

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H15/281

- Applicant** : Hong Kong Housing Authority (HKHA)
- Premises** : Vehicle Park at Shek Pai Wan Estate, Aberdeen, Hong Kong
- Lease** : Government Land held under Vesting Order No. VOE/HK562
- Plan** : Approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/33
- Zoning** : “Residential (Group A)” (“R(A)”)
- Application** : Temporary Public Vehicle Park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) at the podium (the Premises) of the Shek Pai Wan Estate for a period of 5 years. The applicant proposes to let the surplus car parking spaces at the Site to non-residents. The Premises falls within an area zoned “R(A)” on the approved Aberdeen & Ap Lei Chau OZP No. S/H15/33. According to the Notes of the OZP, ‘Public Vehicle Park (excluding Container Vehicle)’ use is under Column 2 in the “R(A)” zone. As the letting of vehicle parking spaces to non-residents involve a change of use from the existing ancillary car park to ‘Public Vehicle Park (excluding container vehicle)’ use, planning permission from the Town Planning Board (the Board) is required. The location of the estate and the existing vehicle park are shown on **Plans A-1 to A-2**.
- 1.2 The Premises is the subject of four previous planning applications (Nos. A/H15/223, 239, 255 and 269) for letting of surplus monthly car parking spaces to non-residents for a period of three years which were approved with condition by the Metro Planning Committee (the Committee) of the Board on 25.5.2007, 7.5.2010, 3.5.2013 and 8.4.2016 respectively. The latest planning permission under application No. A/H15/269 will expire on 25.5.2019. According to the applicant’s submission, the subject vehicle park serves the Shek Pai Wan Estate. From February 2018 to January 2019, out of the total 348 monthly parking spaces, 342 parking spaces were let to residents (i.e. a vacancy rate of 1.7%) and the remaining 6 surplus parking spaces could be let to non-residents. A comparison table showing the total number of monthly parking spaces and the

number of monthly parking spaces let to residents (with breakdown by vehicle type) under the latest approved scheme (No. A/H15/269) and the current application is as follows:

Vehicle Type	Total No. of Monthly Parking Spaces#		No. of Monthly Parking Spaces let to Residents#		No. of Monthly Parking Spaces that could be let to Non-Residents#*	
	Latest Approved Scheme (A/H15/269) (a)	Current Scheme (A/H15/281) (b)	Latest Approved Scheme (A/H15/269) (c)	Current Scheme (A/H15/281) (d)	Latest Approved Scheme (A/H15/269) (a) - (c)=(e) (vacancy rate in %)	Current Scheme (A/H15/281) (b) - (d)=(f) (vacancy rate in %)
Private Car	178	197 [^]	166	192	12 (6.7%)	5 (2.5%)
Light Goods Vehicles	51	51	50	50	1 (1.9%)	1 (1.9%)
Motor Cycle	100	100	97	100	3 (3%)	0 (0%)
Total	329	348[^]	313	342	16 (4.8%)	6 (1.7%)

Notes :

- * For Application No. A/H15/296, the data reflects the situation concerning the period from January 2015 to December 2015. For the current application, the data reflects the situation covering the period from February 2018 to January 2019.
- [^] The increase in the current total no. of monthly parking spaces is due to the addition of 1 private car parking space and the change of 18 hourly private car parking spaces to monthly use.
- # Figures exclude 40 nos. of hourly parking spaces.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 22.3.2019 **(Appendix Ia)**
- (b) Further Information (FI) dated 4.4.2019 providing clarification on the application **(Appendix Ib)**
(accepted and exempted from publication and recounting requirement)
- (c) FI dated 7.5.2019 providing clarification on the application **(Appendix Ic)**
(accepted and exempted from publication and recounting requirement)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in Attachment I to the application form in **Appendix Ia**. They are summarised as follows:

- (a) according to the survey conducted from February 2018 to January 2019, the Shek Pai Wan Estate had a total of 6 surplus parking spaces that could be let to non-residents;
- (b) the proposal of letting surplus parking spaces to non-residents will optimise the

use of public resources. The rights of the residents will not be compromised as HKHA will continue to uphold the policy of offering priority to the residents in renting the monthly parking spaces. Only surplus monthly vehicle parking spaces are to be let out to non-residents. The monthly charge for both residents and non-residents will also be the same;

