

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H3/451

<u>Applicant</u>	:	Ms. CHUI Yee Ying represented by Grandmax Surveyors Limited
<u>Premises</u>	:	G/F, 3 David Lane, Sai Ying Pun, Hong Kong
<u>Total Floor Area</u>	:	About 51.79m ²
<u>Lease</u>	:	Inland Lots (I.L.) No. 8114 (Part) - virtually unrestricted subject to a standard offensive trade clause
<u>Plan</u>	:	Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/34
<u>Zoning</u>	:	“Government, Institution or Community” (“G/IC”) <i>[restricted to a maximum building height (BH) of 2 storeys, or the height of the existing building, whichever is the greater]</i>
<u>Application</u>	:	Proposed Temporary Eating Place for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises on the G/F of 3 David Lane, Sai Ying Pun (the Premises) for proposed temporary eating place for a period of 5 years. The Premises falls within an area zoned “G/IC” on the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/34 (**Plans A-1 and A-2**). According to the Notes of the OZP for “G/IC” zone, ‘Eating Place’ use, except canteen and cooked food centre which are always permitted, requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is located on the G/F of a 2-storey domestic building at 3 David Lane with an entrance facing David Lane which is a pedestrian alley branching off from Centre Street. As there is no vehicular access serving the subject building, access to the Premises is on foot. The Premises is currently vacant and is proposed to be operated as a restaurant serving light meals and beverages with a seating capacity of 13 persons. According to the applicant, loading/unloading of goods and supplies will take place on either Second Street or Third Street, both of which are within a 50m distance from David Lane, and will be transported to the Premises via Centre Street and David Lane on foot (**Plan A-2**). The operation hours of the proposed eating place are from 8:00a.m. to 11:00p.m. every day,

including public holidays. The applicant indicated that there will be neither outdoor seating accommodation nor any kind of outdoor activities. The layout plan of the proposed eating place submitted by the applicant is at **Drawing A-1**.

1.3 In support of the application, the applicant submitted the following documents:

- (a) Application Form with supporting information (**Appendix I**)
received on 26.5.2025
- (b) Further Information (FI) received on 26.6.2025 (**Appendix Ia**)
providing responses to departmental comments ^(#)

Remark:

^(#) accepted and exempted from publication and recounting requirement

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supporting information and FI at **Appendices I** and **Ia** respectively. They are summarised as follows:

- (a) The Premises is located in an area predominantly characterised by low-rise to high-rise residential buildings with commercial uses, such as eating places, on the lower floors. The scale and nature of the proposed use is similar to other eating places in the area and is considered compatible with the local environment.
- (b) As there is currently no designated use for the subject “G/IC” zone, the proposed temporary use is considered appropriate and can provide flexibility in case of changing circumstances in the future. The temporary nature of the proposed use will not jeopardise the long-term planning intention of the “G/IC” zone.
- (c) The proposed use will allow an effective and efficient use of the premises by providing essential food and beverage services to local residents and visitors.
- (d) The proposed use provides an opportunity for refurbishment of the Premises which could enhance the street environment and bring vitality to the area.
- (e) The proposed use will not generate adverse pedestrian and vehicular traffic impacts, noise nuisance, or environmental or sewerage impacts to the neighbourhood.
- (f) Approval of the current application would be in line with the previous decisions of the Metro Planning Committee (the Committee) on approving three similar planning applications (Nos. A/H3/431, A/H3/443 and A/H3/447) for temporary eating place use within the same “G/IC” zone.
- (g) The application is in line with the Town Planning Board Guidelines No. 16.

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

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

4. Town Planning Board Guidelines

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’ (TPB PG-No. 16) is relevant to this application. Relevant extract of the main planning criteria is attached at **Appendix II**.

5. Background

- 5.1 The existing 2-storey domestic building at 3 David Lane, where the Premises is located, was constructed in 1950 and was zoned “Government Reservation” (“G”) on the first statutory plan covering the Sai Ying Pun & Sheung Wan area published on 20.3.1970.
- 5.2 On 13.9.1985, the aforesaid “G” zone was rezoned to “G/IC” on the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/1. On 7.5.2010, a maximum BH restriction of 2 storeys was imposed on the subject “G/IC” zone on the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/24.

6. Previous Application

There is no previous application at the Premises.

7. Similar Applications

There are three similar applications (Nos. A/H3/431, A/H3/443¹ and A/H3/447) at two premises for temporary eating place use for a period of 5 years within the subject “G/IC” zone (**Plan A-1**) which were approved with conditions by the Committee on 12.8.2016, 9.7.2021 and 13.1.2023 respectively. Details of the similar applications are at **Appendix III**.

8. The Premises and its Surroundings (Plans A-2 to A-4)

8.1 The Premises:

- (a) is located on the G/F of a 2-storey tenement building at 3 David Lane and is currently vacant. The vacant domestic unit above on 1/F is accessible via a separate staircase located at the adjoining building at 4 David Lane; and

¹ Planning Application No. A/H3/443 is the renewal of planning approval for temporary eating place for a period of 5 years under Planning Application No. A/H3/431.

- (b) has direct frontage and access to David Lane which is a dead-end pedestrian alley leading from Centre Street. Vehicular access is prohibited at the section of Centre Street between Second Street and Third Street.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and south are areas zoned “Residential (Group A)8” (“R(A)8”) with a mix of medium and high-rise residential buildings with commercial uses such as shops and restaurants on the ground floor;
- (b) to the immediate east are two 2-storey tenement buildings with an approved eating place at the G/F (under Application No. A/H3/447) valid up to 13.1.2028 and to the further east is Centre Street Sitting-out Area, which are within the same “G/IC” zone ;
- (c) to the immediate west is a 2-storey tenement building with an approved eating place at the G/F (under Application No. A/H3/443) valid up to 12.8.2026. To the further west is an area zoned “R(A)24” which is currently occupied by seven 3-storey residential buildings;
- (d) to the further north across Second Street is the Centre Street Market, and to the further east across Centre Street is the Sai Ying Pun Market (both within 50m of the Premises); and
- (e) the Premises is well served by public transport, including Mass Transit Railway (MTR), buses and public light buses. The Premises is about 40m away from the entrance of Sai Ying Pun MTR Station which is located to the north across Second Street.

9. Planning Intention

The “G/IC” zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application are summarized as follows :

Land Administration

- 10.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) The Premises falls within I.L. 8114 where the Government lease governing the Premises is virtually unrestricted except the offensive trades clause.
- (b) Detailed advisory comments are at **Appendix V**.

Traffic

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

- (a) No objection to the application.
- (b) No objection to the proposed access and loading/unloading (L/UL) arrangement (i.e. no direct vehicular access to the Premises while L/UL will be carried out at Second Street or Third Street) given the small scale of development (only the ground floor of 3 David Lane) and constrained site (no direct vehicular access), and proximity to public transport services (e.g. MTR Sai Ying Pun Station at Second Street, bus stops at Queen's Road West, etc.).
- (c) Detailed advisory comments are at **Appendix V**.

Environment

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

- (a) No objection to the application from an environmental planning perspective.
- (b) The applicant is advised to comply with all relevant pollution control ordinances and to follow the recommendations stipulated in Environmental Protection Department (EPD) Guideline "Control of Oily Fume and Cooking Odour from Restaurant and Food Business".

Food and Environmental Hygiene

10.1.4 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No comment on the application.
- (b) Under the Food Business Regulation (Cap. 132X), any person intending to operate a food business involving the sale of meals or unbottled non-alcoholic beverages (excluding Chinese herb tea) for consumption on the premises must obtain a restaurant licence, except a factory canteen or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap.132AI). Licensee of restaurant licences shall at all times comply with fire safety requirements issued by the Director of Fire Services (D of FS).

- (c) If the applicant plans to prepare and/or manufacture food for sale for human consumption off the premises, or sale of non-bottled drinks, frozen confections, milk, shell fish (hairy crab) or other restricted foods at any premises, relevant food factory licence and/or permit relevant to the type of proposed business must be obtained from the Food and Environmental Hygiene Department before commencement of such business.

