

**APPLICATION FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TW/497**

<b><u>Applicant</u></b>	Ying Ho Company Ltd., On Lee Investment Company Ltd., Dorfolk Investments Ltd., Kwong Fook Investors and Developers Ltd., Tsing Lung Investment Company Ltd., The World Realty Ltd., Cheong Ming Investment Company Ltd. and Yau Fook Hong Company Ltd., represented by Kenneth To and Associates Ltd.
<b><u>Premises</u></b>	Nina Tower, 8 Yeung Uk Road, Tsuen Wan
<b><u>Total Site Area</u></b>	21,573m <sup>2</sup>
<b><u>Lease</u></b>	TWTL 353: (a) Governed by New Grant No. 6890 (b) Lease term expiring in June 2047 (c) Restricted to non-industrial (excluding godown) purposes (d) Total GFA not less than 75,000m <sup>2</sup> and not more than 185,250m <sup>2</sup>
<b><u>Plan</u></b>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
<b><u>Zoning</u></b>	“Commercial” (“C”)  [Subject to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 40, 170 and 300 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater.]
<b><u>Application</u></b>	Proposed Minor Relaxation of PR for Proposed Hotel Supporting Facilities (Restaurant)

**1. The Proposal**

- 1.1. The applicant seeks planning permission for minor relaxation of the PR restriction from 9.5 to 9.6143 for proposed hotel supporting facilities (restaurant) at the application site (the Site) (**Plans A-1 and A-2**). The Site is currently occupied by a commercial development, namely Nina Tower. According to the applicant’s proposal, the proposed restaurant is to serve the hotel guests and participants of exhibition/convention activities with meals (paragraph 4.4.1 of **Appendix Ia**) and the hotel and its guest will not use the proposed restaurant for conference and/or banquet purposes (**Appendix Id**).

- 1.2. According to the Notes of the approved Tsuen Wan OZP No. S/TW/33 (the OZP), 'Hotel', 'Office' and 'Shop and Services' are always permitted within the 'C' zone. The 'Remarks' of the Notes also specify that minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under s.16 of the Town Planning Ordinance, based on the individual merits of the proposal.
- 1.3. Owing to the differences in Gross Floor Area (GFA) calculations, the existing total non-domestic PR under lease and under OZP are 9.369 and 9.484 respectively. The applicant proposes to conduct addition and alteration (A&A) works at Level 6 of Nina Tower for the provision of 2,547.529m<sup>2</sup> supporting facilities (i.e. restaurant) for the existing hotel. Upon completion of the proposed A&A works, the total GFA will come up to the maximum PR of 9.5 as permitted under lease but the resultant PR of 9.6143 will exceed the maximum PR of 9.5 under OZP by 0.1143 (+1.2%). The layout and sectional plans of the proposed A&A works are shown on **Drawings A-1 to A-5**.
- 1.4. The following table summarises the detailed GFA calculations for the application under lease and under OZP.

	<b>Under Lease</b>	<b>Under OZP</b>
Development Area*	19,500 m <sup>2</sup>	19,500 m <sup>2</sup>
Permitted PR	9.5	9.5
<b>Current Situation Upon MLP Amendment under Lease in 2018</b>		
Non-domestic GFA (for Hotel, Office, Shops & Exhibition)	182,086.146 m <sup>2</sup>	182,086.083 m <sup>2</sup>
Internal Pedestrian Walkway	Exempted	2,304.491 m <sup>2</sup> #
Public Transport Terminus	Exempted (except for 540.77 m <sup>2</sup> accounted by the Lands Department (LandsD))	Exempted #
Watchman Office	75.555m <sup>2</sup>	Not accounted#
Existing Total Non-domestic GFA	182,702.471 m <sup>2</sup>	184,931.344 m <sup>2</sup>
<b>Existing Total Non-domestic PR</b>	<b>9.369</b>	<b>9.484</b>
<b>Proposed A&amp;A works for Hotel Support Facilities at Level 6 (Current Application)</b>		
Proposed Additional non-domestic GFA	2,547.529 m <sup>2</sup>	2,547.529 m <sup>2</sup>
Proposed Total Non-domestic GFA	185,250 m <sup>2</sup>	187,478.873 m <sup>2</sup>
<b>Proposed Total Non-domestic PR</b>	<b>9.5</b>	<b>9.6143</b>

\* The Applicant states in the clarification letter (**Appendix Ib**) that the development area for PR and GFA calculation is 19,500m<sup>2</sup>.

# Under the Notes of the "C" zone of the OZP, public transport terminus as required by the Government and caretaker's office ancillary and directly related to the development or redevelopment may be disregarded in determining the maximum PR or GFA, while internal pedestrian walkway is GFA countable.

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

- |     |                                                                                                                      |                      |
|-----|----------------------------------------------------------------------------------------------------------------------|----------------------|
| (a) | Application form received on 20.3.2018                                                                               | <b>(Appendix I)</b>  |
| (b) | Supplementary Planning Statement (SPS)                                                                               | <b>(Appendix Ia)</b> |
| (c) | Clarification Letter with plans dated 23.3.2018                                                                      | <b>(Appendix Ib)</b> |
| (d) | Further Information received on 23.4.2018<br>(accepted and exempted from publication and<br>recounting requirements) | <b>(Appendix Ic)</b> |
| (e) | Further Information received on 9.5.2018<br>(accepted and exempted from publication and<br>recounting requirements)  | <b>(Appendix Id)</b> |

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application as detailed in **Appendix Ia**, are summarized as follows:

- (a) The proposed minor relaxation of PR restriction for proposed hotel supporting facilities (restaurant) at the proposed new deck on 6/F is provided solely to support the operation of the existing hotel within Nina Tower. This accord with the prevailing planning intention of the “C” zone which is for commercial developments.
- (b) An internal pedestrian walkway (IPW) which opens 24 hours for access of the public has been provided within the podium of Nina Tower for meeting the requirements of relevant Government departments. The nature of the walkway is indeed a community facility for benefit of the public and it was exempted from GFA calculation under lease, but was accountable for GFA calculation under OZP. In recognition of the precedent of a similar application (No. A/MOS/82) seeking for minor relaxation of GFA for the permitted 24-hour public pedestrian walkway and its ancillary facilities in a residential development in Ma On Shan which was approved by the Rural and New Town Planning Committee of the Board on 10.9.2010, the subject application for minor relaxation of PR is justified.
- (c) The main purpose of this application is to reconcile the different definitions of GFA calculation of relevant Government departments and to realize the full development potential of Nina Tower entitled by the applicant. The application is technical in nature and the minor relaxation of PR of 0.1143 is really minor for a development of such scale.
- (d) The hotel at Nina Tower with 1,613 rooms has the largest number of hotel rooms among all hotels in Hong Kong. At present, no breakfast service can be provided to the 3,000+ hotel guests due to the limited floor space for F&B facilities. Additional F&B facilities are much needed in enhancing the experience of hotel guests and participants of exhibition/convention activities. The provision of better service is in-line with Government’s Policy for promoting tourism through exhibition/convention activities.
- (e) The proposed hotel supporting facilities will be located on 6/F of the commercial podium by making use of the double height headroom at exhibition hall area on 5/F. All A&A works will take place within the existing podium and thus there will not be any increase in building bulk including building height.

- (f) Car parking spaces and various transportation facilities including loading and unloading bays for goods vehicles, lay-by for taxi and private cars and lay-by for tour buses provided for the Nina Tower development were in accordance with both the lease and Hong Kong Planning and Standards and Guidelines. As the proposed new restaurant on 6/F of the podium is a hotel ancillary/supporting facilities for serving the hotel guests of Nina Hotels, such small increase in GFA will not incur the need for additional requirement in car parking and loading/unloading spaces, as confirmed by the Traffic Impact Assessment included in the SPS.
- (g) No adverse sewerage impact to the municipal sewerage system upon completion of the A&A works is anticipated, as confirmed by the Sewerage Impact Assessment included in the SPS which has been carried out to assess the sewerage impact associated with the new hotel supporting facilities proposed.

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

The applicants are the sole ‘current land owner’. Detailed information will be deposited at the meeting for Members’ inspection.

### **4. Previous Applications**

The Site is the subject of a previous application (No. A/TW/142) for Bus Terminus (under the Podium) which was approved by the Committee with conditions on 20.3.1992. Details of the application are summarized at **Appendix II**.

### **5. Similar Applications**

There is no similar application for minor relaxation of PR within the “C” zone in the approved Tsuen Wan OZP No. S/TW/33.

### **6. The Site and Its Surrounding Areas (Plans A-1 and A-2)**

#### **6.1. The Site:**

- (a) is currently occupied by a commercial development, namely Nina Tower, with a podium of 8 storeys, Tower 1 of 36 storeys for hotel use, Tower 2 of 72 storeys for hotel and office uses, and 2 levels of basement;
- (b) is accessible via the main access of the commercial development on ground floor at Yeung Uk Road or via the footbridges on 1/F connecting Tsuen Wan West Station/Bus Terminal, Citywalk 1, Citywalk 2, and Yeung Uk Road Municipal Services Building; and
- (c) has an exhibition hall with high headroom of 2 floors located on 5/F of the podium, where the applicant is proposing to add a new floor for accommodating the hotel supporting facilities (restaurant).

6.2. According to the occupation permit which was issued on 21.9.2001, the major uses of the podium of Nina Tower by floor are summarized as follows:

Level (L.)	Current Uses
Lower Basement	Stores, Staff Facilities, Carparks, Loading/Unloading Bays, M&E
Upper Basement	Stores, executive & management office, carparks
L1	Entrance Lobby, Transport Terminal
L2-4	Shops
L5	Exhibition Hall (double storey), escalator hall
L6 <sup>#</sup>	Building Management Office, Stores
L7	Banquet Hall, Function Rooms, Escalator Hall, Restaurant with associated kitchen
L8	Stores, fitness area/gymnasium

<sup>#</sup> Floor of the proposed hotel supporting facilities (restaurant) under application

6.3. The surrounding areas have the following characteristics:

- (a) to the north across Tai Ho Road are the Tsuen Wan Town Hall and the Ex-Tsuen Wan Law Courts Building, a park, and Skyline Plaza, which are under “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and “Residential (Group A)” zones respectively;
- (b) to the northeast across Yeung Uk Road is the major residential cum commercial development of Vision City together with Citywalk within the “R(A)12” zone;
- (c) to the east across Yeung Uk Road is the Yeung Uk Road Municipal Services Building within the “G/IC” zone;
- (d) to the immediate south is Tsuen Wan Park within the “O” zone;
- (e) to the west across Tai Ho Road is the construction site of the proposed Parc City, a comprehensive residential cum commercial development within the “Comprehensive Development Area” (“CDA”) zone; and
- (f) to the further southwest across Tsuen Wan Road is another major comprehensive residential cum commercial development atop the MTR Tsuen Wan West Station, namely Ocean Pride also within “CDA” zone.

## 7. **Planning Intention**

- 7.1. The planning intention of the “C” zone is primarily for commercial developments, which may include office, shop, services, place of entertainment and eating place, functioning mainly as local commercial and shopping centre(s).
- 7.2. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR / GFA / BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance.

## **8. Comments from Relevant Government Departments**

8.1. The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

8.1.1. Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

#### **Lease Matters**

- (a) TWTL 353 is governed by New Grant No. 6890 as varied and modified by two Modification Letters dated 13.12.2004 and 9.12.2014 (collectively referred to as “the NG”) with a lease term expiring in June 2047. As at today, the Land Registry record shows that the registered owners of the Lot are Ying Ho Company Limited, Cheong Ming Investment Company Limited, Dorfolk Investments Limited, Kwong Fook Investors & Developers Limited, The World Realty Limited, On Lee Investment Company Limited, Yau Fook Hong Company Limited, and Tsing Lung Investment Company Limited. The site area under lease is 21,573 sq.m.. According to S.C. (11)(c) & (11)(d), the area shown coloured pink hatched black on the lease plan shall be taken into account for the purpose of calculating plot ratio but not site coverage while the area shown pink cross-hatched black on the lease plan shall not be taken into account for the purpose of calculating PR and site coverage.
- (b) According to S.C. (5)(a) of the NG, the Grantee shall prior to the submission of building plans to the Building Authority submit or cause to be submitted by his authorized person to the Director for his approval comprehensive plans, specifications and detailed design drawings (referred to as “the Master Layout Plans”) for the development of the lot. The Lot shall not be developed or redeveloped except in accordance with the approved Master Layout Plans. As per S.C. (7) and (9) of the NG, the Lot shall not be used for any purpose other than non-industrial (excluding godown) purposes and the total gross floor area of any building or buildings erected or to be erected on the Lot shall not be less than 75,000m<sup>2</sup> nor more than 185,250m<sup>2</sup>.
- (c) According to S.C. (21)(b) of the NG, the internal pedestrian walkway with clear width of not less than 5m provided in the Non-industrial development on the Lot (which shall comprise escalators and stairways to reach ground level of the lot and shall link up the footbridges, the Transport Terminus and any adjacent public footpath) shall not be taken into account in calculating the total GFA.
- (d) The Lot is also subject to the car parking requirement under S.C. (39) of the NG:-

Spaces for parking of private motor vehicles:

- 1 space for every 5 residential flats or part thereof
- 1 space for every 240m<sup>2</sup> or part thereof of GFA to be used for office purpose
- 1 space for every 370m<sup>2</sup> or part thereof of GFA to be used for retail purpose

Spaces for loading and unloading of licensed goods and service vehicles:

- 1 for every 1,000m<sup>2</sup> or part thereof of GFA for retail purposes
- 1 for every 5,000m<sup>2</sup> or part thereof of GFA for office purposes
- 1 for every residential tower block

In the event any part of the building erected on the Lot shall be used for hotel purposes, the Grantee shall make such provisions for parking, loading and unloading spaces as shall be required by the Director.

LandsD's comments/observations on the planning application

- (e) Para. 2.4.1 and Appendix 1 of the SPS refers. His office has received an amendment application to the approved Master Layout Plan ("MLP") including but not limited to the amendment to alignment of the internal pedestrian walkway ("IPW"). LandsD has not yet issued their comments on the proposed amendment MLP submission to the lot owner nor approved the amendment application. LandsD reserves their comments on the proposed amendments to the MLP including the revised IPW.
- (f) The Applicant at Table 3.2 of the SPS claimed after the implementation of the A&A works for the new hotel supporting facilities at Level 6, the total GFA would become 185,250 m<sup>2</sup> under lease. This office would examine the proposed A&A works and the area of internal pedestrian walkway that could be exempted from GFA calculation under lease at building plan processing stage.
- (g) TD's comment on the proposed 'No extra parking and L/UL provision' for the proposed additional GFA should be sought. TD should also be invited to comment if the proposed restaurant facilities be counted as 'hotel' purpose in the context of parking and L/UL provision is agreeable.

**Building Matters**

8.1.2. Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

He has no objection to the application subject to the following comments:

- (a) The applicant should be reminded to appoint Authorized Person and submit the proposal to the Building Authority for approval.
- (b) Detailed comment will be given in the building plan submission stage.

According to the latest approved building plans dated 9 April 2018, the area of

the IPW of Nina Tower has been included in GFA calculations under Building (Planning) Regulations (B(P)R).

### **Fire Safety**

8.1.3. Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department.
- (b) Detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Environmental**

8.1.4. Comments of Director of Environmental Protection (DEP):

- (a) The applicant proposes to minor relax the PR restriction from 9.5 to 9.6143 of existing Nina Tower Development falling in “C” zoned area on the approved Tsuen Wan OZP No. S/TW/33. According to the provided information, this proposal primarily involves in-house Alternation & Addition Works by adding a deck at the headroom of the prevailing exhibition hall at 5/F for provision of hotel supporting facilities (restaurant).
- (b) He has no objection to the planning application, despite several technical observations on the submitted Sewerage Impact Assessment (SIA) Report (**Appendix III**). However, he would advise to incorporate a SIA planning approval requiring the applicant to submit an update SIA Report.

### **Transport**

8.1.5. Comments of Commissioner for Transport (C for T):

- (a) He has no comments on the application.
- (b) As there would be traffic impact to the surrounding area if the proposed hotel facilities (restaurant) would be used for conference and/or banquet purposes, please consider if it is necessary to impose an approval condition to the effect that the proposed hotel facilities shall not be used for conference and/or banquet purposes.

### **Drainage**

8.1.6. Comments of Chief Engineer/ Mainland South, Drainage Services Department (CE/MS, DSD):

The SIA for the application needs to meet the full satisfaction of DEP, the planning authority of sewerage infrastructure.



8.1.7. The following Government departments have no comment on/objection to the application:

- (a) Commissioner of Police (C of P); and
- (b) District Officer (Tsuen Wan).

## **9. Public Comments Received During Statutory Publication Period**

On 27.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 17.4.2018, no public comment was received.

## **10. Planning Considerations and Assessments**

- 10.1. The Site is currently occupied by a commercial development, namely Nina Tower, with a total non-domestic GFA of 184,931.344m<sup>2</sup> and PR of 9.484. This commercial development accords with the planning intention of the “C” zone for commercial developments. There are office, hotel, exhibition and retail uses within the commercial building. The proposed hotel supporting facilities (restaurant) is in line with the planning intention of the “C” zone and is considered not incompatible with the existing commercial uses within the same development.
- 10.2. The applicant proposes to make use of the double height headroom of the Exhibition Hall located on 5/F of Nina Tower by addition of a new level, forming as part of the 6/F for accommodating a new restaurant. This will result in a PR of 9.6143, which exceeds the maximum PR restriction of 9.5 for the “C” zone under the OZP.
- 10.3. According to DLO/TW&KT, LandsD, the total GFA of the development shall not be more than 185,250m<sup>2</sup> (equivalent to PR of 9.5). Currently, the existing GFA of the development is 182,702.471m<sup>2</sup> (PR of 9.369), with the IPW for linking up the footbridges and the Transport Terminal not GFA countable under the lease. As such, there is a remaining GFA of 2,547.529m<sup>2</sup> under the lease which the applicant proposes to use as hotel supporting facilities (restaurant)<sup>1</sup>.
- 10.4. Based on the approved General Building Plan, the GFA of the IPW has been included in the GFA calculation under B(P)R. Under the established practice, PlanD would follow BD’s practice in counting the GFA of the IPW under the OZP.
- 10.5. The proposed minor relaxation of PR from 9.5 to 9.6143 (an increase of 0.1143) which is equivalent to GFA of 2,228.85 m<sup>2</sup>, is only 1.2% increase, which is considered minor in nature and it will not result in an increase of the overall development bulk and building height of the existing development. The proposal would not result in adverse infrastructural and visual impacts. Concerned Government departments including C for T, DEP, CE/MS, DSD, D of FS, C of P do not have objection to the application from environmental, traffic, infrastructure and fire services perspectives. Approval conditions in relation to sewerage and fire services are recommended as suggested by relevant departments.

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<sup>1</sup> Please refers to the table under paragraph 1.4

10.6. Regarding TD's proposal to impose an approval condition to the effect that the proposed hotel facilities shall not be used for conference and/or banquet purposes, it is noted that the applicant has confirmed that the hotel and its guest will not use the proposed restaurant for conference and/or banquet purposes (**Appendix Id**).

10.7. There is no public comment on the application received.

## **11. Planning Department's Views**

11.1. Based on the considerations and assessments made in paragraph 10, the Planning Department has no objection to the application.

11.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.5.2022, 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 also suggested for Members' reference:

### Approval conditions

- (a) the submission and implementation of fire service installations and water supplies for fire-fighting proposals to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

11.3. Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- (a) no strong planning and design merits have been demonstrated to justify the proposed minor relaxation of PR for the Site.

## **12. Decision Sought**

12.1. The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.

12.2. 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.

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

**13. Attachments**

<b>Appendix I</b>	Application form received on 20.3.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Clarification Letter with plans dated 23.3.2018
<b>Appendix Ic</b>	Further Information received on 23.4.2018
<b>Appendix Id</b>	Further Information received on 9.5.2018
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan
<b>Drawings A-2 &amp; A-3</b>	Section plan
<b>Drawings A-4 &amp; A-5</b>	Layout plan showing proposed access
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 to A-5</b>	Photos of the Site

**PLANNING DEPARTMENT  
MAY 2018**