

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

**APPLICATION NO. A/H6/95**

<b><u>Applicant</u></b>	: 李天鑾
<b><u>Premises</u></b>	: Shop B3, G/F, 16 Tai Hang Road, Hong Kong
<b><u>Floor Area</u></b>	: About 17.63m <sup>2</sup>
<b><u>Lease</u></b>	: Inland Lot (IL) No. 3454 Sub-Section 1 of Section B - restricted for houses of a European type or a free school and Buddhist church or temple
<b><u>Plan</u></b>	: Approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17
<b><u>Zoning</u></b>	: “Residential (Group B)” (“R(B)”) - restricted to a maximum plot ratio (PR) of 5 and a maximum building height of 30-storey including carports, or the PR and height of the existing building, whichever is the greater
<b><u>Application</u></b>	: Proposed Shop and Services

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed shop and services use for fast food shop (takeaway only). The Premises falls within the “R(B)” zone on the approved Causeway Bay OZP No. S/H6/17 (**Plans A-1 and A-2**). According to the Notes of the OZP for “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 17.63m<sup>2</sup>, is located on part of the ground floor of an existing 6-storey building at 16 Tai Hang Road and is being renovated as a shop. The proposed shop is currently not in operation. According to the applicant, the proposed fast food shop will be a takeaway shop offering a selection of easily prepared food and beverages, such as steamed dumplings, snacks, dim sum, instant noodles, sandwiches, coffee, milk tea, and juices, to serve nearby residents and students. The proposed operating hours are from 7:30 a.m. to 10:00 p.m. daily. The proposed 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/H6/90 (**Plan A-1**) for the same use with a similar layout by a different applicant. The application was approved with conditions on a temporary basis for three years by the Board on

review on 19.3.2021 (**Plan A-1**), mainly on sympathetic grounds based on the special circumstances of the Premises and the temporary approval with the incorporation of appropriate approval conditions would help address the public comments concerning potential nuisance (details in paragraph 4 below). All the approval conditions of the previous planning permission have been complied with, and the temporary permission of three years lapsed on 19.3.2024.

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

- (a) Application Form with Plans received on 29.11.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 6.12.2024 (Appendix Ia)
- (c) Further Information (FI) received on 19.12.2024\* (Appendix Ib)
- (d) FI received on 14.1.2025\* (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, the submitted SI and FI at **Appendices I, Ia, Ib** and **Ic** respectively, and summarised as follows:

- (a) the Premises was used for a fast food shop with approved planning application No. A/H6/90 but lapsed on 19.3.2024. The applicant has rented the Premises since September 2024 and would also like to operate a fast food shop for takeaway at the Premises selling a selection of easily prepared food and beverages, such as steamed dumplings, snacks, dim sum, instant noodles, sandwiches, coffee, milk tea, and juices, to serve nearby residents and students.
- (b) The food on sale will mainly be cooked/reheated by steaming and microwaving, and no oily fumes will be generated. The electrical appliances, including a microwave oven, induction stove, and steamer, will be reused. The small amount of water steam generated will be vented outside the Premises via kitchen range hood and ventilation fans that have already been installed at the Premises. Sewage and wastewater from cleaning will be filtered through the installed grease trap beneath the sink to remove grease and residues before being discharged into the sewer. The proposal will not cause any adverse environmental impact on the surrounding.
- (c) The Premises had once obtained a food factory license from the Food and Environmental Hygiene Department (FEHD). The proposed food business has already been equipped with necessary equipment (e.g. water supplies, drainages, ventilation, grease trap) which complied with prevailing laws and regulations for the operation of a fast food shop. The applicant intends to retain these equipment which were installed by the previous tenant.
- (d) The applicant has notified the Owners' Committee and residents of the residential building at 16 Tai Hang Road, and no objection has been received.

### **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 two “current land owners”. Detailed information will be deposited at the meeting for Members’ inspection.

### **4. Previous Application**

4.1 The Premises is the subject of a previous application No. A/H6/90 for the same proposed shop and services use submitted by the then tenant on the same premises. Application No. A/H6/90 was approved with conditions for a period of three years for shop and services use (fast food shop) by the Board on review under s.17(1) of the Town Planning Ordinance on 19.3.2021. The temporary permission was granted mainly on sympathetic grounds based on the special circumstances of the Premises, and the temporary approval with the incorporation of appropriate approval conditions would help address the public comments concerning potential nuisance. The majority of the Board’s Members were of the view that the original garage use at the Premises was outdated<sup>1</sup> and no longer suitable at the Premises, taking account of safety issues due to heavy traffic on Tai Hang Road. The fast food shop use was also not entirely incompatible with the surrounding area. The consideration of the application was based on the special circumstances of the Premises, and the precedent effect of approving this application might be limited given the small number of similar garages in this particular neighbourhood, and other similar applications would be considered on their individual merits.

4.2 The temporary planning permission for application No. A/H6/90 lapsed on 19.3.2024. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

### **5. Similar Application**

There is no similar application for ‘Shop and Services’ use in “R(B)” zone within the Causeway Bay OZP.

### **6. The Premises and Its Surrounding Areas (Plans A-1 to A-2 and photos on Plans A-3 and A-4)**

6.1 The Premises:

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<sup>1</sup> Members, however, expressed concern on the illegal conversion of garages on the ground floor of the subject building to shop uses for a long time and considered that priority should be given to undertaking enforcement actions against the unauthorised works. The aforementioned concern was conveyed to the Building Department (BD) for appropriate follow-up action via a letter dated 15.4.2021 by the Secretary, Town Planning Board.

- (a) is situated on the ground floor of an existing 6-storey building at 16 Tai Hang Road and is accessible via Tai Hang Road;
- (b) is situated on the ground floor of the subject building comprising some shops which have no valid planning permissions, while the upper floors are residential flats; and
- (c) is being renovated as a shop. The proposed shop is currently not in operation.

6.2 The surrounding areas have the following characteristics:

- (a) the northern side of Tai Hang Road is mainly a residential neighbourhood zoned “Residential (Group A)1” (“R(A)1”) where ‘Eating Place’ and ‘Shop and Services’ uses are always permitted on the lowest three floors of a building under the OZP. The southern side of Tai Hang Road is also a residential neighbourhood zoned “R(B)” and “Residential (Group C)” (“R(C)”) where ‘Eating Place’ and ‘Shop and Services’ uses require planning permission from the Board; and
- (b) Wun Sha Street Children’s Playground and a school, namely Li Sing Tai Hang School, are located to its northeast across Tai Hang Road at Wun Sha Street. True Light Middle School of Hong Kong is located to its further east of Tai Hang Road.

## **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 Land Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

the Premises is located within Sub-section 1 of Section B of Inland Lot No. 3454 (IL3424 s.B ss.1). According to the Conditions of Sale No. UB3275 governing the Lot, the Lot is restricted for houses of a European type or a free school and Buddhist church or temple. The proposed shop and services use does not conflict with the lease conditions governing the subject premises.

### **Building Matters**

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

- (a) unless new building works to be carried out on the Premises are exempted works or minor works under the simplified requirements of the Minor Works Control System, prior approval and consent from Building Authority (BA) should be obtained before the commencement of the building works. Otherwise, they are unauthorised building works (UBWs). Authorised Person (AP) must be appointed to coordinate all new building works in accordance with the Buildings Ordinance (BO) if prior approval and consent are required;
- (b) adequate means of escape should be provided to the Premises in accordance with Regulation 41(1) of the Building (Planning) Regulations (B(P)R) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (c) the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to section 35 of the Building (Construction) Regulation and the FS Code;
- (d) access and facilities for persons with a disability should be provided in accordance with regulation 72 of the B(P)R and Design Manual: Barrier Free Access 2008;
- (e) sanitary fitments should be provided in compliance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
- (f) detailed comments under the BO can be only formulated at plan submission stage, if applicable.

### **Fire Safety**

#### 8.1.3 Comments of the Director of Fire Services (D of FS):

- (a) no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the relevant licensing authority; and
- (c) the emergency vehicular access provision shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.

### **Traffic**

#### 8.1.4 Comments of the Commissioner for Transport (C for T):

- (a) no objection to the application; and
- (b) in view of the small size of the Premises (about 17.63m<sup>2</sup>), the traffic impact arising from the operation of the proposed shop and services is considered insignificant.

### **Food and Environmental Hygiene**

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

- (a) during the previous planning approval period (i.e. 3 years until 19.3.2024), a provisional food factory licence was granted to the Premises by his department with validity from 17.8.2021 to 16.2.2022. A full food factory licence was then granted to the Premises by his department from 11.4.2022 to 10.4.2024. The full food factory licence was later cancelled on 23.5.2024 due to non-renewal of the licence;
- (b) during the same period, two complaints in respect of the Premises were received and investigated by staffs of his departments with details summarised below:

	<b>Date of Complaint Received</b>	<b>Nature</b>	<b>Findings</b>
1.	2.6.2021 (before the issue of provisional food factory licence)	Oppose the change of the B3 garage into snack food shop	Investigation by staff of his department revealed no illegal food business detected
2.	15.8.2021	Obstruction (floral stands and roll-up banners)	Investigation by staff of his department revealed no obstruction detected

- (c) 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;
- (d) proper licence / permit issued by his department is required if there is any food business / catering service / activities regulated by the him under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and

- (e) an application for food factory licence in respect of the Premises was received by his department on 4.9.2024 and the application is under processing.

### **Environment**

#### 8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) there is no environmental complaint / prosecution record against the concerned site in the past 3 years. In view of the same use and no previous complaint record, he has no objection to the application; and
- (b) nonetheless, the applicant is reminded to observe the Air Pollution Control Ordinance, and adopt the best available techniques for the control of oily fume and odour emissions and other relevant suggestions as stated in the pamphlet “Control of Oily Fume and Cooking Odour from Restaurants and Food Business”, ([https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide\\_ref/files/pamphlet\\_oilfume\\_eng.pdf](https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide_ref/files/pamphlet_oilfume_eng.pdf)) with a view to minimising the potential cooking fume nuisance generated by the possible uses (such as kitchen, etc.), if any, affecting the nearby air sensitive receivers.

### **Highways Maintenance**

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

- (a) no comment on the application as it seems that the planning application will not cause any inconvenient to the maintenance on public footway in the vicinity of the Premises; and
- (b) the applicant is reminded that any foul water should be discharged properly.

### **District Officer's Comments**

#### 8.1.8 Comments of the District Officer (Wan Chai), Home Affairs Department:

Her office has not received any comments from members of the public.

#### 8.2 The following departments has no objection to/no adverse comments on/no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Commissioner for Police (C of P);
- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD); and

(e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

**9. Public Comment Received During Statutory Publication Period**

On 6.12.2024, the application was published for public inspection. During the statutory publication period, no public comment was received.

**10. Planning Considerations and Assessments**

- 10.1 The application is to seek planning permission to use the Premises for proposed shop and services use for a fast food shop (takeaway only). The Premises falls within an area zoned “R(B)”, which 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 located on the ground floor of an existing residential building fronting Tai Hang Road (**Plans A-2 and A-3**). Based on the approved building plans of the existing building in 1954, the ground floor of the building (including the Premises) was intended to be used as garages but have been converted into shops without valid planning permission. The Premises is located at Tai Hang Road which is a residential neighbourhood mainly zoned “R(A)1”, “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 “R(A)1” zone on the OZP, whilst planning permission is required under “R(B)” and “R(C)” zones on the OZP. Although the proposed shop is not in keeping with the residential character of the neighbourhood, the proposed shop is small in scale, the Premises has been used for shop and services for many years, and the fast food shop will only offer takeaway of easily prepared food and beverages, such as steamed dumplings, snacks, dim sum, instant noodles, sandwiches, coffee, milk tea, to serve nearby residents and students.
- 10.3 There is no adverse comment on the application from concerned government departments, including DFEH, CE/HK&I of DSD, DEP, C for T and D of FS. There has been no environmental complaint concerning the Premises received by the Environmental Protection Department in the past 3 years. Although there were two complaints received by FEHD concerning the Premises during the previous planning approval period, they were found to be unsubstantiated by FEHD. No public comment was received during the statutory public inspection period. Relevant approval conditions are also recommended in paragraph 11.2 below to address the technical requirements of D of FS. Any non-compliance with the approval conditions will result in revocation of the planning permission. Should the application be approved, the proposed use will need to comply with relevant requirements and licensing of FEHD for a fast food shop.
- 10.4 In order to allow the Metro Planning Committee (the Committee) of the Board to monitor the potential nuisance that may be generated from the operation of the proposed fast food shop, a temporary approval of three years is recommended.



- 10.5 The Premises is the subject of a previous application (No. A/H6/90) for 'Shop and Services' use which submitted by a different applicant and approved by the Board on review on a temporary basis for a period of three years on 19.3.2021. The temporary permission was grant mainly on sympathetic grounds based on the special circumstances of the Premises and the temporary approval with the incorporation of appropriate approval conditions would help address the public comments concerning potential nuisance. The planning permission lapsed on 19.3.2024. During the Board's meeting, majority of Members were of the view that the garage use was outdated and no longer suitable at the Premises and the fast food shop use was not entirely incompatible with the surrounding area. As the planning circumstances of the area have remained similar as in 2021, approval of the current application on a temporary basis for a period of three years, is consistent with the Board's previous decision.

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

- 11.1 Based on the assessments made in paragraph 10 above, the Planning Department has no objection to the application on a temporary basis for a period of three years.
- 11.2 Should the Committee decide to approve the application on a temporary basis, a shorter period of three years until 24.1.2028 instead of permanent basis sought is recommended. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval conditions

- (a) the submission and implementation of a proposal for water supplies for firefighting and fire service installations before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition is not complied with before the operation of the proposed use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory clauses

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

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

there is no strong planning justification for the proposed use at the application premises.

## 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 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.
- 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**

<b>Appendix I</b>	Application Form with Plans received on 29.11.2024
<b>Appendix Ia</b>	SI received on 6.12.2024
<b>Appendix Ib</b>	FI received on 19.12.2024
<b>Appendix Ic</b>	FI received on 14.1.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**