Fire Safety

10.1.5 Comments of the D of FS:

- (a) No objection in principle to the application subject to fire service installations and equipment being provided to the satisfaction of the Fire Services Department.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral of application via relevant licensing authority, as appropriate.

10.2 The following government departments have no objection to / no comment on the application, and their advisory comments, if any, are at **Appendix V**:

- (a) Project Coordinator/Railway Development 2-3, Railway Development Office, Highways Department (HyD);
- (b) Chief Highway Engineer/Hong Kong, HyD;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (e) Commissioner of Police;
- (f) Project Manager (South and Sustainable Lantau), Civil Engineering and Development Department (CEDD);
- (g) Director of Leisure and Cultural Services (DLCS);
- (h) Chief Building Surveyor/Hong Kong West, Buildings Department;
- (i) Director of Electrical and Mechanical Services; and
- (j) District Officer (Central and Western), Home Affairs Department.

11. Public Comment Received During Statutory Publication Period

During the statutory publication period, one comment was received from the Incorporated Owners of a nearby residential development objecting to the application mainly on the grounds that the proposed eating place will pose adverse environmental and hygiene impacts (e.g. cooking fume, odour and waste water discharge), fire safety concerns, and noise nuisance to the surrounding areas (**Appendix IV**).

12. Planning Considerations and Assessments

- 12.1 The applicant seeks planning permission for proposed temporary eating place for a period of 5 years at the Premises which is located within the “G/IC” zone on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “G/IC” zone, there is currently no designated GIC use for the subject “G/IC” zone. Besides, the proposed temporary eating place merely involves a change of use within an existing building and could facilitate better utilisation of land resources. In this regard, the proposed use of the ground floor unit of the subject residential building as a temporary eating place would not frustrate the planning intention of the “G/IC” zone in the long run.
- 12.2 The Premises, with a total floor area of about 51.79m², is currently vacant. The Premises is surrounded by a mix of medium and high-rise residential buildings with commercial uses, such as shops and restaurants, on the lower floors. The proposed eating place would not result in land use incompatibility with the surrounding area and developments. Besides, separate accesses are provided for the proposed eating place on the G/F and the domestic unit on the 1/F (**Plan A-3**), thus minimizing nuisance to the future residents on the upper floor of the building.
- 12.3 In view of its small scale and nature of operation, the proposed eating place is not anticipated to cause any significant adverse traffic, drainage, sewerage, or fire safety impacts on the surrounding areas. Besides, the applicant confirmed that the proposed eating place will be operated indoors only, and there will be no outdoor seating accommodation or outdoor activities. Potential environmental nuisances, such as noise, cooking fume and hygiene, could be controlled under the relevant legislations. Concerned government departments, including the C for T, CE/HK&I of DSD, DEP, DFEH and D of FS have no objection to or no adverse comments on the application. Relevant advisory clauses relating to potential environmental nuisances, traffic impact and fire safety are also suggested.
- 12.4 In connection with the above, the proposal generally complies with the assessment criteria regarding the implementation of GIC facilities, land-use and intensity compatibility, infrastructural capacities, and potential environmental impacts under the TPB PG-No.16. Besides, there are three similar applications for eating place use at the ground floors of the adjoining buildings (i.e. 1-2 and 4 David Lane) within the same “G/IC” zone which were approved by the Committee on a temporary basis of 5 years between 2016 and 2023. The planning circumstances of the area have remained similar over the years, and approval of the current application is generally consistent with the Committee’s previous decisions.
- 12.5 Regarding the public comment on the possible environmental, hygiene, fire safety and noise impacts arising from the proposed use, the planning assessments above and departmental comments in paragraph 10 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, PlanD 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 on a temporary basis for a period of five years until 18.7.2030. The following advisory clauses for the application are suggested for Members' reference:

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 13.3 There is no strong reason to recommend rejection of the application.

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 period of which the permission should be valid on a temporary basis.
- 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

Appendix I	Application Form with Supporting Documents received on 26.5.2025
Appendix Ia	FI received on 26.6.2025
Appendix II	Extract of TPB PG-No. 16
Appendix III	Similar Applications
Appendix IV	Public Comment
Appendix V	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
JULY 2025**