

TOWN PLANNING BOARD

TPB Paper No. 10784

For Consideration by
the Town Planning Board on 19.11.2021

DRAFT MA TAU KOK OUTLINE ZONING PLAN NO. S/K10/27

CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/K10/27-R1 TO R3
AND COMMENTS NO. TPB/R/S/K10/27-C1 TO C2

**DRAFT MA TAU KOK OUTLINE ZONING PLAN NO. S/K10/27
 CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/K10/27-R1 TO R3
 AND COMMENTS NO. TPB/R/S/K10/27-C1 TO C2**

Subject of Representations (Amendment Item)	Representers	Commenters
<p><u>Item A:</u></p> <p>Rezoning of a site at 128 Carpenter Road from “Other Specified Uses” annotated “Commercial Development with Public Vehicle Park” (“OU(CDWPVP)”) to “Residential (Group A) 4” (“R(A)4”) with stipulation of building height restriction.</p>	<p>Total: 3</p> <p><u>Oppose (3)</u></p> <p>R1: 吳寶強 (Kowloon City District Council (KCDC) member)</p> <p>R2 to R3: individuals</p>	<p>Total: 2</p> <p><u>Support R1 to R3 (1)</u></p> <p>C1: Individual</p> <p><u>Oppose Item A(1)</u></p> <p>C2: Individual (i.e. R3)</p>

Notes: The names of all representers and commenters are attached at **Annex III**. The representations and comments are available for public inspection at the Town Planning Board’s (the Board) website at https://www.info.gov.hk/tpb/en/plan_making/S_K10_27.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin.

1. Introduction

- 1.1 On 21.5.2021, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/27 (the draft OZP) (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments is at **Annex II** and the location of the amendment item is shown on **Plans H-1 to H-3**.
- 1.2 During the two-month exhibition period, a total of three representations were received. On 13.8.2021, the representations were published for three weeks for public comments. Upon expiry of the three-week publication period, two comments were received.
- 1.3 On 8.10.2021, the Board agreed to consider all the representations and comments collectively in one group.
- 1.4 This paper is to provide the Board with information for consideration of representations and comments. The list of representers and commenters is at **Annex III**. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

Item A – Approved Section 12A (s.12A) Application for a Proposed Commercial/Residential Development at 128 Carpenter Road, Kowloon City (also known as the Kowloon City Plaza)

- 2.1 On 21.8.2020, the Metro Planning Committee (MPC) of the Board partially agreed to an s.12A Application No. Y/K10/3¹ to rezone a site at 128 Carpenter Road, Kowloon City (the Site) to an appropriate sub-zone of the “Residential (Group A)” zone, with a maximum domestic Plot Ratio (PR) of 7.5 and total PR of 9.0 for a building which is partly domestic and partly non-domestic, and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater. The MPC generally considered that the proposed residential use was not incompatible with the surroundings while optimising the use of land to increase housing supply, the proposed development was technically feasible and relevant government departments had no objection to or adverse comments. The relevant meeting minutes is at **Annex IV**.
- 2.2 To take forward the decision of the MPC on the s.12A application, the Site has been rezoned from “OU(CDWPVP)” to “R(A)4” with stipulation of a maximum domestic PR of 7.5 and total PR of 9.0, and a maximum BH of 100mPD. To maintain the planning intention of the Site regarding the provision of a Public Vehicle Park (PVP) to serve the neighbourhood, requirement of a PVP has been stipulated under Notes of the draft OZP. Appropriate design measures, as well as the provision of interim car parking arrangement of not less than 60 public car parking spaces during the demolition and construction stages of redevelopment of the Site, are stated in the Explanatory Statement (ES) of the draft OZP. The requirement of interim car parking spaces as well as key design measures would be incorporated in lease conditions upon lease modification of the Site, subject to agreement with relevant Government Departments.

Amendments to the OZP

- 2.3 On 30.4.2021, the MPC agreed that the proposed amendments were suitable for exhibition under section 5 of the Ordinance. The relevant MPC Paper No. 3/21 is deposited at the Board’s Secretariat for Members’ inspection, while the extract of the minutes of the said MPC meeting is at **Annex V**. Accordingly, the draft OZP was gazetted on 21.5.2021.

3. **Local Consultation**

- 3.1 During the processing of the s.12A application relating to Item A, the application was published for public comments under the Ordinance. The applicant’s submissions, together with the public comments received and local views on the application were considered by the MPC on 21.8.2020.

¹ The MPC paper No. Y/K10/3 is available at the Board’s website at https://www.info.gov.hk/tpb/en/papers/MPC/K/Y_K10_3/Y_K10_3_paper.pdf

- 3.2 Upon gazetting of the draft OZP, an information paper was circulated to members of the Housing and Development Planning Committee of KCDC in May 2021. The information paper is available at KCDC's website. KCDC members were invited to submit views on the amendments in writing to the Secretary of the Board during the exhibition period. One KCDC member submitted a representation (**R1**) on Item A which is set out in paragraph 5 below.

4. The Representation Site and its Surrounding Area

The Representation Site and its Surrounding Area (Plans H-1 to H-5)

- 4.1 The Site (about 5,921m²) is zoned "R(A)4" for proposed commercial/residential development (**Plan H-1**). The Site is abutting and accessible via Carpenter Road. It is currently occupied by an existing shopping mall cum PVP (named Kowloon City Plaza), providing a total of 449 public car parking spaces.
- 4.2 The Site is located at the northwestern fringe of the residential area of Kowloon City. To the north and east of the Site is a large area of open space including Carpenter Road Park and Kowloon Walled City Park. To the immediate west across a lane is the Holy Family Canossa School zoned "Government, Institution or Community" ("G/IC") and a site zoned "R(A)2" under construction for residential development. To the south across Carpenter Road is primarily a residential area zoned "R(A)2" dominated with low and medium-rise residential developments and sporadically with recently redeveloped high-rise residential developments (**Plan H-2**). The "R(A)2" zone is subject to BH restriction of 80mPD/100mPD². Retail and restaurant uses are commonly found on the ground floor of the residential developments in the Kowloon City Area.

Planning Intention

- 4.3 The "R(A)" 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. For the "R(A)4" zone, the planning intention includes the provision of a PVP. The requirement of a PVP with a total of not less than 449 public car parking spaces has been stated under the Notes of this sub-zone on the draft OZP.

5. The Representations and Comments on Representations

5.1 Subject of Representations

- 5.1.1 There are a total of three representations and all of them opposed Item A. **R1** is submitted by a KCDC member. **R2** and **R3** are submitted by individuals.
- 5.1.2 The major grounds of representations, and PlanD's responses, in consultation

² "R(A)2" sites are subject to BH restriction of 80mPD as stipulated on the OZP, while sites with an area of 400m² or more are allowed a BH restriction of 100mPD as stipulated in the Notes of the OZP.

with relevant Government Bureaux/Departments (B/Ds), are summarized in paragraph 5.2 below.

