

MPC Paper No. A/K9/281A
For Consideration by
the Metro Planning Committee
on 28.7.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K9/281

Applicant : System Management Division of Drainage Services Department (DSD)

Site : Open Space at Kin Wan Street, Hung Hom, Kowloon

Site Area : About 160m²

Land Status : Government Land

Plan : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/28

Zoning : “Open Space” (“O”)

Application : Proposed Public Utility Installation (Dry Weather Flow Interceptor)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed dry weather flow interceptor (DWFI) at a planned open space currently under construction at Kin Wan Street (the Site) which falls within an area zoned “O” on the approved Hung Hom OZP No. S/K9/28 (**Plan A-1**). According to the Notes of the OZP, the proposed DWFI, considered as a ‘Public Utility Installation’ use within the “O” zone, requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed DWFI at the Site comprises three components, namely an above-ground electrical and mechanical (E&M) kiosk of 4.35m in height, a flow interception device (FID) with an above-ground structure of 1.5m in height intercepting the existing underground Kin Wan Street Box Culvert, and an emergency underground bypass box culvert¹ to be constructed adjacent to the existing box culvert. (**Drawings A-1 and A-2 and Plan A-2**). The proposed FID will intercept and divert the dry weather flow of the box culvert to the proposed filtering station at Ching Shan Street² for filtering before discharging into Victoria Harbour to improve water quality and environment of the Hung Hom waterfront.

¹ According to the Covering Notes of the OZP, the proposed emergency underground bypass box culvert, considered as a ‘public utility pipeline’, is always permitted on land falling within the boundaries of the OZP.

² The proposed filtering station at Ching Shan Street will be constructed at a site within an area zoned “Government, Institution or Community” (“G/IC”) (**Plan A-1**) where ‘public utility installation’ is always permitted according to the Notes of the OZP and does not form part of this application.

- 1.3 The Site is within the future Kin Wan Street Park of Leisure and Cultural Services Department (LCSD), with an anticipated completion date of 2024-25. According to the submission, part of the Kin Wan Street Park will be temporary closed during the construction of the DWFI, which is targeted to commence in 2023 for completion by 2027 (**Drawing A-1**). Upon completion, the open space area, except the E&M kiosk and FID, will be opened to public as part of the future park and managed by LCSD (**Drawing A-5**) and DSD will conduct routine inspection and maintenance of the DWFI facilities every three to six months. Subject to the silt accumulation, a larger scale maintenance desilting of the FID will be carried out every five to ten years for a period of usually not more than six months. During this period, a portion of the park will be temporary closed (with a fenced-off area of about 850m²) to ensure public safety (**Drawings A-1 and A-5**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with replacement drawings received on 16.2.2023 (**Appendix I**)
 - (b) Planning Study Report enclosing architectural drawings, landscape proposal, Traffic Impact Assessment (TIA), Preliminary Environmental Review Report (PER) and Drainage Impact Assessment (DIA) received on 16.2.2023 (**Appendix Ia**)
 - (c) Further information (FI) 1 received on 31.5.2023 ^ (**Appendix Ib**)
 - (d) FI 2 received on 11.7.2023 ^ (**Appendix Ic**)
- ^ *accepted and exempted from publication and recounting requirements*
- 1.5 On 31.3.2023, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant in order to allow sufficient time for preparation of FI to response to departmental comments and public comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are provided in **Appendices I to Ic**, and are summarized as follows:

Improvement to Local Water Quality and Harbourfront Environment

- (a) At present, the polluted dry weather flow collected in Hung Hom and King's Park areas with a catchment area of about 1.66km² (**Drawing A-6**) is discharged directly into Victoria Harbour via the existing underground Kin Wan Street Box Culvert (**Plan A-2**). The proposed DWFI will facilitate the interception and diversion of dry weather flow at the existing box culvert to the proposed filtering station at

Ching Shan Street for filtering prior to discharging into the sea. Upon completion of the DWFI, there will be a significant improvement to the overall water quality at the Hung Hom waterfront. The provision of a DWFI is a long-term solution to improve the water quality and alleviate the urban coastal water pollution problem and odour nuisance.

Land Availability and Site Selection Criteria

- (b) The Site is identified as the most suitable location for the proposed DWFI after taken into account various factors, including (i) the FID must be located directly at the downstream section and as near as practicable to the outfall of the Kin Wan Street Box Culvert in order to intercept the most dry weather flow out of the existing box culvert for filtering; (ii) unoccupied government land within the well-developed Hung Hom area; and (iii) being accessible by public road network for future operation and maintenance needs. The current proposal is a well-balanced approach to optimize land resource and maximize the benefit of improving the coastal area environment at the Hung Hom waterfront promenade.

