

Tsuen Wan and West Kowloon District

[Mr Kervis W.C. Chan, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), Mr George Y.N. Choi, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), and Mr Johnny K.C. Choi, Town Planning Graduate, were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/K1/272 Proposed Minor Relaxation of Plot Ratio and Building Height
Restrictions for Permitted Hotel Use in “Commercial (6)” Zone, 16
Kimberley Road, Tsim Sha Tsui, Kowloon
(MPC Paper No. A/K1/272B)

12. The Secretary reported that P & T Architects Limited (P&T) was one of the consultants of the applicant. Dr Tony C.M. Ip had declared an interest on the item for his company having current business dealings with P&T. As Dr Tony C.M. Ip had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

13. With the aid of a PowerPoint presentation, Mr George Y.N. Choi, TP/TWK, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

Justifications for Minor Relaxation of Development Restrictions

14. Some Members raised the following questions:

- (a) the rationale for considering the proposed increase in plot ratio (PR) from 12 to 15 acceptable as recommended in the Paper, given that the District Study for Yau Ma Tei and Mong Kok (YMDS) conducted by the Urban

Renewal Authority (URA), which recommended an increase of PR for the “Commercial” (“C”) zones on the Yau Ma Tei (YMT) and Mong Kok (MK) Outline Zoning Plans (OZPs) from 12 and 15, did not cover the Tsim Sha Tsui (TST) area;

- (b) whether TST was included among the seven designated areas that the PR of private redevelopment projects might be increased as one of the innovative measures to expedite urban renewal as announced in the Chief Executive’s 2025 Policy Address (PA); and
- (c) whether PlanD had any plan to increase the permissible PR for commercial developments in Kowloon districts from 12 to 15.

15. In response, Mr Kervis W.C. Chan, STP/TWK, with the aid of some PowerPoint slides, made the following main points:

- (a) the applicant considered that the application site (the Site) was situated within the same Yau Tsim Mong district, and was in proximity to the YMT and MK areas. The proposed minor relaxation of PR and building height (BH) restrictions of the application had referenced the recommendations in YMDS, which recommended that the PR and BH restrictions for “C” zones on the YMT and MK OZPs along Nathan Road could be relaxed, from 12 to 15 and from 110 metres above Principal Datum (mPD)/130mPD to 140mPD/160mPD (for the MK OZP) and from 110mPD to 140mPD (for the YMT OZP) respectively. The application was submitted in accordance with the provisions set out in the Notes for the “C” zone on the TST OZP, under which minor relaxation of PR and BH restrictions might be considered by the Town Planning Board (the Board) based on the individual merits of each proposal. The proposed minor relaxation of PR and BH restrictions was considered not unacceptable and not incompatible with the surrounding built environment. Relevant technical assessments, including Visual Impact Assessment (VIA), had been conducted, which demonstrated that the proposed development would be technically feasible. Each application for minor relaxation of development restrictions should be

considered on its individual merits;

- (b) TST was not among the seven designated areas under the Land (Compulsory Sale for Redevelopment) (Amendment) Ordinance 2024, and hence was not eligible for the proposed pilot scheme to suitably increase the PR for private redevelopment projects by up to 20% in the seven designated areas to expedite urban renewal as announced in the 2025 PA; and
- (c) while PlanD had no intention to increase the permissible PR of commercial developments from 12 to 15 in TST on a district-wide basis, the application was made in accordance with the provision under the Notes of the OZP for the “C” zone for minor relaxation of the stipulated development restrictions. This established mechanism provided flexibility for developers to initiate proposals based on individual merits.

16. In response to a Member’s enquiry on whether the proposed minor relaxation of PR and BH restrictions was beneficial from planning perspective, Mr Kervis W.C. Chan, STP/TWK, said that the consideration of whether such application was acceptable were mainly based on site context, compatibility with the surrounding area, technical feasibility of the proposed development, planning and design merits proposed, relevant departmental and public comments, etc.

17. While noting that each application would be considered on its own merits, a Member opined that it might be difficult for the Committee to reject similar applications with a similar extent of PR and BH relaxation, similar design merits, and sites with similar locational characteristics to the current application, should the application be approved. The Member enquired whether there would be tendency for similar applications in TST. In response, Mr Kervis W.C. Chan, STP/TWK, said that each application would be considered by the Board based on the individual merits of the proposal, as well as the factors mentioned in paragraph 16 above. For the subject case, based on the technical assessments submitted by the applicant, the proposed development was technically feasible with the implementation of appropriate measures. On the visual aspect, the proposed BH of 140mPD was considered not incompatible with the surrounding development context, taking into account the commercial development “The One” located to the southwest of the Site with a BH of about

156mPD. The Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment from visual impact perspective in light of the proposed design measures. In view of the above, the proposed minor relaxation of PR and BH restrictions was considered not unacceptable.

18. The Chairperson emphasised that the stipulated development restrictions were incorporated in the Notes of the OZP with an intention to provide proper planning control on the development intensity and BH upon development/redevelopment. The minor relaxation clause in the Notes of the OZP was intended to provide flexibility and incentives for developments/redevelopments with design merits/planning gains. Each application would be considered on its own merits. In the current application, the Site, which was located within the street block fronting Nathan Road, shared similar locational characteristics of “C” zones on the YMT and MK OZPs. On visual context, an existing commercial development (i.e. The One) with a BH of 156mPD was located in the vicinity of the Site. Technical feasibility was demonstrated and there was no objection or adverse comment from relevant government departments. Design merits with voluntary setback of 2.8m along Kimberley Road and greenery on various floors and vertical greening on G/F were proposed. The Committee would consider the application based on the considerations mentioned in paragraph 16 above and whether the proposed design merits warranted the proposed increase in PR and BH. With regard to the precedent implication, each case would be considered on its own merits and the specific circumstances might differ from case to case, and approving the current application would not necessarily imply that similar applications would be approved.

Visual Impact and BH Profile of the TST District

19. In response to the Vice-chairperson’s enquiry on whether the proposed increase in BH would affect the views of the ridgelines in Kowloon from strategic viewing points (SVPs), Mr Kervis W.C. Chan, STP/TWK, with reference to Drawing No. A-16 of the Paper, said that the photomontage from Central Pier No. 7 confirmed that the proposed development fell outside the SVP view fan and hence would have no impact on the Kowloon ridgelines.

20. Noting from the section plan (Drawing A-11 of the Paper) that the lift core of the building would be placed along the eastern edge of the Site, which would result in a relatively

large monotonous façade when viewed from the east and the adjacent site (i.e. Champagne Court Block A), a Member asked whether any measures to mitigate the potential visual impact were proposed. In response, Mr Kervis W.C. Chan, STP/TWK, with the aid of some PowerPoint slides, said that according to the VIA submitted by the applicant, two viewing points (VPs) from Kowloon Park would be subject to “slightly adverse” visual impact due to the additional blockage of sky view as compared with the OZP-compliant scheme. The visual impacts from other selected VPs were negligible owing to screening by the existing developments/trees. According to the TPB Guidelines on Submission of VIA for Planning Applications (TPB PG-No. 41A), the selected public VPs would include strategic and popular local VPs with views positioned at human eye level for a realistic presentation of visual impact. As such, public VPs from Central Pier No. 7 and Kowloon Park had been selected, while the view from the adjacent site was not included in the VIA. The Chairperson supplemented that the Site could be redeveloped with a BH of 110mPD in accordance with the OZP restriction without the need for planning permission and with a similar building design including the façade facing east, under which no mitigation measure would be required. The Member’s comment, which related more to façade treatment, was noted.

21. Noting that the proposed increase in BH was in proportion with the increase in PR, and the applicant claimed that the proposed BH of 140mPD was in line with incentive measures recommended in YMDS, some Members enquired whether the proposed BH would breach the stepped BH profile in the TST district and questioned whether the approval of the application would lead to potential cumulative effects from similar applications, affecting the BH profile in the TST district. In response, Mr Kervis W.C. Chan, STP/TWK, with reference to Plan A-1 of the Paper, said that broad BH bands ranging from 80mPD to 130mPD for the “C” zones were imposed on the TST OZP, with a general graduation from 80/90mPD near the waterfront to higher BH bands further inland ranging from 110mPD to 130mPD. As the BH restrictions was first incorporated into the TST OZP in 2008, the BHs of some existing/committed commercial developments at the time, such as The Masterpiece at Hanoi Road (250mPD) and The One (156mPD), were reflected on the OZP. While the surrounding areas of the Site were primarily characterised by a mixture of low to high-rise commercial/residential (C/R) buildings with existing BHs ranging from 19mPD to 156mPD, the proposed BH of 140mPD was considered not incompatible with the local built environment with developments of BHs of 104mPD and 156mPD in the vicinity, and would not significantly alter the existing stepped BH profile in the TST district.

Planning and Design Merits

22. The Vice-chairperson and some Members raised the following questions:

- (a) noting that one of the planning and design merits proposed by the applicant was to remove any obstructions on its lot to enable the creation of a continuous setback area along this section of Kimberley Road should the adjacent lots be redeveloped with similar setback in the future, what the basis for the implementation of such arrangement was;
- (b) whether the voluntary setback of 2.8m along Kimberley Road was the sole public gain;
- (c) whether the design of the 2.8m-wide voluntary setback with canopy could truly benefit the pedestrian connectivity and environment, given that the proposed canopy only covered 2.8m-wide voluntary setback and did not cover the 1.5m non-building area (NBA) abutting Kimberley Road;
- (d) whether any building or structure would be erected above the 2.8m-wide voluntary setback; and
- (e) any information regarding the implementation and maintenance of the proposed vertical greening on G/F, including the irrigation system, in view of the unsuccessful cases observed in the maintenance of vertical greening in many other projects.

23. In response, Mr Kervis W.C. Chan, STP/TWK, with the aid of some PowerPoint slides, made the following main points:

- (a) according to recent news reports, it was understood that the applicant had been acquiring ownership of the adjacent site (i.e. Champagne Court Block A). For the subject application, the applicant undertook to remove any obstructions within the setback area on the applicant's lot to create a

continuous setback area along this section of Kimberly Road should the adjacent lots be redeveloped in the future;

- (b) in addition to the voluntary 2.8m-wide setback with canopy along Kimberley Road, the applicant had proposed various planning and design merits to support the application, including landscaping in the form of planters, greenery and vertical greening on various floors. Those design measures, together with the voluntary 2.8m-wide setback, would enhance pedestrian comfort and promote visual interest;
- (c) in view of the heavily trafficked pedestrian environment along Kimberly Road, the applicant proposed a 2.8m-wide voluntary setback with canopy in addition to the 1.5m-wide NBA. This combined 4.3m setback was expected to create a more spacious and comfortable pedestrian environment along this section of Kimberley Road;
- (d) according to the proposed scheme submitted by the applicant, no building or structure would be erected above the 2.8m-wide voluntary setback; and
- (e) green walls would be constructed on both sides of the 2.8m-wide voluntary setback area. While no information regarding the irrigation system for the green walls had been provided at the current stage, it was expected that the applicant would properly maintain the green walls to support streetscape enhancement and hotel operation. Information on the water supply for irrigation would be provided at the building plan submission stage.

24. The Chairperson supplemented that vertical greening was one of the measures that could be proposed and accepted for compliance under the Sustainable Building Design Guidelines and could be dealt with at the building plan submission stage.

25. In response to a Member's enquiry as to whether planning and design merits were always required for approval of minor relaxation applications, Mr Kervis W.C. Chan, STP/TWK, explained that applicants would generally provide planning and design merits in support of such applications. The Chairperson supplemented that if a planning application

lacked planning and design merits, it would unlikely be approved even if there was no adverse technical impact. In that regard, the subject application had proposed planning and design merits as set out in paragraph 23(b) above, which was consistent with the approach taken in similar applications.

Proposed Scheme

26. Two Members raised the following questions:

- (a) the proportion between guestrooms and ancillary facilities in the proposed hotel development; and
- (b) in light of the support provided by the Tourism Commission (TC) and the increasing demand for accommodation from overnight visitors, whether the proposed scheme, which allocated only about 45% of the gross floor area (GFA) for guest rooms, was sufficient to meet the demand.

27. In response, Mr Kervis W.C. Chan, STP/TWK, with the aid of some PowerPoint slides, made the following main points:

- (a) based on the applicant's submission, approximately 45% of the floor area was allocated for guestrooms, while about 35% was designated for function rooms, conference rooms as well as food and beverage services. The remaining floor area was mainly for back-of-house operations, and electrical and mechanical facilities, etc.; and
- (b) according to the information provided by the applicant, the inclusion of supporting facilities, such as conference and function rooms, was a commercial decision intended to meet the anticipated demand for exhibition and convention venues in the area.

28. In response to the Chairperson's enquiry on examples of hotels with a higher proportion of ancillary facilities, Mr Kervis W.C. Chan, STP/TWK, said that there was a hotel development in Hankow Road that had over 50% of its GFA designated for other uses,

including flats. The Chairperson remarked that the proposed hotel development with a comparatively larger floor space for conference and function rooms facilities could provide more options for customers and visitors seeking venues for conferences, business forums, annual dinners, wedding banquets, etc. The Commissioner for Tourism (C for Tourism) supported the application, noting that it would provide new and more hotel rooms, thereby offering additional accommodation choices for visitors and enhancing Hong Kong's tourism offering. The hotel rooms and conference and exhibition facilities would complement each other and both would help to enhance the appeal of the proposed hotel development from tourism perspective.

Traffic Impact

29. With reference to the recommended advisory clauses in the appendix of the Paper, in which the Commissioner for Transport advised the applicant to explore with the nearby stakeholders the provision of appropriate traffic improvement/management measures at Kimberley Road during the subsequent development/operation stage, a Member enquired whether such traffic measures should be proposed at the planning application stage, given the heavy traffic at Kimberley Road. In response, Mr Kervis W.C. Chan, STP/TWK, with the aid of some PowerPoint slides, said that according to the applicant's proposal, pick-up/drop-off activities would take place on-site, with a queuing area to the basement car park to minimise kerbside activities on Kimberley Road. In view of the ownership pattern as reported in news reports, there could be scope for the applicant to consider traffic enhancement measures along this section of Kimberley Road in the future, should the adjacent sites be consolidated for redevelopment. Mr B.K. Chow, Assistant Commissioner/Urban, Transport Department supplemented that the provisions of parking and loading/unloading facilities and lay-bys in the proposed development were considered acceptable. Given the potential for other redevelopment projects in the vicinity, it was prudent to advise the applicant to liaise and collaborate with relevant stakeholders regarding the future traffic improvement/management measures at Kimberley Road.

Sewerage Impact

30. Noting that the existing sewers had insufficient capacity to cater for the sewage generated by the proposed development, a Member asked whether the applicant or the

Drainage Services Department (DSD) would be responsible for the sewerage improvement works as proposed. In response, Mr Kervis W.C. Chan, STP/TWK, said that based on the Sewerage Impact Assessment (SIA) submitted by the applicant, the capacity of the existing sewers was inadequate to accommodate the sewage generated by the proposed development. Therefore, the applicant proposed to install a new 225mm sewer from the Site to connect with the manhole of the public sewer, as well as to upgrade the public sewers. The applicant would be responsible for the said sewerage works, including works affecting the public sewers, and would also be required to implement the measures identified in the revised SIA to the satisfaction of DSD. Such arrangements were not uncommon in other projects.

Others

31. In response to a Member's enquiry on the future redevelopment plan of Champagne Court Block A, Mr Kervis W.C. Chan, STP/TWK, said that no information on this matter was provided in the application, and the acquisition of the building was only learnt from reported news.

[Dr Chris K.T. Lam left the meeting during the question and answer session.]

Deliberation Session

32. The Chairperson recapitulated that the application was for proposed minor relaxation of PR and BH restrictions for a permitted hotel development. The Site was located at an elongated street block off Nathan Road, which shared similar environment and planning context as the "C" zones on the YMT and MK OZPs where the maximum PR of 15 in accordance with the Building (Planning) Regulations was permissible. The applicant proposed a 4.3m-wide setback from Kimberley Road (including a 1.5m-wide NBA required under OZP and an additional 2.8m-wide voluntary setback with canopy) as well as landscaping at various floors and vertical greening at G/F as key planning and design gains. In support of the application, the applicant had submitted various technical assessments to demonstrate that the proposed development would not generate adverse impact on the surrounding area. The application was supported by TC as it was in line with the policy objective of enhancing Hong Kong's tourism offering. Other relevant government departments had no objection to or no adverse comment on the application. Members were

invited to consider whether the applicant had provided sufficient information to demonstrate technical feasibility and sufficient planning and design merits to justify the proposed minor relaxation of PR and BH restrictions.

33. Members generally considered that the application could not be supported or had reservation on the application as there were insufficient planning and design merits to justify the proposed minor relaxation of PR and BH restrictions. The Committee noted that the proposed increase in PR of 3 (based on a site area of about 1,142m²) would yield an additional GFA of about 3,426m², whereas the extent of the key planning gain (i.e. the 2.8m-wide voluntary setback) was only about 60m², which was considered relatively small and disproportionate to the increase in PR sought. Owing to the Site's narrow street frontage, only a short section of Kimberley Road would benefit from the voluntary setback and canopy. The effectiveness of the voluntary setback in enhancing the pedestrian environment and connectivity along Kimberley Road was therefore questionable. Even under an OZP-compliant scheme with a PR of 12, some form of voluntary setback with canopy could reasonably be expected for the proposed development at the Site as it would enhance the hotel's appeal.

34. Members also expressed the following views/concerns:

- (a) the Site was not included in YMDS or the seven designated areas for PR relaxation as announced in 2025 PA. The imposition of PR and BH restrictions on the OZP was intended to achieve planning objectives such as appropriate development intensity upon development/redevelopment, and to avoid overstraining infrastructural capacity, etc. The PR and BH restrictions on the OZP, including the stepped BH profile in the TST area, should be upheld unless there were strong planning justifications to depart from them;
- (b) it was inappropriate to justify the proposed BH by making reference to those buildings with higher BHs in the vicinity of the Site that were committed prior to the incorporation of BH restrictions for TST OZP in 2008. That said, if the proposal was for hotel and related facilities contributing to Hong Kong's tourism, with the support of the relevant

authorities, involving only minor relaxation of BH (without increasing PR) for a voluntary setback and with no adverse impacts, there would be a stronger case for consideration;

- (c) given that a slender, pencil-like development would be erected at the Site with a small area, it might have adverse impact on the surrounding cityscape. While the provision of conference and function rooms was common in hotel developments, the current proposal included nine such storeys with a floor-to-floor height of 4m. As these floors contributed to the overall increase in BH, further planning justification was required to substantiate the proposal;
- (d) the applicant had indicated in the VIA that an innovative architectural design would be adopted on the eastern façade to ensure visual compatibility. However, no illustration was provided to demonstrate the effectiveness of such mitigation measures; and
- (e) the vehicular ingress/egress of the proposed scheme, which was in close proximity of the lay-by of The Mira Hong Kong, might adversely affect pedestrian movement.

