

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/49

- Applicant** : Mr. CHANG Chi Hung represented by Mr. IP Iok Meng
- Premises** : Shop M3-301B, Level 3, Kai Tak Mall 3, Kai Tak Sports Park (KTSP), Kai Tak, Kowloon City, Kowloon
- Floor Area** : About 62.63m²
- Lease** : Government Land Allocation – GLA-NK 846
For construction, maintenance and operation of the KTSP.
- Plan** : Draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/9
(currently in force)

Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8
(at the time of submission)
- 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** : 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 “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 used for the applied use without any valid planning permission (**Plans A-2 and A-3**).
- 1.2 The tutorial school is situated on the 3/F of a freestanding 4-storey commercial mall (named Kai Tak Mall 3) in KTSP. It is accessible via common lifts and escalators serving Kai Tak Mall 3. Visitor parking spaces and loading/unloading facilities are available on the basement level of the adjacent Kai Tak Mall 2 on the north-eastern side of Kai Tak Mall 3, which can be accessed via Shing Kai Road (**Plan A-1**).

According to the applicant, the tutorial school has a floor area of about 62.63m², comprising a reception counter and two classrooms (**Drawing A-2**). The operating hours are from 10:00 to 19:00 on Mondays to Fridays and 10:00 to 18:00 on Saturdays, with no operation on Sundays. The maximum capacity of the tutorial school is 26 students with three teaching staff, and the estimated average population flow is about 14 people per hour.

- 1.3 In support of the application, the applicant has submitted the following documents:
(a) Application Form with plans received on 2.6.2026 (**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 Premises is situated in Kai Tak Mall 3, which is a new shopping mall in KTSP, separated from Kai Tak Stadium and is wholly for commercial use. The tutorial school is not incompatible with the planning intention of the subject zone and with other commercial use within the mall;
- (b) the school is intended to provide tutorial classes for residents and students nearby. Along with the completion of the public housing sites in proximity to KTSP, there is a pressing demand for these services. 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 sports or hobby elements in the classes;
- (c) the scale of the school (with a maximum capacity of 26 students with three teaching staff) is small, which is intended to serve mainly local residents nearby. The busy hours of operation fall outside traffic peak hours. No adverse impacts on the public transportation infrastructure and pedestrian traffic are anticipated; and
- (d) notification letter was sent to KTSP Limited on 10.4.2026 regarding the subject planning application.

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

As the application 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 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 Applications (Plan A-1)

- 6.1 There are four similar planning applications (Nos. A/K22/39 to 41 and A/K22/45) for tutorial school use in Kai Tak Malls within the same zone on the OZP. All of these applications were approved by the Metro Planning Committee (the Committee) in 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 (B/Ds) 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 Premises are situated on the 3/F of a freestanding 4-storey commercial mall in KTSP and operating as the applied use.
- 7.2 The subject building (Kai Tak Mall 3) has been operating since 18.12.2024. It forms part of KTSP, which also comprises Kai Tak Stadium, Kai Tak Arena, Kai Tak Youth Sports Ground, Kai Tak Mall 1, Kai Tak Mall 2, Health and Wellness Centre, open

spaces and Dining Cove. The current uses in Kai Tak Mall 3 are summarized as follows:

Floor	Current Uses
G/F	Eating places, shop and services, a clinic, and vacant premises.
1/F-3/F	Shop and services, eating places, schools (including the application premises under the current Application No. A/K22/49), and vacant 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 northeast are the Light Public Housing development, with first batch of population intake in December 2025 and the remaining batches starting from June 2026;
- (c) to its east are Kai Tak Mall 2 and Kai Tak Mall 1. To the further east are some private residential developments, including The Henley, K.Summit, Upper Riverbank, and Kai Tak Station;
- (d) to its south are Health and Wellness Centre and Kai Tak Youth Sports Ground. To the further south is Kai Tak Stadium across Shing Kai Road; and
- (e) to its further west is an area zoned “Open Space” which is currently being used as a pick-up/drop-off area for crowd dispersal purpose of the KTSP during mega event dates; and to its northwest is Sung Wong Toi Station.

8. Planning Intention

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.

9. Comments from Relevant Government Bureaux/Departments

9.1 The following Government B/Ds 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 applied use 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 small (i.e. 62.63m²). Should the application be approved, the leased area of the educational/school tenant area accounts for about 2% of the total gross retail area only. 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 Secretary for Education:

- (a) according to the Education Ordinance (Cap. 279), any institution, organization or establishment which provides educational courses for 20 or more students during any one day or eight or more students at any one time attending these courses is defined as “school” and is required to be registered/provisionally registered in accordance with Section 10 of the Education Ordinance; and
- (b) her other comments are provided in **Appendix III**.

9.1.3 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;
- (b) a member expressed his personal comments on the application, which are detailed in paragraph 10.2 below; and
- (c) she trusts the Board will assess the application in balancing other factors and based on the advice from other concerned B/Ds.

Land Administration

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

- (a) no objection to the application; and
- (b) the application 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.

Transport and Traffic Aspect

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

- (a) the size of the school area would be around 62.63m² with two classrooms. The estimated population flow per hour generated by the school is low (estimated 14 people per hour), the existing public transport services would be able to cater for the demand;
- (b) there are existing lay-bys for private cars/ taxis as well as parking spaces for private cars at the KTSP; and
- (c) no objection in-principle to the application from traffic engineering and transport operations point of view.

Fire Safety

9.1.6 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

9.1.7 Comments from the Director of Environmental Protection:

- (a) no objection to the planning application;
- (b) the Premises are equipped with central air-conditioning system and does not rely on openable windows for ventilation; and
- (c) given the scale and nature of the tutorial school, adverse environmental impacts associated with the application are not anticipated.

9.2 The following Government B/Ds 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 Comments Received During Statutory Publication Period

- 10.1 During the statutory public inspection period, two public comments were received, including one received via Harbour Office, Development Bureau submitted by a member of Harbourfront Commission expressing his personal objecting comments (**Appendix IVa**), and one individual expressing views (**Appendix IVb**).
- 10.2 For the objecting comments, the major grounds include: the applied use does not fit the positioning of KTSP, which could be set up in nearby districts outside Kai Tak with affordable rent or within facilities provided by Leisure and Cultural Services Department nearby; and that the waterfront area should be reserved for activities that can benefit the public, and enhance the vibrancy of waterfront and its hinterland.
- 10.3 For the comment made by the individual, it is suggested that the applied school could be in shopping malls within public housing sites, as it could only benefit small group of locals and would reduce the competitiveness of KTSP as an international tourist spot.

11. Planning Considerations and Assessments

- 11.1 The application is for ‘School (Tutorial School)’ use within the Premises on 3/F of Kai Tak Mall 3. 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 applications to the Board. The KTSP, located in the city centre, aims to provide a one-stop sports, leisure, catering and shopping experience to serve all members of the public, including the local community. The scale of the applied use is small, and that 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 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 3/F of the 4-storey Kai Tak Mall 3. The tutorial school is considered not incompatible with other uses within the same building, where commercial uses including restaurants and other shops and services are located;
 - (b) Kai Tak Mall 3 is separated from residential developments nearby. 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 maximum capacity of the tutorial school is 26 students with three teaching staff, and the estimated average population flow is about 14 people per hour. 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 for private cars/taxis as well as parking spaces for private cars at the KTSP, 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 for 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 similar applications within the same “OU(Stadium)” zone. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments stated in paragraph 10 above, concerned Government B/Ds’ comments and the planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 2.6.2026
Appendix II	Similar Applications within the Same “Other Specified Uses” annotated “Stadium” Zone on the Kai Tak Outline Zoning Plan
Appendix III	Recommended Advisory Clauses
Appendices IVa and IVb	Public Comments
Drawings A-1 and A-2	Layout Plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
JULY 2026**