

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

**APPLICATION NO. A/TSW/77**

- Applicant** : Harbour Plaza Resort City Limited represented by KTA Planning Limited
- Site** : No. 12 and 18 Tin Yan Road, Tin Shui Wai, New Territories
- Site Area** : About 27,900m<sup>2</sup>
- Lease** : Tin Shui Wai Town Lot (TSWTL) No. 4  
(a) Together with TSWTLs No. 1 to 3 and 5 to 7 all governed by New Grant No. 3466 dated 21.5.1985 as varied and modified by modification letters dated 10.11.1989, 5.5.1992 and 27.11.1993  
(b) Restricted to non-industrial (excluding godown) purposes  
(c) The total Gross Floor Area (GFA) of building(s) erected on TSWTLs No. 1 to 7, for either residential and non-residential purposes, shall not exceed 972,000m<sup>2</sup> for residential purposes and shall not exceed a total of 135,000m<sup>2</sup> for non-domestic purposes<sup>1</sup>  
(d) Development shall in all respect comply with the Master Layout Plan (MLP) and the Landscaping Proposals
- Plan** : Approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/16
- Zoning** : “Commercial” (“C”)  
[Restricted to a maximum GFA of 135,000m<sup>2</sup> for TSWTL No. 4; the total non-domestic GFA of TSWTL No. 4 and TSWTLs No. 1, 2, 3, 5, 6 & 7 zoned “Residential (Group B)” (“R(B)”) shall not exceed 135,000m<sup>2</sup>; and the distribution of non-domestic GFA amongst TSWTLs No. 1-7 would be controlled by the submission of Master Layout Plans<sup>2 & 3</sup>]
- Application** : Proposed Wholesale Conversion of an Existing Hotel for Flat and Permitted Commercial Uses including Shop and Services and Eating Place

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed flat with permitted commercial uses (including shop and services and eating place) by wholesale conversion of two existing hotel-cum-shopping mall buildings with basements at No. 12 and 18 Tin Yan Road, Tin Shui Wai (the Site) (**Plan A-1**). The Site, comprising two separate land parcels (hereafter as “Area 20” and “Area 23”), falls within areas

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<sup>1</sup> The total non-domestic GFA permitted under the Lease comprises a total of 75,000m<sup>2</sup> for TSWTLs No. 1-7, and an additional 60,000m<sup>2</sup> for TSWTL No. 4 (i.e. the Site) only.

<sup>2</sup> Master Layout Plan (MLP) refers to that governed by the Lease.

<sup>3</sup> According to the Notes for “R(B)” zone of the OZP, the total non-domestic GFA of TSWTLs No. 1, 2, 3, 5, 6 & 7 and the site zoned “C” at TSWTL No. 4 shall not exceed 135,000m<sup>2</sup>.

zoned “C” on the approved Tin Shui Wai OZP No. S/TSW/16. According to the Notes of the OZP for “C” zone, ‘Flat’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), whilst ‘Shop and Services’ and ‘Eating Place’ are always permitted.

### *The Existing Development*

- 1.2 Completed in 1999, the existing commercial development at the Site comprises two 26 to 27-storey (at 98.2 to 99.9mPD) hotel buildings (namely Harbour Plaza Resort City Towers 1 and 2), each including a 4-storey shopping mall (namely +WOO Phases 1 and 2) with 2 levels of basement (for hotel’s back-of-house facilities and commercial carpark). Currently, it has a total plot ratio of 3.873, a total GFA of about 108,063m<sup>2</sup>, and site coverages of not more than 100% (below 15m) and 50% (above 15m).

### *The Proposed Development Scheme*

- 1.3 As shown in the proposed development scheme at **Drawings A-1 to A-9**, the proposed wholesale conversion involves converting the existing hotel guestrooms/facilities/back-of-house areas for residential flats (4/F to 23/F or 24/F, referred to by the applicant as R1/F to R20/F or R21/F), permitted commercial uses (G/F & 1/F), and other uses supporting/ancillary to the proposed flat use (including car parking and loading/unloading (L/UL) spaces (Basement Floors, viz. B1/F & B2/F), and residential clubhouses (2/F for Area 23 and 3/F for Area 20)). In particular, a total of 5,863m<sup>2</sup> floor areas on G/F and 1/F of the existing hotel are proposed to be converted to permitted commercial uses including ‘Shop and Services’ and ‘Eating Place’<sup>4</sup>. Meanwhile, the existing shopping mall portion on G/F to 3/F, the open space on the 3/F (change for the use of the residents) and the remaining portions of the Basement Floors will be retained. According to the applicant, there will be no change in the building bulk, including total GFA, building height, and site coverage as a result of the proposed wholesale conversion. The main uses by floors of the proposed development upon conversion are summarised as follows:-

Floor	Area 20	Area 23
B1F & B2F	Commercial and residential car park and L/UL spaces	
G/F	Retained shopping mall, permitted commercial uses, residential entrance lobby and E&M facilities	
1/F	Retained shopping mall, and permitted commercial uses	Retained shopping mall, permitted commercial uses, and E&M facilities
2/F	Retained shopping mall, and E&M facilities	Retained shopping mall, residential clubhouse and E&M facilities
3/F	Residential open space/landscape area, residential clubhouse, and E&M facilities	Residential open space/landscape area, and E&M facilities
R1/F to R20/F (Area 20) or R21/F (Area 23)	Residential Units	Residential Units

- 1.4 Upon conversion, the domestic and non-domestic GFA will be about 55,668m<sup>2</sup> and 52,395m<sup>2</sup> respectively. A total of about 1,102 residential flats will be provided. Private open space of not less than 3,013m<sup>2</sup> for the use of the residents will be

<sup>4</sup> According to the applicant, detailed arrangement of the converted commercial floor spaces, including whether there would be any connection with the existing shopping mall, would be formulated at the detailed design stage.

provided on 3/F in accordance with the Hong Kong Planning Standards and Guidelines (**Drawing A-10**). The proposed development will achieve a greenery ratio of not less than 30% of the site area. While all the existing trees and plantings on G/F and 3/F would be retained, new greenery in the form of grass paving will be provided at 3/F (**Drawing A-11** and **A-12**).

1.5 The Site is the subject of a previous application (No. A/TSW/72) for proposed flat and permitted commercial development with minor relaxation of GFA restriction (by redevelopment), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 18.12.2020. Under the approved scheme of the application No. A/TSW/72, the existing hotel portions would be demolished and redeveloped whilst, similar to the current application, the shopping mall portions and the basements are proposed to be retained. The permission under application No. A/TSW/72 remains valid until 18.12.2024. According to the applicant, it will confirm the development option to pursue taking into considerations of, inter alia, housing supply, market and technical factors.

1.6 A comparison of the major development parameters between the approved scheme under Application No. A/TSW/72 and the proposed scheme are summarised as follows:-

Development Parameters	Previous Application (No. A/TSW/72) (a)	Current Application (No. A/TSW/77) (b)	Differences (b) - (a)
<b>Site Area</b>	about 27,900m <sup>2</sup>	about 27,900m <sup>2</sup>	No change
<b>Uses</b>	'Flat' & Permitted Commercial Uses	'Flat' & Permitted Commercial Uses	No change
<b>Plot Ratio</b> <i>Domestic</i> <i>Non-domestic</i>	6.718 (Total) <i>about 5.0</i> <i>about 1.718</i>	about 3.873 (Total) <i>about 1.995</i> <i>about 1.878</i>	-2.845 (-42.3%) <i>-3.005 (-60.1%)</i> <i>+0.16 (+9.3%)</i>
<b>Gross Floor Area</b> <i>Domestic</i> <i>Non-domestic</i>	about 187,436m <sup>2</sup> <i>about 139,500m<sup>2</sup></i> <i>about 47,936m<sup>2</sup></i>	about 108,063m <sup>2</sup> <i>about 55,668m<sup>2</sup></i> <i>about 52,395m<sup>2</sup></i>	-79,373m <sup>2</sup> (-42.3%) <i>-83,832m<sup>2</sup> (-60.1%)</i> <i>+4,459m<sup>2</sup> (+9.3%)</i>
<b>Site Coverage</b> <i>Above 15m</i>	<i>Not more than 33.33%</i>	<i>Not more than 50%</i>	+16.67%
<b>No. of Blocks</b>	2	2	No change
<b>Max. Building Height</b>	171.5mPD	99.9mPD	-71.6m (-41.7%)
<b>No. of storeys</b>	54 (incl. 1 level of Sky Garden and 2 levels of basement)	26-27 (incl. 2 levels of basement)	-27 (-50%)
<b>Number of Units</b>	Max. 5,000	1,102	-3,898 (-78.0%)
<b>Average Flat Size</b>	27.9m <sup>2</sup>	50.5m <sup>2</sup>	+22.6m <sup>2</sup> (+81%)
<b>Anticipated Population</b>	about 7,500 persons	about 3,013 persons	-4,487 (-59.8%)
<b>Local Open Space</b>	Not less than 7,500m <sup>2</sup>	Not less than 3,013m <sup>2</sup>	-4,487m <sup>2</sup> (-59.8%)
<b>Parking Spaces</b> <i>Domestic</i> <i>Private cars</i> <i>Visitors</i> <i>Motorcycle</i> <i>Bicycle</i> <i>Non-domestic</i> <i>Private cars</i> <i>Motorcycle</i>	 <i>364</i> <i>10</i> <i>50</i> <i>150</i>  <i>606</i> <i>Nil</i>	 <i>287</i> <i>10</i> <i>12</i> <i>Nil</i>  <i>616</i> <i>22</i>	 <i>-77 (-21.2%)</i> <i>No change</i> <i>-38 (-76%)</i> <i>-150 (-100%)</i>  <i>+10 (+1.7%)</i> <i>+22</i>

Development Parameters	Previous Application (No. A/TSW/72) (a)	Current Application (No. A/TSW/77) (b)	Differences (b) - (a)
<b>Loading/unloading Bays &amp; Lay-bys</b>			
Domestic	2	2	No change
Non-domestic	47	49	+2 (+4.3%)
<b>Completion Year</b>	2022	2028	+6 years

1.7 Various technical assessments, including Traffic Impact Assessment (TIA), Air Quality Impact Assessment (AQIA), Noise Impact Assessment (NIA) and Sewerage Impact Assessment (SIA), have been conducted by the applicant to demonstrate the technical feasibility of the proposed development.

1.8 The Master Layout Plan, floor plans, section plan, open space demarcation plan and greenery area plans are at **Drawings A-1 to A-12** respectively.

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

- (a) Application Form received on 7.6.2022 **(Appendix I)**
- (b) Further Information (FI) received on 11.10.2022 **(Appendix Ia)**  
providing Consolidated Planning Statement with  
Technical Assessments [exempted from publication and  
recounting requirements]

*(Supporting Planning Statement received on 7.6.2022 as well as FIs received on 18.7.2022, 27.7.2022, 18.8.2022, 21.9.2022 and 27.9.2022 were superseded and not attached)*

## 2. Justifications from the Applicants

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement at **Appendix Ia**. They can be summarised as follows:

### Timely housing supply in light of acute housing shortages

- (a) In light of acute housing shortage, the proposed development is in line with the Government policy to adopt a multi-pronged approach to increase housing land supply in the short, medium and long terms. As compared to the measures promulgated by the Government, the proposed development can contribute supply of about 1,102 private housing units in a much shorter time frame. The proposed development is also in line with the Government policy of promoting home ownership.

### Improving the skewed housing mix in the Tin Shui Wai New Town

- (b) Providing some 1,102 private housing units, the proposed development would help improve the skewed housing and population mix currently in the Tin Shui Wai New Town.

Continue to function as the district shopping centre

- (c) Under the master development plan for Tin Shui Wai in 1983, commercial provision within Tin Shui Wai was planned to satisfy local and district level needs, while Yuen Long Town is expected to remain as the principal commercial and retail centre in the Northwest New Territories. Meanwhile, the floor spaces of the existing shopping mall at the Site will not be reduced as a result of the proposed wholesale conversion. The Site will continue functioning as the district shopping centre to serve the residents of the Tin Shui Wai New Town.

Sufficient hotel rooms supply in the area

- (d) There is another hotel, namely Hotel COZi Wetland at Tin Sau Road providing 336 rooms, in the Tin Shui Wai New Town. Moreover, there are various commercial sites planned in the adjacent Hung Shui Kiu/Ha Tsuen New Development Area. Hence, there would be sufficient supply of hotel rooms in the area.

Suitability of the Site for the proposed development

- (e) The Site is conveniently accessible by public transport, cycling and on foot. Moreover, the proposed development is compatible with the Tin Shui Wai New Town, which is predominated by residential developments of similar intensity.

No increase in development bulk

- (f) There will be no increase in building height or development bulk as a result of the proposed wholesale conversion. The visual corridor between Areas 20 and 23 of the Site will be retained.

No adverse impact on technical aspects

- (g) As demonstrated in the technical assessments and with appropriate mitigation measures where necessary, the proposed development would not have significant adverse traffic, sewerage, landscape and visual impacts on the surroundings area. Also, it would not suffer from significant adverse noise and air quality impacts.

Similar applications approved

- (h) The Site is the subject of a previously approved planning application (No. A/TSW/72) for proposed flat and commercial use by redevelopment. The Board has also previously approved other applications for flat developments within “C” zone of other OZPs, which demonstrated that flat is a suitable and compatible use at commercial sites with the support of technical assessments.

Environmental Sustainability

- (i) As compared to the redevelopment option, the proposed wholesale conversion would substantially reduce the amount of construction wastes and pollutants generated, as well as energy consumption. The shortened construction period would also reduce the environmental nuisance to the surrounding neighbourhood.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Ordinance (TPB PG-No. 31A) by notifying the other current land owner vide registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1 Subsequent to the joint venture agreement between the Government and a private developer in July 1982 for developing Tin Shui Wai as a new town, the Site was zoned “Commercial/Residential” on the Tin Shui Wai Master Development Plan No. MDP/TSW/1B, Tin Shui Wai Town Centre/District Park Layout Plan No. RU/TSW/5C and Tin Shui Wai Outline Development Plan No. OD/TSW/3A adopted/approved in June 1984, June 1986 and July 1989 respectively. It was intended for residential development atop retail complex at the podium, and would be the town centre serving both as a neighbourhood shopping centre for adjacent residential developments and as a district shopping centre for the Tin Shui Wai New Town as a whole.
- 4.2 Notwithstanding, commercial development was proposed by the lot owner at the Site. In January 1994, a lease modification affecting the Site (i.e. TSWTL No. 4) was executed to permit an additional gross floor area of not exceeding 60,000m<sup>2</sup> for non-domestic purposes. In 1999, the hotel-cum-shopping mall development was completed at the Site. Meanwhile, residential developments (with or without commercial portion) at TSWTLs No. 1-3 and 5-7 (i.e. Kingswood Villas) were completed between 1992 and 1997.
- 4.3 Considering the development on the Site was purely commercial, the Site was zoned “C” on the first OZP, i.e. the draft Tin Shui Wai OZP No. S/TSW/1 gazetted on 21.10.1994. The zoning of the Site has not been changed since then.

### **5. Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/TSW/72) for proposed flat and permitted commercial development with minor relaxation of GFA restriction (by redevelopment), which was approved with conditions by the Committee on 18.12.2020 mainly on considerations that the Site was not intended specifically for hotel development and the existing shopping mall which has been the main commercial element serving the community would be retained; the proposed flat-cum-existing shopping mall development was compatible with the surrounding area; the development intensity of the proposed development with provision of design measures was commensurate with that of the surrounding developments in the context of the town centre of the Tin Shui Wai New Town; the proposed development was in line with the Government policy encouraging maximising the use of scarce land resources where appropriate; concerned government departments had no adverse comment on visual, air ventilation, traffic, environmental and sewerage aspects; and the overall planned provision of open space and government,

institution or community (GIC) facilities was generally adequate to serve the existing and planned population. The planning permission is valid until 18.12.2024, and the proposed development has yet to be commenced.

- 5.2 Compared with the previous application, the current application is submitted by the same applicant for the same uses at the same site, yet by way of wholesale conversion of the existing buildings with lower development intensity (See paragraph 1.6 above for details).
- 5.3 Details of the above previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

## 6. Similar Application

There is no similar application for ‘flat’ use within the “C” zone of the OZP.

## 7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) located at the southern part of Tin Shui Wai New Town, and comprises two separate land parcels, namely Areas 20 and 23;
- (b) currently being used as two 26 to 27-storey (including 2 levels of basement) hotel-cum-shopping mall buildings, namely Harbour Plaza Resort City Towers 1 and 2 (the hotel with 1,102 guestrooms) and +WOO Phases 1 and 2 (the shopping mall):

Floor	Uses^
B1/F & B2/F	Car park, back-of-house facilities, and hotel facilities
G/F	Hotel entrance lobby and facilities, and shopping mall
1/F	Shopping mall and hotel facilities
2/F	Shopping mall and hotel facilities
3/F	Landscaped open space
5/F to 27/F (Area 20) or 28/F (Area 23)*	Guestrooms

<sup>^</sup> Generally the same for Areas 20 and 23

\* 4th, 13th, 14th and 24th floor numberings omitted

- (c) accessible from Tin Yan Road (Area 23) and Ka Yan Street (Area 20).

7.2 The surrounding areas have the following characteristics:

- (a) to the northeast is Tin Yan Road, Light Rail Ginza Stop and Light Rail Tracks, and Tin Shing Road. To the further northeast are mainly the residential developments of Kingswood Villas (Lynwood Court, Kenwood Court and Maywood Court) intermixed with schools (Shap Pat Heung Rural Committee Kung Yik She Secondary School, Queen Elizabeth School Old Students' Association Secondary School and Tin Shui Wai Catholic Primary School) and open spaces (Lynwood Court Sitting-out Area and Dragon Park);

- (b) to the south is the Tin Shui Wai Park which is a district park. To the further southeast is the Tin Shui Wai Sports Ground;
- (c) in between the two land parcels of the Site is an open space named Ginza Square; and
- (d) to the northwest are Tin Shui Wai Public Transport Interchange (PTI), the residential development of Central Park Towers, and a site under construction which is covered by a valid planning permission (Application No. A/TSW/64) for residential development with eating place and shop and services atop Light Rail Tin Wing Stop.

## **8. Planning Intention**

The “C” zone is intended primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centres serving the immediate neighbourhood.

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

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

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The subject lot (i.e. TSWTL No. 4) together with other lots (i.e. TSWTLs No. 1 to 3, 5 to 7) are all governed by New Grant No. 3466 dated 21.5.1985 as varied and modified by modification letters dated 10.11.1989, 5.5.1992 and 27.11.1993 (collectively “the New Grant”) for non-industrial (excluding godown) purposes. Under Special Conditions (S.C.) (10) of the New Grant, the total GFA of building(s) erected on all of the lots for either residential or non-residential purposes shall be specified in the Development Schedule of the MLP as referred to in S.C. (4)(a)(I) of the New Grant, which shall not exceed 972,000m<sup>2</sup> for residential purposes, and shall not exceed a total of 75,000m<sup>2</sup> for non-domestic purposes for all of the lots. By way of modification letter dated 7.1.1994 affecting the subject lot, an additional GFA of not exceeding 60,000m<sup>2</sup> for non-domestic purposes is permitted on the subject lot.
- (b) According to S.C. (8)(a) of the New Grant, the lot shall be developed in all respects complying with the MLP and Landscaping Proposals.
- (c) The GFA figures and relevant details of the existing development as mentioned in the planning statement have not been verified at this stage. It will be considered in detail at the lease modification



application stage, if submitted by the lot owners.

- (d) Noting that the existing basements (i.e. B2/F and B1/F) would be retained and converted to accommodate the proposed parking provisions which would be greatly increased, the applicant is reminded to ensure the retained basements could accommodate the additional parking provisions.
- (e) Should the Board approve the planning application, the owners of the subject lot are required to jointly apply to LandsD for modification of the lease of TSWTL No. 4 to implement the proposed scheme. However, there is no guarantee that the said application, including the granting of any Government land (if any), will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at LandsD's discretion, and if it is approved will be subject to such terms and conditions including among others, the payment of premium and administrative fee as may be imposed by LandsD.

### **Traffic**

#### **9.1.2 Comments of Commissioner for Transport (C for T):**

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Should the application be approved, the following approval condition is suggested:

the design and provision of ingress/egress point, vehicular access, parking spaces, loading/unloading and lay-by facilities to the satisfaction of C for T or of the Board.

#### **9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):**

- (a) If the proposed vehicular accesses on Tin Yan Road and Ka Yan Street are agreed by the Transport Department, the applicant should ensure an access road or a run-in/out is constructed at each vehicular access pursuant to the prevailing HyD standards to the satisfaction of his office.
- (b) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Environment**

#### **9.1.4 Comments of the Director of Environmental Protection (DEP):**

- (a) Having reviewed the AQIA, NIA and SIA for the application, he has no objection to the application.
- (b) Should the application be approved, the following approval condition

should be imposed:

the submission of a revised NIA before commencement of the construction works, and implementation of the proposed noise mitigation measures identified in the NIA to the satisfaction of DEP or of the Board.

### **Urban Design, Visual and Landscaping**

#### **9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):**

The proposed wholesale conversion of an existing hotel does not involve redevelopment or any minor relaxation of plot ratio and building height restriction. The Site is not located in landscape sensitive zonings. Also, the applicant confirmed that the existing trees and planting area at G/F and 3F will be retained and new grass paving area is proposed at 3/F. As such, significant landscape impact on existing landscape resources within the Site arising from the proposed development is not anticipated. She has no comment on the application from urban design, visual and landscape perspectives.

### **Drainage and Sewerage**

#### **9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):**

- (a) He has no objection in principle to the application.
- (b) Should the Board consider that the application is acceptable from planning point of view, approval condition should be stipulated requiring the applicant to submit a drainage proposal and to implement the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

### **Building Matters**

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

- (a) The Site comprises two parcels of individual sites and the site classification is Class A according to the record building plans. The permitted development intensity of the two parcels shall be determined separately under the First Schedule of the Building (Planning) Regulations (B(P)R) at building plan submission stage.
- (b) After the proposed conversion, the domestic site coverage of the proposed development will exceed 33.3%, i.e. the maximum permitted site coverage under Regulation 20(1)(a) of B(P)R.
- (c) According to the submitted supporting planning statement and the record building plans, the area used for the existing back-of-house area serving hotel is proposed to be converted to car parking space area on basement floors. Unless such area is converted to car parking spaces and/or mandatory plant rooms which shall be disregarded from GFA calculation under Regulation 23(3)(b) of the B(P)R, such area and its circulation area shall be GFA accountable.
- (d) The applicant should be reminded of the detailed comments at **Appendix IV**.

