

Hotel Development

Building (Planning) Regulation (B(P)Reg) 23A, 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 calculations.

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

3. For hotels to qualify for the treatment under B(P)Reg 23A, 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 (eg dining, entertainment and, commensurate with hotel patronage, shopping facilities) 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 system and a centralized hot water supply system; 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).

4. For the purpose of para 3(a), 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 ...

- (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 the OZP, the lease conditions or the Building (Planning) Regulations);
- (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 para. 3(d).

6. The BA acknowledges that requirements for the basic and ancillary facilities described in paragraph 3(b) above as well as 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 rooms. The BA will take into consideration the special circumstances of each case in evaluating the requirements on a case-by-case basis.

7. For necessary transport, parking, loading and unloading facilities for hotel use in paragraph 4(d) above, the BA will take into account 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 guestrooms, provisions in accordance with the Hong Kong Planning Standards & Guidelines should normally be provided in respect of parking and loading/unloading facilities.

8. Change of use of existing buildings into hotel use will also be assessed based on the above factors for consideration under B(P)Reg 23A.

9. 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 B(P)Reg 23A(3)(b), the BA must be satisfied that the facilities comply with the following criteria :

- (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 ...

Unless there are strong justifications, the BA would not expect the gross floor area of such facilities to exceed 5% of the total gross floor area for the hotel in normal circumstances. 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 B(P)Reg23A(3)(b)(iv).

10. Attention is drawn to the sanctions set out in B(P)Reg 23A(8) and (9). In this regard, 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 unauthorized change of use is identified.

11. The provisions of B(P)Reg 23A apply to bona fide hotels only, and do not apply to "service apartments".



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Index under : Hotel concessions
Hotel development