

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
 FOR TEMPORARY USE
 UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HK/12

Applicant : Hong Kong Housing Authority (HKHA)

Premises : (a) Car Park in Wah Fu (I) Estate, Pok Fu Lam
 (b) Car Park in Wah Fu (II) Estate, Pok Fu Lam
 (c) Car Park in Yue Fai Court, Aberdeen

<u>Lease</u>	Housing Development	Lease
(a)	Wah Fu (I) Estate, Pok Fu Lam	<u>Inland Lot No. 8096</u> - 75 years from 16.12.1963
(b)	Wah Fu (II) Estate, Pok Fu Lam	<u>Inland Lot No. 8577</u> - 75 years from 16.12.1963
(c)	Yue Fai Court, Aberdeen	<u>Aberdeen Inland Lot No. 393</u> - 75 years from 30.9.1977

<u>Plans and Zonings</u>	Car Park	Outline Zoning Plan (OZP)	Zoning
(a)	Car Park in Wah Fu (I) Estate, Pok Fu Lam	Approved Pok Fu Lam OZP No. S/H10/17	“Residential (Group A)” (“R(A)”)
(b)	Car Park in Wah Fu (II) Estate, Pok Fu Lam		
(c)	Car Park in Yue Fai Court, Aberdeen	Approved Aberdeen & Ap Lei Chau OZP No. S/H15/33	

Application : Renewal of planning approval for temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) under Application No. A/HK/11 for a period of 3 years until 16.4.2022

1. The Proposal

1.1 The applicant seeks planning permission to renew the planning approval granted under Application No. A/HK/11 to let the surplus monthly vehicle parking spaces in two public rental housing (PRH) estates and one Home Ownership Scheme (HOS) development in the Southern District to non-residents for a period of 3 years from 17.4.2019 to 16.4.2022.

1.2 The car parks fall within areas zoned “R(A)” on the respective OZPs. According to the Notes of the OZPs, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “R(A)” zone. As the letting of vehicle parking spaces to non-residents involves a change from the existing ancillary car park use to ‘Public

Vehicle Park (excluding container vehicle)' use, planning permission from the Town Planning Board (the Board) is required. The location of the estates/court and the existing vehicle parking spaces are shown on **Plans A-1, A-2a, A-2b, A-3a, and A-3b.**

- 1.3 According to the applicant's submission, out of the total 1,041 monthly vehicle parking spaces (including those for private car, light goods vehicle and motor cycle), 753 vehicle parking spaces are monthly vehicle parking spaces let to residents of the respective estates/court. The average vacancy rates of the monthly vehicle parking spaces from December 2017 to November 2018, according to the surplus spaces that could be let to non-residents, were ranging from 26% to 32%. A comparison of the total number of monthly vehicle parking spaces and the number of monthly vehicle parking spaces let to residents is as follow:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces *		No. of Monthly Vehicle Parking Spaces Let to Residents		Surplus Vehicle Parking Spaces that could be Let to Non-Residents (Vacancy Rate of Monthly Vehicle Parking Spaces)	
	Previously Approved Scheme (A/HK/11) (a)	Current Scheme (A/HK/12) (b)	Previously Approved Scheme (A/HK/11) (c)	Current Scheme (A/HK/12) (d)	Previously Approved Scheme (A/HK/11) (a) – (c)	Current Scheme (A/HK/12) (b) – (d)
Wah Fu (I) Estate						
Private Car	415	412 #	217	294	+198 (48%)	+118 (29%)
Light Goods Vehicle	66	66	58	64	+8 (12%)	+2 (3%)
Motor Cycle	148	148	83	104	+65 (44%)	+44 (30%)
<u>Sub-total</u>	629	<u>626</u>	358	<u>462</u>	+271 (43%)	<u>+164 (26%)</u>
Wah Fu (II) Estate						
Private Car	132	132	63	99	+69 (52%)	33 (25%)
Motor Cycle	69	69	49	46	+20 (29%)	+23 (33%)
<u>Sub-total</u>	201	<u>201</u>	112	<u>145</u>	+89 (44%)	<u>+56 (28%)</u>
Yue Fai Court						
Private Car	182	182	99	128	+83 (46%)	+54 (30%)
Motor Cycle	32	32	15	18	+17 (53%)	+14 (44%)
<u>Sub-total</u>	214	<u>214</u>	114	<u>146</u>	+100 (47%)	<u>+68 (32%)</u>
Total						
	1,044	<u>1,041</u>	584	<u>753</u>	+460 (44%)	<u>+288 (28%)</u>

- * Figures exclude hourly vehicle parking spaces and parking facilities reserved for the estate management.
- # The change is due to the conversion of three monthly private car parking spaces to buffer zone.

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

- (a) Application form and supplementary information (Appendix I) received on 7.1.2019
- (b) Letter dated 15.2.2019 providing further information (Appendix Ia) (*exempted from publication and recounting requirements*)

2. Justifications from the Applicant

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

- (a) According to the survey of utilisation rates of monthly vehicle parking spaces conducted from December 2017 to November 2018, the subject PRH estates/HOS development had surplus monthly vehicle parking spaces after allocation of vehicle parking spaces to the residents, with vacancy rates of 26% in Wah Fu (I) Estate, 28% in Wah Fu (II) Estate and 32% in Yue Fai Court. The proposal of letting all surplus monthly vehicle parking spaces to non-residents will optimise the use of public resources.
- (b) The application is the subject of five previous planning applications for temporary public vehicle park use for three years; the first of which was approved by the Board on 16.4.2004. The approval condition of the prevailing application No. A/HK/11, in which priority should be accorded to the residents of the subject PRH estates/HOS development in 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, has been fulfilled accordingly.
- (c) The interests of the residents will not be compromised. The following policies on letting vehicle parking spaces will continue to be upheld by HKHA: (i) the residents are accorded the highest priority in letting of vehicle parking spaces; (ii) only surplus monthly vehicle parking spaces are let to non-residents; and (iii) same monthly charges for both residents and non-residents. No complaints regarding the letting of surplus vehicle parking spaces to non-residents from the subject PRH estates/HOS development have been received in the last three years.
- (d) As no additional vehicle parking spaces are involved, the proposal will not generate additional traffic flow. No adverse traffic or environmental impact is envisaged.
- (e) The proposal does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (f) In the consultations with the respective Estate Management Advisory Committees of the subject PRH estates in October and November 2018, the residents had no

objection to the proposal. For Yue Fai Court, its Owners' Corporation was notified by a letter to their management office (Appendix 8 of **Appendix I**).

- (g) For the safety of tenants/residents of the subject PRH estates/HOS development, the following measures will continue to be implemented: (i) separate entrances to the vehicle parking spaces from those to the residential blocks; (ii) separate vehicular access from pedestrian footpath; (iii) arrange security guards on 24-hour duty at the entrances of the residential blocks; (iv) arrange patrol guard on 24-hour duty in the car parks; and (v) install Closed Circuit Televisions (CCTVs) at entrances/exits of the car parks.

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

(a)	Wah Fu (I) Estate and Wah Fu (II) Estate	The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.
(b)	Yue Fai Court	The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31) by publishing newspaper notice and posting site notice (Appendices 6 and 7 of Appendix I).

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria for renewal of planning approval are summarised as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning of the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Previous Applications

- 5.1 The application sites were the subject of five previous planning applications (Nos. A/HK/2, A/HK/4, A/HK/6, A/HK/8 and A/HK/11) submitted by the HKHA (**Plan A-1**).
- 5.2 Application No. A/HK/2 is for the change of some ancillary vehicle parking spaces into public vehicle park in 12 PRH estates/HOS developments in the Western and Southern Districts for letting of the surplus vehicle parking spaces to non-residents on a monthly basis. It was approved by the Metro Planning Committee (the Committee) of the Board on 16.4.2004 on a temporary basis for 3 years up to 16.4.2007. The applicant was advised that a temporary approval period of 3 years was granted so that the surplus car parking spaces can be let to non-residents flexibly while the parking demand of the residents could be reviewed. Subsequently, applications Nos. A/HK/4, A/HK/6, A/HK/8 and A/HK/11 for renewal of planning approval in respect of some of those car parks were approved with condition for 3 years each, up to 16.4.2019. The last renewal application No. A/HK/11 covers the same 3 PRH estates/HOS development under the current application.
- 5.3 Details of the previous applications and their approval conditions are summarised at **Appendix II**.

6. Similar Applications

- 6.1 There are 12 similar applications for other PRH estates/HOS developments on Hong Kong Island. 11 of them (Nos. A/H15/223, A/H15/239, A/H15/255, A/H15/269, A/H20/115, A/H20/163, A/HK/1, A/HK/3, A/HK/5, A/HK/7 and A/HK/9) were all approved by the Committee with or without conditions (**Plan A-1**), and the remaining one is the Application No. A/HK/13 (renewal of the planning approval granted under Application No. A/HK/9) to be considered by the Committee at the same meeting.
- 6.2 Application No. A/H15/223 for conversion of the ancillary car parking spaces to public car park in Shek Pai Wan Estate, Aberdeen was approved with condition by the Committee on 25.5.2007 on a temporary basis for a period of 3 years. Subsequently, applications Nos. A/H15/239, A/H15/255 and A/H15/269 for renewal of planning approval were approved for 3 years each, up to 25.5.2019.
- 6.3 Application No. A/HK/1 for the conversion of ancillary car parks to public car parks in 16 PRH estates/HOS developments in the Eastern District was approved by the Committee on 26.3.2004 on a temporary basis for a period of 3 years. Subsequently, applications Nos. A/HK/3, A/HK/5, A/HK/7 and A/HK/9 for renewal of planning approval in respect of some of those car parks were approved with condition for 3 years each, up to 27.3.2019.
- 6.4 Application No. A/H20/115 for conversion of the ancillary car parking spaces of two HOS developments in Chai Wan to public car park was approved by the Committee on 1.6.2001. Another application No. A/H20/163 for a PRH estate in Chai Wan was approved with condition by the Committee on 18.12.2009 on a temporary basis for a period of 3 years.

6.5 Details of the similar applications and their approval conditions are appended at **Appendix III**.

7. The Sites and their Surrounding Area (Plans A-2a to A-3b and Photos on Plans A-2c to A-2h, A-3c and A-3d)

All the car parks are generally located within areas that are predominantly residential in nature, and easily accessible to/from local/district roads:

Housing Estate	Type of Existing Vehicle Parking Spaces	Adjacent Developments	Vehicular Access
Wah Fu Estate	<ul style="list-style-type: none"> - one 5-storey car park block - two 3-storey car parks within non-residential podium - one 3 storeys of car park within a 9-storey commercial/GIC block - open car park at various locations 	<ul style="list-style-type: none"> - to the immediate northwest are 1 primary school, 3 secondary schools and a special school - to the immediate east are 1 secondary school and 1 post-secondary school - to the immediate southeast are Wah Kwai Estate and Ka Lung Court - to the immediate south and west is Waterfall Bay Park - to the northwest is LCSD Hong Fu Playground 	Wah Fu Road, Waterfall Bay Road and Wah Cheung Street
Yue Fai Court	<ul style="list-style-type: none"> - one 3-storey car park within non-residential podium - one 4-storey car park podium within a commercial/GIC block 	<ul style="list-style-type: none"> - to the east is Shek Pai Wan Estate - to the west are mainly private residential buildings and GIC facilities 	Yue Kwong Road and Aberdeen Reservoir Road

8. 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.

9. Comments from Relevant Government Departments

9.1 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

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

- (a) Wah Fu (I) Estate is governed by the Conditions of Grant No. 9086 of Inland Lot No. 8096 for a term of 75 years commencing on 16.12.1963, while Wah Fu (II) Estate is governed by the Government Lease of Inland Lot No. 8577 for a term of 75 years commencing on 16.12.1963. Yue Fai Court is governed by the Government Lease of Aberdeen Inland Lot No. 393 for a term of 75 years commencing on 30.9.1977 renewable for 75 years as modified by the waiver letter dated 2.8.1999 and two objection letters dated 12.2.2003 and 17.12.2004;
- (b) under the lease conditions of Inland Lot No. 8577 of Wah Fu (II) Estate, there are requirements for car parking spaces to be used by the residents of the estate. An application from the HKHA for a temporary waiver to allow the letting of surplus parking spaces to non-residents in Wah Fu (II) Estate is under consideration by his office. There is no restriction on the letting of parking spaces to non-resident under the lease of Inland Lot No. 8096 (i.e. Wah Fu (I) Estate) and of Aberdeen Inland Lot No. 393RP (i.e. Yue Fai Court). As such, waiver application is not necessary; and
- (c) no objection to the application subject to the comments in paragraph (b) above.

Traffic Aspect

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) agrees that all of the vacant monthly vehicle parking spaces could be let to non-residents on the understanding that the applicant can effectively exercise the approval condition that priority in renting monthly parking spaces is accorded to the residents of Wah Fu (I) Estate, Wah Fu (II) Estate and Yue Fai Court; and
- (b) 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 occupation/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 there is a tendency of no available parking space to non-residents at any time.

Building Aspect

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

- (a) under the Buildings Ordinance s.41(1)(aa), buildings upon any land vested in the HKHA or over which the HKHA 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 HKHA is also exempted under Buildings Ordinance s.41(1)(ba); and

- (b) for buildings sold or otherwise disposed of under s.17A of the Housing Ordinance which included buildings under the HOS, officers of the Housing Department have been delegated the authority to act on behalf of the Building Authority under various sections of the Buildings Ordinance.

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

- (a) Director of Fire Services;
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Architect/Central Management Division 2, Architectural Services Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Commissioner of Police; and
- (g) District Officer (Southern), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

On 15.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period ended on 8.2.2019, three public comments submitted by individuals were received (**Appendix IV**). One commenter opined that given the amendments made on the provision of elderly services and facilities in the Hong Kong Planning Standards and Guidelines, the floor area of the surplus vehicle parking spaces should be released for the provision of elderly care facilities that are in significant demand. The other two commenters expressed concerns on the redevelopment of Wah Fu Estate.

11. Planning Considerations and Assessment

- 11.1 The application seeks planning permission to continue letting out surplus monthly vehicle parking spaces to non-residents at Wah Fu (I) Estate, Wah Fu (II) Estate and Yue Fai Court which was lastly approved with condition by the Committee on 19.2.2016 on a temporary basis for 3 years (No. A/HK/11). The current application is a renewal of the planning permission to be expired on 16.4.2019.
- 11.2 According to the applicant, while priority has been accorded to the residents of the estates/court in the letting of monthly vehicle parking spaces, the average vacancy rates of the monthly vehicle parking spaces in the subject housing developments from December 2017 to November 2018 were 26% in Wah Fu (I) Estate, 28% in Wah Fu (II) Estate and 32% in Yue Fai Court. The remaining spaces would be left vacant if they are not let to non-residents. The letting of the surplus monthly vehicle parking spaces to non-residents as proposed in the application would help utilise public resources more efficiently.

- 11.3 The application is generally in line with the planning criteria set out in the Town Planning Board Guidelines (TPB PG-No. 34B) as mentioned in paragraph 4 above in that there is neither material change in planning circumstances since the previous temporary approval was granted nor change in the land uses of the surrounding areas; there is no adverse planning implication arising from the renewal of the planning approval as there is no increase in the total number of vehicle parking spaces within the car parks and the proposed conversion of ancillary car parking spaces to 'Public Vehicle Park' use would not generate additional traffic flow on the surrounding areas; the proposed temporary period of 3 years is considered reasonable as the surplus vehicle parking spaces can be let to non-residents flexibly while the parking demand of the residents can be further reviewed.
- 11.4 TD has no objection to the application on the understanding that priority in the renting of vehicle parking spaces is accorded to the residents of the subject estates/court. In this regard, the previous approval condition is recommended to be retained in paragraph 12.2 below to ensure that priority is given to the residents in letting the vehicle parking spaces, should the application be approved by the Committee.
- 11.5 Regarding the public comments, the assessment in the paragraphs 11.1 to 11.3 above is generally applicable. For the public concern on the use of the surplus parking spaces for elderly care facilities, the applicant has responded that the occupancy rate of and demand for the parking facilities will be reviewed continuously and the feasibility of converting the parking space to other uses will be explored. In fact, surplus parking spaces in other housing estates have been converted to other uses taking into account feasibility and site constraints. Hence, a previous advisory clause is recommended to be retained to advise the applicant to consider releasing such spaces for the provision of community facilities that are in deficit. As for the concerns on redeveloping the Wah Fu Estate, they are not related to the subject of the current planning application.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 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 3 years up to 16.4.2022. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

Priority should be accorded to the respective residents of Wah Fu (I) Estate, Wah Fu (II) Estate and Yue Fai Court in the letting of the 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**.

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

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application form and supplementary information received on 7.1.2019
Appendix Ia	Further Information submitted by the applicant received on 15.2.2019
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Public comments
Appendix V	Advisory clauses
Plan A-1	Index plan and similar application sites
Plans A-2a and A-3a	Location plans
Plans A-2b and A-3b	Site plans
Plans A-2c to A-2h, A-3c to A-3d	Site photos