- (c) the proposal of letting surplus monthly parking spaces will neither generate additional traffic flow nor worsen the environmental condition as no additional parking spaces are involved. No adverse traffic or environmental impact is therefore envisaged;
- (d) the proposal does not involve any physical changes or changes in land use character. It is considered compatible with other uses in the surrounding areas;
- (e) no complaints regarding letting of surplus parking spaces to non-residents from the residents of the estate have been received since the last renewal approval;
- (f) in the consultation with the Estate Management Advisory Committee of the Estate in October 2018, the Committee had no objection to the proposed letting of surplus monthly parking spaces of the estate to non-residents; and
- (g) the proposal should not create any management or security problems. For the safety of residents of the estate, the following measures will continue to be implemented: (i) entrances to the vehicle parking spaces and the residential blocks are separated; (ii) vehicular access and pedestrian footpath are separated; (iii) security guards are on 24-hour duty at the entrances of the residential blocks; (iv) patrol guard is on 24-hour duty in the carpark; and (v) Closed Circuit Televisions are installed at the entrance/exit of the carpark.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 The Premises is the subject of four previous planning applications (Nos. A/H15/223, 239, 255 and 269), as mentioned in paragraph 1.2 above, which were submitted by the same applicant (**Plan A-1**).
- 4.2 Application No. A/H15/223 was for the change of use from ancillary car park to public vehicle park (excluding container vehicle) in Shek Pai Wan Estate. The application was approved with condition by the Committee on 25.5.2007 on a temporary basis for 3 years up to 25.5.2010.
- 4.3 Application No. A/H15/239 for renewal of planning approval for temporary public vehicle park (excluding container vehicle) use for a period of 3 years was approved by the Committee on 7.5.2010 on a temporary basis up to 25.5.2013, subject to the condition that priority should be accorded to the residents of Shek Pai Wan Estate in the letting of the surplus vehicle parking spaces and the

proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport (C for T).

- 4.4 Application No. A/H15/255 for renewal of planning approval was approved with the same condition by the Committee on 3.5.2013 on a temporary basis for 3 years up to 25.5.2016. Application No. A/H15/269 for renewal of planning approval was approved with the same condition by the Committee on 8.4.2016 on a temporary basis for 3 years up to 25.5.2019. Details of the previous applications and their approval conditions are summarised at **Appendix II**.

5. Similar Applications

There are six similar applications for letting of surplus vehicle parking spaces in public housing estates to non-residents in the Aberdeen and Ap Lei Chau planning scheme area (**Plan A-1**). These applications (Nos. A/HK/2, 4, 6, 8, 11 and 12) were approved with condition by the Committee on 16.4.2004, 13.4.2007, 9.4.2010, 15.3.2013, 19.2.2016 and 22.2.2019 respectively on temporary basis for a period of 3 years. Details of the similar applications and their approval conditions are appended at **Appendix III**.

6. The Premises and Its Surrounding Area (Plan A-2 and site photos on Plans A-3 and A-4)

6.1 The Premises is:

- (a) a 3-storey car park under the podium of Shek Pai Wan Estate;
- (b) accessible via Yue Kwong Road; and
- (c) one of the carpark floor (LG2/F) involving 125 car parking spaces has been converted for welfare facilities in 2010.

6.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are predominantly occupied by residential and GIC uses; and
- (b) a Home Ownership Scheme development (Yue Fai Court) and a public housing estate (Yue Kwong Chuen) are located to the immediate west and north respectively.

7. Planning Intention

The planning intention of the “R(A)” zone is 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.

8. Comments from Relevant Government Departments

- 8.1 The following government departments have been consulted and their views on the application and/or the public comments received are summarised as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) no comment on the application; and
- (b) Shek Pai Wan Estate falls within the boundary of Vesting Order No. VOE/HK562 issued under Housing Ordinance (Cap. 283).

Traffic Aspect

- 8.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no objection to the application;
- (b) agrees that all of the surplus monthly vehicle parking spaces could be let to non-residents on the understanding that the applicant can effectively exercise the approval condition that priority of parking spaces is accorded to the residents of Shek Pai Wan Estate;
- (c) given the above understanding, parking demand of residents should have been fully addressed from traffic engineering point of view at any time when surplus parking spaces are available to non-residents. As the occupancy/vacancy rate of the car park would critically depend on other major factors beyond the jurisdiction of the Transport Department (TD) such as the level of monthly rates, TD should be notified if no surplus parking space is available or if there is a tendency of no available parking spaces to non-residents at any time; and
- (d) he noted that under the current application, the surplus public carpark number has been reduced from 16 to 6. As such, the applicant is requested to provide letting statistics annually to his department for monitoring the situation.

Buildings Aspect

- 8.1.3 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) no comment on the application;
- (b) under Buildings Ordinance s.41(1)(aa), buildings upon any land vested in the HA or over which the HA has control and management areas, subject to s.18(2) and (3) of the Housing Ordinance, are exempted from the provisions of the Buildings Ordinance. In addition, any land vested in the Housing

Authority is also exempted under Buildings Ordinance s.41(1)(ba); and

- (c) if however the estate is going to be divested from HA and leased as a private property, all public car parking spaces will need to be included in the gross floor area for plot ratio calculation.

8.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (b) Commissioner of Police (C of P);
- (c) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Chief Engineer/Construction, Water Supplies Department(CE/C, WSD);
- (g) Director of Fire Services (D of FS); and
- (h) District Officer (Southern), Home Affairs Department (DO(S), HAD).

9. Public Comments Received During Statutory Publication Period

On 29.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period ended on 23.4.2019, 2 public comments were received (**Appendix IV**). One commenter is of the view that the floor area of the surplus vehicle parking spaces should be released for the provision of community facilities that are in deficit. Another commenter objected to the application on the ground that there is deficit of monthly car parking spaces, resulting in long waiting list and sufficient car parking spaces should be given to the residents of the Shek Pai Wan Estate in order to meet the parking demand.

10. Planning Considerations and Assessment

10.1 The current application seeks planning permission for letting out surplus vehicle parking spaces in Shek Pai Wan Estate to non-residents on a temporary basis for 5 years.

10.2 According to the applicant, while priority has been accorded to the residents of the estate in the letting of vehicle parking spaces, there are still some surplus parking spaces. The surplus spaces would be left vacant if they are not let out to non-residents. As such, the proposal would help utilise public resources more efficiently. Moreover, the proposal would not attract additional traffic flow to the surrounding areas. The applicant also confirms that no complaint for letting of surplus parking spaces in the estate to non-residents has been received since the last temporary approval granted by the Committee in 2016 and in the recent consultation with the Estate Management Advisory Committee of the estate, committee members had no objection to the proposal. Provided

that priority in the letting of vehicle parking spaces is accorded to the residents of the estate, TD agrees that the surplus vehicle parking spaces could be let to non-residents. In this regard, an approval condition is recommended in paragraph 11.2 below to ensure that priority is given to safeguard the residents' priority, should the Committee approve the application.

- 10.3 Compared to the previous approved scheme (No. A/H15/269), the number of surplus car parking spaces available to non-residents of the estate has been reduced from 16 to 6. According to the applicant, the parking demand of the residents would be monitored and the number of parking spaces to be let to non-residents would be adjusted as appropriate. In this regard, with ongoing monitoring, the proposed temporary period of 5 years is considered acceptable as only the surplus parking spaces will be let out to non-residents and the parking need of the residents would not be compromised.
- 10.4 Regarding the adverse public comments, the assessment in the paragraphs 10.2 to 10.3 above is relevant. As for the suggestion that the floor area of the surplus vehicle parking spaces should be released for the provision of community facilities that are in deficit, the applicant has responded that one of the carpark floors involving 125 car parking spaces has already been converted to welfare facilities, which include a social service centre and a youth service centre, in 2010.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years to 17.5.2024. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

Priority should be accorded to the residents of Shek Pai Wan Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

Advisory Clause

The recommended advisory clauses are attached at **Appendix V**.

- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to

grant or refuse to grant permission.

- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix Ia	Application form received on 22.3.2019
Appendix Ib	FI dated 4.4.2019
Appendix Ic	FI dated 7.5.2019
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Public comments
Appendix V	Advisory clauses
Plan A-1	Location plan of application site and similar application sites
Plan A-2	Site plan
Plans A-3 and A-4	Site photos

**PLANNING DEPARTMENT
MAY 2019**