Integration with Future Park

- (c) The Site is within the future Kin Wan Street Park that is currently under construction. The size and footprint of the above-ground DWFI facilities within the future park have been kept to a minimum as far as technically practicable. Greenery and beautification design of the proposed DWFI have been proposed to blend with the future park. Buffer planting and vertical greening will be provided to soften the roof line and the building mass of the DWFI (**Drawings A-3 and A-4**). Compatible design features such as landscape planting areas with newly planted trees, green roof and concrete pavers to match with the future park are also proposed. The applicant will submit separately a planting proposal for LCSD's approval. Upon completion, the Site (except the DWFI facilities) will form part of the future park for public use (**Drawing A-5**).

Technical Feasibility

- (d) On traffic aspect, a vehicular access of approximately 8m in width is proposed at the north of the Site facing Hung Luen Road (**Drawing A-1**) to support the operation and maintenance works of the proposed DWFI. With limited traffic generation during both the construction and operation stages, the TIA concluded that traffic impact generated by the proposed DWFI will be insignificant.
- (e) The PER and DIA demonstrated that the proposed DWFI will not cause any insurmountable environmental impacts on air quality (in particular odour), noise, water quality, waste management, land contamination, drainage and sewerage aspects. Besides, the potential dust, odour and noise impacts during construction can be mitigated by the implementation of measures specified in the Air Pollution Control (Construction Dust) Regulation, and other measures such as the removal of all silt from the box culvert offsite with no overnight storage of silt, the use of quiet construction equipment, erection of movable noise barriers and good site practices. The FID will be enclosed by a reinforced concrete structure with proper acoustic

design to minimize potential odour and noise impacts during operation.

- (f) During the maintenance desilting of the FID, part of the park will be temporary fenced-off (**Drawings A-1 and A-5**). To minimize the potential odour impact, the opening areas of the box culvert will be minimized and covered during non-working hours. The excavated silt will be properly handled and temporary stored in covered container(s) before disposal to designated landfill. No overnight storage of silt will be allowed.

Public Consultation

- (g) The Food, Environmental Hygiene and Public Works Committee (FWHPWC) of the Yau Tsim Mong District Council (YMTDC) was consulted on 5.7.2022 and the FWHPWC Members supported the proposed DWFI and asked for its early implementation. The Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (the Task Force) was also consulted by circulation of paper in November 2022 and no comment was received from members of the Task Force. The gist of the application was circulated to the Task Force members on 1.3.2023 by the Harbour Office of Development Bureau (DevB) and comments were received from one member which were subsequently conveyed to the applicant for responses as detailed in paragraph 9.1.2 below.

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

As the Site involves government land 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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Background

Government’s plan to study ways to further enhance the water quality of the urban coastal waters was announced in the 2013 Policy Address. Other relevant announcements related to the promotion of water activities along waterfront areas were announced in the subsequent 2015 and 2016 Policy Addresses. The Government has all along been attaching great importance to improving the water quality of Victoria Harbour and has devoted significant resources to improve the sewage collection and treatment systems through implementing the Harbour Area Treatment Scheme and works for enhancing the quality of coastal waters of Victoria Harbour. However, in the densely populated old urban districts on both sides of the harbour, some polluted surface run-off will inevitably drain into the harbour via the stormwater drainage system and affect the quality of the near-shore waters. The sources of the polluted run-off are extensive, including roadside wet markets, outdoor eateries and various cleaning activities in public places and back alleys, etc., hence affecting the coastal water quality and environment of the harbour. To further enhance the water quality and overall environment, the installation of DWFI is one of the most effective pollution controls to ameliorate the odour and water pollution problems along the harbourfront areas of the harbour.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

While there is no similar application for DWFI in “O” zone of the subject OZP, there is one recent similar application (No. A/H8/437) for the same DWFI use at Victoria Park, which is mainly zoned “O” and partly shown as ‘Road’ on the North Point and Causeway Bay OZPs. The application was approved with conditions by the Committee on 23.6.2023 mainly on the grounds that the proposed DWFI was to achieve the objective for water quality management; the site selected was suitable; the impact on the open space provision would be minimal; no insurmountable environmental impacts and no objection was received from the local stakeholders.

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

- 7.1 The Site is located at the northern fringe of the future Kin Wan Street Park (about 8,000m² in area), which is currently under construction by LCSD.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the south of the future Kin Wan Street Park is the existing Tsim Sha Tsui/Hung Hom Promenade fronting Victoria Harbour;
 - (b) to the east and west are the hotel and commercial developments of OneHarbour Gate, Kerry Hotel Hong Kong and the Harbour Front Horizon All-Suite Hotel. A public transport interchange is located at ground level of the Kerry Hotel Hong Kong; and
 - (c) to the north of the Site across Hung Hom By-pass are the existing Hung Hom Bay Sewage Pumping Station, the proposed site for the filtering station at Ching Shan Street and two pieces of land zoned “O” for planned open space development. To the further north are other hotel and commercial developments and residential developments. The Hung Hom MTR Station is at about 400m to the further northwest of the Site.

8. Planning Intention

The “O” zone is intended primarily 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.

9. Comments from Relevant Government Departments

- 9.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

Policy Aspect

9.1.1 Comments of the Secretary for Environment and Ecology (SEE):

The Government has all along been attaching great importance to improving the water quality of Victoria Harbour. DSD's proposal of installation of DWFI at an open space at Kin Wan Street, Hung Hom (under construction) is one of their strategic sewerage projects for addressing the pollution and odour nuisance at urban coastal waters. Upon its completion in 2027, the project is expected to achieve an annual reduction of pollution loading by 70% through interception and filtering prior to its discharge, thereby improving the water quality and environment along the waterfront areas. This is also conducive to enhancing the quality of the coastal waters of Victoria Harbour as our iconic landmark has become increasingly accessible for the promotion of water friendly culture and activities with the development of new waterfront promenades. In view of the above, the proposed project is strongly supported by Environment and Ecology Bureau (EEB) from the water quality management perspective.

Harbourfront Planning

9.1.2 Comments of the Commissioner for Harbourfront, DevB (C for Harbourfront, DevB):

- (a) The applicant is reminded to blend the proposed DWFI with the harbourfront environment, especially the future Kin Wan Street Park, and to keep the works areas and duration needed in carrying out the works to the minimum.
- (b) The Task Force has been consulted on the proposed DWFI at the Site on 15.11.2022 by paper circulation and no comments were received from Members.
- (c) The gist of the application has been circulated to Task Force members on 1.3.2023. In response to a member's comments, the applicant subsequently provided supplementary information on the potential odour impact, public uses/access of the facilities (except during maintenance) and the design features of the proposed works via the Harbour Office of DevB. No further comment was received from the member.

Land Administration

9.1.3 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) No objection to the application.
- (b) The Site falls within the area allocated to LCSD for open space development under permanent Government land allocation No. GLA-K471 (GLA) and falls within the drainage reserve area of the GLA. It is noted that DSD has and would continue to (i) liaise with the allocatee LCSD for any interface issues and the future maintenance and management arrangement; and (ii) seek the Commissioner for Transport (C for T)'s approval for the vehicular access arrangement to the Site, if agreed.

Traffic

9.1.4 Comments of the Commissioner of Police (CoP):

No adverse comment on the application. If occupation of road/footpath exist in any subsequent construction, the applicant may consider seeking comment of their Road Management Office before the commencement of actual works with detailed submissions of temporary traffic arrangement plans in accordance with CoP of Lighting-signing-and-guarding of Road Works for further assessment.

Urban Design and Landscape

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

Urban Design and Visual

- (a) The Site is situated at the southwestern fringe of an area predominantly characterized by residential developments, intermixed with hotel and commercial developments, government, institution or community uses as well as open spaces, with existing building height ranging from about 8mPD to about 75.2mPD. Considering that the proposed development involves relatively low-rise structures, it is not anticipated that it would cause significant adverse visual impact to the surrounding areas.
- (b) As gathered from the submissions, landscape treatments such as movable pot planters, at-grade/vertical greenings and trees will be introduced (**Drawings A-3 and A-4**). Concrete paving will also be provided. It is also noted that the design, theme and materials of the proposed structures will be compatible with the future Kin Wan Street Park design to blend in harmoniously with the adjacent open

space area. These measures may contribute to the improvement of streetscape by softening the building edges and promoting visual interest and pedestrian comfort.

Landscape

- (c) The Site falls within the future Kin Wan Street Park which is now under construction with no existing trees observed within the Site. Noting that landscape provisions including trees, at grade greenings and movable pot planters will be provided at the Site, significant landscape impact on existing landscape resources arising from the proposed development is not anticipated.

Interface with Kin Wan Street Park

9.1.6 Comments of the Director of Leisure and Cultural Services (DLCS) and the Chief Project Manager 303 (CPM303), ArchSD:

- (a) No adverse comment on the proposal.
- (b) The Site is currently allocated to LCSD. Approval for permanent land allocation for the FID and E&M kiosk and temporary land allocation for the rest boundary/hoarding layout of the proposed work site should be obtained from LandsD and LCSD respectively before commencement of works. Since the construction works for the proposed development will be commenced in 2023 and the construction works for the future Kin Wan Street Park would still be in progress, the construction safety precautionary measures should be discussed and agreed prior to commencement. All associated fencing, temporary building services works should be self-sustained within the respective sites. Clear demarcation and information panels should be shown and provided for the public.
- (c) The overall design/theme/materials/landscape species/lighting of the proposed development and paving pattern should be compatible with the future Kin Wan Street Park. The view to Victoria Harbour should not be blocked. The applicant is required to submit a detailed landscape plan for their comment separately.
- (d) Safety of the public should be of utmost importance especially when there is children play area and public entrance adjacent to the FID and E&M kiosk. The design should cater for future daily users' traffic, in particular when it is expected to have vehicular access during maintenance. However, the entrance of the future park should not be narrowed and proper mitigation measures/warning signs should be taken/adopted to avoid public from driving/parking in the park via the vehicular access of the proposed development.

- (e) In general, there would be no vehicle entering into the future park. For major maintenance works (e.g. desilting works which might be required once every five to ten years), DSD would liaise with LCSD in advance and mutually agree on the works duration and arrangements.

Environment

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

- (a) No in-principle objection to the application as insurmountable environmental impacts associated with the proposed development is not anticipated.
- (b) Based on the submissions, the environmental concerns of the proposed development are set out as below:
 - (i) on air quality, with implementation of dust suppression measures as stipulated under the Air Pollution Control Ordinance, adverse dust impact during construction is not anticipated. For potential odour issue, considered that the FID is enclosed in concrete structure underground and the desilting activities would be performed with mitigation measures in place and no overnight storage of silt would be allowed, adverse odour impact arising from the proposed development is not anticipated;
 - (ii) on noise, the PER concluded that with implementation of recommended noise mitigation measures, adverse construction and fixed noise impact arising from the proposed development is not anticipated; and
 - (iii) on water quality, with proper measures (e.g. good site practices to prevent site run-off and proper storage/disposal of silt), adverse water quality is not anticipated.

9.1.8 Comments of the Chief Engineer/Mainland South, DSD:

The application is supported from drainage operation and maintenance point of view.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

No objection in principle to the application. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans. An approval condition for the provision of fire

service installations and water supplies for firefighting is suggested to be imposed should the application be approved.

9.2 The following Government departments have no objection to or no adverse comment on the application:

- (a) C for T;
- (b) Chief Building Surveyor/Kowloon, Buildings Department;
- (c) Project Manager (East), Civil Engineering and Development Department (CEDD);
- (d) Chief Architect/Central Management Division 2, ArchSD;
- (e) District Officer (Yau Tsim Mong), Home Affairs Department;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Chief Highway Engineer/Kowloon, HyD;
- (h) Director of Marine; and
- (i) Head of Geotechnical Engineering Office, CEDD.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, one objecting comment was received from an individual mainly on the grounds that the current proposal would deviate from the park development plan approved by the Legislative Council; and significantly compromise the planned open space. There was not enough information/drawing provided by the applicant to support the application. (**Appendix II**).

11. Planning Considerations and Assessments

11.1 The application is for a proposed DWFI at a planned open space at Kin Wan Street, which is currently under construction, within an area zoned “O” on the approved Hung Hom OZP (**Plan A-1**). The proposed DWFI will intercept and divert the dry weather flow in the existing underground Kin Wan Street Box Culvert to the proposed filtering station at Ching Shan Street for filtering before discharging into Victoria Harbour to improve the water quality and to alleviate the pollution and odour problems at the Hung Hom waterfront.

Policy Aspect

11.2 To further enhance the water quality and overall environment, the installation of DWFI is one of the most effective pollution controls to ameliorate the odour and water pollution problems along the harbourfront areas of Victoria Harbour. In this regard, EEB considers that the proposed DWFI is conducive to enhancing the quality of the coastal waters of Victoria Harbour for the promotion of water friendly culture and activities within the development of new waterfront promenades, and strongly supports the proposed development from the water quality management perspective.

Site Selection

- 11.3 According to the applicant, the FID must be located directly at the downstream section of the existing Kin Wan Street Box Culvert close to the outfall to intercept the most dry weather flow out of the existing box culvert for filtering. The site should also be accessible by public road and on unoccupied government land. After site search and coordination with LCSD, the Site is found to be the most suitable site for the proposed DWFI and could meet the various technical and operational requirements of DSD.

Open Space Provision

- 11.4 The planning intention of the “O” zone is primarily 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. The proposed DWFI will only affect a very small area (less than 2%) of the future Kin Wan Street Park (about 8,000m² in area). Besides, with the filtering station of the proposed DWFI system to be constructed at another “G/IC” site at Ching Shan Street, the scale of the proposed DWFI facilities (i.e. E&M kiosk and FID) has been minimized at the Site. As such, the impact on the open space provision would be minimal and C for Harbourfront, DevB, DLCS and CPM303, ArchSD have no adverse comment on the proposal from the harbourfront planning and design and construction of the future park perspectives.

Visual, Landscape and Other Technical Aspects

- 11.5 The proposed E&M kiosk and FID are of relatively small scale and of one storey in height. It is not expected to have significant visual impact on the surrounding areas. Both CA/CMD2, ArchSD and CTP/UD&L, PlanD have no adverse comment on the application from architectural and visual impact point of view. With the proposed landscape treatments and mitigation measures (such as movable pot planters, at-grade/vertical greenings and tree planting), CTP/UD&L, PlanD considers that significant landscape impact on the existing landscape resources is not anticipated and the proposed landscape and design measures may contribute to the improvement of streetscape and promoting visual interest and pedestrian comfort. Besides, the integrity of the future Kin Wan Street Park will not be affected with the adoption of compatible design elements, façade treatments and building materials (such as granite tiles and concrete pavers to match with the future park).
- 11.6 The proposed DWFI is not envisaged to have significant adverse impacts on the environmental, fire safety and traffic aspects. Subject to review on the silt accumulation condition, temporary closure of a portion of the park (with a fenced-off area of about 850m²) for a period of not more than six months once in every five to ten years will be required for a large scale maintenance desilting of the FID. With the objective of minimizing disruption to the park users, DSD will liaise with LCSD in advance and mutually agree on the works duration and arrangements. With the proposed mitigation measures including minimizing and covering the opening areas of the box culvert and proper handling of excavated silt, the potential

odour impact can be minimized. DEP, D of FS and C for T have no objection to or adverse comments on the application.

Previous and Similar Application

- 11.7 As mentioned in paragraphs 5 and 6 above, there is no previous application at the Site. A similar application (No. A/H8/437) for the same use at Victoria Park within the “O” zone and ‘Road’ area on the North Point and Causeway Bay OZPs was approved by the Committee on 23.6.2023.

Public Comments

- 11.8 Regarding the public concern on open space provision and the current proposal deviates from the plan during funding application, the assessment in the above paragraphs are relevant. Regarding the comment on lack of information/drawing to support the application, the applicant has also supplemented additional and revised drawings to illustrate the design features of the proposed DWFI in subsequent FI submission and they were considered in the assessment in the above paragraphs.

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 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 28.7.2027, 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 following approval condition and advisory clauses are also suggested for Members’ reference:

Approval Condition

the submission and implementation of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The suggested advisory clauses 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, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with replacement drawings received on 16.2.2023
Appendix Ia	Planning Study Report with architectural drawings, landscape proposal, Traffic Impact Assessment, Preliminary Environmental Review and Drainage Impact Assessment received on 16.2.2023
Appendix Ib	Further Information 1 vide letter received on 31.5.2023
Appendix Ic	Further Information 2 vide letter received on 11.7.2023
Appendix II	Public comment received during the publication period
Appendix III	Recommended advisory clauses
Drawings A-1 and A-2	Layout Plan and Section Plan submitted by the applicant
Drawings A-3 and A-4	Landscape Master Plan and photomontage submitted by the applicant
Drawing A-5	Future Kin Wan Street Park Layout Plan with the Proposed DWFI submitted by the applicant
Drawing A-6	Catchment Area of the Kin Wan Street Box Culvert submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos