). The partition wall between two shops will be demolished at that moment.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 11.9.2024 **(Appendix I)**
 - (b) Supporting Planning Statement (SPS) received on 11.9.2024 **(Appendix Ia)**
 - (c) Further Information (FI) received on 23.10.2024* **(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 and FI at **Appendices Ia** and **Ib**, and are summarised as follows:

- (a) the applicant has long been providing supporting services to the local community in Tseung Kwan O since 1998. The proposed use at the premises enables the applicant to extend its services (e.g. supporting activities for families with special learning needs, elderly fellowship, youth activities and parents support groups etc.) to weekdays to better serve the residents in Tseung Kwan O Town Centre;
- (b) the proposed use is in line with the planning intention of the "R(A)" zone and compatible with other existing uses at Bauhinia Garden Commercial Complex,

which comprises convenient stores, tutorial schools and learning centres. The proposed use has no adverse impact on other shop users and pedestrians in view of its small scale;

- (c) the Premises are located in close proximity to MTR Tseung Kwan O Station and the public transport interchange of the MTR station. It is easily accessible from street level via lifts and staircases as well as footbridge linking from PopCorn 2;
- (d) the proposed use will meet the existing and long-term needs for religious and community services in the surrounding residential neighbourhoods; and
- (e) the proposed use will not lead to interface problems as the Premises are located within the non-domestic portion of Bauhinia Garden and the access to the Premises is completely separated from the domestic portion of the development.

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

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

4. Previous Application

There is no previous application at the Premises.

5. Similar Application

There are three similar applications (No. A/TKO/77, A/TKO/117 and A/TKO/124) for religious institution within the “R(A)” zone on the OZP (**Plan A-1**). They were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2006 and 2021 mainly on the considerations that the proposed/applied uses were not incompatible with the surrounding existing uses and would unlikely cause nuisances to residents nearby due to separate entrances or being located within a free-standing commercial complex separated from the residential portion of the same development. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. The Premises and Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4a to A-4b)

6.1 The Premises:

- (a) comprise two units (Shops 15 and 15A) which are located on 1/F of Bauhinia Garden Commercial Complex;

- (b) are partly vacant and partly occupied by a hair salon;
 - (c) are accessible via staircases or elevators of the subject building at northern and southern ends or elevated walkway leading to the standalone multi-storey car park building at the north with footbridge connecting to PopCorn 2 and the other shopping malls in the vicinity; and
 - (d) are about 150m southeast of MTR Tseung Kwan O Station (**Plan A-1**).
- 6.2 The subject development is a standalone 2-storey building being the non-domestic portion of Bauhinia Garden for commercial accommodation. The building is currently mainly used for commercial and school including restaurants, retail shops, vegetable/fruit stalls, convenient shops, dental clinic, education centres, music/art learning centres and hair salon (i.e. part of the Premises). The eight residential towers of Bauhinia Garden are at the east of the subject building (**Plan A-2**).
- 6.3 The surrounding areas are predominantly residential developments with commercial uses on the lower floors, which include The Grandiose and Tseung Kwan O Plaza to its north, The Wings and The Wings II to its northwest and west across Tong Chun Street, and Yee Ming Estate to its east. To the immediate south is Deborah English Kindergarten within a standalone building of Bauhinia Garden, and Tseung Kwan O Methodist Primary School.

7. Planning Intention

The planning intention of “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:

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) the user of buildings, (iii) the standard non-offensive trades clause, and (iv) non-residential building area for the Hatched Black Area under the lease.

Building Matter

8.1.2 Comments of the Chief Building Surveyor/New Territories East (2) and Rail (CBS/NTE2&Rail, BD):

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

Traffic

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

no comment from traffic engineering viewpoint as car park and loading/unloading spaces are provided in the Bauhinia Garden.

Fire Safety

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

- (a) no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) other advisory comments are at **Appendix IV**.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Director of Environmental Protection; and
- (e) District Officer (Sai Kung), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

On 17.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting the application without giving reasons (**Appendix III**).

10. Planning Considerations and Assessments

10.1 The application is for proposed religious institution (church) at the Premises falling within the “R(A)” zone on the OZP. 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 proposed use will occupy two units on 1/F of Bauhinia Garden Commercial Complex, which is a standalone 2-storey building for commercial accommodation of Bauhinia Garden with access completely separated from the domestic portion of the residential development (**Plan A-2**). The proposed use is considered generally not in conflict with the planning intention of the “R(A)” zone.

- 10.2 The proposed church is considered not incompatible with other existing uses in the subject building which mainly consists of commercial and school uses (e.g. retail shops, dental clinics, education centres, music/art learning centres, etc.) as well as the surrounding developments which are predominantly residential developments with commercial uses on the lower floors.
- 10.3 The proposed church, having a floor area of 96m², is anticipated to accommodate a maximum of 30 people for religious and other associated activities. In view of its small scale, the proposed use would unlikely cause adverse traffic and environmental impacts on the surrounding areas. Relevant departments consulted including C for T and DEP have no objection to or adverse comments on the application. To address D of FS’s comment regarding fire safety, an approval condition requiring provision of fire service installations and equipment as set out in paragraph 11.2 below is recommended.
- 10.4 Three similar applications for religious institution within the “R(A)” zone on the same OZP were approved with conditions by the Committee between 2006 and 2021 on the grounds that the proposed use was not incompatible with other existing uses at the commercial complex/commercial portion of the developments and would not cause nuisance to the nearby residents. Approval of the current application is in line with the Committee’s previous decisions.
- 10.5 Regarding the public comment received as mentioned in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.4 are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comment 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 8.11.2028, 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 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	Application Form received on 11.9.2024
Appendix Ia	SPS received on 11.9.2024
Appendix Ib	FI received on 23.10.2024
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	1/F Floor Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos