

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H7/187

<u>Applicant</u>	: Delphic Limited represented by Hilton Mo & Co. Limited
<u>Premises</u>	: G/F, 14 Tsun Yuen Street, Happy Valley, Hong Kong
<u>Floor Area</u>	: About 52.38m ²
<u>Lease</u>	: Inland Lot (IL) No. 2666 (Part) - virtually unrestricted except for offensive trade purpose
<u>Plan</u>	: Approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/21
<u>Zoning</u>	: “Residential (Group B)” (“R(B)”) - restricted to a maximum building height (BH) of 115 metres above Principal Datum (mPD) or the height of the existing building, whichever is the greater.
<u>Application</u>	: Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for a fast food shop (takeaway only). The Premises falls within the “R(B)” zone on the approved Wong Nai Chung OZP No. S/H7/21 (**Plans A-1 and A-2**). According to the Notes of the OZP for the “R(B)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 52.38m², is situated on the ground floor (G/F) of an existing five-storey building at 14 Tsun Yuen Street and is currently occupied by the applicant’s fast food shop (takeaway only) without valid planning permission. According to the applicant, the fast food shop offers bread and coffee to serve nearby residents and has already obtained a valid food factory license issued by the Food and Environmental Hygiene Department (FEHD). The operating hours are from 7:30 a.m. to 10:00 p.m. daily. The layout of the Premises, submitted by the applicant, is at **Drawing A-1**.
- 1.3 The Premises is the subject of a previous application No. A/H7/166 for the same use on a temporary basis for four years and six months¹ approved by the Metro

¹ The permission period of four years and six months was applied for by the applicant.

Planning Committee (the Committee) of the Board on 27.6.2014, and the temporary permission lapsed on 28.12.2018.

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

- (a) Application Form with Plans received on 10.6.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 12.6.2025 (Appendix Ia)
- (c) Further Information (FI) received on 16.7.2025* (Appendix Ib)
- (d) FI received on 25.7.2025* (Appendix Ic)

**accepted and exempted from recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form, as well as in the submitted SI and FIs at **Appendices I, Ia, Ib and Ic** respectively, and summarised as follows:

- (a) the Premises was previously used as a fast food shop under approved planning application No. A/H7/166, which lapsed on 28.12.2018. The applicant has rented the Premises since 2016. A valid planning permission is required to renew the food factory license² for continuation of the current business;
- (b) the Premises is already equipped with facilities that comply with legal requirements, including water supply and drainage provisions, ventilation systems, fire safety installations, and grease traps; and
- (c) all cooking fumes, waste water, and wastes generated by the applied use are properly treated before disposal. The fast food shop does not cause any adverse environmental impact on the surrounding area.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of the “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection.

4. Previous Application (Plan A-2)

- 4.1 The Premises is the subject of a previous application No. A/H7/166 for the same applied use submitted by the then tenant for the same premises (excluding the open yard). The application was approved with conditions for a period of four

² According to FEHD, the current food factory license will expire on 20.4.2026.

years and six months by the Committee on 27.6.2014, mainly on the grounds that (i) the applied use was generally compatible with the surrounding uses; (ii) it would not induce adverse traffic, environmental and infrastructural impacts; and (iii) relevant government departments had no in-principle objection to the application.

- 4.2 The temporary planning permission for application No. A/H7/166 lapsed on 28.12.2018. Details of the previous application are summarized at **Appendix II**.

5. Similar Applications (Plan A-1)

There are two similar applications (No. A/H7/50 and A/H7/174) for shop and services/ and eating place uses within the “R(B)” zone on the Wong Nai Chung OZP. Both applications were approved by the Committee, either with or without conditions, on similar grounds that the proposed uses were not incompatible with the surrounding land uses, and there were no adverse comments on technical aspects. Details of the two applications are summarized at **Appendix II**.

6. The Premises and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 to A-5)

- 6.1 The Premises is:

- (a) currently occupied by the applied use and in operation (**Plan A-5**);
- (b) situated on the G/F of an existing five-storey residential building (14 Tsun Yuen Street). There is a separate access for the residents of the building to reach the residential units above (**Plan A-3**); and
- (c) directly accessible from Tsun Yuen Street.

- 6.2 The surrounding areas have the following characteristics:

- (a) Tsun Yuen Street is a one-way, single lane local road with on-street metered public parking spaces and a designated police vehicle parking space;
- (b) within the “R(B)” zone where the Premises is located, commercial uses are also present on the G/F of other residential buildings, such as a car rental company and a beauty parlour at 8 Tsun Yuen Street (Mannie Garden) (the subject of an approved planning application No. A/H7/50) (**Plan A-4**);
- (c) within the “R(A)” zone opposite the Premises, the ground floor premises of the residential buildings are occupied by commercial uses, such as retail shops, which are always permitted (**Plans A-2 to A-4**); and
- (d) a petrol filling station, Happy Valley Police Station and residential developments with commercial uses on ground floors are located along Sing Woo Road to the further north and west of the Premises (**Plan A-2**).

7. Planning Intention

The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on the application to the Board.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) The Premises falls within Inland Lot No. 2666 (“the Lot”), which is held under a Government lease dated 11.8.1931 that is virtually unrestricted except the non-offensive trades clause.
- (b) An offensive trade licence was issued on 28.1.2015 for the ground floor and cockloft of the existing building on the Lot. Noting that the proposal submitted by the applicant is not in conflict with the lease governing the Lot, she has no comment on the captioned application.

Traffic

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

In view of the small size of the Premises (about 52.38m²), the traffic impact arising from the operation of the shop and services use is considered insignificant.

8.1.3 Comments of the Commissioner of Police (C of P):

Regarding the public comment about possible illegal parking due to limited parking spaces in the surrounding area, Hong Kong Police would endeavour to enforce for the purpose of road safety and smooth road traffic.

Hygiene and Environment

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

- (a) No objection to the application from an environmental planning perspective.

- (b) The Premises is the subject of a planning application No. A/H7/166 which lapsed in December 2018, and there is no environmental complaint case/ prosecution record against the Premises.

Licensing

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

- (a) The Premises have been covered by a valid Food Factory Licence issued by FEHD.
- (b) According to his record, the food factory licence was lastly transferred to a new licensee in December 2016.
- (c) No complaints against the Premises have been received by FEHD since 27.12.2018³.

Building Matters

8.1.6 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, BD (CBS/HKE&H, BD):

- (a) According to the approved building plan of the subject building, G/F was shop for non-domestic use.
- (b) Facilities for persons with a disability and sanitary fitments are required for the fast food shop under Regulation 72 of Building (Planning) Regulations and Regulation 8 of Building (Standards of Sanitary fitments, Plumbing, Drainage Works and Latinos) Regulations respectively.
- (c) All unauthorised building works/ structures on site should be removed. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance (BO). Enforcement action may be taken to effect the removal of all unauthorized works in the future.
- (d) Detailed checking for compliance with BO will be made upon building plan submission stage/ licensing stage.

8.2 The following departments have no objection to/ no comment on the application:

- (a) Director of Fire Services;
- (b) Director of Electrical and Mechanical Services;
- (c) District Officer (Wan Chai), Home Affairs Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department; and
- (e) Chief Engineer/Construction, Water Supplies Department.

³ The planning permission for the previously approved application No. A/H7/166 was valid until the same date.

9. Public Comment Received During Statutory Publication Period

During the statutory publication period, one comment on the application was received from the Incorporated Owners of a nearby residential development raising concerns mainly on the potential illegal parking along Tsun Yuen Street, as well as the hygiene and environmental pollution issues arising from the applied fast food shop (**Appendix III**).

10. Planning Considerations and Assessments

- 10.1 The application seeks planning permission to use the Premises for ‘Shop and Services’ use for a fast food shop (takeaway only). The Premises, located on the G/F of a five-storey residential building at 14 Tsun Yuen Street, falls within an area zoned “R(B)” on the OZP. The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 10.2 The Premises is situated on the G/F of an existing residential building fronting Tsun Yuen Street, within a residential neighbourhood primarily zoned “R(A)”, “R(B)” and “R(C)” (**Plan A-2**). ‘Eating Place’ and ‘Shop and Services’ uses are always permitted on the lowest three floors of a building under the “R(A)” zone, whilst planning permission is required under the “R(B)” and “R(C)” zones on the OZP. Different commercial uses are present on the lower floors of residential developments along the northern portion of Sing Woo Road and located to the north of the Premises within the “R(A)” zone. The fast food shop is small in scale and has been operating for many years. Considering the existing context and the fact that the fast food shop sells bread and coffee to serve nearby residents, the applied use is not incompatible with the surrounding land uses.
- 10.3 Regarding the technical aspects, all relevant departments have either no objection to or no adverse comments on the application. The subject residential building has a separate access for the residents to reach the residential units above, while customers can access the Premises directly from Tsun Yuen Street. Both FEHD and EPD confirm that no complaints regarding hygiene and environmental nuisances at the Premises have been received since the operation of the applied fast food shop. In this regard, potential nuisances to the neighbourhood and surroundings from the continued operation of the fast food shop (takeaway only) are not anticipated.
- 10.4 The Premises is the subject of a previous application (No. A/H7/166) for the same use as detailed in paragraphs 4.1 and 4.2 above. Two similar applications in the area were also approved by the Committee on similar grounds as detailed in paragraph 5 above. Given that the planning circumstances of the area have remained largely unchanged since 2014 and that no complaints regarding the operation of the applicant’s fast food shop have been received by relevant government departments since its operation in 2016, approval of the current application is consistent with the Board’s previous decision.
- 10.5 Regarding the concerns raised in the public comment, the departmental comments in paragraph 8 and the planning assessments above are relevant. In particular,

regarding the concern about potential illegal parking, C for T opines that the traffic impact arising from the operation of the shop and services use is considered insignificant, given the small size of the Premises. C of P also responds that the Hong Kong Police Force will endeavour to enforce regulations for the purpose of road safety and to ensure smooth traffic flow.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, no time clause on the commencement is proposed as the 'Shop and Services' use under application is already in operation at the Premises. The following advisory clauses for the application are suggested for Members' reference:

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clause(s), if any, to be attached to the permission.
- 12.3 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.

13. Attachments

Appendix I	Application Form with Plans received on 10.6.2025
Appendix Ia	SI received on 12.6.2025
Appendix Ib	FI received on 16.7.2025
Appendix Ic	FI received on 25.7.2025
Appendix II	Previous and Similar Applications
Appendix III	Public Comment
Appendix IV	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
AUGUST 2025**