

**APPLICATIONS FOR PERMISSIONS**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATIONS NO. A/K22/39 to 41**

|                            |  |  |
|----------------------------|--|--|
| <b><u>Applicants</u></b>   | : Mr. Victor MA<br>Mr. POON Chi Wai<br>Mr. CHIU Ka Shun<br>all represented by Mr. IP Iok Ming  | (Application No. A/K22/39)<br>(Application No. A/K22/40)<br>(Application No. A/K22/41) |
| <b><u>Premises</u></b>     | : Shop M3-201, Level 2, Kai Tak Mall 3<br>Shop M3-101a, Level 1, Kai Tak Mall 3<br>Shop M3-302, Level 3, Kai Tak Mall 3<br>all in Kai Tak Sports Park (KTSP), Kowloon City, Kowloon          | (Application No. A/K22/39)<br>(Application No. A/K22/40)<br>(Application No. A/K22/41) |
| <b><u>Floor Areas</u></b>  | : About 409.27m <sup>2</sup><br>About 47.50m <sup>2</sup><br>About 107.45m <sup>2</sup>  | (Application No. A/K22/39)<br>(Application No. A/K22/40)<br>(Application No. A/K22/41) |
| <b><u>Lease</u></b>        | : <u>Government Land Allocation – GLA-NK 846</u><br><br>For construction, maintenance and operation of the KTSP.   |  |
| <b><u>Plan</u></b>         | : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8   |  |
| <b><u>Zoning</u></b>       | : “Other Specified Uses” annotated “Stadium” (“OU(Stadium)”)<br><br>[Restricted to maximum building height (BH) of 55mPD, or the height of the existing building, whichever is the greater.] |  |
| <b><u>Applications</u></b> | : School (Tutorial School)<br>Proposed School (Tutorial School)<br>School (Tutorial School)  | (Application No. A/K22/39)<br>(Application No. A/K22/40)<br>(Application No. A/K22/41) |

**1. Proposals**

- 1.1 The applicants seek planning permissions to operate schools (i.e. tutorial schools with hobby courses) at the application 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 of the Town Planning Board (the Board). For the premises under Planning Applications No. A/K22/39 and A/K22/41, they are currently used for the applied use without any valid planning permissions (**Plans A-3** and **Plan A-5** respectively). For the application premises under Planning Application No. A/K22/40, it is currently vacant (**Plan A-4**).

- 1.2 The application premises are situated on the first three floors in a freestanding 4-storey commercial mall (named Kai Tak Mall 3) in KTSP. They are accessible via the 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 Tak Kai Mall 3, which can be accessed via Shing Kai Road (**Plans A-1 and A-2**). Details of each of the applications (**Appendices Ia to Ii**) are summarized below and their layouts are shown in **Drawings A-1 to A-6**.

|   | <b>A/K22/39<br/>(Drawings A-1<br/>and A-2)</b>   | <b>A/K22/40<br/>(Drawings A-3<br/>and A-4)</b>   | <b>A/K22/41<br/>(Drawings A-5<br/>and A-6)</b>   |
|---|--|--|--|
| Floor Area of the Premises                  | 409.27m <sup>2</sup>   | 47.50m <sup>2</sup>  | 107.45m <sup>2</sup>   |
| Uses  | Tutorial school with hobby courses, including skipping rope training, yoga, kick boxing, painting, etc.<br><b>(Appendices Id and Ig)</b> | Tutorial school with hobby courses, including role-play training, speech training, etc.<br><b>(Appendices Ie and Ih)</b> | Tutorial school with hobby courses, including music, painting, speech training, manner training, etc.<br><b>(Appendices If and Ii)</b> |
| No. of Classrooms                           | 9  | 1  | 5  |
| Operating Hours                             |  |  |  |
| Mondays to Fridays                          | 10:00 – 19:00  | 10:00 – 20:00  | 10:00 – 20:00  |
| Saturdays                                   | 10:00 – 18:00  | 10:00 – 19:00  | 10:00 – 16:00  |
| Sundays                                     | 10:00 – 13:00  | 10:00 – 13:00  | 10:00 – 13:00  |
| Maximum Capacity (including teachers/staff) | 181<br>(9)   | 22<br>(1)  | 30<br>(5)  |
| Estimated Average Population Flow Per Hour  | 100  | 14   | 16   |

- 1.3 In support of the applications, the applicants have submitted the following documents:
- (a) Application Forms with attachments received on 27.1.2025 (**Appendices Ia, Ib and Ic**)
  - (b) Further Information (FI) received on 12.2.2025 [FI(1)]\* (**Appendices Id, Ie and If**)
  - (c) FI received on 4.3.2025 [FI(2)]\* (**Appendices Ig, Ih and Ii**)

*\*Accepted and exempted from publication and recounting requirements*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications detailed at **Appendices Ia to Ii** are summarized as follows:

- (a) the schools are intended to provide tutorial classes with hobby courses to residents and students nearby, as Kai Tak is a new district and is away from other well-established districts with many education centres and tutorial schools, e.g. To Kwa Wan. Great demands for these services are anticipated, especially along with the completion of the public housing sites in proximity to KTSP;
- (b) the operating hours of the schools are not in the traffic peak hours, hence there should have no adverse impacts on the public transportation infrastructure and pedestrian traffic;
- (c) courses to be provided in the schools are not only on academic subjects, but also involve sports/hobbies so as to provide an all-rounded learning environment for residents and students. The applied/proposed 'School (Tutorial School)' use is compatible with the planning intention of the zone; and
- (d) notification letters were sent to KTSP Limited on 27.12.2024 regarding the intentions to apply planning applications under Section 16 of the Town Planning Ordinance for 'School (Tutorial School)' uses at the application premises.

## **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 applications.

## **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 applications. The relevant main assessment criteria are summarized as 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 proposed access (entrance) to the tutorial school of a residential building or domestic portion of a composite building must be separated from that of the domestic portion of the building by way of separate stairways and/or lifts/escalators exclusively serving the tutorial school so as to minimize any disturbance to the residents in the same building;
- (d) for tutorial schools of a considerable scale, i.e. with 120 or more students attending classes at the same time, proper parking and loading/unloading facilities should be provided in accordance with the requirements stipulated in the Hong Kong Planning Standards and Guidelines for primary or secondary schools;
- (e) the views of the public on the proposed tutorial school will be taken into account by the Board in the consideration of the applications; and
- (f) 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 for the proposed tutorial school in respect of the provision of fire service installations, means of escape, fire resisting construction, barrier free access, structural suitability etc.

## **5. Previous Application**

There is no previous application in respect of the premises.

## **6. Similar Application**

There is no similar application for 'School' use within the same "OU(Stadium)" zone.

## **7. The Premises and Its Surrounding Areas (Plans A-1 and A-2, and photos on Plans A-3 to A-5)**

7.1. The premises are:

- (a) on 1/F to 3/F of a freestanding 4-storey commercial mall, one of which is vacant (Application No. A/K22/40), while the other two are occupied and operating as the applied use (Applications No. A/K22/39 and A/K22/41); and
- (b) accessible via lifts and escalators commonly used by all visitors of the commercial mall.

7.2. The subject building (Kai Tak Mall 3):

- (a) forms part of the KTSP, together with the 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 the Dining Cove. Kai Tak Malls (including the Kai Tak Mall 3) have been operating since 18.12.2024;
- (b) is accessible from Sung Wong Toi Station and Kai Tak Station; and
- (c) the current uses in Kai Tak Mall 3 are summarized below :

| Floor | Current Uses  |
|-------|---|
| G/F   | Eating places, a clinic, and vacant premises.   |
| 1/F   | Shop and services, eating places, school (tutorial school), and some vacant premises (including the application premises under Application No. A/K22/40). |
| 2/F   | Eating places, schools (including centres for hobby courses, and the school under Application No. A/K22/39), and vacant premises.                         |
| 3/F   | Shop and services, schools (including centres for hobby courses, a tutorial school, and the school under Application No. A/K22/41), and vacant premises.  |

7.2 The surrounding areas:

- (a) to its north are open space named Kai Tak Station Square, and a strip of public housing developments, of which gradual population intake is expected from 2025 onwards;
- (b) to its east are Kai Tak Mall 2 and Kai Tak Mall 1;
- (c) to its south are the Health and Wellness Centre and Kai Tak Youth Sports Ground. To the further south is the Kai Tak Stadium across Shing Kai Road; and
- (d) to its 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 the KTSP during mega event dates; and to its northwest is the 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 applications are summarized as follows:

### **Policy Perspectives**

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

- (a) the KTSP, with an area of about 28 hectare, 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; and
- (b) within the KTSP, there are about 60,500m<sup>2</sup> floor area for retail, catering as well as leisure and entertainment facilities. Considering the scale of the applied schools located within the Kai Tak Mall 3 is small, and that they are not incompatible with the adjacent shop and services and eating places, she has no comment on the applications.

- 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 applications 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 (DLO/KE, LandsD):

- (a) no objection to the applications; 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 the KTSP.

### **Education**

#### 9.1.4. Comments from the Secretary for Education:

no comment from the School Registration and Compliance Section on the subject applications.

### **Buildings Matters**

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

the application premises fall within the building belonging to the Government which are 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 schools is low (ranging from about 14 to 100 people per hour per school), 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 space for private cars at the KTSP; and
- (c) no objection in-principle to the applications from traffic engineering and transport operations point of view.

