

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

**APPLICATION NO. A/K/19**

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

**Premises** : Carpark floors of a retail-cum-vehicle park block at Choi Ying Estate, Kwun Tong, Kowloon (Carpark (a)); and  
Carpark floors under the podiums of Ko Cheung Court and Yau Mei Court, and an open air carpark at Ko Cheung Court, Kwun Tong, Kowloon (Carpark (b))

**Lease** :

|             | <b>Land Status</b>   |
|-------------|--|
| Carpark (a) | <u>Choi Ying Estate</u> <ul style="list-style-type: none"><li>● Government land vested in the HKHA under the Vesting Order (VO) No. 228</li></ul>  |
| Carpark (b) | <u>Ko Cheung Court and Yau Mei Court<sup>[1]</sup></u> <ul style="list-style-type: none"><li>● New Kowloon Inland Lot (NKIL) 6459</li><li>● Restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes</li></ul> |

**Plans** :

|             | <b>Outline Zoning Plan (OZP) No.</b>                          |
|-------------|---|
| Carpark (a) | Draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29           |
| Carpark (b) | Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 |

**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, or the PR and height of the existing building, whichever is the greater.] [Choi Ying Estate is also subject to a maximum building height of

<sup>[1]</sup> Ko Cheung Court and Yau Mei Court are built by HKHA comprising public rental housing (PRH) cum Government Staff Quarters (GSQ) portions.

140mPD.]

**Application** : Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Surplus Vehicle Parking Spaces only) under Applications No. A/K13/300 (for Carpark (a)) and A/K15/116 (for Carpark (b)) for a Period of 3 Years until 23.3.2022<sup>[2]</sup>

## **1. The Proposal**

- 1.1 The applicant seeks renewal of planning approvals to continue the use of the existing ancillary vehicle parking spaces at Choi Ying Estate (the Estate), Ko Cheung Court and Yau Mei Court (the Courts) (**Plan A-1**) for temporary ‘public vehicle park (excluding container vehicle)’ (surplus vehicle parking spaces only) use for a period of 3 years until 23.3.2022 to facilitate letting of the surplus monthly vehicle parking spaces to non-residents.
- 1.2 The Estate and the Courts fall within areas zoned “R(A)” on the draft Ngau Tau Kok & Kowloon Bay OZP No. S/K13/29 and the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 respectively. 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 estates/courts concerned and their existing carpark are shown on **Plans A-2 to A-8**.
- 1.3 According to the applicant’s submission, the overall vacancy rates for all type of parking spaces (if not let to non-residents) were 5.3% (10 nos.) for the Estate and 8% (52 nos.) for the Courts respectively in the period between December 2017 and November 2018. A comparison of the total monthly parking spaces and the number of monthly parking spaces let to residents of the Estate and the Courts under the previously approved applications and the current application is as follows:

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<sup>[2]</sup> There are different validity periods for Applications No. A/K15/116 and A/K13/300, which will expire on 23.3.2019 and 9.4.2019 respectively.

|                           | 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<br>A/K13/300<br>(a) | Current Scheme<br>A/K/19 <sup>[^]</sup><br>(b) | Previous Scheme<br>A/K13/300<br>(c)            | Current Scheme<br>A/K/19<br>(d) | Previous Scheme<br>A/K13/300<br>(a)-(c)  | Current Scheme<br>A/K/19<br>(b)-(d) |
| <b>Choi Ying Estate</b>   |                                     |  |  |                                 |  |                                     |
| Private Car (PC)          | 135                                 | <b>135</b>                                     | 99   | <b>134</b>                      | 36<br>(27%)  | <b>1</b><br><b>(0.7%)</b>           |
| Light Goods Vehicle (LGV) | 18                                  | <b>18</b>                                      | 16   | <b>13</b>                       | 2<br>(11%)   | <b>5</b><br><b>(27.8%)</b>          |
| MC                        | 36                                  | <b>36</b>                                      | 34   | <b>32</b>                       | 2<br>(6%)  | <b>4</b><br><b>(11.1%)</b>          |
| Total                     | 189                                 | <b>189</b>                                     | 149  | <b>179</b>                      | 40<br>(21%)  | <b>10</b><br><b>(5.3%)</b>          |