5.2 Major Grounds of Representations and Responses

5.2.1 Traffic Impact and Car Parking Space Provision

Major Ground	Representations
The proposed development would worsen traffic congestion and parking space shortage problem in the district. Parking spaces provided in the proposed development is insufficient and the proposed PVP cannot address the parking and traffic problems in the district and drivers do not prefer to park in the lower basement levels. The public parking spaces might also be used by the residents of the proposed development.	R1, R2, R3
Response	
<p>Item A is to take forward the MPC's decision on the s.12A Application No. Y/K10/3. According to the Traffic Impact Assessment (TIA) submitted in the planning application, all identified junctions and pedestrian linkages would be operating with capacity under the design scenario. To cater for the parking demand, the applicant proposed the same number of car parking spaces (i.e. 449) as the existing PVP and interim car parking arrangement of not less than 60 public car parking spaces during demolition and construction stages of the redevelopment to ensure a continuous provision of public car parking spaces. Moreover, ancillary parking spaces would also be provided for the retail and residential portions of the proposed development according to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). Commissioner for Transport had no adverse comments on the TIA, the proposed parking provision and the proposed amendments to the OZP. Nonetheless, there would not be a reduction of the number of car parking spaces at the Site upon redevelopment, as such requirement has been stated in the Notes for this zone on the draft OZP.</p> <p>The proposed PVP is for use by all members of the public. Ancillary parking spaces for the residential and commercial portions of the proposed development would be provided in accordance with the requirements of the HKPSG. Also, provision of basement carpark is not uncommon in Hong Kong and its design would be subject to approval by relevant authorities in the detail design stage.</p>	

5.2.2 Air Ventilation and Visual Impact

Major Grounds	Representations
(1) The proposed high-rise buildings would cause 'wall-effect' and affect air ventilation of the surrounding environment.	R1
(2) BH of 100mPD affects the visual environment of nearby residential developments. The proposed high-rise buildings would obstruct the view of the Carpenter Road Park / Kowloon Walled City Park enjoyed by the public.	R2, R3

Responses
<p>(a) In response to (1):</p> <p>According to the simulation results in the Air Ventilation Assessment conducted under the approved s.12A application, the Proposed Scheme would have better pedestrian wind environment in terms of site velocity ratio (VR) and local VR under both annual and summer condition when compared with the Baseline Scheme (i.e. an OZP-compliant scheme based on the previous OZP No. S/K10/26). Significant adverse air ventilation impact on the overall pedestrian wind environment is not anticipated with the incorporation of mitigation measures including setbacks from the eastern and western boundaries and building separations. Chief Town Planner / Urban Design and Landscape (CTP/UD&L, PlanD) has no objection to the proposed development.</p>
<p>(b) In response to (2):</p> <p>Given the site context as described in paragraph 4.2 above and as illustrated in the Visual Impact Assessment (VIA) conducted under the approved s.12A application, the proposed BH of 100mPD is in line with those permissible under the “R(A)2” zone and may not be incompatible with the existing or planned character of the area, and it would unlikely induce adverse effect on the visual character of the surrounding townscape. Potential visual impacts on the public views in short, medium and long-ranges from key local viewpoints (VPs), including VPs located inside the Carpenter Road Park and Kowloon Walled City Park, had been assessed in the VIA. The VIA demonstrated that the proposed development may not significantly affect the character of the townscape. CTP/UD&L, PlanD has no objection to the proposed development.</p> <p>As for the concern on the impact on private views, according to the Town Planning Board Guidelines No. 41 on “Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board”, in the highly developed context of Hong Kong, it is not practical to protect views without stifling development opportunity and balancing other relevant considerations.</p>

5.2.3 Sunlight Penetration, Light Pollution and Glare Impact

Major Grounds	Representations
(1) The proposed high-rise buildings would affect sunlight penetration of the surrounding environment.	R1
(2) There was no discussion on the impact of strong lights and reflection onto the Carpenter Road Park / Kowloon Walled City Park and its effect on the ecology of the parks.	R3
Responses	
<p>(a) In response to (1):</p> <p>The proposed development is subject to compliance with statutory requirements under the Buildings Ordinance. Therefore, concerns on adverse impact on sunlight penetration could be addressed under the</p>	

prevailing regulation.

(b) In response to (2):

Regarding the concern on the impact on ecology of the parks arising from the light and glare of the proposed development, as advised by the Director of Agriculture, Fisheries and Conservation Department, the Site and the parks are located in developed area subject to existing human disturbance, adverse ecological impact from the proposed development is therefore not anticipated.

