

APPLICATION PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/H8/438 & 439

<u>Applicant</u>	: LTH Garden Lane Limited represented by Townland Consultants Limited	
<u>Premises</u>	: 1/F and 2/F, 11-15 Lin Fa Kung Street (Application No. A/H8/438) East, Causeway Bay, Hong Kong	
	1/F and 2/F, 11-13 Lin Fa Kung Street (Application No. A/H8/439) West, Causeway Bay, Hong Kong	
<u>Floor Areas</u>	: 224.718 m ² (about)	(Application No. A/H8/438)
	297.314 m ² (about)	(Application No. A/H8/439)
<u>Lease</u>	Inland Lot (I.L.) No. 2084 R.P.	(Application No. A/H8/438)
	I.L. No. 2085 s.A, s.B and R.P.	(Application No. A/H8/439)
	[Both virtually unrestricted except the standard rate and range clause and non- offensive trades clause]	
<u>Plan</u>	: Draft North Point Outline Zoning Plan (OZP) No. S/H8/27	
<u>Zoning</u>	: “Residential (Group A)” (“R(A)”) [Maximum building height (BH) of 120 metres above Principal Datum (mPD) or the height of the existing building, whichever is the greater]	
<u>Applications</u>	: Proposed Hotel	

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed conversion of 1/F and 2/F of two existing hotels, which are known as “The Garden House” (for Application No. A/H8/438) and “The Lane House” (for Application No. A/H8/439) respectively, from existing shop and services/eating place uses into hotel guestrooms (**Drawings A-1 to A-6**). The application premises (the Premises) fall within areas zoned “R(A)” on the draft North Point OZP No. S/H8/27 (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Hotel’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

- 1.2 The existing hotel developments are the subject of two latest approved s.16 planning applications No. A/H8/412 (for No. A/H8/438) and No. A/H8/411 (for No. A/H8/439) for proposed hotel (including shops and services/eating places) use, which were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 20.1.2012. Subsequently, the hotels were implemented with Occupation Permits (OPs) issued in 2018¹. According to the approved building plan records, The Garden House and The Lane House are of 24 storeys each (or 96.9mPD and 94.03mPD respectively) with G/F for hotel lobby and drop off area/turntable, 1/F and 2/F for shops and services / eating places (ancillary to hotel)², 15 storeys for guestrooms and the rest for hotels' back-of-house facilities / mechanical and electrical services rooms / refuge floor. Both hotels currently have a total of 15 guestrooms each. Since the hotels were completed, the previous planning permissions under application Nos. A/H8/411 and A/H8/412 were lapsed. As such, the proposed conversion from shop and services / eating place use into hotel use requires planning permission from the Board as "Hotel" use is a Column 2 use within the "R(A)" zone.
- 1.3 According to the applicant, the proposed conversion of the 1/F and 2/F of the hotels shall only bring two additional hotel guestrooms for each and shall not affect the uses/layouts of other floors, total gross floor area (GFA), BH and site coverage (SC) of the hotels under the current applications. Shop and services / eating place shall continue to be offered in another hotel in close proximity to the subject hotels, namely "The Corner House", which is also operated by the applicant (**Plan A-2**). The proposed layout and section plans submitted by the applicant are at **Drawings A-1 to A-6**.
- 1.4 In support of the applications, the applicant has submitted the following documents:
- (a) Application Forms received on 5.12.2023 for A/H8/438 and A/H8/439 (**Appendices Ia and Ib**)
 - (b) Supplementary Planning Statements for A/H8/438 and A/H8/439 (**Appendices Ic and Id**)
 - (c) Further Information (FI) received on 5.1.2024 for A/H8/439 [@] (**Appendix Ie**)
 - (d) FI received on 9.1.2024 for A/H8/438 [@] (**Appendix If**)
- [@] *accepted and exempted from publication and recounting requirements*

¹ According to the OPs and record plans, The Garden House has a plot ratio (PR) of 12, a BH of 24 storeys including 1 refuge floor or 96.9mPD, and 15 guestrooms, which is largely in line with the approved scheme of A/H8/412 with a PR of 12, a BH of 27 storeys including 1 refuge floor or 104.5mPD, and 20 guestrooms. As for The Lane House, it has a PR of 12, a BH of 24 storeys including 1 refuge floor or 94.03mPD, and 15 guestrooms, which is largely in line with the approved scheme of A/H8/411 with a PR of 12, a BH of 27 storeys including 1 refuge floor or 104.3mPD, and 18 guestrooms.

