

RNTPC Paper No. A/YL-ST/560  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 20.3.2020

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

**APPLICATION NO. A/YL-ST/560**

- Applicant** : The Incorporated Trustees of Hephzibah Evangelistic Centre (Church of Jesus Christ) represented by Brightspect Limited
- Site** : Lot 3355 in D.D. 102, San Tin, Yuen Long, New Territories
- Site Area** : 235.3m<sup>2</sup>
- Lease** : New Grant No. 732 (for private residential and religious purposes only)
- Plan** : Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Religious Institution (Church)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed religious institution (church). The Site falls within an area zoned “V” on the OZP. According to the Notes of the OZP, ‘Religious Institution (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by an abandoned 1-storey dilapidated building.
- 1.2 According to the applicant, the proposed new church will replace the existing dilapidated and vacated church building and resume the church’s services including evangelical events and services for the neighbourhood, and is expected to host 30 members for church service every Sunday. The scale of the church will be unchanged upon redevelopment with the proposed gross floor area (GFA) (74.32m<sup>2</sup>) and number of storey (1 storey) being same as the existing building.
- 1.3 In support of the application, the applicant has submitted an environmental assessment and a tree preservation and landscape proposal (**Appendices Ia and Ib**). The floor plans, sections, elevations, landscape plan and tree felling plan are

at **Drawings A-1 to A-8**. The uncovered area will be open yard with outdoor benches and compensatory trees. The Site will be encircled by solid fence wall of 2.5m high. The Site is 110 metres away from the public bus stops located at Castle Peak Road – San Tin, which is served by 1 public bus and 2 mini-bus routes travelling to Lok Ma Chau Station and Sheung Shui Station, hence no car-parking facility would be provided (**Plan A-2**). A summary of the major development parameters are as follows:

Development/use	Proposed religious institution (church)
Site area	235.3 m <sup>2</sup>
GFA	74.32 m <sup>2</sup>
Plot Ratio	0.32
No. of structure	1 (a hall, a classroom, a dormitory for church staff, 2 toilets and an electricity & mechanical room)
Height of structure	1 storey (4.57m)
Site Coverage	31.59%

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

- (a) Application Form received on 26.9.2019 **(Appendix I)**
- (b) Planning Statement with Environmental Assessment **(Appendix Ia)**
- (c) Further Information (FI) dated 5.11.2019 in response to departmental and public comments and with a tree preservation and landscape proposal **(Appendix Ib)**  
*(published for comment)*
- (d) FI dated 17.12.2019 in response to departmental comments and with revised layout plan and clarifications on church background **(Appendix Ic)**  
*(published for comment)*

1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.2.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Rural and New Town Planning Committee at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and FI at **Appendices I, Ia to Ic**. They can be summarised as follows:

- (a) The applicant have previously operated a church (Hephzibah Evangelistic Centre Yuen Long Church) at the Site from 1962 to 1995. Since 1995 the church has been relocated and continued its operation in Yuen Long Town Centre and the building at the Site has become vacant since then. The proposed church would be the redevelopment of the then existing church, which used to serve the local community in vicinity. The dilapidated church building currently at the Site will be demolished and a new church building will be built and operated by the applicant as before. It does not contravene the planning intention as there is building entitlement under the lease for religious institution building at the Site.
- (b) The scale, design and layout of the proposed one-storey development is compatible with the existing development intensity and rural setting of the neighbourhood with mainly 2 to 3-storey residential houses. The redevelopment would not exceed the built over area (74.32m<sup>2</sup>) and number of storey (1-storey) of the previous establishment, and complies with the building height restriction for the “V” zone.
- (c) It will not cause additional residential population and demand for community and infrastructure facilities. The church redevelopment could serve the needs of the villagers by providing the much needed religious and social services to the locality and would spread the belief of Jesus and scriptures. It will serve about 30 members and worshipping activities such as prayer, gospel meetings and worship services would be conducted. Some special services would be held in specific periods, such as summer and winter classes. Evangelical meetings would also organized for the public to participate every year.
- (d) There would be no site formation, pond filling and excavation works, loss of vegetated area, agricultural land, fish pond and wetland involved in the proposed redevelopment. The existing tree in the Site would be felled due to its instability and compensated by 6 trees (**Drawings A-7 to A-8**). Septic tank would be used in the proposed development. No adverse environmental and traffic impacts are envisaged.
- (e) In response to public comments, the applicant stated that the church had provided religious and community services since 1962 at the Site and it has been proven that the nearby residents and the church could stay together; the 1-storey building would not affect the “Fung Shui” of the surrounding areas; the access road does not fall on any private land and is wide enough; and assessment on environment, traffic and accessibility have been undertaken and proved that the proposed development would not generate major impacts on the surrounding areas and the nearby residents.

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

The applicant is the sole “current land owner” of the lot within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) is relevant to the application. According to the TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

#### **5. Background**

The Site is not subject to any planning enforcement action.

#### **6. Previous Application**

The Site is not the subject of any previous application.

#### **7. Similar Application**

There is no similar application in the same “V” zone.

#### **8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

8.1 The Site is:

- (a) accessible from the south via a local track off Castle Peak Road – San Tin;
- (b) partly occupied by a vacant structure and the rest is vegetated; and
- (c) within WBA of the Deep Bay Area.

8.2 The surrounding areas are predominantly rural in character intermixed with residential dwellings, vehicle parks and storage yards. Some vehicle parks and storage yards are suspected unauthorized developments subject to enforcement action by the Planning Authority:

- (a) to its northwest are vehicle parks, residential dwellings/shop/vehicle repair workshop, storage yard, residential dwellings, Small House under construction and vacant land;
- (b) to its northeast are vehicle parks, Small Houses under construction, and unused and vacant land;
- (c) to its southeast are vehicle park, post office, pavilion, toilet and refuse collection point;
- (d) to its south and southwest across a local track are vehicle park, restaurant, storage yard, residential dwellings, elderly home, temple and school; and
- (e) to its further southeast across Castle Peak Road – San Tin are vehicle parks, shop, residential dwellings, rural committee office and storage yards.

## **9. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Policy Aspect**

10.1.1 Comments of Secretary for Home Affairs (S for HA):

- (a) He has no objection to the application from a religious point of view.
- (b) He notes from the information submitted by the applicant that the organization aims to serve the community by conducting worshipping and religious activities and spread the belief of Jesus and scriptures. As such, he is satisfied that the applicant is bona fide religious organization. Having checked the website of the Inland Revenue Department, he notes that the applicant is also a charitable

organization registered under Section 88 of Inland Revenue Ordinance.

### **Land Administration**

10.1.2 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) Lot No. 3355 in D.D.102 (“the Lot”) is governed by New Grant No. 732 (“the New Grant”) dated 17.5.1962 for a term of 99 years less 3 days commencing from 1.7.1898 as extended to 30.6.2047 by New Territories Leases (Extension) Ordinance (Cap. 150). Special Condition No. 5 of the New Grant stipulates that the Lot shall be used for private residential and religious purposes only. The registered site area is about 1,800 square feet (i.e. 167.2 m<sup>2</sup>). The site area under the application would be subject to further checking and detailed surveying.
- (b) According to Conditions of Exchange of the New Grant, the lot shall be used for private residential and religious purposes only. No part of any structure erected on the lot shall exceed a height of 15 feet (i.e. 4.57 m) above the mean formation level of the land on which it stands and the maximum area that may be built over shall not exceed 800 square feet (i.e. 74.32 m<sup>2</sup>).
- (c) The applicant should be reminded that under the New Grant, the Government cannot guarantee any right-of-way to the Lot and the grantee will accordingly have to make their own arrangements for acquiring such right-of-way.
- (d) The Occupation Permit for the building erected on the Lot was issued on 21.2.1963 and no record of its occupation status could be found thereafter.
- (e) According to his record, the Site is situated in the Village Environs of Wing Ping Tsuen and there is no Small House application being processed/approved at the Site. There are 83 outstanding Small House applications for the recognized villages (i.e. Wing Ping Tsuen, Tung Chan Wai, Yan Sau Wai, On Lung Tsuen, Fan Tin Tsuen, San Lung Tsuen and Tsing Lung Tsuen) in the same “V” zone and the 10-year forecast of Small House demand for the recognized villages is 2,972 houses.

### **Traffic**

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

He has no comment from traffic engineering point of view. There would be no vehicular access proposed to the Site under the application.