### **Tourism**

#### 9.1.9 Comments of the Commissioner for Tourism (C for Tourism):

- (a) It is noted that the application site falls within an area zoned “C” on the OZP, under which ‘Hotel’ is only one of the always permitted uses. The operation of hotels is a matter of commercial decision and it would be up to hotel owners/operators to decide whether or not to continue their business.
- (b) For information, before the riots in 2019 and the COVID-19 pandemic, the total number of overnight visitor arrivals rose by 69% cumulatively between 2009 and 2018 while the total number of hotel rooms rose by some 49% only during the same period, thus keeping the average hotel room occupancy rate at a high level of 87%. In the first five months of 2019 (i.e. before the riots), overnight visitor arrivals continued to grow strongly by 8.9% year-on-year, and thus the average hotel room occupancy rate during that period kept standing at a high level of 90%.
- (c) The COVID-19 pandemic since early 2020 has seriously affected Hong Kong’s tourism industry, leading to a steep fall in the number of visitor arrivals since early 2020 and bringing about an unprecedented challenge to the hotel sector. It is uncertain when the hotel business will get back to the pre-pandemic level. Yet hotel occupancy has been boosted by hotel staycations for local people.

### **District Officer's Comments**

#### 9.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any feedback from locals.

#### 9.2 The following government departments have no comment on the application:

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (e) Project Team Leader/Project, CEDD (PTL/P, CEDD);
- (f) Project Manager (West), CEDD (PM(W), CEDD);
- (g) Commissioner of Police (C of P);
- (h) Director of Agriculture, Fisheries and Conservation (DAFC);
- (i) Director of Electrical and Mechanical Services (DEMS); and
- (j) Director of Food and Environmental Hygiene (DFEH).

### **10. Public Comments Received During Statutory Publication Periods**

10.1 The application and its FIs were published for public inspections. During the statutory public inspections periods, a total of 6 public comments were received. Amongst them, the MTR Corporation (**Appendix III-1**) provides views on the methodology adopted by the applicant in assessing air-borne noise impacts associated with the Light Rail, and recommended an approval condition requiring the assessment of such noise impacts.

10.2 The remaining 5 comments from individuals (**Appendices III-2 to III-6**) object to the application mainly on the following grounds:-

- (a) The loadings of MTR Tuen Ma Line and Light Rail have reached saturation and have no spare capacity to accommodate additional population for the Tin Shui Wai New Town. There is also insufficient ancillary transport facilities;
- (b) With the continuation of quarantine measures, there is a need for a certain amount of hotel rooms in every district. There is also a need to ensure sufficient facilities if the travel restrictions are lifted, given the high occupancy rate of the hotel prior to the COVID-19 pandemic. In these connections, one of the towers should be retained as hotel; and
- (c) Tin Shui Wai New Town is currently densely populated.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed wholesale conversion of an existing hotel for flat and permitted commercial uses at the Site zoned “C” on the OZP, where ‘Shop and Services’ and ‘Eating Place’ uses are always permitted, whilst ‘Flat’ use requires planning permission from the Board. No change in the existing bulk of the building, the total GFA, plot ratio, site coverage and building height are proposed by the applicant in the current conversion proposal.

### **Planning Intention**

- 11.2 The planning intention of the “C” zone is primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centres serving the immediate neighbourhood. In this regard, whilst majority of the hotel portion is proposed for conversion into residential and ancillary uses, the existing shopping mall portion (i.e. +WOO Phases 1 and 2) is proposed to be retained. Moreover, floor areas of about 5,863m<sup>2</sup> on G/F and 1/F of the existing hotel are proposed to be converted to permitted commercial uses (**Drawings A-4 and A-5**). Hence, the proposed development would continue providing retail/commercial uses serving the residential neighbourhood and would not undermine the planning intention of the “C” zone. Regarding the hotel, it should be noted that the “C” zone has not been intended specifically for hotel development. C for Tourism has no adverse comment on the proposed conversion to flat and commercial uses.