As for the concern on light pollution, the Government will continue to take positive actions to handle complaints against external lighting installations. Upon receipt of complaints, the Environmental Protection Department would relay the complainants' concerns and requests to the persons responsible for the lighting installations in question, and advise them to refer to the 'Guidelines on Industry Best Practices for External Lighting Installations' promulgated by the Environmental Bureau and take appropriate measures to minimise the impacts of the lighting installations.

5.2.4 Loss of Shopping Mall and A Place of Gathering

Major Grounds	Representations
(1) Kowloon City Plaza (KCP) is the only well-established shopping mall in the district / an iconic landmark / a place of collective memory and should be retained for the needs of the residents. There is a concern on the reduction of retail areas and adverse economic impact to the eating places and shops in the area, as fewer visitors would go to the Kowloon City without the KCP.	R1, R2, R3
(2) Demolition of the KCP would result in a loss of a large-scale indoor performance venue for organising community events in the district / a social center for the community.	R1, R3
Responses	
<p>In response to (1), the Executive Secretary (Antiquities and Monuments), Antiquities and Monument Office has no comments from heritage conservation perspective regarding the demolition of the existing KCP for the proposed residential cum commercial development.</p> <p>KCP is not the only shopping venue in the district. The Kowloon City area is known to be a vibrant area with plenty of retail shops and restaurant on the street level. There are also other existing major shopping malls in the locality with the closest one being Lok Fu Place (about 800m north of KCP) (Plan H-6). About 8,000m² non-domestic Gross Floor Area (GFA), including retail and a sunken plaza will also be provided in the Urban Renewal Authority (URA) Kai Tak Road / Sa Po Road Development Scheme (about 550m east of KCP) with tentative completion by 2030/31. There is also about 253,000m² retail GFA in the committed developments with commercial facilities in the Kai Tak Development (KTD), some of which with earliest completion in 2023. An underground shopping street is planned in the KTD, which will be linked with Kowloon City</p>	

via a pedestrian subway (**Plan H-6**).

The proposed development will also provide a GFA of about 8,881.5m², i.e. a PR of 1.5 for retail use. The provision of areas for public use as a gathering place / performance venue in the proposed development has been stated in the ES of the draft OZP. The proposed development would also enhance pedestrian walking environment via various design measures and provide an at-grade internal pedestrian passage connecting Carpenter Road and the Carpenter Road Park.

5.2.5 Provision of Government, Institution or Community (GIC) Facilities

Major Ground	Representation
GIC facilities including elderly facilities and child care center (CCC) are inadequate. The proposed development should provide GIC facilities to meet the current and growing needs of the community.	R3
Responses	
Currently, the planned provision of community facilities in Ma Tau Kok is generally sufficient to meet the demand of the planned population in accordance with the requirements of the HKPSG (Annex VI).	
The proposed development with 850 residential units would accommodate a population of about 2,000. Such population level would not trigger requirements of extra community facilities as required under the HKPSG.	
The requirements of CCC and elderly services and facilities as recommended under the HKPSG are long-term goals. The Government has all along been adopting a multi-pronged approach to identify suitable sites or premises for provision of social welfare facilities e.g. identifying suitable public / private (re)development for provision of the services. There are sites in KTD with planned welfare uses to serve the Kowloon City residents and service targets in the whole territory. PlanD and Social Welfare Department will work closely to ensure that there are sufficient welfare facilities to meet the welfare needs.	

5.3 Comments on Representations

- 5.3.1 There are two comments submitted by individuals. **C1** supports **R1 to R3** opposing the rezoning of Item A. **C2** is also a representer (**R3**).
- 5.3.2 Major concerns raised in the comments are similar to the grounds of objections detailed in paragraph 5.2 above. An additional major opposing comment that has not been mentioned in the representations, and PlanD's response, in consultation with relevant Government Departments, are summarized below:

Other Major Comment Opposing the Rezoning	Commenter
Disagrees with imposing lease condition as a means to ensure the provision of public car parking spaces. There are some residential redevelopments in Kowloon City proceeded	C1

without lease modification.	
Response	
As advised by the District Lands Officer/Kowloon East, Lands Department, lease modification is required to implement the proposed residential cum commercial development at the Site, and therefore relevant lease conditions on the provision of a PVP would be imposed.	

6. Departmental Consultation

6.1 The following Government Departments have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) District Lands Officer/Kowloon East, Lands Department;
- (b) Commissioner for Transport;
- (c) Chief Building Surveyor/Kowloon, Buildings Department;
- (d) Director of Environmental Protection;
- (e) Director of Social Welfare;
- (f) Director of Agriculture, Fisheries and Conservation; and
- (g) CTP/UD&L, PlanD.

6.2 The following Government Bureaux/Departments have been consulted and they have no major comment on the representations and comments:

- (a) District Officer (Kowloon City), Home Affairs Department;
- (b) Director of Fire Services;
- (c) Director of Architectural Services;
- (d) Commissioner of Police;
- (e) Chief Highway Engineer/Kowloon, Highways Department;
- (f) Chief Engineer/Mainland South, Drainage Services Department;
- (g) Chief Engineer/Construction, Water Supplies Department;
- (h) Director of Electrical and Mechanical Services;
- (i) Director of Food and Environmental Hygiene;
- (j) Director of Leisure and Cultural Services;
- (k) Project Manager (East), Civil Engineering and Development Department; and
- (l) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office.

7. Planning Department's Views

7.1 Based on the assessments in paragraph 5 above, PlanD does not support R1 to R3 and considers that the OZP should not be amended to meet the representations for the following reasons:

- (a) the proposed residential cum commercial development could achieve a better utilization of scarce land resources in the urban area by providing residential units to increase housing supply and with suitable provision of retail space and PVP (**R1 to R3**);

- (b) relevant technical assessments in aspects of traffic, air ventilation and visual were conducted to demonstrate technical feasibility of the proposed development, and no adverse impact on these aspects is anticipated (**R1 to R3**);
- (c) Kowloon City already has a vibrant retail and restaurant environment and the proposed development would also provide commercial GFA upon redevelopment. Retail facilities are also available in nearby major shopping malls, as well as in those planned developments in Ma Tau Kok and the KTD (**R1 to R3**); and
- (d) the planned provision of community facilities in Ma Tau Kok is generally sufficient. The Government has been adopting a multi-pronged approach to identify suitable sites or premises for provision of social welfare facilities, including identifying and using premises in public / private (re)developments (**R3**).

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representations and comments, taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the draft OZP to meet/partially meet the representations.
- 8.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with their respective Notes and updated ES, are suitable for submission under section 8 of the Ordinance to the Chief Executive in Council for approval.

9. **Attachments**

Annex I	Draft Ma Tau Kok OZP No. S/K10/27 (reduced size)
Annex II	Schedule of Amendments to the Approved Ma Tau Kok OZP No. S/K10/26
Annex III	Lists of Representers and Commenters in respect of the Draft Ma Tau Kok OZP No. S/K10/27
Annex IV	Extract of Minutes of MPC Meeting for Application No. Y/K10/3 held on 21.8.2020
Annex V	Extract of Minutes of MPC Meeting for Proposed Amendments to the Approved OZP No. S/K10/26 held on 30.4.2021 (English Version Only)
Annex VI	Provision of Open Space and Major GIC Facilities in Ma Tau Kok Planning Scheme Area
Annex VII	Submissions of Representations and Comments
Plan H-1	Location Plan of the Representation Site
Plan H-2	Site Plan of the Representation Site
Plan H-3	Aerial Photo of the Representation Site
Plans H-4 to H-5	Site Photos of the Representation Site
Plan H-6	Major Shopping Malls in the Vicinity / Committed Developments with Commercial Facilities

**PLANNING DEPARTMENT
NOVEMBER 2021**