

Similar s.16 Applications within “R(A)” Zone on Cheung Sha Wan OZP

Approved Applications

Application No.	Proposed Use(s)	Date of Consideration	Approval Conditions
A/K5/141 ¹	Religious Institution	19.7.1991	(1) & (4)
A/K5/539	Proposed Religious Institution (Church)	10.10.2003	(4)
A/K5/606	Proposed Religious Institution	17.3.2006	(2) & (4)
A/K5/665	Religious Institution	19.12.2008	-
A/K5/688	Proposed Religious Institution (Church)	12.2.2010	(2), (3) & (4)

Approval Conditions

- (1) The proposed layout and structural viability should be to the satisfaction of the Principal Government Building Surveyor or of the Town Planning Board (the Board).
- (2) The provision of fire service installations to the satisfaction of the Director of Fire Services or of the Board.
- (3) Revocation clause.
- (4) Time clause.

Rejected Application

Application No.	Proposed Use(s)	Date of Consideration	Rejection Reasons
A/K5/722	Proposed Religious Institution (Christian Church)	10.8.2012	(1) & (2)

Rejection Reasons

- (1) The proposed religious institution was not served with an independent access separated from the domestic portion on the upper floors of the subject composite building. No information had been provided on measures to safeguard that the operation of the proposed religious institution would not cause nuisance and inconvenience to the residents of the same building.
- (2) The approval would set an undesirable precedent for other similar religious institution application which would lead to intrusion of religious institution use into composite buildings with shared use of the existing access with the residential use on other floors.

¹ The subject site of application No. A/K5/141 was within “R(A)” zone upon the time of application and was subsequently rezoned as “Government, Institution or Community” in the draft Cheung Sha Wan OZP No. S/K5/28 exhibited on 12.8.2005.

Agenda Item 4
Replacement Appendix IV of
MPC Paper No. A/K5/804A
For Consideration by MPC on 16.8.2019

Recommended Advisory Clauses

- (a) *prior planning permission should have been obtained before commencing the applied use at the subject premises;*
- ~~(a)~~(b) to note the comments of the Commissioner for Transport (C for T) that the applicant is advised to note and observe the following regarding parking and loading/unloading (L/UL) provision:
- (i) for the notice issued from the church to their users to remind the users to use public transport, the notice should also mention that no parking space is available within the building;
 - (ii) the church should use the existing internal L/UL bay provided inside the building. The management office of the existing building should allow the existing L/UL bay inside the building for use of the church for L/UL or pick up/set down of their users, particularly the elderly and the disabled in need; and
 - (iii) C for T has the rights to impose, alter or cancel any car parking, L/UL facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development;
- ~~(b)~~(c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
- (i) the applicant is advised to engage an Authorized Person (AP) to ensure that any alterations and additions/ change in use are implemented in compliance with the Buildings Ordinance (BO), in particular adequate means of escape shall be provided to the Premises based on the estimated population of the church on 1/F and 2/F;
 - (ii) under section 14(1) of the BO, no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under section 41 of the BO or fall within Minor Works under the Building (Minor Works) Regulation;
 - (iii) detailed comments under the BO would be provided at the building plan submission stage; and
 - (iv) granting of any waiver should not be construed as an acceptance of any unauthorised building works (UBW) on the Premises under the BO. Enforcement action may be taken by the Building Authority to effect their removal in accordance with Building Department's enforcement policy against UBW as and when necessary;
- ~~(c)~~(d) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- ~~(d)~~(e) to note the comments of the Director of Environmental Protection that the applicant is advised to minimise any noise from the church such that it would not cause any noise nuisance to nearby sensitive receivers and it is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances including the Noise Control Ordinance, Air Pollution Control Ordinance and provide necessary mitigation measures.