

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

**APPLICATION NO. A/K5/814**

- Applicant** : Million Rise Properties Limited represented by Toco Planning Consultants Limited
- Site** : 56G-56H and 56J-56K Yen Chow Street, Sham Shui Po, Kowloon
- Site Area** : 254.90m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (NKIL) 205 R.P., NKIL 205 s.B ss.1, NKIL 205 s.B ss.2, NKIL 205 s.B R.P., NKIL 205 s.C and NKIL 205 s.D (collectively known as “the Lots”)  
(b) Virtually unrestricted except for “non-offensive trades” and “rate and range” clauses
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37
- Zoning** : “Residential (Group A)6” (“R(A)6”)  
(a) Restricted to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 80mPD (100mPD for sites with an area of 400m<sup>2</sup> or more), or the PR/BH of the existing building, whichever is the greater.  
(b) For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.
- Application** : Proposed Hotel

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed 15-storey hotel at 56G-56H and 56J-56K Yen Chow Street, Sham Shui Po (the Site) (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Hotel’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposed total gross floor area (GFA) is about 2,294m<sup>2</sup> with PR of 9 and BH of about 61.325mPD (main roof). There will be no vehicular access and internal transport facilities provided at the proposed development due to site constraint. The

entrance of the proposed hotel is at Ki Lung Street. The targeted completion date for the proposed hotel is tentatively expected in 2023/2024.

- 1.3 The layout plan, floor plans, section and elevation plans, artist impressions and photomontage are at **Drawings A-1 to A-16**. Key development parameters and floor uses of the proposed hotel are as follows:

<b>Proposed Development Parameters</b>	
Site Area	254.90m <sup>2</sup>
Total GFA (about)*	2,294m <sup>2</sup>
Total PR	9
Site Coverage (about)	62.5%
No. of Storeys	15 (no basement)
Building Height (about)	61.325mPD (main roof)
No. of Guestrooms	70
Parking and Loading/Unloading	Nil
<b>Main Uses by Floor</b>	
Level (L) 1	Hotel lobby, designer's showcase, E&M facilities, 2.4m-wide covered pedestrian walkway, public lift and public staircase
L2	Hotel business centre, hotel supporting facilities, covered pedestrian corridor, public lift and public staircase
L3	E&M facilities
L4	Communal podium garden, hotel gymnasium, public lift and public staircase
L5 – L15	Guestrooms

Note

\* GFA does not include hotel supporting facilities subject to the approval of the Building Authority.

- 1.4 According to the applicant, the proposed hotel will provide:
- (a) building setback of 0.5m to 1m at ground level of the Site along Yen Chow Street (**Drawing A-2**);
  - (b) converting a portion of the existing footpath along Ki Lung Street adjacent the proposed hotel for provision of a loading/unloading (L/UL) bay (**Drawings A-2, A-12 and A-14**);
  - (c) building setback of 2.4m at ground level of the Site along Ki Lung Street to re-provision the existing footpath due to (b) above. As a result of the setback, the pedestrian walkway will be 3.5m in width (including the remaining 1.1m-wide footpath along Ki Lung Street (**Drawing, A-2, A-12 and A-14**);
  - (d) a connection from the existing footbridge (FB), which connects the Dragon Centre (located at the opposite of the Site) and Ki Lung Street, to link the Dragon Centre to L2 of the proposed hotel (the proposed FB connection), and a lift and staircase at L1, L2 and L4 within the proposed hotel (**Drawings A-2 to A-5, A-12 to A-14, and A-15**). The proposed FB connection, the lift and the staircase

will provide barrier free access (BFA) to and from the Lai On Estate and the market/shops in Pei Ho Street and Ki Lung Street; and

- (e) a covered pedestrian corridor at L2 of the proposed hotel (**Drawings A-3, A-12 and A-13**) and a communal landscaped garden at L4 of the proposed hotel (**Drawings A-5, A-10 and A-14**) which are accessible by using the lift and staircase from ground level (L1) of the proposed hotel.

1.5 With regard to the facilities mentioned in paragraph 1.4 above as proposed by the applicant, the L/UL bay at Ki Lung Street (**Drawing A-2**), the building setbacks at ground level of 0.5 to 1m along Yen Chow Street and 2.4m along Ki Lung Street (**Drawing A-2**), the proposed FB connection, the lift and the staircase at L1, L2 and L4 (**Drawings A-2 to A-5 and A-15**) and the covered pedestrian corridor at L2 (**Drawing A-3**) will be open to the public 24 hours. The communal landscaped garden at L4 (**Drawing A-5**) will be open to the public from 8 a.m. to 6 p.m. All these proposed facilities will be designed, built, operated, and managed/maintained by the applicant at his own cost.

