

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

APPLICATION NO. A/TWK/11

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Premises** : Car park blocks and open car parks at Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate, Shek Kip Mei

Land Status

Estate	Land Status
1. Chak On Estate	Vesting Order (V.O.) 64
2. Nam Shan Estate	V.O. 88
3. Shek Kip Mei Estate	V.O. 32

- Plan** : Approved Shek Kip Mei OZP No. S/K4/29

- Zoning** : “Residential (Group A)” (“R(A)”) Subject to maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic. For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0. Also subject to maximum building heights as follows:

Estate	Building Height in Metres above Principal Datum (mPD)
1. Chak On Estate	120
2. Nam Shan Estate	80
3. Shek Kip Mei Estate	30 to 130

- Application** : Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Letting of Surplus Vehicle Parking Spaces to Non-residents) under Application No. A/TWK/9 for a Period of 3 Years until 16.4.2022

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue the use of the existing ancillary vehicle parking spaces at Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate (**Plan A-1**) for temporary ‘public vehicle park (excluding container vehicle)’ use for a period of 3 years (from 17.4.2019 to 16.4.2022) to facilitate letting of the surplus monthly vehicle parking spaces to non-residents.

- 1.2 The concerned car blocks and the open car parks in the subject estates (the Sites) fall within areas zoned “R(A)” on the approved Shek Kip Mei OZP No. S/K4/29. According to the Notes of the OZP 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 three estates and their existing car parks are shown in **Plans A-2a to A-2b, A-3a to A-3b and A-4a to A-4b**.
- 1.3 According to the applicant’s submission, from December 2017 and November 2018, the average vacancy rates of vehicle parking spaces in these three estates range from 24% to 43%. A comparison of the total number of monthly parking spaces and the number of monthly parking spaces let to residents of the three estates under the previously approved application (No. A/TWK/9) and the current application (No. A/TWK/11) is as follows:

Vehicle Type by Estate	Total No. of Monthly Parking Spaces ¹		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)	
	Previously Approved Scheme A/TWK/9 (a)	Current Scheme A/TWK/11 (b)	Previously Approved Scheme A/TWK/9 (c)	Current Scheme A/TWK/11 (d)	Previously Approved Scheme A/TWK/9 (a)-(c)	Current Scheme A/TWK/11 (b)-(d)
Chak On Estate						
Private Car	107	107	47	57	60 (56%)	50 (47%)
Light Goods Vehicle	11	11	6	7	5 (45%)	4 (36%)
Motorcycle	21	21	14	15	7 (33%)	6 (29%)
Sub-total	139	139	67	79	72 (52%)	60 (43%)
Nam Shan Estate						
Private Car	244	244	163	200	81 (33%)	44 (18%)
Light Goods Vehicle	15	15	10	11	5 (33%)	4 (27%)
Motorcycle	51	51	20	24	31 (61%)	27 (53%)
Sub-total	310	310	193	235	117 (38%)	75 (24%)
Shek Kip Mei Estate^{2,3}						
Private Car	357	382⁴	225	277	132 (37%)	105 (27%)
Light Goods Vehicle	7	7	7	7	0 (0%)	0 (0%)
Motorcycle	48	48	28	29	20 (42%)	19 (40%)
Sub-total	412	437	260	313	152 (37%)	124 (28%)

Vehicle Type by Estate	Total No. of Monthly Parking Spaces ¹		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)	
	Previously Approved Scheme A/TWK/9 (a)	Current Scheme A/TWK/11 (b)	Previously Approved Scheme A/TWK/9 (c)	Current Scheme A/TWK/11 (d)	Previously Approved Scheme A/TWK/9 (a)-(c)	Current Scheme A/TWK/11 (b)-(d)
Total	861	886	520	627	341 (40%)	259 (29%)

Notes:

- 1 Figures exclude hourly parking spaces and parking facilities reserved for the estate management.
- 2 Parking spaces at Shek Kip Mei Estate Phases 2 and 5 with high occupancy rates are not included in this application.
- 3 The anticipated completion of Shek Kip Mei Estate Phases 3 and 7 is in the 1st quarter of 2019. Parking spaces at Shek Kip Mei Estate Phases 3 and 7 are not included in this application.
- 4 The total number of monthly private car parking spaces in Shek Kip Mei Estate increased from 357 to 382 due to the change of 25 hourly parking spaces to monthly use.

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 20.2.2019 providing **(Appendix Ia)** responses to public comments

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 summarised as follows:

- (a) The applicant has been keeping in view closely the usage and occupancy situation of its parking facilities to maximise the usage and meet the needs of residents and local communities. As revealed by a survey of utilisation 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 optimise the use of public resources, the applicant proposes to let all surplus parking spaces in the estates to non-residents.
- (b) Letting of the surplus parking spaces in the estates to non-residents for temporary public vehicle park use for three years was the subject of five previous planning applications which were all approved, and the first was approved by the Board on 16.4.2004. The prevailing approved application No. A/TWK/9 is subject to the condition that priority should be accorded to the respective residents of the estates in the letting of the vacant 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. The condition has been fulfilled accordingly.

- (c) The proposal will not result in an increase of parking spaces over the existing ones. No adverse traffic and environmental impact is envisaged.
- (d) The proposal does not involve any physical changes and changes in land use. It is considered compatible with other uses in surrounding areas.
- (e) Entrances to individual residential towers in the estates are separated from the parking spaces. Security guards are stationed at each tower and will patrol within the estates from time to time, and CCTVs are installed inside the car parks. 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 and the monthly charges are the same for both residents and non-residents. Therefore, the interests of the residents would not be compromised.
- (g) No complaints regarding letting of surplus parking spaces to non-residents from the estates have been received since the last approval. Estate Management Advisory Committees (EMACs) of the estates have been consulted and raised no objection to the application.
- (h) Similar applications in some 50 estates/Home Ownership Scheme (HOS) developments 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.
- (i) The applicant has been reviewing the occupancy rate and demand for parking spaces in individual car parks, and conducting feasibility studies to identify opportunities for conversion to other uses. The applicant has completed several car park conversion projects for welfare, educational and retail facilities taking into account the feasibility and other site constraints.

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

As the subject public housing estates (i.e. Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate) 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. 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 can be summarised as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning

policy/land-use zoning of the area) or a change in the land uses of the surrounding areas;

- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Previous Applications

- 5.1 The Sites are the subject of five previous planning applications (Nos. A/TWK/1, A/TWK/3, A/TWK/5, A/TWK/7 and A/TWK/9). The Sites, together with car parks at nine other public housing estates/HOS developments, are the subject of a planning application (No. A/TWK/1) for the same use approved by the Metro Planning Committee (the Committee) of the Board on 16.4.2004 for a period of three years. Two applications (Nos. A/TWK/3 and A/TWK/5) for renewal of planning approval at the Sites and car parks at two other public housing estates were approved with conditions by the Committee for a period of three years on 23.3.2007 and 9.4.2010 respectively. The remaining two applications¹ (Nos. A/TWK/7 and A/TWK/9) for renewal of planning approval at the Sites and another public housing estate were approved with conditions by the Committee for a period of three years on 15.3.2013 and 4.3.2016 respectively (**Plan A-1**). The planning permission of the latest application No. A/TWK/9 will expire on 16.4.2019.
- 5.2 Part of Nam Shan Estate car park block (portion of 5/F and 6/F and the whole of 7/F and 8/F) is the subject of a planning application (No. A/K4/50) submitted by the applicant for proposed educational institution. The application was approved with condition by the Committee on 24.8.2007.
- 5.3 Details of the previous applications are summarised at **Appendix II**.

6. Similar Application

- 6.1 There are three similar applications (Nos. A/K5/504, A/K5/509 and A/K5/686) at various public housing estate/HOS developments in Cheung Sha Wan and Shek Kip Mei areas. Two of the applications (Nos. A/K5/504 and A/K5/509) submitted by the same applicant of the current application were approved by the Committee on 8.2.2002 and 11.10.2002 respectively for permanent public car park use. The remaining application (No. A/K5/686) submitted by the Link Properties Limited was approved with condition by the Committee on 4.12.2009 for public vehicle park use on a temporary basis for a period of three years (**Plan A-1**).

¹ The two previous applications including the latest one (No. A/TWK/9) comprise Chak On Estate, Nam Shan Estate, Shek Kip Mei Estate as well as Pak Tin Estate. Pak Tin Estate is not included in the current application (No. A/TWK/11) since the portion of Pak Tin Estate including the car park under the commercial podium of the estate is under redevelopment.

6.2 Details of the similar applications are summarised at **Appendix III**.

7. **The Sites and Their Surrounding Areas (Plans A-2a to A-2b, A-3a to A-3b and A-4a to A-4b and photos on Plans A-2c, A-3c and A-4c)**

All the existing car parks under the current application are located within areas that are predominantly residential in nature with good vehicular access. A table summarising the surrounding developments and the access roads is as follows:

Estate	Type of Existing Car Park	Adjacent Developments	Vehicular Access
1. Chak On Estate (Plans A-2a to A-2c)	A 4-level underground car park and open car parking spaces	Nam Cheong Street Rest Garden, Shek Kip Mei Service Reservoir Playground, Pak Tin Estate, private residential developments of Beacon Heights and Dynasty Heights	Nam Cheong Street via Chak On Road
2. Nam Shan Estate (Plans A-3a to A-3c)	A 9-storey car park block (lift lobby on LG/F, car park on G/F and 2/F to 4/F, and parts of 5/F and 6/F) [#] and open car parking spaces at various locations	Tai Hang Tung Estate, Tai Hang Sai Estate, Shek Kip Mei Park, City University of Hong Kong	Nam Shan Chuen Road and Tai Hang Sai Street
3. Shek Kip Mei Estate (Plans A-4a to A-4c)	A car park at Level 1 to Level 6 under the podium of Block 44 and open car parking spaces	YHA Mei Ho House Youth Hostel, Jockey Club Creative Arts Centre, private residential developments and schools at Wai Chi Street, Tai Hang Sai Estate, and private residential developments at Berwick Street (covered by Cheung Sha Wan OZP)	Nam Cheong Street via Woh Chai Street

[#] The portion of 5/F and 6/F and the whole of 7/F and 8/F of the car park block at Nam Shan Estate is under educational institution use approved by the Committee on 24.8.2007 (Application No. A/K4/50).

8. **Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential development. 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 are summarised as follows:

Land Administration

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

- (a) No comment from land administrative perspectives on the subject application for renewal of planning approval; and
- (b) the parking spaces under the application fall within land respectively vested in the HKHA under V.O. No. 64 (Chak On Estate), No. 88 (Nam Shan Estate) and No. 32 (Shek Kip Mei Estate).

Traffic Aspect

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

No adverse comment from traffic view point on the applicant’s proposal of letting of all vacant monthly car parking spaces (i.e. parking spaces not taken up by the residents) at the estates to non-resident subject to the conditions that the applicant should maintain adequate parking spaces to serve the Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate residents and give them the highest priority on parking space at any time.

Fire Safety

9.1.3 Comments of the Director of Fire Services (D of FS):

No objection to the proposal provided that the existing emergency vehicular access (EVA) of the estates shall be maintained.

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

- (a) Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD);
- (b) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (c) Director of Environmental Protection (DEP);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Commissioner of Police (C of P); and
- (g) District Officer (Sham Sui Po), Home Affairs Department (DO(SSP), HAD).

10. Public Comments Received During Statutory Publication Period

On 18.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 8.2.2019, two public comments were received with one from the City University of Hong Kong supporting the application and the other from an individual expressing concerns on the application (**Appendix IV**). The latter comment considers 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 Assessments

- 11.1 The application seeks planning permission to continue letting surplus vehicle parking spaces in the existing car parks of the three estates in Shek Kip Mei to non-residents. According to the applicant, the average vacancy rates of the vehicle parking spaces in the three estates from December 2017 to November 2018 if not let to non-residents were about 43% for Chak On Estate, 24% for Nam Shan Estate and 28% for Shek Kip Mei Estate. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise 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 (Application Nos. A/TWK/1, A/TWK/3, A/TWK/5, A/TWK/7 and A/TWK/9 respectively). The use under application complies with the assessment criteria of 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 planning approval granted; and there is no adverse planning implication and no objection to/adverse comment from the relevant Government departments.
- 11.3 As only the surplus parking spaces will be let out to non-residents, the parking need of the residents of the subject estates would not be compromised. C for T has no adverse comments on the application provided that the applicant should maintain adequate parking spaces to serve the residents of the subject estates and give them the highest priority on parking space at any time. In this regard, the previous approval condition is recommended to be retained as in paragraph 12.2 below should the application be approved by the Committee.
- 11.4 Regarding the public comments received, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant. For the public concern on the use of 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 (**Appendix Ia**). The applicant has also converted parking spaces in Nam Shan Estate and other housing estates into 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 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 period of three years from 17.4.2019 to 16.4.2022. The following condition of approval and advisory clause are suggested for Members' reference:

Approval condition

Priority should be accorded to the respective residents of Chak On Estate, Nam Shan Estate and Shek Kip Mei 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

The recommended advisory clause is attached at **Appendix V**.

- 12.3 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 reasons for the rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with attachments received on 9.1.2019
Appendix Ia	Further Information submitted by the applicant received on 20.2.2019
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Public comments
Appendix V	Recommended advisory clause
Plan A-1	Location plan of the Sites
Plans A-2a, A-3a and A-4a	Location plans

**Plans A-2b, A-3b
and A-4b
Plans A-2c, A-3c
and A-4c**

Site plans
Site photos

**PLANNING DEPARTMENT
MARCH 2019**