

TOWN PLANNING BOARD

TPB Paper No. 10681

**For Consideration by
The Town Planning Board on 16.10.2020**

**Review of Application No. A/K5/814
Under Section 17 of The Town Planning Ordinance**

**Proposed Hotel in “Residential (Group A) 6” Zone
at 56G-56H and 56J-56K Yen Chow Street, Sham Shui Po, Kowloon**

REVIEW OF APPLICATION NO. A/K5/814
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed Hotel in “Residential (Group A) 6” Zone
at 56G-56H and 56J-56K Yen Chow Street, Sham Shui Po, Kowloon

1. Background

- 1.1 On 23.12.2019, the applicant, Million Rise Properties Limited represented by Toco Planning Consultants Limited, sought planning permission under s.16 of the Town Planning Ordinance (the Ordinance) to redevelop the application site at 56G-56H and 56J-56K Yen Chow Street, Sham Shui Po (SSP), Kowloon (the Site) for a 15-storey hotel. The Site falls within an area zoned “Residential (Group A) 6” (“R(A)6”) on the approved Cheung Sha Wan (CSW) Outline Zoning Plan No. A/K5/37 (the OZP) which is subject to a plot ratio of 9 (for non-domestic) and building height of 80mPD (for site with an area of 400m² or less). According to the Notes of the OZP for “R(A)” zone, ‘Hotel’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposal involves redevelopment of the existing 6-storey tenement building into a 15-storey hotel. The Site occupies an area of 254.9m². The proposed gross floor area (GFA) is 2,294m², with a total plot ratio (PR) of 9 and building height (BH) of 61.325mPD (at main roof). There will be no internal transport facilities provided at the proposed development.
- 1.3 On 24.4.2020, the Metro Planning Committee (MPC) of the Board decided to reject the application and the reasons were:
- (a) 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;
 - (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.
- 1.4 For Members’ reference, the following documents are attached:
- (a) MPC Paper No. A/K5/814 **(Annex A)**

- (b) Extract of minutes of the MPC meeting held on 24.4.2020 (Annex B)
- (c) Secretary of the Board's letter dated 15.5.2020 (Annex C)

2. Application for Review

2.1 On 1.6.2020, the applicant applied, under s.17(1) of the Ordinance, for a review of the MPC's decision to reject the application. In support of the review, the applicant has submitted the following documents:

- (a) Letter dated 1.6.2020 applying for a review of the MPC's decision (Annex D)
- (b) Letter dated 15.7.2020 providing a Review Planning Statement, responses to departmental and public comments, supplementary traffic assessment and plans of the revised scheme * (Annex E)
- (c) Letter dated 21.9.2020 providing responses to departmental comments # (Annex F)

[accepted but not exempted from publication and recounting requirements]*

[# accepted and exempted from publication and recounting requirements]

2.2 In the applicant's submission, changes to the proposed scheme under s.16 application are proposed and they are summarised as follows:

- (a) building setbacks of about 0.91m along Yen Chow Street and about 1.4m along Ki Lung Street on ground floor (L1)¹ to provide a 4.5m-wide pavement for pedestrians on both streets (**Drawing R-2**);
- (b) deletion of the proposed L/UL bay at Ki Lung Street for the provision of wider pedestrian walkway along Ki Lung Street;
- (c) a corner splay at the junction of Ki Lung Street and Yen Chow Street to improve sightlines of drivers (**Drawing R-2**);
- (d) the hotel lobby on L1 and hotel business centre on L2 would also function as an exhibition area (**Drawings R-2 and R-3**); and
- (e) landscape features are proposed at the communal garden on L4 to increase recreational value (**Drawing R-4**).

2.3 Major development parameters of the proposed hotel including GFA, PR, BH, and number of guestrooms, and other public facilities proposed under s.16 application including a barrier free access (BFA) with a connection from the existing footbridge (FB) linking the Dragon Centre to L2 of the proposed hotel (the proposed FB

¹ In the submission of s.16 application, the applicant proposed a building setback of 0.5m to 1m along Yen Chow Street and 2.4m along Ki Lung Street. The setback at Ki Lung Street was to re-provision the existing footpath due to the provision of proposed loading/unloading (L/UL) bay and the proposed L/UL bay has been deleted in the s.17 review application (paragraph 2.2(b) refers).

connection), a lift and staircase at L1, L2 and L4 within the proposed hotel; and a covered pedestrian corridor at L2 remain unchanged.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the submissions of further information at **Annexes E** and **F**. They are summarised as follows:

Responses to Rejection Reason on not in line with Planning Intention

Misinterpretation of the Housing Policy

- (a) the Town Planning Board Guidelines No. 42 states that the Board recognised that there are merits in functionally and physically integrating different types of compatible uses within a building or over a spatial area. The Site was originally zoned “Commercial/Residential” (“C/R”) on the draft Mong Kok OZP to provide flexibility for mixed use development and subsequently rezoned to “Residential” in 1975 as the planning application system provided flexibility for commercial uses at desirable location, and further rezoned to “R(A)” and incorporated in the draft CSW OZP in 1987;
- (b) the planning application system has been very effective for proper planning control and there were several planning applications approved for hotel/office developments within the “R(A)” in the CSW OZP. However, since 2013, the Board takes the view that residential zones should be retained for residential development unless with strong justifications to deviate from the original intention of the “R(A)” zone. This approach has frozen the commercial developments and dampened the incentive for redevelopment. The Board’s decision on the subject s.16 application deviated from the function of the planning application system to provide appropriate mixed use at desirable location. Some “R(A)” sites near major commercial hub are suitable for appropriate commercial uses to meet market demand. It is very difficult to provide commercial/hotel development in the CSW area as sites zoned “Commercial” (“C”) have been utilised and small in scale, and the “Other Specified Uses” annotated “Business” zones are far from the main core of the SSP district;

In-line with Planning Intention and Land Use Compatibility

- (c) according to an appeal case (Town Planning Appeal No. 15 of 2011) considered by the Town Planning Appeal Board (TPAB), TPAB considered that hotel development is in line with the planning intention of “R(A)” zone and hotel use is a permissible use subject to obtaining planning permission. The proposed hotel is compatible with the surrounding areas comprising a mix of residential, commercial and institutional developments, and the Site is conducive to hotel development. The proposed development intensity is in line with the development restriction stipulated under the OZP;

In-line with Policy Initiatives and Incentive for Redevelopment

- (d) the proposed hotel is closely associated with the Dragon Centre's improvement plan, forming an extension to the district commercial/shopping centre. There are areas in the proposed hotel to showcase the fashion products of local designers to nurture fashion talents and for operation of industry associations/academic organisations to promote fashion and design activities. The proposed hotel will provide accommodation to overseas designers and buyers, create scenic point in the city for tourists, improve townscape and serve as a catalyst to encourage redevelopment with its architectural design. The proposal is in line with the policy initiatives to promote design and fashion industries in SSP as unveiled in the 2018 and 2019 Policy Addresses and the Hong Kong Tourism Board has organised several promotional activities. A design and fashion project will be launched at the Tung Chau Street/Kweilin Street project under the Urban Renewal Authority. The Commerce and Economic Development Bureau and the Tourism Commission have no objection to the proposed hotel;

Planning Gains

- (e) the proposed FB connection with the lift and staircase provided within the proposed hotel forming a covered 24-hour BFA is a major enhancement to meet the local need. The concern on pedestrian crossing at Yen Chow Street was raised by the SSP District Council members in 2016 and they requested to have a FB straddling Yen Chow Street outside Dragon Centre. In response to the request, the management of Dragon Centre conducted a survey in 2017 and the result showed that the pedestrian crossing facilities near Dragon Centre were not enough and there is a need for new crossing facility to segregate the pedestrians and vehicles. The proposed BFA facilities can be a solution to alleviate the local traffic problems, and as an alternative access to Ki Lung Street for elderly and wheelchair users as the current FB at Ki Lung Street only has escalator going up to the FB and staircase for going down the FB. Similar FB connections were proposed in approved planning cases in Kwun Tong. The setback along Yen Chow Street and Ki Lung Street will improve pedestrian circulation and the communal landscaped garden on L4 will provide a convenient resting place for local people;
- (f) the Site can be developed for residential development and operated as a licensed guesthouse, and the applicant does not have the obligation to provide any planning gains. From the applicant's notional scheme, the Site could be developed for a 20-storey composite building providing 38 flats with a BH of 80mPD and domestic PR of 6.83 (**Drawing R-5**). However, the proposed hotel will provide various planning gains mentioned above. The Site, which is located at the corner of the "R(A)6" zone, 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. The small-scale development will not significantly affect the supply of housing land and will not result in any significant impacts. Based on the above, there are sufficient justifications to deviate from the planning intention of the "R(A)" zone;

Responses to Rejection Reason on Adverse Traffic Impact

- (g) vehicular access cannot be provided at Yen Chow Street or Ki Lung Street due to site constraints of small size and near key junctions, and non-compliance with relevant standards. Besides, such provision will require relocation of bus stop fronting the Site, disrupt the pedestrian movement and traffic flows at the two streets;
- (h) the proposed small-size boutique design hotel will only serve individual guests and there will not be any tour group. No kitchen, restaurant and retail shop will be provided, and all washing and linen services will be carried out at Dragon Centre. Hence, no internal transport facility will be provided at the Site and no tour bus will access the proposed hotel. The Site is well served by public transport. The existing public L/UL bays at Ki Lung Street are sufficient to cope with the L/UL demand arising from the proposed development. Illegal use of the L/UL bays should be dealt with by proper enforcement and policing. The submitted Traffic Impact Assessment (TIA) for the s.16 application and supplementary traffic assessment demonstrate that there will be no adverse traffic impact as the amount of development flow is small and the potential traffic impact on the nearby junction is insignificant. The BFA facilities will be a major enhancement to address the traffic concerns of the local residents;

Responses to Rejection Reason on Undesirable Precedent

- (i) there are few redevelopments initiated by private landowners to redevelop their properties in “R(A)” zone over the years. The approval of the application with various planning gains will serve as catalyst to encourage redevelopment and increase employment;
- (j) there is a lack of licensed hotels in SSP, and only two of the four approved planning applications for hotel development (No. A/K5/696 and A/K5/724) have commenced so far. Another is YHA Mei Ho House Youth Hostel in Shek Kip Mei. There is a strong demand for hotel in the area. The proposed hotel will not be subject to adverse air and noise from road traffic and could be a noise screening structure for residential developments beyond the Site;
- (k) the applicant is the subsidiary company of the owner of Dragon Centre located opposite to the Site and is well experienced in the operation and management of hotel. The subject application is a special case and the approval of the application will neither set an undesirable precedent for other similar applications, nor result in a cumulative effect of approving similar applications. Each application should be assessed based on individual merits;
- (l) the subject application is similar to an approved commercial development in “R(A)” zone in Wan Chai (No. A/H5/412), which involved redevelopment of residential buildings, including affiliated with a major development, in proximity to commercial developments, provision of planning gains, non-provision of car parking spaces and shared use of L/UL facilities with the Hopewell Centre. Concerned department had no objection to this application. Dragon Centre could absorb the demand for parking spaces and L/UL facilities of the proposed

development if necessary. Sympathetic consideration should be given to the subject similar application; and

Responses to Public Comments

- (m) there is strong support to the proposed hotel. The objecting comments to the review application are that (i) hotels are closing down and others are transformed to mini apartments, and (ii) the proposed FB connection is superfluous. The applicant has extensive experience in hotel industry and is committed to build a hotel at the Site. The current turmoil of the industry is only temporary and the Government should consider future stimulus and plan ahead. The proposal can create employment opportunities. The proposed FB connection/BFA is in response to District Council members' request and a solution to alleviate the problem.

4. The Section 16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-7)

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by the MPC were described in paragraph 7 of **Annex A**. There has been no material change since then.

Planning Intention

- 4.2 There has been no change in the planning intention of the "R(A)" zone, as mentioned in paragraph 8 of **Annex A**, which is recapitulated below:

The "R(A)" zone is intended 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.

Previous Application

- 4.3 There is no previous application at the Site.

Similar Applications

- 4.4 Details of the 14 similar applications at the time of the consideration of the s.16 application were mentioned in paragraph 6 of **Annex A**. There has been no change in the number of similar applications since then.

5. Comments from Relevant Government Departments

- 5.1 For the review application, the following government bureau/departments have been further consulted and their updated comments are summarised as follows:

Policy Perspective

5.1.1 Comments of the Secretary for Commerce and Economic Development (SCED):

- (a) the additional information provided in Section 3.3 (b) of the further information (**Annex E**) shows possible benefits of the hotel in promoting fashion and design in SSP. This, however, depends on, inter alia, the scale of the relevant facilities to be provided in the hotel; the implementation details (e.g. the quality of exhibitions curated and displayed); whether the relevant area is accessible for the public; and the implementation details of the “fashion and design hub” in the Dragon Centre across the street; and
- (b) in view of the above, he maintains his position that he does not have objection to the application from the creative industries angle. It is however difficult for him to ascertain the overall effectiveness in promoting fashion and design in SSP.

Traffic

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

- (a) he does not support the review application from traffic engineering point of view;
- (b) the development does not provide any ancillary L/UL facilities according to the requirements in the Hong Kong Planning Standards and Guidelines (HKPSG) within the Site;
- (c) according to site observation, the existing L/UL and parking demand in the vicinity of the Site is high and the L/UL bays are mostly fully utilised due to the presence of the existing shops, hawkers and market. In view of the existing traffic condition, the non-provision of ancillary L/UL facilities at the development is anticipated to create adverse traffic impact and is fundamentally unacceptable. On the understanding that the L/UL demand is high, the provision of ancillary L/UL facilities taking opportunities of the redevelopment rather than relying on public L/UL bays would alleviate traffic impact;
- (d) the surveyed traffic flow in the TIA is generally lower than his observed/surveyed traffic flow. Hence, he is unable to endorse the calculations; and
- (e) the proposed additional FB connection providing a 24-hour BFA has little benefit to the BFA in the district since there is already an at-grade crossing 40m away to cross Yen Chow Street.

5.2 The following government departments maintain their previous comments on the s.16 application as stated in paragraph 9 of **Annex A**:

- (a) District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD);
- (b) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (c) Director of Environmental Protection (DEP);
- (d) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (e) Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD);
- (f) Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD);
- (g) Director of Fire Services (D of FS);
- (h) Commissioner for Tourism (C for Tourism);
- (i) Director of Food and Environmental Hygiene (DFEH);
- (j) Chief Officer (Licensing Authority), Home Affairs Department (CO(LA), HAD); and
- (k) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD).

5.3 The following government departments maintain their previous views of having no objection to or no comment on the review 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).

6. Public Comments Received During Statutory Publication Period

6.1 During the statutory public inspection periods, a total of 61 public comments including 58 supporting the review application, two objecting to the review application and one expressing concern on the review application were received. A full set of the public comments received is deposited at the Secretariat for Members' reference.

6.2 The 58 supportive comments from individuals were all submitted in the form of standard letter (a sample of the standard letter at **Annex G1**) and the major supportive grounds are summarised as follows:

- (a) the Site is small in size, approving the hotel development would not aggravate the shortfall in housing land supply;
- (b) there are various planning gains proposed at the hotel development and hotel development could optimise the use of land;

- (c) the proposed FB connection and BFA could benefit the elderly, and trolley/wheelchair users and the proposed setback would improve pedestrian flow;
 - (d) the proposed communal garden within the proposed hotel would benefit the public; and
 - (e) no adverse traffic and environmental impact on the surrounding area and the proposed development would encourage redevelopment of old buildings in the district.
- 6.3 The two objecting comments (**Annex G2**) are from the same individual on grounds that some approved applications for hotel in the district were not implemented and the Site could still be developed for residential units in the future. The proposed FB connection is superfluous. One comment from an individual expresses concern on hygiene issues of the proposed hotel development (**Annex G3**).
- 6.4 At the s.16 planning application stage, a total of 433 public comments were received including 430 submitted in form of standard letters supporting the application and three objecting to the application. Their major views which are similar to those received on the review application as set out above are summarised in paragraph 10 of **Annex A** with samples of public comments at Appendices IIIa to IIIc in **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of the MPC's decision on 24.4.2020 to reject the s.16 application for redeveloping the Site for a proposed 15-storey hotel. The rejection reasons were that the applicant failed to demonstrate sufficient justifications to deviate from the planning intention of the "R(A)" zone; failed to demonstrate that the proposed development would not generate adverse traffic impact; and the approval of the application would set an undesirable precedent for similar applications in the same "R(A)" zone and the cumulative effect of approving such similar applications would aggravate the shortfall in the supply of housing land.
- 7.2 In support of the subject review application, the applicant submitted written representations including a Review Planning Statement and a supplementary traffic assessment to address the rejection reasons and further demonstrate that the proposed development will have no adverse traffic impact. Besides, the original proposal of hotel development has been slightly revised with further building setbacks of about 0.91m along Yen Chow Street and about 1.4m along Ki Lung Street on ground floor (LI) to provide a 4.5m-wide pavement for pedestrians on both streets; providing a corner splay at the junction of Ki Lung Street and Yen Chow Street to improve sightlines of drivers; and deletion of the proposed L/UL bay at Ki Lung Street proposed in the original scheme. The major development parameters including the GFA, PR, BH and number of guestrooms; and other public facilities including a FB connection from the existing FB connecting the

Dragon Centre, BFA and a communal garden within the proposed development remain unchanged.

- 7.3 Since the consideration of the s.16 application by the MPC on 24.4.2020, there has been no material change in the planning circumstances of the case. Whilst the applicant has slightly revised the scheme, the planning considerations and assessments as set out in paragraph 11 of **Annex A** remain largely valid and there is no new planning consideration to those submitted to and considered by the MPC resulting in its decision to reject the application.

Planning Intention and Land Use Compatibility

- 7.4 The Site is zoned “R(A)6” which is intended primarily for high-density residential developments with 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.
- 7.5 The vicinity 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 side 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.
- 7.6 The applicant cites an appeal case (Town Planning Appeal No. 15 of 2011) for hotel development in Yat Fu Lane, Shek Tong Tsui (Application No. A/H1/93) which was allowed by the TPAB in 2014 to support the argument that the proposed hotel is in line with the planning intention of the “R(A)” zone. The appeal case as quoted is located in another district and is different from the subject application in terms of site characteristics, development context, planning background and planning merits. Each application should be considered on its own merits, taking account of the site context and relevant technical considerations.

In line with Policy Initiatives and Improvement Plan of Dragon Centre

- 7.7 The applicant states that the proposed hotel will be part of the improvement plan of the Dragon Centre located at the opposite side of Yen Chow Street, which will be renovated as a fashion and design hub as mentioned in the s.16 application submission and the proposed hotel will form part of the renovation proposal to further enhance the Government’s intention in turning the district into a design and fashion landmark. From policy perspective, SCED maintains his previous view of having no objection to the application from creative industries angle; however, he states that it is difficult to ascertain the overall effectiveness of the proposed hotel in promoting fashion and design in SSP. C for Tourism has no objection to the proposed hotel development.

- 7.8 Dragon Centre is zoned “C(2)” on the OZP. The planning intention for the “C” 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 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.

Planning Gains

- 7.9 According to the applicant, various planning gains for public use could be achieved through the proposed development including building setbacks, provision of 24-hour BFA comprising the proposed FB connection, the lift and staircase and the covered pedestrian corridor, and the communal landscaped garden within the proposed hotel. 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 there is already a signalised at-grade crossing at junction of Yen Chow Street/Yu Chau Street approximately 40m away to cross Yen Chow Street and the proposed FB connection has little benefit to the district.

Setting of Undesirable Precedent

- 7.10 The applicant claims that the area of the Site is small and there is requirement on permitted site coverage for domestic development. If the Site is developed for residential purpose, the flat production will not be significant and various planning gains cannot be provided. As shown in the notional scheme (**Drawing R-5**) submitted by the applicant in support of the review application, a 21-storey composite building with a shop on the ground floor, provision of 38 flats, a BH of 80mPD and domestic PR of 6.83 could be developed on the Site. 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 are for domestic purposes. In this connection, any change in the use of the Site to hotel development will mean a loss of the potential residential units which will be provided otherwise. As the adjoining area of the Site along this side of Yen Chow Street is predominantly residential in nature, the approval of the application without strong justifications will set an undesirable precedent for similar applications for other residential sites in the same “R(A)” zone, resulting in cumulative loss of residential land.
- 7.11 The precedent case for planning application within “R(A)” zone approved for commercial development (No. A/H5/412), as cited by the applicant, has its unique planning background and context. Application No. A/H5/412 approved in 2018 involves a site in Wan Chai which is immediately adjacent to the Hopewell Centre and Hopewell Centre II within a commercial cluster located on the same side of the street. The proposal involved dedicated public passage and the shared use of L/UL facilities with the adjoining Hopewell Centre. The site context and proposal are unique and the arrangements were duly considered and accepted by the

relevant departments based on the merits of the application. In view of the above, it is different from the subject application both in terms of its site context and planning background and, hence, is not relevant to the subject application.

Technical Aspects

- 7.12 C for T advises that they are unable to support the review application from traffic engineering point of view mainly on the reasons that the non-provision of ancillary L/UL facilities which is not in compliance with the HKPSG requirements is anticipated to create adverse traffic impact and is fundamentally unacceptable; opportunities should be taken to provide ancillary L/UL facilities in the redevelopment rather than relying on public L/UL bays to alleviate traffic impact; and the proposed FB connection providing a 24-hour BFA has little benefit to the district since there is already an at-grade crossing 40m away to cross Yen Chow Street.
- 7.13 Other departments including DLO/KW, LandsD, CHE/K of HyD, DEP, CE/MS of DSD, CTP/UD&L, PlanD, CA/CMD2, ArchSD, CBS/K, BD and D of FS have no objection to or no adverse comment on the application.

Others

- 7.14 The Town Planning Board Guidelines mentioned by the applicant in paragraph 3(a) above relate to “Designation of “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) Zone and Application for Development within “OU(MU)”) Zone under Section 16 of the Ordinance” (TPB PG-No. 42), which is not applicable to the subject application.
- 7.15 The applicant states that the Site can be developed for residential development and operated as a licensed guesthouse. It should be noted that if the proposed development is for residential use and complies with the PR and BH restrictions stipulated under the OZP for the “R(A)” zone, 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. If the proposed development is for hotel/guesthouse use subject to the control under the Hotel and Guesthouse Accommodation Ordinance, planning permission would be required.

Public Comments

- 7.16 Public comments received during the statutory public inspection periods for the s.16 application and the s.17 review application have been incorporated in the MPC/TPB Papers. Regarding the public comments received for the s.17 review application, the planning assessments above and departmental comments in paragraph 5 are relevant.

8. Planning Department’s Views

- 8.1 Based on the assessments made in paragraph 7 above and having taken into account the public comments mentioned in paragraph 6 above, given that there has been no

change in planning circumstances since the consideration of the subject application by MPC on 24.4.2020, the Planning Department maintains its previous view of not supporting the review 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.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until 16.10.2024, 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 **Annex H**.

9. Decision Sought

9.1 The Board is invited to consider the application for a review of the MPC’s decision and decide whether to accede to the application.

- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review 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.

10. Attachments

Annex A	MPC Paper No. A/K5/814
Annex B	Extract of minutes of the MPC meeting held on 24.4.2020
Annex C	Secretary of the Board's letter dated 15.5.2020
Annex D	Letter dated 1.6.2020 applying for a review of the MPC's decision
Annex E	Letter dated 15.7.2020 providing a Review Planning Statement, responses to departmental and public comments, supplementary traffic assessment and plans of the revised scheme
Annex F	Letter dated 21.9.2020 providing responses to departmental comments
Annexes G1 to G3	Public Comments
Annex H	Advisory Clauses
Drawings R-1 to R4	Floor Plans
Drawing R-5	Notional Residential Scheme at the Site
Plan R-1	Location Plan
Plan R-2	Site Plan
Plans R-3 to R-4	Location Plans on Previous OZPs
Plans R-5 to R-7	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**