

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

**APPLICATION NO. A/HK/13**

**Applicant** : Hong Kong Housing Authority (HKHA)

**Premises** : (a) Car Park in Model Housing Estate, North Point  
 (b) Car Park in Hong Tung Estate, Lei King Wan  
 (c) Car Park in Hing Wah (II) Estate, Chai Wan  
 (d) Car Park in Tsui Lok Estate, Chai Wan  
 (e) Car Park in Yue Wan Estate, Chai Wan  
 (f) Car Park in Shan Tsui Court, Chai Wan

<b><u>Lease</u></b>	Housing Development	Lease
(a)	Model Housing Estate, North Point	- IL No. 8569 RP
(b)	Hong Tung Estate, Lei King Wan	- Vesting Order (V.O.) No. 186
(c)	Hing Wah (II) Estate, Chai Wan	- V.O. No. 75
(d)	Tsui Lok Estate, Chai Wan	- V.O. No. 193
(e)	Yue Wan Estate, Chai Wan	- V.O. No. 106
(f)	Shan Tsui Court, Chai Wan	- CWIL No. 92

<b><u>Plans and Zonings</u></b>	Housing Development	Outline Zoning Plan (OZP)	Zoning
(a)	Model Housing Estate, North Point	Approved North Point OZP No. S/H8/26	"Residential (Group A)" ("R(A)")
(b)	Hong Tung Estate, Lei King Wan	Approved Quarry Bay OZP No. S/H21/28	
(c)	Hing Wah (II) Estate, Chai Wan	Approved Chai Wan OZP No. S/H20/23	
(d)	Tsui Lok Estate, Chai Wan		
(e)	Yue Wan Estate, Chai Wan		
(f)	Shan Tsui Court, Chai Wan		

**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/9 for a period of 3 years until 27 March 2022

## 1. The Proposal

- 1.1 The applicant seeks planning permission to renew the planning approval granted under Application No. A/HK/9 to let the surplus monthly vehicle parking spaces in five public rental housing (PRH) estates and one Home Ownership Scheme (HOS) development in the Eastern District to non-residents for a period of 3 years from 28.3.2019 to 27.3.2022.
- 1.2 The application sites fall within areas zoned “R(A)” on the respective OZPs (**Plan A-1**). 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 would involve a change of use 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.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form and received on 7.1.2019 (**Appendix I**)
  - (b) Further information received on 11.2.2019 providing clarification (**Appendix Ia**)  
*(accepted and exempted from publication and recounting requirements)*
  - (c) Further information received on 15.2.2019 providing responses to public comments (**Appendix Ib**)  
*(accepted and exempted from publication and recounting requirements)*
- 1.4 According to the applicant, the average vacancy rate of monthly parking spaces for all types of vehicles (if not let to non-residents) from December 2017 to November 2018 at the subject PRH estates/HOS development ranges from about 24% to 73%. A comparison of the total number of monthly vehicle parking spaces, the number of monthly vehicle parking spaces let to residents under the previously approved application (No. A/HK/9) and the current application are as follows:

Motor Vehicle	Total no. of monthly car parking spaces		No. of monthly car parking spaces let to residents		Surplus parking spaces proposed to be let to non-residents (Vacancy Rate of monthly parking spaces)	
	Previously Approved Scheme (A/HK/9) (a)	Current Scheme (A/HK/13) (b)*	Previously Approved Scheme (A/HK/9) (c)	Current Scheme (A/HK/13) (d)	Previously Approved Scheme (A/HK/9) (a)-(c)	Current Scheme (A/HK/13) (b)-(d)
<b>Model Housing Estate</b>						
Private Car	46	<b>46</b>	24	<b>29</b>	22 (48%)	<b>17</b> <b>(37%)</b>
Light Goods Vehicles	6	<b>6</b>	6	<b>6</b>	0 (0%)	<b>0</b> <b>(0%)</b>
Motor Cycle	13	<b>13</b>	13	<b>13</b>	0 (0%)	<b>0</b> <b>(0%)</b>
<u>Total</u>	65	<b><u>65</u></b>	43	<b><u>48</u></b>	22 (34%)	<b><u>17</u></b> <b><u>(26%)</u></b>

Motor Vehicle	Total no. of monthly car parking spaces		No. of monthly car parking spaces let to residents		Surplus parking spaces proposed to be let to non-residents (Vacancy Rate of monthly parking spaces)	
	Previously Approved Scheme (A/HK/9) (a)	Current Scheme (A/HK/13) (b)*	Previously Approved Scheme (A/HK/9) (c)	Current Scheme (A/HK/13) (d)	Previously Approved Scheme (A/HK/9) (a)-(c)	Current Scheme (A/HK/13) (b)-(d)
<b>Hong Tung Estate</b>						
Private Car	10	<b>10</b>	3	<b>6</b>	7 (70%)	<b>4</b> <b>(40%)</b>
<u>Total</u>	10	<b><u>10</u></b>	3	<b><u>6</u></b>	7 (70%)	<b><u>4</u></b> <b>(40%)</b>
<b>Hing Wah (II) Estate</b>						
Private Car	47	<b>47</b>	42	<b>44</b>	5 (11%)	<b>3</b> <b>(6%)</b>
Light Goods Vehicles	36	<b>36</b>	13	<b>17</b>	23 (64%)	<b>19</b> <b>(53%)</b>
Motor Cycle	18	<b>18</b>	14	<b>16</b>	4 (22%)	<b>2</b> <b>(11%)</b>
<u>Total</u>	101	<b><u>101</u></b>	69	<b><u>77</u></b>	32 (32%)	<b><u>24</u></b> <b>(24%)</b>
<b>Tsui Lok Estate</b>						
Private Car	11	<b>11</b>	1	<b>3</b>	10 (91%)	<b>8</b> <b>(73%)</b>
<u>Total</u>	11	<b><u>11</u></b>	1	<b><u>3</u></b>	10 (91%)	<b><u>8</u></b> <b>(73%)</b>
<b>Yue Wan Estate</b>						
Light Goods Vehicles	16	<b>16</b>	7	<b>9</b>	9 (56%)	<b>7</b> <b>(44%)</b>
<u>Total</u>	16	<b><u>16</u></b>	7	<b><u>9</u></b>	9 (56%)	<b><u>7</u></b> <b>(44%)</b>
<b>Shan Tsui Court</b>						
Private Car	252	<b>252</b>	126	<b>142</b>	126 (50%)	<b>110</b> <b>(44%)</b>
Motor Cycle	32	<b>32</b>	21	<b>23</b>	11 (34%)	<b>9</b> <b>(28%)</b>
<u>Total</u>	284	<b><u>284</u></b>	147	<b><u>165</u></b>	137 (48%)	<b><u>119</u></b> <b>(42%)</b>

\* Figures exclude hourly parking spaces and parking facilities reserved for the estate management.

## 2. Justifications from the Applicant

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

- (a) according to the survey conducted from December 2017 to November 2018, the vacancy rate of monthly parking spaces for all of the subject PRH estates/HOS development ranged from 24% to 73%, in particular the number of vacant spaces in Shan Tsui Court was the highest at 119 on a monthly average;
- (b) the proposal will not result in any increase in parking space provided, the proposal will neither generate additional traffic flow nor worsen the environmental conditions;
- (c) the proposal does not involve a change in the car parking nature of land use, and is considered not incompatible with other uses in the surroundings;
- (d) local consultation with respective Estate Management Advisory Committees/Mutual Aid Committees of the subject PRH estates has been conducted and no objection to the application was received. For Shan Tsui Court, the Incorporated Owners has raised an objection on the grounds of non-residents taking priority over residents and security concern;
- (e) for the safety of tenants/residents of the subject estates/court, the following measures will continue to be implemented: (i) separate entrances to the carparks from the residential tower entrances; (ii) security guards to be stationed at each residential tower and to patrol the estates/court regularly; and (iii) Closed Circuit Televisions (CCTVs) already installed in the carparks;
- (f) the proposal will not compromise the residents' right as HKHA will continue to uphold the policy that residents shall have priority in renting parking spaces and only surplus parking spaces would be let to non-residents. The monthly charges for both residents and non-residents will also be the same;
- (g) no complaints regarding the letting of vacant parking spaces to non-residents have been received since last approval; and
- (h) the proposal will allow HKHA to make better use of public resources without compromising the rights and interest of tenants.

### 3. Compliance with the "Owner's Consent/Notification" Requirements

(a)	Model Housing Estate	The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.
(b)	Hong Tung Estate, Hing Wah (II) Estate, Tsui Lok Estate and Yue Wan Estate	As these housing estates involves Government land only, the "owner's consent/notification" requirements as 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) are not applicable.
(c)	Shan Tsui Court	The applicant is one of the "current land owners". In respect of other "current land owners", the applicant has complied with the requirements as set out in the TPB PG-No. 31 by publishing newspaper notice and posting site notice (Appendices 5 to 6 of <b>Appendix I</b> ).

#### 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) is relevant to this application. The relevant assessment criteria for renewal of planning approval are summarized 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 implication 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 consideration.

#### 5. Previous Applications

- 5.1 The application sites were the subject of five previous planning applications (Nos. A/HK/1, A/HK/3, A/HK/5, A/HK/7 and A/HK/9) submitted by HKHA (**Plans A-1**).
- 5.2 These five applications were for change of use from ancillary car park to public vehicle park in 16, 7, 6, 6 and 6 PRH estates/HOS developments in the Eastern District respectively. Application No. A/HK/1 was approved by the Metro Planning Committee (the Committee) of the Board on 26.3.2004 on a temporary basis for three years up to 26.3.2007. Temporary approval was granted so that the residents' parking demand could be reviewed after three years. Similarly, application Nos. A/HK/3, A/HK/5, A/HK/7 and A/HK/9, which were the renewal applications, were approved with condition(s) for three years each, up to 27.3.2019.
- 5.3 A summary of the approval conditions for the previous applications above is at **Appendix II**.

#### 6. Similar Applications

- 6.1 There are 12 similar applications (Nos. A/H20/115, A/H20/163, A/H15/223, A/H15/239, A/H15/255, A/H15/269, A/HK/2, A/HK/4, A/HK/6, A/HK/8, A/HK/11 and A/HK/12) submitted by HKHA within Hong Kong Island. 11 of them were approved by the Committee with or without conditions (**Plan A-1**), and the remaining one (Application No. A/HK/12) is to be considered by the Committee at the same meeting. Application No. A/H20/115 for conversion of not more than 70% of the ancillary car parking spaces of two HOS developments (Yan Tsui Court and Yee Tsui Court) in Chai Wan to public car park was approved by the Committee on 1.6.2001. Application No. A/H20/163 for letting the surplus monthly vehicle parking spaces at

the multi-storey car park in Hing Wah (I) Estate, Chai Wan to non-residents was approved with conditions by the Committee on 18.12.2009 on a temporary basis for a period of three years.

6.2 There were five similar applications for the conversion of ancillary car parks to public car parks in 12, 6, 5, 3 and 3 PRH estates/HOS developments in the Western and Southern Districts respectively. Application No. A/HK/2 was approved by the Committee on 16.4.2004 on a temporary basis for a period of three years. Applications Nos. A/HK/4, A/HK/6, A/HK/8 and A/HK/11, which were the renewal applications, were approved with condition(s) for three years each, up to 16.4.2019.

6.3 There were also four similar applications for letting the surplus monthly vehicle parking spaces at the multi-storey car park in Shek Pai Wan Estate, Aberdeen to non-residents. Application No. A/H15/223 was approved by the Committee with condition on 25.5.2007 on a temporary basis for a period of three years. Application Nos. A/H15/239, A/H15/255 and A/H15/269, which were the renewal applications, were approved with conditions by the Committee for three years each, up to 25.5.2019.

6.4 A summary of the approval conditions for the similar applications above is at **Appendix III**.

## 7. **The Sites and their Surrounding Areas**

All the application sites are located within PRH estates/ HOS development, and easily accessible to/from local/district roads. Their surroundings are:

<b>Housing Estates (Type of Existing Parking Spaces)</b>	<b>Adjacent Developments</b>	<b>Vehicular Access</b>
Model Housing Estate (Open-air car park) (Plans A-2a to 2c)	- to the south and southeast are residential buildings with retail/commercial uses on the lower floors; - to the north and northwest are mostly commercial development with some G/IC buildings; and - to the immediate west is MTR Quarry Bay Station	Model Lane
Hong Tung Estate (Open-air car park) (Plans A-3a to 3c)	- to the northeast and southeast are the residential blocks in Lei King Wan, and to the west is the Island Eastern Corridor; and - adjoins Island East Sports Centre in the northwest	Lei King Road
Hing Wah (II) Estate (Open-air car park) (Plans A-4a to 4f)	- to the north, east and southwest are Hing Man Estate, Hing Wah (I) Estate and Fung Wah Estate respectively; and - adjoins a secondary school in the south	Fei Tsui Road
Tsui Lok Estate (Open-air car park) (Plans A-5a to 5c)	- to the immediate north and southeast are the residential blocks in Tsui Wan Estate and Yue Wan Estate respectively; and - adjoins two secondary schools to the immediate south and the Chai Wan Police Married Quarters to the further southwest	Tsui Wan Street

<p>Yue Wan Estate (Open-air car park) (Plans A-6a to 6c)</p>	<p>- bounded by Wing Tai Road and Chai Wan Road in the east and south; - to the southeast, across Chai Wan Road is a primary school and a secondary school; and - adjoins two secondary schools to the northwest, and to the further northwest are Tsui Lok Estate and Tsui Wan Estate</p>	<p>Chai Wan Road</p>
<p>Shan Tsui Court (4-storey podium car park) (Plans A-7a to 7c)</p>	<p>- bounded by Chai Wan Road and Tai Tam Road in the east and west; to the further southeast and south are Neptune Terrace and Hing Man Estate respectively; and - to the immediate north is an electricity sub-station</p>	<p>Tai Tam Road</p>

## 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 the public comments received are summarised as follows:

### Land Administration

9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

#### *Model Housing Estate*

- (a) Model Housing Estate, erected on IL No. 8569RP, is held under Conditions of Exchange No. 11647 dated 24.11.1982 as varied by a Waiver Letter (W/L) dated 27.5.2011. The W/L was granted for a term of 1 year commencing from 27.5.2011 and thereafter annually to permit members of the public to rent and use the surplus car parking spaces within the subject lot;
- (b) As letting of surplus car parking spaces to non-residents is permitted under the W/L, he has no comment on the proposed renewal of planning permission;

#### *Shan Tsui Court*

- (c) Shan Tsui Court is held under CWIL No. 92. There is no restriction under the lease on the user of the car parking spaces provided within the lot. Thus, the proposed letting of surplus car parking spaces is acceptable under the lease; and

*Remaining Public Housing Estates*

- (d) the remaining public rental housing estates are held by HKHA under vesting orders. There is no objection to the proposed letting for the subject estates from land administration point of view.

Traffic Aspect

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

No comment on the application subject to the following conditions:

- (i) residents of the subject estates/courts should be offered the highest priority in renting the monthly parking spaces; and
- (ii) during the application period (28.3.2019 to 27.3.2022), the applicant should monitor from time to time the demand from the estate residents for renting monthly parking spaces, and adjust the numbers of parking spaces to be let to non-residents as appropriate and timely.

Building Aspect

9.1.3 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) by virtue of Buildings Ordinance s.41(1)(aa), buildings upon any land vested in the HKHA or over which the HKHA has control and management are, subject to s.18(2) and (3) of the Housing Ordinance (Cap 283), 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 includes buildings under the HOS, officers of the Housing Department has 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 objection to/ no comment on the application:

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



## **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 a member of the Eastern District Council (EDC) (Mr. Lam Sum-lim) and two individuals were received (**Appendix IV**). The EDC member and an individual supported/indicated no objection to the proposal but made suggestion to the operation of the public vehicle park. The other 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.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for renewal of the planning permission to continue letting out vacant parking spaces to non-residents in five PRH estates and one HOS development in the Eastern District for three more years until 27.3.2022. There are five similar previous applications on the same public housing estates (Nos. A/HK/1, A/HK/3, A/HK/5, A/HK/7 and A/HK/9) approved with or without condition(s) by the Committee in 2004, 2007, 2010, 2013 and 2016 for three years each, up to 27.3.2019.
- 11.2 According to the applicant, the average vacancy rates of the car parking spaces in the subject housing developments if not let to non-residents from December 2017 to November 2018 was about 26% for Model Housing Estate, 40% for Hong Tung Estate, 24% for Hing Wah (II) Estate, 73% for Tsui Lok Estate, 44% for Yue Wan Estate, and 42% for Shan Tsui Court. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilize resources more efficiently.
- 11.3 The application is generally in line with the planning criteria set out in TPB PG-No. 34B that there is no material change in planning circumstances or a change in the land use of the surrounding areas since the previous temporary approval was granted; there is no adverse planning implication arising from the renewal of the planning approval as there is no increase in the total number of car parking spaces within the application sites, the proposed conversion of ancillary car parking spaces to 'Public Vehicle Park' use would not generate additional traffic flow on the surrounding areas; and the proposed temporary period of three years is considered reasonable as the vacant parking spaces can be let to non-residents flexibly while the parking demand of the residents can be further reviewed.
- 11.4 In order to address TD's concern that residents of the subject estates/courts should be offered the highest priority in renting the monthly parking spaces and that the demand from the estate residents for renting monthly parking spaces and the number of parking spaces to be let to non-residents should be monitored from time to time, previous approval conditions are recommended to be retained at paragraph 12.2 below, should the application be approved by the Committee.
- 11.5 Regarding the public comments, the assessment in 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.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment 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 27.3.2022. The following conditions of approval and advisory clause are suggested for Members' reference:

### Approval Conditions

- (a) priority should be accorded to the residents of Model Housing Estate, Hong Tung Estate, Hing Wah (II) Estate, Tsui Lok Estate, Yue Wan Estate and Shan Tsui Court in letting the vehicle parking spaces to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (b) the applicant should monitor from time to time the demand from the residents of Model Housing Estate, Hong Tung Estate, Hing Wah (II) Estate, Tsui Lok Estate, Yue Wan Estate and Shan Tsui Court for renting monthly parking spaces and adjust the number of parking spaces to be let to non-residents as appropriate and in a timely manner to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

### Advisory Clause

The recommended advisory clause is 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**

<b>Appendix I</b>	Application form received on 7.1.2019
<b>Appendix Ia</b>	E-mail dated 11.2.2019 providing further information
<b>Appendix Ib</b>	Letter dated 15.2.2019 providing further information
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Public comments
<b>Appendix V</b>	Recommended advisory clause
<b>Plan A-1</b>	Location plan of application sites and similar application sites
<b>Plans A-2a to 7a</b>	Location plans
<b>Plans A-2b to 7b</b>	Site plans
<b>Plans A-2c to 7c and A-4d to 4f</b>	Site photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**