### **Environmental Aspect**

#### 9.1.7. Comments from the Director of Environmental Protection (DEP):

- (a) the schools at the application premises have a total floor area of about 564m<sup>2</sup>, comprising a total of 15 classrooms for maximum 218 students, excluding teachers/staff. The premises are equipped with central air-conditioning system and does not rely on openable windows for ventilation; and
- (b) given the small scale and nature of the applied and proposed use as 'School (Tutorial School)', adverse environmental impacts associated with the applications are not anticipated. He has no objection to the planning applications.

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

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

## **10. Public Comment Received During Statutory Publication Period**

The applications were published for public inspection on 4.2.2025. During the first three weeks of the statutory public inspection period which ended on 24.2.2025, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1. The applications are for ‘School (Tutorial School)’ use, with the provision of hobby courses within the premises on 1/F to 3/F of Kai Tak Mall 3 (**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 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 applied and proposed ‘School (Tutorial School)’ use will not only focus on academic subjects, but will also include hobby courses related to sports and leisure, serving the public and students nearby, which is not in conflict with the planning intention of the “OU(Stadium)” zone on the OZP. Given the scale of the applied uses is small in relation to the Kai Tak Malls, SCST has no adverse comments on the applications.
- 11.2. The applications have been assessed against the assessment criteria of the TPB PG-No.40. The applications are considered in line with the guidelines in that:
  - (a) the premises are on 1/F to 3/F of a 4-storey commercial mall. The tutorial schools are 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 where the premises are located 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 of BD have no in-principle objection to/no adverse comments on the applications from fire and building safety viewpoints.
- 11.3. According to the submissions, the estimated population flow per hour generated by the schools is low, ranging from about 14 to 100 people per hour per school. 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 without the need for school buses arrangements, 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 applications.

- 11.4. Given the small scale and nature of the proposed/applied schools, adverse environmental impacts associated with the applications are not anticipated, and DEP has no objection to the applications. Moreover, other relevant government departments, including DLO/KE, LandsD, CE/MS, DSD, CE/C, WSD and DO(KC), HAD have no objection to/no adverse comments on the applications.

## **12. Planning Department's Views**

- 12.1. Based on the assessments made in paragraph 11, the Planning Department has no objection to the applications.
- 12.2. For Applications No. A/K22/39 and A/K22/41, should the Committee decide to approve the applications, no time clause for the commencement for the development is proposed as the 'School (Tutorial School)' use is already in operation.
- 12.3. For Application No. A/K22/40, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 14.3.2029, 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.
- 12.4. The following advisory clauses are also suggested for Members' reference:

### Advisory Clauses

- (a) for Applications No. A/K22/39 and A/K22/41, prior planning permissions should have been obtained before commencing the applied use at the application premises; and
- (b) there is no advisory clause for Application No. A/K22/40.
- 12.5. Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

the applied/proposed use is not in line with the planning intention of the "Other Specified Uses" annotated "Stadium" zone, which 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. There is no strong planning justification in the submission for a departure from such planning intention.

### **13. Decision Sought**

The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.

- 13.1. Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions.
- 13.2. Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

### **14. Attachments**

|                             |  |
|-----------------------------|--|
| <b>Appendix Ia</b>          | Application Form with Attachments for Application No. A/K22/39 received on 27.1.2025 |
| <b>Appendix Ib</b>          | Application Form with Attachment for Application No. A/K22/40 received on 27.1.2025  |
| <b>Appendix Ic</b>          | Application Form with Attachment for Application No. A/K22/41 received on 27.1.2025  |
| <b>Appendix Id</b>          | FI for Application No. A/K22/39 received on 12.2.2025                                |
| <b>Appendix Ie</b>          | FI for Application No. A/K22/40 received on 12.2.2025                                |
| <b>Appendix If</b>          | FI for Application No. A/K22/41 received on 12.2.2025                                |
| <b>Appendix Ig</b>          | FI for Application No. A/K22/39 received on 4.3.2025                                 |
| <b>Appendix Ih</b>          | FI for Application No. A/K22/40 received on 4.3.2025                                 |
| <b>Appendix Ii</b>          | FI for Application No. A/K22/41 received on 4.3.2025                                 |
| <b>Drawings A-1 and A-2</b> | Layout Plan submitted by the Applicant<br>(Application No. A/K22/39)                 |
| <b>Drawings A-3 and A-4</b> | Layout Plan submitted by the Applicant<br>(Application No. A/K22/40)                 |
| <b>Drawings A-5 and A-6</b> | Layout Plan submitted by the Applicant<br>(Application No. A/K22/41)                 |
| <b>Plan A-1</b>             | Location Plan  |
| <b>Plan A-2</b>             | Site Plan  |
| <b>Plan A-3</b>             | Site Photos of the Application Premises for Application<br>No. A/K22/39              |
| <b>Plan A-4</b>             | Site Photos of the Application Premises for Application<br>No. A/K22/40              |
| <b>Plan A-5</b>             | Site Photos of the Application Premises for Application<br>No. A/K22/41              |