

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

Approved Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Condition(s)</u>
A/K5/696	“R(A)7”	Proposed Hotel (Redevelopment)	18.3.2011	1, 2, 4, 5
A/K5/718	“R(A)6”	Proposed Hotel (Wholesale Conversion)	21.9.2012	1, 2, 5
A/K5/724	“R(A)6”	Proposed Hotel (Redevelopment)	21.9.2012	1, 2, 4, 5
A/K5/730	“R(A)8”	Proposed Hotel (Redevelopment)	19.4.2013	1, 2, 4, 5

Approval Conditions:

1. Time clause.
2. The submission of a sewerage impact assessment, and the implementation of the improvement measures and/or local sewerage upgrading/sewerage connection works identified therein.
3. The proposed non-accountable gross floor area for the back-of-the-house facilities as per the Practice Note for Authorized Persons No. 111 (August 1996 Revision) should be obtained.
4. The submission and implementation of a landscape proposal.
5. The provision of water supplies for fire fighting and/or fire service installations.

Rejected Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
A/K5/583 (same site as A/K5/604 & A/K5/623)	“R(A)”	Proposed Hotel (Redevelopment)	27.5.2005	1, 2
A/K5/604 (same site as A/K5/583 & A/K5/623)	“R(A)”	Proposed Hotel (Redevelopment)	7.4.2006	1, 2
A/K5/623 (same site as A/K5/583 & A/K5/604)	“R(A)”	Proposed Hotel (Redevelopment)	15.12.2006	1, 3
A/K5/715	“R(A)7”	Proposed Hotel (Partial Conversion)	16.3.2012	4, 5
A/K5/721	“R(A)7”	Proposed Hotel (Partial Conversion)	7.12.2012	5, 6, 7
A/K5/731	“R(A)6”	Proposed Hotel (Wholesale Conversion)	7.6.2013	8, 9
A/K5/736	“R(A)6”	Proposed Hotel (Redevelopment)	19.7.2013 (rejected by TPB upon review on 15.11.2013)	8, 10 (8, 9, 10 upon review on 15.11.2013)
A/K5/755	“R(A)7”	Proposed Hotel (Redevelopment)	8.8.2014	8, 10, 11
A/K5/769	“R(A)6”	Proposed Hotel (Partial Conversion)	20.11.2015	4, 5

Main Reasons for Rejection:

1. The proposed hotel development was not compatible with the character of the quiet residential neighbourhood.
2. There was inadequate provision of parking and/or loading/unloading facilities and/or layby facilities within the site which 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.

Recommended Advisory Clauses

**Appendix IV of
MPC Paper No. A/K5/793**

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that:
- (i) if the application is approved by the Board, the Lot owners have to apply to LandsD for licence or lease modification for removal of the non-offensive trades clause for the proposed hotel use. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of administrative fee and licence ~~free~~ fee/premium as may be imposed by LandsD;
 - (ii) the Lot owners should verify their adopted site area of the Lot with evidence if required and as appropriate in the building plan stage;
 - (iii) detailed design of the development will be scrutinized at the building plan stage and there is no guarantee that the schematic design as presently proposed in the application to be reflected in the building plan submission(s) will be accepted under lease; and
 - (iv) the applicant is reminded that the proposed surrender of the hatched area to government for lane widening as shown in Figure 1 of the Planning Statement would be subject to Transport Department's and Highways Department's comments and government's approval.
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) the proposed hotel layout in the application is not acceptable in view of the reasons stated in (ii) to (iv) below:
 - (ii) fireman's lift has to be provided for the proposed hotel as required under Building (Planning) Regulation [B(P)R] 41B. Table D1 of Code of Practice for Fire Safety 2011 refers. There is no fireman lift in the proposed scheme;
 - (iii) the initial access route for the persons with a disability in the proposed scheme seems to be from the rear lane where a ramp is provided. According to Division 4 of the Third Schedule under B(P)R, an access route shall be provided from a prominent point on the lot boundary;
 - (iv) the applicant is required to clarify the provision of any accessible guest room for the persons with a disability in compliance with Division 4 of the Third Schedule under B(P)R;
 - (v) application for hotel concession will be considered at plan submission stage subject to the proposal satisfying all the laid down criteria under B(P)R 23A and PNAP APP-40; and
 - (vi) the comments given on the subject planning application are not exhaustive and the proposal will be considered in details under the BO at the building plan submission stage.

- (c) 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.
- (d) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that:
 - (i) the applicant should submit a copy of the occupation permit for the proposal hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349;
 - (ii) the proposed licensed area should be physically connected;
 - (iii) the applicant shall observe relevant section of the Code of Practice for Minimum Fire Services Installation and Equipment; and
 - (iv) the licensing requirement 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.
- (e) to note the comments of the Director of Electrical and Mechanical Services" that
 - (i) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable under this application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
 - (ii) the future developer/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planning gas pipes/gas installations within/in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development. The future developer/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference.