

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/320

<u>Applicant</u>	: Assemblies of God Holy Light Church Limited represented by DeSPACE (International) Limited
<u>Premises</u>	: 1/F (Part), Ho Shun Lee Building, 9 Fung Yau Street South, Yuen Long, New Territories
<u>Total Floor Area of Premises</u>	: About 264m ²
<u>Lease</u>	: (a) Yuen Long Town Lot (YLTL) No. 333 (b) G/F and 1/F restricted to non-industrial purpose
<u>Plan</u>	: Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/27
<u>Zoning</u>	: “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>
<u>Application</u>	: Religious Institution with Ancillary Shop and Services, Eating Place and Office

1. The Proposal

- 1.1 The applicant seeks planning permission for 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), while shop and services, eating place and office 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 Premises is currently occupied by the Assembly of God Holy Light Church (the Church) without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Premises is located at the Unit No. 3 of 1/F of an existing 21-storey composite building, known as Ho Shun Lee Building (the subject development), with commercial uses on the podium floors and domestic use

on the upper floors. The Premises mainly comprises an assembly hall of the Church, which can accommodate 160 people for worship service and fellowship activities. According to the applicant, part of the Premises will be converted to shop and services, eating place and office uses (total GFA of about 65m²), which are ancillary to the Church. The Premises is accessible via a staircase directly from Fung Yau Street South while there are separated accesses to the residential blocks of the subject development (**Plans A-2, A-4a and Drawing A-2**). According to the applicant, visitors will mainly go to the Church on foot or by public transport. The proposed floor plan submitted by the applicant are at **Drawing A-1**.

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

- (a) Application form with attachments received on 4.6.2024 (**Appendix I**)
- (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
- (c) Further Information (FI) received on 18.7.2024 (**Appendix Ib**)

[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 SPS at **Appendix Ia**. They can be summarised as follows:

- (a) The applied use is compatible with other commercial uses on the G/F and 1/F of Ho Shun Lee Shopping Centre at the subject development 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 New Town and a wider neighbourhood including new residential developments in Yuen Long South.
- (c) The applicant has over 80 years of experience in providing religious and social services. Apart from religious service, the applicant intends to provide counselling services at the Premises to help the community.
- (d) The Premises is situated within 10-minute walking distance to the Yuen Long MTR Station and mini bus terminus. Majority of the visitors will go to the Church on foot or by public transport. The existing open-air car park fronting the subject development have sufficient car parking spaces to satisfy the operational needs of the Church. The applied use will not generate additional traffic flow nor adverse traffic impact on the surroundings.

- (e) There are four similar applications approved by the Board in the vicinity. With a similar development scale and nature, the religious institution is compatible with the surrounding land uses.
- (f) The applied use will not cause any adverse impact in terms of fire safety with adequate fire services installations provided.

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. Previous Application

There is no previous application in respect of the Premises.

5. Similar Applications

There are four 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, 137 and 297), including one application premises (Application No. A/YL/297) located on the same podium floor of the subject development. The four similar applications were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board from 1998 to 2022, mainly on the grounds that the proposed/applied use was considered not incompatible with surrounding areas and no adverse comments from concerned departments. 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-2 and Plans A-1 to A-4b)

6.1 The Premises:

- (a) is located on 1/F (part) of an existing composite building, namely Ho Shun Lee Building, abutting Fung Yau Street South (**Plan A-2**);
- (b) is accessible via a staircase directly from Fung Yau Street South; and
- (c) is currently occupied by the applied use (**Plan A-4b**).

6.2 The subject development is 21-storey in height with commercial uses on the podium level (i.e. Ho Shun Lee Shopping Centre on G/F and 1/F) and two residential blocks above, which was completed in 1984. The residential portion of the subject development is accessible via Fung Yau Street East and footpath leading from Fung Kwan Path and Fung Yau Street South (Plan A-2**). The current uses of the subject development 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, religious institutions (the Premises <i>and a church</i> [#]) and vacant premises[#]
2/F	Podium garden
3/F to 20/F	Flat units in two residential blocks

[#] The ~~church vacant premises is proposed for religious institution (church) under the subject to an~~ approved application No. A/YL/297 ~~which is currently in operation not yet implemented.~~

- 6.3 The surrounding areas are mainly occupied by residential buildings with lower floors for commercial uses (including churches¹) on land zoned “R(A)”, an open-air car park, schools and open space. 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:

Land Administration

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

- (a) he has no adverse 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 detailed advisory comments are at **Appendix III**.

Drainage

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

¹ Those are the subject of approved planning applications (No. A/YL/40, A/YL/110 and A/YL/137) for religious institution (i.e. church) within the same “R(A)” zone.

he has no objection in principle to the application from the public drainage point of view. His detailed advisory comments are at **Appendix III**.

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. His detailed advisory comments are at **Appendix III**.

Building Matters

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

It is noted that an Occupation Permit for two blocks of apartment / commercial building at YLTL No. 333, Yuen Long was issued on 3.7.1984. His detailed advisory comments are at **Appendix III**.

8.2 The following government departments have no objection to or no comment on the application, and their advisory comments, if any, are at **Appendix III**:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/NT West, Highways Department;
- (c) District Officer (Yuen Long), Home Affairs Department
- (d) Project Manager (West)/West Development Office, Civil Engineering and Development Department;
- (e) Director of Environmental Protection;
- (f) Director of Electrical and Mechanical Services;
- (g) Director of Food and Environmental Hygiene;
- (h) Commissioner for Transport (C for T); and
- (i) Commissioner of Police.

9. Public Comments Received During Statutory Publication Period

9.1 On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, a total of 154 public comments were received, with 153 supporting comments from individuals (including some comments in the form of standard letters) (**Appendix IVa**), and one individual providing views (**Appendix IVb**).

9.2 The comments/views are summarised as follows:

- (a) 153 supporting comments expressed that the applied use is beneficial to the community of Yuen Long. The Premises is located within walking distance in Yuen Long town centre and is compatible with

the surrounding environment. There is a direct access via staircase from the main street to the Premises. The religious services and activities organised by the Church could provide support to the local community. There will be no adverse traffic, fire safety and noise impacts on the surroundings arising from the proposal; and

- (b) one commenter provided views that there are some elderly visiting the Church, which may encounter difficulties in climbing up/down the stairs. The subject development should provide lift access to the Premises.

10. Planning Considerations and Assessments

- 10.1 The application is for religious institution with ancillary shop and services, eating place and office uses at the Premises of the subject development 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 Premises is located in the purpose-built non-domestic portion (i.e. Ho Shun Lee Shopping Centre) of the subject development. It is not incompatible with other uses on the non-domestic floors, which comprise shop and services, eating places and tutorial school. The applied church with ancillary uses will provide religious and social services to the local community. As the Premises is located on the 1/F of the commercial podium and has a separated entrance from the residential portion of the subject development at Fung Yau Street South, it is envisaged that the Church will not cause nuisance to the residents of the subject development (**Plan A-2**).
- 10.2 The applied use is considered not incompatible with the surrounding land uses which include predominantly residential developments with shop and services, eating place, church and tutorial schools on the lower podium floors.
- 10.3 Relevant departmental departments consulted, including DEP, C for T, CE/MN DSD, D of FS and CBS/NTW, BD, have no objection to or adverse comment on the application from environmental, traffic, drainage, fire safety and building safety perspectives respectively. To address the technical requirements on fire safety aspect, relevant approval condition is recommended in paragraph 11.2 below.
- 10.4 There were 154 public comments received during the statutory publication period, with 153 supporting the application and one providing views, as summarised in paragraph 9 above. Regarding the public comment providing views that the subject development should provide lift access to the Premises for elderly with limited mobility, the applicant has clarified that a stair lift service will be provided to facilitate elderly to access the Premises.

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 2.8.2028, 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 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 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

Appendix I	Application Form received on 4.6.2024
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 18.7.2024
Appendix II	Similar Applications
Appendix III	Recommended Advisory Clauses
Appendix IVa and IVb	Public Comments
Drawing A-1	Floor Plans
Drawing A-2	Photographic Record of Entrance to the Premises

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

**PLANNING DEPARTMENT
AUGUST 2024**