

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/796

- Applicant** : River Mountain Resources Limited represented by AECOM Asia Company Limited
- Site** : 28A Hung To Road, Kwun Tong, Kowloon
- Site Area** : About 517m²
- Lease** : (a) Kwun Tong Inland Lot (KTIL) No. 385 (the Lot)
(b) Restricted for industrial purpose excluding offensive trade
- Plan** : Approved Kwun Tong (South) Outline Zoning Plan No. S/K14S/22
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 100 meters above Principal Datum or the PR and height of the existing building, whichever is the greater]
- Application** : Proposed Hotel with Other Uses (including Place of Recreation, Sports or Culture / Office (Audio-visual Recording Studio) / Office (Design and Media Production) / Research, Design and Development Centre)
- (Wholesale Conversion of an Existing Industrial Building)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed hotel with other uses (including place of recreation, sports or culture (including art studio and others) / office (audio-visual recording studio) / office (design and media production) / research, design and development centre), by wholesale conversion of an existing industrial building (IB), namely Tak Sing Industrial Building, at 28A Hung To Road, Kwun Tong (the Site), which is zoned “OU(B)” on the approved Kwun Tong (South) OZP No. S/K14S/22 (**Plan A-1**). According to Schedule I of the Notes for the “OU(B)” zone for a building other than industrial or industrial-office (I-O) building, ‘Shop and Services’, ‘Place of Recreation, Sports or Culture’, ‘Office’ and ‘Research, Design and Development Centre’ uses are under Column 1 which are always permitted; and ‘Hotel’ use is under Column 2 which requires planning permission from the Town Planning Board (the Board).

- 1.2 The existing 13-storey IB with a total non-domestic gross floor area (GFA) of about 5,573m² was completed in 1971, and is currently vacant. According to the applicant, the proposed wholesale conversion is in echo of the Chief Executive’s 2018 Policy Address (PA 2018) to incentivise wholesale conversion of IBs aged 15 years or above in “Commercial” (“C”), “OU(B)” and “Industrial” (“I”) zones for uses permitted under the relevant OZPs by exempting the waiver fees incurred, with an additional condition to designate 10% of the converted floor space for specified uses prescribed by the Government ^[1] (2018 Policy).
- 1.3 The Site is the subject of three previous applications, two of which were approved. Applications No. A/K14/643 for wholesale conversion of the existing IB at the Site for hotel use was approved with conditions by the Committee on 1.4.2011. The latest application No. A/K14/700 for redevelopment of the Site to a 27-storey hotel was approved with conditions by the Committee on 13.6.2014. General buildings plans were approved by the Building Authority for both approved schemes.
- 1.4 The proposed development will provide not more than 89 guest rooms with two taxi/private car lay-bys and two loading/unloading bays. The proposed ingress and egress of the Site will be provided at How Ming Street. The floor plans and section drawings submitted by the applicant are shown in **Drawings A-1 to A-7**. Indicative perspective image for the proposed development is shown in **Drawing A-8**.
- 1.5 The major development parameters of the proposed Scheme is summarized below:

Major Development Parameters	Current Scheme (A/K14/796)
Site Area	517m ²
PR	10.78
Gross Floor Area (GFA) - <i>Hotel and ancillary uses</i> - <i>Designated Portion for Specified Uses</i> #	5,573 m ² 5,016m ² 557m ²
Site Coverage (SC)	77.5% (above 15m)
Number of Block	1
Number of Storey	13
BH (mPD)	47.085

^[1] According to the applicant, the proposed ‘Specified Uses’ to be accommodated in the Designated Portion might include the use of the arts and cultural sectors, creative industries, innovation and technology industries, sports and recreational uses, etc. in accordance with Lands Administration Office (LAO) Practice Note No. 6/2019.

Major Development Parameters	Current Scheme (A/K14/796)
Number of Guest Rooms	Not more than 89
Average Room Size (m ²)	24
Parking, Loading/Unloading (L/UL) and Lay-by Provisions	
Taxi/Private Car Lay-by	2
L/UL Bay	1 (light goods vehicle) 1 (light bus)

The specified uses include place of recreation, sports or culture (including art studio and others), office (audio-visual recording studio), office (design and media production), or research, design and development centre.

1.6 The main uses by floor under the Proposed Scheme (**Drawings A-1 to A-8**) are summarized as follows:

Floor	Main Uses
G/F	Lobby and lounge, E&M, lay-bys and L/UL bays
1/F	F&B area and pantry
2/F	Designated area
3/F	Designated area, hotel back-of-house facilities
4/F	Guest rooms and landscaped deck
5/F to 12/F	Guest rooms

1.7 As compared to the previous approved scheme under Application No. A/K14/643 also for in-situ conversion of the existing IB to hotel use (approved by MPC in 2011), the Proposed Scheme only involved addition of the Designated Portion for specified uses in accordance with the 2018 Policy and corresponding reduction of hotel GFA and guest rooms. Major development parameters, including total GFA and BH, remain largely the same.

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

- (a) Application form received on 20.10.2020 (**Appendix I**)
- (b) Supporting Planning Statement enclosing Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) reports received on 20.10.2020 (**Appendix Ia**)
- (c) Further information (FI) received on 3.12.2020 (**Appendix Ib**) enclosing responses to departmental comments, revised TIA and revised SIA
[accepted but not exempted from publication and recounting requirements]
- (d) **FI received on 18.1.2021 enclosing a revised Figure 3.11 for replacement** (**Appendix Ic**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement (**Appendix Ia**) and summarized as follows:

Response to the Revitalization Scheme for IBs under the 2018 Policy

- (a) The proposed wholesale conversion of the IB at the Site for hotel use is in line with the revitalization scheme for IBs reactivated in the PA 2018 by optimally utilizing existing IBs to provide floor space to meet the demand emerged from Hong Kong's economic restructuring.
- (b) The owner of the building will designate 10% of the converted GFA for specific policy-driven uses (such as those in relation to the arts and cultural sectors, creative industries, innovation and technology industries, social services facilities, or sports and recreational uses, etc.) to be decided by the Government, which can fulfil the requirements under the 2018 Policy.

Meeting the Demand for Hotel Rooms and Suitable Location for Hotel

- (c) The proposed hotel can help sustain the development of tourism industry in Hong Kong. The tourism industry is expected to recover after the pandemic outbreak, and the proposed hotel can help alleviate the continual demand for low to medium tariff hotel rooms. The Site, well served by public transport and within an emerging business area, is a suitable location for hotel.

In line with the Planning Intention and Facilitate Transformation of Kowloon East

- (d) The proposed hotel development is in line with the planning intention of the "OU(B)" zone and will facilitate the transformation of the obsolete industrial area in Kowloon East into a core business district with the provision of necessary services and accommodation for business activity in the area. Provision of food and beverage uses in the proposed hotel can improve the vibrancy and facilitate the transformation of the district into the core business district.

Compatible with the Surrounding Developments and No Increase in GFA and BH

- (e) The proposed hotel use is compatible with the surrounding land uses, in particular the commercial and office uses in the immediate vicinity. Besides, the proposed wholesale conversion will not result in increase in GFA and BH.

Sustainable Regeneration via Conversion of Existing Building

- (f) The proposed conversion will involve minimal demolishing works, generate much lower dust and noise impact and provide less waste and construction materials as compared with complete redevelopment.

No Insurmountable Impacts

- (g) Technical assessment on traffic, sewerage and drainage have been conducted and findings indicated that no insurmountable impact will be resulted from the proposed hotel development.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) promulgated in September 2007 are relevant in the following aspects :

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same building and in existing industrial area until the whole area is transformed to cater for the new non-polluting business uses; and
- (b) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met. These include building structure, means of escape and fire safety requirements, which will be considered at the building plan submission stage.

5. Background

As set out in the PA 2018, to provide more floor area to meet Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, new measures to reactivate the revitalisation of IBs are announced. One of the measures is exemption of waiver fees for wholesale conversion of existing IBs aged 15 years or above in “C”, “OU(B)” and “I” zones for uses permitted under the relevant OZPs, with an additional condition that 10% of the converted floor space should be designated for specified uses prescribed by the Government, such as those in relation to the arts and cultural sectors, creative industries, innovation and technology industries, social service or community healthcare facilities, or sports and recreational uses, etc. (i.e. the 2018 Policy as mentioned in paragraph 1.2 above). On 2.4.2019, Lands Department (LandsD) issued a Practice Note on ‘Application for Special Waiver for Conversion of an

Entire Existing Industrial Building' (PN 6/2019). Application for special waiver should be received by LandsD on or before 31.3.2022.

6. Previous Applications

- 6.1 The Site is the subject of three previous planning applications (No. A/K14/611, A/K14/643 and A/K14/700) submitted by the same applicant.
- 6.2 Applications No. A/K14/611 and A/K14/643 were both for in-situ conversion of the existing IB at the Site for hotel use. The former was rejected by the Committee on 30.7.2010 mainly due to inadequate provision of car parking, L/UL and lay-by facilities and fire safety concern, the latter was approved with conditions by the Committee on 1.4.2011. Application No. A/K14/700 for redevelopment of the Site to a 27-storey hotel was approved with conditions by the Committee on 13.6.2014.
- 6.3 General building plans for the proposed schemes under A/K14/643 and A/K14/700 were approved by the Building Authority in 2013 and 2017 respectively.

7. Similar Applications

Apart from the three previous applications for hotel use on the Site, a total of 34 similar applications for hotel or office-cum-hotel developments in Kwun Tong Business Area (KTBA) have been considered by the Committee/the Board since the KTBA was rezoned to "OU(B)" (**Plan A-1**). 32 of these applications were approved with conditions mainly on considerations that the proposed uses were generally in line with the planning intention of the "OU(B)" zone and would help phase out the industrial uses in KTBA, no adverse impact on the surrounding area, and that the traffic impacts would be addressed by provision of sufficient parking and L/UL facilities. 23 of these permissions granted had lapsed, three permissions are still valid and six were implemented for approved hotel use (**Plan A-1**). The remaining two applications were rejected mainly for the reasons of failure in meeting the parking and L/UL requirements under the HKPSG, and adverse traffic impact on the local road network. For details of these similar applications, please refer to **Appendix II**.

8. The Site and its Surrounding Areas (Plans A-1 and A-3 and photos on Plan A-4)

8.1 The Site is:

- (a) occupied by a 13-storey IB, namely Tak Sing Industrial Building built in 1971 and is currently vacant (**Plan A-4**). General building plans related to the approved schemes under Application No. A/K14/643 and A/K14/700 were approved but building works has not started;
- (b) a corner site at the junction of How Ming Street and Hung To Road, and with a back alley to its southwest. An IB (i.e. 28 Hung To Road) is located to its northwest (**Plan A-3**); and

(c) at about 300m southeast of the MTR Ngau Tau Kok Station (**Plan A- 1**).

8.2 The surrounding areas have the following characteristics (**Plans A-3 and A-4**):

- (a) the neighboring buildings along Hung To Road and How Ming Street are mainly IBs or I-O buildings, and the area is being transformed into business/commercial uses. Major commercial developments in the vicinity include Monterey Plaza and various phases of Millennium City; and
- (b) two hotels, that were subject of previous approved planning applications, are near the Site including Hotel COZI Harbour View to the south across How Ming Street and L’hotel Elan to the north at Chong Yip Street.

9. Planning Intention

The planning intention of “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings.

10. Comments from Relevant Government Departments

10.1 The following Government bureaux/departments have been consulted and their views on the application are summarized as follows:

Policy Perspective

10.1.1 Comments from the Development Bureau (DEVB)

- (a) He supports the application in principle at the current planning stage subject to its compliance with relevant requirements under the current revitalization scheme and departments’ assessments of technical feasibility and planning parameters.
- (b) Under the 2018 Policy for revitalization of IBs, LandsD will consider valid applications with exemption of waiver fee received on or before 31.3.2022 for wholesale conversion of existing IBs aged 15 years or above in “C”, “OU(B)”, and “I” zones for uses permitted under the relevant OZPs, with a condition that 10% of the converted floor space should be designated for specific uses prescribed by Government. Where a proposed use applied for requires planning permission from the Board, it must be obtained before the relevant special waiver application is submitted to LandsD.
- (c) The exact location and designated use(s) in relation to the 10% designated floor space, as well as the mode of operation of the designated portion, will be determined by his bureau in consultation with relevant parties after LandsD has received the

owner's application for a special waiver for wholesale conversion. If the case may go into this subsequent process, the approved designated use(s) must be always permitted under the relevant OZP or covered by a planning permission.

Land Administration

10.1.2 Comments of the District Lands Officer/Kowloon East and the Chief Estate Surveyor/Development Control, LandsD

- (a) The Site falls within KTIL 385 which is restricted for industrial purposes excluding offensive trade under lease.
- (b) The proposed wholesale conversion for hotel and other uses including place of recreation, sports or culture / art studio / audio-visual recording studio / design and media production / research, design and development centre is in breach of the user restriction of the Lot. If the planning application is approved by the Board, the lot owner shall apply to LandsD for a waiver/lease modification to implement the proposal.

Land Matters related to 2018 Policy i.e. the measures announced in PA 2018 on Revitalisation of IBs

- (c) The applicant should refer to PN 6/2019 for the prerequisites, such as no change to existing structure/bulk, requirements of the Designated Portion and Specified Uses for application of a special waiver under the 2018 Policy.
- (d) There is no guarantee that the application (if received) for special waiver for conversion of the entire IB under the 2018 Policy will be approved by LandsD. The application will be considered by LandsD acting in its capacity as the landlord at its own discretion and any approval given will be subject to terms and conditions, including restriction on alienation of the Designated Portion, payment of administrative fee, etc. as may be imposed.
- (e) Her detailed comments are incorporated in the advisory clauses in **Appendix V**.

Tourism Aspect

10.1.3 Comments of the Commissioner for Tourism (C for Tourism):

The proposed hotel development will help increase the provision of hotel facilities, broaden the range of accommodation for visitors, and support the development of convention and exhibition, tourism and hotel industries. In this regard, he has no objection to the proposed hotel development at the Site provided that it is agreeable to all relevant Government departments, and that the applicant is able to comply with all requirements laid down by the relevant departments.

Traffic Aspect

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

Having reviewed the TIA at **Appendices Ia** and **Ib**, he has no adverse comment on the application from traffic engineering point of view, but suggests that should the application be approved by the Board, approval conditions should be imposed for (i) the submission of a revised TIA including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified in the revised TIA, and (ii) the design of parking facilities, L/UL spaces and vehicular access for the proposed development.

Environmental Aspect

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

- (a) Hotel developments are normally provided with central air conditioning system and the applicant/Authorized Person should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisance/impacts.
- (b) Approval conditions requiring the submission of SIA, and implementation of the local sewerage upgrading/sewerage connection works identified in the SIA are recommended should the application be approved by the Committee.
- (c) His other technical comments on the SIA are detailed at **Appendix IV**.

10.1.6 Comment of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

He has no adverse comment on the application and his technical comments on the SIA are detailed at **Appendix IV**.

Fire Safety

10.1.7 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 to be provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) As no details of the emergency vehicular access (EVA) have been provided, comments could not be offered at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is

administered by BD.

Licensing Aspect

10.1.8 Comments of the Chief Officer (Licensing Authority), Home Affairs Department (CO(LA), HAD):

- (a) No objection to the application.
- (b) The applicant should submit a copy of the OP or acknowledgement letter for proposed hotel issued by BD when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO).
- (c) The licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of application under HAGAO.

Buildings Matters

10.1.9 Comments of the Chief Building Surveyor/Kowloon, Buildings Department

- (a) The building shall be operated as a hotel and relevant licence should be obtained from the Licensing Authority.
- (b) The hotel building may be treated as a non-domestic building for site coverage and PR purposes under PNAP APP-40 and the Building (Planning) Regulations 23A. Building Authority will consider the case at the building plan submission stage.
- (c) Detailed comments will be given at building plan submission stage.

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

- (a) the Head of Energizing Kowloon East Office, DEVB;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways department
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), HAD.

