

APPROVED URBAN RENEWAL AUTHORITY
PRINCE EDWARD ROAD WEST / YUEN NGAI STREET
DEVELOPMENT SCHEME PLAN NO. S/K3/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) 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.
- (6) 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 Schedule of Uses:
- (a) provision, maintenance or repair of plant nursery, amenity planting, open space, telecommunications radio base station and automatic teller machine; and
 - (b) local public works, road works, sewerage works, drainage works, environmental improvement works, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government.
- (7) 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.
- (8) 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.
- (9) 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.

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Schedule of Uses

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OTHER SPECIFIED USES

| Column 1 Uses always permitted | Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board |
|-----------------------------------|---|
|-----------------------------------|---|

For “Shophouses for Commercial and/or Cultural Uses” Only

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|--|---|
| Eating Place | Flat |
| Education/Visitor Centre | Government Use |
| Place of Entertainment | Hotel |
| Place of Recreation, Sports or Culture | Institutional Use (not elsewhere specified) |
| School | Office |
| Shop and Services | Public Utility Installation |
| Training Centre | Religious Institution |
| | Social Welfare Facility |
| | Utility Installation for Private Project |

Planning Intention

This zone is intended for the preservation and adaptive re-use of the shophouses for commercial and/or cultural uses to serve the needs of the public.

Remarks

- (1) Any new development, except alteration and/or modification to an existing building and new structure(s) for facilities (including lifts and means of escape facilities) that are ancillary and directly related to the always permitted uses, requires permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- (2) No new development, or addition, alteration and/or modification to an existing building shall result in a total development in excess of a maximum building height of 4 storeys or the height of the existing building, whichever is the greater.

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EXPLANATORY STATEMENT

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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) Prince Edward Road West / Yuen Ngai Street Development Scheme Plan No. S/K3/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 The scheme (MK/02) is included in the URA's Business Plan (2008/2009) which has been approved by the Financial Secretary. It is proposed to be processed as a development scheme under section 25 of the URA Ordinance (URAO).
- 2.2 On 19 September 2008, pursuant to section 23(1) of the URAO, the URA notified in the Government Gazette the commencement of implementation of the Prince Edward Road West / Yuen Ngai Street Development Scheme.
- 2.3 On 16 January 2009, the URA submitted the draft plan for the Development Scheme to the Board under section 25(5) of the URAO.
- 2.4 On 3 April 2009, the Board, under section 25(6)(a) of the URAO, deemed the draft plan for the Development Scheme as being suitable for publication. Under section 25(7) of the URAO, the draft Development Scheme Plan, which the Board has deemed suitable for publication under section 25(6)(a) of the URAO, is deemed to be a draft plan prepared by the Board for the purposes of the Town Planning Ordinance (the Ordinance).
- 2.5 On 8 May 2009, the draft URA Prince Edward Road West / Yuen Ngai Street Development Scheme Plan No. S/K3/URA2/1 was exhibited under section 5 of the Ordinance. By virtue of section 25(9) of the URAO, the Development Scheme Plan has from that date replaced the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/26 in respect of the area delineated and described herein. During the plan exhibition period, seven representations were received. In

the first three weeks of the public inspection period of the representations, seven comments were received. After giving consideration to the representations and comments on 30 October 2009, the Board decided not to uphold the representations.

- 2.6 On 2 February 2010, the Chief Executive in Council, under section 9(1)(a) of the Ordinance, approved the draft URA Prince Edward Road West/ Yuen Ngai Street Development Scheme Plan which was subsequently re-numbered as No. S/K3/URA2/2. On 12 March 2010, the approved URA Prince Edward Road West/Yuen Ngai Street Development Scheme Plan (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.

3. OBJECT OF THE PLAN

The Plan illustrates that the Development Scheme Area (the Area) is designated as “Other Specified Uses” (“OU”) annotated “Shophouses for Commercial and/or Cultural Uses”. It is planned to be developed by means of the Development Scheme prepared under section 25 of the URAO. The Development Scheme intends for the preservation and adaptive re-use of the ten pre-war shophouses fronting Prince Edward Road West for commercial and/or cultural uses to serve the needs of the public.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes showing 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.info.gov.hk/tpb>.

5. AREA COVERED BY THE PLAN

- 5.1 The Development Scheme boundary, which is shown in a heavy broken line on the Plan, covers a total area of about 1 440m². It is located at the junction of Prince Edward Road West and Yuen Ngai Street. The Area is separated by a building at Nos. 206-208 Prince Edward Road West (15 storeys high, completed in 1966 and in relatively good physical condition) which has not been included in the Scheme boundary.

- 5.2 The Scheme comprises ten pre-war verandah-type shophouses, eight at Nos. 190-204 and two at Nos. 210-212 Prince Edward Road West. Whilst these pre-war shophouses do not have any historical grading as determined by the Antiquities and Monuments Office at the time of preparation of the draft plan for the Development Scheme, they have been identified as having “Outstanding Heritage Value” in a study of 56 pre-war verandah-type shophouses conducted by a heritage consultant employed by the URA and endorsed by the URA Board. These ten shophouses have been accorded the highest “Level 1” heritage rating because of their historical, cultural and architectural significance. The buildings were designed by a Belgian architect in a Franco-Belgian construction firm and completed in the 1930s for wealthier and better educated families. The buildings were occupied by the Japanese army during the Second World War and used as Government’s dormitory and godown after the war. The Area is near the ex-border between British occupied Kowloon and the Mainland where farmers sold their produce including fresh flowers from across the border and the area thus becomes a flower market today. Architecturally the verandah-type shophouses are interesting with simple decorations of balustrades with geometric motifs and streamline design and balconies with round corners on the side elevation. The cluster is also the longest row of pre-war verandah-type shophouses in the urban area.
- 5.3 The Scheme boundary includes the portion of public footpath over which the existing verandahs of the pre-war shophouses extend.
- 5.4 On the draft Mong Kok OZP No. S/K3/26, the Area was mainly zoned “Residential (Group A)” and partly shown as ‘Road’ (public footpath) before the exhibition of the Plan.

6. EXISTING CONDITIONS

- 6.1 The ten pre-war verandah-type shophouses were built in the 1930s and formed part of a larger single development of 16 buildings that stretched from Nos. 190 to 220A Prince Edward Road West, and hence there is uniformity in appearance and building typology of the said shophouses.
- 6.2 Whilst they were originally designed for domestic use over ground floor retail uses, the existing dominant use is commercial with only some upper units being used for residential purpose. The ground floor shops are predominantly florist and horticulture supply whilst the upper units accommodate various commercial and cultural uses, including dancing, music, fitness well being, film studio/office, private tutorial and religious institutional use. The florist shops form part of a larger concentration of flora and horticulture businesses for which this area between Flower Market Road and Prince Edward Road West is famous for.

- 6.3 The buildings are in relatively fair physical condition. However, given the predominant commercial uses, the buildings are considered to lack the necessary modern servicing and fire safety facilities.

7. PLANNING AND LAND USE PROPOSAL

- 7.1 In response to the Chief Executive's Policy Address 2007/08 calling upon the URA to extend its scope of historic building protection and revitalization to cover pre-war buildings, the URA commissioned a consultancy study on 56 pre-war verandah-type shophouses which identified the ten shophouses along Prince Edward Road West as having "Outstanding Heritage Value".
- 7.2 On the Plan, the Area is zoned "OU" annotated "Shophouses for Commercial and/or Cultural Uses" and the Notes of the Plan indicate broadly the intended land use within the Area.
- 7.3 The "OU" zone is intended for the preservation and adaptive re-use of the ten pre-war shophouses primarily for commercial and/or cultural uses. The intended adaptive after uses of the shophouses are the result of a series of public engagement events conducted after publication of the commencement of this project under section 23 of the URAO on 19 September 2008. The public engagement included a brainstorming session for the project stakeholders, a survey on the views of the affected owners and tenants on the project and a survey on the opinions of the general public on the project. There were mixed views on the future uses, but most participants supported maintenance of the original character and inclusion of more arts and cultural activities. Views were diverse regarding the way of pursuing the project initiatives.
- 7.4 Under the "OU" zoning, those uses that are always permitted as set out in the Notes do not require planning permission from the Board. However, to maintain adequate planning control over the development intensity, the maximum building height of the Area is restricted to four storeys or the height of the existing building, whichever is the greater. Any new development, except alteration and/or modification to an existing building and new structure(s) for facilities that are ancillary and directly related to the always permitted uses, would require planning permission from the Board. The ancillary essential facilities which would be permitted as of right include lifts and means of escape facilities.
- 7.5 Given the preservation nature of the project and practical site constraints, car parking and loading/unloading facilities are considered not feasible and thus are not proposed.
- 7.6 While the tenant mix and modifications to the internal layout of the buildings will be confirmed at the detailed design stage, it is the general consensus as

reflected in the public engagement exercise that the ground floor use of the buildings should be kept primarily for florist trade. The florist shops are, and will continue to be, the anchor business of the area. The upper floors are intended for arts and cultural uses, including uses such as film industry-related uses, and performing and visual arts activities, as well as food and beverage uses. This is in line with the Urban Renewal Strategy in that the preserved heritage buildings should be put to proper public use amongst others to allow maximum accessibility for the public. With the restored buildings, and gathering both the existing and new business elements, the area is expected to be more vibrant and attractive to visitors and the general public.

8. IMPLEMENTATION OF THE SCHEME

- 8.1 The URA does not own or lease any properties within the boundaries of the Development Scheme. The URA intends to acquire all properties within the Area by purchase based on the prevailing URA acquisition policy. Apart from property acquisition from the existing owners, the Secretary for Development would consider, upon application by the URA, recommending to the Chief Executive in Council the resumption of properties under the Lands Resumption Ordinance, if necessary.
- 8.2 All eligible tenants will be offered a cash compensation package in accordance with the URA's policy and statutory obligations. The URA has already entered into agreement with the Hong Kong Housing Society (HKHS) and the Hong Kong Housing Authority (HKHA) for the purpose of making available rehousing units by HKHS or HKHA to rehouse affected tenants who satisfy the eligibility criteria of HKHS or HKHA and do not opt for cash compensation.
- 8.3 Being a preservation project, all the existing buildings will be retained. Only refurbishment, restoration and addition/alteration works will be carried out in these buildings. Such works may be implemented in phases to minimize the impact on the existing business tenants within the Area. Should the tenancies of business tenants of the acquired properties be terminated by the URA due to the implementation of the Development Scheme, the respective business tenants may be offered an extra-gratia allowance to assist in their business relocation. Upon completion of the refurbishment, restoration and addition/alteration works, opportunities will be provided to lease back the shophouses to the existing business operators.
- 8.4 The URA may implement the Development Scheme on its own or in association with one or more joint venture partners.