

APPLICATION PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H20/201

- Applicant** : Ace Ample Hong Kong Limited represented by Lanbase Surveyors Limited
- Premises** : Goods Vehicle Parking Space Nos. L1 to L6 and L12 to L14 at Level 3, and Goods Vehicle Parking Space Nos. L7 to L11 and Two Loading/Unloading (L/UL) Bays at Level 5, Commercial/ Car Park Block and Open Car Parks, Hing Man Estate, 188 Tai Tam Road, Chai Wan
- Floor Area** : 375.0272 m² (about)
- Lease** : Chai Wan Inland Lot No. 179
- 50 years commencing on 29.3.2010 granted to the Hong Kong Housing Authority (HKHA) (including its successors and assigns)
- 14 parking spaces for goods vehicles belonging to the residents or occupiers and two L/UL bays shall be provided
- Plan** : Approved Chai Wan Outline Zoning Plan (OZP) No. S/H20/27
- Zoning** : “Residential (Group A)” (“R(A)”)
[Restricted to a maximum building height of 210 metres above Principal Datum (mPD), or the height of the existing building, whichever is the greater]
- Application** : Proposed Temporary Public Vehicle Park (for Parking of Light Bus and/or Goods Vehicle) for a Period of 6 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (for parking of light bus and/or goods vehicle) by temporary conversion of all existing ancillary goods vehicle parking spaces and two L/UL bays for a period of 6 years at the application premises (the Premises), which fall within an area zoned “R(A)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “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).
- 1.2 The Premises is the subject of a planning application (No. A/HK/1) submitted by HKHA for converting surplus ancillary parking spaces in various public housing estates in the Eastern District to proposed public vehicle parks previously approved by the Metro Planning Committee (the Committee) of the Board on 26.3.2004 on a

temporary basis for a period of 3 years up to 26.3.2007. The planning permission was not renewed upon its expiry, and the Premises have been used for ancillary parking of goods vehicles since then.

1.3 According to the applicant, 14 ancillary goods vehicle parking spaces at Level 3 and Level 5 of the commercial/ car park block and open car parks of Hing Man Estate (**Drawings A-1 to A-4**) owned by the applicant¹ will be temporarily converted into whole-day co-parking spaces for light buses (intended to accommodate parking of 19-seat school buses) and goods vehicles, and two L/UL bay at Level 5 will be converted as night-time parking spaces (from 00:00 to 06:00) for goods vehicles² for rent to both residents/occupiers and non-residents on a monthly basis (for the co-parking spaces only) to better utilise resources³ and cope with shortage of parking spaces for school buses in Chai Wan and the rest of Hong Kong Island⁴. Priority application for renting the goods vehicle parking spaces would be offered to residents and occupiers of Hing Man Estate and priority waiting list would also be offered to them when the goods vehicle parking spaces are fully occupied. The applicant has also committed to conduct half-year review for the rental situation of good vehicles parking spaces.

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

- (a) Application Form with attachments received on 27.5.2024 (**Appendix I**)
- (b) Supporting Planning Statement (SPS) (**Appendix Ia**)
- (c) Supplementary Information (SI) received on 28.5.2024 (**Appendix Ib**)
- (d) Further Information (FI) received on 10.7.2024[#] (**Appendix Ic**)
[#]exempted from publication requirement

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in the SPS and FI (**Appendices Ia and Ic**) are summarised as follows:

- (a) the proposed temporary use would not contravene the long-term planning intention of the “R(A)” zone;

¹ The current land owner, Ace Ample Hong Kong Limited (i.e. the applicant), acquired the commercial/ car park block and open car parks of Hing Man Estate in 2016.

² The Hong Kong Planning Standards and Guidelines stipulates that L/UL bays have to be opened for night-time parking of commercial vehicles (including goods vehicles) where feasible. As the L/UL bays will only be used for goods vehicle parking in night-time (from 00:00 to 06:00) and the nature of L/UL bays largely remain unchanged, no planning permission is required for the proposed use.

³ According to the parking survey conducted by the applicant in March 2024 (covering both weekday and weekend), only five ancillary goods vehicle parking spaces were occupied at maximum during overnight time (00:00 to 06:00) (i.e. the highest occupancy time) during both weekday and weekend.

⁴ According to the applicant, the proposal is to cope with the demand of parking spaces of school buses from schools such as Invictus and Wycombe Abbey.

- (b) the nature of use of the proposed temporary light bus/ goods vehicle parking spaces is the same as the existing ancillary goods vehicle parking spaces;
- (c) the proposed temporary use is compatible with the surrounding uses of the commercial/ car park block;
- (d) according to Education Bureau Circular Memorandum No. 26/2019, it is the Government policy to open up school parking spaces to student service vehicles during non-school hours to alleviate the shortage of parking spaces for student service vehicles (i.e. school buses and private light buses). The proposed temporary conversion of ancillary goods vehicle parking spaces for co-use of light buses and goods vehicles should be able to cope with the consistent shortage of parking spaces for student service vehicles;
- (e) according to the parking survey of goods vehicle (Appendix 6 in **Appendix Ib**), the existing utilisation rate of goods vehicle parks is low with the maximum occupancy of ancillary goods vehicle parking spaces of three and five out of 14 during day time (09:00 to 16:00) and overnight time (00:00 to 06:00) respectively on both weekday and weekend of the parking survey period;
- (f) there would be low trip generation by the proposed use, i.e. 4 times a day for each school bus (i.e. a total of 44 trips per day during school days). No adverse traffic impact is therefore anticipated;
- (g) the parking spaces, L/UL bays and the commercial/ car park block are all owned and managed by the applicant and therefore the proposed arrangement for according priority to residents and occupiers of Hing Man Estate would be manageable. The applicant is willing to conduct a half-yearly rental review for the goods vehicle parking spaces; and
- (h) no additional fire service equipment is required as fire service installations (FSIs) have been provided at the Premises.

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

The applicant is the sole “current land owner” of the Premises⁵. Detailed information would be deposited at the meeting for Member’s inspection.

4. Previous Application

The car park at Hing Man Estate (i.e. where the Premises are located), together with 15 other public housing/ Home Owner Scheme (HOS) estates (**Plan A-1**), was the subject of a previous planning application (No. A/HK/1) submitted by the HKHA for converting existing surplus ancillary car parks to public vehicle parks. In view of the high vacancy rate of the existing car parks and C for T’s concerns on only surplus car parking spaces should be let to non-residents, the application was approved by the Committee on a temporary basis for a period of 3 years in 2004 so that the applicant could let out the

⁵ The current land owner, Ace Ample Hong Kong Limited, acquired the commercial/ car park block and open car parks of Hing Man Estate in 2016.

parking spaces flexibly while the residents' parking demand could be reviewed after 3 years. Details of the previous application are summarised in **Appendix II**.

5. Similar Applications

- 5.1 There have been six similar applications within "R(A)" zone since 2005 on the Chai Wan OZP (**Plan A-1**) for temporary public vehicle park (excluding container vehicle) for letting of surplus monthly vehicle parking spaces to non-residents. Application No. A/H20/163 was submitted by The Link Properties Limited in 2009 and the remaining five were submitted by HKHA during 2010 – 2021 (Nos. A/HK/5, A/HK/7, A/HK/9, A/HK/13 and A/HK/14). Except for A/H20/163, others were renewal applications (in which Hing Man Estate was not the subject of applications) for Application No. A/HK/1.
- 5.2 All applications were approved by the Committee with conditions on a temporary basis for a period of 3 years except for the latest application (No. A/HK/14) which was approved with conditions for a period of 5 years. The Committee, in general, considered that the letting of surplus car parking spaces would allow better utilisation of resources and should be supported; the residents' parking demand could be reviewed through temporary approval; and the proposed conversion would not generate additional traffic flow nor worsen the environmental conditions in the area as there would be no increase in the total number of car parking spaces. In the latest application (No. A/HK/14), the committee also considered that the mechanism for allocation of car parking spaces to residents was operational details which the applicant should be given flexibility to handle. Details of the similar applications are summarised in **Appendix III**.

6. The Premises and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3 to A-4)

- 6.1 The Premises is:
- (a) located on the open-air portion of 3/F and 5/F of a 6-storey commercial/ car park block of Hing Man Estate;
 - (b) currently used as ancillary goods vehicle parking spaces of Hing Man Estate; and
 - (c) accessible via Tai Tam Road.
- 6.2 The surrounding areas are largely residential in character with some commercial uses including a convenience store, a supermarket and a bakery within the Hing Man Estate Commercial/ Car Park Block, some Government, Institution or Community (GIC) uses including an international school (Invictus Secondary School) and a kindergarten within the commercial/ car park block and The Methodist Church Epworth Village Community Centre and kindergarten to the north, and sitting out areas.

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 bureau/departments have been consulted and their views on the applications and public comments received are summarised as follows:

Land Administration

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

- (a) the Premises in Hing Man Estate falls within Chai Wan Inland Lot No. 179 (the Lot). The Lot is held under a Government Lease for a term of 50 years commencing on 29.3.2010 (the Lease) granted to the HKHA (including its successors and assigns). Under the Lease, the Lessee shall provide and maintain within the Lot 14 open spaces with a minimum dimension of 2.6m in width and 6.2m in length for the parking of goods vehicles belonging to the residents or occupiers of the building or buildings erected or to be erected on the Lot and their bona fide guests and visitors. Besides, under the Lease, the Lessee shall also provide and maintain within the Lot two open spaces with a minimum dimension of 2.9m in width and 7.7m in length for the loading and unloading of motor vehicles in connection with the building and buildings erected or to be erected on the Lot;
- (b) as stated in the SPS, the applicant proposes to change the use of nine goods vehicle parking spaces at Level 3 (L1 to L6 and L12 to L14) and five goods vehicle parking spaces at Level 5 (L7 to L11) in the commercial/ car park of Hing Man Estate for parking of 19-seat school buses and goods vehicles for public use also. Besides, the applicant proposes to change the use of two L/UL bays at Level 5 in the same block for night-time parking of goods vehicles during the night-time period (from 00:00 to 06:00) for public use also. The proposed uses would contravene the Lease as referred to in paragraph (a) above; and
- (c) should the Board approve the planning application, the owner of the Premises (the Owner) is required to submit a temporary waiver application to LandsD to effect the approved planning proposal. However, there is no guarantee that the said application will be approved. Such application, if received, will be dealt with by LandsD acting in its capacity as the landlord at its absolute discretion, and if it is approved, it will be subject to such terms and conditions including, among others, payment of appropriate fees and deposit, as may be imposed by LandsD.

Traffic Aspect

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

- (a) no comment on the application and the parking survey of the concerned parking spaces from traffic engineering viewpoint;
- (b) regarding the demand of parking spaces for school buses, it is understood that there are schools in Hing Man Estate and the nearby area and thus the need of parking spaces for school buses; and
- (c) in view of the Director of Housing (D of H)'s concerns in paragraphs 8.1.3 (c) and (d) below, the approval period should be reviewed to consider shortening it to safeguard the parking needs of the residents and occupiers of Hing Man Estate.

Estate Management Aspect

8.1.3 Comments of the D of H:

no objection to the application from the estate management point of view subject to the following conditions:

- (a) the dimension of the carpark spaces/ carparking areas shall not be altered and shall be in line with the demarcation of Deed of Mutual Covenant (DMC) layout plan;
- (b) the carpark spaces/ carparking areas shall not encroach on the Estate Common Areas after the change of use;
- (c) the residents of Hing Man Estate are accorded the highest priority in letting of vehicle parking spaces;
- (d) only surplus monthly vehicle parking spaces are to be let to non-residents; and
- (e) the monthly charges for the vehicle parking spaces are the same for both residents and non-residents.

Buildings Aspect

8.1.4 Comments of the Head/Independent Checking Unit, Housing Bureau (H(ICU), HB):

- (a) no adverse comment under the Buildings Ordinance. The applicant is reminded that the emergency vehicular access (EVA) should not be obstructed by the proposed works;
- (b) if the proposed works consist of any non-exempted works other than Minor Works, formal submission of plans to the ICU by an Authorized Person (AP) will be required, and prior approval and consent shall be obtained before commencement of the works; and

- (c) if the proposed works consist of any works that are designated as Minor Works under the Building (Minor Works) Regulations, proper submissions shall also be made to the ICU by a Prescribed Building Professional and/or Prescribed Registered Contractor.

Fire Safety

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

no specific comment on the application subject to FSIs and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Town Gas Safety

8.1.6 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is an intermediate pressure underground town gas transmission pipeline running along Chai Wan Road;
- (b) the project proponent/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the works site and any required minimum set back distance away from them during the design and construction stages of development; and
- (c) the project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is:
[https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf)

8.2 The following government bureau/ departments have no objection to/ no comment on the application:

- (a) Secretary of Education;
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Commissioner of Police (C of P); and
- (d) District Officer (Eastern), Home Affairs Department.

9. Public Comments Received During the Statutory Publication Period

9.1 During the statutory public inspection period, two comments were received from the Hing Man Estate Office of Housing Department and an individual (**Appendix IV**). The Estate Office has no objection to the application subject to the same conditions as stated in paragraph 8.1.3 above.

9.2 The individual objects to the application on the following grounds:

- (a) there are small amounts of outdoor recreational spaces in Hing Man Estate. The Premises should be used to provide additional recreational facilities for residents, e.g. netball or other courts if there is no demand of parking spaces from tenants of Hing Man Estate;
- (b) parking facilities in the public housing estate should cater for residents, instead of meeting the parking requirements of the district;
- (c) approval of the application would set an undesirable precedent that would encourage access of more large vehicles to other public housing estates. This could present safety concerns as the parking facilities often serve as short cuts through the estates; and
- (d) approval of the application for 6 years would not allow early evaluation of the impact of introducing more heavy goods vehicles.

10. Planning Considerations and Assessments

- 10.1 The applicant seeks planning permission for temporary conversion of the Premises from ancillary goods vehicle parking spaces and L/UL bays to whole-day shared parking spaces for goods vehicles and light buses (intended to accommodate parking of 19-seat school buses) and night-time parking spaces for goods vehicles respectively for both residents/occupiers and non-residents respectively on a temporary basis for a period of 6 years. The proposed use is temporary in nature which would not contravene the long-term planning intention of the “R(A)” zone. The proposed co-use of parking spaces for light buses/goods vehicles is of similar nature as the current use for ancillary goods vehicle parking without changing the dimensions of the parking spaces, and are not incompatible with the surrounding land uses within the same commercial/ car park block.
- 10.2 According to the parking survey conducted by the applicant, the existing utilisation rate of goods vehicle parking spaces in Hing Man Estate is low with the maximum occupancy of three and five out of 14 ancillary goods vehicle parking spaces during day time and overnight time respectively on both weekday and weekend of the parking survey period. Estimated trip generation is low from the proposed use and no adverse traffic impact is anticipated as assessed by the applicant. The proposed use can provide extra light buses parking spaces which are under shortage to alleviate parking demand for school buses in Chai Wan and rest of Hong Kong Island, and the letting of surplus ancillary goods vehicle parking spaces to non-residents as proposed in the application would help utilise resources more efficiently. In this regard, C for T opines that there is a need of parking spaces for school buses in view that there are schools in Hing Man Estate, and has no adverse comment on the application. C of P also has no comment on the application.
- 10.3 In view of the small scale and nature of operation of the proposed use, it is considered that it would not cause significant adverse impacts on fire safety and utilities aspects. D of FS and DEMS have no objection to/ no adverse comments on the application.
- 10.4 In order to ensure the parking need of the residents/occupiers of Hing Man Estate would not be compromised, the applicant has committed to conduct half-yearly rental review for goods vehicle parking spaces with priority application for renting

the goods vehicle parking spaces and priority waiting list given to residents/occupiers of Hing Man Estate. Both D of H and C for T has no comments on the proposal. However, in order to better monitor the parking demand of the residents/occupiers, should the application be approved by the Committee, the proposed temporary period of 6 years is recommended to be reduced to 3 years to allow timely review of the parking need of the residents/occupiers to ensure that their parking need would not be compromised.

- 10.5 There is a previous application (No. A/HK/1) covering the Hing Man Estate Car Park Block. In view of the high vacancy rate of the concerned car parks and C for T's concerns on only surplus car parking spaces should be let to non-residents, the application was approved by the Committee on a temporary basis for a period of 3 years in 2004 so that the applicant could let out the parking spaces flexibly while the residents' parking demand could be reviewed after 3 years. Subsequently, six similar applications (Nos. A/H20/163, A/HK/5, A/HK/7, A/HK/9, A/HK/13 and A/HK/14) were approved with conditions by the Committee since 2005 within "R(A)" zone on the Chai Wan OZP for temporary conversion of existing surplus ancillary car parks to public vehicle parks on a temporary basis for a period of three to five years on considerations listed in paragraph 5.2 above. The approval of the application is consistent with the previous decisions of the Committee on previous and similar applications.
- 10.6 Regarding the adverse public comments on parking needs of residents, potential impact and time period of the planning permission, the assessments in paragraphs 10.1 to 10.5 above are relevant. For the public comment suggesting to use the surplus car parking spaces for provision of recreational facilities for residents of Hing Man Estate, the applicant clarified that the demand for parking spaces from residents may fluctuate and should be monitored from time to time. The conversion of ancillary goods vehicle parking spaces into recreational facilities would be subject to technical and other constraints. The proposal of temporary use would optimise the use of land resources and help meet the parking demand of school buses in the area.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application. However, in order to better monitor the parking demand of the residents/occupiers of Hing Man Estate, a temporary planning approval of 3 years, instead of 6 years sought, is recommended.
- 11.2 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, until **16.7.2027**. The recommended advisory clauses are attached at **Appendix V**.
- 11.3 Alternatively, should the Committee decide to reject the subject application, the following reason is suggested for Members' reference:

The subject ancillary goods vehicle parking spaces are intended for meeting the parking demand for the residents/occupiers of Hing Man Estate. The applicant fails to demonstrate that the ancillary goods vehicle parking demand for the residents/occupiers has been met.

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

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| Appendix I | Application Form with attachments received on 27.5.2024 |
| Appendix Ia | SPS |
| Appendix Ib | SI received on 28.5.2024 |
| Appendix Ic | FI received on 10.7.2024 |
| Appendix II | Previous Application |
| Appendix III | Similar s.16 Applications for Proposed Public Vehicle Park within “Residential (Group A)” Zone on the Chai Wan Outline Zoning Plan |
| Appendix IV | Public Comments |
| Appendix V | Recommended Advisory Clauses |
| Drawings A-1 and A-2 | Floor Plans |
| Drawings A-3 and A-4 | Proposed Layout Plans |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 to A-4 | Site Photos |

**PLANNING DEPARTMENT
JULY 2024**