

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/305

- Applicant** : Evangelical Free Church of China Yan Fook Church Limited represented by Lanbase Surveyors Limited
- Premises** : Shops No. 3 and 6, G/F, Denker Plaza, 16 Hi Yip Street, Tung Tau Industrial Area, Yuen Long, New Territories
- Total Floor Area** : About 830m²
- Lease** : Yuen Long Town Lot No. 443 held under New Grant No. 4390
- (a) Restricted to non-industrial purposes (excluding residential, godown and petrol filling station purposes)
- (b) The ground floor of the building or part of any building shall not be used for the purposes of public car park
- Plan** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/26
- Zonings** : “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops(1)” (“OU(PCP with G/F Retail Shops(1))”
[Restricted to a maximum plot ratio (PR) of 5 and a maximum building height of 15 storeys excluding basement(s)]
- Application** : Renewal of Planning Approval for Temporary Religious Institution (Church) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary religious institution (church) at the application premises (the Premises) for a period of five years (**Plan A-1**). According to the Notes of the OZP for “OU(PCP with G/F Retail Shops(1))”, ‘Religious Institution’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently occupied by the applied use with valid planning permission under Application No. A/YL/248 until 17.8.2023 (**Plans A-4a and A-4b**).
- 1.2 The Premises is located on G/F (part) of an existing 3-storey public car park building, namely Denker Plaza (the subject building). The Premises comprises mainly a large function room, which can accommodate 250 worshippers for worship service and fellowship activities as well as offices, and other small function rooms to support the religious activities (**Drawing A-1**). The main access to the Premises is at Hi Yip

Street (**Drawing A-1 and Plan A-2**). The operation hours of the church are as follows:

Activities/Uses	Operation Hours
Sunday worship service	10:30 a.m. to 12:30 p.m. on Sunday
Fellowship activities	10:30 a.m. to 10:00 p.m. from Monday to Saturday
Church office	10:00 a.m. to 5:00 p.m. daily

- 1.3 The Premises is the subject of a previous application No. A/YL/248 for the same temporary use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 17.8.2018 for a period of five years (details at paragraph 5 below).
- 1.4 Compared with the previous approved application (No. A/YL/248), except for a minor change in the internal layout for expansion of the female toilet area (**Drawing A-1**), there is no change in the applied use and total floor area of the Premises.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 12.6.2023 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Further information (FI) received on 21.7.2023 (**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 Planning Statement at **Appendix Ia**. They are summarised as follows:

- (a) The Premises is subject of a previous planning application No. A/YL/248 for the same temporary use, which all approval conditions have been complied with. Apart from a minor change in internal layout (i.e. expansion of female toilet area), there is no change to the use and condition as compared with the approved application.
- (b) The renewal of planning permission on a temporary basis (i.e. period of 5 years) would not contravene the long-term planning intention of “OU(PCP with G/F Retail Shops(1)” zone.
- (c) The existing church is important in providing worshipping and fellowship services in the districts and the community formed by residential developments including the Spectra, Twin Regency and Wang Fu Court.
- (d) Only passive events, such as worshipping and fellowship services activities are carried out within the Premises. No interface problem or adverse environmental impact is anticipated arising from the applied use to the surrounding industrial land uses.
- (e) Majority of the current worshippers are local residents from the nearby community or from the same district, and would visit the Premises by public transports or on foot.

Most of the events would be arranged during off-peak hours to minimise conflict with the peak hours within Tung Tau Industrial Area. No adverse traffic impact is therefore anticipated.

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 giving notification to the lot owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guideline for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Previous Applications

- 5.1 The Premises is the subject of three previous applications (No. A/YL/226, 248 and 253). Details of the previous applications are summarised at **Appendix III** and its location is shown on **Plan A-1**.
- 5.2 Application No. A/YL/248 is for temporary religious institution (church) for a period of 5 years, which was approved with conditions by the Committee on 17.8.2018. The application was approved mainly on the considerations that the proposed use was not incompatible with the other retail shops on G/F of the subject building and the proposal would not jeopardise the redevelopment plan of the subject building. All the time-limited approval conditions (i.e. submission and implementation of fire services installations (FSIs) and water supplies for firefighting under the application) have been complied with and the planning permission is valid until 17.8.2023.
- 5.3 The remaining two applications, which involve proposed office cum public car park with G/F retail shops (No. A/YL/226); and proposed office cum public car park with G/F and 1/F retail shops with minor relaxation of PR restriction (No. A/YL/253), were approved by Committee on 10.11.2017 and 13.12.2019 respectively. The considerations of these two applications are not relevant to the current application which involves a different use.

6. Similar Application

There is no similar application within the same zone on the OZP.

7. The Premises and Its Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Premises is:

- (a) located at Shops No. 3 and No. 6 of ground floor of an existing 3-storey purpose-built public car park building with retail shops, namely Denker Plaza, and which abuts Hi Yip Street; and
- (b) currently used as a church (**Plans A-4a and 4b**).

7.2 The subject building:

- (a) is located in the southern portion of the Tung Tau Industrial Area;
- (b) the current floor uses are summarised below:

Floor	Current Uses
G/F	Retail shops (bicycle shops), church (the Premises), recycling workshop, private car parking spaces and loading/unloading bays
1/F and 2/F	Public car park (130 nos. of private car parking spaces)

- (c) is accessible from Hi Yip Street and well served by public transport, including MTR, buses and public light buses. The MTR Long Ping Station is about 200m to its southwest (i.e. about 10-minute walking distance).

7.3 The surrounding areas have the following characteristics:

- (a) predominantly occupied by industrial buildings within Tung Tau Industrial Area on land zoned “Other Specified Uses” annotated “Business” (“OU(B)”) and “OU(B)1” (**Plan A-1**);
- (b) to the north of the subject building across Hi Yip Street is an amenity area with trees on land zoned “Open Space” (“O”);
- (c) to the immediate southeast and south of the subject building are Po Leung Kuk Energetic Youth Club on land zoned “Government, Institution or Community” and Wang Yip Street South Rest Garden on land zoned “O” (**Plan A-2**); and
- (d) to the further southwest of the subject building across Wang Yip Street South is a residential development namely The Spectra on land zoned “Residential (Group A)5”. At the western and northern peripheries of the Tung Tau Industrial Area are two residential developments namely Wang Fu Court and Twin Regency on land zoned “Residential (Group E)1” (**Plan A-1**).

8. Planning Intention

The “OU(PCP with G/F Retail Shops(1))” zone is intended primarily for public car park with ground floor retail shops.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the

Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10. Public Comment Received During the Statutory Publication Period

On 20.6.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of the planning approval for temporary religious institution (church) for a period of five years. The planning intention of the “OU(PCP with G/F Retail Shops(1))” zone is primarily for public car park with ground floor retail shops. Although the applied use is not entirely in line with the subject “OU(PCP with G/F Retail Shops(1))” zone, it could provide religious service to serve the local community. The applied use is considered not incompatible with the other retail shop uses on G/F of the subject building. In this regard, approval of the application would not frustrate the long-term planning intention of “OU(PCP with G/F Retail Shops(1))”.
- 11.2 The subject building is covered by planning application No. A/YL/253 approved by the Committee on 13.12.2019 to redevelop the entire building to a 12-storeys office cum public carpark building with G/F and 1/F retail shops and a level of basement car park. Given that the applied use of the Premises is on a temporary basis, approval of application would not jeopardise the redevelopment plan of the subject building.
- 11.3 As compared with the previous approval for the same applied use at the Premises, apart from a minor adjustment on the internal layout (**Drawing A-1**), there is no change to the applied use and total floor area of the Premises. Relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. Adverse environmental, traffic, drainage and fire safety impacts are not anticipated. The approval conditions under the previous application in relation to the submission and implementation of FSIs and water supplies for firefighting have already been complied with. In this regard, relevant approval condition on maintaining the existing FSIs as required by D of FS is recommended, should the application be approved by the Committee.
- 11.4 In view of the above, the subject renewal application is generally in line with the TPB PG-No. 34D in that there has been no major change in planning circumstances since the previous approval of the temporary use; adverse planning implications arising from the renewal of the planning approval are not anticipated; concerned government departments have no objection to or no adverse comment on the application; all the approval conditions under the previous approval have been complied with; and the approval period sought is considered reasonable and of the same timeframe as the previous approval.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 permission shall be valid on a temporary basis for a period of five years, and be renewed from 18.8.2023 to ~~18~~ 17.8.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the existing fire service installations implemented on the Premises shall be maintained in efficient working order at all times during the planning approval period; and
- (b) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

[The above approval conditions have been updated to accord with the latest comments of D of FS.]

Advisory clauses

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

- 12.3 There is no strong reason to recommend rejection of the renewal 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 period of which the permission should be valid on a temporary basis.
- 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 with Attachments received on 12.6.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 21.7.2023
Appendix II	Relevant Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a and A-4b

Aerial Photo
Site Photos

PLANNING DEPARTMENT
AUGUST 2023