

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

APPLICATION NO. A/K/18

Applicant : The Hong Kong Housing Authority (HKHA)

Premises : Car park blocks and open car parks at Choi Hung Estate, Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate, Wong Tai Sin, Kowloon

Lease

Estate	Land Status	Car Parking Requirement under Lease
1. Choi Hung Estate	N.K.I.L. 4421RP & Extension Thereto	- A car park building of not more than 3 storeys for the parking of motor vehicles for the use of residents <u>Temporary Waiver</u> - Permit members of the public (i.e. non-residents) to rent and use the surplus car parking spaces ¹ - For a term of one year commencing on 1.4.2011 and thereafter annually
2. Choi Wan (II) Estate	Government land vested in the HKHA under the Vesting Order (VO) No. 70	N/A
3. Fu Shan Estate	Government land vested in the HKHA under VO No. 117	N/A
4. Mei Tung Estate	Government land vested in the HKHA under VO No. 87	N/A

¹ The surplus car parking spaces shall not be used for any purpose other than for the parking of 340 private cars, 15 light goods vehicles and 36 motorcycles in accordance with planning permission under application No. A/K/8 dated 19.3.2010 and licensed under the Road Traffic Ordinance.

Plan

Estate	Outline Zoning Plan (OZP) No.
1. Choi Hung Estate	Approved Ngau Chi Wan OZP No. S/K12/16
2. Choi Wan (II) Estate	
3. Fu Shan Estate	
4. Mei Tung Estate	Approved Wang Tau Hom and Tung Tau OZP No. S/K8/21

Zoning : “Residential (Group A)” (“R(A)”) [Subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9 for a building that is partly domestic and partly non-domestic]

Application : Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Vacant Car Parking Spaces only) under Application No. A/K/14 for a Period of 3 Years until 5.3.2022

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue the use of the existing ancillary vehicle parking spaces at Choi Hung Estate, Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate (**Plan A-1**) for temporary ‘public vehicle park (excluding container vehicle)’ (vacant car parking spaces only) use for a period of 3 years (from 6.3.2019 to 5.3.2022) to facilitate letting of the vacant monthly vehicle parking spaces to non-residents.
- 1.2 The concerned car park blocks and the open car parks in the subject estates (the Sites) fall within areas zoned “R(A)” on the approved Ngau Chi Wan OZP No. S/K12/16 (for Choi Hung Estate, Choi Wan (II) Estate and Fu Shan Estate) and approved Wang Tau Hom and Tung Tau OZP No. S/K8/21 (for Mei Tung Estate). According to the Notes of the respective OZPs for “R(A)” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The locations of the 4 estates and their existing car parks are shown on **Plans A-2 to A-9**.
- 1.3 According to the applicant’s submission, from December 2017 to November 2018, the average vacancy rate of the parking spaces in these four estates ranges from 9% to 46%. A comparison of the total monthly parking spaces and the number of monthly parking spaces let to residents of the four estates under the previously approved application (No. A/K/14) and the current application (No. A/K/18) is as follows:

Estate	Total no. of monthly parking spaces		No. of monthly parking spaces let to residents		Surplus Vehicle Parking Spaces that could be Let to Non-Residents (Vacancy Rate of Monthly Vehicle Parking Spaces)	
	Previous Scheme A/K/14 (a)	Current Scheme A/K/18 (b)	Previous Scheme A/K/14 (c)	Current Scheme A/K/18 (d)	Previous Scheme A/K/14 (a)-(c)	Current Scheme A/K/18 (b)-(d)
Choi Hung Estate						
Private Car	434	434	240	249	194 (45%)	185 (43%)
Light Goods Vehicle	37	37	31	30	6 (16%)	7 (19%)
Motorcycle	91	91	48	63	43 (47%)	28 (31%)
Total	562	562	319	342	243 (43%)	220 (39%)
Choi Wan (II) Estate						
Private Car	52	52	51	52	1 (2%)	0 (0%)
Light Goods Vehicle	9	9	7	4	2 (22%)	5 (56%)
Motorcycle	17	17	17	15	0 (0%)	2 (12%)
Total	78	78	75	71	3 (4%)	7 (9%)
Fu Shan Estate						
Private Car	102	102	54	57	48 (47%)	45 (44%)
Light Goods Vehicle	16	8 [#]	6	7	10 (63%)	1 (13%)
Motorcycle	34	34	10	14	24 (71%)	20 (59%)
Total	152	144	70	78	82 (54%)	66 (46%)
Mei Tung Estate						
Private Car	53	53	40	48	13 (25%)	5 (9%)
Light Goods Vehicle	10	10	2	5	8 (80%)	5 (50%)
Motorcycle	11	11	9	9	2 (18%)	2 (18%)
Total	74	74	51	62	23 (31%)	12 (16%)

Compared with the previous application No. A/K/14, 8 parking spaces for light goods vehicle would be closed from 2016 to 2020 for the construction of a new public rental housing block in Fu Shan Estate

Note : For application No. A/K/14, the average monthly parking spaces letting position covered the period from November 2014 to October 2015. For application No. A/K/18, the data reflected the situation from December 2017 to November 2018.

- 1.4 The applicant proposes to let all surplus parking spaces in the estates to non-residents.
- 1.5 In support of the application, the applicant has submitted the following document:
 - (a) Application form with attachments received on 3.1.2019 (Appendix I)
 - (b) Further information received on 11.2.2019 providing response to public comments (Appendix Ia)

2. Justifications from the Applicant

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

- (a) The applicant has been keeping in view closely the usage and occupancy situation of its parking facilities to maximize the usage and meet the needs of residents and local communities. As revealed by a survey of utilization rates of monthly parking spaces in these estates for a 12-month period, there are still surplus parking spaces after allocation of parking spaces to the residents. In order to optimize the use of public resources, the applicant proposes to let all surplus parking spaces in the estates to non-residents.
- (b) The applicant has been and will continue reviewing the occupancy rate of and demand for the parking facilities and exploring the feasibility of converting the parking space to the appropriate type of vehicle parking to cater for the most needed ones. The applicant has also converted the parking spaces in the other housing estates into retail, welfare and educational uses taking into account the feasibility and other site constraints.
- (c) The proposed letting of surplus parking spaces will not generate additional traffic flow. No adverse traffic and environmental impact is envisaged.
- (d) The proposed letting of surplus parking spaces does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (e) Entrances to individual residential towers in these estates are separated from the parking spaces. Moreover, security guards are stationed at each tower and will patrol within the estates from time to time. No management or security problems should be created.
- (f) Residents of these estates are accorded the highest priority in letting of parking spaces. Only surplus monthly parking spaces are to be let to non-residents with the same monthly charges. Therefore, the interests of the residents would not be compromised.

- (g) Members of the Estate Management Advisory Committee (EMAC) of the estates raised no adverse comments on the proposed letting of surplus monthly parking spaces, except that residents of Choi Hung Estate expressed concern on the higher fees to be charged under Tier 1 of the three-tier charging system² after the letting of surplus parking spaces. Charging of different parking rates according to occupancy rate of car parking spaces is an effective way to utilize public resources. In response to residents' concern, local management will continue liaising with the EMAC to explain the rationale of the car park charging system.
- (h) Similar applications submitted by the applicant since late 2015 had all been approved with conditions by the Board. There have been no undue difficulties encountered for the applicant to implement the proposal and fulfill the approval conditions.

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

Choi Hung Estate	The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.
Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate	As these housing estates involve 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.31A) is not applicable to the application.

4. Town Planning Board Guidelines

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 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 implications arising from the renewal of

² The monthly charges for private car parking spaces in HKHA's carparks are differentiated based on a three-tier occupancy classification. Under the three-tier charging system, Tier 1, Tier 2 and Tier 3 discounts are adopted according to occupancy rates at 90% or above, 50% to below 90% and below 50% respectively. Compared with the charge for Tier 1, the rate for Tier 2 will be discounted by about 10% whereas the rate for Tier 3 by about 15%.

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 specific time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Previous Applications

The Sites are involved in five previous planning applications. The Sites, together with car parks at 12 other public housing estates/home ownership scheme (HOS) developments, are the subject of a planning application (No. A/K/1) for the same use approved by the Metro Planning Committee (the Committee) of the Board on 26.3.2004 for a period of three years. Four applications (No. A/K/5, A/K/8, A/K/11 and A/K/14) for renewal of planning approval at the Sites were approved with condition by the Committee for a period of three years on 9.3.2007, 5.3.2010, 8.2.2013 and 5.2.2016 respectively (**Plan A-1**). The planning permission of the latest application No. A/K/14 will expire on 5.3.2019.

6. Similar Applications

Three similar applications (No. A/K8/34, A/K11/135 and A/K12/22) at various HOS developments in Wong Tai Sin district submitted by the same applicant were approved by the Committee on 18.5.2001 for permanent public vehicle park use. Another similar application (No. A/K11/181) at Wong Tai Sin Estate submitted by the Link Properties Limited was approved with condition by the Committee on 23.5.2008 for public vehicle park use on a temporary basis for a period of three years (**Plan A-1**).

7. The Sites and their Surrounding Areas (Plans A-2 to A-9)

All the existing car parks under the current application are located within residential areas in Wong Tai Sin district with good vehicular access. A table summarizing the surrounding developments and the access roads is as follows:

Estate	Types of Existing Car Park	Adjacent Developments	Vehicular Access
1. Choi Hung Estate (Plans A-2 and A-3)	One 3-storey ³ car park block and open parking spaces	Rhythm Garden, Ngau Chi Wan Village, Ping Shek Estate	Lung Cheung Road, Prince Edward Road East
2. Choi Wan (II) Estate	One 1-storey car park block and open	Choi Wan (I) Estate, Choi Fai Estate,	Ngau Chi Wan Street and Fung Shing

³ Including a basement car park level

Estate	Types of Existing Car Park	Adjacent Developments	Vehicular Access
(Plans A-4 and A-5)	parking spaces	Good Hope School	Street
3. Fu Shan Estate (Plans A-6 and A-7)	One 3-storey commercial block with car park at G/F and open parking spaces	King Shan Court, Grand View Garden	Po Kong Village Road
4. Mei Tung Estate (Plans A-8 and A-9)	open parking spaces and parking spaces under residential blocks	Tung Tau (II) Estate	Tung Tau Tsuen Road

8. Planning Intention

The planning intention of “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 public comments are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) for Choi Hung Estate which is situated at the Remaining Portion of N.K.I.L. 4421RP and the Extension Thereto), it is held under the Conditions of Grant No. 6643 dated 8.2.1961 as varied or modified by a Modification Letter dated 9.9.1974 and the Conditions of Extension No. 20164 dated 31.5.2012 (collectively referred to as “the Conditions”) for a term up to 30.6.2047. According to the Conditions, the car parking spaces shall not be used for any purpose other than the parking of motor vehicles belonging to or used by residents of the buildings erected or to be erected on the lot. A temporary waiver dated 21.2.2013 was also issued⁴ to the HKHA so as to permit members of the public (i.e. non-residents) to rent and use the surplus car parking spaces which shall not be used for any purpose other than for the parking of 340 private cars, 15 light goods vehicles and 36 motorcycles in accordance with planning permission

⁴ For a term of one year commencing on 1.4.2011 and thereafter annually

under application No. A/K/8 dated 19.3.2010 and licensed under the Road Traffic Ordinance. In accordance with the wavier conditions, HKHA shall obtain the relevant planning permission (if required) prior to the renting out or the use of the said surplus car parking spaces by members of the public, and shall comply with any conditions or requirements which may be imposed in the planning permission. Hence, he has no comment on the renewal application of Choi Hung Estate from the land administrative point of view; and

- (b) for Choi Wan (II) Estate, Fu Shan Estate and Mei Tung Estate, they are vested in HKHA under VO Nos. 70, 117 and 87 respectively for control and management of these estates. He has no comment on the renewal application of these three estates from land administrative point of view.

