

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K9/270

- Applicant** : Bowell Limited represented by Townland Consultants Limited
- Premises** : 5/F to 14/F, Chatham Road North, Hung Hom, Kowloon
- Floor Area** : 2,684.368m²
- Lease** : (a) Hung Hom Inland Lot No. 269 s.D RP, s.E RP, s.F RP & RP with a lease term of 75 years renewable for 75 years commencing on 15.11.1932
- (b) Subject to offensive trade restriction which was modified by an offensive trade licence issued in 2013 allowing trade or business of sugar baker, oilman (excluding petrol filling station), butcher, victualler and tavern keeper
- Plan** : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/26
- Zoning** : (a) “Residential (Group A)4” (“R(A)4”) (about 365m²)(97% of the Site)
- Remarks:
- For a non-domestic building to be erected on the site, the maximum plot ratio (PR) shall not exceed 9.0 except minor relaxation of the PR restriction has been granted by the Town Planning Board (the Board).
- A maximum building height (BH) of 80mPD or the height of the existing building, whichever is the greater.
- (b) ‘Road’ (about 13m²)(3% of the Site)
- Application** : Proposed Hotel (Partial Conversion of Existing Non-domestic Building) and Minor Relaxation of Plot Ratio Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission to convert 10 storeys (5/F to 14/F) of an existing 15-storey non-domestic building in Chatham Road North, Hung Hom (the Site) for hotel use with 89 guestrooms. The application is also for minor relaxation of the non-domestic PR restriction from 9 to 11.763. The Site falls within an area mainly zoned “R(A)4” with a minor portion shown as ‘Road’ on the approved Hung Hom OZP No. S/K9/26 (**Plan A-1**). The area shown as ‘Road’ is within the subject lot boundary.

- 1.2 According to the Notes of the OZP, the proposed hotel use in “R(A)” zone and area shown as ‘Road’ requires planning permission from the Board. As the proposed PR of the building after the proposed partial conversion for hotel use will remain the same as that of the existing building (i.e. 11.763) but would exceed the maximum non-domestic PR of 9 under the “R(A)” zone, the applicant also seeks the Board’s permission for minor relaxation of the PR restriction.
- 1.3 Major development parameters and floor uses of the proposed hotel are as follows:

Proposed Hotel	
Site area	377.665m ²
Total proposed/existing non-domestic PR of the building	11.763*
Non-domestic GFA of the proposed hotel (5/F to 14/F)	2,684.368m ² #
Existing building height	50.46mPD
Floor Use: 5/F 6/F-13/F 14/F	Hotel lobby Guestrooms, BOH Guestrooms, E&M
No. of Guestrooms	89
Average Guestroom Size	15.49m ²
Parking Spaces & Loading/Unloading Facilities	Nil
Major Floor Use of the Other Part of the Existing Building (excluded from scope of application)	
G/F	Lobby of the building
1/F - 4/F	Office
Roof	E&M

* Calculated based on total non-domestic GFA of the whole building is 4,442.601m², including the GFA of the G/F to 4/F that are excluded from the scope of the application as well as the proposed hotel use on 5/F to 14/F.

The total hotel GFA of 2,684.368m² includes BOH facilities (about 67.376m²) and E&M plant (about 37.165m²). Hotel concession and any GFA exemption are subject to Building Authority's approval at the building plan submission stage.

- 1.4 The floor plans and section plan of the proposed hotel submitted by the applicant are shown in **Drawings A-1 to A-4**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 8.1.2018 **(Appendix I)**
 - (b) Supplementary planning statement **(Appendix Ia)**
 - (c) Letter dated 15.1.2018 clarifying the total GFA and number of **(Appendix Ib)** storeys of the proposed hotel
 - (d) Letter dated 8.2.2018 clarifying that the application also **(Appendix Ic)** seeking minor relaxation of PR restriction

- (e) Letter dated 20.2.2018 providing further information (FI) (**Appendix Id**) related to the Traffic Impact Assessment (TIA) and clarifying the GFA of the proposed hotel use
 - (f) Letter dated 12.3.2018 providing FI related to the TIA (**Appendix Ie**)
 - (g) Letter dated 19.4.2018 providing FI related to the TIA (**Appendix If**)
- 1.6 The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 2.3.2018. At the request of the applicant, the Committee agreed to defer consideration of the application on 2.3.2018 for one month to allow time for the applicant to submit FI to address departmental comments. The applicant submitted FI on 12.3.2018 and 19.4.2018, and the application was rescheduled for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the planning statement at **Appendix Ia** and in **Appendices Ib to If**. They can be summarised as follows:

Land Use and Minor Relaxation of PR

- (a) according to the Notes of the “R(A)4” zone, commercial uses are always permitted in the lowest three floors and purpose-design non-residential portion of an existing building. The proposed hotel is akin to commercial use;
- (b) the proposed hotel maintains the current density of the area and further diversifies the uses surrounding the Ho Man Tin MTR Station to make better use of the mass transport infrastructure;
- (c) the proposed hotel will be equipped with centralized air conditioning system. It will not rely on openable windows for air ventilation and therefore will not be subject to noise impact from Chatham Road North. Non-sensitive use on the site reduces the potential for adverse environmental impacts to people staying/working within the Site;
- (d) the proposed hotel will be fully compatible with office uses within the existing building and the mixed uses surrounding the Site;
- (e) the Site is suitable for hotel development because it is about 60m from the Ho Man Tin MTR Station and about 800m from Hung Hom Railway Station. There are also hotel developments in the vicinity of the Site;
- (f) the proposed hotel is in line with the 2017 Policy Address to maintain tourism as one of Hong Kong’s pillar industries by providing hotel rooms for overnight visitors;
- (g) the Board has granted numerous s16 planning applications for hotel developments in “R(A)” zone within the Hung Hom planning area;

- (h) the proposed PR will remain the same as the PR of the existing building, and there is no increase in physical bulk and building height of the existing building. The proposed minor relaxation of PR is to reflect the PR of the existing building;

Traffic

- (i) hotel use will significantly reduce the number of private car and goods vehicle trips to the area compared with the approved retail/office uses;
- (j) the proposed hotel is not a traditional hotel. The G/F to 4/F of the subject building will be converted into shared offices while the 5/F to 14/F will be converted into a business hotel to provide the young entrepreneurs or business people a convenient work and rest accommodation in the same building so as to improve efficiency. This convenient accommodation is expected to cater medium term stays of 1 to 2 months. Besides, patrons would mainly station within the building or use the close-by Ho Man Tin MTR Station, public transport or walking trip if travelling is required. There will not be any trips using coaches. The hotel will also not operate any minibuses or coaches itself;
- (k) it is not possible to provide any vehicular access point from Chatham Road North and Wuhu Street. There is nil provision of internal transport facilities in the existing building. The Committee has previously approved similar applications for hotel use without internal transport facilities (Page 4 in **Appendix If**);
- (l) the Traffic Impact Assessment (TIA) indicates that the proposed hotel would not create any adverse traffic impacts even with no internal transport facilities for the following reasons:
 - (i) the junction of Chatham Road North/Wuhu Street, including traffic generated from the Site, will operate satisfactorily;
 - (ii) the proposed conversion of office to hotel use would result in net reduction of overall parking and loading/unloading length requirements. More kerb side space may be freed up and would improve traffic circulation, operation, and safety thereby enhancing the overall transport situation;
 - (iii) there are a number of public car parks within 500m walking distance of the Site;
 - (iv) loading/unloading activities for the Site can be conducted at nearby Wuhu Street or Bulkeley Street; and
 - (v) several traffic management measures including staff to facilitate smooth boarding/alighting of visitors and valet parking services are suggested.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The subject 15-storey non-domestic building was completed in 1976, with general building plans approved for shop use on G/F and offices on upper floors. There is no car parking or loading/unloading facility provided in the building. At that time, the Site was zoned “Commercial/Residential” (“C/R”) on the draft Hung Hom OZP No. LK 9/27 with no PR restriction and “Office” and “Retail Shop” uses were always permitted. On 25.9.1987, the street block covering the Site was rezoned from “C/R” to “R(A)” without PR and BH restrictions. On 24.12.1993 and 6.4.2001, PR and BH restrictions were respectively imposed in the “R(A)” zone. On 28.10.2016, the provision for minor relaxation of PR restriction in “R(A)” zones was incorporated in the Hung Hom OZP No. S/K9/25. Since then, the restrictions under the “R(A)” zone remains unchanged.

5. Previous Applications

The Site was the subject of two previous applications (Nos. A/K9/18P and A/K9/201). On 19.8.1983, the Board approved application (No. K9/18P) for converting Shop A2 on G/F and 1/F to 7/F for ‘School’ use (secondary school). On 26.8.2005, the Board approved application No. A/K9/201 for converting the whole building for ‘Educational Institution’ use (Post-secondary College). The ‘Educational Institution’ was once implemented but had already ceased operation.

6. Similar Applications

Hotel Applications within “R(A)” Zones on the Hung Hom OZP

- 6.1 The Committee has considered 24 applications for hotel use within “R(A)” zone on the Hung Hom OZP (**Plan A-1**). 20 of them were approved with conditions mainly on grounds that they were not incompatible with the surrounding developments and would not cause adverse environmental, sewerage, drainage and traffic impacts on the surrounding areas.
- 6.2 For the four rejected applications (Nos. A/K9/206, A/K9/227 A/K9/250 and A/K9/257), applications Nos. A/K9/206 and A/K9/227 were rejected (in 2006 and 2008 respectively) mainly for the reason that there was no provision for the Board to grant permission for the proposed hotel use with PR exceeding the maximum PR restriction of 9.0 for non-domestic building in the “R(A)” zone. There was no provision for minor relaxation of PR restriction under the then OZP. Application Nos. A/K9/250 and A/K9/257 (for converting whole building/redevelopment for hotel use) were rejected (both in 2013) mainly for the reasons of no strong justification to use the application site which was intended for high-density residential development for hotel development; adverse traffic impact and setting of undesirable precedent. Details of these similar applications are summarized in **Appendix IIa**.

Hotel Application with Minor Relaxation of PR within “R(A)” Zones

- 6.3 There is no similar application for ‘Hotel’ use with minor relaxation of PR in Hung Hom. However, there are nine such applications in Tsim Sha Tsui, Yau Ma Tei and Mong Kok districts since 2010. Six applications were approved on grounds that the

hotel use was not incompatible with surrounding land uses, and minor relaxation of PR was to reflect the existing PR of the building with no increase in physical bulk and GFA. Three applications were rejected: one was due to traffic concerns and the others due to insufficient planning merits for minor relaxation of PR for a new hotel development and developing a residential site for hotel use will affect supply of housing land. Details of these similar applications are summarised in **Appendix IIb**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2 and Photos on Plans A-3 to A-4)

7.1 The Site is:

- (a) occupied by a 15-storey non-domestic building completed in 1976. The entire building is currently vacant and under A&A works. The entrance of the building is at Chatham Road North;
- (b) abutting the main distributor Chatham Road North at its northwestern boundary. The northeastern boundary abuts a pavement area with the landing of a footbridge and its lift that provide connection to the Ho Man Tin MTR Station. Wuhu Street is located further north of the footbridge landing; and
- (c) the southern boundaries of the Site abut some residential buildings with commercial uses on the ground floor, including Bulkeley Building and Yue Sun Mansion.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is located within a residential area with composite buildings consisting of residential flats on the upper floors and commercial uses on the lower floors;
- (b) a few small scale hotels/guesthouses are located in the vicinity of the Site (**Plan A-2**); and
- (c) the Site is well-served by various modes of public transport including bus and mini-bus services. The Ho Man Tin Station of the MTR Kwun Tong Line Extension is about 80m to the northwest with footbridge connection abutting the Site and the Hung Hom Railway Station is about 600m to the south (**Plan A-1**)

8. Planning Intention

The “R(A)4” 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.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarized as follows:

Land Administration

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

- (a) no objection to the application; and
- (b) the proposal submitted by the applicant does not conflict with lease conditions governing the Site.

Building Matters

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

- (a) The applicant is advised to appoint an Authorized Person to submit building plans for the proposed change in use and/or alteration and addition works to demonstrate compliance with the Buildings Ordinance (BO) as detailed in paragraph (e) of **Appendix V**;
- (b) the granting of hotel concession and exclusion of BOH area from GFA calculation under Building (Planning) Regulation (B(P)R) 23A can only be considered upon formal submission of building plans subject to compliance with the criteria under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40; and
- (c) for unauthorized building works (UBW) erected on leased land/private buildings (if any), enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the Site under the BO.

Environment

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

- (a) hotel developments are normally provided with centralized air conditioning system and the applicant/Authorized Persons should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact; and
- (b) should the Board approve this application, approval conditions requiring the applicant to submit a Sewerage Impact Assessment (SIA) and to implement the local sewerage upgrading/sewerage connection works identified in the SIA are recommended.

Fire Safety

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

- (a) no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans;
- (b) the fire services requirements regarding licensing premises would be imposed upon receipt of formal application via Licensing Authority; and
- (c) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his Department at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.

Hotel Licensing

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

- (a) no comment on the application;
- (b) the proposed hotel should be approved by the Building Authority. A copy of the acknowledgement letter or occupation permit issued by the Building Authority for the completion of the building works should be submitted to his office at the time of application under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349); and
- (c) upon receipt of a formal licence application, detailed requirements will be issued to the applicant after a site inspection has been conducted by his office.

Tourism Aspect

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

- (a) support the hotel application 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 in Hung Hom will help increase the provision of hotel facilities, broaden the range of accommodations for visitors, and support the development of convention and exhibition, tourism and hotel industries.

District Officer's Comments

9.1.7 Comments of the District Officer (Kowloon City), Home Affairs Department (DO/KC, HAD):

- (a) comments gathered in the consultation exercise should be taken into account in the decision making process;
- (b) should the application be approved, the applicant should take appropriate measures to address the concerns of relevant stakeholders; and
- (c) a Kowloon City District Council (KCDC) member has provided standard letters from 10 local residents and 157 signatures objecting to the application due to environmental, traffic and nuisance concerns, etc. (**Appendix III**).

9.2 The following Government departments have no objection/no comments on the application:

- (a) Commissioner of Police (C of P);
- (b) Commissioner for Transport (C for T);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Highway Engineer/Kowloon, Highways Department; and
- (e) Chief Engineer/Construction, Water Supplies Department.

10. Public Comments Received During Statutory Publication Period

On 16.1.2018, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 6.2.2018, six public comments were received (**Appendix IV**). One individual supports the application without providing any reason. Five comments objecting to the application are submitted by the two Owners' Incorporation of adjacent buildings, Yue Sun Mansion and Bulkeley Building, two individuals, as well as a letter jointly submitted by Legislative Councillor Hon. Wong Pik Wan, KCDC member Mr. Siu Leong Sing and a local Mr. Pius Yum. The main grounds of objections are in respect of nil provision of car parking facilities, adverse impacts on traffic condition and pedestrian flow by tour buses parking on Wuhu Street and Bulkeley Street, nuisance of tourist activities, and previous unauthorised guesthouse use at the Site had created traffic and nuisance. One of the individuals objected to hotel use on residential land that will impact on affordable housing in the district and questioned the need for more hotels. The local views as conveyed by DO/KC, HAD as per paragraph 9.1.7(c) above are similar to those mentioned above.

11. Planning Considerations and Assessments

Land Use

11.1 The application is for partial conversion of an existing non-domestic building (i.e. 5/F to 14/F) for hotel use and minor relaxation of PR restriction. The planning

intention of the “R(A)4” zone is primarily for high-density residential developments and 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. Hotel use requires planning permission from the Board. The proposed hotel use is not in line with the planning intention of the “R(A)” zone.

- 11.2 The Site is located within an area predominantly occupied by residential developments with commercial uses on the ground floor. The subject building was approved by the BA for non-domestic uses (i.e. office and shop). There are also approved hotel developments in the vicinity of the Site (**Plan A-2**). The proposed conversion of portion of the building for hotel use is considered not incompatible with other uses of the building (i.e. office) and the surrounding developments in terms of land use.
- 11.3 As there is current acute shortage of housing supply, sites planned for residential use should generally be retained for residential development. However, the subject building is a purpose-designed non-residential building and the proposed in-situ conversion of the 5/F to 14/F for hotel use will not impact on the existing housing supply in the area. C for Tourism supports the application as it will help increase the provision of hotel facilities, broaden the range of accommodations for visitors, and support the development of convention and exhibition, tourism and hotel industries.

Minor Relaxation of Plot Ratio

- 11.4 The application proposes in-situ conversion of 2,684.368m² of GFA in the existing building from office to hotel use. As submitted, the proposed hotel GFA has already included additional plant rooms as well as BOH (not more than 5% of the hotel GFA). The proposed total PR of the building will remain the same as the PR of the existing building at 11.763. As stipulated in the Notes for the “R(A)” zone, the maximum PR for non-domestic building shall not exceed 9 unless minor relaxation of PR restriction is granted by the Board. The minor relaxation of PR restriction from 9 to 11.763 is only to reflect the PR of the existing building and there will be no change in physical bulk and height of the existing building (i.e. 50.46mPD at roof level). Taking into account the above considerations, the proposed minor relaxation of PR is considered not unacceptable. As the Board has previously approved similar applications for minor relaxation of PR for in-situ conversion for hotel use in “R(A)” zone in other parts of Kowloon (i.e. Tsim Sha Tsui, Yau Ma Tei and Mong Kok) as detailed in paragraph 6.3 above, approval of the subject application for minor relaxation of PR will not create undesirable precedent.

Traffic and Other Technical Aspects

- 11.5 The proposed hotel has 89 guest rooms with no car parking and loading/unloading facilities. According to the applicant, the TIA has demonstrated that the proposed hotel would not create adverse traffic impact in the area for reasons as detailed in paragraphs 2(i) to 2(l) above, that is hotel will generate less vehicular trips compared to the approved office use, the hotel will have less parking and loading/unloading length requirements that will free up surrounding kerb space for better traffic flow, the hotel is targeted for individual visitors or young entrepreneurs/business travellers using the office space within the same building who will use public transport, the hotel is not for group tours and will not generate tour bus trips, and the applicant has

undertaken that it will not operate any minibuses/coaches itself. C for T and C of P have no objection to/no adverse comment on the application.

- 11.6 The proposed hotel development would unlikely generate adverse environmental, drainage and sewerage impacts on the surrounding areas. Relevant Government departments including DEP, CE/MS, DSD, D of FS and CBS/K, BD have no objection to/no adverse comments on the application.

Public Comments

- 11.7 Regarding the public concerns on potential nuisances of the proposed hotel operation, C of P would maintain public order and enforce traffic management in the area. For concerns on impact on housing land supply and potential traffic impact, the planning assessments in paragraphs 11.3 and 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.5.2022, 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 suggested for Members' reference:

Approval Conditions

- (a) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The suggested advisory clauses are attached at **Appendix V**.

- 12.3 There is no strong reason to recommend rejection of the application.

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 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.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the application.

14. Attachments

Appendix I	Application form received on 8.1.2018
Appendix Ia	Supplementary planning statement
Appendix Ib	Letter dated 15.1.2018 from the applicant
Appendix Ic	Letter dated 8.2.2018 from the applicant
Appendix Id	Letter dated 20.2.2018 from the applicant
Appendix Ie	Letter dated 12.3.2018 from the applicant
Appendix If	Letter dated 19.4.2018 from the applicant
Appendix IIa	Similar applications for hotel development in “R(A)” zone on Hung Hom OZP
Appendix IIb	Similar applications for hotel development in “R(A)” zone with minor relaxation of PR in Tsim Sha Tsui, Yau Ma Tei and Mong Kok (2010 – 2018)
Appendix III	Submission from a KCDC member
Appendix IV	Public Comments
Appendix V	Advisory clauses
Drawings A-1 to A-4	Floor and Section Plans
Plan A-1	Site Plan
Plan A-2	Location Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2018**