### **Land Use Compatibility**

- 11.3 The Site is located at the town centre of the Tin Shui Wai New Town. Radiating from the town centre are mainly existing and planned residential developments (viz. Lynwood Court, Kenwood Court and Maywood Court of Kingswood Villas; Central Park Towers; and the topside residential development of Light Rail Tin Wing Stop which is under construction) intermixed with open spaces and GIC uses. Hence, the proposed flat-cum-shopping mall development is considered compatible with the surrounding land uses.

### **Technical Aspects**

- 11.4 Technical assessments submitted by the applicant, including TIA, AQIA, NIA and SIA concluded that there will not be significant adverse traffic, air quality, noise and sewerage impacts arising from the proposed development. Regarding air quality impact, with sufficient separation distance, no adverse air quality impact arising from road traffic and the exhaust outlet of the Tin Shui Wai PTI is envisaged. On noise aspect, whilst unacceptable noise impact arising from the Light Rail, the Tin Shui Wai PTI and the Tin Shui Wai Sports Ground is not envisaged, acoustic window would be provided on the proposed residential towers to mitigate potential traffic noise impacts. DEP has no objection to the application in this regard subject to incorporation of the approval condition on revised NIA as set out in paragraph 12.2 below.
- 11.5 Other concerned government departments, including C for T, CE/MN of DSD, CE/C of WSD, D of FS and CTP/UD&L of PlanD have no objection to/adverse comment on the application. To address the technical requirements of the concerned

government departments, relevant approval conditions have been recommended in paragraph 12.2 below.

### Previous Application

11.6 The Site is covered by a valid planning permission (under Application No. A/TSW/72) for proposed flat and permitted commercial development with minor relaxation of GFA restriction. Under the previous application, whilst the shopping mall was proposed to be retained, the hotel buildings were proposed to be redeveloped with total plot ratio, GFA, building height and flat yield of about 6.718, 187,436m<sup>2</sup>, 171.5mPD and a maximum of 5,000 respectively. The application was approved by the Committee in 2020 mainly on considerations of not undermining the planning intention; compatible with the surrounding land uses; development intensity commensurate with the surroundings in the context of the town centre; and no adverse comments from concerned government departments. The current application is for wholesale conversion of the existing buildings for essentially the same uses, with a lower development intensity and number of flats. As there is no change in the planning circumstances, the approval of the current application is in line with the previous decision of the Committee.

### Public Comments

11.7 There are 6 public comments received providing views on/objecting to the application on the grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

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

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **14.10.2026**, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission of a revised Noise Impact Assessment (NIA) before commencement of the construction works, and implementation of the proposed noise mitigation measures identified in the NIA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the design and provision of ingress/egress point and vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways, or of the Town Planning Board;
- (c) the design and provision of parking spaces, loading/unloading and lay-by

facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) the submission and implementation of drainage proposal to the satisfaction of Director of Drainage Services or of the Town Planning Board.

#### Advisory Clauses

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

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

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 7.6.2022
<b>Appendix Ia</b>	Consolidated Planning Statement and Technical Assessments
<b>Appendix II</b>	Previous Application
<b>Appendices III-1 to III-6</b>	Public Comments Received During Statutory Publication Period
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawings A-2 to A-8</b>	Comparison of Floor Plans between the Existing and Proposed Developments
<b>Drawing A-9</b>	Comparison of Section Plans between the Existing and Proposed Developments
<b>Drawing A-10</b>	Private Open Space Demarcation Plan
<b>Drawings A-11 and A-12</b>	Greenery Area Plans
<b>Plan A-1</b>	Location Plan with Previous Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo