

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/461

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Premises** : Covered parking spaces within the podium of Kwai Chung Estate, Kwai Chung
- Land Status** : Kwai Chung Estate Vesting Order (V.O.) No. 10
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Residential (Group A)” (“R(A)”) [Subject to a maximum domestic plot ratio (PR) of 5.0 or maximum non-domestic PR of 9.5 for domestic and non-domestic buildings respectively, or the PR of the existing building, whichever is the greater. For new development of a building that is partly domestic and partly non-domestic, it is subject to a maximum domestic/non-domestic PR of 5/9.5 under a composite formula]
- Application** : Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Surplus Car Parking Spaces Only) and Minor Relaxation of Non-Domestic Plot Ratio (from 0.22 to 0.24) for the Proposed ‘Public Vehicle Park (excluding Container Vehicle)’ for a period of five years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle)’ use at Kwai Chung Estate (the Premises) and for minor relaxation of the existing non-domestic PR from 0.22 to 0.24 to facilitate letting of the surplus monthly vehicle parking spaces to non-residents for a period of five years.
- 1.2 The car park falls within an area zoned “R(A)” on the draft Kwai Chung OZP No. S/KC/29. According to the Notes of the OZP for “R(A)” zone, ‘Public Vehicle Park (excluding Container Vehicle)’ and minor relaxation of the PR restriction require planning permission from the Board. The location of the Kwai Chung Estate and the car park is shown on **Plans A-2** and **A-3**.
- 1.3 According to the applicant, out of the total 839 monthly vehicle parking spaces, 763 were let to residents from March 2018 to February 2019, with an overall vacancy rate of 9% (Appendix 2 of Attachment I of **Appendix I**). A comparison showing the total number of monthly vehicle parking spaces and that let to

residents under the previously approved application (No. A/KC/438) and current application (No. A/KC/461) is summarised in the following table:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces		No. of Monthly Vehicle Parking Spaces Let to Residents		No. of Vacant Monthly Vehicle Parking Spaces (Vacancy Rate %)	
	Previously Approved Application (A/KC/438) (a)	Current Application (A/KC/461) (b)	Previously Approved Application (A/ KC/438) (c)	Current Application (A/KC/461) (d)	Previously Approved Application (A/KC/438) [(a) – (c)]	Current Application (A/KC/461) [(b) – (d)]
Private Car	678	678	566	578	112 (17%)	100 (15%)
Light Goods Vehicle	112	112	53	68	59 (53%)	44 (39%)
Motorcycle	159	159	116	117	43 (27%)	42 (26%)
Total	949	949	735	763	214 (About 23%)	186 (About 20%)

1.4 As compared with the previously approved application (No. A/KC/438) where about 23% (i.e. 214 numbers) of the total monthly vehicle parking spaces were proposed for public vehicle park use, the current application (No. A/KC/461) proposes a maximum of about 20% (i.e. 186 numbers) of the total parking spaces for public vehicle park. The proposed split of parking spaces is as follows:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces	Proposed Public Vehicle Parking Spaces out of the Existing Monthly Parking Spaces	
		Previously Approved Application (A/KC/438)	Current Application (A/KC/461)
Private Car	678	112 (including 100 parking spaces reserved for residents of Kwai Fuk Court)	100 (reserved for residents of Kwai Fuk Court)
Light Goods Vehicle	112	59	44
Motorcycle	159	43 (including 10 parking spaces reserved for residents of Kwai Fuk Court)	42 (including 10 parking spaces reserved for residents of Kwai Fuk Court)
Total	949	214 (about 23%)	186 (about 20%)

1.5 Besides, the conversion of residents' ancillary parking spaces to public vehicle park has PR implication. The proposed 186 parking spaces to be let to non-residents would result in a total non-domestic PR of 0.24, which exceeds the

maximum permissible non-domestic PR of 0.22¹. A comparison of the existing development parameters of the Kwai Chung Estate and the proposed development parameters under the current application is as follows:

Major Development Parameters	Existing (a)	Current Application (A/KC/461) (b)	Differences [(b) – (a)]
Site Area	127,100m ²	127,100m ²	No change
Gross Floor Area (GFA)			
Domestic	645,000m ²	645,000m ²	No change
Non-Domestic	28,300m ²	30,729m ²	+2,429m ²
Plot Ratio			
Domestic	5.07	5.07	No change
Non-Domestic	0.22	0.24	+ 0.02

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

- (a) Application form with attachments received on 4.4.2019 (**Appendix I**)
- (b) Letter dated 30.4.2019 providing layout plans of the car park (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Attachment I of **Appendix I** which are summarised as follows:

- (a) A parking survey on the subject estate was conducted to evaluate the take-up of monthly parking spaces by estate residents. As shown in the data collected, the average vacancy rate of parking spaces was 20% of the total parking spaces provided. In view of the observed vacancy, allowing non-residents to rent the vacant monthly parking spaces will make better use of public resources.
- (b) Sufficient parking spaces and allocation priority will continue to be given to residents of the estates to rent the monthly parking spaces. The monthly charge for both residents and non-residents will also be the same. The proposed letting of vacant parking spaces to non-residents hence will not compromise the rights of the residents.
- (c) The proposed relaxation of non-domestic PR from 0.22 to 0.24 (with an increase of 0.02) is minor, and the car parking spaces were built already. The relaxed PR will be used for parking spaces for non-residents and will not be used for extension of shops or flats.

¹ Since all housing blocks of Kwai Chung Estate were built before the domestic/non-domestic PR restriction of 5/9.5 was imposed for “R(A)” zone on 26.9.2003, the existing domestic PR of 5.07 and non-domestic PR of 0.22 are taken as the maximum permissible PRs of the subject development under the OZP.

- (d) The proposed use does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (e) The proposed letting of vacant monthly parking spaces will not generate additional traffic flow nor worsen the environmental condition. No adverse traffic and environmental impact is envisaged.
- (f) Entrances to individual residential towers at the Premises are separated from the carpark. Security guards are stationed at each tower and will patrol within the Premises from time to time. The proposal will not create any management or security problems. No complaints regarding the letting of surplus parking spaces to non-residents from the Premises have been received since the last approval.
- (g) The Estate Management Advisory Committee of the Kwai Chung Estate was consulted in November 2018 and no adverse comment was received.
- (h) The applicant has previously submitted applications of similar nature and most recently for the renewal or fresh permission in some 50 estates / Home Ownership Scheme (HOS) developments since late 2015. The applications have all been approved by the Board subject to approval conditions. There have been no undue difficulties encountered by the applicant to implement the proposals with the conditions fulfilled.

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

As the Premises 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) are not applicable.

4. Previous Applications (Plan A-1)

- 4.1 There are four previous planning applications (No. A/KC/326, 353, 398 and 438) covering the Premises for temporary public vehicle park (excluding container vehicle). Details of the application are summarised in **Appendix II**.
- 4.2 Application No. A/KC/326 for public vehicle park (excluding container vehicle) use at Kwai Chung Estate for a temporary period of three years was approved by the Committee on 25.5.2007. Subsequently, renewal applications No. A/KC/353, 398 and 438 were approved by the Committee on a temporary basis for a period of three years each on 7.5.2010, 3.5.2013 and 15.7.2016 respectively. The permission of last application No. A/KC/438 is valid until 15.7.2019.

5. Similar Applications (Plan A-1)

- 5.1 There are seven similar planning applications (No. A/KC/329, A/TWK/2, A/TWK/4, A/TWK/6, A/TWK/8, A/TWK/10 and A/TWK/12) in Kwai Chung. Details of the application are summarised in **Appendix III**.

- 5.2 On 10.8.2007, the Committee approved application No. A/KC/329 for public vehicle park (excluding container vehicle) use at Wah Lai Estate for a temporary period of three years up to 10.8.2010.
- 5.3 On 28.5.2004, the Committee approved application No. A/TWK/2 for the same use for 21 Public Rental Housing (PRH)/Home Ownership Scheme (HOS) developments in Kwai Chung and Tsing Yi area on a temporary basis for a period of three years up to 28.5.2007.
- 5.4 On 25.5.2007, the Committee approved application No. A/TWK/4 for the same use for five PRH estates (including Kwai Shing West Estate, Lai King Estate, Lai Yiu Estate, Cheung Ching Estate and Easeful Court) on a temporary basis for a period of three years up to 25.5.2010. Subsequently, renewal applications No. A/TWK/6, 8 and 10 were approved by the Committee on a temporary basis for a period of three years each on 7.5.2010, 3.5.2013 and 13.5.2016 respectively.
- 5.5 On 17.5.2019, the Committee approved application No. A/TWK/12 for the same use for five PRH estates (including Lei Muk Shue Estate, Kwai Shing West Estate, Lai King Estate, Lai Yiu Estate and Cheung Ching Estate) on a temporary basis for a period of five years up to 17.5.2024.

6. The Premises and Its Surrounding Areas (Plans A-1 and A-2 and Photos at Plan A-3)

- 6.1 The Premises is located at the northern part of Kwai Chung. The car park is within a three-storey podium with residential blocks above. The podium also accommodates a shopping centre, a market and a bus terminus.
- 6.2 The Premises is located between Tai Wo Hau MTR Station to its northwest and Kwai Hing MTR Station to its southeast. It is surrounded by public housing estates, including Kwai Hing Estate to its east, Kwai Shing East Estate to its south and Tai Wo Hau Estate to its west. Access to the Kwai Chung Estate is via Sheung Kok Street and Tai Wo Hau Road (Plans A-1 and A-2)

7. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

8. Comments from Relevant Government Departments

- 8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

He has no comment on the application as the application site falls within V.O. No. 10 which is vested to the HKHA for control and management under Section 5 of the Housing Ordinance.

