

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H3/446

<u>Applicant</u>	:	Capital Hope Limited represented by Prudential Surveyors International Limited
<u>Site</u>	:	2, 4, 6 and 8 Ui On Lane, Sai Ying Pun, Hong Kong
<u>Site Area</u>	:	About 265.8m ²
<u>Lease</u>	:	Inland Lots (IL) No. 8129, 8130, 639 s.G ss.1 and 639 s.F - 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>	:	“Open Space” (“O”) (about 95.2%) “Residential (Group A)8” (“R(A)8”) (about 4.8%) ¹
<u>Application</u>	:	Proposed Eating Place

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed eating place at 2, 4, 6 and 8 Ui On Lane (the Site). The Site is zoned “O” on the approved Sai Ying Pun & Sheung Wan OZP No. S/H3/34 (**Plan A-1**). The Site forms part of a larger “O” zone and accounts for about 25.9% of the total area of this “O” zone (**Plan A-2**). According to the Notes of the OZP for “O” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is currently vacant and fenced off. There is no direct vehicular access serving the Site. The Site is accessible from Second Street and Third Street via Ui On Lane which is a stepped pedestrian lane. According to the applicant, the proposed eating place involves a one-storey building with a maximum capacity of 55 persons (including staff), and there will be no alfresco dining within the Site. The proposed eating place aims to provide food and beverage services to locals and visitors and its operation hours are from 8:00am to 11:00pm everyday including public holidays. There will be limited loading/unloading activities affecting the nearby traffic as food ingredients and other essentials required for day-to-day operation will be purchased from Sai Ying Pun Market, Centre Street Market and other grocery stores nearby. Plans showing the layout, section and

¹ The slight encroachment upon “R(A)8” zone may be considered as minor boundary adjustment.

elevation of the proposed eating place submitted by the applicant are at **Drawings A-1 to A-3**.

- 1.3 According to the applicant, a full-height setback ranging from 0.309m to 2.671m from the lot boundary fronting Ui On Lane (**Drawings A-1 and A-2**) is proposed for achieving an overall width of not less than 4.5m of a specified street (i.e. Ui On Lane) for the purpose of site classification. The total setback area of about 26.75m² would serve as a proposed pedestrian passage which will be opened to public 24 hours a day free of charge and without any interruption for the lifetime of the development.
- 1.4 The major development parameters of the proposed development are set out below:

Major Development Parameters	
Site Area	265.8m ² (about)
Net Site Area ^[1]	239.05m ² (about)
Non-Domestic Gross Floor Area (GFA)	235.44 m ² (about) <i>(uncovered staircase to R/F and E&M facilities on R/F are not included in GFA calculation)</i>
Non-Domestic Plot Ratio (PR) ^[2]	0.985 (about)
Site Coverage (SC) ^[2]	100% (about)
No. of Blocks	1
Building Height (BH)	6.775m <i>(including the E&M facilities on R/F)</i>
No. of Storeys	1
Parking Spaces and Loading/Unloading (L/UL) Facilities	Nil

Note:

- [1] The net site area has excluded an area of about 26.75m² proposed for full-height building setback along Ui On Lane.
- [2] Calculated based on net site area. As advised by the Buildings Department, any proposed setback area for achieving a specified street for purpose of street classification should be excluded from site area under the Building (Planning) Regulation 23(2)(a).

- 1.5 In support of the application, the applicant submitted the following documents:
- (a) Application Form received on 16.11.2022 **(Appendix I)**
 - (b) Supporting Planning Statement (SPS) received on 16.11.2022 **(Appendix Ia)**
 - (c) Supplementary Information (SI) received on 23.11.2022 **(Appendix Ib)**
 - (d) Further Information (FI)(1) received on 29.12.2022 [#] **(Appendix Ic)**
 - (e) FI(2) received on 13.1.2023 ^{*} **(Appendix Id)**
 - (f) FI(3) received on 6.2.2023 ^{*} **(Appendix Ie)**

#accepted but not exempted from publication and recounting requirements

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2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS, SI and FIs at **Appendices Ia to Ie**, which are summarised as follows:

Lack of Implementation Programme for Open Space Development

- (a) The application site has been zoned “O” since 1970. Up to today, the government has not initiated resumption of the Site for open space development. In 2021, the Leisure and Cultural Services Department (LCSD) advised that their department has no development intention at the Site. The “O” use is “out-of-time” and restricts the development right of the land owner.

