

**SUBMISSION OF THE  
DRAFT MONG KOK OUTLINE ZONING PLAN NO. S/K3/31A  
UNDER SECTION 8 OF THE TOWN PLANNING ORDINANCE  
TO THE CHIEF EXECUTIVE IN COUNCIL FOR APPROVAL**

**1. Introduction**

The purpose of this paper is to seek Members' agreement that the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/31A (**Annex I**) together with its Notes (**Annex II**) are suitable for submission under section 8 of the Town Planning Ordinance (the Ordinance) to the Chief Executive in Council (CE in C) for approval, and that the updated Explanatory Statement (ES) (**Annex III**) is suitable for submission to the CE in C together with the draft OZP.

**2. Background**

- 2.1 On 9.5.2006, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mong Kok OZP No. S/K3/23A, which was subsequently renumbered as S/K3/24. On 3.6.2008, the CE in C referred the approved Mong Kok OZP No. S/K3/24 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP for amendment was notified in the Gazette on 13.6.2008 under section 12(2) of the Ordinance.
- 2.2 On 25.7.2008, the draft Mong Kok OZP No. S/K3/25, indicating an area of the OZP replaced by the draft Urban Renewal Authority (URA) Anchor Street/Fuk Tsun Street Development Scheme Plan (DSP) No. S/K3/URA1/1 as well as other technical amendments to the Notes of the OZP to reflect the revised Master Schedule of Notes to Statutory Plans, was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, no representation was received.
- 2.3 On 8.5.2009, the draft Mong Kok OZP No. S/K3/26, incorporating amendment to the Remarks of the Notes of the OZP for "Residential (Group A)" ("R(A)") zone as well as indicating two areas of the OZP replaced by the draft URA Prince Edward Road West/Yuen Ngai Street DSP No. S/K3/URA2/1 and the draft Shanghai Street/Argyle Street DSP No. S/K3/URA3/1, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, one representation not related to the proposed amendment was received. The representation was considered invalid by the Board under section 6(3)(b) of the Ordinance on 11.9.2009.
- 2.4 On 26.3.2010, the draft Mong Kok OZP No. S/K3/27, incorporating amendments to rezone two sites at Nullah Road from "Other Specified Uses" annotated "Petrol Filling Station" to "Open Space" to facilitate the implementation of public open

space, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, no representation was received.

- 2.5 On 17.9.2010, the draft Mong Kok OZP No. S/K3/28, incorporating mainly amendments to impose building height restrictions (BHRs) for various development zones and to rezone various sites to reflect their existing uses and/or completed developments, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, 10 representations and one comment were received. Upon consideration of the representations and comment on 29.4.2011, the Board decided not to uphold the representations.
- 2.6 On 12.8.2011, the draft Mong Kok OZP No. S/K3/29, incorporating mainly amendments to rezone a site from “Other Specified Uses” annotated “Business” to “Residential (Group E)” (“R(E)”) to facilitate residential development and the ex-Mong Kok Market site from “Government, Institution or Community” (“G/IC”) to “Commercial (3)” (“C(3)”) with the requirement to provide a community health centre, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, one representation and one comment were received. Upon consideration of the representation and comment on 9.3.2012, the Board decided not to uphold the representation.
- 2.7 On 31.5.2013, the draft Mong Kok OZP No. S/K3/30, incorporating amendment to rezone two Government sites, one at the junction of Shanghai Street and Soy Street (the Soy Street Site) and one sandwiched between Shanghai Street and Reclamation Street from “G/IC” to “R(A)4” with the requirement of providing a community hall and “R(A)” respectively to facilitate residential development, and technical amendments to the Notes for various zones, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, four representations and three comments were received. Upon consideration of the representations and comments on 6.12.2013, the Board decided not to uphold the representations.
- 2.8 The Board’s decision on 29.4.2011 on two representations in relation to the draft Mong Kok OZP No. S/K3/28 were the subjects of two judicial reviews (JRs), and submission of the draft Mong Kok OZP to the CE in C for approval had since been stayed pending the results of the JRs. According to the Court’s ruling on one of the JRs, the Board’s decision made on 29.4.2011 in respect of the representation related to the JR has to be remitted to the Board for consideration. To take forward the Court’s ruling, a review of the development restrictions on the draft Mong Kok OZP was conducted in 2018.
- 2.9 On 13.7.2018, the draft Mong Kok OZP No. S/K3/31, incorporating mainly amendments to the BHRs, rezoning of the Sai Yee Street Site (the SYS Site), revision to the requirement for the provision of community facilities at the Soy Street Site and other technical amendments, was exhibited for public inspection under section 7 of the Ordinance. During the plan exhibition period, 283 representations and 17 comments were received.
- 2.10 On 19.2.2019, the Court handed down an order for the disposal of the remaining JR under the terms jointly proposed by the JR applicant and the Board.

- 2.11 After giving consideration to the representations and comments on 15.3.2019, the Board decided to partially uphold 280 representations (**R2(part), R3 to R5 and R8 to R283**) by revising the Remarks of the Notes for the “C(4)” zone (i.e. the SYS Site) to incorporate the requirement relating to the submission of a layout plan for the Board’s approval.
- 2.12 On 12.4.2019, the proposed amendment to the draft Mong Kok OZP No. S/K3/31 was exhibited for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week exhibition period ended on 3.5.2019, 20 further representations, all supporting the proposed amendment, were received. After consideration of the further representations under section 6F(1) of the Ordinance on 24.5.2019, the Board decided to amend the draft Mong Kok OZP by the proposed amendment under section 6F(9) of the Ordinance.

### **3. Submission to the Chief Executive in Council**

- 3.1 In accordance with section 8 of the Ordinance, the Board shall submit the draft Mong Kok OZP, together with a schedule of the representations (if any), the comments on representations (if any), the further representations (if any) and the amendments (if any) made by the Board to the CE in C for approval within nine months of the expiration of the plan exhibition period.
- 3.2 On 9.5.2019, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft Mong Kok OZP to the CE in C for approval for a period of six months from 13.6.2019 to 13.12.2019. Since the representation and further representation consideration processes have been completed, the draft Mong Kok OZP is now ready for submission to the CE in C for approval.
- 3.3 For the submission to the CE in C, the draft Mong Kok OZP No. S/K3/31 has been renumbered as S/K3/31A. Opportunity is also taken to update the ES (**Annex III**) to reflect the latest position of the Mong Kok OZP. For easy reference, the amendments are highlighted in ***bold and italics*** or ~~strike-out~~ form.
- 3.4 Upon approval of the draft Mong Kok OZP No. S/K3/31A by the CE in C, the approved Mong Kok OZP will be renumbered as S/K3/32.

### **4. Decision Sought**

Members are invited to:

- (a) agree that the draft Mong Kok OZP No. S/K3/31A and its Notes at **Annexes I and II** respectively are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorse the updated ES for the draft Mong Kok OZP No. S/K3/31A at **Annex III** as an expression of the planning intention and objectives of the Board for various land

use zonings on the draft Mong Kok OZP and to be issued under the name of the Board; and

- (c) agree that the updated ES is suitable for submission to the CE in C together with the draft Mong Kok OZP.

**5. Attachments**

<b>Annex I</b>	Draft Mong Kok Outline Zoning Plan No. S/K3/31A
<b>Annex II</b>	Notes of the Draft Mong Kok Outline Zoning Plan No. S/K3/31A
<b>Annex III</b>	Explanatory Statement of the Draft Mong Kok Outline Zoning Plan No. S/K3/31A

**PLANNING DEPARTMENT  
MAY 2019**