Traffic

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

(a) she noted that public has strong request on car parking spaces and therefore she has no in-principle objection to the application based on the submitted information (**Appendices I and Ia**);

(b) should the application be approved by the Committee, the following condition is recommended :

‘priority should be accorded to the residents of Kwai Chung Estate in Kwai Chung in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport’; and

(c) the applicant should review and keep a record of the conditions of the use of parking spaces regularly so as to ensure good management in utilising the public resources and avoid compromising the right of renting monthly vehicle parking spaces in the car park by the residents.

Building Matters

8.1.3 Comments from the Head of Independent Checking Unit, Housing Department (H(ICU), HD):

(a) he has no objection to the application as the proposal may not involve any building works;

(b) he noted that GFA implications may be incurred by the conversion of covered parking spaces for use by residents/occupants/visitors of the Kwai Chung Estate to commercial parking use by non-residents. If such proposed works consist of any non-exempted building works other than minor works including any GFA implications, formal submission of plans to the ICU by an Authorised Person (AP) will be required, and prior approval and consent shall be obtained before commencement of the works. The applicant is advised to consult an AP and Registered Structural Engineers (RSE) for advice and more details;

- (c) the applicant shall also consult an AP/RSE to ensure the proposal comply with all the relevant ordinances, regulations, codes of practice, guidelines and statutory requirements; and
- (d) apart from the building control issue, the said works are also subject to other control such as the lease conditions and deed of mutual covenant, etc. The applicant is advised to check with the relevant Government departments and the parking users as stipulated in the lease as necessary.

8.2 The following Government departments have no comments on / no objection to the application:

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner of Police (C of P);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Director of Environmental Protection (DEP);
- (i) Director of Fire Services (D of FS);
- (j) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD) and
- (k) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD).

9. Public Comments Received During Statutory Publication Period

On 12.4.2019, the application was published for public inspection. During the three-week statutory public inspection period ended on 3.5.2019, one public comment was received from an individual supporting the application since there is insufficient parking space in Kwai Chung area (**Appendix IV**). The commenter also advises that more space should be allocated for car parking in the Kwai Chung Estate shopping centre.

10. Planning Considerations and Assessments

10.1 The application is to seek planning permission for temporary public vehicle park (excluding container vehicle) use to let surplus parking spaces in the existing car park at the subject estate to non-residents for a period of five years and minor relaxation of the total non-domestic PR to facilitate the proposed use. According to the applicant, the usage and occupancy rate of its parking facilities has been closely monitored to optimise the usage of parking facilities for the local residents / communities. The average vacancy rate of the monthly vehicle parking spaces

at the Premises is about 20% between March 2018 to February 2019. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently.

- 10.2 The proposal does not involve new development or redevelopment of the Kwai Chung Estate, except that there will be a corresponding increase in non-domestic PR of the Estate from 0.22 to 0.24. As there is no change in the total number of vehicle parking spaces within the Estate, the proposal would not generate additional traffic flow or worsen the environmental conditions in the area.
- 10.3 The Premises were previously approved for the same use by the Committee on a temporary basis for three years between 2007 and 2016 (No. A/KC/326, 353, 398 and 438) as detailed in paragraph 4 above. There are also seven similar applications in the Kwai Chung area, all of which were approved by the Committee on a temporary basis for three/five years between 2007 and 2019 as detailed in paragraph 5 above. There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on previous and similar applications.
- 10.4 The applicant indicates that the residents of Kwai Chung Estate would be accorded priority in renting vehicle parking spaces and monthly charge for both residents and non-residents will be the same. As only the surplus monthly parking spaces will be let out to non-residents, the parking need of the residents would not be compromised. C for T has no objection to the application provided that priority should be given to the residents of the estates for letting of the vacant parking spaces and that the applicant should seek TD's agreement on the actual number of vehicle parking spaces to be let to non-residents. In this regard, the previous approval condition is recommended to be retained in paragraph 11.2 below should the application be approved by the Committee.
- 10.5 The proposed use as temporary public vehicle park does not jeopardise the provision of community facilities within the district. To utilise the surplus parking spaces, an advisory clause to advise the applicant that consideration may be given to letting the surplus vehicle parking spaces for community uses so as to fully utilise the surplus vehicle parking spaces in the subject public housing estates is suggested at **Appendix V**.
- 10.6 Regarding the public comment received, the planning considerations above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments received as mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, the permission should be valid on a temporary basis for a period of five years up to 31.5.2024. The following approval condition is also suggested for Members' reference:

Approval condition

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

Advisory clauses

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

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

12. Decision Sought

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

12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

12.3 Alternatively, Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form with attachments received on 4.4.2019
Appendix Ia	Letter dated 30.4.2019 providing layout plans of the car park
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan of Kwai Chung Estate
Drawing A-2	Location of Parking Facilities
Plan A-1	Location Plan with previous and similar applications
Plan A-2	Location Plan
Plan A-3	Site Plan
Plan A-4	Site Photos