10.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He has no comment from highways maintenance point of view. It is noted no vehicular access is proposed or to be granted under the application. If the application is approved, the applicant is reminded that there is and will be no vehicular access to and from the Site.

10.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

He has no comment on the application from railway development point of view as the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

### **Environment**

10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) He has no adverse comment on the application and noted that the proposed church redevelopment comprises one 1-storey building block with size less than 74.32m<sup>2</sup>. The proposed church will be more than 20m from Castle Peak Road – San Tin, installed with double-gazed windows panels and fully air-conditioned.
- (b) According to the information provided by the applicant, the application involves the redevelopment of the Hephzibah Evangelistic Centre Yuen Long Church. The church had been operating since 1962 until 1995 and was then abandoned due to the dilapidated condition.

### **Nature Conservation**

10.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

He has no comment on the application from the nature conservation point of view. The Site is paved and disturbed, and is also far away from existing fishponds or wetland in the WCA or WBA. As such, significant ecological impact arising from the proposed development is not envisaged and EcoIA for this development is not required.

### **Urban Design and Landscape**

10.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

### Urban Design

The Site is located at the northern side of Castle Peak Road -San Tin and is surrounded by low-rise residential developments of 2 to 3 storeys and car parks. There is a general building height (BH) restriction of 3 storeys (8.23 m) for the respective "V" zone under OZP except for some uses including religious institution. The proposed church with a GFA of 74.32m<sup>2</sup> and BH of 4.57 m (1 storey) is small in scale. It is considered not incompatible with the surroundings and unlikely to have significant adverse visual impact on the surroundings.

### Landscaping

- (a) The Site, located to the northwest of Castle Peak Road - San Tin Section, falls within an area zoned "V" zone on the OZP and falls within WBA in accordance with TPB PG-No. 12C. The Site is not the subject of any previous application.
- (b) With reference to the aerial photo taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area of the Site is comprised of village houses, car parks, temporary structures and scattered tree groups. It is considered that the proposed development is not incompatible with the landscape setting in proximity.
- (c) According to the Planning Statement and the FI, the existing church within the Site has been established for over 50 years. An existing tree, *Ficus microcarpa* (細葉榕), is found within the Site. It has a diameter at breast height of 1000mm and is proposed to be felled due to the redevelopment. With reference to the submitted photos enclosed in the Planning Statement and the FI, it is observed that part of the tree branches have attached on and grown into the existing church building, and some of the aerial roots have merged with the existing building facades.
- (d) With reference to the FI and according to the recommendations from the Registered Structural Engineer and Geotechnical Engineer, the existing building structures together with the existing tree is structurally unstable and the building will collapse in time being. As such, the feasibility of retaining the existing tree on site is unlikely. In view of the above, he has no further comment on the FI and have no objection to the application from landscape planning perspective.
- (e) In view that the Site is not located along the prominent public frontage and the proposed use is unlikely to cause visual impact, it is opined that landscape condition in the planning permission is not recommended, should the application be approved by the Board.
- (f) His advisory comments are at **Appendix III**.



### **Fire Safety**

#### 10.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to provision of fire service installations (FSIs) and water supplies for fire fighting to the satisfaction of his Department. Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.
- (b) As no details of the emergency vehicular access have been provided, comments could not be offered by his Department at the present stage. Nevertheless, the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department (BD).

### **Building Matters**

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

- (a) The Site does not abut on any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of Building (Planning) Regulations (B(P)R) at building plan submission stage.
- (b) The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D.
- (c) Detailed comments under the BO will be provided during the plan submission stage.

### **Drainage**

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow

etc.) with supporting design calculations and charts should be included.

- (c) After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference.
- (d) His detailed comments are at **Appendix III**.

### **District Officer's Comments**

#### 10.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has no comment on the application and the local comments shall be submitted to the Board direct, if any.

#### 10.2 The following Government departments have no comment on or objection to the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West) (PM(W)), CEDD;
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Director of Electrical and Mechanical Services (DEMS); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

### **11. Public Comment Received During Statutory Publication Period**

On 4.10.2019, 15.11.2019 and 3.1.2020, the application and its FIs were published for public inspection. During the first three weeks of the statutory public inspection periods, ten public comments were received including one supporting comment from a member of the public and nine objecting comments from San Tin Rural Committee (submitted three times), a manager of a tong and five members of the public. The supporting comment suggested that the church should provide community and social services to the local people. The remaining nine objecting comments mainly raised concerns that the proposed church could cause religious conflict as the majority of the indigenous villagers are Taoist and Buddhist; the proposed church would affect the rights and sentiment of the

indigenous villagers in the neighbourhood; was not compatible with the village setting in the surroundings; and lacked relevant assessments on impacts on environmental, pedestrian traffic, fire safety, visual and drainage perspectives (**Appendix II**).

## 12. Planning Considerations and Assessments

- 12.1 The application is for proposed religious institution (church) to facilitate the redevelopment of an abandoned church. The Site falls within “V” zone which is intended to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. Although the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, the previous church on the Site which the applicant owns has served the local community since 1962 until it was abandoned in 1995 due to the dilapidated condition of the building. According to DLO/YL of LandsD, the Site (Lot 3355 in D.D. 102) is governed by New Grant No. 732 which restricts the lot to be used for private residential and religious purposes only, with maximum height of 15 feet (i.e. 4.57m) above ground and the maximum built over area of 800 square feet (i.e. 74.32m<sup>2</sup>). The proposed church redevelopment is in line with the user and building entitlement under the lease.
- 12.2 The scale of the proposed one-storey church with a total GFA of 74.32 m<sup>2</sup> is small and same as the scale of the existing abandoned structure. Its scale and nature, which is to provide religious and community services to the neighbourhood, are considered not incompatible with the surrounding areas which are predominantly rural in character intermixed with residential dwellings and vehicle parks. S for HA has no objection to the application from a religious point of view. He notes that the organization aims to serve the community by conducting worshipping and religious activities and spread the belief of Jesus and scriptures and he is satisfied that the applicant is bona fide religious organization.
- 12.3 The Site falls within the “V” zone of seven recognised villages as stated in paragraph 10.1.2 (e). According to DLO/YL, LandsD, there is no Small House application being processed/approved at the Site and the total number of outstanding Small House applications of the villages is 83 (i.e. equivalent to about 2.08 ha) while the 10-year Small House demand forecast is 2,972 (i.e. equivalent to about 74.3 ha). While land available within the “V” zone (about 8.58 ha or equivalent to 343 Small House sites) is insufficient to fully meet the future Small House demand of 2,972 houses, such available land is capable of meeting the 83 outstanding Small House applications.
- 12.4 The Site falls within the WBA of the TPB PG-No. 12C. DAFC has no adverse comment on the application from nature conservation point of view as the Site is paved and disturbed and considered that submission of EcoIA is not required. Other government departments including C for T, DEP, D of FS, CE/MN of DSD and CTP/UD&L, PlanD have no objection to or adverse comment on traffic, environmental, fire safety, drainage and landscape aspects respectively. The

technical concerns on drainage, fire safety and landscape aspects could be addressed by approval conditions as recommended in paragraph 13.2(a) and (b) below.

- 12.5 There are ten public comments including those submitted by the locals, of which one supporting and nine objecting the application. The objecting comments raise concerns that the proposed church was incompatible with the village setting, could cause religious conflict and would bring about adverse impacts on the surroundings. The planning assessments and departmental comments above are of relevance. An advisory clause reminding the applicant to liaise with the local people to address their concerns is proposed in paragraph (a) of **Appendix III**.

### 13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.3.2024, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of water supplies for fire fighting and fire service installations proposal 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "V" zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong justification in the submission for a departure from such planning intention.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 26.9.2019
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Further Information dated 5.11.2019
<b>Appendix Ic</b>	Further Information dated 17.12.2019
<b>Appendix II</b>	Public Comments Received during Statutory Publication Period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	G/F Layout
<b>Drawing A-2</b>	R/F Layout
<b>Drawing A-3</b>	Proposed Section of the Church Building (A-A)
<b>Drawing A-4</b>	Proposed Section of the Church Building (B-B)
<b>Drawing A-5</b>	Elevation of South-east of the Building
<b>Drawing A-6</b>	Elevation of South-west of the Building
<b>Drawing A-7</b>	Landscape Plan
<b>Drawing A-8</b>	Tree Felling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2020**