

### **Hotel Development**

Regulation 23A of the Building (Planning) Regulations (B(P)R), which came into operation on 1 November 2000, provides the Building Authority (BA) with a discretionary power to treat a hotel building or the hotel part of a building as a non-domestic building for site coverage as well as plot ratio purposes and to disregard certain supporting facilities together with the setting down and picking up areas for hotel users from gross floor area (GFA) calculations.

2. This practice note sets out the factors that the BA will take into consideration, for the purposes of regulations 23A(2) and (3) of the B(P)R, in deciding whether a hotel proposal will be accorded with the treatment detailed in the identified regulation.

#### **Hotel Concession**

3. For hotels to qualify for the treatment under regulation 23A of the B(P)R, the BA will consider the following:

- (a) whether the site itself or the site relative to its neighbourhood is suitable for hotel development;
- (b) whether basic facilities such as reception counter, storerooms for linen, administration office, staff toilets for the operation of the hotel and facilities ancillary to the functions of a hotel (e.g. dining, entertainment and shopping facilities commensurate with hotel patronage) are provided;
- (c) whether the whole building or the portion of the building intended for use as a hotel is provided with a central air-conditioning (A/C) system and a centralised hot water supply system<sup>1</sup>; and
- (d) whether there is evidence indicating that the hotel building or the hotel part of the building when completed will be operated as a licensed hotel under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349).

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<sup>1</sup> Plant rooms for central A/C system and centralised hot water supply system of reasonable sizes may be disregarded under regulation 23(3)(b) of the B(P)R subject to the pre-requisites and overall GFA concession cap of 10% under Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151.

4. For the purpose of paragraph 3(a) above, when considering whether a site is suitable for hotel development, the BA will take into account, inter alia, the following aspects:

- (a) the predominant nature and character of the surrounding land uses. In general, a site will be taken as suitable if it is permitted to be developed as a hotel under an outline zoning plan (OZP), either permitted under Column 1 of the Notes for the OZP or has obtained permission from the Town Planning Board through an application under section 16 of the Town Planning Ordinance (Cap. 131);
- (b) whether the scale of a hotel development is compatible with the surrounding developments. In this respect, the BA will take into account the development intensity of the proposed hotel and compare it with the permitted development intensity of surrounding developments (under OZP, lease conditions or B(P)R);
- (c) whether an adequate number and width of streets are available to serve the proposed hotel and to cope with the additional vehicular and pedestrian traffic generated; and
- (d) whether any necessary transport, parking, loading and unloading facilities for hotel use would be provided.

5. Confirmation by a hotel operator that he has been appointed to operate the proposed hotel building upon completion may be accepted as evidence for the purpose of paragraph 3(d) above.

6. The BA acknowledges that requirements for the basic and ancillary facilities described in paragraph 3(b) above as well as the transport facilities mentioned in paragraph 4(d) above may vary according to the types of hotels in terms of their size and the number of guest rooms. The BA will take into consideration the special circumstances of each case.

7. For necessary transport, parking, loading and unloading facilities for hotel use in paragraph 4(d) above, the BA will take into account the Transport Department's assessment on the traffic impact, vehicle loading, unloading and parking requirements having regard to the size, location and traffic conditions of each site. For hotels having 100 or more guest rooms, provisions in accordance with the Hong Kong Planning Standards and Guidelines should normally be provided in respect of parking and loading/unloading facilities.

8. For the purpose of disregarding any floor space used for provision of supporting facilities that are unique and integral to the normal operation of the hotel under regulation 23A(3)(b) of the B(P)R, the BA must be satisfied that the facilities comply with the following criteria:

/(a) ...

- (a) their size is reasonable, their location practical and their design genuine to serve the intended purpose;
- (b) they are accessible to hotel staff only; and
- (c) abuse of use is unlikely.

Unless there are strong justifications, the BA would not expect the GFA of such facilities to exceed 5% of the total GFA of the hotel. For the avoidance of doubt, offices for the administration and management of the hotel are not considered as unique supporting facilities for the purpose of regulation 23A(3)(b)(iv) of the B(P)R. Relevant supporting facilities in hotel developments are set out in Appendix A.

9. Proposals for change of use of existing buildings into hotel use will also be assessed based on the above criteria for consideration under regulation 23A of the B(P)R.


#### **Unauthorised Change of Use**

10. Attention is drawn to the sanctions set out in regulations 23A(8) and (9) of the B(P)R. In this regard, the Buildings Department, with advice from the Licensing Authority, has put in place a monitoring system and will take action under the aforesaid provisions if any unauthorised change of use is identified.

#### **Application**

11. The provisions of regulation 23A of the B(P)R apply to bona fide hotels only, and do not apply to “service apartments”.

12. Hotel concessions are applicable to both new hotel projects and proposals for extension of existing hotels. For an alteration and addition proposal involving additional GFA or increase in building bulk of an existing hotel, the proposal will be reassessed in accordance with the current regulation 23A of the B(P)R and the criteria set out in paragraphs 3 to 8 above.

  
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## Provision of Back-of-House (BOH)/Front-of-House (FOH) Facilities in Hotel Developments

Facilities	
<b>1. BOH facilities that are unique and integral to the normal operation of the hotel</b> (may be disregarded from GFA calculation under B(P)R 23A)	(a) Linen Store <sup>1</sup>
	(b) Laundry Room
	(c) Carpentry Workshop
	(d) Mechanical or Electrical Workshop
	(e) Dry Goods Store <sup>2</sup>
	(f) Food Store
	(g) Beverage Store
	(h) Furniture Store
	(i) Staff Canteen
	(j) Staff Changing Rooms
	(k) Staff Rest Room
	(l) Staff Toilet <sup>1, 3</sup>
<b>2. Other BOH facilities</b> (accountable for GFA calculation)	(a) Administration & Management Office <sup>2</sup>
	(b) Purchasing & Receiving Office
	(c) Security Office
<b>3. FOH facilities</b> (accountable for GFA calculation)	(a) Reception Counter/Lobby <sup>1</sup>
	(b) Shopping Facilities
	(c) Dining Facilities
	(d) Business Centre
	(e) Function Rooms
Minimum % of total required BOH & FOH Provision: 3% of total GFA of hotel	

<sup>1</sup> Required for all hotels.

<sup>2</sup> Required for hotels with over 10 guest rooms.

<sup>3</sup> Staff toilet not forming part of or not solely serving the administration & management office may be disregarded from GFA calculation.