

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H21/158**

<b><u>Applicant</u></b>	: Mr. Kwok Chun Loi
<b><u>Premises</u></b>	: Flats L and M, G/F, Tai Chow House, 121 Quarry Bay Street, Hong Kong
<b><u>Total Floor Area of Premises</u></b>	: 48m <sup>2</sup>
<b><u>Lease</u></b>	: Quarry Bay Inland Lot (QBIL) No. 8 s.A s.s.1 [virtually unrestricted except non-offensive trades purpose]
<b><u>Plan</u></b>	: Approved Quarry Bay Outline Zoning Plan (OZP) No. S/H21/28
<b><u>Zoning</u></b>	: “Residential (Group B)” (“R(B)”) [maximum building height (BH) of 135 metres above Principal Datum (mPD) or the height of the existing building, whichever is the greater]
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Eating Place (Restaurant) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the planning approval for temporary ‘Eating Place (Restaurant)’ use at Flats L and M, G/F, Tai Chow House, 121 Quarry Bay Street, Quarry Bay (the premises) for a period of three years. The premises fall within an area zoned “R(B)” on the approved Quarry Bay OZP No. S/H21/28 (**Plan A-1**). According to the Notes of the OZP for “R(B)” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The premises is currently being used as a restaurant with a valid planning permission.
- 1.2 The premises is the subject of three previous applications (Nos. A/H21/139, A/H21/146 and A/H21/152) submitted by the same applicant for the same use which were approved by the Metro Planning Committee (the Committee) on 25.4.2014, 7.4.2017 and 20.3.2020 respectively on a temporary basis for a period of three years. The permission for the last application No. A/H21/152 is valid until 25.4.2023.

- 1.3 The premises have a total floor area of 48m<sup>2</sup>. The internal layout plan of the restaurant submitted by the applicant is at **Drawing A-1** which is basically the same as in the last approved application.
- 1.4 In support of the application, the applicant has submitted the application form with attachments received on 31.1.2023 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Annex I of **Appendix I**. Major points are summarised as follows:

- (a) the subject restaurant has been operating at the premises continuously since 1970s. Its operation has been subject to licensing control by relevant departments for over 40 years. The applicant submitted a planning application to the Board a few years ago to facilitate transfer of the restaurant licence;
- (b) for the “R(B)” zone, other than the planning intention of residential use, commercial uses serving the residential area can be applied;
- (c) approval for commercial use<sup>1</sup> at a unit next to the premises was given by the Board in 2002;
- (d) there are restaurants and different kinds of shops<sup>2</sup> in the adjacent building (i.e. Tai Lung House). The restaurant is not incompatible with the surroundings;
- (e) approval was first given by the Board for a period of 3 years in 2014 and renewal of approval for periods of 3 years were approved by the Board in 2017 and 2020;

## **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. 31A) by having obtained consent from the owner. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

- 4.1 According to Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D), the criteria for assessing applications for renewal of planning approval are as follows:

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<sup>1</sup> Application No. A/H21/109 for school use (tutorial centre) at Flat O on G/F of Tai Chow House to the north of the premises was approved by the Committee on 8.2.2002 (Paragraph 7.2 below refers).

<sup>2</sup> Commercial uses are found on G/F of Tai Lung House facing Quarry Bay Street (Paragraph 7.3 below refers).

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval.

## 5. **Previous Applications**

- 5.1 The premises are the subject of three previous planning applications (Application Nos. A/H21/139, A/H21/146 and A/H21/152) submitted by the same applicant for 'Eating Place (Restaurant)' use (**Plan A-1**).
- 5.2 On 25.4.2014, the Application No. A/H21/139<sup>3</sup> was approved with conditions by the Committee on a temporary basis for a period of three years up to 25.4.2017 to monitor the operation of the restaurant in view of the hygiene concern raised by the public comments and that the applicant was a new operator. The planning permission was subject to conditions including the submission and implementation of fire service installation, and restriction on the use of the door leading to the internal corridor on G/F of Tai Chow House by restaurant staff only (except for emergency) (**Drawing A-1 and Plan A-4**).
- 5.3 Application Nos. A/H21/146 and A/H21/152 for renewal of the planning permission were approved with conditions by the Committee on 7.4.2017 and 20.3.2020 respectively. The renewed planning permissions are subject to the same conditions as that in Application No. A/H21/139.

## 6. **Similar Application**

There is no similar application for 'Eating Place' use within "R(B)" zone on the Quarry Bay OZP.

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<sup>3</sup> The application was originally applied for permanent 'Eating Place (Restaurant)' use at the premises. The Committee decided to approve the application on a temporary basis for a period of 3 years in order to monitor the operation of the restaurant in view of the hygiene concern raised by the public comments.

## **7. The Premises and Its Surrounding Areas (Plans A-1 to A-5)**

7.1 The premises are:

- (a) comprising two units on G/F of Tai Chow House which are accessible from Quarry Bay Street; and
- (b) occupied by a restaurant with frontage and entrance facing Quarry Bay Street.

7.2 Tai Chow House is an existing 10-storey residential building. The G/F fronting Quarry Bay Street is currently occupied by a restaurant (the premises), a piano shop\*, a bicycle shop\*<sup>#</sup>, an office\* and 3 domestic units (Plan A-5).

7.3 The surrounding areas of the premises have the following characteristics:

- (a) the northern portion of the subject “R(B)” zone comprises 4 residential buildings, namely, Tai Chow House (where the premises are located), Tai Sing House, Tai Hing House and Tai Lung House;
- (b) some commercial uses\* are found on G/F of Tai Lung House fronting Quarry Bay Street, while both Tai Sing House and Tai Hing House are residential buildings with no retail uses on G/F; and
- (c) the southern portion of the subject “R(B)” zone is occupied by a residential development, namely Mount Parker Lodge.

## **8. Planning Intention**

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

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) no comment on the application from lease viewpoint; and

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\* No record of planning approvals granted for such uses.

# An Application No. A/H21/109 for school use (tutorial centre) at Flat O on G/F of Tai Chow House to the north of the premises was approved by the Committee on 8.2.2002 mainly on the consideration that the development was not incompatible with the surrounding retail uses. The tutorial centre had ceased operation, and the concerned unit is currently used as a bicycle shop without a valid planning permission.

- (b) Tai Chow House is erected on QBIL No. 8 s.A s.s.1. The lease is virtually unrestricted except non-offensive trades clause. Operation of eating place or restaurant at the premises is restricted under the offensive trades clause. However, an Offensive Trade Licence dated 31.1.2018 was issued to permit 5 specified trades to be carried out on the premises.

### **Building Aspect**

#### 9.1.2 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (BD):

- (a) no objection to the application;
- (b) the applicant is advised to engage an Authorised Person to assess the feasibility of the proposal and implement the proposed change in use/alterations and additions works in compliance with the Buildings Ordinance (BO) and its allied regulations;
- (c) Building (Alterations and Additions) plan for building works (if any) in connection with the proposed change in use should be submitted for approval under the BO and detailed checking will be made upon building plans submission stage; and
- (d) the granting of planning approval should not be construed as acceptance under the BO of the building works erected within the premises.

### **Environmental Aspect**

#### 9.1.3 Comments of the Director of Environmental Protection:

- (a) no objection to the application; and
- (b) the applicant should be reminded to strictly comply with all requirements under all relevant pollution control ordinances, including Water Pollution Control Ordinance, Air Pollution Control Ordinance and Noise Control Ordinance; follow the requirements stipulated in the Environmental Protection Department (EPD) guideline “Control of Oily Fume and Cooking Odour from Restaurants and Food Business”; and observe the restaurant related environmental laws and licence application procedures.

### **Fire Safety Aspect**

#### 9.1.4 Comments of the Director of Fire Services:

no objection to the application subject to all fire services installations (FSIs) and equipment as required by the Fire Services

Department (FSD) being maintained in an efficient working order at all times.

### **Licensing Aspect**

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

- (a) no comment on the application;
- (b) the premises are covered by a valid general restaurant licence; and
- (c) there was no complaint regarding the premises received in the past 3 years.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (b) Chief Engineer/Construction Division, Water Supplies Department;
- (c) Chief Architect/Central Management Division 2, Architectural Services Department;
- (d) Chief Highway Engineer/Hong Kong, Highways Department;
- (e) Commissioner for Transport;
- (f) Commissioner of Police; and
- (g) District Officer (Eastern).

## **10. Public Comments Received During Statutory Publication Period**

On 7.2.2023, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 28.2.2023, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for renewal of the planning permission for 'Eating Place (Restaurant)' use at the premises on a temporary basis for a period of three years until 25.4.2026. The premises fall within an area zoned "R(B)" on the OZP with the planning intention is primarily for residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 11.2 The northern portion of the subject "R(B)" zone is occupied by four 10-storey residential buildings (Tai Chow House, Tai Lung House, Tai Sing House and Tai Hing House) developed in the 1960s. While Tai Hing House and Tai Sing House remain purely domestic use, quite a number of units on G/F of both Tai Chow House and Tai Lung House facing Quarry Bay Street have been converted for retail shops and eating places (**Plans A-3 to A-5**). There are separate entrances for the residents and visitors to

the building, Tai Chow House where the premises are located, and customers of the restaurant can access the premises through the entrance/exit directly from Quarry Bay Street. The internal layout of the restaurant under the current application is basically the same as that in the last approved under application No. A/H21/152. There has been no change in the planning circumstances and the surrounding land uses since the granting of the last temporary approval by the Committee on 20.3.2020.

- 11.3 The applicant had complied with the approval conditions associated with the previous planning approvals. The premises have both valid restaurant licence and FSIs certificates, and will be subject to licence control by the FEHD. FSD has no objection to the application provided that all FSIs and equipment as required by the FSD being maintained in an efficient working order at all times. Other relevant government departments consulted have no objection to or no adverse comment on the renewal of the application.
- 11.4 In view of the above, the application complies with the TPB PG-No. 34D. An approval condition is suggested in paragraph 12.2 below to address FSD's concern. It is also suggested to retain the previous approval condition on restricting the door leading to the internal corridor on G/F of Tai Chow House by restaurant staff only (except for emergency) so as to minimise possible nuisance to the domestic units at the same floor. Advisory clauses are also recommended in paragraph 12.2 below to draw the applicant's attention to the requirements under the BO, relevant pollution control ordinances and guidelines.
- 11.5 The Committee approved three previous applications at the premises for the same use on a temporary basis for a period of three years in 2014, 2017 and 2020 respectively. Approval of the subject application is in line with the Committee's previous decisions.
- 11.6 No public comment was received during the statutory exhibition period.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, the Planning Department has no objection to the renewal of the planning approval for eating place (restaurant) use for a further period of three years.
- 12.2 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 three years from 26.4.2023 until 25.4.2026. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval conditions

- (a) except for emergency, the door leading to the internal corridor on G/F of Tai Chow House shall be restricted for use by restaurant staff only;

- (b) the existing fire service installations and equipment implemented at the premises should be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

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

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

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2 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.
- 13.3 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.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 31.1.2023
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Internal Layout Plan Submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**