

**Similar s.16 Applications within “R(A)” Zone on Cheung Sha Wan OZP since 2000**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration (MPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
A/K5/696	Proposed Hotel	18.3.2011	1, 2, 3
A/K5/718	Proposed Hotel (Guesthouse) (Wholesale Conversion)	21.9.2012	1, 2, 3
A/K5/724	Proposed Hotel (Guesthouse)	21.9.2012	1, 2, 3
A/K5/730	Proposed Hotel	19.4.2013	1, 2, 3

**Approval Conditions:**

1. The submission and implementation of a landscape.
2. The provision of fire service installations/ the provision of water supplies for fire fighting and fire service installations.
3. The submission of a Sewerage Impact Assessment (SIA) and the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA.

**Rejected Application**

<b><u>Application No.</u></b>	<b><u>Proposed Development</u></b>	<b><u>Date of Consideration (MPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
A/K5/583	Proposed Hotel (Guesthouse)	27.5.2005	1, 2
A/K5/604	Proposed Hotel (Guesthouse)	7.4.2006	1, 2
A/K5/623	Hotel	15.12.2006	1, 3
A/K5/715	Proposed Hotel (Guesthouse)	16.3.2012	4, 5
A/K5/721	Proposed Hotel	7.12.2012	5, 6, 7
A/K5/731	Proposed Hotel (Guesthouse)	7.6.2013	8, 9
A/K5/736	Proposed Hotel	15.11.2013 (upon review)	8, 9, 10
A/K5/755	Proposed Hotel	8.8.2014	8, 10, 11
A/K5/769	Proposed Hotel (Guesthouse)	20.11.2015	4, 5
A/K5/793	Proposed Hotel	23.11.2018 (upon review)	8, 10

### Rejection Reasons:

1. The proposed development was not compatible with the character of the quiet residential neighbourhood.
2. The inadequate provision of parking and loading/unloading facilities within the site would result in on-street loading and unloading activities and cause disturbance to the neighbourhood.
3. There was inadequate information submitted to demonstrate that the proposed hotel development would not cause disturbance to the neighbourhood.
4. The proposed hotel (guesthouse) was not served with an independent access separated from the domestic portion at the upper floors of the subject building, its operation might cause nuisance and inconvenience to the residents of the same building.
5. The approval of the application would set an undesirable precedent for other similar hotel/guesthouse applications which would lead to intrusion of guesthouse use into composite buildings with shared use of the existing lifts and staircases with the residential use on other floors.
6. No effective measures had been provided in the application to demonstrate that the proposed hotel/guesthouse would not result in shared use with the domestic flats of the common lift and staircases of the subject building, its operation may cause nuisance and inconvenience to the residents of the same building.
7. The internal design and layout and access arrangement of the proposed development were not acceptable as some of the guestrooms were not provided with windows, and there was no provision of access for the disabled.
8. The application site was located in a predominantly residential neighbourhood. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory.
9. There were no/insufficient planning merits to justify the proposed hotel/hotel(guesthouse) development.
10. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.
11. The submission fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.

**Advisory Clauses**

- (a) To note the comments of the District Lands Office/Kowloon West, Lands Department (LandsD) that:
- (i) as the Lease contains a non-offensive trade clause, if provision and sale of food and beverages are proposed at the Lots, the lot owners are required to apply for removal of the lease restriction by way of a license or modification letter. However, there is no guarantee that the licence or modification application, if submitted, will be approved. Such applications, if received by LandsD, will be considered by LandsD in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of licence fee/premium and administrative fee as may be imposed by LandsD;
  - (ii) the owners of the Lots are reminded that they have to verify their adopted site area of the Lots with evidence as appropriate for the proposed hotel use. LandsD reserves comments on the site area until building plan stage; and
  - (iii) the proposed footbridge (FB) connection at L2 of the proposed hotel (“the Proposed FB Connection”) to link with the existing public FB connecting Ki Lung Street and 1/F of Dragon Centre which spans across Yen Chow Street (“the Existing FB”) falls outside the Lots’ boundaries and encroaches on public road and pavement of Yen Chow Street and Ki Lung Street. The lot owners are required to seek prior comments and agreements from the Transport Department (TD) and Highways Department (HyD) for taking up the future management and maintenance responsibilities of the Proposed FB Connection and to sort out the implementation arrangement with TD and HyD.
- (b) To note the comments of the Commissioner for Transport that the submitted Traffic Impact Assessment (TIA) and the proposed loading/unloading (L/UL) bay at Ki Lung Street are unable to demonstrate no adverse traffic impact from the proposed hotel development. The proposed L/UL bay is not acceptable from traffic engineering viewpoint for the following reasons:
- (i) it is noted that the applicant propose to shift the proposed L/UL bay inwards towards Ki Lung Street. However, it appears that the minimum footpath width between the L/UL bay and the corner of Luen Hong Building would be significantly reduced to around 1m, which is insufficient for pedestrian movement;
  - (ii) according to the swept path, it appears that vehicles cannot fully park into the proposed L/UL bay, which would pose road safety hazard to other road users;
  - (iii) it appears that vehicle entering/waiting to enter the proposed L/UL bay would potentially disrupt the traffic flow at the junction and subsequent tail back to Yen Chow Street; and

- (iv) the surveyed traffic flow under the TIA report deviates too much from their reference figures and observations.
- (c) To note the comments of the Chief Highway Engineer/Kowloon, Highways Department that the applicant should seek comments/advices from the department regarding the design of the proposed FB connection, the proposed L/UL bay and the proposed 2.4m-wide footpath within the lot boundary. The HyD standards shall be complied with. His department reserves comments until later stages of project delivery when more information regarding the design of these facilities is provided.
- (d) To note the comments of the Director of Environmental Protection that as the redevelopment would involve demolition of the existing building, the applicant is advised to minimise the generation of construction and demolition (C&D) materials, and reuse and recycle the C&D materials on-site as far as possible, and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development.
- (e) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that the hotel concession should be granted for Building (Planning) Regulations 23A; the side lane between the Site and Luen Hong Building should be within private ownership and modification should be granted to include such area in site area; modification is granted to permit the proposed footbridge to project over street; the proposal should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations; and detailed comments on the proposal under BO would be given at the submission stage of building plans.
- (f) To note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and the arrangement of emergency vehicular access shall comply with Section 6, Part D of the *Code of Practice for Fire Safety in Buildings 2011* which is administered by the Buildings Department.
- (g) To note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349; and the licensing requirements will be formulated after inspections by the Home Affairs Department's Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO.
- (h) To note comments from the Director of Food and Environmental Hygiene that the Food and Environmental Hygiene Department (FEHD) will only provide cleansing services to public places. No environmental nuisance should be generated to the surroundings. The applicant should provide cleansing services to the proposed setbacks at Yen Chow Street and Ki Lung Street at their own expenses. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses; and if provision of cleansing service for the new FB connection, in case it is not managed

and maintained by the applicant, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD.