

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K10/274

<u>Applicant</u>	: Project Management Division of the Drainage Services Department (DSD) represented by Binnies Hong Kong Limited
<u>Site</u>	: Argyle Street Playground, Kowloon City, Kowloon
<u>Site Area</u>	: About 7,000m ²
<u>Land Status</u>	: Government Land (Government Land Allocation (GLA) No. GLA-K308)
<u>Plans</u>	: Approved Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/30
<u>Zonings</u>	: “Open Space” (“O”) (about 6,980.5m ² /99.72%) and area shown as ‘Road’ (about 19.5m ² /0.28%) ¹
<u>Application</u>	: Proposed Public Utility Installation (PUI) (Underground Stormwater Storage Facility (SSF) with Ancillary Aboveground Structures)

1 The Proposal

- 1.1 The applicant seeks planning permission for the proposed PUI (underground SSF with ancillary aboveground structures) (the Proposed Scheme) at Argyle Street Playground (the Site), which falls primarily within an area zoned as “O” on the approved Ma Tau Kok OZP No. S/K10/30 (**Plan A-1**). According to the Notes of the OZP for the “O” zone, ‘PUI’ (to which the proposed SSF is subsumed under) is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 ‘The Review of Drainage Master Plan in East Kowloon – Feasibility Study’ (the Review), completed in 2015, recommended drainage improvement measures in the form of stormwater storage schemes and drainage upgrading works, including the Argyle Street Playground Stormwater Storage Scheme (ASPSSS) proposed under subsequent ‘Drainage Improvement Works (DIW) in Kowloon City’ (the Study)². The Proposed Scheme, forms part of the proposed ASPSSS that comprises an underground storage tank with a capacity of 75,000m³ and an aboveground pumping station at the Site, and other ancillary drainage works in Kowloon City area including Olympic Avenue and Ma Tau Chung Road. According to the applicant, the proposed ASPSSS is required to intercept and divert the excessive stormwater from the upstream catchment of the Kowloon City District, to alleviate the flood risk in the downstream low-lying areas, such as To Kwa Wan Road and Mok Cheong Street

¹ A minor portion of the Site shown as ‘Road’ (about 0.28%) can be considered as minor boundary adjustment under the Covering Notes of the OZP.

² The scope of works proposed under the Study in Kowloon City includes the ASPSSS, DIW in Kowloon City Road, Ma Tau Kok Road, Lo Lung Hang Street, Baker Street, Bulkeley Street and Dock Street.

(Drawing A-1). A proposed interception drain would divert the runoff from the upstream catchment towards the northwest of Ma Tau Chung Road to the proposed tank and the stored stormwater would then be discharged by pumping through the proposed pumping station at the Site to the existing box culvert at Sung Wong Toi Road after the rainstorm event.

- 1.3 The Site is a public open space (POS) currently managed by Leisure and Cultural Services Department (LCSD) and is mainly occupied by a 7-a-side hard paved soccer pitch, two children's playgrounds, an elderly fitness corner, a chess corner, a park toilet and a depot used by LCSD. According to the applicant, all the affected at-grade POS facilities (which are always permitted within the "O" zone) will be reprovisioned within the Site. The original 7-a-side football pitch will change to two 5-a-side football pitches and be handed back to LCSD for management and maintenance (M&M). The underground SSF and the ancillary aboveground structures shall be managed by DSD. The proposed works is targeted to commence in Q3 2024 for tentative completion in Q3 2030 and will be conducted in one phase. The construction is expected to take around 6 years and the football pitches might be opened within 5 years if conditions allow. A comparison of the major POS facilities to be affected by the proposed works and to be reprovisioned after construction is as follows:

Existing facilities to be affected	Area /Dimension	Facilities to be reprovisioned	Area /Dimension
One 7-a-side football pitch	88m (L) x 53m (W)	Two 5-a-side football pitches	62m (L) x 52m (W) (in total) ³
Two children's playgrounds	218m ²	Same as existing facilities to be affected	
Elderly fitness corner	40m ²		
Chess corner	4m ²		
Park toilet	118m ²		
LCSD depot	81m ²		

- 1.4 According to the Proposed Scheme, the proposed pumping station would be provided adjacent to the southern boundary of the park and the park toilet and LCSD depot would be reprovisioned at the sides of the southwestern entrance of the park along Argyle Street. For pedestrian access, the existing entrances will remain unchanged (**Plan A-2**), except for three entrances which will be removed as they will be blocked by the proposed pumping station (**Drawing A-9**). These entrances currently provide access to a local alley next to the Holy Trinity Bradbury Centre and Chun Seen Mei Chuen. Besides, a new road (i.e. 'Vehicular Maintenance Access (VMA)) with a minimum width of 6.5m is proposed between the football pitches and the proposed pumping station in the southwest of the Site for shared use by DSD and LCSD, connecting Ma Tau Chung Road and Argyle Street (**Drawings A-8 and A-10**).
- 1.5 A catchment plan of service area, the project layout plan, floor and section plans, a landscape layout plan, circulation diagrams, a tree treatment plan and photomontages of the Proposed Scheme are at **Drawings A-1 to A-15**. The major development parameters of the Proposed Scheme are tabulated as follows:

³ The markings of each 5-a-side pitch is 40m(L) x 20m(W), with 3m safety margin at all sides.

Major Dev. Parameters	Proposed Scheme			
Site Area (about) (m ²)	7,000			
Proposed Structures/ Installations	Floor area (m ²)	Height (m)	Height (mPD)	Site Coverage
(Underground)				
• SSF	5,300	15 to 19.7 [in depth]	-13.0	--
(Aboveground)				
• Stormwater pumping station ^[a] ^[b]	1,576	13.5 [2 storeys]	20.8	~11.3% ^[d]
- G/F				
➤ Pump maintenance area ^[c]	348	12.5	--	
➤ L/UL area and Transformer rooms	440	8	--	
- First floor (1/F)	788	5.5	--	

Remarks:

^[a] The stormed water is to be discharged by pumping through the stormwater pumping station to an existing box culvert after a rainstorm event, which consists of transformer rooms, water meter cabinets, a Fire Service room and a loading and unloading (L/UL) area on G/F and utility rooms and plant rooms on 1/F to provide electricity and control to the equipment at the pumping station.

^[b] The roof level (excluding the area for necessary Electrical and Mechanical (E&M)) is designed with planting and solar panels serving as an environmental and sustainable design for the pumping station without public access.

^[c] The pumping maintenance area is semi-sunken with access on G/F.

^[d] The total site coverage of all aboveground structures including the reprovisioning of the park toilet and LCSD depot is about 14.1%.

1.6 According to the Tree Survey and Tree Preservation and Removal Proposal (TPRP), of the existing 19 trees within the Site, five trees would be transplanted and 14 trees would be felled including a large mature tree *Ficus microcarpa* (T169). According to the applicant, various tree treatment proposals for T169 have been explored, including on-site presentation, on-site transplantation and off-site transplantation, but were considered infeasible at this stage. However, transplantation options near/within the application site would be further explored subject to technical constraints and liaison with relevant parties and felling would be the last resort. On the TPRP, 13 heavy standard and 1 standard size new trees are proposed for the compensatory planting in not less than 1:1 ratio in terms of number within the Site (**Appendix Ib** and **Drawing A-11**). The proposed tree species, sizes, quality and location will be developed and to be confirmed with LCSD.

1.7 In support of the application, the applicant has submitted the following documents:

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|---|---------------|
| (a) Application Form received on 19.2.2024 | (Appendix I) |
| (b) Supporting Planning Statement received on 19.2.2024 | (Appendix Ia) |
| (c) Supplementary Information received on 22.2.2024 | (Appendix Ib) |
| (d) Further Information (FI) received on 25.3.2024* | (Appendix Ic) |
| (e) FI received on 26.3.2024* | (Appendix Id) |
| (f) FI received on 28.3.2024* | (Appendix Ie) |

Remarks:

* accepted and exempted from publication and recounting requirement

2 **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the Supporting Planning Statement, Supplementary Information and FI at **Appendices Ia to Ie**, which are summarised as follows:

Needs for the Project and Site Selection

- (a) To relieve the flood risk in Wong Tai Sin and Kowloon City, the Review proposed drainage improvement measures in the form of stormwater storage scheme coupled with drainage upgrading works. Upon completion of the project, the flood risk in the areas can be significantly reduced. Other alternatives have been explored, such as large-scale pipe upgrading and modification for the dilapidated drainage networks. However, it is concluded that those measures are not sufficient to safeguard the low-lying areas in Kowloon City from severe flooding during rainstorms and tidal events.
- (b) The proposed ASPSSS was strategically selected for its mid-stream catchment location, technical feasibility, allowing for effective interception and sufficient space for storage of stormwater during rainstorms and accommodation of the necessary pumping station and ancillary facilities. Due considerations were also given to the flood prone area at To Kwa Wan Road and Mok Cheong Street and the drainage deficiency of the existing box culvert at Sung Wong Toi Road. The site selection prioritized cost-effectiveness and minimal modifications to the existing drainage network to minimize nuisance to the public.
- (c) Other nearby locations were considered for the stormwater storage tank. However, the extensive excavation requirements for Ma Tau Wai Road Playground situating on an elevated ground; potential archaeological discoveries near Sung Wong Toi Playground; program incompatibility with the open space in Kai Tak Development (i.e. Dining Cove); limited area of the available open space; or remote distance from the flood prone area have made these options technical infeasible and undesirable in terms of cost-effectiveness and minimizing public nuisance.

Minimal Impact to and Enhancement of the POS

- (d) All affected POS facilities will be reprovisioned with an improved layout of clear activity zonings and more shading and sitting out areas. The two 5-a-side football pitches will adhere to the international standards with adequate buffer area and movable grand stand for visitors, and universal accessibility and equipment upgrades will be provided for the affected facilities. The park toilet will be relocated between the two entrances along Argyle Street for more direct entry by the users of the POS and general public; and oriented to the northwest for better indoor air quality. The pedestrian circulation will also be improved by providing clear walkways within the Site (**Drawing A-9**). A VMA is proposed for emergency use, M&M use by DSD and LCSD, as well as vehicular access for festive events that regularly take place at the football pitches (**Drawing A-10**).
- (e) The Site is currently a venue for yearly festive events such as Tin Hau Festival. The proposed design theme of “the Mosaic Park” with traditional patterns of mosaic tiles would reflect this unique identity and multicultural context of the district.
- (f) During the temporary closure of the POS, alternative playgrounds and elderly fitness

facilities are available in the POS nearby, including Olympic Garden within 100m from the Site that can be accessed via a barrier-free subway, Sung Wong Toi Playground, Ma Tau Wai Road Playground and Kowloon Tsai Park, etc. Provision of temporary fitness equipment and public toilet on site during construction would also be explored.

Planning Intention of the “O” Zone

- (g) The proposed integrated design is in line with the “Single Site, Multiple Use” (“SSMU”) principle in that an underground space could be utilised for an essential infrastructure while the existing at-grade POS and public amenities would be reprovisioned. Only essential aboveground maintenance and operational facilities will be provided at ground level. The planning intention of the “O” zone will not be undermined. Similar applications for the construction of underground SSF with ancillary aboveground structures at Morse Park No. 3 of Wong Tai Sin (No. A/K8/53), Sau Nga Road Playground (Lower Portion) of Kwun Tong (No. A/K14/811), and Urban Council Centenary Garden in Tsim Sha Tsui (No. A/K1/262), were also approved by the Board.

No Adverse Impacts on the Surrounding Area

- (h) Various technical assessments have been conducted for the Proposed Scheme, including preliminary environmental review (PER) on air quality, noise and cultural heritage etc., visual impact assessment (VIA), traffic impact assessment (TIA), utility impact assessment (UIA) and geotechnical assessment (GA). With the implementation of relevant mitigation measures, the potential impacts due to the Proposed Scheme have been reviewed and are considered insignificant.
- (i) The TPRP has also been conducted for the Proposal Scheme. No Old and Valuable Trees (OVTs) or protected species is identified within the Site. In response to concerns raised from Kowloon City District Council (KCDC) members and departmental and public comments on the proposed felling of *Bombax ceiba* (T164), T169 and *Crateva unilocularis* (T173) particularly amongst others, they all fall within the excavation area of the proposed tank. For T164, it has a poor structural condition with low suitability for transplantation as assessed by the arborist. For T169, various options for other treatments have been considered, including on-site preservation, on-site transplantation, and off-site transplantation⁴ and felling of T169 is recommended. Having said that, transplantation options near/within the application site shall be further explored with due consideration of various technical constraints and liaise with the relevant parties. Felling of T169 would be the last resort. The TPRP shall be agreed with relevant departments and approved by Tree Works Vetting Panel in accordance with DevB Technical Circular (Works) No. 4/2020 (DevB TC(W) No. 4/2020). For T173, it was identified with low suitability for transplantation in view of its health condition with restricted roots. 14 nos. of new trees would be compensated with carefully selected trees species by registered arborists.
- (j) The proposed greenery coverage would be about 8.43%, which is greater than the existing 2.77% of the Site. As it falls short of the 20% requirement under DevB

⁴ Nevertheless, at this stage, both on-site preservation and transplantation are considered infeasible due to the significant utilization of underground space for the proposed tank with the remaining space required for the temporary reprovisioning of the park toilet. The elevated highway structures, traffic constraints, and nearby facilities surrounding the Site has made off-site transplantation of T169, which stands 15m tall with a crown spread of 14m, infeasible across the highway structures and roads.

TC(W) No. 3/2012, exemption would be applied accordingly. The proposed aboveground stormwater pumping station is designed to have a minimal footprint while incorporating environmental and sustainable features such as planting and solar panels on R/F.

- (k) The visual bulk of the proposed aboveground structures have been minimised and ensure spatial and visual permeability to maintain as spatial and visual relief for the surrounding neighbourhoods (**Drawings A-12 to A-15**). Vertical greening will be explored at a later stage.

Community Support and Public Consultation

- (l) Local stakeholders, including festive event organizers, were consulted on 16.8.2021 and 30.1.2024 and no objections or adverse comments were raised. A ‘design-thinking’ public engagement was also conducted from March to May 2023 to collect opinions on the design. Over 13 local groups and 400 individuals have been approached to collect their views on the project. On 5.3.2024, the applicant consulted the District Facilities and Works Committee of the KCDC. KCDC members expressed concerns regarding the potential traffic impact that may arise during the construction phase, the lengthy closure period for construction, the lack of provision for elderly fitness facilities during construction, and the preservation and treatment of T169. After considering the applicant's responses (**Appendices Ic and Id**), no objection from members of the KCDC for the project was received. Close liaison with stakeholders will be maintained, including organizers of festive events, and the construction method and sequence will be reviewed to ensure sufficient space for future event organization.

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

As the Site involves GL only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of Town Planning Ordinance (TPB PG-No. 31B) is not applicable.

4 Previous Application

There is no previous application concerning the Site.

5 Similar Applications

While there are no similar applications for the subject ‘PUI’ use within “O” zone on the same OZP, there are four similar applications for proposed ‘PUI’ within “O” zone related to the DIW proposed under the Review⁵, including the construction of underground SSF for ‘PUI’ uses at Urban Council Centenary Garden on the approved Tsim Sha Tsui OZP (No. A/K1/262), Morse Park No. 3 on the approved Wang Tau Hom and Tung Tau OZP (No. A/K8/53), Sau Nga Road Playground (Lower Portion) on the draft Kwun Tong (South) OZP (No. A/K14/811), and Hoi Bun Road Park and Kwun Tong Promenade on the approved Kai Tak OZP and draft Kwun Tong (South) OZP (No. A/K14/829), which were approved by the

⁵ The Review has recommended DIW in Kowloon City, Tsim Sha Tsui, Wong Tai Sin and Kwun Tong.

Board on 24.12.2021, 28.1.2022 and 19.5.2023 and 16.2.2024 respectively.

6 The Site and Its Surrounding Areas (Plans A-1 to A-4)

6.1 The Site

- (a) is currently managed by LCSD and occupied by a 7-a-side soccer pitch with spectator stand in the northeast part of the Site; and two children's playgrounds, an elderly fitness corner, a chess corner, a park toilet and an LCSD's depot on the other part of the Site;
- (b) is located at a corner "O" zone bounded by Ma Tau Chung Road and Argyle Street with main entrances accessible to both roads; and
- (c) provides a temporary venue for yearly festive events, such as Tin Hau Festival and Yu Lan Festival;
- (d) features a large mature tree (T169) next to the LCSD depot; and
- (e) is situated on a levelled hill, commonly known as the former Sacred Hill (**Drawing A-16**). Sacred Hill was a small hill near the coast of Kowloon Bay once held the original rock inscribed with "Sung Wong Toi" on its hill top and was completely levelled during the Second World War and the expansion of Kai Tak Airport in the 1950s⁶.

6.2 The surrounding areas have the following characteristics:

- (a) to its north is Olympic Garden across the junction of Argyle Street and Ma Tau Chung Road; and to its further north are some medium-rise residential buildings, Carpenter Road Park and Kowloon Walled City Park across Prince Edward Road West;
- (b) to its east across Ma Tau Chung Road is Sung Wong Toi Playground and Sung Wong Toi MTR Station and to its further east is the Kai Tak area;
- (c) along its southwestern boundary is a local alley, and to its south and southwest across the alley is a mix of medium to high-rise residential development including St. Luke's Garden and Chun Seen Mei Chuen, the Holy Trinity Bradbury Centre⁷ and a grade 2 Hong Kong Sheng Kung Hui Holy Trinity Cathedral; and
- (d) to its northwest across Argyle Street is medium-rise residential areas.

⁶ Reference was made to the website of Antiquities and Monuments Office, Development Bureau (AMO, DevB).

⁷ Holy Trinity Centre Kindergarten (HTCK) is situated within the Holy Trinity Bradbury Centre.

7 Planning Intention

The “O” zone is primarily intended for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

8 Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) he has no objection to the application subject to no adverse comments from Director of Leisure and Cultural Services (DLCS); and
- (b) the Site falls within Argyle Street Playground that was allocated to the then Director of Urban Services (now known as DLCS) under GLA-K308 without engineering conditions. It is presumed that DSD would seek agreement from DLCS for implementation of the project and the future M&M arrangement.

Urban Design, Visual Impact and Landscape Planning Aspects

8.1.2 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual Aspects

- (a) given the context and the photomontages in the submitted VIA, significant adverse visual impact induced by the low-rise aboveground structures is not anticipated; and
- (b) no comment on the submissions and her detailed comments are at **Appendix III**.

Landscape Planning

- (a) regarding the large mature tree T169 with DBH 995mm in reasonable health and structural condition proposed to be felled, the applicant’s response (i.e. paragraph 2(i)) is recorded. The applicant is reminded to explore transplantation options in future design stage and ensure felling of the tree would be the last resort only if preservation or transplanting is unsuitable or impracticable according to the prevailing guideline DevB TC(W) No. 4/2020 “Tree Preservation”; and
- (b) regarding the proposed greenery area that is 8.43% only, the applicant’s response (i.e. paragraph 2(j)) is recorded. The applicant is reminded to

explore further greening opportunity such as at-grade greenery and vertical greenery on fence along the football pitch and structures as appropriate; and

- (c) her detailed comments are at **Appendix III**.

Open Space Management

8.1.3 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) he noted his comments had been addressed and incorporated in relevant updates of the application; and
- (b) no objection to the application. He noted from DSD's responses that transplantation of T169 is being explored and felling should be the last resort. Detailed landscape layout plan which shall include proposal on tree and shrub species will be subject to his further agreement.

Environmental

8.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from environmental planning perspective, and insurmountable environmental and sewage impacts associated with the proposed SSF are not anticipated based on the PER and UIA reports submitted by the applicant;
- (b) specific comments on the PER should be addressed via administrative process; his other detailed comments are at **Appendix III**; and
- (c) it is noted the environment-related public comments mainly focus on the potential air quality and noise impact during the construction period of the proposed facility. Regarding the potential environmental impacts during construction phase, according to Appendix D of the PER, DSD has committed to implement suitable mitigation measures during construction phase such as regular spraying of water, covering of dusty materials, washing of construction vehicles to suppress dust emission; adoption of quiet powered mechanical equipment, movable noise barriers and enclosure to minimize noise, as well as other good construction site practices to minimize the potential environmental impact and to ensure compliance of relevant pollution control ordinances.

Traffic

8.1.5 Comments of the Commissioner for Transport (C for T):

No objection in-principle to the application from traffic engineering point of view; and his detailed comments are at **Appendix III**.

8.1.6 Comments of the Commissioner of Police (C of P):

Having regard to the submissions, he has no adverse comment on the application from the traffic policing point of view in principle.

Heritage

8.1.7 Comments of the AMO, DevB:

- (a) no comment on the application; and
- (b) it is noted that a small number of isolated finds was recorded in the archaeological watching brief mainly conducted to the north and northwest of the study area (i.e. Sacred Hill) and at the Argyle Street Playground. While no significant archaeological remains were identified, AMO is of the view that as a precautionary measure, AMO should be notified if any antiquities or supposed antiquities are found in the course of the excavation works. His other detailed comments are at **Appendix III**.

District Officer's Comments

8.1.8 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

- (a) she noted that individual KCDC members and other local stakeholders have had concerns on the application given its impact on the existing Argyle Street Playground. The applicant should be mindful that the concerned stakeholders should be duly consulted and engaged well in advance such that stakeholders' concerns on any potential interfacing issues arisen from the subject application can be timely addressed; and
- (b) she has no comment on the application and her other detailed comments are at **Appendix III**;

8.2 The following government departments have no comment/no objection to the application and their detailed comments, if any, are at **Appendix III**:

- (a) Chief Building Surveyor/Kowloon, Buildings Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Mainland South, DSD (CE/MS of DSD);
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (f) Director of Fire Services;
- (g) Head of Geotechnical Engineering Office, CEDD (H(GEO) of CEDD);
- (h) Director of Electrical and Mechanical Services;
- (i) Chief Architect/Advisory & Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD);
- (j) Property Services Manager/Kowloon City North, ArchSD; and
- (k) Director of Agriculture, Fisheries and Conservation (DAFC).

9 Public Comments Received During the Statutory Publication Period

The application was published for public inspection on 23.2.2024. During the statutory public inspection period, a total of nine objecting comments from the principal of HTCK and eight other individuals were received (**Appendix II**). The major grounds of the public comments are summarized as follows:

- (a) the Site serves as the nearest recreational area and a significant playground for the neighbourhood, particularly for local elderly residents and the students of the adjacent HTCK, who rely on its easy accessibility for daily exercise and outdoor activities. Considering the ongoing redevelopment of Carpenters Road Park, the current use of the Site should be preserved and refrained from any alterations;
- (b) the construction work exposes the students of HTCK and other local residents to noise, air pollution, and chemicals, which negatively affect their health and school life; the construction vehicles would also increase the risk of traffic accidents and pose safety hazards;
- (c) due to the high usage rate of the Site, alternative locations like Sung Wong Toi Playground, Olympic Garden and other redevelopment sites at To Kwa Wan and Kai Tak should be considered. Besides, it would be more effective to address the drain clog problem directly rather than constructing a new facility;
- (d) the decision-making process lacks sufficient community consultation, disregarding the concerns of local residents; and
- (e) the Proposed Scheme overlooks the social impact of taking away open space. There is the issue of the incremental increase in size of DSD projects, which in turn take up more land. The design should be revised to minimize space usage, relocate the toilet and depot to free up more space, and mitigate the visual impact of the pumping station.

10 Planning Considerations and Assessments

10.1 The application is for proposed PUI (underground SSF with ancillary aboveground structures) at the Site mainly zoned “O” on the Ma Tau Kok OZP. The Proposed Scheme is identified by the Study as an essential flood infrastructure aimed at reducing the flood risk in the low-lying areas of Kowloon City, including To Kwa Wan Road and Mok Cheong Street, during heavy rainstorm events. After exploring other possible sites within the catchment area, the Study concluded that the Site is the most suitable location to accommodate the proposed SSF.

Planning Intention and Site Utilisation

10.2 The planning intention of the “O” zone is for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. In line with the Government’s prevailing policy of “SSMU”, the proposed SSF will utilise underground space beneath the POS for construction of an essential flood infrastructure. All the existing at-grade recreational and operational facilities at Argyle Street Playground will generally be reprovisioned at the Site as part of the proposed works. Although all these facilities

including the 7-a-side soccer pitch, the children's playground and the elderly fitness corner will be temporarily closed during the construction period, there are similar facilities in the Kowloon City area (**Plan A-1**) to meet the demand during the interim. According to the applicant, construction by phases would further lengthen the construction duration owing to limited construction space. While provision of temporary fitness equipment and park toilet would be further explored; if conditions allow, the football pitches could be opened within 5 years and the enhanced POS would be released for public enjoyment upon the completion of construction. The integrity and function of the POS at the Site would not be affected in the long-term nor would the planning intention of the "O" zone be undermined. In this connection, DLCS has no objection to the reprovisioning proposal. Similar applications provided by the applicant at paragraph 2 with comparable nature and applied use approved by the Board are considered relevant.

Visual and Land Use Compatibility

- 10.3 The majority of the Proposed Scheme will be positioned underground. As for the proposed two-storey aboveground pumping station at the Site (about 1,576 m² total floor area) and the single-storey park toilet and LCSD depot, they are incidental to the proposed SSF and the existing/reprovisioned open spaces respectively. While the size of the reprovisioned facilities are maintained, the size of the proposed structure has been minimised, occupying 11.3% of the Site. Moreover, the applicant stated that the same design theme of colouring and construction material for the park and the façade of the proposed pumping station would be used to embody the multicultural context and vibrant atmosphere of the Site where festive events are organized annually (**Drawings A-8, A-12 to A-15**). CTP/UD&L, PlanD and CA/ASC, ArchSD have no adverse comment on the Proposed Scheme from urban design and visual impact perspectives. Significant adverse visual impact induced by the low-rise aboveground structures is not anticipated.

Landscaping, Cultural Heritage and Other Technical Aspects

- 10.4 A total of 19 existing trees are identified within the Site and no OVT is identified. Amongst them, 14 trees, including a large size tree, are proposed to be felled due to direct conflict with the proposed development and impracticable for transplanting. In accordance with prevailing technical circular, compensatory tree planting at a rate of 1:1 will be provided and greening at roof areas are also proposed to mitigate the potential landscape impact and irrigated by the water reused from the proposed SSF. According to the applicant, several treatment proposals for the large mature tree (T169) were considered, including on-site preservation, on-site transplantation and off-site transplantation; however, the aforementioned proposals are deemed infeasible at this stage. The major reasons being that the proposed tank has already utilized the majority of the underground space available on the Site constraining on-site transplantation; and the Site is encompassed by elevated highway structures rendering moving of the large tree for off-site transplantation technically infeasible. Nevertheless, in view of the concern raised by the KCDC members and CTP/UD&L, PlanD and comments from DLCS, the applicant should further explore the possibility for transplantation of the subject tree near/within the Site in detailed design stage, and felling of T169 should only be the last resort. As with the prevailing practice, the eventual landscaping and tree preservation/removal works will be carried out to the satisfaction of the DLCS. The TPRP shall also be agreed with relevant departments and approved by Tree Works Vetting Panel in accordance with DevB TC(W) No. 4/2020. Having regard the

submissions, CTP/UD&L, PlanD and DLCS do not have adverse comments on the Proposed Scheme.

- 10.5 Hong Kong Sheng Kung Hui Holy Trinity Cathedral, a Grade-2 historic building, is located 39m away from the Site. The applicant acknowledges potential indirect impacts during construction and undertakes appropriate mitigation measures including vibration monitoring. Detailed protective and mitigation measures for the historic building shall be provided for agreement by AMO of DevB before implementation. Besides, the Site is situated within the former Sacred Hill boundary (**Drawing A-16**) and open-cut excavation is proposed. Archaeological impact is considered minimal and AMO of DevB has no comment on the application, provided that AMO should be notified if any antiquities or supposed antiquities are found in the course of the excavation works.
- 10.6 The applicant has submitted various technical assessments confirming the technical feasibility of the proposed development. Concerned departments, including DEP, C for T, CE/MS of DSD, H(GEO) of CEDD and DAFC, have no objection to/no adverse comment on the application. Adverse environmental, traffic, drainage, sewerage and geotechnical impacts on the surrounding area are not envisaged.

Similar Applications

- 10.7 Four similar applications involving the construction of underground SSF for 'PUI' uses within "O" zone proposed under the same Review were approved by the Committee for reasons that the proposed SSFs were identified as essential infrastructure that can reduce the potential flood risks, not incompatible with the surrounding area and would not have adverse technical impacts or induce significant adverse visual impact to the surroundings. Approval of the current application is not inconsistent with previous decisions of the Committee.

Public Comments

- 10.8 Nine objecting public comments were received during the statutory publication period. The justifications, comments of concerned Government departments and the planning assessments above are relevant.

11 Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.

Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 5.4.2028, 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. The recommended advisory clauses are attached at **Appendix IV**.

- 11.2 There is no strong reason to recommend rejection of the application.

12 Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13 Attachments

Appendix I	Application Form received on 19.2.2024
Appendix Ia	Supporting Planning Statement received on 19.2.2024
Appendix Ib	Supplementary Information received on 22.2.2024
Appendix Ic	FI received on 25.3.2024
Appendix Id	FI received on 26.3.2024
Appendix Ie	FI received on 28.3.2024
Appendix II	Public Comments
Appendix III	Detailed Comments of Government Departments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Catchment Plan of Service Area for the Proposed DIW
Drawing A-2	Proposed Layout Plan
Drawings A-3 to A-7	Floor and Section Plans
Drawing A-8	Landscape Layout Plan
Drawing A-9	Pedestrian Circulation Plan
Drawing A-10	Vehicular Circulation Plan
Drawing A-11	Tree Treatment Plan
Drawings A-12 to A-15	Photomontages
Drawing A-16	Boundary of Former Sacred Hill
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-7	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**