

**S16 Planning Application for Proposed Flat with Shop and Services/Eating Place in “Commercial” zone
at 42-44 Yiu Wa Street and 28-29 Canal Road East, Hong Kong
Application No. A/H5/423 – Further Information (1)**

Departmental Comments		Responses
23 March 2026 refers: Transport Department (TD)		
1	Objection to the application.	Traffic Impact Assessment (“TIA”) has been conducted in support of the Proposed Development. Please refer to Appendix 3 – Traffic Impact Assessment .
2	In view of the busy traffic nearby (i.e. Canal Road Flyover, Canal Road East, Yiu Wa Street, etc.), the applicants should submit a comprehensive traffic impact assessment (TIA) in this s16 planning application to justify the traffic generated /attracted arising from the proposed development would not cause adverse traffic impact.	
3	It is noted that no internal transport facilities are provided in the development. In view of the strong demand for carparking spaces and loading/unloading facilities in the vicinity, the applicants should critically review and provide the internal transport facilities in accordance with the requirements as stipulated in the Hong Kong Planning Standards and Guidelines as far as possible, especially for the loading/unloading demand for the proposed development.	Please refer to Sections 3.4 – 3.13 in TIA report for the justification for not providing internal transport facilities.
4	As per Appendix 1 of the supplementary planning statement, it was noted that a min. setback of 1700mm in accordance with APP-132 and a min. setback of 1100mm in accordance with APP-152 are proposed. As planters are proposed in the ground level of setback area, please review the design to widen the pedestrian passage as far as possible.	The planters on G/F are removed to widen the pedestrian passage.

Departmental Comments		Responses
23 March 2026 refers: Food and Environmental Hygiene Department (FEHD)		
1	No environmental nuisance should be generated to the surroundings. Also, arrangement shall be made to dispose any waste so generated from commercial/trading activities properly at own expenses.	Noted.
2	Proper licence / permit issued by Food and Environmental Hygiene Department is required if there is any food business /catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.	Noted.

Departmental Comments		Responses
9 April 2026 refers: Environmental Protection Department (EPD)		
1	The subject site is located about 5m from Canal Road East (classified as primary distributor) and about 10m from the Canal Road Flyover(classified as expressway). Hence, the site would be subject to adverse air quality impact from vehicular emission source and exposure to high traffic noise levels . In the Planning Statement submitted with the application, the applicant noted these constraints and raised that Air Quality Impact Assessment (AQIA) and Noise Impact Assessment (NIA) would be <u>supplemented at a later stage</u> , as provided in section 5.7.3 of the Statement.	Noted. Quantitative Air Quality Impact Assessment (AQIA) and Noise Impact Assessment (NIA) have been supplemented in the Environmental Assessment Report, and it is concluded that no adverse impacts on noise or air quality are anticipated. Please refer to Appendix 4 –Environmental Assessment .
2	In view of the adverse site constraints for residential use, the Environmental Protection Department is unable to support the planning application at this stage. The applicant is required to <u>submit the AQIA and the NIA with the planning application</u> to demonstrate that the Hong Kong Planning Standards & Guidelines (HKPSG) standards and relevant requirements can be fulfilled.	Quantitative Air Quality Impact Assessment (AQIA) and Noise Impact Assessment (NIA) have been supplemented in the Environmental Assessment Report, and it is concluded that no adverse impacts on noise or air quality are anticipated.
3	To facilitate the applicants to carry the AQIA, please find the detailed assessment scope in Annex A below. Please be reminded that if the HKPSG buffer distance requirements could not be fulfilled, quantitative	Noted. Potential air quality impact has been assessed following the scope in Annex A, and it is concluded that no adverse impact on air quality is anticipated.

	<p>cumulative impact assessment would be required to evaluate the potential air quality impact to confirm the compliance of the prevailing AQOs criteria.</p> <p><i>[See attachment "EPD (Annex A).pdf"]</i></p>	
4	<p>Regarding the noise impact assessment, the applicants are required to demonstrate and confirm in the present submission that exhaustive and noise mitigation measures are feasible and will be implemented at the detailed design stage of the development to fully mitigate the adverse road traffic noise impacts. The consultant should also ensure full compliance with the relevant noise criteria and requirements under the ProPECC PNs, the HKPSG and the Noise Control Ordinance, etc. as appropriate.</p>	<p>Noted. NIA has been supplemented in the Environmental Assessment Report. After applying the noise mitigation measures for road traffic noise, it is concluded that no adverse noise impact is anticipated.</p>
5	<p>In addition, the applicants should be reminded:</p> <p>(i) to assess the potential impacts on the local / nearby public sewerage system; and</p> <p>(ii) to address the waste management and land contaminated implications associated with the proposed development.</p>	<p>(i) Noted. Sewerage impact assessment has been supplemented, and the existing sewerage pipeline would have adequate capacity to receive the flow. Please refer to Appendix 5 – Drainage and Sewerage Impact Assessment.</p> <p>(ii) The waste management and land contaminated implications associated with the proposed development are review and assessed in para. 5.7.3.3 and 5.7.3.4 of the planning statement. Please refer to Appendix 6 – Extract of Revised Planning Statement.</p>

Departmental Comments	Responses
9 April 2026 refers: Lands Department (LandsD)	
<p>1 The Application Site falls within IL 5444 and IL 5445 (the Lots). The Government leases governing the Lots, both with lease term of 999 years commencing from 20.6.1881, are virtually unrestricted except with the standard offensive trades clause. A right of way as shown coloured yellow on the lease plans annexed to the Government leases has been granted to the Lots.</p>	<p>Noted.</p>
<p>2 It is noted that eating place is proposed on the G/F under the development scheme in para. 4.1 of the Supplementary Planning Statement. The owners of the Lots shall apply to the Lands Department (LandsD) for an Offensive Trade Licence (OT Licence) to carry on the trades of sugar baker, oilman, butcher, victualler and tavern-keeper (the five trades) contained in the offensive trades clause. Alternatively, subject to grant of any of the Statutory Licences as defined under para. 7 of the Land Administration Office Practice Note No. 3/2023 (PN No. 3/2023) regarding the relaxation of the requirement for applying for OT Licences for specified food businesses, and upon satisfying the Criteria as defined under para.3 of the PN No. 3/2023, an OT Licence would be deemed to be granted to the owner of the concerned lot or premises by LandsD. Please note that upon the expiration or cancellation of all relevant Statutory Licence(s) in respect of the concerned lot or premises or in the event that the concerned lot or premises no longer satisfying all the Criteria, the OT Licence deemed to be granted shall automatically terminate and cease to have effect and the concerned lot or premises shall in all respects be subject to all the provisions, restrictions and covenants in the Government lease, including the offensive trades clause in its entirety.</p>	<p>The Applicant will apply for an Offensive Trade Licence, if the grant of any of the Statutory Licences as defined under para. 7 of the Land Administration Office Practice Note No. 3/2023, such as general restaurant license, light refreshment restaurant licence, bakery licence etc., are not applicable.</p>

Departmental Comments		Responses
9 April 2026 refers: Highways Department (HyD)		
1	Should any road improvement works be required at the Highways Department (HyD) maintained roads, further details should be provided to HyD for comments and approval.	Noted. No road improvement works are required.

Departmental Comments		Responses
9 April 2026 refers: Electrical and Mechanical Services Department (EMSD)		
1	Please be advised that EMSD has no particular comment on the document from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned document should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.	Noted.