Traffic Aspect

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

he has no in-principle objection to letting out the surplus parking spaces. The applicant shall review the residents' parking demand regularly and priority should be accorded to the residents of these estates.

9.2 The following Government departments have no comment on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police; and
- (c) District Officer (Wong Tai Sin), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

10.1 On 8.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.1.2019, 27 public comments from two Wong Tai Sin District Council Members, two community organizations, 10 mutual aid committees⁵ and a residents association of Choi Hung Estate as well as 12 individuals were received (**Appendix II**).

10.2 Of which, an individual commenter requests the applicant to review its parking facilities and release space for Government, Institution or Community (GIC) and recreational facilities especially for elderly care facilities and another individual commenter provides no comment on the application. All remaining commenters object to the application on similar grounds that the residents' rights and interests will be affected due to higher fees to be charged under the three-tier charging system² or inadequate parking space provision for residents resulted from the letting of surplus parking spaces. They request the applicant to review charging system and devise a separate charge for residents and non-residents respectively.

⁵ Including Tan Fung House, Kam Wan House, Chui King House, Luk Ching House, Chi Mei House, Kam Pik House, Pik Hoi House, Kam Wah House, Kam Hon House, and shop tenant of Choi Hung Estate

11. Planning Considerations and Assessments

- 11.1 The current application is for renewal of planning approval to continue letting surplus vehicle parking spaces in the four estates in Wong Tai Sin district to non-residents. According to the applicant, the average vacancy rates of the vehicle parking spaces from December 2017 to November 2018 if not let to non-residents were about 39% for Choi Hung Estate, 9% for Choi Wan (II) Estate, 46% for Fu Shan Estate and 16% for Mei Tung Estate. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilize public resources more efficiently.
- 11.2 The Sites were previously approved for the same use by the Committee on a temporary basis for three years in 2004, 2007, 2010, 2013 and 2016 (applications No. A/K/1, A/K/5, A/K/8, A/K/11 and A/K/14 respectively). The use under application complies with assessment criteria of the TPB PG-No. 34B in paragraph 4 in that there is no material change in planning circumstances of the surrounding areas since the previous temporary approval was granted, and there is no adverse planning implication and no adverse comment from relevant Government departments.
- 11.3 As only the surplus parking spaces not let out (on monthly basis) to residents will be let out to non-residents, the parking need of the residents of the four estates will not be compromised. C for T has no in-principle objection to the application. To ensure that the residents of the estate should be offered the highest priority in renting the monthly parking spaces and the number of parking spaces to be let to non-residents should be monitored from time to time, an appropriate approval condition is recommended at paragraph 12.2 below.
- 11.4 A total of 27 public comments were received with 25 objecting to the application mainly on grounds that the residents' rights and interests will be affected due to higher fees to be charged under the three-tier charging system or inadequate parking space provision for residents resulted from the letting of surplus parking spaces. Another individual commenter suggests the applicant to review its parking facilities and release space for GIC and recreational facilities especially for elderly care facilities. In this regard, the applicant has responded that the occupancy rate of and demand for the parking facilities will continuously be reviewed and the feasibility of converting the parking space to the appropriate type of vehicle parking to cater for the most needed ones will be explored. The applicant has also converted the parking spaces in other housing estates into other uses taking into account feasibility and site constraints. The applicant will also continue liaising with the EMAC to explain the rationale of the car park charging system. The assessment in paragraph 11.3 above is also relevant. Thus, it is suggested to convey the concerns of the individual comment to the applicant under advisory clause (**Appendix III**).

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 further period of three years until 5.3.2022. The following condition of approval is suggested for Members' reference:

Priority should be accorded to the residents of Choi Hung Estate, Choi Wan (II) Estate, Fu Shan Estate and Mei Tung 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

- 12.3 The recommended advisory clause is attached at **Appendix III**.
- 12.4 There is no strong planning 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 for renewal of the planning 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 with attachments received on 3.1.2019
Appendix Ia	Further Information submitted by the applicant received on 11.2.2019
Appendix II	Public comments
Appendix III	Recommended Advisory clause
Plans A-1 to A-9	Location Plans and Site Photos