

Section 16 Planning Application for Proposed Temporary Eating Place for a Period of 5 Years at G/F, No. 3 David Lane, Sai Ying Pun, Hong Kong

Background

The application premises involves Ground Floor of No.3 David Lane in Sai Ying Pun (**Figures 1 and 2** refer), with a gross floor area of about 51.79m² (Please refer to the attached **Layout Plan** and the **General Building Plan**). The application premises is currently vacant, and it is intended to utilise the application premises for the proposed use (i.e. Proposed Temporary Eating Place for a Period of 5 Years).

Justifications

- The application premises is located in an area with low- to high-rise residential buildings, featuring commercial establishments like restaurants on the lower floors. The proposed eating place is similar in scale and nature to existing establishments, making it compatible with the local environment and unlikely to cause any issues for the neighbourhood.
- Individual unit on 1/F above the application premises is currently vacant and is accessible via a separate staircase connected to G/F directly at No.4 David Lane (**Illustration 1** refers). This would avoid nuisance to potential users on the upper floor of the subject buildings. The proposed use will operate indoors only, from 8:00 a.m. to 11:00 p.m. (Monday to Sunday, including Public Holidays). In order to minimise nuisance to the neighbourhood, there will be no outdoor seating accommodation nor any kind of outdoor activities. Customers will queue up in the designated indoor waiting areas inside the eating place, as shown in the layout plan. As it involves light meals and beverages, no significant noise or environmental impacts are expected for the residential neighborhood.
- The "G/IC" zone where the application premises is located currently has no designated use (**Figure 3** refers), making the proposed temporary use appropriate and flexible for future changes. Upon expiry of the planning approval, the Board can adjust the approval period to less than five years and has the authority to decide on any future applications. Therefore, the temporary nature of the proposed use will not jeopardise the long-term planning intentions for the "G/IC" zone.
- The application premises has no direct vehicular access but is well served by various public transport services. (**Figure 4** refers). Located just a minute's walk from Sai Ying Pun Station and close to several bus and minibus stops, customers will access the proposed eating place by public transport and by foot, resulting in no adverse vehicular traffic impact. Pedestrian access is via David Lane, a dead-end alley serving nearby buildings. The main entrances of adjacent buildings face Second Street, reducing traffic on David Lane. Given the small scale of the proposed use, the existing infrastructure is deemed adequate to handle any slight increase in foot traffic, with no adverse impacts anticipated.

- Loading and unloading activities are proposed to take place either on Second Street (near No. 52 Second Street) or on Third Street (near No. 67 Third Street), both of which are located within 50m distance from the application premises (**Figure 5** refers). The unloaded goods will be transported to the application premises via Centre Street and David Lane by foot. In view of the small-scale nature of the proposed use, loading/unloading activities will be carried out approximately 2-3 times a week which will be minimal and infrequent.
- The application premises is currently vacant and has an unattractive façade (**Illustration 1** refers). The proposed use presents an opportunity for refurbishment, including repainting and furnishing, which would enhance the street environment and create a pleasant gathering space for residents and visitors. The proposed eating place would bring vitality to the area and reinforce the district characteristic.
- The application premises in downtown Sai Ying Pun is highly accessible and has development potential. Given Hong Kong's land shortage, leaving the site vacant would waste valuable resources. The proposed use would optimize this location by providing essential food and beverage facilities for residents and visitors, without requiring large-scale development or increased floor area. The proposed use will allow an effective and efficient use of the premises to serve the local community.
- Three similar applications (Nos. A/H3/431, A/H3/443 and A/H3/447) covering the same "G/IC" zone of the Current OZP for proposed temporary eating place for a period of 5 years was approved with conditions on a temporary basis by the MPC on 12.8.201, 09.07.2021 and 13.01.2023 respectively. Considering the current application carries a similar site context, scale and nature, and is situated between the premises of the approved applications, the approval of the current application would be in line with the previous decision of the MPC and would by no means set an undesirable precedent for other similar applications.
- The proposed use would be in line with the Town Planning Board Guidelines for Application for Development/ Redevelopment within "G/IC" zone for uses other than G/IC uses under Section 16 of the Town Planning Ordinance in the sense that: (a) considering that there is currently no designated G/IC use for the "G/IC" zone and that the proposed use is temporary in nature, it would not delay the implementation of any GIC facilities within the "G/IC" site; (b) the proposed use is compatible with the surrounding areas in terms of land use, scale and development intensity; (c) the proposed development would be sustainable in terms of the capacities of existing infrastructure; and (d) the proposed development is not susceptible to adverse environmental impacts.

In view of the above, it is sincerely hoped that the Board will give favourable consideration to approve the current application for a temporary period of 5 years.