

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/45

- Applicant** : Mr. WONG Ki Ho represented by Mr. IP Iok Ming
- Premises** : Shop M2-415, Level 4, Kai Tak Mall 2 in Kai Tak Sports Park (KTSP),
Kowloon City, Kowloon
- Floor Area** : About 93.17m²
- Lease** : Government Land Allocation – GLA-NK 846
[For construction, maintenance and operation of KTSP.]
- Plan** : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8
- Zoning** : “Other Specified Uses” annotated “Stadium” (“OU(Stadium)”)
[Restricted to maximum building height (BH) of 55mPD, or the height of
the existing building, whichever is the greater.]
- Application** : Proposed School (Tutorial School)

1. Proposal

- 1.1 The applicant seeks planning permission for a proposed tutorial school at the application premises (the Premises), which fall within the “OU(Stadium)” zone on the OZP (**Plan A-1**). According to the Notes of the OZP for the “OU(Stadium)” zone, ‘School’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises are currently vacant (**Plan A-3**).
- 1.2 The proposed tutorial school is situated on the 4/F of a 6-storey commercial mall (including 1-storey of basement), named Kai Tak Mall 2, in KTSP. It is accessible via common lifts and escalators within Kai Tak Mall 2, and is connected to Kai Tak Mall 1 by two covered elevated walkways on the 2/F and 3/F. Visitor parking spaces and loading/unloading facilities are available on the basement level of Kai Tak Mall 2, which is accessed via Shing Kai Road (**Plan A-1**). According to the applicant, the proposed tutorial school has a floor area of about 93.17m², comprising a reception counter and two classrooms, which has a maximum capacity of 46 students and 4 teaching staff, with an estimated average population flow of about 25 people per hour (**Drawings A1** and **A2**). The operating hours are from 10:00 – 19:00 on Mondays to Fridays, and 10:00 – 18:00 on Saturdays.
- 1.3 In support of the application, the applicant has submitted the following documents:

(a) Application Form with plans received on 7.8.2025

(Appendix I)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application detailed at **Appendix I** are summarized as follows:

- (a) the Premises fall within Kai Tak Mall 2, which is a newly completed shopping mall separated from the Kai Tak Stadium and is wholly for retail use. The proposed tutorial school, providing a combination of tutorial teachings with sports or hobby classes, is not incompatible with the planning intention of the subject zone;
- (b) along with the gradual completion of the public housing sites in proximity to KTSP, great demands for tutorial schools are anticipated. Compared to other well-established districts with many education centres and tutorial schools, such as To Kwa Wan, there is an inadequate supply of tutorial schools in Kai Tak. The proposed tutorial school can meet the pressing needs from families and students nearby;
- (c) the busy hours of operation are not in conflict with the traffic peak hours, hence there should have no adverse impacts on the public transportation infrastructure and pedestrian traffic; and
- (d) notification letter was sent to KTSP Limited on 25.7.2025 regarding the subject planning application.

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

As the Premises involve Government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines No. 31A on “Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 40 for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPG PG-No. 40) promulgated in February 2008 is relevant to this application. The relevant main assessment criteria are summarized below:

- (a) the proposed tutorial school should not be incompatible with other uses within the same building. In assessing the compatibility with other uses within the same building or surrounding development, consideration will normally be given only to the permitted uses within the building(s);

- (b) to avoid causing disturbance or nuisance to the local residents, tutorial school will normally not be permitted within a residential building or the domestic portion of a composite commercial/residential building unless the proposed access to the application premises will not cause disturbance or nuisance to the local residents;
- (c) the views of the public on the proposed tutorial school will be taken into account by the Board in the consideration of the application; and
- (d) the Fire Services Department (FSD) and the Buildings Department (BD) should be satisfied with the proposals to comply with the fire and building safety requirements.

5. **Previous Application**

There is no previous application in respect of the Premises.

6. **Similar Applications**

- 6.1 There are three similar planning applications (No. A/K22/39 to 41) for tutorial school use (with respective floor areas of 47.5m², 107.45m² and 409.27m²) in Kai Tak Mall 3 within the same zone on the OZP (**Plan A-1**). All of these applications were approved by the Metro Planning Committee (the Committee) on 14.3.2025 mainly for the reasons that the scale of the applied/proposed schools was small, the use was not incompatible with other uses within the same building, and concerned government bureaux/departments had no objection to/no adverse comments on the applications.
- 6.2 Details of the similar applications are summarized at **Appendix II** for Members' reference.

7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2, and photos on Plan A-3)

- 7.1. The location of the Premises is detailed in paragraph 1.2 above.
- 7.2. The subject building (Kai Tak Mall 2) where the Premises falling within has been operating since 18.12.2024. It forms part of KTSP, which also comprises the Kai Tak Stadium, Kai Tak Arena, Kai Tak Youth Sports Ground, Kai Tak Mall 1, Kai Tak Mall 3, Health and Wellness Centre, open spaces and the Dining Cove. The current uses in Kai Tak Mall 2 are summarized as follows:

Floors	Current Uses
B/F	Car Parking Spaces, supermarket and an eating place
G/F to 3/F	Shop and services, eating places and vacant premises
4/F	Shop and Services, an eating place and vacant premises (including the Premises)

7.3. The surrounding areas:

- (a) to its north are open space named Kai Tak Station Square, and a strip of public housing developments with gradual population intake since 2025;
- (b) to its east are Kai Tak Mall 1, an area zoned “Open Space” and some private residential developments, including The Henley, K. Summit and Upper Riverbank. To its further northeast is Kai Tak Station;
- (c) to its south is the Kai Tak Stadium across Shing Kai Road; and
- (d) to its west are Kai Tak Mall 3 and Kai Tak Youth Sports Ground, and to its further west is an area zoned “Open Space” which is currently being used as a pick-up/drop-off area for the crowd dispersal purpose of KTSP during mega events; and to its northwest is Sung Wong Toi Station.

8. Planning Intention

- 8.1. The planning intention of “OU(Stadium)” zone is primarily intended for provision of a multi-purpose stadium complex including a main stadium, a secondary stadium, an indoor sports arena and other ancillary leisure and recreational facilities.
- 8.2. As set out in the Explanatory Statement of the OZP, Kai Tak Development (KTD) is proposed to be developed as the “Heritage, Green, Sports and Tourism Hub of Hong Kong” with ‘Sports-oriented’ as one of the planning themes. KTD will be a hub for sports and leisure activities. A modern KTSP will be its anchor, complemented by a comprehensive network of open spaces including a Metro Park, indoor recreational centres and extensive cycle tracks and jogging trails along the waterfront promenade. Developments within this zone are subject to a maximum BH of 55mPD, or the height of the existing building, whichever is the greater.

9. Comments from Relevant Government Bureaux/Departments

- 9.1. The following government bureaux/departments have been consulted and their views on the application are summarized as follows:

Policy Perspectives

9.1.1. Comments from the Secretary for Culture, Sports and Tourism (SCST):

- (a) KTSP, with an area of about 28 ha, is located in the North Apron of KTD, falling within the “OU(Stadium)”, “Open Space”, “Open Space(1)”, “Open Space(2)” zones, and area shown as ‘Road’ on the OZP. It is intended to provide a one-stop sports, leisure, catering and shopping experience for citizens, tourists, and the local community;

- (b) according to the operator of KTSP, it is considered that the proposal will have strong synergy in enhancing their visitor engagement through educational trade categories. This aligns with their commitment to promoting active lifestyle and lifelong learning; and
- (c) the scale of the proposed school is rather small (i.e. 93.17m²). The occupancy of the educational/school tenant area will be slightly increased to 2% of the total gross retail area should the application be approved. Such proposal for educational purpose is not incompatible with other uses within the precinct and is not inconsistent with the positioning and branding of KTSP. Hence, she has no objection to the application.

9.1.2. Comments from the Commissioner for Harbourfront, Development Bureau:

- (a) the Premises fall within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development. The project should be considered having regard to the Harbour Planning Principles and Guidelines; and
- (b) since the Premises are at a distance from the harbourfront, she has no comment on the proposed application as long as it complies with the planning intention stipulated under the OZP.

Land Administration

9.1.3. Comments from the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) no objection to the application; and
- (b) the Premises fall within the site allocated to the then Secretary for Home Affairs (now the SCST) under Permanent Government Land Allocation GLA-NK 846 for construction, maintenance and operation of KTSP.

Education

9.1.4. Comments from the Secretary for Education:

no comment from the School Registration and Compliance Section on the application.

Buildings Matters

9.1.5. Comments from the Chief Building Surveyor/Kowloon, BD (CBS/K, BD):

the Premises fall within the building belonging to the Government which is exempted from the provisions of the Buildings Ordinance (BO) under section 41(1)(a) of the BO.

Transport and Traffic Aspect

9.1.6. Comments from the Commissioner for Transport (C for T):

- (a) the estimated population flow per hour generated by the proposed tutorial school is low (i.e. an average of about 25 people per hour), the existing public transport services would be able to cater the demand;
- (b) there are existing lay-bys for private cars/taxis as well as parking spaces for private cars at KTSP; and
- (c) no objection in-principle to the application from traffic engineering and transport operations point of view.

Environmental Aspect

9.1.7. Comments from the Director of Environmental Protection:

- (a) the proposed tutorial school has a total floor area of about 93.17m², comprising a total of 2 classrooms for a maximum of 46 students and 4 teaching staff. The Premises are equipped with central air-conditioning system and do not rely on openable windows for ventilation; and
- (b) given the scale and nature of the proposed tutorial school, adverse environmental impacts associated with the application are not anticipated. He has no objection to the planning application.

9.2. The following government departments have no objection to/no adverse comments on the application:

- (a) Head of Energizing Kowloon East Office, Development Bureau;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police (C of P);
- (e) Director of Fire Services (D of FS);
- (f) District Officer (Kowloon City), Home Affairs Department; and
- (g) Project Manager (East), Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection on 15.8.2025. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1. The application is for 'Proposed School (Tutorial School)' use within the Premises on 4/F of Kai Tak Mall 2 (**Plan A-1**). The "OU(Stadium)" zone on the OZP is

intended primarily for the provision of a multi-purpose stadium complex. ‘School’ use may be permitted on application to the Board. KTSP, located in the city centre with a total area of about 28 ha, comprising the Kai Tak Stadium, Kai Tak Arena, Kai Tak Youth Sports Ground, Kai Tak Malls 1 to 3, and other areas, aims to provide a one-stop sports, leisure, catering and shopping experience to serve all members of the public, including the local community. The proposed tutorial school, within a free-standing shopping mall, together with other retail stores and eating places, is not in conflict with the planning intention of the “OU(Stadium)” zone on the OZP. Given the scale of the proposed tutorial school is small, and the educational/school tenant area occupies only about 2% of total gross retail area, SCST considers the proposal is not inconsistent with the positioning and branding of KTSP and has no objection to the application.

11.2. The application is considered in line with the TPB PG-No.40 in the following aspects:

- (a) the Premises are on the 4/F of a commercial mall. The proposed tutorial school is considered not incompatible with other uses within the same building, where commercial uses including restaurants and other retail shops and services are located;
- (b) the subject commercial mall is separated from any other residential developments nearby, disturbance or nuisance to the residents nearby is not anticipated; and
- (c) D of FS and CBS/K, BD have no in-principle objection to/no adverse comments on the application from fire and building safety viewpoints.

11.3. According to the applicant, the estimated average population flow per hour is about 25 people. Given KTSP is well served by the public transport, highly accessible on foot via the interconnected open space networks, and that there are existing lay-bys and parking spaces at KTSP, it is expected the majority of the students would commute to/from the Premises on foot, relying on the public transport facilities, and that the existing public transport services would be able to cater the demand. C for T and C of P have no in-principle objection to/no adverse comments on the application.

11.4. The Committee has approved 3 similar applications within the same “OU(Stadium)” zone. Approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

12.1. Based on the assessments made in paragraph 11, 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 19.9.2029, 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.

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

Appendix I	Application Form with Plans received on 7.8.2025
Appendix II	Similar Applications within the Same “OU(Stadium)” Zone
Drawings A-1 and A-2	Layout Plan Submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**