Better Utilisation of Land Resources

- (b) The Site has been under-utilised in the past 50 years. The applicant has submitted four planning applications for proposed commercial/residential and residential development at the Site in 2003 to 2006, but they were all rejected by the Board. It is not justified to bar the land owner from developing his own private land merely for the reason that the land is to be reserved for public purpose.
- (c) The proposed development could put existing land resources to better use and help inject vitality to the immediate surroundings by providing a quality hang-out for locals. Considering that the proposed development is small in scale, it would not complicate the resumption of the Site for open space development by the government in the future.

Compatible with the Surroundings

- (d) The Site is surrounded by areas zoned “Residential (Group A)8” (“R(A)8”), in which ‘eating place’ use is always permitted on the lowest three floors of a building. The proposed development is compatible with the surrounding uses, particularly the cafes and bistros along Second Street.

Facilitating Upgrading of the Existing Neighbourhood and Enhancing Local Permeability

- (e) The proposed development with an attractive frontage could help improve the surrounding environment. The proposed passage of about 26.75m² fronting Ui On Lane (**Drawings A-1 and A-2**), which will be opened to public 24 hours a day and free of charge without any interruption, could also help enhance local permeability and the use of the public open space (POS) opposite to the Site.

No Adverse Impacts

- (f) It is anticipated that the proposed development would not generate adverse visual, sewerage, drainage and traffic impacts. In visual terms, the proposed development is of one-storey which is significantly lower in height than the immediate surrounding buildings. The proposed eating place is small in scale and is not expected to put pressure on the capacity of the existing local sewerage and drainage systems. The site is served by public transport facilities, and traffic related to pick-up and drop-off purposes is anticipated to be minimal. Besides, the design of

the proposed development will be submitted to the Buildings Authority for approval, and would be in compliance with relevant regulations and ordinances.

No Undesirable Precedent

- (g) A similar application (No. A/H3/421) for proposed eating place use at Tak Sing Lane (zoned “O” on the draft OZP No. S/H3/29²) was approved by the Metro Planning Committee (the Committee) on 23.5.2014. The current proposal would not set an undesirable precedent.

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

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

4. Background

The Site was zoned “O” on the first statutory plan covering the Sai Ying Pun & Sheung Wan area published on 20.3.1970 with a view to providing POS and recreational facilities in the district through acquisition of private land. The “O” zone has remain unchanged since then. There is no programme to resume the Site for open space development.

5. Previous Applications

- 5.1 The Site is the subject of four previous applications (Nos. A/H3/335, A/H3/337, A/H3/351 and A/H3/364) submitted by the same applicant for proposed commercial/residential³ and residential development (**Plan A-1**) which were all rejected either by the Committee or by the Board upon review on 17.1.2003, 5.9.2003, 14.5.2004 and 20.1.2006. The main grounds of rejection were that the proposed development was not in line with the planning intention for open space development for the site; would further aggravate the shortage of open space in the district; and would result in a more congested residential environment. Details of the previous applications are at **Appendix II**.
- 5.2 When considering the last three applications, the Secretary of the Board and Planning Department (PlanD) wrote to the Director of Leisure and Cultural Services (DLCS) relaying the Board’s request that open space development should be expedited for the Site and the adjacent government land. In response, LCSD indicated in August 2003, July 2004 and March 2006 that implementation of the proposed open space could not be accorded with priority; there might not be an imminent need to implement the project as there was no shortfall in open space provision within the Central and Western (C&W) District; and LCSD would continue to review the programme and priority.

² Details of the similar application are at paragraph 6 below.

³ ‘Flat’ use was a Column 2 use under the Notes of the “O” zones on the OZPs in force at the time of the applications. On 17.3.2006, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/21, incorporating, inter alia, amendment to delete ‘Flat’ use from Column 2 of the Notes of the “O” zone in accordance with the revised MSN to statutory plans was gazetted.

6. Similar Application

There is a similar application (No. A/H3/421) for proposed eating place at G/F, 1-7 Tak Sing Lane (Tak Sing Lane Site) within another “O” zone on the draft OZP No. S/H3/29 in force at the time of application (now zoned as “R(A)24”⁴ on the prevailing OZP No. S/H3/34), which was approved with conditions by the Committee on a permanent basis on 23.5.2014. Similar to the current application, the Tak Sing Lane Site also comprises entirely of private lots. The application was approved mainly on the considerations that the proposed eating place would unlikely frustrate the future implementation of the open space which would require land resumption by the government; was considered not incompatible with the surrounding developments in terms of land uses; and was not anticipated to cause significant adverse traffic, drainage, sewerage, landscape and fire safety impacts on the surrounding areas. Details of the similar application are at **Appendix III** and the location is shown on **Plan A-1**.

7. The Site and its Surrounding Areas (Plans A-2 to A-6)

7.1 The Site:

- (a) is currently vacant and covered with some vegetation. It is fenced off by corrugated metal hoarding (**Plans A-3 and A-4**);
- (b) has direct frontage to and is accessible via Ui On Lane with stepped sections from Second Street to the north and Third Street to the south (**Plan A-2**); and
- (c) is well served by public transport including Mass Transit Railway (MTR) and public light buses. The Site is about 100m away from an entrance of MTR Sai Ying Pun Station which is located to the northwest across Second Street next to Centre Street Market.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly residential in nature. To the immediate north, south and west are areas zoned “R(A)8” with a mix of medium and high-rise residential buildings with shops and eating place on the lower floors;
- (b) the remaining portion (about 74.1%) of the same “O” zone to the east of the Site is government land. Currently, part of this “O” zone at 1-7 (odd nos.) Ui On Lane is occupied as a temporary landscaped area under the management of the District Office (Central & Western) of the Home Affairs Department (HAD), while the 1-7 Kwok Hing Lane is currently a vacant government land⁵;

⁴ The site at 1-7 Tak Sing Lane was originally fell within areas zoned “O”, “R(A)8” and shown as ‘Pedestrian Precinct/Street’. To take forward a s.12A application (No. Y/H3/6) which was partially agreed by the Committee on 18.1.2019, the site was subsequently rezoned to “R(A)24” on the draft OZP No. S/H3/33 gazetted on 9.8.2019.

⁵ HAD is now exploring to include such area into its District Minor Works programme together with the temporary landscaped area at 1-7 (odd nos.) Ui On Lane for construction of a community garden for the enjoyment of the public.

- (c) to the further north across Second Street is a residential development known as Island Crest; and
- (d) major district open space and community facilities are found in the vicinity, e.g. Sai Ying Pun Market and Centre Street Market to the west and northwest respectively, King George V Memorial Park to the east and Tsan Yuk Hospital and the Prince Philip Dental Hospital to the northeast (**Plan A-1**).

8. Planning Intention

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site falls within IL 8129, IL 8130, IL 639 s.G ss.1 and IL 639 s.F where the government leases are virtually unrestricted subject to the standard offensive trade clause. The proposed one-storey building for eating place use at the Site would be in contravention of the prohibited uses of “victualler” and “tavern-keeper” under the offensive trade clause contained in the government leases.
- (b) The lots’ owner is required to apply to his office for licences to remove offensive trade restriction under the affected government leases to implement the proposed use if the application is approved by the Board. LandsD would process the application in the capacity of a landlord and if the application is approved, it would be subject to such terms and conditions including, among others, the payment of administrative fee.

- 9.1.2 Comments of the Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD):

According to LandsD’s record, there is no recent plan received by the office to resume the private lots at the Site for open space development.

Open Space Aspect

- 9.1.3 Comments of DLCS:

LCSD has no development intention or on-going/planned programme for open space development at the Site at present. LCSD is not the designated nor the sole implementation agent of all those areas/lots zoned as “O”.

Traffic

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

- (a) No objection to the application.
- (b) Traffic impact of the subject development is expected to be minimal in consideration of the small development scale. However, the applicant is reminded of the following:
 - (i) Loading/unloading shall be confined along kerbside without no-stopping restrictions; and
 - (ii) C for T has the rights to impose, alter or cancel any no-stopping restrictions to cope with changing traffic conditions and needs. The road space and kerbside would not be reserved for any exclusive uses of the subject development.
- (c) To create an enjoyable walking environment, the applicant is encouraged to provide building canopies, including over public footpath(s) and/or right-of-way(s) in accordance with the followings where applicable:
 - (i) Chapter 8 of the Hong Kong Planning Standards and Guidelines provides for the provision of building canopies (i.e. para. 5.6.11) and for the subject of pedestrian planning be included in development studies and planning applications (para. 5.9.2);
 - (ii) “Projections over Public Streets” stipulated in Lands Administration Office Practice Note 3/2020 (Design, Deposition and Height Clause under Lease); and/or
 - (iii) Buildings Ordinance, in particular B(P)R 10 in Cap. 123F regarding balconies and canopies over streets.

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

- (a) No objection in principle to the application from regional traffic police perspective.
- (b) The proposal should not cause adverse traffic impact to the local community and each Temporary Traffic Arrangement involving works on footpath and/or carriageway should be submitted to this office and the Transport Department for comment before implementation.

9.1.6 Comments of the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD):

The proposed passage area at the eastern portion of the Site should be within the private lots IL 639 s.G ss.1 and IL 639 s.F. As such, the proposed passage area is outside HyD's purview and the government should not be responsible for the proposed road works within the private lot area.

9.1.7 Comments of the Chief Engineer/Railway Development 2-1, Railway Development Office, Highways Department (CE/RD 2-1, RDO, HyD):

- (a) No comment on the application from railway development point of view.
- (b) The Site falls within the railway protection boundary of the MTR Island Line. With reference to Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24, the applicant should consult MTR Corporation Limited in respect of the impact that the proposed works may have on the operation, maintenance and safety of the existing railway network.

Urban Design, Visual and Landscape Aspects

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD):

Urban Design and Visual Aspects

- (a) The Site is located within a cluster of residential buildings (mostly 4 to 6 storeys) with shop and services and eating place on the lowest 3 floors. There are residential development of 21 storeys (Tong Nam Mansion) and Sai Ying Pun Market (about 38.5mPD) to its west and recreational facilities to its immediate east.
- (b) It is noted that the applicant has proposed quality architectural design to improve the visual quality of the proposed development. Having considered the proposal and the surrounding context, the proposed development with a BH of about 6.775m in height is not expected to induce significant visual impacts to the surroundings.

Landscape Aspect

- (c) No comment on the application from landscape planning perspective.
- (d) Based on aerial photo of 2022, the Site is vacant with some vegetation observed, situated in an area of organic mixed urban landscape character surrounded by existing residential buildings and vegetated areas. According to photos of the Site provided in

Appendix 2 of the SPS (**Appendix Ia**), the Site is fenced off by hoarding. With reference to Section 7 of the SPS, the proposed development involves a one-storey building for proposed eating place, which is considered not incompatible with the landscape character of its surroundings. According to the applicant's FI(3) (**Appendix Ie**), the Site is hard paved with some existing shrubs found within the Site. No existing landscape resources will be affected by the proposed development.

Environmental, Sewerage and Drainage Aspects

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

- (a) No objection to the application from environmental planning perspective.
- (b) To minimise potential environmental impact during operation of the proposed eating place, the applicant is advised to strictly comply with all requirements under relevant pollution control ordinances, and follow and adopt the recommendations stipulated in Environmental Protection Department (EPD) Guideline "Control of Oily Fume and Cooking Odour from Restaurant and Food Business".

9.1.10 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) No objection to the application from drainage point of view.
- (b) It is noted that the applicant/project proponent will verify the existing drainage discharge points/ connections and will notify this office with investigation result in due course. Should there be any alterations to the existing drainage discharge points, the details should be submitted at the design stage together with the drainage plan for this office's approval.
- (c) Based on DSD's record, there are existing public drainage and sewerage facilities lying underneath the proposed passage area (**Drawing A-1**). The applicant/project proponent carrying out the road widening works is reminded to exercise extreme care when working in the vicinity of the existing public drainage and sewerage facilities in order not to disturb, interfere with or cause damage to them.
- (d) Should the application be approved, an approval condition requiring the submission and implementation of drainage and sewerage proposals to the satisfaction of the Director of Drainage Services or of the Board should be imposed.

Building Matters

9.1.11 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) No objection to the application.
- (b) The Site can be regarded as a Class A site provided that the overall width of Ui On Lane, together with the proposed setback, is not less than 4.5m for achieving adequate width of specified street under regulation 18A of the Building (Planning) Regulations (B(P)R). With reference to the applicant's FI (**Appendix Ic**) and in view that Class A site is claimed, the applicant should ensure that the overall width of Ui On Lane which the site abuts to, together with the proposed setback (i.e. the proposed passage on **Drawing A-1**), is not less than 4.5m.
- (c) Any proposed setback area for achieving a specified street for the purpose of site classification should be excluded from the site area under regulation 23(2)(a) of the B(P)R. PR and SC calculations should also be based on the site area with such specified street excluded.
- (d) Detailed comments will be given at formal building plan submission stage.

Fire Safety Aspect

9.1.12 Comments of the Director of Fire Services (D of FS):

- (a) No in-principle objection to the application subject to fire service installations and water supplies for firefighting 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.
- (c) The applicant is advised to observe the requirements of Emergency Vehicular Access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.

Food and Environmental Hygiene Aspect

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

- (a) No objection to the application.
- (b) Proper licence/permit issued by Food and Environmental Hygiene Department (FEHD) is required if there is any food business/catering services/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislations for the public. If the operator intends to operate a restaurant, a restaurant licence should be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence should be obtained

from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business.

- (c) The application for food business licence under Cap. 132, if acceptable by FEHD, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD;
- (e) Director of Electrical and Mechanical Services; and
- (f) District Officer (Central & Western), HAD.

10. Public Comments Received During Statutory Publication Periods

On 25.11.2022 and 6.1.2023, the application and FI (**Appendix Ic**) were published for public inspection. During the statutory publication periods, a total of 48 public comments from individuals and the residents of the Tong Nam Mansion abutting to the west of the Site (37 in standard forms) were received (**Appendix IV**) raising objection to or concerns on the application. The major grounds of the objection/concerns are summarised below:

- (a) The Site is located in a residential area. The proposed eating place use will pose potential environmental hygiene impacts and noise nuisance to the surrounding areas, as well as traffic obstruction due to the loading/unloading activities relating to the Site.
- (b) The Site provides a breathing space in a densely developed district. Many elderly residents in Sai Ying Pun area are in need of housing, open space, community centre and/or clinic. The proposed development of one-storey eating place within the “O” zone is not justified. Approval of the current application may pave way for future application for residential development at this “O” zone.
- (c) There is an overall deficit in open space provision in this district. The Site has been zoned “O” since 1970s and should be utilised for open space purpose.
- (d) Local residents may not be aware of this application as only site notices were posted at the Site.

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for proposed eating place at the Site which falls within an area zoned “O” on the OZP. The Site comprises entirely of private lots and has been zoned “O” since the publication of the first OZP in 1970 with a view to providing public open space and recreational facilities through acquisition of private land as mentioned in paragraph 4 above. Although the proposed use is not entirely in line with the planning intention of the “O” zone, DLCS advises that there is no development intention nor implementation programme for open space development at the Site at present. From land acquisition perspective, CES/A, LandsD advises that there is no plan to resume the private lots at the Site for open space development. The proposed development could facilitate better utilisation of land resources and provide dining services to meet any such demand in the area. As such, the proposed eating place at the Site will unlikely frustrate the future implementation of the open space which would be subject to land resumption by the government, if required.
- 11.2 For the area covered by the OZP, whilst the provision of existing and planned local open space is currently at a deficit of 4.61 ha, the provision of existing and planned district open space is at a surplus of 1.09 ha. From the wider C&W district council perspective, the provision of existing and planned open space is currently at a surplus of 11.96 ha. Besides, the nearby residents are served by a number of POS in its vicinity, including King George V Memorial Park, Centre Street Sitting-out Area, POS within private residential developments (i.e. the Nova and Island Crest), the Third Street Sitting-out Area, Sung Hing Lane Children’s Playground, Mui Fong Street Children’s Playground and Sai Wo Lane Playground (**Plan A-1**).
- 11.3 The Site is currently vacant and covered with vegetation. It is surrounded by high-rise residential buildings with commercial uses including eating places and shop and services on the lower floors. The proposed eating place would not result in land use incompatibility with the surrounding areas and developments.
- 11.4 The proposed eating place comprises a one-storey building (about 6.775m high) with total GFA of about 235.44m². The applicant also proposes building setback along the lot boundary abutting Ui On Lane, of which the setback area (about 26.75m²) would serve as a passage area to be open to public for 24 hours a day free of charge and without any interruption (**Drawing A-1**). In view of its small scale and nature of operation, the proposed eating place is not anticipated to cause significant adverse traffic, drainage, sewerage, visual, landscape and fire safety impacts on the surrounding areas. Concerned government departments, including C for T, DEP, CE/HKI of DSD, CA/CMD2 of ArchSD, CTP/UD&L of PlanD and D of FS have no objection to or adverse comments on the application. Relevant approval conditions on fire safety and drainage and sewerage aspects are recommended in paragraphs 12.2(a) and (b) below. Potential environmental nuisances such as noise, cooking fume and hygiene could be controlled under the relevant legislations and the operation of eating place would be regulated under existing licensing mechanism by FEHD. Relevant advisory clauses relating to potential environmental nuisances and traffic impact are also suggested.
- 11.5 There is a similar application (No. A/H3/421) for the eating place use at 1-7 Tak Sing Lane which was approved by the Committee on 23.5.2014. As mentioned in paragraph 6 above, the Tak Sing Lane Site also comprises entirely of private

lots and was zoned “O” at the time of consideration of the planning application. In view of the similarities between the current and similar applications, approval of the current application is generally consistent with the Committee’s previous decision.

- 11.6 Regarding the public comments on the possible adverse impacts on environmental, hygiene, fire safety and noise aspects and provision of public open space mentioned in paragraph 10 above, the planning assessments and departmental comments above are relevant. Regarding the concerns on public consultation, as per the prevailing administrative arrangements for processing planning applications, PlanD had issued notice to the Owners’ Corporations and other committees of the buildings within 100 feet from the boundary of the Site and posted site notices near the Site during the public inspection periods.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 17.2.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of drainage and sewerage proposals to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the proposed development is not in line with the planning intention of the “O” zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the submission for a departure from such planning intention.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 date when the validity of the permission should expire.
- 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. Attachment

Appendix I	Application form received on 16.11.2022
Appendix Ia	SPS received on 16.11.2022
Appendix Ib	SI received on 23.11.2022
Appendix Ic	FI(1) received on 29.12.2022
Appendix Id	FI(2) received on 13.1.2023
Appendix Ie	FI(3) received on 7.2.2023
Appendix II	Previous Applications covering the Site
Appendix III	Similar Application
Appendix IV	Public Comments Received During Statutory Publication Periods
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-3	Floor layout Plans and Section
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-6	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2023**