35. While noting that it would be difficult to identify suitable community use(s) for incorporation in the proposed hotel development as compared with a proposed residential development, a few Members expressed the view that it might be worthwhile for the applicant to explore any possible uses/facilities that could be incorporated into the proposal for the benefit of the community.

36. A Member suggested that it might be useful if the applicant could provide information on whether the proposed development would have any impact on microclimate. The Vice-chairperson added that the applicant could also provide information on the implementation and maintenance of the green walls such as the irrigation system to demonstrate that the proposed vertical greening would be sustainable in the long term.

37. In response to a Member's comment that the applicant might consider modifying

the proposed scheme by limiting the voluntary setback to the lower floors so as to allow a larger floor area, i.e. site coverage, on the upper floors, thereby reducing the extent of the increase in BH, the Chairperson said that despite the provision of setback, the proposed site coverage had generally optimised the permissible limit under the Building (Planning) Regulations.

38. Two Members considered that the support from TC was a general comment on proposed hotel development from tourism development perspective. One of the Members pointed out that the statistics regarding visitor numbers and hotel occupancy rates in 2025, as mentioned in the comments of the C for Tourism, only reflected the general demand for hotel rooms in Hong Kong as a whole while the relevant information for the TST district was not available.

39. Regarding a Member's concern on the precedent implication should the application be approved, the Chairperson said that as explained in paragraph 18 above, each application would be considered based on its individual merits.

40. Noting that the applicant had been acquiring the adjacent site (i.e. Champagne Court Block A), some Members observed that a better scheme might be achieved if the redevelopment proposal covered both sites. The Chairperson remarked that the decision on whether both sites would be redeveloped together was a commercial decision of the applicant. The Committee's assessment should be based on the individual merits of the current application and the proposals and justifications put forward by the applicant, but not the possibility of a better scheme with a larger site area.

Others

41. As there was a possibility that electronic signage might be installed on the blank wall of the proposed hotel, particularly its façade facing east, for advertising purposes, a Member enquired whether there would be any regulations governing light pollution. In response, Ms Marlene Y.H. Ho, Principal Environmental Protection Officer (Territory South), Environmental Protection Department (EPD) said that while there was no specific legislation regulating light pollution, the Guidelines on Industry Best Practices for External Lighting Installations published by the Environment and Ecology Bureau suggested some general

good practices on design, installation and operation of external lighting for reference by relevant parties, with a view to minimising the adverse impacts arising from external lighting.

42. Two Members opined that information on the planning and design merits proposed in other similar applications could be provided for Members' reference. The Vice-chairperson recalled that PlanD had prepared such information previously when considering applications for minor relaxation of PR and/or BH restrictions and suggested that such information could be provided for the Committee's reference in future to ensure consistency in the Committee's consideration of similar applications. The Chairperson said that such information had previously been prepared when the Committee considered applications for minor relaxation of PR and/or BH restrictions for developments under the initiative of Revitalisation Scheme for Industrial Buildings, and agreed that the information could be prepared by PlanD for reference of the Committee for similar applications in future. Besides, the Explanatory Statement of the OZP also set out the criteria for consideration of minor relaxation of BH restriction.

43. The Chairperson concluded that Members generally did not support or had reservation on the application, having considered that the proposed planning and design merits were insufficient to justify the proposed minor relaxation of PR and BH restrictions. The applicant was advised to review the proposed scheme, taking into account Members' views as expressed above in preparing a fresh planning application should the applicant wish to pursue the proposed development with relaxed PR and/or BH restrictions.

44. After deliberation, the Committee decided to reject the application. The reason was:

“the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of plot ratio and building height restrictions.”

[The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.]