11. Public Comment received During the Statutory Publication Period

The application and the FI (**Appendices Ia and Ib**) were published for public inspection on 27.10.2020 and 15.12.2020. Within the two statutory inspection periods, a total of two public comments from a member of Kwun Tong Central Area Committee indicating support for the application was received (**Appendices IIIa and IIIb**).

12. Planning Considerations and Assessments

The Proposal

- 12.1 The applicant seeks planning permission for wholesale conversion of an existing 13-storey building for 'Hotel' providing not more than 89 guestrooms with ancillary food & beverage facilities and about 10% of the total GFA to be accommodated in the Designated Portion for specified uses (including place of recreation, sports or culture (including art studio and others) / office (audio-visual recording studio) / office (design and media production) / research, design and development centre) in accordance with 2018 Policy. As compared with the existing building, there would be no change to building bulk in terms of GFA, PR and BH. According to the Schedule of the Notes for the "OU(B)" zone for a building other than I-O building, the specified uses proposed in the Designated Portion are 'Place of Recreation, Sports or Culture', 'Office' and 'Research, Design and Development Centre' uses that are under Column 1 and are always permitted; and 'Hotel' use is under Column 2 which requires planning permission from the Board.
- 12.2 As compared to the previous approved scheme under Application No. A/K14/643 also for in-situ conversion of the existing IB to hotel use (approved by the Committee in 2011), the Proposed Scheme only involves addition of the Designated Portion for specified uses in accordance with the 2018 Policy and corresponding reduction of hotel GFA and guest rooms. Major development parameters, including total GFA and BH, remain largely the same.

Planning Intention and Land Use Compatibility

- 12.3 The proposed hotel with other specified uses in the Designated Portion including recreational, cultural, commercial and innovation and technology uses are considered generally in line with the planning intention of the "OU(B)" zone and the transformation taking place in KTBA from industrial to business/commercial uses. The proposed PR of 10.78 and BH of about 47.085mPD do not exceed the restrictions for the Site under the OZP.
- 12.4 As discussed in paragraph 6 and 7 above, 37 planning permissions (including the three previous applications on the Site and 34 similar applications in KTBA) were granted for hotel/office-cum hotel use in KTBA (**Plan A-1**). Six of which were completed with two hotels in close proximity to the Site (i.e. Hotel COZI Harbour View and L'Hotel Elan). The KTBA is being transformed into a commercial district with major office/commercial/hotel uses developed/to be developed in the area as mentioned in para. 8.2 above (**Plan A-2**). The surroundings of the Site is characterised by a mix of IBs, I-O and C/O buildings. The proposed hotel use at the Site is considered not incompatible to the surrounding uses. The proposed development would help improve the existing urban environment and would serve as a catalyst in phasing out the current industrial uses within the "OU(B)" zone, and is also in line with the Energizing Kowloon East Initiative. C for Tourism has no objection to the proposed hotel at the Site. The proposed development is generally in line with the TPB PG-No. 22D for "OU(B)" zone.

Technical Aspects

12.5 Relevant departments, including TD, EPD, DSD, FSD, HyD and BD have no adverse comment on/ objection to the application. Appropriate approval conditions and advisory clauses as suggested by departments are in para 13.2 below.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as mentioned in paragraph 11 the Planning Department has no objection the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.1.2025, 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 submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment in condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a revised traffic impact assessment including a traffic management plan for the vehicular access arrangement, and implementation of the traffic management plan and the mitigation measures, if any, identified therein, to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (d) the design of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached 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 date when the validity of the permission should expire.
- 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 received on 20.10.2020
Appendix Ia	Supporting planning statement received on 20.10.2020
Appendix Ib	FI vide letter received on 3.12.2020
Appendix Ic	<i>FI vide letter received on 18.1.2021</i>
Appendix II	Similar applications for Hotel Development in KTBA
Appendices III(a) and (b)	Public comments received during the statutory publication period
Appendices IV	Other technical comments from Government departments
Appendix V	Recommended advisory clauses
Drawings A-1 to A-7	Proposed floor plans and sections submitted by the applicant
Drawing A-8	Perspective submitted by the applicant
Plans A-1 and A-2	Location plans on Outline Zoning Plan and Outline Development Plan
Plan A-3	Site plan
Plan A-4	Site photos