

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/46

- Applicant** : Katy Hong Kong Limited represented by Mr. CHAU Shu Hiu
- Premises** : Shop 6, G/F, Retail Block 1, The Henley, 7 Muk Tai Street, Kai Tak, Kowloon City, Kowloon
- Floor Area** : About 58.62m²
- Lease** : New Kowloon Inland Lot No. 6565 (“the “Lot”)
(a) for a term of 50 years commencing from 29.11.2016;
(b) restricted to non-industrial (excluding office, godown, hotel and petrol filling station) purposes; and
(c) the total gross floor area (GFA) is 60,814m², comprising a minimum GFA of 2,253m² for non-industrial (excluding residential, office, godown, hotel and petrol filling station) and a maximum GFA of 58,561m² for private residential purposes.
- Plan** : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8
- Zoning** : “Residential (Group B)2” (“R(B)2”)
(a) maximum plot ratio of 4.5;
(b) maximum building height of 110mPD;
(c) maximum site coverage of 40%; and
(d) in the two-storey building(s) within the area designated for ‘Shop and Services’ and ‘Eating Place’ uses only, uses including ‘Eating Place’ and ‘Shop and Services’ are always permitted.
- Application** : School (Tutorial School)

1. Proposal

- 1.1 The applicant seeks planning permission for a tutorial school at the application premises (the Premises), which fall within the “R(B)2” zone in an area designated for ‘Shop and Services’ and ‘Eating Place’ uses only on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” zone, in the two-storey building(s) within the area designated for ‘Shop and Services’ and ‘Eating Place’ uses only, uses including ‘Eating Place’ and ‘Shop and Services’ are always permitted, whereas ‘School’ is a Column 2 use which requires planning permission from the Town

Planning Board (the Board). The Premises are currently used for the applied use without any valid planning permission (**Plans A-3 and A-4**).

- 1.2 The tutorial school is situated on the G/F of the 2-storey Retail Block 1 in The Henley, which is separated from the residential blocks of the development. It is accessible via pedestrian streets within Kai Tak Station Square. Visitor parking spaces and loading/unloading facilities are available on the two basement levels of The Henley, which can be accessed via Muk Tai Street (**Plans A-1 and A-2**). According to the applicant, the tutorial school has a floor area of about 58.62m², comprising a reception counter, three classrooms and a storage area, which has a maximum capacity of 16 students and four teaching staff (**Drawing A-2**). The operating hours are from 14:00 – 20:00 on Mondays to Fridays and 10:00 – 18:00 on Saturdays and Sundays, and the estimated average population flow is about 12 to 16 people per hour.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with plans received on 8.1.2026 (**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 Retail Blocks of The Henley are designated to provide shops and eating places to serve the residents/community. However, the Premises have been left vacant. By introducing the tutorial school in the Retail Block 1, it could complement the shop businesses, diversify the functions, provide ancillary support to local residents, and bring vibrancy to the area;
- (b) the tutorial school is intended to meet the pressing local demands for educational services and support. To fill this service gap and to allow flexibility to respond to market demands, the types of courses to be offered at the tutorial school are not restricted to academic, but might also blend with hobby classes;
- (c) the scale of the school is small (with a maximum capacity of 16 students), which is intended to serve mainly local residents during off-peak hours. No additional traffic or parking demand is anticipated. The applicant guarantees full compliance with all fire safety regulations; and
- (d) planning applications within the Kai Tak Sports Park for tutorial school use were approved by the Metro Planning Committee (the Committee) of the Board in 2025. The applied use is compatible with retail and leisure facilities.

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

The applicant is not the “current land owner” of the Site but 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 Town Planning

Ordinance (TPB PG-No. 31B) by notifying the land owner(s). Detailed information would be deposited at the meeting for Members' inspection.

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 these application. The relevant main assessment criteria are summarized as below:

- (a) the 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 tutorial school will be taken into account by the Board in the consideration of the application; and
- (d) the Fire Services Department 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 Application

- 6.1 There is no similar application for 'School' use within the "R(B)" zone on the OZP.
- 6.2 Four applications (Nos. A/K22/39 to 41 and A/K22/45) for 'School (Tutorial School)' use in the "Other Specified Uses" annotated "Stadium" ("OU(Stadium)") zone were approved by the Committee on 14.3.2025 and 19.9.2025 respectively.

7. The Premises and Its Surrounding Areas

(Plans A-1 and A-2, and photos on Plans A-3 to A-4)

- 7.1 The Premises are situated on the G/F of a free-standing 2-storey Retail Block 1 fronting the North Garden of the Kai Tak Sports Park and operating as the applied use;

7.2 Retail Block 1 has been operating since 2022. The current uses within the block include shop and services, eating place, vacant premises and school (i.e. the tutorial school in the application Premises).

7.3 The surrounding areas:

- (a) to its north are open space named Kai Tak Station Square, and the Light Public Housing development, with first batch of population intake in December 2025 and the remaining phase under construction;
- (b) to its east and southeast are some private residential developments, including K.Summit, Upper Riverbank, Henley Park, Monaco One and Monaco. To its further northeast are Kai Tak Station and the AIRSIDE;
- (c) to its south, southwest and west is the Kai Tak Sports Park, comprising the open space called North Garden, Kai Tak Arena, Kai Tak Youth Sports Ground, Kai Tak Malls 1 to 3, and Kai Tak Stadium across Shing Kai Road; and
- (d) to its northwest are public housing developments, with gradual population intake since 2025, and the Sung Wong Toi Station.

8. Planning Intention

The planning intention of “R(B)” zone is primarily intended for medium-density residential developments. Retail belt/frontage along the side of the site abutting the open space, waterfront promenade or pedestrian streets is provided to enhance vibrancy of the adjoining open space/waterfront promenade/pedestrian streets.

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 Education:

no comment from the School Registration and Compliance Section on the application. Her other detailed comments are provided in **Appendix II**.

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 they comply with the planning intention stipulated under the OZP.

Land Administration

9.1.3 Comments from the District Lands Officer/Kowloon East, Lands Department:

The Premises fall within the Lot that is held under Conditions of Sale No. 20283 (“the Conditions”). The Premises further fall within the Pink Stippled Black Area of the Lot (as defined under Special Condition No. 9(b)(ii) of the Conditions, i.e. the area designated for ‘Shop and Services’ and ‘Eating Place’ uses only on the OZP) which shall not be used for any purpose other than for non-industrial (excluding residential, office, godown, hotel and petrol filling station) purposes. The applied ‘School (Tutorial School)’ use at the Premises is not in conflict with the Conditions.

Transport and Traffic Aspect

9.1.4 Comments from the Commissioner for Transport (C for T):

- (a) the size of the school area would be around 58.62m² with three classrooms. The estimated population flow per hour generated by the school is low (estimated 12 to 16 people per hour), the existing public transport services would be able to cater for the demand;
- (b) all the parking and loading/unloading activities generating from the tutorial school would be carried out within The Henley. There is also an existing on street lay-by at Muk Tai Street; and
- (c) no objection in-principle to the application from traffic engineering and transport operations point of view.

Fire Safety

9.1.5 Comments from the Director of Fire Services (D of FS):

- (a) no objection to the application; and
- (b) detailed fire safety requirements will be formulated upon receipt of a formal submission of referral of application via relevant licensing authority. The emergency vehicle access provision in the Premises shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the BD.

Environmental Aspect

9.1.6 Comments from the Director of Environmental Protection:

- (a) the Premises are equipped with central air-conditioning system and does not rely on openable windows for ventilation; and
- (b) given the scale and nature of the 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 Highway Engineer/Kowloon, Highways Department;
- (c) Chief Building Surveyor/Kowloon, BD (CBS/K, BD);
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Commissioner of Police (C of P);
- (g) District Officer (Kowloon City), Home Affairs Department; and
- (h) Project Manager (East), Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

The application was published for public inspection on 13.1.2026. During the statutory public inspection period, one public comment from a member of the Kai Tak Area Committee was received, expressing his agreement on the applied use (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is for ‘School (Tutorial School)’ use within the Premises on G/F of the Retail Block 1 in The Henley (**Plan A-1**). The “R(B)” zone on the OZP is intended primarily for medium-density residential developments. Retail belt/frontage along the side of the site abutting the open space is provided to enhance vibrancy of the adjoining open space. ‘School’ use may be permitted on application to the Board. The tutorial school, within the free-standing Retail Block 1, can further utilize and bring vibrancy to the retail belt together with other retail stores and eating place, and can meet the growing demand for educational services for local residents, which is not in conflict with the planning intention of the “R(B)” zone on the OZP.
- 11.2 The application has been assessed against the assessment criteria of the TPB PG-No.40. The application is considered in line with the guidelines in that:

- (a) the Premises are on G/F of the 2-storey Retail Block 1. The tutorial school is considered not incompatible with other uses within the same building, where commercial uses including restaurant and other shops and services are located;
- (b) Retail Block 1 is separated from the residential blocks of the development. Disturbance or nuisance to the residents nearby is not anticipated; and
- (c) D of FS and CBS/K of 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 12 to 16 people. Given the Premises are well served by the public transport, highly accessible on foot via the interconnected open space networks, and that there are parking spaces for private cars at The Henley and an existing on street lay-by at Muk Tai Street (**Plan A-1**), it is expected the majority of the students would commute to/from the Premises on foot, relying on the public transport facilities, and 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 four applications for tutorial schools in the adjacent “OU(Stadium)” zone within the Kai Tak Sports Park (in Kai Tak Mall 2 and Mall 3). 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, no time clause for the commencement for the development is proposed as the ‘School (Tutorial School)’ use is already in operation. The advisory clauses suggested for Members’ reference are attached at **Appendix III**.
- 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.
- 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 8.1.2026
Appendix II	Detailed Departmental Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawings A-1 and A-2	Layout Plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**