|  | 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<br>A/K15/116<br>(a) | Current Scheme<br>A/K/19 <sup>[^]</sup><br>(b) | Previous Scheme<br>A/K15/116<br>(c)            | Current Scheme<br>A/K/19 <sup>[%]</sup><br>(d) | Previous Scheme<br>A/K15/116<br>(a)-(c)  | Current Scheme<br>A/K/19<br>(b)-(d) |
| <b>Ko Cheung Court and Yau Mei Court</b> |                                     |  |  |  |  |                                     |
| PC                                       | 409                                 | <b>419<sup>[*]</sup></b>                       | 409  | <b>418</b>                                     | 0<br>(0%)  | <b>1</b><br><b>(0.2%)</b>           |
| LGV                                      | 21                                  | <b>22<sup>[*]</sup></b>                        | 17   | <b>17</b>                                      | 4<br>(41%)   | <b>5</b><br><b>(22.7%)</b>          |
| MC                                       | 205                                 | <b>205</b>                                     | 164  | <b>159</b>                                     | 41<br>(20%)  | <b>46</b><br><b>(22.4%)</b>         |
| Total <sup>[#]</sup>                     | 635                                 | <b>646</b>                                     | 590  | <b>594</b>                                     | 45<br>(7%)   | <b>52</b><br><b>(8%)</b>            |

[^] Figures exclude hourly parking spaces and parking facilities reserved for the estate management.

[%] It is required under the lease governing the Courts that parking spaces should also be provided to the residents of Yau Tong Estate. No. of parking spaces let out as tabulated above include the residents of Ko Chung Court, Yau Mei Court and Yau Tong Estate.

[\*] Compared with the previous application, the total number of monthly PC (LGV) parking spaces had increased from 409 to 419 (21 to 22) due to the change of 10 (1) hourly parking spaces to monthly use.

[#] The parking spaces exclusively to serve the residents of the GSQ are excluded.

Note : For Applications No. A/K13/300 and A/K15/116, the statistics covered the period from December 2014 to November 2015. For current application, the statistics reflect the situation from December 2017 to

November 2018.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 9.1.2019 (Appendix I)
  - (b) Further information received on 25.2.2019 providing response to a public comment (Appendix Ia)
  - (c) Further information received on 28.2.2019 providing response to departmental comment (Appendix Ib)

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in **Appendices I and Ia**. 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 surveys of utilization rates of monthly parking spaces in the Estate/the Courts 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 Estate/Courts 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 the Estate/the Courts are separated from the parking spaces. Moreover, security guards are stationed at each residential tower and will patrol within the estate/courts from time to time. No management or security problems should be created.
- (f) Residents of the Estate/the Courts 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 Committees of the Estate and the Courts (PRH portion only)<sup>[3]</sup> have been consulted. While there was no objection from the residents of the Courts, objection was raised by residents of the Estate on the ground that more parking spaces should be reserved to the residents. According to the statistics as given in paragraph 1.3 above, no. of surplus vehicle parking spaces (if not let to non-residents) was only 10 nos. (including 1 PC, 5 LVG and 4 MC) in the Carpark (a) at the Estate. The applicant will continue liaising with the residents concerned on the proposal and policy on upholding of the residents' rights and interests in renting monthly parking spaces.
- (h) Similar applications submitted by the applicant had all been approved with conditions by the Board since late 2015. 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**

#### The Estate

- 3.1 Since the Estate (including the carpark) 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.31A) is not applicable to the application.

#### The Courts

- 3.2 The applicant is one of the “current land owners” and has complied with the requirement as set out in the TPB PG-No. 31A by notifying other current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

### **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 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

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<sup>[3]</sup> Parking facilities exclusively serve the GSQ portions of the Courts are not the subject of current application. The managing agent of the GSQ has been notified of the applicant’s proposal to let the surplus parking spaces to non-residents.

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

## **5. Previous Applications**

- 5.1 Carpark (a) is the subject of three previous applications (Nos. A/K/13/253, A/K/13/287 and A/K/13/300) for the same use approved with condition by the Metro Planning Committee (the Committee) of the Board for a period of 3 years on 9.4.2010, 15.3.2013 and 5.2.2016 respectively (**Plan A-1**). The planning permission of the last renewal application No. A/K13/300 will expire on 9.4.2019.
- 5.2 Carpark (b) is the subject of five previous applications for a period of 3 years (Nos. A/K/2, A/K15/77, A/K15/92, A/K15/108 and A/K15/116) for the same use approved with condition by the Committee of the Board on 28.5.2004, 23.3.2007, 19.3.2010, 15.3.2013 and 5.2.2016 respectively (**Plan A-1**). The planning permission of the latest renewal application No. A/K15/116 will expire on 23.3.2019.
- 5.3 A summary of the approval conditions for the previous applications is at **Appendix II**.

## **6. Similar Applications**

- 6.1 There are 17 similar applications for letting the surplus monthly vehicle parking spaces to non-residents on a temporary basis for other PRH estates/ Ownership Scheme (HOS) developments in Kwun Tong district. All of them (Nos. A/K/2, A/K/6, A/K/10, A/K/13, A/K/15, A/K/17, A/K13/219, A/K13/246, A/K13/297, A/K13/302, A/K15/78, A/K15/84, A/K15/95, A/K15/109, A/K15/110, A/K15/117 and A/K15/118) were approved by the Committee with or without conditions (**Plan A-1**).
- 6.2 Application No. A/K/2 for the conversion of ancillary car parks to public car parks in 25 PRH estates/HOS developments was approved by the Committee on 28.5.2004 on a temporary basis for a period of 3 years. Subsequently, applications (Nos. A/K/6, A/K/10, A/K/13, A/K/15, A/K13/246, A/K15/78, A/K15/84, A/K15/95, A/K15/109, A/K15/110, A/K15/117 and A/K15/118) for renewal of planning approval in respect of some of those car parks were approved with condition for 3

years each, up to the period from 3 to 28.5.2019 <sup>[4]</sup>. Two other applications (Nos. A/K13/219 and A/K13/297) for two PRH estates were approved with condition by the Committee on 9.3.2007 and 21.8.2015 respectively on a temporary basis for a period of 3 years.

- 6.3 Application Nos. A/K13/302 and A/K/17 for the conversion of ancillary car parks to public car parks in five PRH estates on a temporary basis for a period of 5 years will expire on 3.2.2022 and 9.6.2022 respectively.
- 6.4 Another similar application (No. A/K14/384) for permanent public vehicle park use at five HOS developments was approved by the Committee on 1.6.2001.
- 6.5 A summary of the approval conditions for the similar applications is at **Appendix III**.

## **7. The Sites and their Surrounding Areas (Plans A-2 to A-8)**

Existing car parks under the current application are located within residential areas in Kwun Tong district with good vehicular access. A table summarizing the surrounding developments and the access roads is as follows:

| <b>Estate/Courts</b>                    | <b>Types of Existing Car Park</b>  | <b>Adjacent Developments</b>  | <b>Vehicular Access</b>   |
|---|--|---|---|
| The Estate<br><b>(Plans A-2 to A-4)</b> | car park accommodated in Choi Ying Place, a retail-cum-vehicle park block in the Estate      | <ul style="list-style-type: none"> <li>- to the east and north-east are residential blocks of Choi Ying Estate;</li> <li>- to the immediate north across Choi Ha Road are two primary schools;</li> <li>- to the immediate south is Choi Wan Road Sitting Out Area; and</li> <li>- Tak Bo Garden is located to the further south across Choi Wan Road.</li> </ul> | Choi Ha Road via Choi Wan Road and Kwun Tong Road                       |
| The Courts<br><b>(Plans A-5 to A-8)</b> | Vehicle park floors under the podiums of the Courts and open vehicle park of Ko Cheung Court | <ul style="list-style-type: none"> <li>- to the west are Yau Tong Estate with a shopping mall (Domain) and a secondary school;</li> <li>- to the immediate east is Ko Yee Estate;</li> <li>- to the south is Lei Yue Mun Estate;</li> <li>- MTR Yau Tong Station is approximately 150m to the</li> </ul>  | Lei Yue Mun Road for Yau Mei Court and Ko Chiu Road for Ko Cheung Court |

<sup>[4]</sup> Application Nos. A/K/15, A/K15/117 and A/K15/118 as approved with condition by the Committee for a period of 3 years on 18.3.2016 (for the former two applications) and 8.4.2016 (for the latter application) will expire on 28.5.2019, 25.5.2019 and 3.5.2019 respectively.

| Estate/Courts | Types of Existing Car Park | Adjacent Developments  | Vehicular Access |
|---------------|----------------------------|--|------------------|
|               |                            | west; and<br>- To the immediate north are Ko Chiu Road Rest Garden and Yau Tong Estate |                  |

## 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/or 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) No objection to the proposed renewal of planning approval.
- (b) The Estate has been vested into the HKHA under VO No. 228 dated 30.4.2010. He has no objection on the proposed renewal of planning approval for a period of 3 years.
- (c) The Courts fall within NKIL No. 6459 (the Lot), which is governed by a Government Lease for a term of 50 years commencing from 3.6.2005 containing, inter alia, that the Lot is restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes.
- (d) By virtue of a waiver letter dated 3.12.2004, the surplus car parking spaces of the Courts are permitted to be underletted to members of the public subject to obtaining relevant planning permission. Hence, he has no objection on the proposed renewal of planning approval.

### Traffic Aspect

9.1.2 The Commissioner for Transport (C for T) 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 the concerned estate/courts.



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

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police;
- (c) Director of Environmental Protection; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

## **10. Public Comments Received During Statutory Publication Period**

On 18.1.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 8.2.2019, one public comment from an individual was received (**Appendix IV**), requesting the applicant to review its parking facilities and release space for Government, Institution or Community (GIC), social welfare facilities (e.g. elderly care facilities) and recreational purposes.

## **11. Planning Considerations and Assessments**

- 11.1 The current application is for renewal of planning approvals to continue letting of surplus vehicle parking spaces in the existing carparks of the Estate and the Courts to non-residents for a period of 3 years until 23.3.2022. According to the applicant, while priority has been accorded to the residents of the Estate/the Courts in the letting of monthly vehicle parking spaces, there were surplus parking facilities (with the average vacancy rates (mainly for LGV and MC) from December 2017 to November 2018 of about 5.3% for the Estate and 8% for the Courts). The letting of the surplus monthly vehicle parking spaces to non-residents as proposed in the application would help utilise public resources more efficiently.
- 11.2 Previous planning applications for the same use were approved on a temporary basis for three years by the Committee for Carpark (a) (three permissions approved in 2010, 2013 and 2016 respectively) and Carpark (b) (five permissions approved in 2004, 2007, 2010, 2013 and 2016 respectively). The application is generally in line with the planning criteria set out in the TPB PG-No. 34B as mentioned in paragraph 4 above in that there is no material change in planning circumstances of the surrounding areas since the previous temporary approvals were granted, and there is no adverse planning implication and no adverse comment from the 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 Estate/the Courts will not be compromised. C for T has no in-principle objection to the application. To ensure that the residents of the Estate/the Courts 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, which is the same as the previous renewal permissions, is recommended at paragraph 12.2 below.

- 11.4 For the public comment suggesting the applicant to review its parking facilities and release space for GIC and recreational facilities (**Appendix IV**), the applicant has also commented 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 into other uses taking into account feasibility and site constraints (**Appendix Ia**). Thus, it is suggested to convey the concerns of the individual comment to the applicant under advisory clause (**Appendix V**).

## **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 3 years until 23.3.2022. The following condition of approval is suggested for Members' reference:

Priority should be accorded to the respective residents of Choi Ying Estate, Ko Cheung Court, Yau Mei Court and Yau Tong 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 clauses are attached at **Appendix V**.
- 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**

|                         |  |
|-------------------------|--|
| <b>Appendix I</b>       | Application form with attachments received on 9.1.2019               |
| <b>Appendix Ia</b>      | Further Information submitted by the applicant received on 25.2.2019 |
| <b>Appendix Ib</b>      | Further Information submitted by the applicant received on 28.2.2019 |
| <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>Plans A-1 to A-8</b> | Location Plans and Site Photos                                       |

**PLANNING DEPARTMENT**

**MARCH 2019**