

# LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance  
(Chapter 131)

## **APPROVED URBAN RENEWAL AUTHORITY TO KWA WAN ROAD/MA TAU KOK ROAD DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

### **INTRODUCTION**

At the meeting of the Executive Council on 28 May 2024, the Council **ADVISED** and the Chief Executive **ORDERED** that the draft Urban Renewal Authority (URA) To Kwa Wan Road/Ma Tau Kok Road Development Scheme Plan (DSP) No. S/K22/URA2/1A, should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The plan is now renumbered as No. A S/K22/URA2/2 at **Annex A**.

### **THE DEVELOPMENT SCHEME AREA**

2. On 10 February 2023, the Town Planning Board (the Board) considered and deemed the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/A together with its Notes and Explanatory Statement (ES) as being suitable for publication as provided under section 25(6)(a) of the URA Ordinance (Cap. 563) (the URAO)<sup>1</sup>. The draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1 (the draft DSP) was exhibited for public inspection on 3 March 2023 under section 5 of the Ordinance<sup>2</sup> and replaced the approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8 (the approved OZP) relating to the area delineated and described in the draft DSP pursuant to section 25(9) of the URAO<sup>3</sup>.

3. The development scheme area (DSA) covers a site, known as Site KC-019, which is of about 8,759m<sup>2</sup> and is broadly bounded by Ma Tau Kok waterfront to the east, northern portion of Ma Tau Kok Road to the south, To Kwa Wan Road to the west and a site earmarked for dedicated rehousing estate (DRE) to the north. The DSA is currently occupied by an industrial building (i.e. Newport Centre Phases 1 and 2) and the adjoining roads. The DSA was originally zoned “Comprehensive Development Area”, subject to a maximum plot ratio (PR) of 5.0, a

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<sup>1</sup> On the same day, the Board also considered and deemed the draft URA Ming Lun Street/Ma Tau Kok Road DSP No. S/K22/URA1/A as being suitable for publication as provided under section 25(6) of the URAO.

<sup>2</sup> The draft URA Ming Lun Street/Ma Tau Kok Road DSP No. S/K22/URA1/1 (the draft KC-018 DSP) was also exhibited for public inspection on 3 March 2023 under section 5 of the Ordinance.

<sup>3</sup> The draft DSP also covers a small area of pavement along To Kwa Wan Road which is shown as ‘Road’ on the approved Ma Tau Kok OZP No. S/K10/30 and remains to be shown as ‘Road’ on the draft DSP.

maximum site coverage of 40% and a maximum building height (BH) of 65 metres above Principal Datum (mPD), and area shown as 'Road' on the approved OZP. On land designated 'Shop and Services' and 'Eating Place' uses, buildings not exceeding two storeys to accommodate such uses shall be provided. On land designated 'Waterfront Promenade', a 20m-wide promenade abutting the waterfront shall be provided for public enjoyment purpose. A 10m-wide non-building area (NBA) shall also be provided along the southern boundary of the site.

## **PROPOSED DEVELOPMENT SCHEME**

4. The DSA is zoned "Residential (Group A)" ("R(A)") with areas shown as 'Road' on the draft DSP and proposed for residential, retail (including a retail belt), government, institution and community (GIC) and public open space/waterfront promenade uses. Development or redevelopment within the "R(A)" zone is subject to a maximum domestic PR of 6.5, and a maximum non-domestic PR of 1, or that of the existing building(s), whichever is the greater, except where the PR is permitted to be exceeded under the Notes of the draft DSP (i.e. in the circumstance set out in Regulation 22(1) or (2) of the Building (Planning) Regulations, or permission for minor relaxation is granted by the Board). The "R(A)" zone is also subject to a maximum BH of 120 mPD. The requirements on waterfront promenade, retail belt and NBA as previously stipulated on the approved OZP are retained on the draft DSP.

5. The DSA is planned for a comprehensive high-density residential development, providing private housing units, with parking facilities, GIC facilities of not less than 500m<sup>2</sup> gross floor area (GFA), an at-grade open-air Waterfront Plaza and a 20m-wide waterfront promenade. Full-height building setback above the two-storey retail belt along the waterfront promenade will be provided. URA may implement the development scheme on its own or in association with one or more partners.

## **REPRESENTATIONS AND COMMENTS ON REPRESENTATIONS**

6. During the exhibition of the draft DSP, **five** valid representations were received. The representations were published for public inspection and comment on 9 June 2023 and **29** valid comments on the representations (comments) were received. The representations and comments were considered by the Board at its meeting on 15 September 2023.

### **Supportive Representation (1)**

7. The supportive representation was submitted by an individual (i.e. **R1**). The major grounds/views are that (i) the redevelopment could improve the living environment, increase the provision of open space and enhance the connectivity of

the harbourfront with surrounding areas; (ii) the redevelopment would facilitate tourism and economic development and raise the profile of the district; and (iii) traffic congestion and illegal parking problem in the district would be alleviated.

### **Adverse Representations (3)**

8. The three adverse representations were submitted by Kum Shing Group Limited (i.e. **R2**), the Hong Kong and China Gas Company Limited (Towngas) (i.e. **R3**) and an individual (i.e. **R4**). The major grounds/views/proposals are summarised below –

#### Land Use and Development Scheme

- (a) allocation of only 500m<sup>2</sup> GFA to GIC facilities was objected;
- (b) the proposed scale of retail space, the viability and vibrancy of the proposed retail belt at the waterfront, and the proposed number of parking spaces and the non-provision of bicycle parking spaces were questioned;
- (c) there was a lack of active recreational space in the development proposal;

#### Risk Aspect

- (d) being located within the consultation zone of a potentially hazardous installation (i.e. Ma Tau Kok Gas Works), there were inadequate information/justifications in the URA's submission to address gas safety concern/requirements imposed by the Hong Kong Planning Standards and Guidelines (HKPSG);
- (e) the proposed development would attract transient population and lead to an increase in population, which brought potential impact on safety;
- (f) a remark requiring the submission of a quantitative risk assessment (QRA) to the satisfaction of the Government and Towngas, should be added to the Notes and ES of the OZP concerning the relevant zone;

#### Affected Business Operators

- (g) there was no specific measure in the draft DSP to address the needs of the affected stakeholders of the Newport Centre, which was an active and relatively young industrial building in fair conditions;

- (h) it was hard to identify relocation premises in the vicinity for some operators due to the larger floor space required;
- (i) the site should be rezoned to “Other Specified Uses” annotated “Mixed Uses” (“OU(MU)”) instead of “R(A)” to allow for a wider range of non-domestic uses in Column 1 with proper physical segregation. A higher total PR (i.e. up to a maximum PR of 9) was suggested, with reference to the surrounding To Kwa Wan/Ma Tau Kok area; and
- (j) the site should be developed by the Hong Kong Housing Society as DRE to provide rehousing option for affected residents in the district.

### **Representation Providing Views (1)**

9. A representation submitted by a concern group (i.e. **R5**) provided views on the draft DSP. The major views are that (i) URA did not utilise the “planning-led, district-based” urban renewal approach to develop a continuous waterfront promenade from To Kwa Wan to Kai Tak; (ii) there was no convincing reason for the closure and delayed implementation of the section of the waterfront promenade at Grand Waterfront; and (iii) a requirement should be incorporated in the Notes or ES of the draft DSP to request the URA, the Development Bureau and Towngas to actively explore and implement that section of the waterfront promenade.

### **Comments on Representations (29)**

10. Of the 29 comments received, **C1** (i.e. the URA) provided responses to all the representations received, and the major views of **C1** are summarised below –

#### Planning and Design

- (a) the objective of the redevelopment was to improve the built environment and rationalise land use for holistic waterfront planning of the area, instead of generating revenue;

#### Waterfront Connectivity

- (b) a waterfront promenade and a two-storey retail belt would be provided to facilitate the waterfront connectivity of the Kowloon East. The proposed at-grade Waterfront Plaza would strengthen the east-west connectivity and reinforce the waterfront ambience of the area;
- (c) the waterfront adjoining Grand Waterfront fell within private land as associated facilities for Towngas. URA had no right to intervene

with the connection of that section of waterfront;

#### Gas Safety

- (d) the Electrical and Mechanical Services Department and the Environmental Protection Department were consulted on the submitted Qualitative Appraisal of Risk Impact and no adverse comments were received;

#### Provision of Facilities

- (e) URA might consider providing limited bicycle parking facilities within the development for public use;
- (f) GFA of not less than 500m<sup>2</sup> would be provided at the non-domestic portions of the site for GIC facilities;

#### Proposed Revisions to the Draft DSP

- (g) in regard to the concerns of the operators from the Newport Centre at the site and the representation submitted by **R2** of the draft DSP as well as the representations submitted by R236 and R238 of draft KC-018 DSP, the URA proposed to amend the Notes and ES of the draft DSP and the draft KC-018 DSP to allow the non-domestic PR of not more than 1.5 while keeping the total PR of the developments at 7.5, allowing more flexibility to accommodate the potential returning of current business operators at the two sites and provide certain commercial floor space to meet the need of the future population and bring vibrancy to the area;
- (h) given that the overall development intensity remained unchanged, it was considered that the proposed revision (as mentioned in paragraph (g) above) would not lead to significant deviation from the original technical assessments;

#### Impacts on and Engagement with Current Business Operators

- (i) the proposed “R(A)” zoning and development intensity under the draft DSP were generally in line with the residential developments of the Kai Tak OZP. The proposed “OU(MU)” zoning was considered deviating from the planning intention to strike a balance between the development intensity and the BH profile in a waterfront site; and
- (j) URA would help the affected operators to identify suitable premises to continue their business operations in the replacement

premises as far as practicable.

11. The remaining comments were submitted by a concern group (**C29 (also R5)**) and individuals (**C2 to C27 and C28 (also R4)**). There were 13 supportive comments (**C2 to C14**) with responses to representations, 14 adverse comments (**C15 to C27 and C28 (also R4)**) and one comment where the commenter generally reiterated their views of the representation (**C29 (also R5)**). The major views/concerns raised in the remaining comments were largely similar to the grounds/views of representers. Other major views/comments which had not been covered in the representations are that (i) URA should consider the diversity in land use and balance the needs of different stakeholders; and (ii) there was no need for more residential developments in To Kwa Wan and the residential development was not compatible with the characteristics of To Kwa Wan.

### **The Board's Decision**

12. After giving consideration to the representations and comments, the Board noted the supportive views of **R1**. The Board also decided to partially meet **R2 (Part)** by revising the PR restriction for “R(A)” zone in the Notes and ES (i.e. by replacing the maximum domestic PR of 6.5 and non-domestic PR of 1 by a maximum PR of 6.5 for a domestic building or 7.5 for a building that was partly domestic and partly non-domestic, and a maximum PR of 6.5 for the domestic part of any building).

13. The Board decided not to uphold **R2 (Part)** to **R5**, and considered that the draft DSP should not be amended to meet the representations for the following reasons -

#### *Land Use and Development Scheme*

- (a) taking into account land use compatibility and technical feasibility, the site was considered suitable for comprehensive residential development with retail, GIC and open space/waterfront promenade uses under the proposed “R(A)” zoning. The DSP would facilitate redevelopment of existing old and dilapidated buildings for an improved living environment as well as catalyse the urban renewal of this Ma Tau Kok area and optimise land utilisation (**R2 (Part), R3 and R4**);
- (b) GIC facilities would be provided within the non-domestic portion of Site KC-019. URA had also undertaken to explore the feasibility to provide additional GIC/social welfare facilities in its future projects within the same district as far as practicable. A waterfront promenade of not less than 20m-wide was designated on the draft DSP. Together with the proposed Waterfront Plaza, the proposed promenade would provide opportunities for recreation and leisure activities (**R4**);

- (c) the provision of non-domestic use of the draft KC-018 DSP to serve the local needs and promote vibrancy of the waterfront area was considered suitable and in line with the intensity of surrounding residential developments **(R4)**;
- (d) according to the traffic impact assessment conducted for the draft DSP, the proposed parking provision and the internal transport facilities were in line with the latest HKPSG and were acceptable from traffic engineering point of view. URA had undertaken to consider the incorporation of bicycle-friendly provisions at some key focal points at detailed design stage **(R4)**;
- (e) considering the characters and planning intention of the surrounding areas, the proposed “R(A)” zoning for Site KC-019 was suitable and in line with the planning intention. Meanwhile, the proposed total PR of 9 exceeded the development restrictions of residential sites in the Kai Tak Development Area and was not justified by any technical assessment **(R2 (Part))**;
- (f) the compensation and relocation arrangements would be dealt with separately by the URA under the prevailing policies and established mechanism **(R2 (Part))**;

*Risk Aspect*

- (g) as demonstrated by the QRA endorsed by the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations in 2021 and the set of qualitative appraisal of risk impact submitted by the URA in support of the draft DSP, there was no unacceptable risk impact anticipated **(R3)**; and

*Waterfront Connectivity*

- (h) the concerned section of waterfront promenade mentioned by R5 was situated outside the draft DSP. Nevertheless, it had long been the Government’s intention to develop continuous waterfront promenade in the East Kowloon extending from To Kwa Wan to Cha Kwo Ling. Suitable statutory land use control had been imposed to enable the implementation of waterfront promenade **(R5)**.

## **FURTHER REPRESENTATIONS**

14. On 13 October 2023, the proposed amendment as mentioned in

paragraph 12 above was exhibited for public inspection under section 6C(1) of the Ordinance as in force immediately before 1 September 2023<sup>4</sup>. Upon the expiry of the exhibition period for the proposed amendment, **39** valid further representations (FRs) were received. The FRs were considered by the Board at its meeting held on 15 December 2023.

### **Supportive FRs (35)**

15. The major grounds/views of the supportive FRs (**F1 to F35**) submitted by individuals are summarised below –

- (a) a comprehensive redevelopment of ‘5-Street’ area in conjunction with Newport Centre could allow the re-planning of the area, which would bring improvement to the living environment of the old district, opportunity for harbourfront enhancement, as well as long-term benefits to the community;
- (b) the revision to the draft DSP could allow flexibility and sufficient office space to enable the return of affected business operators in Newport Centre to continue their business after redevelopment, and allow a balanced development with various facilities to enhance the attractiveness and vibrancy of the harbourfront; and
- (c) the comprehensive redevelopment would increase job opportunity and promote tourism of Hong Kong. The road widening associated with the redevelopment could also increase the traffic capacity.

### **Adverse FRs (4)**

16. The four adverse FRs were submitted by Hong Kong Kowloon City Industry and Commerce Association (i.e. **F37**), companies (i.e. **F38 to F39**) and an individual (i.e. **F36**). The major grounds/views/proposals of the adverse FRs are summarised below –

- (a) the proposed maximum PR of 7.5 was questioned and special consideration should be given on the development restrictions in view of the unique context and potential of the site;
- (b) there was no strong justification for following the typical restriction of the Kai Tak OZP given that the site formed part of the To Kwa Wan and Ma Tau Kok areas;
- (c) URA’s proposed non-domestic PR of 1.5 was far from sufficient to

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<sup>4</sup> While the Ordinance was amended by the Development (Town Planning, Lands and Works)(Miscellaneous Amendments) Ordinance 2023 with effect from 1 September 2023, section 6C(1) of the Ordinance as in force immediately before 1 September 2023 applied to the draft DSP pursuant to the transitional and saving provisions in sections 29(1) and 29(3) of the Ordinance.



accommodate the affected operators at Newport Centre with an existing PR of 5. Also, the proposed amendment did not specify a minimum PR or GFA for non-domestic use and a specified non-domestic PR, say 2 or 3, was suggested; and

- (d) a requirement to ensure the priority of the non-domestic floor space to the affected operators should be incorporated in the ES of the DSP.

### **The Board's Decision**

17. After giving consideration to the FRs, the Board noted the supportive views of **F1 to F35** and decided not to uphold **F36 to F39**, and considered that the draft DSP should be amended by the proposed amendment for the following reasons –

- (a) taking into account land use compatibility and technical feasibility, the FR site was considered suitable for comprehensive high-density residential development with compatible non-domestic uses under the proposed “R(A)” zoning. The maximum PR of 7.5 was in accord with the development intensity of Kai Tak and surrounding waterfront residential developments. The proposed amendment would provide flexibility to meet the future market need in the provision of non-domestic uses and the possible return of affected businesses by suitably adjusting the split of domestic and non-domestic PR, while keeping the maximum total PR unchanged (**F36 to F39**); and
- (b) the arrangement for affected business operators to continue business upon redevelopment would be subject to land use compatibility and the compensation and relocation arrangements by the URA under the prevailing policies and established mechanism, which was outside of the ambit of the DSP. A requirement to ensure the priority of the non-domestic floor space to the affected operators in the ES of the DSP was considered not appropriate (**F37 to F39**).

### **IMPLICATIONS OF THE PROPOSAL**

18. Approval of the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1A itself has no civil service implication. The economic, financial, environmental, sustainability, family and gender implications are set out below.

19. On economic implications, the proposed redevelopment will provide private housing units upon completion to help meet the housing demand in Hong Kong, though some economic activities currently within the site may be displaced

or lost upon redevelopment.

20. On financial implications, it is the prevailing policy to grant a nominal land premium for URA's redevelopment sites. The proposed redevelopment therefore will have no land revenue implication. The cost of acquisition of property, compensation, clearance and redevelopment will be borne by the URA.

21. For the proposed GIC facilities at the site required by the relevant Government departments, the URA or its future joint-venture partner(s) will be entrusted with the design and construction of the bare-shell premises. The estimated capital cost and the recurrent consequences are not available at this stage. Funds required will be sought under the Capital Works Reserve Fund as per the established mechanism.

22. For the proposed 20m-wide waterfront promenade at the site, the capital cost will be borne by the URA or its future joint-venture partner(s) or assignee(s). The ownership, management and maintenance of the waterfront promenade are subject to further deliberation.

23. As for the proposed Waterfront Plaza at the site, it will be designed and constructed by the URA or its future joint-venture partner(s) at their costs, and will be owned, managed and maintained by the URA or its future joint-venture partner(s) or assignee(s).

24. On environmental implications, various technical assessments including environmental assessment have been conducted by the URA for the proposed redevelopment which demonstrated that with the implementation of the proposed mitigation measures, no insurmountable environmental impact is anticipated for the proposed redevelopment. The proposed redevelopment is required to be planned, designed, constructed and implemented in accordance with the environmental guidelines and criteria laid down in the Environment Chapter of the HKPSG.

25. On sustainability implications, the proposed redevelopment could facilitate better utilisation of land resources to meet housing and social needs. The proposed redevelopment may generate potential environmental impacts on the local area. Suitable mitigation measures should be implemented to alleviate such possible impacts.

26. On family implications, the proposed redevelopment will have positive family implications as it will increase the supply of residential flats to meet the demand for housing. The living environment and economic/financial abilities of the affected and eligible occupants will be improved through cash compensation or rehousing arrangements. This will help foster and strengthen family stability. Besides, the proposed GIC facilities, waterfront promenade and Waterfront Plaza for public use will help support family functions, promote social interaction, encourage the building of community/social support networks and provide spaces

for families to engage in recreational activities and gatherings.

27. On gender implications, the proposed provision of GIC facilities, if materialised, will serve people in need whose carers are often women. The proposal should therefore be conducive to relieving the burden of carers and facilitating their participation in the workforce.

## **PUBLIC CONSULTATION**

28. URA had consulted the Task Force on Kai Tak Harbourfront Development (KTTF) of Harbourfront Commission and the Kowloon City District Council (KCDC) on 18 October 2022 and 27 October 2022 respectively. The KTTF and KCDC members generally welcomed the proposed redevelopment.

## **PUBLICITY**

29. The approved URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/2 will be printed and exhibited in accordance with section 9D(2) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

30. The approved URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/2 is at **Annex A** for Members' reference. A set of Notes listing out the uses which are always permitted and those which may be permitted on application to the Board is at **Enclosure I to Annex A**. An ES in respect of the approved URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/2 is at **Enclosure II to Annex A**.

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A-I

A-II

## **ENQUIRY**

31. Any enquiry on this brief can be addressed to Ms Caroline Tang, Assistant Director of Planning/Board, Planning Department (Tel. No. 2231 4606).

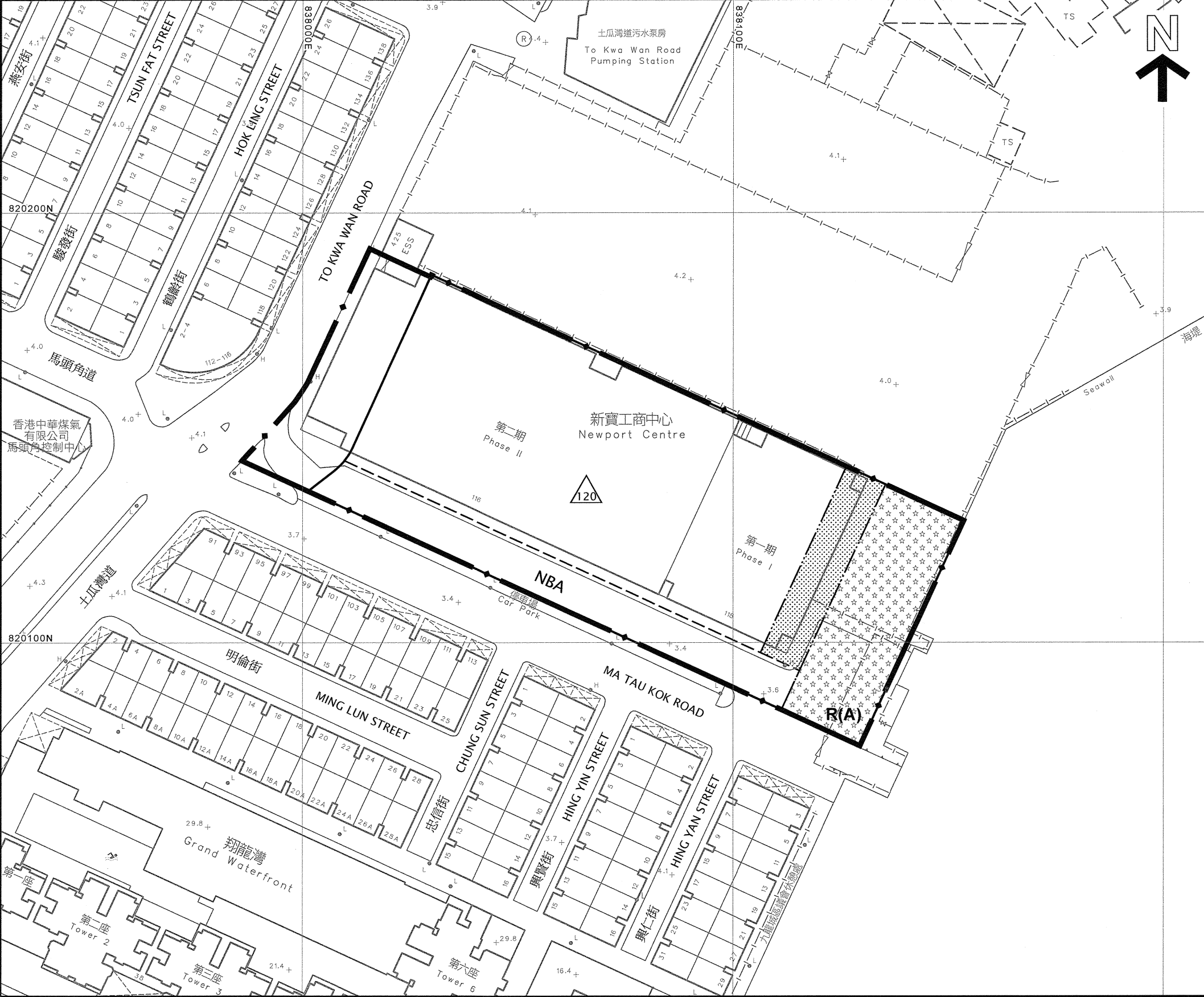
**PLANNING DEPARTMENT**  
**JUNE 2024**

**APPROVED URBAN RENEWAL AUTHORITY**  
**TO KWA WAN ROAD/MA TAU KOK ROAD DEVELOPMENT SCHEME PLAN**  
**NO. S/K22/URA2/2**

Annex A - Approved Urban Renewal Authority (URA) To Kwa Wan Road/Ma Tau Kok Road Development Scheme Plan (DSP) No. S/K22/URA2/2

Enclosure I : Notes of the Approved URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/2

Enclosure II : Explanatory Statement of the Approved URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/2




圖例  
NOTATION

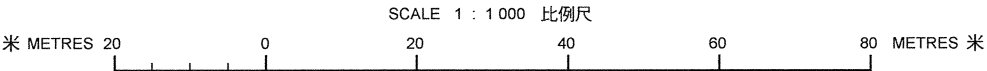
BOUNDARY OF DEVELOPMENT SCHEME		發展計劃範圍界線
RESIDENTIAL (GROUP A)		住宅（甲類）
MAJOR ROAD AND JUNCTION		主要道路及路口
BUILDING HEIGHT CONTROL ZONE BOUNDARY		建築物高度管制區界線
MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)		最高建築物高度 （在主水平基準上若干米）
AREA DESIGNATED FOR 'SHOP AND SERVICES' AND 'EATING PLACE' USES ONLY		只限於指定為 「商店及服務行業」和 「食肆」用途的地區
AREA DESIGNATED FOR 'WATERFRONT PROMENADE'		指定為 「海濱長廊」的地區
NON-BUILDING AREA		非建築用地

夾附的《註釋》屬這份圖則的一部分  
THE ATTACHED NOTES  
ALSO FORM PART OF THIS PLAN

行政長官會同行政會議於2024年5月28日根據城市規劃條例第9（1）（a）條核准的圖則  
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON 28 MAY 2024

  
Ms Carmen KONG 江嘉敏女士  
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

香港城市規劃委員會依據城市規劃條例擬備的市區重建局土瓜灣道／馬頭角道發展計劃圖  
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD  
URBAN RENEWAL AUTHORITY TO KWA WAN ROAD / MA TAU KOK ROAD  
DEVELOPMENT SCHEME PLAN



依據市區重建局條例第25（3）（a）條擬備  
PREPARED UNDER SECTION 25(3)(a) OF THE  
URBAN RENEWAL AUTHORITY ORDINANCE

圖則編號  
PLAN No. S/K22/URA2/2

**APPROVED URBAN RENEWAL AUTHORITY**  
**TO KWA WAN ROAD / MA TAU KOK ROAD**  
**DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

**NOTES**

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3)
  - (a) No action is required to make the existing use of any land or building conform to this Plan until there is a material change of use or the building is redeveloped.
  - (b) Any material change of use, or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Town Planning Board.
  - (c) For the purposes of subparagraph (a) above, “existing use of any land or building” means:
    - (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (hereafter referred as ‘the first plan’),

- a use in existence before the publication of the first plan which has continued since it came into existence; or
  - a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and
- (ii) after the publication of the first plan,
- a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or
  - a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.
- (4) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (5) Road junctions, alignments of roads and railway/tram tracks, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.
- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones:
- (a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/rail/tram/public light bus stop or layby, cycle track, rail track, railway station entrance, railway structure below ground level, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;

- (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
  - (c) maintenance or repair of watercourse.
- (8) In any area shown as 'Road', all uses or developments except those specified in paragraph (7) above and those specified below require permission from the Town Planning Board:

on-street vehicle park, railway track and tram track.
- (9) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (10) In these Notes, "existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.
- (11) Any development not compatible with the Urban Renewal Authority's Development Scheme for the area is prohibited by virtue of section 25(4) of the Urban Renewal Authority Ordinance.



**APPROVED URBAN RENEWAL AUTHORITY**  
**TO KWA WAN ROAD / MA TAU KOK ROAD**  
**DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

Schedule of Uses

	<u>Page</u>
RESIDENTIAL (GROUP A)	1

RESIDENTIAL (GROUP A)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Commercial Bathhouse/ Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Education Institution
House	Exhibition or Convention Hall
Library	Government Refuse Collection Point
Market	Hospital
Place of Recreation, Sports or Culture	Hotel
Public Clinic	Institutional Use (not elsewhere specified)
Public Transport Terminus or Station (excluding open-air terminus or station)	Office
Residential Institution	Petrol Filling Station
School (in free-standing purpose-designed building only)	Place of Entertainment
Social Welfare Facility	Private Club
Utility Installation for Private Project	Public Convenience
	Public Transport Terminus or Station (not elsewhere specified)
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Railway Vent Shaft and/or Other Structure above Ground Level other than Entrances
	Religious Institution
	School (not elsewhere specified)
	Shop and Services (not elsewhere specified)
	Training Centre

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

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In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of a building, both excluding floors containing wholly or mainly car parking, loading/unloading bay and/or plant room:

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Eating Place  
Educational Institution  
Institutional Use (not elsewhere specified)  
Off-course Betting Centre  
Office  
Place of Entertainment  
Private Club  
Public Convenience  
Recyclable Collection Centre  
School  
Shop and Services  
Training Centre

Planning Intention

This zone is intended primarily for comprehensive high-density residential developments with the provision of waterfront promenade. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of a building.

Remarks

- (1) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in the plot ratio for the building upon development and/or redevelopment in excess of 6.5 for a domestic building or 7.5 for a building that is partly domestic and partly non-domestic, or the plot ratio of the existing building, whichever is the greater. Except where the plot ratio is permitted to be exceeded under paragraphs (7) and/or (8) hereof, under no circumstances shall the plot ratio for the domestic part of any building, to which this paragraph applies, exceed 6.5.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (2) For the purposes of paragraph (1) above, no addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum plot ratio, or the plot ratio of the existing building, whichever is the greater, subject to, as applicable: –
- (i) the plot ratio of the existing building shall apply only if any addition, alteration and/or modification to or redevelopment of an existing building is for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building; or
  - (ii) the maximum domestic and/or non-domestic plot ratio stated in paragraph (1) above shall apply if any addition, alteration and/or modification to or redevelopment of an existing building is not for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building.
- (3) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (4) On land designated ‘Shop and Services’ and ‘Eating Place’ uses only, buildings not exceeding 2 storeys to accommodate ‘Shop and Services’ and ‘Eating Place’ uses shall be provided.
- (5) On land designated ‘Waterfront Promenade’, a 20m-wide promenade abutting the waterfront shall be provided for public enjoyment purpose.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (6) In determining the maximum plot ratio for the purposes of paragraph (1) above,
- (a) any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded; and
  - (b) any floor space that is constructed or intended for use solely as Government, institution or community facilities, as required by the Government, may also be disregarded.
- (7) Where the permitted plot ratio as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraphs (1) and (2) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraphs (1) and (2) above may thereby be exceeded.
- (8) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions as stated in paragraphs (1) and (3) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (9) Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the non-building area restriction as stipulated on the Plan may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

**APPROVED URBAN RENEWAL AUTHORITY**

**TO KWA WAN ROAD / MA TAU KOK ROAD**

**DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

**EXPLANATORY STATEMENT**

**APPROVED URBAN RENEWAL AUTHORITY**

**TO KWA WAN ROAD / MA TAU KOK ROAD**

**DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

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**APPROVED URBAN RENEWAL AUTHORITY**  
**TO KWA WAN ROAD / MA TAU KOK ROAD**  
**DEVELOPMENT SCHEME PLAN NO. S/K22/URA2/2**

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

**EXPLANATORY STATEMENT**

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

**1. INTRODUCTION**

This explanatory statement is intended to assist an understanding of the approved Urban Renewal Authority (URA) To Kwa Wan Road / Ma Tau Kok Road Development Scheme Plan (DSP) No. S/K22/URA2/2. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the area covered by the Plan.

**2. AUTHORITY FOR THE PLAN AND PROCEDURES**

- 2.1 In the URA's 21<sup>st</sup> Business Plan (2022/23) which was approved by the Financial Secretary, the To Kwa Wan Road / Ma Tau Kok Road Development Scheme (KC-019) (the Development Scheme) was proposed to be processed as a Development Scheme under section 25 of the URA Ordinance (URAO).
- 2.2 On 7 October 2022, pursuant to section 23(1) of the URAO, the URA notified in the Government Gazette the commencement of implementation of the Development Scheme.



- 2.3 On the same day of commencement (i.e. 7 October 2022), the URA submitted the draft URA To Kwa Wan Road / Ma Tau Kok Road DSP to the Board under section 25(5) of the URAO.
- 2.4 On 10 February 2023, the Board, under section 25(6)(a) of the URAO, deemed the draft URA To Kwa Wan Road / Ma Tau Kok Road DSP as being suitable for publication. Under section 25(7) of the URAO, the draft DSP, which the Board has deemed suitable for publication, is deemed to be a draft plan prepared by the Board for the purposes of the Town Planning Ordinance (the Ordinance).
- 2.5 On 3 March 2023, the draft URA To Kwa Wan Road / Ma Tau Kok Road DSP No. S/K22/URA2/1 (the draft DSP) was exhibited for public inspection under section 5 of the Ordinance. By virtue of section 25(9) of the URAO, the draft DSP has from the date replaced the approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8 in respect of the area delineated and described herein. During the two-month exhibition period, five valid representations were received. On 9 June 2023, the representations were published for three weeks for public comments and 29 valid comments on the representations were received. After giving consideration to the representations and comments on 15 September 2023, the Board decided to propose amendment to the draft DSP to partially meet a representation by amending the plot ratio restriction for “Residential (Group A)” (“R(A)”). On 13 October 2023, the proposed amendment was published for further representation (FR) under section 6C(1) of the Ordinance as in force immediately before 1 September 2023 (the pre-amended Ordinance)<sup>1</sup>. During the three-week exhibition period, 39 valid FRs were received. On 15 December 2023, the Board gave consideration to the FRs and decided to amend the draft DSP by the proposed amendment under section 6F(8) of the pre-amended Ordinance<sup>1</sup>. In accordance with section 6H(1) of the pre-amended Ordinance<sup>1</sup>, the draft DSP shall hereafter be read as including the above amendment.

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<sup>1</sup> While the Ordinance was amended by the Development (Town Planning, Lands and Works)(Miscellaneous Amendments) Ordinance 2023 with effect from 1 September 2023, sections 6C(1), 6F(8) and 6H(1) of the Ordinance as in force immediately before 1 September 2023 applied to the draft DSP pursuant to the transitional and saving provisions in sections 29(1) and 29(3) of the Ordinance.

- 2.6 On 28 May 2024, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft DSP, which was subsequently renumbered as S/K22/URA2/2. On 7 June 2024, the approved URA To Kwa Wan Road / Ma Tau Kok Road DSP No. S/K22/URA2/2 (the Plan) was exhibited for public inspection under section 9D(2) of the Ordinance.

### **3. OBJECT OF THE PLAN**

The Plan illustrates that the Development Scheme Area (the Area) is designated as “R(A)” and an area shown as ‘Road’. It is planned to be developed by means of the Development Scheme prepared under section 25 of the URAO. The Development Scheme intends to achieve a holistic re-planning of land uses together with the adjoining urban fabric at Ming Lun Street / Ma Tau Kok Road Development Scheme (KC-018) to facilitate the expedition of redevelopment into comprehensively designed waterfront developments fitting in with the redevelopment intention of the 5 Streets area in Ma Tau Kok. Waterfront promenade, retail belt and non-building area as designated on the DSP will be provided. Government, institution or community (GIC) facilities will also be provided within the Area to meet community needs.

### **4. NOTES OF THE PLAN**

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area in this zone and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board’s website at <http://www.tpb.gov.hk>.

## **5. AREA COVERED BY THE PLAN**

- 5.1 The Development Scheme boundary is shown in heavy broken line on the Plan. The Area is broadly bounded by Ma Tau Kok waterfront to the east, northern portion of Ma Tau Kok Road to the south, To Kwa Wan Road to the west and a site earmarked for dedicated rehousing estate to the north. With a total site area of about 8,759m<sup>2</sup> (subject to site survey), the Area includes buildings built on private lots, Government land, roads and the public pavement.
- 5.2 Before the exhibition of the Plan, the Area was zoned “Comprehensive Development Area” and a strip of land shown as ‘Road’<sup>2</sup> on the approved Kai Tak OZP No. S/K22/8.

## **6. EXISTING CONDITIONS**

The Area consists of Newport Centre Phase I and Phase II, which are of 6 storeys high (including one basement level) and were built between 1979 and 1981. The buildings are mainly occupied by workshops, storage/godowns, showrooms, offices, garages and retail uses.

## **7. PLANNING AND LAND USE PROPOSALS**

- 7.1 On the Plan, the Area is zoned “R(A)” and an area shown as ‘Road’. The Notes of the Plan indicated broadly the intended land uses within the Area. The total area of the DSP is about 8,759m<sup>2</sup>, of which the area covered by the “R(A)” zone is about 7,816 m<sup>2</sup> (subject to site survey).

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<sup>2</sup> To facilitate land resumption and implementation of the Development Scheme, the Development Scheme boundary includes a small area of pavement along To Kwa Wan Road which is shown as ‘Road’ under the approved Ma Tau Kok OZP No. S/K10/30 and the approved Kai Tak OZP No. S/K22/8. This area is not accountable for gross floor area/plot ratio calculation.

## **Uses**

- 7.2 The “R(A)” zone is intended primarily for comprehensive high-density residential developments with the provision of waterfront promenade for public enjoyment purposes. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-domestic portion of a building.
- 7.3 Developments or redevelopments within the “R(A)” zone are subject to specific control on plot ratios, i.e. a maximum plot ratio of 6.5 for a domestic building or a maximum plot ratio of 7.5 for a partly domestic and partly non-domestic building, or the plot ratio of the existing building(s), whichever is the greater. Except where the plot ratio is permitted to be exceeded under the Notes of the Plan or under Building (Planning) Regulations 22(1) or (2), under no circumstances shall the plot ratio for the domestic part of any development exceed 6.5. The “R(A)” zone is also subject to a maximum building height of 120 metres above Principal Datum.
- 7.4 The plot ratio control under “R(A)” zone is regarded as being stipulated in a “new or amended statutory plan” according to the Joint Practice Note No. 4 “Development Control Parameters Plot Ratio/Gross Floor Area”, and shall be subject to the streamlining arrangements stated therein.
- 7.5 To provide design flexibility, minor relaxation of the plot ratio and building height restrictions may be considered by the Board on application under section 16 of the Ordinance taking into account its individual planning and design merits.

## **Non-building Area (NBA) and Building Setback**

- 7.6 In respecting the waterfront setting and promoting public access and visual permeability to the waterfront, a NBA of about 10m wide in a east-west direction is designated along the southern boundary of the “R(A)” zone of the Area. The NBA is intended to allow for better wind penetration into the inland sites, which can also help to improve the overall air ventilation and visual permeability for the Area. Under

exceptional circumstances, minor relaxation of the NBA restriction may be considered by the Board on application under section 16 of the Ordinance. Landscaping and street feature, underground structures and covered walkway will be permitted within the NBA. Fence or boundary walls that are designed to allow high visual/air porosity will also be allowed within the NBA.

- 7.7 Building setback at ground floor/podium level (facing the Waterfront Plaza) is proposed at the “R(A)” site to create wider and enhanced pedestrian environment. The setback is subject to detailed design on the feasibility and agreement with relevant Government departments.

### **Waterfront Promenade**

- 7.8 In view of the waterfront location of the Area, a waterfront promenade of not less than 20m wide will be provided for public enjoyment. Seaside footpath, siting-out area, Greenway and landscaping will be provided at the waterfront promenade as appropriate. The waterfront promenade will seamlessly connect with the planned waterfront promenade at the north, contributing as part of the continuous promenade from Ma Tau Kok towards Cha Kwo Ling. To promote vibrancy and liveliness of the waterfront area, a strip of land of about 10m wide <sup>3</sup> for provision of a two-storey retail belt for ‘Shop and Services’ and ‘Eating Place’ uses will be provided along the waterfront promenade. The waterfront promenade will be opened for public use 24 hours to benefit the local community, subject to local views and liaison with relevant Government departments.

- 7.9 In order to facilitate early and comprehensive implementation of the waterfront promenades at KC-018 and KC-019, the provision of waterfront promenades in one go may be explored and implemented under the earliest redevelopment programme (subject to detailed feasibility study) in the event that KC-018 and KC-019 would be redeveloped in phases.

### **Waterfront Plaza**

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<sup>3</sup> With full-height building setback atop the two-storey retail belt.

- 7.10 Subject to detailed design, an at-grade Waterfront Plaza is proposed along the southern boundary of the Area to connect To Kwa Wan Road with the retail belt and waterfront promenade. The Waterfront Plaza with landscaping, sitting out area and a 24-hour pedestrian passageway will be integrated with the adjoining planned Waterfront Plaza in URA's Ming Lun Street / Ma Tau Kok Road Development Scheme (KC-018) to the south, to provide pedestrian connection between To Kwa Wan Road to the west and the retail belt and waterfront promenade to the east. The entire Waterfront Plaza, with a minimum width of 25m at the narrowest points between the podia at KC-018 and KC-019, will reinforce the waterfront ambience of the Area through creating a focal point for harbour viewing, leisure strolling and place-making. The design and actual extent of the Waterfront Plaza shall be determined at detailed design stage.

#### **GIC Facilities**

- 7.11 Subject to confirmation of operational needs and detailed design, not less than 500m<sup>2</sup> non-domestic gross floor area would be proposed for GIC uses within the non-domestic portion of the Development Scheme. The intended GIC use would be subject to further liaison with relevant Government departments as well as views from local stakeholders. The actual GIC gross floor area is subject to departmental confirmation upon land grant preparation stage. In determining the relevant maximum plot ratio of the development and/or redevelopment, any floor space that is constructed or intended for use solely as GIC facilities, as required by the Government, may be disregarded. The total gross floor area of GIC facilities shall be determined based on the operational and design requirements of the confirmed uses as advised by relevant Government departments.

#### **Internal Transport Facilities**

- 7.12 Ancillary car parking spaces and loading/unloading bays will be provided in a basement car park. The number and locations of car parking spaces and loading/unloading bays will be based on the relevant requirements under the Hong Kong Planning Standards and Guidelines and subject to agreement with Transport Department.

### **Pedestrian and Vehicular Circulation**

- 7.13 Under a holistic planning approach, the Development Scheme is proposed to enhance both the pedestrian and vehicular connectivity to Kai Tak Development Area and the old urban area of Ma Tau Kok and To Kwa Wan in the hinterland. To enhance walkability and connectivity of the Area with the waterfront promenade and the surrounding neighbourhood, the section of Ma Tau Kok Road within the Area will be closed permanently for redevelopment and/or creation of the Waterfront Plaza. It can facilitate a car-free walking environment to bring pedestrians from the hinterland of Ma Tau Kok towards the waterfront promenade.
- 7.14 In addition, through rationalizing of existing land uses, the residential development within the “R(A)” site will be setback from To Kwa Wan Road to provide an opportunity to reserve area for the planned road widening works of the existing To Kwa Wan Road from a 4-lane road to a 6-lane road. Detailed design and implementation programme will be subject to local views and agreement with relevant Government departments.

### **Provision of Footbridge Connection**

- 7.15 To further enhance the walkability and connectivity between the Area and the inland area of To Kwa Wan, URA will explore the provision of a footbridge connection at the podium level at the “R(A)” site under separate revitalisation initiatives, as a connecting point to enable the development of a footbridge by others over To Kwa Wan Road between the Area and the future redevelopments in the surroundings when opportunity arise. The design and openings of the footbridge connection point are subject to liaison and agreement with relevant Government departments.

### **Abandoned Pier Structure and Landing Steps**

- 7.16 There is an existing abandoned pier structure and landing steps owned by the Government located outside the Development Scheme boundary and does not form part of the DSP. Given there is potential to revitalize the pier structure and landing steps to achieve a coherent design theme for waterfront area and for public enjoyment, the URA will liaise with relevant Government departments on the proposal via separate revitalisation initiatives subject to the approval of DSP and detailed technical feasibility study.

## **8. IMPLEMENTATION OF THE DEVELOPMENT SCHEME**

- 8.1 The proposals set out in the Plan form an integral part of the Development Scheme for the Area.
- 8.2 The URA does not own or lease any land within the boundaries of the Development Scheme and intends to acquire the properties within the Area of the Development Scheme. With respect to any of such properties which cannot be acquired by purchase, the Secretary for Development would consider, upon the application of the URA, recommending to the CE in C the resumption of properties under the Lands Resumption Ordinance, if necessary.
- 8.3 The acquisition policies of industrial properties and the allowances to owners and tenants are currently under review by the URA. The URA will communicate to the affected persons the prevailing policies before issuance of acquisition offers. The URA may implement the Development Scheme on its own or in association with one or more partners.