

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K20/136**

<b><u>Applicant</u></b>	Active Success Development Limited represented by Llewelyn-Davies Hong Kong Limited
<b><u>Premises</u></b>	G/F (Portion) and UG/F (Portion), One SilverSea, 18 Hoi Fai Road, Tai Kok Tsui, Kowloon
<b><u>Premises Area</u></b>	About 4,082m <sup>2</sup>
<b><u>Lease</u></b>	Kowloon Inland Lot (KIL) No. 11158 (a) 50 years commencing from 15.4.2002 (b) Restricted to non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes (c) Portions of G/F, UG/F and 2/F of One SilverSea designated as “the Commercial Accommodation (Hotel Portion)” and “the Commercial Carpark (Hotel Portion)” are allowed to be used for hotel purposes for the lifetime of the building by a No-objection Letter dated 28.1.2014, subject to conditions including a total Gross Floor Area (GFA) of not more than 4,082m <sup>2</sup>
<b><u>Plan</u></b>	Approved South West Kowloon Outline Zoning Plan (OZP) No. S/K20/30
<b><u>Zoning</u></b>	“Residential (Group A)1” (“R(A)1”) [subject to maximum domestic plot ratio (PR) of 6.5 and maximum non-domestic PR of 1]
<b><u>Application</u></b>	Hotel

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed alteration to an existing hotel development with an increase of hotel rooms from 32 to 58 on G/F (portion) and UG/F (portion) of a 7-storey non-domestic podium<sup>1</sup> of an existing composite residential/commercial development at 18 Hoi Fai Road, Tai Kok Tsui (the Premises) (**Drawing A-3, Plans A-1 and A-2**). According to the Notes for the “R(A)1” zone of the OZP, ‘Hotel’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

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<sup>1</sup> The 7-storey non-domestic podium comprises 2 storeys of commercial uses, 3 storeys of car park and 2 storeys of recreational facilities for residents.

- 1.2 The two portions of the Premises are interlinked by escalators and lifts (both exclusively used by the hotel) (**Drawing A-4**). There are two separate entrances provided at G/F for hotel/retail/restaurant and residential components (**Drawing A-4 and Plan A-3**). The existing hotel, namely The Olympian Hong Kong, is currently not in operation (**Plans A-3 to A-5**).
- 1.3 The existing hotel is the subject of a previously approved application (No. A/K20/99) submitted by the same applicant. Compared with the previously approved scheme, the current scheme mainly involves (i) relocating some of the existing hotel area from UG/F to G/F facing the waterfront promenade and Hoi Fai Road Open Space; (ii) increase in the total number of hotel rooms from 32 rooms to 58 rooms<sup>2</sup>; and (iii) reduction in average room size from 58.5m<sup>2</sup> to 45m<sup>2</sup> (**Drawing A-3 and Plan A-2**). The total hotel area would remain as 4,082m<sup>2</sup> and the remaining part of the commercial floors would be for retail and restaurant uses. A comparison of the floor plans of the approved scheme and the current scheme is at **Drawing A-3** and that for the major development parameters and floor uses is as follows:

	<b>Previous Application No. A/K20/99 (a)</b>	<b>Current Application No. A/K20/136 (b)</b>	<b>Difference (b) – (a)</b>
Total Hotel GFA (m <sup>2</sup> ) (excluding exempted GFA for Back-of-House (BOH) facilities)	4,082 (204.1)	4,082 (204.1)	No change No change
G/F	816.8	1,760	+943
UG/F	3,265.2	2,322	-943
Total Hotel PR	0.3906	0.3906	No change
<b>No. of Hotel Rooms</b> (breakdown based on room size)	<b>32 rooms</b>	<b>58 rooms</b>	<b>+26 rooms (+81.25%)</b>
55-75m <sup>2</sup>	8	16	+8
40-52m <sup>2</sup>	24	13	-11
24-39m <sup>2</sup>	-	29	+29
<b>Average Room Size (m<sup>2</sup>)</b>	<b>58.5m<sup>2</sup></b>	<b>45m<sup>2</sup></b>	<b>-13.5m<sup>2</sup> (-23%)</b>
Floor use			
G/F	Hotel entrance, hotel lobby, residential entrance, retail entrance, retail area	Hotel entrance, hotel lobby, hotel rooms, residential entrance, retail entrance, retail area,	N/A
UG/F	Hotel rooms, BOH facilities, retail area, carpark	Hotel rooms, BOH facilities, retail area, carpark	N/A
Car Parking and Loading/ Unloading (L/UL) Bays Provision			
Hotel	1	1	No change
Retail	23	23	
Motorcycle	5	5	
Loading/Unloading Bays	1	1	
Car/taxi Laybys	2	2	
Tour Bus Laybys	2	2	

<sup>2</sup> Number of hotel rooms on G/F will increase from nil to 33 while number of hotel rooms on UG/F will decrease from 32 to 25, resulting in an overall increase from 32 to 58.

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

- (a) Application Form with covering letter received on 6.4.2022 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 26.5.2022\* (Appendix Ib)
- (d) FI received on 7.7.2022\* (Appendix Ic)

Remarks: @ accepted but not exempted from publication and recounting requirements

\* accepted and exempted from publication and recounting requirements

1.5 On 20.5.2022, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant to address departmental comments. Upon receipt of FI on 26.5.2022, the application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant are detailed in the supplementary planning statement and FI in **Appendices Ia to Ic**. They can be summarised as follows:

- (a) The proposal only involves reshuffling of hotel and retail floor spaces on G/F and UG/F with an intention to optimise the layout of the non-domestic floors and meet the market needs. There is no change to the respective existing non-domestic GFAs for hotel and retail uses, as well as the existing building bulk.
- (b) The Premises is well-served by public transport and there is no change on the provision of car parking spaces, taxi/bus lay-bys and loading/unloading facilities. The proposal will not generate insurmountable technical impacts.
- (c) Two separate entrances are provided at G/F for hotel/retail and residential components to respect the privacy and security of the residents are fully respected. Mitigation measures will be adopted to minimise the potential nuisance to residents during construction.
- (d) To safeguard the privacy of hotel guests, the windows of the hotel rooms on G/F will be raised to about 6.25mPD to create height difference with installation of windowsill to avoid direct sight from the public area (**Drawing A-5**). Besides, one-way window glass will be incorporated to protect the privacy.

## 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. **Previous Applications**

The Premises is the subject of two previous planning applications (Nos. A/K20/83 and A/K20/99) submitted by the same applicant for hotel use (**Plan A-1**). Application No. A/K20/83 was approved with conditions by the Committee on 15.4.2005 while application No.

A/K20/99 was approved with conditions by the Board upon review on 11.1.2008. Both of them were approved mainly on the grounds that the operation of the hotel was unlikely to adversely affect the residents of the development; and the proposed hotel use was not incompatible with surrounding developments and would unlikely caused any adverse impact. Subsequently, the applicant applied for amendment to the approved scheme (No. A/K20/99-1) for changing the location of taxi laybys, which was approved by the Director of Planning on 19.6.2009 under the delegated authority of the Board, and adopted for development of the existing hotel.

## **5. Similar Application**

There is no similar application for 'Hotel' use within the "R(A)" zone in the area covered by the South West Kowloon OZP.

## **6. The Premises and Its Surrounding Areas (Plans A-1 to A-5)**

### **6.1 The Premises:**

- (a) is located on G/F (portion) and UG/F (portion) of the 7-storey non-domestic podium of an existing composite residential/commercial development;
- (b) is mainly occupied by shops and a restaurant on G/F and the existing hotel on G/F and UG/F. The shops and hotel are currently not in operation. Some retail spaces are under refurbishment works;
- (c) is accessible via the main entrance on G/F, which is separated from the residential part the subject building (**Plan A-4**); and
- (d) is well served by various modes of public transport including buses, public light buses and taxis. The MTR Olympic Station is located about 300m to the east of the Premises.

### **6.2 The subject building:**

- (a) is a composite residential/commercial development completed in 2006 consisting of seven 36-storey residential towers atop of a 7-storey non-domestic podium comprising 2 storeys of commercial uses (G/F and UG/F), 3 storeys of car park (1/F to 3/F) and 2 storeys of recreational facilities for residents (5/F and 6/F);
- (b) is located at the waterfront and bounded by private residential/commercial developments (i.e. The Long Beach and Imperial Cullinan) to its immediate north, Hoi Fai Road to its immediate east and an existing waterfront promenade zoned "Open Space" ("O") to its immediate west. A planned public open space under construction (i.e. Hoi Fai Road Open Space (to be completed in 2022-23)) and Hoi Fai Road Garden are located its immediate south; and
- (c) to the further east across Hoi Fai Road is the residential and commercial developments surrounding MTR Olympic Station.

## **7. Planning Intention**

The “R(A)1” 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.

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

8.1 The following Government bureaux/departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) the Premises falls within KIL No. 11158 (the Lot) which is held under Conditions of Sale No. 12627 (the Conditions) for a term of 50 years commencing from 15.4.2002. Under the Conditions, the Lot is restricted to non-industrial (excluding hotel, cinema, petrol filling station and godown) purposes. By a No-objection Letter dated 28.1.2014 (the NOL), portions of G/F, UG/F and 2/F of One SilverSea designated as “the Commercial Accommodation (Hotel Portion)” and “the Commercial Carpark (Hotel Portion)” in a Dead of Designation dated 4.12.2013 are allowed to be used for hotel purposes for the lifetime of the building subject to conditions, including but not limited to a total GFA of not more than 4,082m<sup>2</sup>; and
- (b) portions of the proposed hotel under the application fall outside the permitted hotel areas under the abovementioned NOL and is in breach of the lease conditions. If planning approval is given, the owner of the Premises needs to apply to LandsD for a lease modification for the proposal. The proposal will only be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit, including, among others, payment of premium and administrative fee as may be imposed by LandsD.

### **Building Matters**

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

- (a) no in-principle objection to the application subject to the following comments:
  - (i) building (alterations and additions) (A&A) plans for the proposed change in the existing hotel area and retail area should be

submitted to BD for approval under the Buildings Ordinance (BO);

- (ii) application for hotel concessions under Building (Planning) Regulations (B(P)R) 23A will only be considered upon formal submission of building plan subject to the compliance with the criteria under PNAP APP-40;
- (iii) provision of natural lighting and ventilation to the guestrooms and bathrooms should be provided in accordance with regulations 30, 31, 32 and 36 of B(P)R;
- (iv) adequate means of escape and fire resisting construction should be provided in accordance with regulation 41(1) of B(P)R, section 35 of the Building (Construction) Regulation and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (v) access and facilities for persons with disability, including accessible guest rooms should be provided in accordance with regulation 72 of B(P)R and the Design manual: Barrier Free Access 2008; and
- (vi) detailed comments on the proposal under BO will be given at the building plan submission stage.

### **Fire Safety**

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

no in-principle objection to the proposed hotel subject to fire service installations being provided to the satisfaction of FSD. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

### **Tourism**

#### **8.1.4 Comments of the Commissioner for Tourism (C for Tourism):**

- (a) no objection to the proposal provided that it is agreeable to all relevant Government departments, and that the applicant is able to comply with all requirements laid down by the relevant departments;
- (b) the proposed hotel will help increase the number of hotel rooms and broaden the range of accommodations for visitors; and
- (c) he trust that relevant Government departments would comment on the technical feasibility of the proposed development.

## **Licensing**

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

- (a) no objection to the application;
- (b) the proposed A&A works in the licence area of the Premises shall comply with the current Buildings Ordinance and Regulations and are accepted by the Building Authority (BA). A copy of the occupation permit or acknowledgement letter issued by the BA for the completion of the proposed A&A works should be submitted to his office;
- (c) according to the proposed scheme, there is a substantial change on the number of hotel guestrooms and extent of hotel areas. A fresh application of new licence for the proposed hotel should be submitted to his office under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) upon the satisfactory completion of the proposed A&A works. The licensing requirements will be formulated after inspections by Building Safety Unit and Fire Safety Team upon receipt of application; and
- (d) no complaint had been received so far on the subject hotel as at 5.5.2022.

8.2 The following Government bureaux/departments have no comment on/objection to the application:

- (a) Secretary for Commerce and Economic Development;
- (b) Commissioner for Transport;
- (c) Chief Engineer/Construction Division, Water Supplies Department;
- (d) Chief Highway Engineer/Kowloon, Highways Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department;
- (f) Commissioner of Police;
- (g) District Officer (Yau Tsim Mong), Home Affairs Department;
- (h) Director of Leisure and Cultural Services;
- (i) Director of Environmental Protection; and
- (j) Project Manager/South Development Office, Civil Engineering and Development Department.

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

During the statutory public inspection periods, two public comments were received, including one comment from the Owners' Corporation of Island Harbourview indicated no comment on the application and one comment from the Owners' Corporation of One SilverSea raised concern on the reduction of retail space and potential traffic impact on the area. Details of the public comments are at **Appendix II**.

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

- 10.1 The applicant seeks permission for proposed alteration to the existing hotel (with planning permission as stated in paragraph 4 above) with an increase in the number of hotel room from 32 to 58 within the 2-storey commercial floors of an existing composite residential/commercial development. There is no change in the total GFA of the hotel, and parking and L/UL facilities. The proposed changes to the hotel would not contravene the planning intention of the “R(A)1” zone, which is intended primarily for high-density residential developments with certain commercial uses always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 10.2 According to the proposed scheme, two separate entrances are provided at G/F for hotel/retail/restaurant and residential portions respectively (**Drawing A-4**). Since the hotel is located on the two commercial floors of the non-domestic podium with separate access, the operation of the hotel is unlikely to adversely affect the residents of the development. Mitigation measures will be adopted to minimise the potential nuisance to residents during construction. CO(LA) of HAD advised that no complaint had been received so far on the hotel. As such, the proposed hotel after alteration is still considered not incompatible with the other uses within the non-domestic podium, including the retail shops and restaurant, and the development as a whole.
- 10.3 The proposal involves an increase in number of hotel rooms (i.e. from 32 to 58 rooms) with change in internal layout, and reshuffling of hotel and retail floor spaces on G/F and UG/F (**Drawing A-3**). There is no change to the existing non-domestic GFAs for the respective hotel and retail/restaurant uses, building bulk and car parking provision as compared with the previously approved application (No. A/K20/99). The proposed alteration will unlikely cause any adverse traffic, environmental, sewerage and drainage impacts to the surrounding areas. The concerned departments consulted including BD, EPD and TD have no objection to/comment on the application. To address the technical concerns on fire safety, approval condition under paragraph 11.2(a) below is recommended.
- 10.4 Regarding the public comments received during the publication period, the planning assessments above and departmental comments in paragraph 8 are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comments mentioned in paragraph 9, PlanD 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 15.7.2026, 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 condition of approval and advisory clauses are also suggested for Members’ consideration:



Approval Condition

- (a) the submission and implementation of fire services installations and water supplies for firefighting for the application premises to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 6.4.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Further information received on 25.5.2022
<b>Appendix Ic</b>	Further information received on 7.7.2022
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-2</b>	Proposed Layout Plans
<b>Drawing A-3</b>	Comparison between the existing hotel and current schemes
<b>Drawing A-4</b>	Pedestrian Access and Circulation Plan
<b>Drawing A-5</b>	Plan showing indicative design of hotel room
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2022**