

TOWN PLANNING BOARD

**TPB Paper No. 10949
For Consideration by the
Town Planning Board on 5.1.2024**

DRAFT YAU MA TEI OUTLINE ZONING PLAN NO. S/K2/25

**CONSIDERATION OF REPRESENTATION NO. TPB/R/S/K2/25-R1
AND COMMENTS NO. TPB/R/S/K2/25-C1 TO C2**

**DRAFT YAU MA TEI OUTLINE ZONING PLAN NO. S/K2/25
CONSIDERATION OF REPRESENTATION NO. TPB/R/S/K2/25-R1
AND COMMENTS NO. TPB/R/S/K2/25-C1 AND C2**

Subject of Representation (Amendment Items)	Representer	Commenters
<p><u>Item A</u> Revision of building height restriction (BHR) for the “Commercial” (“C”) zone on the two sides of Nathan Road from 110mPD to 140mPD</p> <p><u>Item B</u> Rezoning of various sites in the area bounded by Kansu Street, Shanghai Street, Jordan Road, Parkes Street and Woosung Street from “Residential (Group A)” (“R(A)”) to “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) and revision of BHR from 100mPD to 115mPD</p> <p><u>Item C</u> Revision of BHR for the “R(A)” zone from 100mPD to 115mPD</p> <p><u>Amendments to the Notes of the Plan</u></p> <ul style="list-style-type: none"> • Deletion of the maximum plot ratio (PR) restriction from the Remarks for the “C” zone • Revision to the Remarks for the “R(A)” zone to adjust the maximum domestic PR restriction from 7.5 to 8.5 • Incorporation of new set of Notes for the “OU(MU)” zone 	<p>Total: 1</p> <p><u>Oppose Items A to C and associated amendments to the Notes of the Plan</u></p> <p>R1: Individual</p>	<p>Total: 2</p> <p><u>Provide responses to R1</u> C1: Urban Renewal Authority (URA)</p> <p><u>Support R1</u> C2 (also R1): Individual</p>

Note: The name of the representer and commenters are attached at **Annex III**. A set of soft copy of their submissions is sent to Town Planning Board Members via electronic means; and is also available for public inspection at the Board’s website at https://www.tpb.gov.hk/en/plan_making/S_K2_25.html and the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin. A set of hard copy is deposited at the Board’s Secretariat for Members’ inspection.

1. **INTRODUCTION**

- 1.1 On 30.6.2023, the draft Yau Ma Tei Outline Zoning Plan (OZP) No. S/K2/25 (**Annex I**) was exhibited for public inspection under section 5 of the pre-amended Town Planning Ordinance (the pre-amended Ordinance)¹. The Schedule of Amendments setting out the amendments is at **Annex II** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period ending on 30.8.2023, one representation was received. On 15.9.2022, the representation was published for three weeks for public comments. Upon expiry of the publication period on 6.10.2023, two comments, including one submitted by the representer, were received.
- 1.3 On 3.11.2023, the Town Planning Board (the Board) agreed to consider all the representation and comments collectively in one group.
- 1.4 This paper is to provide the Board with information for consideration of the representation and comments. The lists of representer and commenters are at **Annex III**. The representer and commenters have been invited to attend the meeting in accordance with section 6(B)3 of the pre-amended Ordinance².

2. **BACKGROUND**

Items A, B and C - Taking Forward Some Recommendations of the District Study for Yau Ma Tei and Mong Kok (YMDS)

- 2.1 YMDS commissioned by URA was completed in 2021. Its main objective is to map out a blueprint for restructuring and regenerating the old districts in Yau Ma Tei and Mong Kok to enhance land use efficiency and optimise redevelopment potential.
- 2.2 YMDS has developed three scenarios of Master Urban Renewal Concept Plans (MRCPs) with varying development intensity, i.e. '+', '0' and '-'. YMDS recommends adopting MRCP '+' as a first step to envision growth and liveability (**Drawing H-1**), focusing on steering economic growth, and to generate an increase in Gross Floor Area (GFA) within the limits of infrastructure and planning capacity. The design population is capped at the existing level (i.e. 213,000) in the Yau Mong Areas (YM Areas). The implementation of the other MRCPs³ would depend on resource availability such as new land supply in the future rendering it possible to thin out the population in YM Areas⁴.

¹ The 'pre-amended Ordinance' refers to the Town Planning Ordinance as in force immediately before 1.9.2023.

² Pursuant to sections 29(1) and 29(3) of the Town Planning Ordinance currently in force (the Ordinance), sections 6 and 6A to 6H of the pre-amended Ordinance applies to the draft OZP.

³ The '-' scenario aspires to create a liveable city with major restructuring and population thin-out, requiring higher level of Government initiatives. The '0' scenario lies in the middle ground and seeks to maintain existing permissible level of development under the OZP with improvement in liveability. The design population is capped at the existing level of about 213,000 and ranges from about 150,000 to 213,000.

⁴ According to YMDS, in general, the '+' MRCP would be implemented first to create the resources needed to kick start effective urban renewal in the district. With the readiness of new land supply in the future rendering it possible to thin out the population in the existing metro area, the development model would be gradually shifted to '0' or '-' MRCPs.

2.3 As a district-wide urban renewal study, YMDS had taken into account the development intensity and infrastructural capacities of the areas comprehensively through various technical assessments, in particular those on traffic and sewerage aspects. While some of the development proposals under YMDS are long-term development concepts, it is considered appropriate to take forward some recommendations of YMDS in the first batch of the amendments to the Yau Ma Tei OZP, i.e.:

- (i) to increase the PR for the “C” zones along Nathan Road from 12 to 15⁵;
- (ii) to rezone the “R(A)” zones along the character streets, i.e. Temple Street (southern section) and Woosung Street, to “OU(MU)”;
- (iii) to enhance interchangeability between domestic and non-domestic PR for the “R(A)” zones.

Similar amendments were also incorporated into the Mong Kok OZP, which was approved by the Chief Executive in Council (CE in C) on 30.5.2023.

Amendments to the OZP

2.4 On 9.6.2023, the Metro Planning Committee (MPC) of the Board agreed that the proposed amendments to the approved Yau Ma Tei OZP No. S/K2/24 were suitable for exhibition under section 5 of the pre-amended Ordinance. The relevant MPC Paper No. 5/23 is available at the Board’s website⁶ and extract of the minutes of the said MPC meeting is at **Annex IV**. Accordingly, the draft Yau Ma Tei OZP No. S/K2/25 was gazetted on 30.6.2023.

3. PUBLIC CONSULTATION

URA consulted the Yau Tsim Mong District Council (YTMDC) on the findings of YMDS on 30.11.2021. Upon gazettal of the draft Yau Ma Tei OZP No. S/K2/25, an information paper was circulated to the members of YTMDC on 3.7.2023 and the members were invited to submit comments on the OZP amendments in writing to the Secretary of the Board during the statutory exhibition period of the draft OZP. No representation or comment from YTMDC members was received.

⁵ Before imposition of the current maximum PR restriction of 12 into “C” zones (previously “Commercial/Residential” (“C/R” zone) on the Mong Kok and Yau Ma Tei OZPs in 1993, there was no PR restriction for “C” zones on the OZPs, and thus, the PR control was subject to the Building (Planning) Regulations (i.e. maximum PR of 15 for non-domestic building).

⁶ The MPC Paper No. 5/23 and the attachments are available at the Board’s website at https://www.tpb.gov.hk/en/meetings/MPC/Agenda/720_mpc_agenda.html.

4. **THE REPRESENTATION SITES**

4.1 **The Representation Sites and their Surrounding Areas**

Representation Sites under Item A (Item A Sites) (Plans H-2 and H-3)

- 4.1.1 Item A Sites are zoned “C” along Nathan Road. It is located in the central part of the OZP running in north-south direction serving as a commercial spine in YM Areas. To the west of the “C” zones are mainly “R(A)” and “OU(MU)” zones which are predominantly residential in nature with retail activities on lower floors. To the east of the “C” zones are mainly open spaces, Government, institution and community (GIC) facilities, recreational facilities and medium-rise residential developments.
- 4.1.2 To take forward the YMDS proposal for the “C” zones as mentioned in paragraph 2.3(i) above, the PR restriction of 12 on the “C” zones has been removed and thus developments within the “C” zones are subject to the PR control under Building (Planning) Regulations (B(P)R) with a maximum PR of 15 for non-domestic building. Besides, the BHR of the “C” zones has been increased from 110mPD to 140mPD.

Representation Sites under Item B (Item B Sites) (Plans H-2 and H-3)

- 4.1.3 Item B Sites are zoned “OU(MU)” located along the character streets, including Temple Street (southern section) and Woosung Street. These sites were previously zoned “R(A)”. To the east of the character streets is the commercial spine along Nathan Road. To the west are predominantly residential developments with retail activities on lower floors.
- 4.1.4 To take forward the YMDS proposal as mentioned in paragraph 2.3(ii) above, these sites have been rezoned to “OU(MU)” subject to maximum domestic and total PR restrictions of 7.5 and 9 respectively, and the BHR has been increased from 100mPD to 115mPD. Besides, restriction on commercial uses on the lowest three floors only has been relaxed to purpose-designed non-residential portion of a building to allow higher design flexibility to enrich the commercial mix in a composite development to echo with the highly mixed-use character of the areas.

Representation Sites under Item C (Item C Sites) (Plans H-2 and H-3)

- 4.1.5 Item C Sites are zoned “R(A)” located to the west of Nathan Road. These sites were previously subject to maximum domestic PR and total PR restrictions of 7.5 and 9 respectively. To take forward the YMDS proposal as mentioned in paragraph 2.3(iii) above, the maximum domestic PR has been increased to 8.5 while keeping the total PR as 9 to enhance interchangeability between domestic and non-domestic PRs and allow more domestic GFA. The BHR of the “R(A)” zones has been increased from 100mPD to 115mPD.

4.2 Planning Intentions

The planning intentions of the relevant zones in relation to the above representation sites are as follows:

- (a) The “C” zone is intended primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as district and local shopping centres.
- (b) The “OU(MU)” zone is intended primarily for high-density residential developments. Flexibility for the development/redevelopment/conversion to residential uses, or a combination of various types of compatible uses including residential/commercial, educational, cultural, recreational and entertainment uses, vertically within a building, is allowed to meet changing market needs. Physical segregation has to be provided between the residential and non-residential portions within a new/converted building to prevent nuisance causing by non-residential uses to the residents.
- (c) The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

5. THE REPRESENTATION

R1 submitted by an individual opposes Items A to C and the associated amendments to the Notes of the OZP. The major grounds of representation and PlanD’s responses, in consultation with relevant government bureau/departments (B/Ds), are summarised below:

<i>Major Grounds</i>
(1) The decreasing demand for commercial spaces and increasing in unsold residential units indicate that there are no strong justifications to increase the PR and BHR. The increase in BHR and PR will create wall effect which will have negative impact on air ventilation and penetration of natural light. It will also create monotonous blocks of similar height and design.
(2) GIC facilities and open space are insufficient in Yau Ma Tei area. Provision of sufficient elderly facilities are required.
<i>PlanD’s Responses</i>
In response to (1) and (2): (a) To tackle the growing problem of urban decay and improve the living environment of YM Areas, YMDS has recommended various planning tools to enhance land use efficiency and optimise redevelopment potential after taking into account the development intensity and infrastructural capacities of the Areas comprehensively through various technical assessments. The current OZP amendments are to take forward some recommendations of YMDS. Similar amendments were incorporated into the Mong Kok OZP, which was approved by CE in C on 30.5.2023.

- (b) The concerned amendments are considered appropriate as they will suitably unleash the redevelopment potential of the “C”, “OU(MU)” and “R(A)” zones with a view to incentivising redevelopment and providing more flexibility to cater for the market changes. The PR restriction on “C” zones has been removed and thus developments within the “C” zones are subject to the PR control under B(P)R with a maximum PR of 15 for non-domestic building. While the maximum total PR for both “OU(MU)” and “R(A)” zones remains as 9, more design flexibility has been allowed for the mix of uses and the interchangeability between domestic and non-domestic PR for the two respective zones. The BHRs of these zones have also been increased accordingly to accommodate the increase in PR and allow further flexibility for building design elements.
- (c) Among various technical assessments conducted under YMDS, the Air Ventilation Assessment (AVA) and Visual Impact Assessment (VIA) have demonstrated respectively that unacceptable visual impact and insurmountable air ventilation problem are not anticipated. The variations in lot size and development scale as well as differences in design styles and consideration would contribute to varieties in BH and outlook over the area. Requirements for improving the design of podium, such as smaller/terraced podium, more building setbacks/gaps and open areas at low level have been set out in paragraph 8.6 of the Explanatory Statement (ES) of the OZP to guide future developments. Besides, implementation of Sustainable Building Design Guidelines (SBDG) requirements in redevelopment, such as building separation and setback, may lead to a reduction in site coverage of the podium/lower floors of a building, which could improve the wind environment and permeability at pedestrian level and minimise the wall effect.
- (d) While there is no requirement for conducting daylight assessment under the Hong Kong Planning Standards and Guidelines (HKPSG) and other relevant regulations/guidelines, it should be noted that the premises used for habitation or office have to comply with the lighting and ventilation requirements under Regulation 31 of B(P)R. It is particularly important in the context of high-rise high-density urban area.
- (e) The existing and planned provision of GIC facilities are generally adequate to meet the demand of the planned population in the Yau Ma Tei Planning Area in accordance with the HKPSG requirements and the assessments of relevant B/Ds, except child care centres, community care services facilities, residential care homes for elderly and sports centre (**Annex V**). The standard set for elderly and child care facilities is a long-term goal and the actual provision is subject to consideration of the Social Welfare Department in the planning and development process as appropriate. Moreover, the Government has been adopting a multi-pronged approach with long, medium and short term strategies to identify suitable sites or premises for the provision of more welfare services, so as to meet the ongoing welfare service needs of the Area. Besides, the provision of sports centre is planned on a district basis and the deficit of one sports centre in the Planning Area can be met by the surplus provision of two sports centres in YTM District as a whole. Furthermore, there are opportunities to provide more GIC facilities and open space through redevelopment so as to benefit the local community.
- (f) While there will be deficit in local open space provision of about -1.65ha in the

Yau Ma Tei Planning Area for the planned population, there will be a surplus of about +3.55ha district open space provision in the Area (**Annex V**). Besides, there will be surpluses in the district and local open space provisions of about +41ha and +2.3ha respectively in YTM District as a whole. The overall provision of open space is generally adequate to meet the demand of the planned population.

6. **COMMENTS ON REPRESENTATION**

- 6.1 The two comments are submitted by URA (**C1**) and an individual (**C2** (also **R1**)).
- 6.2 **C1** provides responses to **R1** and their major views are summarised below with PlanD's response:

<i>Major Grounds</i>
<p>(1) The increase of PR restriction from 12 to 15 (i.e. up to the maximum permissible PR under B(P)R) on the “C” zones along Nathan Road is to strengthen Nathan Road as a key shopping street/commercial spine, and to incentivise redevelopment which has remained relatively stagnant since the lowering of PR restriction under OZP from 15 to 12 as recommended in the Kowloon Density Study.</p> <p>(2) The amendments to “R(A)” zone aim to allow more flexibility for interchangeability between domestic and non-domestic PR so long as the overall PR is kept within the OZP permissible limit to increase flexibility and to cater for market change.</p> <p>(3) The existing Temple Street is one of the key attributes to the unique identity of YM Areas. To sustain the future growth and evolution of character streets, various sites along Temple Street and Woosung Street have been rezoned from “R(A)” to “OU(MU)” to encourage flexibility for commercial use and vibrancy through redevelopment.</p> <p>(4) Items A to C would not bring adverse impact to YM Areas. Technical assessments have been carried out to ensure that the amendment items are technically feasible in terms of environmental, traffic, infrastructural, visual and air ventilation aspects without insurmountable problems. Various measures under SBDG will minimise wall effect and facilitate visual permeability.</p> <p>(5) YMDS has recommended 48ha of open space under the MRCP ‘+’ scenario and a comprehensive GIC strategy whereby GIC provision has been reviewed based on HKPSG and Government departments’ wish lists. Apart from rationalisation of GIC facilities through integration, consolidation and relocation, premises-based GIC facilities would be incorporated into the designated redevelopment sites and new GIC complexes at strategic locations. In any event, relevant B/Ds will be consulted again at the implementation stage of redevelopment project undertaken by URA with a view to providing the needed GIC facilities in the project to meet district needs.</p>
<i>PlanD's Response</i>
The views of C1 are noted.

- 6.3 **C2** reiterates most of her major comments as stated in paragraph 5 above, and provides an additional view, which is summarised below with PlanD's responses:

<i>Major Grounds</i>
(1) There is a lack of proper public consultation.
<i>Responses</i>
(a) The statutory procedures in consulting the public on the OZP amendments have been duly followed. The exhibition of the OZP for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process. Besides, prior to the submission of proposed amendments to the OZP for consideration of MPC, URA has consulted various relevant professional bodies and stakeholders, including YTMDC, on YMDS. Their views have been relayed to the Board in the briefing on YMDS on 7.1.2022. ⁷

7. DEPARTMENTAL CONSULTATION

- 7.1 The following B/Ds have been consulted and their responses have been incorporated in the above paragraphs, where appropriate:

- (a) Director of Social Welfare; and
- (b) Chief Town Planner/Urban Design and Landscape, PlanD.

- 7.2 The following B/Ds have no comment on the representation and comments:

- (a) Secretary for Development;
- (b) District Lands Officer/Kowloon West, Lands Department;
- (c) Chief Building Surveyor/Kowloon, Buildings Department;
- (d) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (e) Commissioner for Transport
- (f) Chief Highway Engineer/Kowloon, Highways Department;
- (g) Director of Environmental Protection;
- (h) Director of Leisure and Cultural Services;
- (i) Chief Engineer/Mainland South, Drainage Services Department; and
- (j) District Officer (YTM), Home Affairs Department.

8. PLANNING DEPARTMENT'S VIEWS

- 8.1 Based on the assessments in paragraph 5 above, PlanD does not support **R1** and considers that the OZP should not be amended to meet the representation for the following reasons:

- (a) The amendments to the OZP are to take forward some recommendations of YMDS and are considered appropriate with a view to enhancing land use

⁷ TPB paper of briefing on YMDS is available at the Board's website at https://www.tpb.gov.hk/en/meetings/TPB/Agenda/1262_tpb_agenda.html

efficiency and optimising redevelopment potential taken into account the development intensity and infrastructure capacities of YM Areas comprehensively. Various technical assessments, including those on the visual and air ventilation aspects, have been conducted by URA and the findings of these assessments revealed that the amendments are technically feasible without insurmountable problems; and

- (b) the existing and planned provisions of major GIC facilities and open space are generally adequate to meet the demand of the planned population in the Yau Ma Tei Planning Area. As for elderly and child care facilities, the Government has been adopting a multi-pronged approach with long, medium and short-term strategies to identify suitable sites or premises for the provision of more welfare services. Besides, the deficit of one sports centre can be met by the surplus provision in YTM District as a whole. Furthermore, there are opportunities to provide more GIC facilities and open space through redevelopment so as to benefit the local community.

9. DECISION SOUGHT

- 9.1 The Board is invited to give consideration to the representation and comments taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the draft OZP to meet/partially meet the representation.
- 9.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representation, Members are also invited to agree that the draft OZP, together with its Notes and updated ES, are suitable for submission under sections 8(1)(a) and 29(8) of the Ordinance to the CE in C for approval in whole.

10. ATTACHMENTS

Annex I	Draft Yau Ma Tei OZP No. S/K2/25 (reduced size)
Annex II	Schedule of Amendments to the Approved Yau Ma Tei OZP No. S/K2/24
Annex III	Lists of Representer and Commenters in respect of the OZP
Annex IV	Extract of Minutes of MPC Meeting held on 9.6.2023
Annex V	Provision of Major GIC Facilities and Open Space in Yau Ma Tei Planning Area
Drawing H-1	Proposed MRCP Framework
Plan H-1	Location Plan of the Amendment Sites
Plan H-2	Location Plan of the Representation and Comment Sites
Plan H-3	Aerial Photo of the Representation and Comment Sites