

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

Approved Applications

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

<u>Application No.</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Rejection Reason(s)</u>
A/K5/583 (same site as A/K5/604 & A/K5/623)	Proposed Hotel (Guesthouse) (Redevelopment)	27.5.2005	1, 2
A/K5/604 (same site as A/K5/583 & A/K5/623)	Proposed Hotel (Guesthouse) (Redevelopment)	7.4.2006	1, 2
A/K5/623 (same site as A/K5/583 & A/K5/604)	Proposed Hotel (Redevelopment)	15.12.2006	1, 3
A/K5/715	Proposed Hotel (Guesthouse) (Partial Conversion)	16.3.2012	4, 5
A/K5/721	Proposed Hotel (Partial Conversion)	7.12.2012	5, 6, 7
A/K5/731	Proposed Hotel (Guesthouse) (Wholesale Conversion)	7.6.2013	8, 9
A/K5/736	Proposed Hotel (Redevelopment)	15.11.2013 (upon review)	8, 9, 10
A/K5/755	Proposed Hotel (Redevelopment)	8.8.2014	8, 10, 11
A/K5/769	Proposed Hotel (Guesthouse) (Partial Conversion)	20.11.2015	4, 5
A/K5/793	Proposed Hotel (Redevelopment)	23.11.2018 (upon review)	8, 10
A/K5/814	Proposed Hotel (Redevelopment)	16.10.2020 (upon review)	10, 11, 12

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.
12. The proposed hotel development is not in line with the planning intention of the “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.

Advisory Clauses

- (a) to prepare and submit the sewerage impact assessment as early as possible in view of the time required for the implementation of any required sewerage work;
- (b) to note the comments of the District Lands Office/Kowloon West, Lands Department (LandsD) that as the Lease contains a non-offensive trade clause, if provision and sale of food and beverages are proposed at the Lot, the lot owner is required to apply for removal of the lease restriction by way of a ~~license~~ **licence**. However, there is no guarantee that the licence application, if submitted, will be approved. Such application, 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 and administrative fee as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that his office has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that application for hotel concessions under Building (Planning) Regulation 23A will be considered upon formal submission of building plans subject to compliance with criteria under PNAP APP-40 including provision of dry goods store; all buildings works should comply with the Buildings Ordinance (BO) and allied regulations; and the scheme is subject to further refinement when its details are firmed up. Hence detail comments on the development potential of the proposal under the BO can only be formulated at the plan approval stage under the building regime;
- (e) to note the comments of the Director of Fire Services that detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority; and the applicant is advised to observe the requirements of Emergency Vehicular Access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the BD;
- (f) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department (HAD) that the applicant should submit a copy of the occupation permit or acknowledgement letter for proposed hotel issued by BD 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 HAD's Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO; and
- (g) to note the comments from the Director of Food and Environmental Hygiene that no environmental nuisance should be generated to the surroundings. Also, for any

waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses.