

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H9/82

- Applicant** : Chung Shun Christian Church Limited
- Application Site** : Shop No. 2, 1st Basement (B1/F), Marina House, 68 Hing Man Street, Shau Kei Wan, Hong Kong
- Total Floor Area of Premises** : About 215m²
- Lease** : Shau Kei Wan Inland Lot (SKWIL) No. 823 (the Lot)
- restricted for non-industrial (excluding hotel and godown) purposes
- Plan** : Approved Shau Kei Wan Outline Zoning Plan (OZP) No. S/H9/18
- Zoning** : “Residential (Group A)2” (“R(A)2”)

- maximum building height (BH) of 100mPD or the height of the existing building, whichever is the greater;
- maximum domestic plot ratio (PR) of 8 for Class A site, 9 for Class B site and 10 for Class C site, or a maximum non-domestic PR of 15; and
- no addition, alteration and/or modification to an existing building shall result in a total development in excess of the above PR or PR of the existing building, whichever is the greater. The existing PR is applicable only if the proposal is for the same type of building as the existing building.
- Application** : Religious Institution

1. The Proposal

- 1.1 The applicant seeks planning permission for using Shop No. 2 on B1/F (the Premises) of an existing 23-storey (including two basement levels) commercial/office building (the subject building), for religious institution use. The Premises falls within an area zoned “R(A)2” on the approved Shau Kei Wan OZP No. S/H9/18 (**Plan A-1**). According to the Notes for the “R(A)2” zone of the OZP, ‘Religious Institution’ use requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises is the subject of a previous similar application (No. A/H9/77) submitted by the same applicant for the same use, but on a temporary basis, which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 14.7.2017. The approval conditions were related to the provision of fire services installations (FSI) which had already been complied with on 12.1.2018. The planning permission has lapsed on 14.7.2020.
- 1.3 The Premises has a total floor area of 215m² and its maximum gathering capacity is about 100 people. It provides Christian and supplementary services to the neighbourhood of the district. The Premises is accessible from Hing Man Street via two independent entrances on G/F with individual staircases and a lift for disable at the subject building (**Drawing A-2** and **Plans A-3 & A-4**). Plans for the floor layout, FSI and as-built drainage network are at (**Drawings A-1 to A-4**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 19.10.2020 **Appendix I**
 - (b) Further Information (FI) received on 27.11.2020 **Appendix Ia** providing responses to comments of the Drainage Services Department (DSD) and public comments (*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 at **Appendices I and Ia**. Major points are summarised as follows.

- (a) the applicant, who is the operator of the religious institution use, is a limited company incorporated for Christian church operation with the objective to preach the gospel of the Jesus Christ as the saviour of all mankind;
- (b) the Premises are currently used as religious institution to provide mainly Christian services such as Sunday services, fellowship gathering, bible study, Christian seminars/learning, choir and musical instrument training. The church also provides tutorial and interest developing classes especially to less privileged groups in promoting its objectives and enhance social bond in the weekday evenings and on Saturday morning;
- (c) majority of the church participants are from the neighbourhood of the district arriving on foot or taking public transport; and
- (d) there is no change to the overall floor area and layout including associated ventilation and FSI of the Premises as compared to the scheme previously approved under application No. A/H9/77.

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

The applicant is not a “current land owner” of the Premises 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 consent from the owner of the premises. Detailed information will be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 There are two previous applications (No. A/H9/63 and A/H9/77) involving the site in which the Premises is located and the Premises respectively (**Plan A-2**).
- 4.2 Application No. A/H9/63 was for a proposed hotel submitted by another applicant and it was approved with conditions by the Committee on 23.5.2008. The proposed hotel had not been implemented and the planning permission lapsed on 23.5.2012.
- 4.3 Application No. A/H9/77 covering the Premises for the same religious institution for a temporary period of 3 years was submitted by the same applicant. The application was approved with conditions on a temporary basis for 3 years by the Committee on 14.7.2017 as the proposed use was considered not incompatible with the existing uses of the subject building or the neighbourhood, and concerned government departments had no objection to or no adverse comments on the application. The approval conditions in relation to the provision of FSIs had been complied with. The planning permission lapsed on 14.7.2020.
- 4.4 Details of the two previous applications are summarised at **Appendix II**.

5. Similar Application

Other than the Premises, there is no similar application for religious institution use within “R(A)” zones in the Shau Kei Wan Planning Area in the past 10 years.

6. The Premises and Its Surrounding Areas **(Plans A-1 and A-2 and photos on Plans A-3 to A-5)**

- 6.1 The Premises is:
 - (a) currently used for the applied use;
 - (b) located on B1/F of a 23-storey (including two basement levels) commercial/office building;
 - (c) accessible from Hing Man Street via independent entrances on G/F with individual staircases to the basement floors as well as a disabled lift at the main lift lobby on G/F of the subject building; and

- (d) well served by public transport including buses, public light buses and trams. The MTR Sai Wan Ho Station is about 350m to its northwest.

6.2 According to the Occupation Permit issued by the Building Authority in 1994 (the concerned site at that time was zoned “Commercial/Residential” on the OZP), the subject building was approved for non-domestic uses including mainly shops, offices, and ancillary facilities. The site was subsequently rezoned to “R(A)” and then “R(A)2” in 2004 and 2008 respectively. The current major floor uses of the subject building are summarised as follows:

Floors	Current Uses
B2/F	Car park
B1/F	Shop, religious institution (the Premises) and car park
G/F	Shops (vacant) and loading/unloading bays
1/F – 23/F*	Offices, shops, tutorial schools and social welfare facilities

*4/F, 13/F and 14/F are omitted.

- 6.3 The surrounding areas of the Premises have the following characteristics:
- (a) to the east, south and west are mainly residential buildings with commercial uses on the lower floors within a larger R(A)2” zone; and
 - (b) to its immediate north across Hing Man Street is a temporary open-air public car park.

7. **Planning Intention**

The planning intention of the “R(A)2” 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 Bureau and Departments**

8.1 The following government bureau/departments (B/Ds) have been consulted and their views on the application are summarised as follows:

Policy Perspective

8.1.1 Comments of the Secretary for Home Affairs (SHA):

- (a) noted from the information submitted by the applicant that the organisation regularly holds Christian Sunday services, fellowship gatherings, bible study classes, choir and music classes and Christian seminars for the local Christian community, and is therefore satisfied that the applicant is a bona fide religious body. Having checked the website of the Inland Revenue Department, he noted that the applicant is also a charitable organisation registered under section 88 of the Inland Revenue Ordinance (Cap. 112); and

- (b) no objection to the application from a religious point of view, since the applicant proposes to continue using the Premises to hold activities as detailed above.

Land Administration

8.1.2 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) the Premises falls within SKWIL No. 823 (the Lot) governing by Conditions of Sale No. 12132. The Lot is restricted to non-industrial (excluding hotel and godown) purposes; and
- (b) the applied use is not in conflict with the lease conditions governing the Lot and if the applied use is approved by the Board, the applicant is not required to seek a lease modification from LandsD. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

Building Matters

8.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no objection to the application;
- (b) the applicant should be advised to appoint an Authorised Person (AP) to submit building plans for proposed alteration and addition works to demonstrate full compliance with the provisions of the Buildings Ordinance (BO) and allied regulations in particular the following issues:
 - (i) provision of means of escape for use as places of assembly to comply with regulation 41(1) of the Building (Planning) Regulations;
 - (ii) provision of access and facilities for persons with a disability in accordance with regulation 72 of the Building (Planning) Regulations;
 - (iii) provision of adequate fire separation between the Premises under application and the rest of the building in accordance with Regulation 90 of the Building (Construction) Regulations;
 - (iv) provision of prescribed windows for office to comply with regulations 30 and 31 of the Building (Planning) Regulations; and
 - (v) provision of sanitary fitments to comply with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and

- (c) the no objection to the application should not be construed as an acceptance of any existing building works or unauthorised building works (UBW) in the premises under the BO. All UBW should be removed.

Traffic Aspects

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

no comment on the application from traffic engineering viewpoint as the Premises is currently used as religious institution under the previous planning application for proposed temporary religious institution for a period of 3 years and there is no change to the current use.

8.1.5 Comments of the Commissioner of Police (C of P):

- (a) no comment on the application; and
- (b) it is advised that the proposal should not cause adverse traffic impact to the local community and each Temporary Traffic Arrangement (TTA) involving works on footpath and/or carriageway should be submitted to him for comment.

Fire Safety

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

no objection in principle to the application subject to FSI and water supplies for firefighting being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Architectural and Visual Aspect

8.1.7 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) no comment on the application from architectural and visual point of view as the Premises is currently used as religious institution under the temporary planning permission and the religious institution is located at B1/F of Marina House with no change on GFA, setting out and associated ventilation and FSI; and
- (b) it is noted that the due date of the attached 'Certificate of FSI and Equipment' has lapsed. The applicant is reminded to submit a renewal certificate as supporting document.

District Officer's View

8.1.8 Comments of the District Officer (Eastern), Home Affairs Department (DO(E), HAD):

no comment on the application from the community angle. It is noted that Planning Department (PlanD) has directly informed the interested District Council members, the Aldrich Area Committee and the owner's corporation/management committee of the buildings near the Premises and he has not received any comments during the 3-week publication period for public comments (i.e. from 27.10.2020 to 18.11.2020).

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD)
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director of Food and Environmental Hygiene (DFEH); and
- (e) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD).

9. Public Comment Received During Statutory Publication Period

On 27.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.11.2020, one public comment was received from an individual (**Appendix III**). The public comment expressed concerns on the lack of information concerning the operator of the religious institution and their beliefs, and questioned whether the applied use should be for educational rather than religious use.

10. Planning Considerations and Assessments

10.1 The application is to seek planning permission for using the Premises for religious institution use. The Premises falls within an area zoned "R(A)2" which is primarily for high-density residential developments and 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 also the subject of a previous application for the same use which was approved on a temporary basis by the Committee in 2017. The planning permission was lapsed on 14.7.2020.

10.2 The Premises is located on B1/F of an existing commercial/office building. The internal layout including access arrangement is basically the same as in the last approved scheme. The only difference is that the applied use is on a permanent basis in the current application. The applied use is considered not incompatible with the uses within the same building and surrounding residential neighbourhood with retail and commercial uses. All relevant government departments/bureau consulted have no objection to or no adverse comment on the application. Besides, there has been no change in planning circumstances and the surrounding land uses since the last approval by the Committee.

10.3 The applicant had complied with the approval conditions imposed by the Committee under the previous planning approval. Approval condition related

to FSI similar to the previous approval is recommended in para. 11.2 below, should the Committee decide to approve the application.

- 10.4 For the public comment, the applicant has clarified the background of its organisation, its services provided and operation time as detailed in paragraph 2 above.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and taking into account the public comment in paragraph 9 above, PlanD has no objection to the application.

- 11.2 Should the Committee decide to approve the application, no time clause for commencement for the development is proposed as the religious institution under application is already in operation. The following conditions 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 within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.6.2021; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The suggested advisory clauses are 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.

- 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 19.10.2020
Appendix Ia	Further Information received on 27.11.2020
Appendix II	Previous applications involving the Premises
Appendix III	Public comment
Appendix IV	Advisory clauses
Drawings A-1 and A-2	Floor plans
Drawing A-3	Plan showing fire services installations
Drawing A-4	As-built drainage plan
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 and A-4	Site photos

**PLANNING DEPARTMENT
DECEMBER 2020**