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

- (a) Application form received on 23.12.2019 and supplementary information received on 6.1.2020 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (c) Letter dated 7.2.2020 providing responses to departmental and public comments, revised Sewerage Impact Assessment (SIA) and a Supplementary Planning Paper \* (**Appendix Ib**)
- (d) Letter dated 17.2.2020 providing responses to departmental comments and supporting traffic documents # (**Appendix Ic**)
- (e) Letter dated 6.3.2020 providing responses to departmental comments # (**Appendix Id**)
- (f) Letter dated 13.3.2020 providing responses to departmental comments and revised layout \* (**Appendix Ie**)
- (g) Letter dated 20.3.2020 providing responses to departmental comments and revised plans and artist impressions on the revised layout # (**Appendix If**)
- (h) Letter dated 7.4.2020 providing responses to departmental comments, revised plans and supporting traffic documents # (**Appendix Ig**)
- (i) Letter dated 16.4.2020 providing revised plans and clarifications # (**Appendix Ih**)

[\* Accepted but not exempted from publication and recounting requirements.]

[# Accepted and exempted from the publication and recounting requirements.]

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and submissions of further information at **Appendices I to Ih**. They can be summarised as follows:

### In-line with Policy Initiatives

- (a) the proposed hotel is in line with the policy initiatives to promote design and fashion industries in Sham Shui Po including a district tourism campaign launched by the Hong Kong Tourism Board and a design and fashion project to be launched at the Tung Chau Street/Kweilin Street project under the Urban Renewal Authority (URA) (Appendix I of **Appendix Ia**). The applicant is the subsidiary company of the owner of Dragon Centre located opposite to the Site (**Plans A-2 and A-5**). Dragon Centre is intended to be renovated and the 8/F will be developed as a fashion and design hub, including a multi-purpose hall for organising international and local events such as fashion shows and E-sports competitions (Appendix II of **Appendix Ia**). The proposed hotel forming part of Dragon Centre's improvement plan will provide accommodation for participants/designers of the international events;

### Need for Hotel Development

- (b) there is a lack of licensed hotels in Sham Shui Po and Cheung Sha Wan, and only one of the approved planning applications for hotel development (No. A/K5/696) (**Plan A-1**) has commenced so far. The applicant is well experienced in the operation and management of hotel;

### Site Suitability and Land Use Compatibility

- (c) the Site is located at the corner of the "R(A)6" zone and is predominately surrounded by major tourist attractions, residential with retail spaces and eating places on the lower floors, commercial and government and institutional uses. The proposed hotel is highly compatible with the adjacent land uses;

### Planning Gains

- (d) the proposed development with setback along Yen Chow Street and Ki Lung Street will improve pedestrian circulation and openness on the ground level. The communal landscaped garden on L4 will provide a convenient resting area for the local people. The proposed FB connection together with the lift and staircase will provide a 24-hour BFA which is a secondary means of access to the ground level for the elderly and people with trolleys/wheelchairs as the current FB at Ki Lung Street only has escalator going up to the FB and pedestrians have to use staircase for going down from the FB, and the signalised crossing at the junction of Yen Chow Street and Yu Chau Street is very congested and hence not convenient. The proposed development will serve as catalyst to redevelopment, improve the existing townscape, provide employment opportunities and vitalise the local economy;
- (e) while the applicant does not need to apply for lease modification, the applicant could provide an undertaking to guarantee the 2.4m-wide covered pedestrian walkway will

be open to the public 24 hours. Besides, the proposed improvement measures will have to be incorporated in building plans for the approval of the Buildings Department. The Board can also impose approval conditions to ensure the implementation of the proposed measures, which can be revoked if the proposed measures are not properly implemented. The applicant will seek approval from the Advisory Committee on the Appearance of Bridges and Associated Structures (ACABAS) on the design of the proposed FB connection;

#### No Adverse Impact on the Residential Zone

- (f) with a total area of about 254.90m<sup>2</sup>, the Site represents less than 0.03% of the entire “R(A)” zone within the OZP and will not result in a significant loss of “R(A)” land. There are also new residential developments through redevelopment of the old residential buildings including the URA projects by maximising the PR of the “R(A)” zone, phasing out existing industrial uses in the “Residential (Group E)” zone, redevelopment of old public housing estates with lower PR, and wholesale conversion of industrial buildings for transitional housing;
- (g) the proposed hotel will not be subject to adverse air quality and noise impacts from road traffic of Yen Chow Street and Ki Lung Street. It could serve as a noise screening structure for the residential development beyond;
- (h) the Site has been occupied by a co-living accommodation on tenancy basis for the medium-stay overseas visitors. While the Site can be developed for residential purpose and operated as a hotel-like service apartment under the guesthouse licensing mechanism, the proposed hotel will provide various planning gains mentioned in paragraph 2(d) above and could release some rooms for transitional housing to benefit the community;

#### Technically Feasible

- (i) the submitted Traffic Impact Assessment (TIA) and SIA (**Appendix Ia**) demonstrate that there will be no adverse traffic and sewerage impact. Vehicular access cannot be provided at the Site due to site constraint and such provision, if provided at the Site, will not comply with relevant standards. The Site is well served by rail-based and road-based public transport facilities and the applicant could spare a number of parking spaces and L/UL bays in Dragon Centre for the proposed hotel if necessary. Minimal vehicular trips will be generated by the proposed hotel and the applicant has proposed various measures as paragraph 2(d) above to serve the public and to meet the local needs;
- (j) the proposed hotel development will not cause adverse noise and air quality impact. Waste management will also be adopted during both the construction and operation stages;
- (k) the proposed development will not result in any significant visual impacts. It will be in similar height with the adjacent residential building and comply with the BH restriction on the OZP. According to the TPB Guidelines on Submission of Visual Impact Assessment for Planning Applications to the Board (TPB PG-No. 41), it is not practical to protect private views without stifling development opportunity and

balancing other relevant considerations. The proposed scheme has also been designed to be functionally and visually integrated with the Dragon Centre;

Will not set an Undesirable Precedent

- (l) as the Site is located at a unique location as stated in paragraph 2(c) above, well served by public transport, has been providing hospitality services, the proposed hotel will not be resulted in adverse traffic, environmental and visual impacts and is part of the Dragon Centre improvement plan, approval of the application will neither set an undesirable precedent for other similar applications, nor result in a cumulative effect of approving similar applications and each application would be considered on a case-by-case basis. There are similar approved hotel developments in “R(A)” zone with similar site characters to the Site; and
- (m) with reference to TPB Guidelines for Application for Office Development in “R(A)” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) (as office and hotel developments are commercial uses), the proposed hotel is considered in compliance with the planning criteria specified in TPB PG-No. 5 in that the proposed development is less susceptible to pollution than a residential development as the Site is located near a major road which is a major source of air and noise pollution, and open space and community facilities will be provided within the Site for public use.

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

The applicant is one of the “current land owners” of the Site. In respect of the other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining other current land owners’ consent. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

- 4.1 The Site and its surrounding area were previously zoned “Commercial/Residential” (“C/R”) on the draft Mong Kok OZP No. LK 3/8. On 23.5.1975, the draft Mong Kong OZP No. LK 3/10 incorporating amendments to rezone the “C/R” sites including the Site to “Residential” (“R”) was exhibited for public inspection as the planning application system provided the flexibility for commercial uses at desirable locations (**Plan A-3**).
- 4.2 The part of the Planning Area to the southeast of Yen Chow Street including the Site was excised from the draft Mong Kong OZP No. S/K3/1 and was incorporated in the draft Cheung Sha Wan OZP No. S/K5/4, and the “R” zone of the excised area was rezoned to “R(A)” in the draft Cheung Sha Wan OZP No. S/K5/4 exhibited for public inspection on 9.10.1987 (**Plan A-4**).

- 4.3 To incorporate the recommendation of the Kowloon Density Study Review completed in early 2002, the restriction of maximum PR of 7.5 for a domestic building and maximum PR of 9.0 for a partly domestic and partly non-domestic building in the “R(A)” zone was incorporated in draft Cheung Sha Wan OZP No. S/K5/23 exhibited for public inspection on 31.5.2002. On 30.9.2010, the draft Cheung Sha Wan OZP No. S/K5/32 with amendments to rezone the Site from “R(A)” to “R(A)6” with BH restriction was exhibited for public inspection (**Plan A-4**). Since then, the zoning of the Site has remained unchanged.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Applications**

- 6.1 There are 14 similar applications for hotel use within “R(A)” zone in the Cheung Sha Wan Planning Scheme Area since 2000 considered by the Metro Planning Committee (the Committee) (**Plan A-1**). Out of them, four were approved with conditions and ten were rejected.
- 6.2 The four approved applications (Nos. A/K5/696, A/K5/718, A/K5/724 and A/K5/730) for either redevelopment or wholesale conversion of the existing building were approved having considered the land use compatibility with the surrounding areas predominately residential in nature with commercial uses on the lower floors, development intensity in compliance with the OZP restrictions and insignificant traffic impact caused by the proposed developments, and the proposed hotel would alleviate the industrial/residential interface problem in the area as the application was within an area with existing industrial buildings immediate surroundings.
- 6.3 Two (Nos. A/K5/696 and A/K5/724) out of the four approved applications have commenced and the hotels are already in operation. However, the other two (Nos. A/K5/718 and A/K5/730) have not been implemented and the planning approvals have lapsed.
- 6.4 For the ten rejected applications, three (Nos. A/K5/583, A/K5/604 and A/K5/623) were for the same site and they were rejected mainly on the reasons that the proposed hotel was not compatible with the character of its neighbourhood and there was inadequate provision of parking and/or loading/unloading facilities within the site while three (Nos. A/K5/715, A/K5/721 and A/K5/769) were for partial conversion of existing composite buildings and were rejected mainly due to non-provision of separated and independent access from other portions of the existing building.
- 6.5 The remaining four rejected applications (Nos. A/K5/731, A/K5/736 (upon review), A/K5/755 and A/K5/793 (upon review)) were for either redevelopment or wholesale conversion of the existing building. They were rejected mainly due to the current shortfall in housing supply and the sites should be developed for their zoned use and there were no planning merits to justify the proposed development.
- 6.6 Details of the similar applications are summarised at **Appendix II**.

**7. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-5 and A-6)**

7.1 The Site is:

- (a) located at the junction of Ki Lung Street and Yen Chow Street; and
- (b) currently occupied by a 6-storey tenement building completed in 1957. Ground floor is occupied by a restaurant and the upper floors are used for dormitory (i.e. Apple Dorm) on monthly tenancy basis (**Plan A-5**).

7.2 The surrounding areas have the following characteristics:

- (a) to the northeast, east and south of the Site is predominantly residential buildings with commercial uses on the lower floors;
- (b) to the west, northwest and north of the Site across Yen Chow Street is the Shum Shui Po Police Station, a shopping mall known as Dragon Centre and the Cheung Sha Wan Government Offices. There is an existing FB (**Plan A-2**) connecting Dragon Centre to Ki Lung Street across Yen Chow Street; and
- (c) the Site is easily accessible by various modes of public transport, with Sham Shui Po MTR Station is located at about 350m southeast of the Site.

**8. Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

**9. Comments from Relevant Government Departments**

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

**Policy Perspective**

9.1.1 Comments of the Secretary for Commerce and Economic Development, Commerce and Economic Development Bureau (SCED, CEDB):

it appears that the main relevance of the Bureau’s policy, if any, is the applicant’s claim to develop a multi-purpose hall at 8/F of Dragon Centre for fashion shows. Based on the limited information provided, he is unable to support claims for potential benefits of the proposed multi-purpose hall at 8/F of Dragon Centre and the proposed hotel in promoting creative industries in Sham Shui Po, whilst neither there is any ground for objection from the creative industries policy perspective.



## **Land Administration**

### 9.1.2 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) no objection to the application;
- (b) the Premises falls within s.B ss.1, s.B ss.2, the Remaining Portion of s.B, s.C, s.D and the Remaining Portion of NKIL 205 (“the Lots”) which are governed by Government Lease dated 28.12.1923 (“the Lease”). The Lots are virtually unrestricted except with “non-offensive trades” and “rate and range” clauses<sup>1</sup>;
- (c) 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 licence 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;
- (d) 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;
- (e) the proposed 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. As the Existing FB is managed and maintained by TD and HyD respectively, comments from TD and HyD should be sought on the FB connection proposal. In additional, gazetting under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) may be required, advices from TD and HyD should be sought in this regard; and

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<sup>1</sup> The “rate and range” clause : “...which said message or tenement messages or tenements shall be of the same rate of building elevation character and description and shall front and range in a uniform manner with the buildings (if any) immediately adjoining in the same Street...”

- (f) the proposed L/UL bay falls on public pavement of Ki Lung Street, which is under the management and maintenance responsibilities of TD and HyD respectively. Comments from TD and HyD should be sought in this particular regard.

### **Traffic**

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

- (a) he cannot offer support to the application as the submitted TIA and the proposed L/UL bay at Ki Lung Street are unable to demonstrate no adverse traffic impact from the proposed hotel development as follows:
- (i) the proposed L/UL bay is not acceptable from traffic engineering viewpoint for the following reasons:
- it is noted that the applicant has proposed 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 (**Plan A-2**) would be significantly reduced to around 1m, which is insufficient for pedestrian movement;
  - 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;
  - 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;
- (ii) the surveyed traffic flow under the TIA report deviates too much from our reference figures and observations; and
- (b) currently, pedestrian may use the existing FB KF91 (i.e. the existing FB connecting Ki Lung Street and Dragon Centre), which is served by escalator and staircase to cross Yen Chow Street. Since no BFA facility is provided at the FB, wheelchair users may use the existing signalised crossing at junction of Yen Chow Street/Yu Chau Street to cross Yen Chow Street, which is only approximately 40m away and is considered to be an acceptable distance. The applicant claims that the proposed FB connection would provide a public lift for BFA. However, as stated above, the existing BFA crossing facility is already adequate. The proposed FB connection is a minor enhancement but is considered not necessary from traffic engineering viewpoint.

9.1.4 Comments of the Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);

- (a) no adverse comment from highway's point of view;
- (b) the existing FB (Structure No. KF91) to which the proposed FB connection from the proposed development is linked, is a public FB under the maintenance purview of his Office;
- (c) the existing public footpath along Ki Lung Street is proposed to be converted to a L/UL bay, whilst the footpath would be re-provided at the proposed 2.4m-wide setback within the lot boundary. As the footpath is not on government land, TD's view from traffic management viewpoint regarding the connectivity of public footway and the proposed L/UL bay shall be sought; and
- (d) 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.

**Environmental Aspect**

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

- (a) no objection to the application;
- (b) should the application be approved, the following conditions are recommended to be imposed:
  - (i) the submission of an updated SIA to the satisfaction of the Director of Environmental Protection or of the Board;
  - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) 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.

### **Urban Design and Visual**

#### 9.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) the proposed development for hotel consists of one block of 15-storey building with BH of about 61.325mPD, which may not be incompatible with adjacent future development with BH restriction of 80mPD; and
- (b) noting that the applicant will submit the proposed FB connection to ACABAS for comment/approval, he has no further comment on the proposed FB connection from architectural and visual impact point of view.

#### 9.1.7 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

the Site, at the corner of Yen Chow Street and Ki Lung Street is situated within a mixed-use neighbourhood with residential developments mainly located to the northeast and southeast. To the northwest and southwest across Yen Chow Street is the Cheung Sha Wan Government Offices, the Dragon Centre and the Cheung Sha Wan Police Station. The Site is predominantly surrounded by medium to high-rise composite buildings with BH between 22.3mPD to 65.2mPD. Given the context and as illustrated in the supporting visual impact appraisal/photomontages (section 4.9 of **Appendix Ia**), the proposed hotel development would unlikely induce any significant visual impact to the surrounding. She also has no comment on the visual materials provided for the proposed FB connection.

### **Building Matters**

#### 9.1.8 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) no objection in principle to the application subject to the following conditions:
  - (i) hotel concession is granted for Building (Planning) Regulations 23A;
  - (ii) the side lane between the Site and Luen Hong Building is within private ownership and modification is granted to include such area in site area;
  - (iii) modification is granted to permit the proposed FB connection to project over street;
  - (iv) the proposal should in all aspects comply with the Buildings

Ordinance (BO) and its allied regulations; and

- (b) detailed comments on the proposal under BO would be given at the submission stage of building plans.

### **Fire Safety**

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

- (a) no objection in principle to the application subject to the fire service installations and water supplies for firefighting being provided to the satisfaction of his department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) 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 BD.

### **Tourism**

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

- (a) 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 meet all requirements laid down by the relevant departments; and
- (b) the proposed hotel development will help increase the provision of hotel facilities, broaden the range of accommodations for our visitors and support the development of convention and exhibition, tourism and hotel industries.

### **Hotel Licensing**

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

- (a) no objection to the application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349;
- (b) the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under the HAGAO, Cap. 349; and
- (c) the licensing requirements will be formulated after inspections by the HAD's Building Safety Unit and Fire Safety Team upon receipt of an application under HAGAO.

**District Officer's Comments**

9.1.12 Comments of the District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD):

- (a) no comment on the application; and
- (b) since the proposed site area (254.9m<sup>2</sup>) is relatively small, it is believed that the redevelopment will not cause huge impact to the district. The increase in traffic and tourists brought by the hotel development at the subject location which is a congested residential and commercial area may bring nuisance to nearby residents, resulting a negative local sentiment.

**Other Aspect**

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

- (a) 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
- (b) 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.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police (C of P); and
- (d) Director of Electrical and Mechanical Services (DEMS):

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

10.1 During the statutory public inspection periods, a total of 433 public comments including 430 supporting the application and three objecting the application were received. A full set of the public comments received is deposited at the Secretariat for Members' reference.

- 10.2 The 430 supportive comments from individuals were mainly submitted in forms of standard letters (sample of each standard letter at **Appendix IIIa** and other supportive comments at **Appendix IIIb**) and the major supportive grounds are summarised as follows:
- (a) the proposed FB connection to an existing FB together with lift and staircase to the ground floor forming a 24-hour BFA would benefit the elderly, people with trolleys and wheelchairs in the district, and enhance the connectivity and accessibility with the surrounding areas. The public open space in the proposed development would provide resting place to the public;
  - (b) the setbacks would improve the pedestrian circulation and sightline of drivers turning into Ki Lung Street;
  - (c) the proposed hotel development could create synergy with the development of the Dragon Centre, enhance the competitiveness of Sham Shui Po, create employment opportunities, boost the local economy and make better use of the land resource; and
  - (d) the proposed development in small scale would not cause adverse traffic and environmental impact to the surrounding area; and it could help redevelop the old buildings in the district.
- 10.3 The three objecting comments (**Appendix IIIc**) are from the Owners' Corporation of Milan Place (**Plan A-2**) and an individual. The major objection reasons are that the proposed hotel would cause adverse traffic, visual, air ventilation and noise impacts and safety issues to the surrounding area. The layout of the proposed development should be revised to minimise the potential visual and air ventilation impacts to Milan Place. The Site should be used for residential development to address the shortage of housing land. The proposed FB connection is superfluous.

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

- 11.1 The application is to seek planning permission for redevelopment of the Site into a 15-storey hotel providing 70 guestrooms. The proposed development will have a PR of 9 and BH of about 61.325mPD which are within the restrictions of the OZP. There is no vehicular access and internal transport facility proposed at the Site. The applicant has proposed building setbacks at ground level of 0.5m to 1m along Yen Chow Street and 2.4m along Ki Lung Street for pedestrian walkway, the L/UL bay at Ki Lung Street, the proposed FB connection to an existing FB together with the lift and staircase provided within the proposed hotel forming a BFA and a pedestrian corridor at L2 of the proposed hotel, and these facilities will be open 24 hours to the public. Besides, a communal landscaped garden within the proposed hotel is proposed and will be open to the public from 8 a.m. to 6 p.m. (**Drawings A-1 to A-5**).

### Planning Intention

- 11.2 The Site is zoned “R(A)” which is intended primarily for high-density residential developments with certain commercial uses always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. In general, sites should be developed in accordance with the planning intention of the zoning as shown on the OZP unless strong justifications have been provided for a departure from such planning intention.
- 11.3 To the immediate neighbourhood of the Site at the same side of Yen Chow Street is predominantly residential in nature with retail shops and restaurants located at the lower floors of the buildings. At the opposite of the Site along Yen Chow Street are a commercial development (Dragon Centre), Sham Shui Po Police Station and Cheung Sha Wan Government Offices. Although the proposed hotel development is considered not incompatible with the surrounding developments and does not exceed the PR and BH restrictions stipulated on the OZP, it is not fully in line with the planning intention of the “R(A)” zone.
- 11.4 According to the applicant, the Site has been occupied by a co-living accommodation on tenancy basis for the medium-stay overseas visitors, the proposed hotel will not have impact on housing supply. According to the occupation permit (OP) issued in 1958 for the existing building at the Site, the ground floor of the building are shops for non-domestic purposes and first to fifth floors for domestic purposes. While the Site is small in site area (254.9m<sup>2</sup>), it can be redeveloped up to the maximum domestic PR of 7.5 as permitted under the OZP. As such, the proposed hotel development at the Site would result in reduction of land area available for residential development and the supplying of housing land and flat units. There is no strong planning justifications for a departure from the planning intention of the “R(A)” zone.
- 11.5 The applicant states that the Site could be developed for residential use and operated as a hotel-like service apartment under the guesthouse licensing mechanism. According to TPB Guidelines for Interim Planning Control on Service Apartment (TPB PG-No. 2B), if the Site is redeveloped for service apartment development as part of and/or operated within a hotel establishment, it will be considered as ‘Hotel’ use and planning permission is required in the “R(A)” zone, and all other service apartment developments will be regarded as a kind of residential development and no planning permission is required as ‘Flat’ use is always permitted in the “R(A)” zone according to the Notes of the OZP for the “R(A)” zone.

### In line with Policy Initiatives and Improvement Plan of Dragon Centre

- 11.6 The applicant states that the proposed hotel will be part of the improvement plan of the Dragon Centre located to the opposite of the Site, which will be renovated as a fashion and design hub and the proposed hotel will form part of the renovation proposal which will further enhance the Government’s intention in turning the district into a design and fashion landmark. From policy perspective, SCED is unable to support the claims for potential benefits of the proposed multi-purpose hall at 8/F of Dragon Centre and the proposed hotel in promoting creative industries in Sham Shui Po neither has objection from the creative industries policy perspective. C for Tourism has no objection to the proposed hotel development.



- 11.7 Dragon Centre is zoned “Commercial(2)” on the OZP. The planning intention for the “Commercial” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as a district commercial/shopping centre. So far, PlanD has not received any details of the renovation proposal of Dragon Centre. Provided that the proposed uses (including ‘Hotel’ use) in the improvement plan of Dragon Centre are under Column 1 uses which are always permitted, no planning permission from the Broad is required. The site occupied by the Dragon Centre does not form part of the subject application.
- 11.8 On the Cheung Sha Wan OZP, there is “Other Specified Uses” annotated “Business” (“OU(B)”) zone located at the northwest of the OZP. Hotel development will be allowed in the “OU(B)” zone after obtaining planning approval from the Broad<sup>2</sup>.

#### Technical Aspects

- 11.9 C for T advises that they cannot support the application as the submitted TIA and the proposed L/UL bay at Ki Lung Street are unable to demonstrate no adverse traffic impact from the proposed hotel development.
- 11.10 Other departments including DEP, CHE/K of HyD, CE/MS of DSD, CTP/UD&L, PlanD, CA/CMD2, ArchSD, D of FS and DEMS have no objection to or adverse comment on the application.

#### Planning Gains

- 11.11 According to the applicant, various planning gains for public use could be achieved through the proposed development including building setbacks, the BFA formed by the proposed FB connection, the lift and staircase, the covered pedestrian corridor and the communal landscaped garden within the proposed hotel, and a L/UL bay at Ki Lung Street. Among the proposed measures, the L/UL bay at Ki Lung Street, which will occupy portion of the existing footpath, is proposed to address TD’s comments that the provision of L/UL facilities within the proposed development is considered necessary, and the proposed 2.4m building setback along Ki Lung Street is to re-provision the portion of the existing footpath for the proposed L/UL bay. They are the measures proposed to address the traffic impact arising from the proposed development and may not be considered as planning gains as claimed by the applicant.
- 11.12 With regard to the proposed FB connection which could serve as a BFA across Yen Chow Street as proposed by the applicant, C for T considers that the wheelchair users may use the signalised crossing at junction of Yen Chow Street/Yu Chau Street to cross Yen Chow Street, which is only approximately 40m away and is considered to be an acceptable distance. This BFA crossing facility is already adequate. The proposed FB connection is a minor enhancement but is considered not necessary from traffic engineering viewpoint.

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<sup>2</sup> According to the Notes of the OZP for “OU(B)” zone, ‘Hotel’ is a Column 2 use under Schedule I for building other than industrial or industrial-office building. However, ‘Hotel’ is neither a Column 1 or 2 use under Schedule II for industrial or industrial-office building.

- 11.13 Since the applicant has proposed not to apply for lease modification the implementation of the proposed measures including the opening hours for public use is not guaranteed.

