

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

**APPLICATION NO. A/YL/297**

<b><u>Applicant</u></b>	:	The Vine Church Limited
<b><u>Premises</u></b>	:	G/F (Part) and 1/F (Part), Ho Shun Lee Building, 9 Fung Yau Street South, Yuen Long, New Territories
<b><u>Total Floor Area of Premises</u></b>	:	About 627.75m <sup>2</sup>
<b><u>Lease</u></b>	:	(a) Yuen Long Town Lot (YLTL) No. 333 (b) G/F and 1/F restricted to non-industrial purpose
<b><u>Plan</u></b>	:	Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/25
<b><u>Zoning</u></b>	:	“Residential (Group A)” (“R(A)”) <i>[Restricted to a maximum domestic plot ratio (PR) of 5 or a maximum non-domestic PR of 9.5, and a maximum building height (BH) of 30 storeys excluding basement(s)]</i>
<b><u>Application</u></b>	:	Proposed Religious Institution with Ancillary Shop and Services, Eating Place and Office

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed religious institution with ancillary shop and services, eating place and office at the application premises (the Premises) (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Religious Institution’ requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is located on parts of G/F (as entrance) and 1/F of an existing 21-storey composite building, known as Ho Shun Lee Building (the subject building), with commercial uses on the podium floors and domestic use on the upper floors. The Premises is currently vacant (**Plan A-4c**).
- 1.3 According to the applicant, part of the Premises will be used for an assembly hall of ~~Evangelical Christian Church~~ **Christian church**, which can accommodate a maximum of 200 people for meeting and worshipping as well as function rooms, storage areas, pantry and lavatories. The Premises will also be used for shop and

services, eating place (a cafeteria of not more than 120m<sup>2</sup>) and office uses, which will provide complementary services and are ancillary to the proposed religious institution. Three separate access points via two staircases and a lift platform for the disabled will be provided directly from Fung Kwan Path and Fung Yau Street South to the Premises (**Plans A-2, A-4b and Drawing A-3**). Visitors to the religious institution will travel mainly on foot or by public transport. The proposed floor plans 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 with attachments received on 31.10.2022 (**Appendix I**)
- (b) Supplementary Planning Statement (PS) (**Appendix Ia**)
- (c) Further Information (FI) received on 5.12.2022\* (**Appendix Ib**)
- (d) FI received on 13.12.2022\* (**Appendix Ic**)  
(\*exempted from the 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 Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The proposed use is compatible with other commercial uses on the G/F and 1/F of Ho Shun Lee Shopping Centre at the subject building and other developments in the surroundings. Shop and services, eating place and office uses are always permitted on the lowest three floors of the subject building in “R(A)” zone.
- (b) The Premises is located in Yuen Long Town Centre with high accessibility, which is suitable for providing community facilities to serve the Yuen Long neighbourhood. Being a former cinema, the Premises is spacious with high headroom which is suitable for conversion to worship hall for religious activities.
- (c) Separate and direct accesses from streets are provided at the Premises without entering the residential portion of the subject building. Hence, it is unlikely for the proposed use to cause conflicts with existing residents and interfacing issues to the existing uses.
- (d) The applicant has over 25 years of experience in providing religious and social services. The applicant proposed to engage the community by lending part of the Premises to other non-governmental organisations for community and legitimate uses as well as providing afterschool religious activities to students nearby.
- (e) The Premises is situated within 10-minute walking distance to major transportation hub. Majority of the visitors will travel to the religious institution on foot or by public transport, hence loading/unloading bay for coaches is not required. The existing open-air car park fronting the subject

building will have sufficient car parking spaces to satisfy the car parking requirements of the proposed use. It is anticipated that the proposed use would not generate additional traffic flow compared with the original cinema use nor adverse traffic impact on the surroundings.

- (f) There are three similar applications approved by the Board in the vicinity.
- (g) The proposed use will not cause any adverse impact on fire safety with adequate fire services installations provided.
- (h) The proposed religious institution will operate mostly on Saturday and/or Sunday regularly. It will not cause any adverse noise impact or nuisance to residents.

### **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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining the consent from the current premises owner. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Previous Application**

There is no previous application in respect of the Premises.

### **5. Similar Applications**

There are three similar applications for religious institution use in composite buildings predominately for residential use within the same “R(A)” zone on the OZP (Applications No. A/YL/40, 110 and 137). They were all approved with conditions by the Rural and New Town Planning Committee (the Committee) on 6.3.1998, 7.11.2003 and 3.2.2006 respectively, mainly on the ground that the proposed use was considered not incompatible with surrounding areas. Details of the applications are summarised in **Appendix II** and the locations of the application sites are shown on **Plan A-1**.

### **6. The Premises and Its Surrounding Areas (Drawings A-1 to A-3 and Plans A-1 to A-4c)**

#### **6.1 The Premises:**

- (a) is located on the G/F (entrance) and 1/F (part) of an existing composite building, namely Ho Shun Lee Building, abutting Fung Yau Street South and Fung Kwan Path (**Plan A-2**); and
- (b) the 1/F portion of the Premises is currently vacant (**Plan A-4c**).

- 6.2 The subject building is 21-storey in height with commercial uses on the podium level (i.e. G/F and 1/F) and two residential blocks above, which was completed in 1984. The subject building is accessible via Fung Kwan Path and Fung Yau Street East (**Plan A-4b**). The current uses of the subject building are summarised below:

Floor	Current Uses
G/F	Shop and services, eating place and educational institution (tutorial school)
1/F	Shop and services, eating place and the Premises (vacant)
2/F	Podium garden
3/F to 20/F	Flat units in two residential blocks

- 6.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):
- (a) the locality is mainly occupied by residential buildings with lower floors for commercial uses on land zoned “R(A)”;
  - (b) to the north of the subject building is an open-air car park, and to its northwest is the Fung Kwan Street Garden on land zoned “Open Space”. To its further north are composite buildings predominately residential in nature with commercial uses and churches<sup>1</sup> on the lower floors;
  - (c) to the east and south of the subject building across Fung Yau Street East are three secondary schools and one primary school on land zoned “Government, Institution or Community”; and
  - (d) the area is well-served by various modes of public transport including railway, bus and minibus.

## 7. **Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential development. 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:

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<sup>1</sup> Those are the subject of approved planning applications No. A/YL/40, A/YL/110 and A/YL/137 for religious institutions, which are currently occupied by the Assembly of God Yuen Long Gospel Centre, Yuen Long Kam Kwong Church and the Church of God in Hong Kong respectively, within the same “R(A)” zone.

### **Land Administration**

#### 8.1.1 Comments of the District Lands Officer/Yuen Long, LandsD:

- (a) he has no comment on the application;
- (b) the Premises falls within YLTL No. 333, which is held under New Grant No. 2976 dated 3.12.1980 and restricted for non-industrial purposes; and
- (c) his advisory comments are at **Appendix III**.

### **Drainage**

#### 8.1.2 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection in principle to the proposed development from the public drainage point of view; and
- (b) should the Board consider the application acceptable from the planning point of view, an approval condition requiring the implementation and maintenance of drainage/sewerage facilities for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 8.1.3 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 water supplies for firefighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 8.1.4 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) it was noted that an Occupation Permit for two blocks of apartment / commercial building at YLTL No. 333, Yuen Long was issued on 3.7.1984; and
- (b) her advisory comments are at **Appendix III**.

### **Environment**

#### 8.1.5 Comments of the Director of Environmental Protection (DEP):

Noise

- (a) as the applicant confirmed that the proposed religious institution would not rely on openable window for ventilation, there is no comment from noise planning point of view;

Sewerage

- (b) should the Board consider the application acceptable from the planning point of view, an approval condition requiring the submission of a sewage impact assessment to the satisfaction of the DEP or of the Board should be stipulated; and

Air Quality

- (c) more information should be given to demonstrate the acceptability of the air quality impact on the proposed development. Should the Board consider the application acceptable from the planning point of view, an approval condition requiring the submission of air quality impact assessment report and implementation of the recommendations identified therein for the development to the satisfaction of the DEP or of the Board should be stipulated.

**Other Aspect**

8.1.6 Comments from the Director of Food and Environmental Hygiene:

she has no adverse comments on the planning application, and her advisory comments are at **Appendix III**.

**District Officer's Comments**

8.1.7 Comments of the District Officer (Yuen Long), Home Affairs Department:

his office has no departmental comment on the application and the local comments should be submitted to the Board directly, if any.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/NT West, Highways Department;
- (c) Project Manager (West)/West Development Office; Civil Engineering and Development Department;
- (d) Director of Electrical and Mechanical Services;
- (e) Director of Leisure and Cultural Services;
- (f) Commissioner for Transport (C for T); and
- (g) Commissioner of Police.

## **9. Public Comments Received During Statutory Publication Period**

- 9.1 On 8.11.2022, the application was published for public inspection. During the the statutory public inspection period, a total of 122 public comments were received, with 120 supporting comments from individuals (samples of comments are extracted in **Appendices IV-1 to IV-6**), one expressing concerns (**Appendix IV-7**) and one objecting to the application from the Incorporated Owners (IO) of the subject building (**Appendix IV-8**). All public comments received are deposited at the Board's Secretariat for Members' reference.
- 9.2 The major views of the public comments are summarised as follows:
- (a) The supporting comments expressed that the proposed use is beneficial to the community of Yuen Long, and the Premises is located within walking distance in Yuen Long town centre. There are independent/exclusive staircases and lift from the street to the Premises, and thus the proposed use will not cause any potential interfacing issues with residents above. In addition, the proposed use is compatible with the surrounding environment. There will be limited adverse traffic, fire safety and noise impacts on the surroundings arising from the proposal;
  - (b) one commenter questioned the religious denomination of the proposed religious institution and its impact on the existing residents of the subject building; and
  - (c) the objecting comment indicated that the proposed use will generate significant pedestrian flow to the subject building. The IO claimed that visitors entering the Premises at 1/F will have to pass through the common lift lobby of the residential portion of the subject building. The proposal will therefore induce negative impact on the security of the residents of the subject building and lift capacity. In addition, the IO claimed that the concerned staircases to the Premises were involved in litigation disputes in recent years and it was decided by the Court that such areas belong to the public area of the subject building under the control of the IO.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for proposed religious institution with ancillary shop and services, eating place and office uses at the Premises of the subject building within the "R(A)" zone on the OZP. The planning intention of the 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 is located in the purpose-built non-domestic portion (i.e. Ho Shun Lee Shopping Centre) of the subject building. It is not incompatible with other existing uses on the non-domestic floors, which consist of shop and services, eating places and tutorial school. The proposed church with ancillary uses will provide religious and social services to the local community. As the Premises situated at the commercial podium has separated entrances from Fung Kwan Path and Fung Yau Street, it is envisaged that the proposed use will not cause nuisance to the residents of the subject building.

- 10.2 The proposed religious institution with ancillary uses is considered not incompatible with the adjacent land uses including predominantly residential developments with shop and services, eating place, and church on the lower podium floors.
- 10.3 Relevant departmental departments consulted, including DEP, C for T, CE/MN DSD, D of FS and BD, have no objection to or adverse comment on the application. Adverse environmental, traffic, drainage, fire safety and building safety impacts are not anticipated. To address the technical requirements on fire safety, drainage, sewerage and air quality aspects, relevant approval conditions are recommended in paragraph 11.2 below.
- 10.4 Regarding the opposing public comment from the IO of the subject building expressing concerns on the security of the residents and that the entrances to the Premises were involved in litigation disputes, the applicant has clarified that the concerned entrances including lift platform and staircases had not been argued in the legal proceedings and confirmed that the three access points from G/F are exclusive to the Premises at 1/F (**Drawing A-3**). In this regard, it is considered that the matter could be subject to further liaison between the IO of the subject building and the applicant. An advisory clause is recommended in **Appendix III** to address this issue. Regarding the public comment expressing concern on the lack of information on the proposed church and its impacts on the residents, the comments of government departments in paragraph 8 and planning assessments in paragraphs 10.1 to 10.3 above are relevant.

## 11. **Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments as mentioned in paragraph 9 above, 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 23.12.2026, 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 conditions

- (a) 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;
- (b) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the submission of an air quality impact assessment report and implementation of the recommendations identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and



- (d) the implementation and maintenance of the drainage/sewerage facilities for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 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**

<b>Appendix I</b>	Application Form received on 31.10.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 5.12.2022
<b>Appendix Ic</b>	FI received on 13.12.2022
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV-1 to IV-8</b>	Public Comments
<b>Drawings A-1 and A-2</b>	Floor Plans
<b>Drawing A-3</b>	Photographic Record of the Entrances to the Premises
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2022**