

TOWN PLANNING BOARD

TPB Paper No. 10759
For Consideration by the
Town Planning Board on 20.8.2021

REVIEW OF APPLICATION NO. A/K15/124

**PROPOSED RESIDENTIAL DEVELOPMENT WITH SUPPORTING RETAIL
AND GOVERNMENT, INSTITUTION AND COMMUNITY FACILITIES
IN “UNDETERMINED” ZONE,
VARIOUS PRIVATE LOTS AND ADJOINING GOVERNMENT LAND,
IN SD3, CHA KWO LING TSUEN, YAU TONG, KOWLOON**

REVIEW OF APPLICATION NO. A/K15/124
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Comprehensive Residential Development with Supporting Retail and Government, Institution and Community (GIC) Facilities in “Undetermined” Zone,
Various private lots and adjoining government land (GL)
in SD3, Cha Kwo Ling Tsuen, Yau Tong, Kowloon**

1. Background

- 1.1 On 10.3.2020, the applicant, Million Choice International Limited and Cha Kwo Ling Villagers Fraternity Association represented by Kenneth To & Associates Ltd., sought planning permission under s.16 of the Town Planning Ordinance (the Ordinance) for proposed comprehensive residential development with supporting retail and GIC facilities at the application site (the Site) (**Plan R-1**). The Site (of about 46,122m²), currently occupied by Cha Kwo Ling Tsuen (CKLT), is zoned “Undetermined” (“U”) on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/25.
- 1.2 On 4.9.2020, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (a) the application site is zoned “U” which will be subject to future study. A Government study is being undertaken for comprehensive replanning of the Site for public housing development with supporting facilities. Approval of this application would undermine the comprehensive planning of land uses for the Site; and
 - (b) the applicant failed to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the area as required under the “U” zone.
- 1.3 The proposed development comprises seven residential blocks, including five for public housing (Blocks T1 to T5) and two for private housing (Blocks T6 and T7), with total flat production of 5,643 units (**Drawing A-1 at Annex A**). The proposed total domestic and non-domestic plot ratios (PRs) are 6.32 and 0.33 respectively and the proposed building heights (BHs) range between 100mPD and 123mPD. One 30-classroom primary school and one 4-storey social welfare block for residential care home for the elderly (RCHE) are proposed. The four existing buildings/structures (namely Law Mansion that is a Grade 3 building, the remaining buildings of Porcelain Factory, and former Sze Shan Public School) are proposed to be retained for community uses^[1] (the Original Scheme) (**Drawing A-1 at Annex**

^[1] The proposed uses for the Law Mansion, the two remaining buildings of the Porcelain Factory and former Sze Shan Public School are the Law Mansion Memorial Library, Mining History Interpretation Centre, and CKL Communal Activity Centre/CKL Villagers Fraternity Association respectively.

A). According to the applicant's implementation programme, the decanting block (T1) providing about 608 units to rehouse the affected villagers will be completed by 2024 and with full housing development completed by 2029. To implement the two private housing blocks (i.e. T6 and T7 on **Drawing A-1** at **Annex A** and **Plan R-4**), the applicant proposed the private lot owners to surrender their lots that scatter within the Site (about 5.6% of site area) to the Government in exchange for re-grant of two pieces of land of the same size^[2] for developing private housings (i.e. a non-in-situ land exchange).

1.4 For Members' reference, the following background documents are attached:

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| (a) MPC Paper No. A/K15/124B | (Annex A) |
| (b) Extract of minutes of the MPC meeting held on 4.9.2020 | (Annex B) |
| (c) Secretary of the Board's letter dated 18.9.2020 | (Annex C) |

2. Application for Review

- 2.1 On 8.10.2020, the applicant applied, under s.17(1) of the Ordinance, for a review of the MPC's decision to reject the application. To address departmental comments on technical aspects, the applicant has submitted a revised MLP (the Revised Scheme) in the subject review application (**Drawings R-1 to R-10**) with supporting documents as detailed in paragraph 2.4 below. Major changes to the Original Scheme include (i) deletion of one public housing block (i.e. T5 on **Drawing A-1** at **Annex A**) for provision of an enlarged site for school development with a standard size of 6,200m² (excluding slope area) set out under the Hong Kong Planning Standards and Guidelines (HKPSG) with corresponding reduction in flat number and total gross floor area (GFA), and (ii) slight adjustment of building footprints of T2, T3 and T4 (public housing blocks). The GIC provision including GIC block for RCHE, a 30-classroom primary school and premises based social welfare facilities, and the proposal to retain the four existing buildings/structures proposed for community uses remain unchanged.
- 2.2 Major development parameters for residential development of the revised MLP^[3] compared to the Original Scheme under s.16 application are as follows:

^[2] About 1,672m² (3.6% of site area) is owned directly by the applicant or indirectly through associated companies and about 930m² (2% of site area) are under multiple-ownership not owned by the applicant (**Plan R-4**). The applicant proposed foot-to-foot non-in-situ land exchange for one private housing site (T7) which is currently mainly on GL where CKLT Office and other squatters are found. Another private housing site (T6), comprising GL, private lands owned by the applicant and owned by others, is reserved for application by other individual owners also by way of foot-to-foot non-in-situ land exchange (**Plan R-4**).

^[3] The Site is with a total area of about 46,122m². Apart from the residential portion (of about 33,282m²), it also includes a primary school site (of about 8,430m² including slope area of about 2,230m²) and public road (of about 4,420m²).

Development Parameters	Original Scheme (s.16 application) (a)	Revised Scheme (s.17 review) (b)	Changes (b) – (a)(%)
Net Housing Development Area - Total	35,722m ²	33,282m ²	-2,440m ² (-7%)
- Public Housing*	33,120m ²	30,680m ²	-2,440m ² (-7%)
- Private Housing	2,602m ²	2,602m ²	0
Domestic PR - Total	6.32	6.15	0.17 (-3%)
- Public Housing	6.22	6.04	0.18 (-3%)
- Private Housing	7.5	7.5	0
Non-Domestic PR - Overall	0.33	0.33	0
- Public Housing	0.30	0.29	0.01 (-3%)
- Private Housing	0.75	0.75	0
Domestic GFA - Overall	225,665m ²	204,782m ²	-20,883m ² (-9%)
- Public Housing	206,171m ²	185,288m ²	-20,883m ² (-10%)
- Private Housing	19,494m ²	19,494m ²	0
Non-domestic GFA - Total	11,750m ²	10,820m ²	-930m ² (-8%)
- Public Housing - Total	9,800m ²	8,870m ²	-930m ² (-10%)
• Retail (including kindergarten)	5,130m ²	4,200m ²	-930m ² (-18%)
• Social Welfare facilities (premises based)	1840m ²	1,840m ²	0
• GIC block for RCHE/other community facilities [#]	2,830m ²	2,830m ²	0
- Private Housing – Total (retail (including kindergarten))	1,950m ²	1,950m ²	0
Blocks – Total	7	6	-1
- Public Housing	5	4	-1
- Private Housing	2	2	0
No. of Flats – Total	5,643	4,984	-659 (-12%)
- Public Housing	5,319	4,660	-659 (-12%)
- Private Housing	324	324	0
Average Flat Size – Overall	40	41.09	+1.09 (+3%)
- Public Housing	39	39.76	+0.76 (+2%)
- Private Housing	60	60	0
Design Population – Total	15,802	13,956	-1,846 (-12%)
- Public Housing	14,894	13,048	-1,846 (-12%)
- Private Housing	908	908	0
Overall Site Coverage			
- Public Housing	37.56%	39.80%	+2.24% (-6%)
- Private Housing	27%-29%	27%-29%	0
BH (in mPD)			
- Public Housing	100 - 123	100 - 123	0
- Private Housing	100	100	0
BH (No. of Storeys)			
- Public Housing	33 – 41	33 – 41	0

Development Parameters	Original Scheme (s.16 application) (a)	Revised Scheme (s.17 review) (b)	Changes (b) – (a)(%)
- Private Housing	29	29	0
Target Completion			
- Public Housing	2024 (T1)/ 2029 (Others)	2025 (T1)/ 2029 (Others)	+1 (T1) 0 (Others)
- Private Housing	2026	2026	0

* The public housing development portion also comprises the standalone RCHE block and the four existing buildings/structures proposed to be retained.

GFA includes 1,820m² for the GIC block for RCHE, 960m² for the community uses in the four existing buildings/structures proposed to be retained, and 50m² for the shelter for the Dragon Boat Display.

2.3 The applicant has also revised relevant technical assessments including TIA, EA, AVA-EE and visual impact appraisal, which conclude that the proposed development will not induce significant traffic impact on the surrounding road network, will not have adverse air quality and noise impacts, will have no unacceptable impact on the wind environment, and is considered acceptable from visual perspectives with the incorporation of responsive building design, landscape and visual mitigation measures such as treatment of building façade and articulated building edges.

2.4 In support of the review, the applicant has submitted following documents:

- (a) Letter dated 8.10.2020 applying for a review of the MPC's **(Annex D)** decision
- (b) 1st Further information (FI) via letter dated 10.2.2021 providing a revised Master Layout Plan (MLP) with deletion of one residential block and revised development parameters ^(#) **(Annex E)**
- (c) 2nd FI via letter dated 27.4.2021 providing the revised Environmental Assessment (EA), revised Air Ventilation Assessment-Expert Evaluation (AVA-EE) and revised Landscape Master Plan (LMP) ^(#) **(Annex F)**
- (d) 3rd FI via letter dated 20.5.2021 providing the revised Traffic Impact Assessment (TIA), revised photomontages, revised basement plans, and response to departmental comments ^(#) **(Annex G)**
- (e) 4th FI via letter dated 19.7.2021 ^(*) **(Annex H)**

[^(#)accepted but not exempted from publication and recounting requirements]

[^()accepted and exempted from publication and recounting requirements]*

2.5 On 11.12.2020, the Board agreed to defer making a decision on the review application for two months as requested by the applicant in order to allow more time for preparation of FIs to address the reasons for rejecting the application. With the

FI received on 20.5.2021, the review application is scheduled for consideration by the Board at this meeting.

3. Justifications from the Applicant

- 3.1 The justifications put forward by the applicant in support of the review application are detailed in the submissions at **Annexes D to H** and are summarized as follows:

Inappropriate Interpretation of 2019 Policy Address

- 3.2 The MPC Paper at s.16 stage at **Annex A** (the Paper) quoted an extract of the 2019 Policy Address (“2019 PA”) stating that there is a policy direction to resume urban private land in CKLT for high-density public housing development and other established public purpose, with a view to expedite the development. The applicant considers that the two clear messages from the 2019 PA in respect of CKLT have not been appropriately interpreted. Firstly, if there is alternative means other than land resumption which would lead to a faster development programme, the alternative as proposed by the applicant should not be ruled out. Secondly, the PA states that the new community to be developed would mainly comprise public housing, but private housing development was not specifically excluded. Hence, the narrow interpretation of the PA in the Paper is considered inappropriate and unduly obscured the objective the applicant in putting forward an all-win solution for CKLT.
- 3.3 Following on the interpretation of the 2019 PA that the initiative is to pursue public housing through land resumption, the negative comments of the Secretary for Development (SDEV) and the Lands Department (LandsD) that land exchange for private housing development at CKLT would not be pursued would undermine the key merits of the proposals made by the applicant.

Important Information not adequately addressed in the Paper

- 3.4 Applicant’s responses stated in paragraph 3.2 above were submitted on 8.7.2020 (**Appendix Ib** of **Annex A**), which however was not discussed in the s.16 Paper. Besides, the Paper states that for the Civil Engineering and Development Department (CEDD) “*to take forward the public works portion of the development at the Site, it is necessary to go through the statutory planning process, public consultation, investigation and design and funding application for funding application for such works that has not been taken into account in the applicant’s implementation timeline. Hence, the applicant’s claim of a faster development programme is unsubstantiated*”. The applicant had responded in the FI (**Appendix Ib** of **Annex A**) that the Housing Authority (HA) has the necessary financial resources to complete the decantation block before obtaining funding from the Government and it has been a standard practice for HA to undertake Government site formation and other public works on behalf of Government using its own financial resources. Also, public consultation and gazettal under the Roads (Works, use and Compensation) Ordinance (Cap 370) (the Roads Ordinance) is not needed as there will not be any road closure required for the development of the decanting block, and all procedures to rezone the Site after completion of the Government study would also be saved if the application is approved. The above justifications for achieving a faster development programme was not discussed in the s.16 Paper.

- 3.5 As the aforementioned important information had not been adequately reflected in the s.16 Paper, Members of the MPC might have made decision to reject the application without taking into account the huge planning gain of the applicant's proposal to allow more than 5,000 families on the waiting list with the opportunity to occupy public housing at least two years earlier than Government's proposal.

Unreasonable Grounds of Rejection

- 3.6 The application was rejected for the reason, amongst others, that the Site is zoned "U" which will be subject to future study. While it is stated in the Paper that a Government study^[4] is being undertaken for comprehensive replanning of the Site for public housing development with supporting facilities, no discussion on progress nor findings of the Government study has been released to the public nor given in the Paper. Yet, it was alleged in the Paper that approval of the application would undermine the comprehensive planning of land uses for the Site. According to the Notes of the OZP, the public may seek permission for uses or development within the "U" zone from the Board. However, the rejection reason is tantamount to not allowing any planning application when a Government study is being undertaken for the Site.
- 3.7 The application was also rejected on the ground that the applicant failed to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the areas as required under the "U" zone. It is noted from the departmental comments that supplementary information is required to prove the technical feasibility of the proposed development that the proposed development would have no unacceptable impacts on the area. This can be dealt with by the imposition of planning conditions. In fact, the required planning conditions has been listed in the Paper if MPC decided to approve the application.

4. The Section 16 Application

The Site and its Surrounding Areas (Plans R-1 to R-4 and Site Photos on Plans R-5 to R-8)

- 4.1 The situation and characteristics of the Site and its surrounding areas at the time of the consideration of the s.16 application by MPC were described in paragraph 7 of **Annex A**. There has been no material change of the situation since then.

Planning Intention

- 4.2 There has been no change to the planning intention of the "U" zone that, as stated in the ES of the OZP, the long-term use of the "U" zone will be subject to future study. Under the "U" zone, except those uses permitted under the Covering Notes of the OZP, all uses or developments require permission from the Board. According to the ES, the project proponent is required to submit appropriate assessments to demonstrate that the proposed developments would have no adverse impacts on the area for the Board's consideration. The proposed development should also be

^[4] See details in paragraphs 5.2 and 5.3 below.

compatible with the surroundings in terms of land use, development intensity and building height with due regard to its waterfront location.

Previous and Similar Application

- 4.3 There is no previous application in respect of the Site. There is no similar application for the same use within area zoned “U” on the OZP.

5. Background

Planning History of the “U” Zone

- 5.1 The planning history of the “U” Zone is given in paragraphs 3.1 to 3.3 of **Annex A**. In sum, CKLT was rezoned from the “Residential (Group 4)” (“R(A)4”) for the then large scale public housing cum school village development to “U” in 2014. Such zoning is only an interim zoning subject to further study on appropriate use, development intensity and implementation mechanism.

Policy Initiative and On-going Government Study

- 5.2 As announced under the 2019 PA, the Government will adopt a Government-led approach to expedite the planning of land use and infrastructure and to resume private land wholly for public housing and related infrastructure development by invoking the Lands Resumption Ordinance (LRO)^[5] and other applicable ordinances. Amongst others, the 2019 PA announced and reiterated in 2020 PA to resume urban private land in CKLT for high-density public housing development and other established public purposes, with a view to expediting the development and rebuilding a new community. By doing so, the living environment of residents in the CKLT squatter area will be improved with compensation and rehousing (C&R) to be provided in accordance with the prevailing policy. It also set out in 2020 PA that the Hong Kong Housing Society (HKHS) was invited to undertake the implementation of the public housing in CKLT.
- 5.3 Along with this policy initiative, CEDD has commenced a consultancy study titled Agreement No. CE 60/2018 (CE) – Site Formation and Infrastructural Works for Proposed Public Housing Developments at Kowloon East – Feasibility Study (the Study) in mid-2019 with the objective is to investigate the long-term land use of the “U” zone that covers the Site and areas in the vicinity for public housing with GIC facilities and infrastructure. With the proposed maximum total/domestic PRs of 9/7.5 (i.e. the maximum PR for residential sites in Kowloon) and maximum BH of 120mPD, the estimated flat production is about 4,500 public housing units. To improve local traffic capacity, the Study proposes a new connection road linking the CKLT and the ex-CKL Kaolin Mine Site (ex-CKLKMS). The supporting technical assessments under the Study are being finalised. According to CEDD, the Study is targeted for completion within 2021. Kwun Tong District Council (KTDC) was consulted on 6.7.2021 and consultation with the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (the Task Force) is being arranged. The recommendations of the Study, the views of KTDC and the Task

^[5] The Government may invoke LRO to resume required private land for established public purposes only.

Force together with the proposed amendments to the OZP will be submitted to the MPC for consideration in due course. Based on CEDD's development programme, the proposed public housing development at CKLT will be completed by 2031.

6. Comments from Relevant Government Departments

- 6.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 9 of the MPC Paper at **Annex A**.
- 6.2 For the review application, the relevant Government bureaux/departments have been further consulted and their comments are summarized as follows:

Policy Perspective

6.2.1 Comments of SDEV:

- (a) In responses to the applicant's argument (paragraph 3.3 above) in respect of interpretation of the 2019 PA, SDEV remarks that the applicant's interpretation (i.e. land resumption is to be pursued in order to expedite the development programme) has not taken the key part of the pre-amble of paragraph 19 of the 2019 PA into account, viz. "*Government-led approach*". That is to say, the intention carried in the 2019 PA is to expedite development of the three urban squatter sites including the one in CKLT and rebuilding a new community mainly comprising public housing, on the premise of a Government-led approach, which is being pursued by the Study commenced by CEDD in mid-2019 for completion within 2021, and that such Government-led approach could not have been achieved by way of the applicant's s.16 planning application. In light of the direction to expedite the development of the sites through Government-led approach and by land resumption of required private land for established public purposes, it naturally follows that the Government is in no position to pursue any land exchange for private housing as proposed by the applicant. Along this proposition of Government-led approach and resumption, the question as to whether or not privately-driven private housing development has been specifically excluded is no longer relevant. Even if the Government set the issue of private development initiative aside, it should be well noted that the intended statutory resumption of private land under the LRO has to rest on the establishment of a public purpose, which could not be achieved by way of provision of private housing thereat.
- (b) From the policy perspective, the Government's position towards the development approach as stated in 2019 PA has not been changed since SDEV made comments on s.16 application. As such, he maintains his position that he does not support the application. His comments as stated in paragraph 9.1.1 of **Annex A** are recapitulated below:

- (i) The Government announced in the 2019 PA the commissioning of studies on the land use and supporting infrastructure of the three urban squatter areas in CKLT, Ngau Chi Wan Village and Chuk Yuen United Village. It is estimated that over seven hectares of land in the three areas would be cleared for integrated planning and development of new communities comprising mainly public housing. Among them, a study covering CKLT has commenced in mid-2019. As there is an ongoing Government study reviewing the long-term use of the Site with intention for public housing development with supporting GIC uses and infrastructure, the Government is not in a position to pursue any land exchange (in-situ or non-in-situ) for private housing at this stage, when the intention is to pursue public housing through land resumption under the LRO. From the policy perspective, he does not support the current application.

Land Administration

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

- (a) As SDEV maintains his stance on not supporting the application, his previous comments as stated in paragraph 9.1.2 of **Annex A** are still valid with major comments are recapitulated below:
 - (i) The exchange as proposed by the applicant would be a non-in-situ land exchange that has to be subject to mutual agreement of both the Government and the private lots owners and requires approval by the Government based on individual merits and justifications. Noting that SDEV does not support the current planning application nor any land exchange for private housing on the Site at the present stage, LandsD would neither be in the position to process any application(s) for land exchange, if submitted by the applicant or concerned land owners.
- (b) The Site comprises 34 private lots, 16 GL allocations to various government departments, 10 short term tenancies, 6 government land licences, numerous squatter structures and unleased and unallocated GL.

Interface with the On-going Government Studies

6.2.3 Comments of the Project Manager (South), CEDD: (PM(S), CEDD):

- (a) He had commented the s.16 application (paragraph 9.1.3 of **Annex A**) that the applicant's claim of a faster development with completion of the decanting block by 2024 (amended to 2025 in review application) was unsubstantiated as the applicant had not taken into account the site formation and infrastructural works required before construction of the housing block and all procedure needed in taking forward the relevant public works. The applicant responded (**Annex D**) that public consultation and gazettal under the Roads Ordinance is not needed as

there will not be any road closure required for the development of the decanting block (paragraph 3.6 above refers). PM(S), CEDD advises that for any development that requires construction of new access road (including the proposed decanting block T1 that would be served by a new road as under the Revised Scheme (**Drawing R-1**)), gazettal under the Roads Ordinance and relevant public consultation exercise are still needed that normally required 11 months to go through such procedure. CEDD will conduct detailed design for infrastructural facilities and carry out subsequent site formation works before handing over a cleared and formed site with supporting infrastructure to HKHS for housing development.

- (b) Taken into account the procedure for land resumption, clearance and public works in accordance with the established mechanism, his previous comment in the s.16 application is still valid that the applicant's claim that their proposal would lead to a faster development programme (i.e. with target completion of decanting block by 2025 and full completion by 2029) is unrealistic from public works project perspective.
- (c) He maintains his stance on the s.16 application and objects the review application. His major comments as stated in paragraph 9.1.3 of **Annex A** are recapitulated below with updated Study programme:
 - (i) His office is carrying out the Study to review the long-term land use of the Site and the adjoining areas for public housing with supporting infrastructure. Apart from public housing development, other GIC uses that would serve the community as a whole and traffic infrastructures for improving the road network of the area is being reviewed. The Study is expected to be completed within 2021;
 - (ii) As compared with the preliminary proposal of the Study embracing public housing developments, and standalone GIC facilities (for example, recreational, community, health, social welfare uses), there are considerable differences in terms of development layouts and quantum as those under the Proposal. Should the Revised Scheme be approved, the development layouts being examined under the Study have to be re-visited to take on board the Revised Scheme in that some of the proposed GIC facilities would be affected and nearly all the technical assessments on traffic, water supplies, drainage/sewerage, air ventilation, visual and environmental aspects have to be re-conducted. This would have considerable time implication on the study programme and cause delay to the implementation of the redevelopment of CKLT.

Traffic Aspect

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

- (a) Based on the revised TIA (**Annex G**), it is noted that 9 out of 15 junctions assessed (with improvement measures by other projects) would be operated over/at capacity in year 2032 with the proposed development. However, no junction improvement schemes were proposed at those junctions. Appropriate traffic improvement measures shall be identified and implemented to mitigate the situation as far as practicable. In view of the above, the traffic assessment results are considered unacceptable and the proposed development intensity of the Revised Scheme has not been ascertained from traffic engineering perspective.
- (b) His other technical comments on the TIA are at **Annex I**.

Urban Design and Visual Aspects

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

- (a) As compared to the Original Scheme, the Revised Scheme (**Drawing R-1**) involves changes including (1) deletion of one residential tower and enlarged area for proposed school; (2) slight revision to building footprints; and (3) reduction in total GFA by 9.2%. The Revised Scheme comprises six residential blocks of not more than 41 storeys with BH in the range between 100mPD to 123mPD, five non-residential structures with heritage interest, one primary school in the northern part and 4-storey RCHE with a sunken plaza in the middle of the Site.
- (b) The Site is situated on a relatively flat terrain facing the harbour. The Laguna City (BH up to 92 mPD) is located to the north. To the east of the Site uphill is the planned residential developments associated with the ex-CKLKMS subject to maximum BH ranging from 90mPD to 110mPD at a higher platform intermixed with green backdrop. In a wider context, Yau Tong Bay Comprehensive Development Area with a planned maximum BH of 120mPD is located to the further south-east. Judging from the photomontages, the proposed development together with the planned ex-CKLKMS developments will extend the residential clusters and change the visual character of this part of the harbour-front area.
- (c) His other technical comments on the VIA photomontages are at **Annex I**.

Air Ventilation Aspect

6.2.6 Comments of the CTP/UD&L, PlanD:

According to the AVA-EE submitted in support of the review application, the Revised Scheme is expected to obstruct some prevailing winds penetrating into its downstream areas and create a wind shadow in its leeward regions. It is noted that the proposed development has incorporated suitable mitigation measures including building separations and setbacks which would reduce the unfavourable impact on the wind environment of the surrounding area due to the proposed development.

Heritage and Conservation Aspects

6.2.7 Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (AM), AMO):

- (a) His previous comments as stated in paragraph 9.1.10 of **Annex A** are still valid. The Law Mansion, a Grade 3 building within the Site, will be preserved, restored and adaptively reused as 'Law Mansion Community Library' which forms part of the proposed housing development while Tin Hau Temple (CKL) will be preserved in-situ. From the heritage conservation perspective, the proposed in-situ preservation of the two Graded Buildings approach of preserving and adaptively re-using them is in line with the heritage conservation policy.
- (b) There are some buildings eye-witnessing the socio-economic development of CKLT, for instance, the remaining building of Porcelain Factory, Sze Shan Public School, CKLT Office and 212 CKL Road (hereafter "the four buildings") (**Plan R-2**). According to the Revised Scheme (**Drawing R-1**), the Porcelain Factory, Sze Shan Public School would be preserved in-situ while no. 212 CKL Road is located outside the Site. The privately-owned CKL Office was built in 1956 by locals to serve as a place to settle village affairs and organize community activities, which has considerable historical interest and social value. The four buildings have group value with the two Grade 3 historic buildings in the vicinity namely Tin Hau Temple (CKL) and the Law Mansion. He suggests the applicant to consider conserving those important heritage fabrics/character defining elements of the CKLT Office for display at the housing site, and to provide interpretation information of CKLT Office. AMO stands ready to discuss with the applicant in this respect.

Environmental Aspect

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

As there are outstanding comments on the EA on air quality, noise, waste management and land contamination aspects (**Annex I**) yet to be addressed by the applicant, he is unable to support the application as the applicant fails

to demonstrate the overall environmental acceptability of the Revised Scheme.

Provision of Educational Facilities

6.2.9 Comments of the Secretary of Education:

- (a) It is noted that a school is proposed by the applicant. However, the configuration of the proposed school site is not suitable for school development as it is of irregular shape with width significantly less than 65m as compared to the reference site area for a 30-classroom primary school set out in the HKPSG. A proper and suitable run-in-out from the public road to the proposed school site is required to be provided. In addition, sufficient site area shall be provided to accommodate the essential drop off area and parking spaces for school bus and private cars.
- (b) Noting the bigger picture of the dire need of the Government land for housing development, he does not insist on reserving a school site at the Site on the understanding that suitable school sites will continue to be reserved in the district for development of schools to meet the expected demand for public sector primary school places or re-provisioning needs of existing schools in the school net concerned.
- (c) His other comments on provision of premises-based kindergarten are at **Annex I**.

6.3 The following Government departments have no further comments on the review application and maintain their previous views on the s. 16 application as stated in paragraph 9.1 of **Annex A** and **Appendix II** of **Annex A**:

- (a) CTP/UD&L, PlanD (on landscape aspect);
- (b) Director of Housing (D of Housing);
- (c) Project Manager (East), CEDD;
- (d) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (e) Director of Agriculture, Fisheries & Conservation (DAFC);
- (f) Director of Social Welfare (DSW);
- (g) Principal Assistant Secretary (Harbour), DEVB (PAS (H), DEVB);
- (h) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (i) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD)
- (j) Chief Engineering/Construction, Water Supplies Department (CE/C, WSD);
- (k) Chief Building Surveyor/Kowloon, BD (CBS/K, BD); and
- (l) Director of Fire Services.

6.4 The following government departments maintain their previous views of having no comment to or no comment on the review application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police;
- (c) Director of Leisure and Cultural Services;
- (d) Director of Electrical and Mechanical Services;
- (e) Director of Officer (Kwun Tong), Home Affairs Department; and
- (f) Director of Food and Environmental Hygiene.

7. Public Comments Received During Statutory Publication Period

7.1 The review application and the FIs were published for public inspection. Within the statutory publication periods, a total of 23 comments from individuals were received (**Annex J**), including 21 opposing comments and 2 comments expressing views. The two comments from individuals suggest that public vehicle parking (PVP) should be provided in the area to serve the demand. The major views/concerns and suggestions, if any, of the 21 opposing comments are as follows:

- there are concerns about the potential impacts of proposed housing development on visual and air ventilation aspects;
- additional traffic and residents arising from the proposed development that would further deteriorate the congested traffic conditions and pedestrian environment in the area;
- the proposed ancillary parking provision is insufficient to meet parking demand and would cause illegal parking;
- inadequacy in community facilities and open space to serve the neighbourhood area;
- comments that using GL for private housing development that sacrificing the public interest is inappropriate;
- lower the proposed BH or to limit the Site for low-rise development only; and
- CKLT, being at waterfront, is suitable for private housing only.

7.2 At the s.16 planning application stage, a total of 2,519 public comments were received including 1,336 supportive and 1,173 opposing comments, and 10 providing comments. Their views are summarized in paragraph 10 of **Annex A** with samples of public comments at Appendices III-1 to III-20 in **Annex A**.

8. Planning Considerations and Assessment

8.1 The application is for a review of the MPC's decision on 4.9.2020 to reject the s.16 application for proposed comprehensive development in the Site with public and private residential cum supporting retails and GIC facilities. The rejection reasons, as detailed in paragraph 1.3 above, were that approval of the application would undermine the comprehensive planning of land uses for the Site under an ongoing Government study; and the applicant failed to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the area as required under the "U" zone.

- 8.2 In support of the review application, the applicant has submitted the Revised Scheme to delete one public housing block for enlarging the school development site with reference to HKPSG (**Drawing R-1**). With total housing block reduced from 7 to 6, there is corresponding reduction in flat number from 5,643 units to 4,984 units (-659 units or -11.7%). The proposed domestic and non-domestic PRs are 6.15 and 0.33 respectively and BHs are between 100mPD to 123mPD. Proposed development parameters for the residential development portion of the Revised Scheme are at paragraphs 2.2 and 2.3 above. Provision of other GIC facilities and the heritage proposal remain the same in the Revised Scheme. According to the applicant's implementation programme, the decanting block (T1) will be completed by 2025 and with full housing development completed by 2029. In support of the Revised Scheme, revised EA, AVA-EE, LMP and TIA (**Annexes E to G**) were submitted. The applicant also provides arguments against MPC's decision for the reasons of (i) inappropriate interpretation of 2019 PA, (ii) important information not adequately addressed in the MPC Paper; and (iii) unreasonable grounds of rejection as given in paragraphs 3.2 to 3.7 above.

Government's Policy for the Site

- 8.3 SDEV comments in paragraph 6.2.1(a) above that the Government has a clear policy under 2019 PA to adopt the Government-led approach to resume private land by invoking LRO for high-density public housing development and related infrastructure development in CKLT. Resumption of private land under LRO should be for the established public purposes. Along this proposition of Government-led approach and resumption, the question as to whether or not privately-driven private housing development has been specifically excluded is no longer relevant. SDEV also comments that Government-led approach could not be achieved by way of the applicant's s.16 planning application. With the said clear policy initiative, the applicant's argument that 2019 PA had been inappropriately interpreted is invalid.
- 8.4 In line with this policy initiative, the CEDD has commenced the Study to review the long-term land uses of the Site for provision of high-density public housing, GIC facilities (for example, recreational, community, health, social welfare uses) required to serve the district-wide demand, and transport and other infrastructural improvements to benefit the wider district. The Study is expected to be completed within 2021. KTDC has been consulted on the Study findings on 6.7.2021 and the proposed OZP amendments in association with the Study will be submitted to the Board for consideration in due course. As there is an on-going Government study reviewing the long-term use of the Site with intention for public housing development with GIC facilities and transport infrastructure, SDEV maintains his position that he does not support the current application and advises that the Government will not be in a position to pursue any land exchange (in-situ or non-in-situ) for private housing at this stage, when the intention is to go for public housing through land resumption under LRO.
- 8.5 LandsD maintains his previous comment that in the absence of policy support from DEVB, it would not be in a position to process the non-in-situ land exchange application(s) by the applicant and/or other private lot owners concerned.

Information not Adequately Addressed in Paper/Development Programme

- 8.6 Regarding the applicant's argument that some of his responses, with regard to the interpretation of 2019 PA and to CEDD's comments to substantiate that the applicant's proposal would allow a faster development programme, had not been discussed in the s.16 Paper; the applicant's FI for the s.16 application were attached in the Paper (**Appendix Ib of Annex A**), and PM(S) and relevant B/Ds had reviewed the applicant's proposal and submissions including the aforementioned FI before providing their comments in s.16 application as given in the Paper. On policy aspect, SDEV and LandsD maintain their previous comments as stated in paragraph 8.4 and 8.5 above.
- 8.7 Regarding the development programme, the proposed decanting site (T1) is currently on GL occupied by some squatter huts/structures (**Plan R-4**) that C&R issues have to be resolved with the affectees. Besides, as advised by PM(S), CEDD, relevant site formation and infrastructural works would have to be conducted before the construction of the housing blocks. For any development that requires construction of new access road (including the proposed decanting block T1 that would be served by a new road as under the Revised Scheme (**Drawing R-1**)), gazettal under the Roads Ordinance and relevant public consultation exercise are needed. In relation to applicant's argument that it has long been a standard practice at the HA to undertaken Government site formation and other public works on behalf of Government using its own financial resources in order to fast track the development programme, PM(S) advised that CEDD will conduct detailed design for infrastructural facilities and carry out subsequent site formation works before handing over a cleared and formed site with supporting infrastructure to HKHS for housing development. Taken into account the procedure for land resumption, clearance and public works in accordance with the established mechanism, PM(S), CEDD maintains his previous comment in the s.16 application that the applicant's claim that their proposal would lead to a faster development programme (i.e. with target completion of decanting block by 2025 and full completion by 2029) is unrealistic from public works project perspective.

Grounds of Rejection/Technical Feasibility

- 8.8 As set out in the ES of the OZP, the long-term use of the "U" zone will be subject to future study. Along with the 2019 PA direction and in order to determine the long-term comprehensive land use planning of the Site for public housing development with GIC facilities and supporting infrastructures, the Study was commenced in 2019 for completion within 2021 with various supporting technical assessments being finalised. Set aside the lands administrative issue in implementing the applicant's proposed private residential development as commented by LandsD in paragraph 8.5 above; PM(S), CEDD objects the review application and advises that should the current application be approved by the Board, the development layouts being examined under the Study have to be re-visited to take on board the Revised Scheme in that some of the proposed GIC facilities would be affected. Also, nearly all the technical assessments have to be re-conducted that would have considerable time implication on the study programme and cause delay to the implementation of the redevelopment of CKLT.

- 8.9 On technical aspects, C for T comments that the traffic assessment results are considered unacceptable and the proposed development intensity of the Revised Scheme has not been ascertained from traffic engineering perspective. DEP also comments that he is unable to support the application as the applicant fails to demonstrate the overall environmental acceptability of the development proposal. In view of the above, the technical feasibility of the Revised Scheme has not been ascertained and the applicant have not demonstrated that the development proposal would have no adverse impacts on the area as required for the “U” zone. To resolve the fundamental technical issues through the implementation of approval conditions as suggested by the applicant is not appropriate as the applicant fails to demonstrate that the Revised Scheme would have no adverse impacts on the area as required for the “U” zone in question in the first place.

Public Comments

- 8.10 Regarding the public comments on traffic, visual and air ventilation aspects, comments from relevant departments in paragraph 6 and the assessments in above are relevant. In view of acute demand for public housing, there is a clear Government direction to make use of the Site for high-density public housing development with GIC facilities and transport infrastructure that is under review in the Study. Other comments in respect of provision of ancillary parking and PVP, GIC facilities and open spaces have been referred to relevant departments and CEDD for consideration in the Study.

9. Planning Department’s Views

- 9.1 Based on the assessment made in paragraph 8 above, and having taken into account the public comments mentioned in paragraph 7 above, PlanD maintains its previous view of not supporting the review application for the following reasons:
- (a) the application site is zoned “U” which will be subject to future study. A Government study is being undertaken for comprehensive replanning of the site for public housing development with supporting facilities. Approval of this application would undermine the comprehensive planning of land uses for the application site; and
 - (b) the applicant fails to demonstrate the technical feasibility of the proposed development and that the proposed development will have no adverse impacts on the area as required under the “U” zone.
- 9.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until 20.8.2025, 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 conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a revised Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the implementation of the sewerage and drainage facilities identified in the revised Sewerage Impact Assessment in condition (b) above and the revised Drainage Impact Assessment in condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the submission of a revised Environmental Assessment, and the implementation of the environmental mitigation measure(s) identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (f) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measure(s) identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (g) the submission of a revised traffic impact assessment and implementation of the mitigation measures identified therein for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) the design and provision of vehicular access, and vehicle parking/loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) the submission of a revised Water Impact Assessment to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (j) the submission of a Conservation Management Plan (CMP) for the conservation of Law Mansion at Nos. 50A, 51 & 51A Cha Kwo Ling Road prior to the commencement of any works and implementation of the CMP to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board;
- (k) the submission of a full set of photographic, cartographic, and/or 3D scanning records of Law Mansion at Nos. 50A, 51 & 51A Cha Kwo Ling Road, prior to commencement of works to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board; and
- (l) the submission of the Natural Terrain Hazard Study and the implementation of mitigation measure(s), if any, to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Annex K**.

10. Decision Sought

- 10.1 The Board is invited to consider the application for a review of the MPC's decision and decide whether to accede to the application.
- 10.2 Should the Board decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 10.3 Alternatively, should the Board decide to approve the application on review, 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.

11. Attachments

Annex A	MPC Paper No. A/K15/124B
Annex B	Extract of minutes of the MPC meeting held on 4.9.2020
Annex C	Secretary of the Town Planning Board's Letter dated 18.9.2020
Annex D	Letter dated 8.10.2020 requesting for Review of MPC's Decision
Annex E	Letter dated 10.2.2021 (FI-1)
Annex F	Letter dated 27.4.2021 (FI-2)
Annex G	Letter dated 20.5.2021 (FI-3)
Annex H	Letter dated 19.7.2021 (FI-4)
Annex I	Other technical comments from Government departments
Annex J	Public comments
Annex K	Recommended advisory clauses
Drawings R-1	Master Layout Plans of the Revised Scheme
Drawings R-2 to R-5	Layout Plans of the Revised Scheme
Drawings R-6	Landscape Master Plan of the Revised Scheme
Drawings R-7 to R-10	Photomontages of the Revised Scheme
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plan R-4	Land Ownership
Plan R-5 to R-8	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**