

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H25/21**

- Applicant** : The Automall Limited represented by Kenneth To & Associates Planning Limited
- Premises** : Part of Basement Level B1 of the Car Park Complex, Hong Kong Convention and Exhibition Centre (HKCEC) (Phase 1), 1 Harbour Road, Wan Chai, Hong Kong
- Total Floor Area** : About 3,967.065m<sup>2</sup>
- Lease** : Inland Lot 8593 governed by the Conditions of Grant No. UB11784 dated 28.2.1985 for a term of 75 years commencing on 19.2.1985 as varied or modified by a Modification Letter dated 8.6.1990
- (a) Special Condition No. (10)(a): 1,070 car parking spaces shall be provided within the lot of which 670 car parking spaces shall be made available for short-term public parking
- (b) temporary waiver for the purpose of display and sale of motor vehicles only (excluding the use as a trade fair or an exhibition centre or a general exhibition hall for the display of any vehicle of a special nature) and not exceeding 184 motor vehicles to be parked at the waiver area is granted on quarterly basis
- Plan** : Approved Wan Chai North Outline Zoning Plan (OZP) No. S/H25/4
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services (Motor-vehicle Showroom) for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary motor-vehicle showroom, which is regarded as ‘Shop and Services’ use, at part of the Basement Level B1 of the Car Park Complex, HKCEC (Phase 1) (the Premises) for a period of five years. The Premises falls within an area zoned “O” on the approved Wan Chai North OZP No. S/H25/4 (**Plan A-1**). According to the Notes of the OZP for the subject “O” zone, ‘Shop and Services’ requires planning permission from the Town Planning Board (the Board). Whilst temporary uses expected to be five years or less of any land or buildings are permitted in all zones as long as they

comply with other government requirements, it is the Board's practice to treat temporary uses in permanent buildings as permanent uses. As such, the temporary motor-vehicle showroom requires planning permission from the Board under s.16 of the Town Planning Ordinance.

- 1.2 The Premises is the subject of nine previous s.16 applications for similar temporary motor-vehicle showroom/exhibition hall for motor vehicles use by the same applicant, and eight of which were approved from 2003 to 2020 (details in paragraph 5 below). All the approval conditions of the last planning permission (under Application No. A/H25/20) have been complied with and the last planning permission has lapsed on 11.7.2022<sup>1</sup>. The current application is to continue the use of the Premises for similar temporary motor-vehicle showroom by the same applicant for a period of five years.
- 1.3 The floor plan showing the layout of the Premises and the location showing fire exit/escape routes submitted by the applicant are provided in **Drawings A-1 and A-2** respectively. As compared with the previous application No. A/H25/20, the floor area of the temporary motor-vehicle showroom of the current application is slightly reduced by 106.935m<sup>2</sup> (or 2.63%). According to the applicant, the slightly reduction in floor area is to tally with boundary of the latest temporary waiver for the applied use, which mainly excluded lifts, staircases and existing E&M room that are not solely related to the operation of the applied use. The number of affected car parking spaces, cars to be parked in the display area and number of visitors in the display area remain unchanged. A comparison of two applications is indicated below:

	<b>Previous Application (A/H25/20)</b>	<b>Current Application (A/H25/21)</b>	<b>Difference</b>
Floor area	4,074m <sup>2</sup>	3,967.065m <sup>2</sup>	-106.935m <sup>2</sup> (-2.63%)
No. of affected car parking spaces	195		Unchanged
Maximum no. of cars to be parked in the display area	184		Unchanged
Maximum no. of visitors in the display area	300		Unchanged

- 1.4 At the request of the applicant, the Metro Planning Committee (the Committee) of the Board agreed on 24.6.2022 to defer making a decision on the application for a period of one month in order to allow sufficient time for preparation of Further Information (FI) to address departmental comments. Upon receipt of the FI on 5.7.2022 (**Appendix Ic**), the application is scheduled for consideration by the Committee at this meeting.

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<sup>1</sup> The planning permission of application No. A/H25/20 was still valid at the time of the receipt of this current application on 11.5.2022 by the Board. However, due to submission of Further Information to address departmental comments, the application has been deferred and is scheduled for consideration by the Committee at this meeting.

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

- (a) Application form received on 11.5.2022 (Appendix I)
- (b) Supplementary Planning Statement (SPS) with Parking Demand Study (PDS) (Appendix Ia)
- (c) Supplementary Information (SI) on replacement page of application form received on 16.5.2022 (Appendix Ib)
- (d) FI received on 5.7.2022 submitting clarification on maximum number of visitors, operational aspect of the applied use, response to departmental comments and technical clarifications on PDS<sup>#</sup> (Appendix Ic)
- (e) FI received on 10.8.2022 submitting responses to the Transport Department (TD)'s comments and reason for reduction in floor area<sup>#</sup> (Appendix Id)
- (f) FI received on 17.8.2022 clarifying the parking demand survey and the PDS report<sup>#</sup> (Appendix Ie)

*<sup>#</sup>exempted from publication requirement*

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

The justifications put forth by the applicant in support of the application are detailed in section 4 of the SPS at **Appendix Ia** and FI submissions at **Appendices Ic to Ie**. The main justifications are summarised as follows:

### *No Change in Planning Circumstances*

- (a) There is no change in the planning circumstances in the Wan Chai North area since the approval of the last planning permission (under Application No. A/H25/20) with no change in land uses of the surrounding areas. Although Wan Chai Government Offices Compound will be relocated by phases and used for the development of convention and exhibition venue, hotel facilities and Grade A office spaces, the land sale of the site will probably take place beyond 2026. The approval of the current planning application is consistent with the Board's previous decision.

### *Efforts Put in by the Applicant to Meet the Fire Safety Requirements*

- (b) The applicant has put tremendous efforts in complying with the approval conditions in order to meet the fire safety requirements for the Premises, including installation of mechanical monitoring system on number of visitors and the provision of enhanced fire service installations (FSIs) (e.g. smoke detection system, public announcement system, CCTV and fast response sprinkler). Bi-monthly audit reports have been submitted in the approval periods and no exceedance of permitted number of visitors inside the showroom has ever been

recorded. Should the current application be approved, the applicant will continue to submit the bi-monthly audit report for monitoring the number of visitors within the Premises.

*No Adverse Effect on Provision of Car Parking Spaces in Wan Chai North Area*

- (c) According to the parking record of the HKCEC (Phase 1) Car Park, there are vacant parking spaces thereat from March 2021 to December 2021 during major exhibitions (e.g. Hong Kong Book Fair 2021, World of Snacks, ECO Expo Asia etc.) when the temporary motor-vehicle showroom at the Premises was in operation.
- (d) According to the Second PDS commissioned by TD, there are around 8,711 numbers of surplus “usage-related” private car parking spaces in Wan Chai District for year 2011. Taking into account the growth trend of demand and no major changes in the planning circumstances in Wan Chai District, it is anticipated that there is still sufficient parking provision in Wan Chai District in year 2027. Hence, the impact of the extension of the temporary motor-vehicle showroom for five years is considered insignificant on the parking condition in the area.
- (e) The applicant has carried out a review of the Second PDS based on the surplus parking spaces which are available in HKCEC car park during the event days (including the recent Christie’s Hong Kong Spring Auctions, Art Basel 2022 and Art Central 2022 all held in May 2022) (**Appendices Id and Ie**). The review demonstrates that there is sufficient parking provision in HKCEC in year 2027. The impact of the extension on temporary Motor-vehicle showroom for further five years is considered acceptable on the parking condition in the precinct area.

*Suitability of the Applied Use at the Premises*

- (f) The temporary motor-vehicle showroom at the Premises has been in operation by the same operator since 2003 and it is considered a compatible use. Over the past 19 years, the services provided are well received by the public and the showroom has been continuing to offer employment opportunities and support the second-hand car sale business in Hong Kong.

*No Adverse Traffic Impact on the Surrounding Road Network*

- (g) As most of the vehicles within the Premises are for display and will not move in and out frequently, there will not be any adverse traffic impact on the surrounding road network. The application is considered acceptable on traffic ground.

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

The applicant is not a “current land owner” but has complied with the 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) by sending notification letter to the owner. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The at-grade area above the application premises has been developed for a public open space. When the HKCEC was developed, it could not meet all its car parking requirement within the confines of its site. The HKCEC then proposed and extended its car park underneath that adjacent public open space.

#### **5. Previous Applications**

5.1 The Premises is the subject of nine previous s.16 applications (No. A/H25/2, A/H25/6, A/H25/9, A/H25/10, A/H25/12, A/H25/14, A/H25/18, A/H25/19 and A/H25/20) for temporary exhibition hall for motor vehicles or temporary motor-vehicle showroom since 2003, of which eight of them were approved with conditions by the Committee/the Board whilst Application No. A/H25/9 was rejected by the Committee due to insufficient information in the submission to demonstrate the provision of FSIs. Details of the previous applications are set out in **Appendix II**.

5.2 Among the applications approved, a shorter term of the temporary planning permission of two years, instead of the three or five years applied by the applicant, was granted since 2009 for reasons of monitoring the operation of the subject temporary exhibition hall for motor vehicles at the Premises (No. A/H25/10), and monitoring the future demand for car parking spaces in the area (No. A/H25/12, 14, 18 to 20).

#### **6. Similar Application**

There is no similar application for ‘Shop and Services (Motor-vehicle Showroom)’ use within “O” zone on the Wan Chai North OZP.

#### **7. The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Premises is:

- (a) located at the lowest level of the 3-storey car park-cum-public open space (POS) complex, namely Convention Plaza (Harbour Road) Carpark;
- (b) currently used as a temporary showroom for second-hand motor vehicles with a sales office demarcated from the car display area and provided with a corridor for means of escape (MoE); and
- (c) is accessible by vehicles via the existing car park entrances at Harbour Road and Convention Avenue. Pedestrians can access the Premises via lift at ground floor entrance at Harbour Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the east and northeast are the Convention Plaza, Hong Kong Grand Hyatt Hotel, HKCEC and HKCEC Atrium Link Extension;
- (b) to the further east is the Exhibition Centre Station of East Rail Line; and
- (c) to the south and southwest across Harbour Road are government, institution and community (GIC) facilities (including Hong Kong Academy for Performing Arts, Hong Kong Arts Centre and Wan Chai Government Towers Compound) and some commercial developments such as Shui On Centre, Telecom House and The Harbourview (hotel).

## **8. Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government bureau/department set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and V** respectively.

9.2 The following government bureau/department have the following comments on the application.

9.2.1 Comments of the Secretary for Commerce and Economic Development (SCED):

- (a) From time to time, when major events were being held in HKCEC, there were vehicles queuing outside HKCEC; and the conversion of a portion of the basement car park into a motor-vehicle showroom will reduce the number of parking spaces available to HKCEC visitors and users.
- (b) If the application is approved by the Board, the period of approval should be limited to two years given that parking demand may change with the passage of time and the on-going developments around the Premises.

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

- (a) Concurs with SCED’s views on limiting the approval period to two years as both parking demand and parking supply may change with developments in Wan Chai North with time. An approval period of

two years is also in line with the previous applications in recent years since 2014.

- (b) The parking requirements for HKCEC should be timely reviewed in view of the impact of future developments, e.g. the redevelopment of Wan Chai Government Offices and phased opening of Wan Chai North harbourfront development.

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

On 20.5.2022, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix IV**), objecting to the application on the grounds that the Premises should be reverted to the original parking use to ensure provision of adequate parking facilities within the walking distance of the Mass Transit Railway station, and the applied use operated by the applicant should be relocated to ensure community interests.

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

- 11.1 The application is to seek planning permission for continuing the use of the Premises for a motor-vehicle showroom for a period of five years. Whilst the applied use is not in line with the planning intention of the “O” zone, the subject site of the Premises is currently occupied by a 3-storey car park (with two basement levels) with aboveground area developed as a POS. The subject car park is built to meet the car parking requirement of HKCEC. The temporary motor-vehicle showroom, which has been in operation within Basement Level B1 of the car park since 2003 and would not affect the POS on top of the car park. Thus, it is considered not unacceptable from land use point of view.
- 11.2 The Premises was involved in eight previous approved applications for similar temporary motor-vehicles showroom/exhibition hall for motor vehicles since 2003. As compared with the last planning application No. A/H25/20, the floor area is slightly reduced by 2.63% whilst there is no change in the scale of the temporary motor-vehicles showroom under the current application (i.e. occupation of parking spaces remains as 195) such that 875 car parking spaces in HKCEC (Phase 1) car park for the public are available. According to the applicant, the slightly reduction in floor area is to tally with boundary of the latest temporary waiver for the applied use, which mainly excluded lifts, staircases and existing E&M room that are not solely related to the operation of the applied use.
- 11.3 The PDS submitted by the applicant has reviewed the latest car parking condition of the HKCEC (Phase 1) car park. The findings of the PDS have revealed that the HKCEC (Phase 1) car park still has adequate parking spaces during major events of HKCEC (such as the Hong Kong Book Fair, World of Snacks, ECO Expo Asia held between March 2021 to December 2021, and the Christie’s Hong Kong Spring Auctions, Art Basel 2022 and Art Central 2022 all held in May 2022) (**Appendices Id and Ie**) even with the temporary motor-vehicles showroom in operation. It has also assessed that there will be sufficient private car parking provision in Wan Chai district up to 2027. Nevertheless, SCED considers that

the conversion of basement car park into a motor-vehicle showroom would reduce the number of parking spaces available to HKCEC visitors and the planning approval period should be limited to two years given that parking demand may change with the passage of time and the on-going developments around the Premises. C for T has no adverse comment on the application but concurs SCED's views on limiting the approval period of the current application to two years as the parking requirements for HKCEC should be timely reviewed in view of the impact of future developments, such as the redevelopment of Wan Chai Government Offices and phased opening of Wan Chai North harbourfront development. As such, to address their concerns, it is recommended that the approval period shall be limited to not more than two years, instead of five years sought by the applicant, should the application be approved by the Committee.

- 11.4 On the safety aspect, the applicant has carried out measures that are required under the approval conditions of the last application to meet fire safety requirements, including provision of a corridor to meet MoE requirements, installation of mechanical monitoring system for controlling the number of visitors and enhanced FSIs (such as smoke detection system, public announcement system, CCTV and fast response sprinkler) (**Drawing A-2 and Plan A-4**). All the approval conditions of the last application have been complied with during its planning approval period. CBS/HKE&H, BD and D of FS have no adverse comment on/ no objection to the current application. Should the application be approved by the Board, it is recommended to impose relevant approval conditions to enforce and monitor the provision of FSIs and the implementation of the measures to meet fire safety requirements. Besides, advisory clause related to air quality aspect is also be recommended to address the concern of Director of Environmental Protection.
- 11.5 One public comment objecting to the application was received on the grounds as summarised in paragraph 10 above. The planning considerations and assessments above and views from SCED and C for T in paragraph 9.2 are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application on a temporary basis, a shorter period of two years until 26.8.2024 instead of five years sought is recommended. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval conditions

- (a) no motor shows or car fairs or any related events should be undertaken at the application premises;
- (b) the number of cars to be parked at the car parking area of the application premises shall not exceed 184 at any time;



- (c) the number of visitors allowed at the car parking area of the application premises shall not exceed 300 at any time;
- (d) to employ an independent professional to monitor the mechanical monitoring system to control the number of visitors to the car parking area of the application premises and prepare monitoring reports on a monthly basis;
- (e) to employ an Authorised Person to conduct audit checks on the monitoring system and the monitoring reports on the number of visitors to the car parking area of the application premises on a bi-monthly basis;
- (f) in relation to (e) above, to submit the audit reports every two months highlighting any non-compliance on the number of visitors to the car parking area of the application premises to the satisfaction of the Director of Buildings or of the Town Planning Board;
- (g) the provision of fire service installations within **3** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 26.11.2022;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if the above planning condition (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that with the conversion of public car parking space for the temporary motor-vehicle showroom at the application premises, sufficient public car parking spaces will still be available to meet the car parking demand in the area.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 received on 11.5.2022
<b>Appendix Ia</b>	Supplementary Planning Statement with PDS
<b>Appendix Ib</b>	SI received on 16.5.2022
<b>Appendix Ic</b>	FI received on 5.7.2022
<b>Appendix Id</b>	FI received on 10.8.2022
<b>Appendix Ie</b>	FI received on 17.8.2022
<b>Appendix II</b>	Previous applications covering the Premises
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Public Comment
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Floor Plan showing the Sales Offices, Fire Exit and Fire Escape Route
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2022**