

Section 16 Planning Application for Temporary Eating Place for a Period of 5 Years at G/F, No. 4 David Lane, Sai Ying Pun, Hong Kong

Background

The application premises involves ground floor of No.4 David Lane in Sai Ying Pun (**Figures 1 and 2** refer), with a gross floor area of about 55.4m² (Please refer to the attached **Layout Plan**). The application premises is currently operating as a temporary eating place ("the eating place") since receiving previous approvals.

Justifications

- The application premises is subject to previous two planning approvals for the same use under application no. A/H3/431 and A/H3/443. The current application seeks to continue using the application premises for the same use without substantial changes. There is no change in terms of gross floor area, applied use, nature or operation hours, except for minor modifications to the internal layout.
- 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 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 accessible via a separate staircase connected to G/F directly at No.4 David Lane, avoiding nuisance to users on the upper floor of the subject buildings. The eating place will operate from 8:00 a.m. to 11:00 p.m. (Monday to Sunday, including Public Holidays).
- The "G/IC" zone where the application premises is located currently has no designated use (**Figure 3** refers), making the temporary eating place 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 applied 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 minibuss stops, customers will access the 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 applied use, the existing infrastructure is 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 applied use, loading/unloading activities will be carried out approximately 2-3 times a week which will be minimal and infrequent.

- The eating place creates a pleasant gathering space for residents and visitors and brings vitality to the area and reinforce the district characteristic.
- Two similar applications (Nos. A/H3/447 and A/H3/451) covering the same "G/IC" zone of the Current OZP for temporary eating place for a period of 5 years was approved with conditions on a temporary basis by the MPC on 13.01.2023 and 18.7.2025 respectively. Considering the current application carries a similar site context, scale and nature, 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.
- There will be no alternation to the existing stormwater drainage and sewerage discharge points from the eating place.
- The applied 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.