² The Premises are currently occupied by flower shops and gym room/yoga studio and not included in the hotel licensing areas.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the applications as set out in the Application Forms and FIs (**Appendices Ia to If**) are summarised as follows:

- (a) the applications are in line with the latest Government policies to revitalise local tourism;
- (b) the proposed developments would be compatible with the surrounding land uses which consist of a mix of commercial/residential developments, hotels, recreational facilities and tourist attractions;
- (c) the applications only involve minor changes to the existing hotels such that their development intensity would remain unchanged;
- (d) there are a number of approved planning applications for hotel use in the vicinity of the Premises; and
- (e) with reference to the estimations of traffic generation, there would only be minor and negligible traffic impacts resulting from the proposed conversion. As such, adverse traffic impacts arising from the proposals are not anticipated.

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

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

4. Previous Applications

The site where the premises under application No. A/H8/438 located is the subject of three previous applications for hotel uses (No. A/H8/384, A/H8/389 and A/H8/412), while the site where the premises under application No. A/H8/439 located is the subject of two previous applications for hotel uses (No. A/H8/404 and A/H8/411). Except application No. A/H8/384 was rejected by the Committee in 2007 on the considerations that the proposed hotel was considered incompatible with the adjoining residential developments and setting of undesirable precedent, other previous applications were approved with conditions by the Committee between 2008 and 2012. Details of the previous applications are summarised in **Appendix II**.

5. Similar Applications

There are 6 similar applications for hotel developments within the “R(A)” zone in the North Point OZP (**Plan A-1**) between 2006 and 2012. All were approved with conditions by the Committee on the considerations that the proposed hotels were not incompatible with the surrounding land uses, the proposed development parameters were not incompatible with the surrounding, no insurmountable technical impacts anticipated and no adverse comments from relevant B/Ds. Details of the similar applications are summarised in **Appendix II**.

6. The Premises and Their Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3 to A-5)

6.1 The Premises:

- (a) are currently occupied by flower shop on 1/F and vacant on 2/F (for Application No. A/H8/438); and gym room on 1/F and yoga studio on 2/F (for Application No. A/H8/439)

6.2 The surrounding areas have the following characteristics:

- (a) largely residential in character with some commercial uses including restaurants, local shops and car repairing workshops on the ground floors of the residential buildings along Lin Fa Kung Street East, Lin Fa Kung Street West and Lai Yin Lane;
- (b) intermixed with Government, Institution or Community (GIC) uses including a church, a Chinese temple (i.e. Lin Fa Temple which is a declared monument) and a local open space (i.e. Lin Fa Kung Garden); and
- (c) the area is well-served by public transport including buses and tram. The Site is within walking distance of Tin Hau MTR Station at Causeway Road to the northwest.

7. Planning Intention

The planning intention of the “R(A)” zone is 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.

8. Comments from Relevant Government Departments

- 8.1 The following government departments have been consulted and their views on the applications are summarised as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

The lease conditions governing I.L. No. 2084 R.P. (for Application No. A/H8/438) and I.L. No. 2085 s.A, s.B and R.P. (for Application No. A/H8/439) are virtually unrestricted except the standard rate and range clause and non-offensive trades clause. The terms of the said leases are 75 years renewable for 75 years commencing from 7 September 1914. Offensive trade licences in respect of the Lots have been issued on 16 January 2013 and 19 December 2012 respectively. The proposed conversions of uses at the Premises do not conflict with the lease conditions.

Building Matters

8.1.2 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) he has no in-principle objection to the applications under the Buildings Ordinance (BO);
- (b) the proposals will be reassessed in accordance with the current regulation 23A of Building (Planning) Regulations (B(P)R) and criteria set out in Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-40 at the building plan submission stage;
- (c) the applicant's attention is drawn to regulation 23A of B(P)R and PNAP APP-40 prior to the submission of building plans for alteration works of the subject hotels for approval by the Building Authority; and
- (d) detailed comments on compliance with the BO can only be provided at the building plan submission stage.

Fire Safety

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

He has no in-principle objection to the applications subject to fire service installations being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Hotel Licensing

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

- (a) the existing shops at 1/F and 2/F of the subject hotels are not included in the hotel licensing areas;
- (b) the proposed changes shall comply with the current Buildings Ordinance and Regulations and are accepted by the Building Authority (BA). A copy of the acknowledgement letter issued by the BA for the completion of the proposed alterations and additions (A&A) works should be submitted to his office; and
- (c) the current proposals involve changes on the number of guestrooms and extent of hotel licensing areas. The application for alteration works in licensed premises should be submitted to his office under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap 349 for issuance of licensing requirements.

8.2 The following government departments have no objection to/no comment on the applications:

- (a) Commissioner for Tourism;
- (b) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau;
- (c) Commissioner for Transport (C for T);
- (d) Direction of Environmental Protection (DEP);
- (e) Chief Engineer/Hong Kong & Islands Division, Drainage Services Department (CE/HK&I, DSD);
- (f) District Officer (Wan Chai), HAD;
- (g) Chief Highway Engineer/Hong Kong, Highways Department;
- (h) Director of Food and Environmental Hygiene;
- (i) Chief Engineer/Construction, Water Supplies Department;
- (j) Director of Electrical and Mechanical Services; and
- (k) Commissioner of Police.

9. Public Comments Received During the Statutory Publication Period

9.1 On 12.12.2023, the applications were published for public inspection. During the statutory public inspection period, six and 38 public comments were received from individuals for Applications No. A/H8/438 and No. A/H8/439 respectively.

For Application No. A/H8/438 (Appendix III)

9.2 All six public comments received object to the application on grounds that the existing facilities bring convenience and diversity to the Tai Hang community. They are important recreational facilities in the neighbourhood which should be retained.

For Application No. A/H8/439 (Appendix IV)

9.3 All 38 public comments received object to the application. The major grounds of objection include that the existing gym room and yoga studio have brought physical and mental benefits to local residents and the proposed development is in conflict with their needs; there would be insufficient supporting facilities in Tai Hang if the application was approved; the proposed increase in hotel guestrooms would be insufficient to boost tourism and bring negative impacts to the traffic of the neighbourhood and living of local residents; and possible negative impacts brought by the proposed development from environmental, social, economic and cultural aspects.

10. Planning Considerations and Assessments

10.1 The applicant seeks planning permissions for proposed conversion of 1/F and 2/F of two existing hotels from existing flower shops, gym room and yoga studio into hotel guestrooms, resulting in an increase in number of hotel guestrooms from 15 to 17 for each hotel.

10.2 The subject hotels are located within the Lin Fa Kung area, which is predominantly residential in character and intermixed with some commercial and GIC uses and

open space. The proposed conversion into hotel guestrooms, which is same as the main use of the subject hotels, is considered not incompatible with the surrounding in terms of land use. While the Premises are located within “R(A)” zone whereas hotel use is not fully in line with its planning intention, the hotels had already been developed with planning permissions granted in 2012. As such, the current applications which are for proposed conversion of 1/F and 2/F of the hotels for hotel guestrooms are considered acceptable.

- 10.3 The applications involve increase in number of guestrooms (i.e. from 15 to 17) for each hotel, with no change in the major development parameters of the hotels including total GFA, BH and SC as proposed by the applicant. As compared with the approved schemes under previous applications No. A/H8/411 (18 guestrooms) and No. A/H8/412 (20 guestrooms), the total number of guestrooms (i.e. 17 for each hotel) upon approval of the current applications would remain less than that under the approved schemes. In view of the above, the proposed conversion, which is minor in scale, is not anticipated to create adverse traffic, environmental, sewerage and drainage impacts to the surrounding areas. The concerned departments consulted including CBS/HKE&H, BD, C for T, CE/HK&I, DSD and DEP have no objection to / adverse comment on the applications. Since the proposed conversion would involve no increase in the overall development bulk and BH of the hotels, adverse visual impacts resulting from the proposals are not anticipated.
- 10.4 CO(LA), HAD advised that the Premises are currently not included in the hotel licensing areas of the hotels, and further submissions to his office under the HAGAO would be required for issuance of licensing requirements.
- 10.5 Regarding the public comments received during the publication period, the planning assessments above and departmental comments in paragraph 8 are relevant. As for the concern of provision of recreational facilities in the area, these facilities could be located in other commercial floor space such as in the lowest floors of residential developments or in commercial developments.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above and taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the applications.
- 11.2 Should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 26.1.2028, 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 recommended advisory clauses for both applications suggested for Members’ reference are attached at **Appendix V**.
- 11.3 There is no strong reason to recommend rejection of the applications.

12. Decision Sought

- 12.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the applications, 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 applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendices Ia and Ib	Application Forms received on 5.12.2023
Appendices Ic and Id	Supplementary Planning Statements
Appendix Ie	FI received on 5.1.2024 for A/H8/439
Appendix If	FI received on 9.1.2024 for A/H8/438
Appendix II	Previous and Similar Applications
Appendices III and IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-6	Floor Plans and Section Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**