#### Compliance with TPB-PG No. 5

- 11.14 The applicant has claimed that the proposed hotel development is considered in compliance with the planning criteria specified in TPB PG-No. 5. As the TPB PG-No. 5 is for Application for Office Development in “R(A)” Zone and the subject application is for hotel use in “R(A)” zone, TPB PG-No. 5 is not applicable for the subject application.

#### Setting of Undesirable Precedent

- 11.15 The applicant has claimed that there were precedent cases for planning applications within “R(A)” zone being approved for hotel development. Each of the similar applications (No. A/H3/420, A/H5/400, A/K9/270 and A/K5/782), as cited by the applicant, has its unique planning background and context. Except Application No. A/K5/782 is in the Cheung Sha Wan area, the other three are in other districts including Sai Ying Pun and Sheung Wan (No. A/H3/420), Wan Chai (No. A/H5/400) and Hung Hom (No. A/K9/270).
- 11.16 Application No. A/H3/420 was approved in 2014 for redevelopment of an existing 8-storey hotel building to a proposed 30-storey hotel development in Sai Ying Pun and Sheung Wan. The application was approved as the Committee considered that the site had all along been for hotel use, there was already an approved set of building plan for hotel development (the building plans were approved in 2009 before the site was rezoned from “C/R” to “R(A)” on the Sai Ying Pun and Sheung Wan OZP in 2010) which was still valid and compared with the scheme in the approved building plans, the new scheme in the application with the provision of 2m setback at podium level abutting Water Street for air ventilation purpose was in compliance with the OZP requirement. Application No. A/H5/400 approved in 2015 involves a site in Wan Chai which is immediately adjoining to the Hopewell Centre and Hopewell Centre II within a commercial cluster located on the same side of the street. Application No. A/K9/270 approved in 2018 was for partial conversion of an existing non-domestic office building to hotel use in Hung Hom. For application No. A/K5/782, which was approved in 2018, the application site is currently occupied by the Garden Building in Sham Shui Po and has long been developed for non-domestic uses since 1960 with its unique site history. In view of the above, they are different from the subject application either in terms of its site context or planning background and hence, are not relevant to the subject application. As the site falls within a large “R(A)” zone and there are other “R(A)” zones located in the vicinity, approval of the subject application may set undesirable precedent for similar applications resulting in cumulative loss of residential land.

#### Public Comments

- 11.17 Regarding the public comments received, the planning assessments above and departmental comments in paragraph 9 are relevant.

## 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, the Planning Department does not support the application for the following reasons:
- (a) the proposed hotel development is not in line with the planning intention of the “Residential (Group A)” (“R(A)”) zone which is for high-density residential development. The applicant fails to demonstrate that there are sufficient justifications to deviate from the planning intention of the “R(A)” zone;
  - (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas; and
  - (c) approval of the application would set an undesirable precedent for similar applications in the same and other “R(A)” zones in the vicinity. The cumulative effect of approving such similar applications would aggravate the shortfall in the supply of housing land.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.4.2024, 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 also suggested for Members’ reference:

### Approval Conditions

- (a) the submission of a Traffic Impact Assessment (TIA) and the subsequent design and implementation of the works identified under the TIA to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment 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 IV**.

### 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

<b>Appendix I</b>	Application Form and Supplementary Information
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Letter dated 7.2.2020 providing responses to departmental and public comments, revised SIA and a Supplementary Planning Paper
<b>Appendix Ic</b>	Letter dated 17.2.2020 providing responses to departmental comments and supporting traffic documents
<b>Appendix Id</b>	Letter dated 6.3.2020 providing responses to departmental comments
<b>Appendix Ie</b>	Letter dated 13.3.2020 providing responses to departmental comments and revised layout
<b>Appendix If</b>	Letter dated 20.3.2020 providing responses to departmental comments and revised plans and artist impressions on the revised layout
<b>Appendix Ig</b>	Letter dated 7.4.2020 providing responses to departmental comments, revised plans and supporting traffic documents
<b>Appendix Ih</b>	Letter dated 16.4.2020 providing revised plans and clarifications
<b>Appendix II</b>	Similar Applications within “R(A)” Zone on Cheung Sha Wan OZP since 2000
<b>Appendices IIIa to IIIc</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawings A-2 to A-9</b>	Floor Plans
<b>Drawings A-10 to A-11</b>	Section and Elevation Plans
<b>Drawings A-12 to A-15</b>	Artist Impressions
<b>Drawing A-16</b>	Photomontage
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Location Plans on Previous OZPs
<b>Plans A-5 to A-6</b>	Site Photos