

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H25/23

- Applicant** : The Automall Limited represented by KTA 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 3,967.065m²
- 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 a quarterly basis
- Plan** : Approved Wan Chai North Outline Zoning Plan (OZP) No. S/H25/6
- 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 to continue the use of part of the Basement Level B1 of the Car Park Complex, HKCEC (Phase 1) (the Premises) (**Plan A-2**) for temporary motor-vehicle showroom, which is regarded as ‘Shop and Services’ use, for a period of five years. The Premises falls within an area zoned “O” on the approved Wan Chai North OZP No. S/H25/6 (**Plan A-1**). According to the Notes of the OZP for the “O” zone, the ‘Shop and Services’ use requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises is the subject of ten previous s.16 applications for similar temporary motor-vehicle showroom/exhibition hall for motor vehicles with different floor areas by the same applicant. Nine were approved from 2003 to 2022 (details in paragraph 5 below) (**Plan A-1**). All the approval conditions of the last planning permission (under Application No. A/H25/21) have been complied with and the temporary permission of 2 years was lapsed on 27.8.2024¹.
- 1.3 The floor plans showing the layout of the Premises and the fire exit/escape routes submitted by the applicant are provided in **Drawings A-1 and A-2** respectively. As compared with the last previous application No. A/H25/21, the floor area of the motor-vehicle showroom, the number of car parking spaces to be affected, the maximum number of cars to be parked in the display area, and the maximum number of visitors permitted in the display area remain unchanged under the current application. The development parameters are indicated below:

	Development Parameters of Previous Application (A/H25/21) & Current Application (A/H25/23)
Floor area	3,967.065m ²
Total no. of car parking spaces at the Car Park Complex, HKCEC (Phase 1) (the Complex)	1,070
No. of affected car parking spaces at the Complex	195
No. of remained car parking spaces at the Complex	875 (125 for reserved parking & 750 for short-term public parking)
Maximum no. of cars to be parked in the display area	184
Maximum no. of visitors permitted in the display area	300

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 30.4.2024 (**Appendix I**)
 - (b) Supporting Planning Statement (SPS) with Parking Demand Study (PDS) (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 8.5.2024 (**Appendix Ib**)
 - (d) Further Information (FI) received on 7.6.2024 [#] (**Appendix Ic**)
 - (e) FI received on 8.7.2024 [#] (**Appendix Id**)

¹ The planning permission of Application No. A/H25/21 was still valid at the time of the receipt of this current application on 30.4.2024 by the Board. However, owing to the submissions of further information to address departmental comments, the application has been deferred once and is scheduled for consideration by the Metro Planning Committee of the Board at this meeting.

(f) FI received on 31.7.2024 [#] (Appendix Ie)

(g) FI received on 12.8.2024 [#] (Appendix If)

[#] exempted from publication and recounting requirements

1.5 On 21.6.2024, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 **Appendix Ic to If**, which are summarised as follows:

No Material Change in Planning Circumstances

- (a) There is no material change in the planning circumstances in the Wan Chai North area since the approval of the last previous planning application. There is no change in land uses of the surrounding areas, except for the sites currently occupied by the three existing government buildings, Gloucester Road Garden and Kong Wan Fire Station which have been recently rezoned to “Other Specified Uses (6)” annotated “Exhibition Centre with Commercial Development” (“OU(6)(Exhibition Centre with Commercial Development)”) to enable the development of convention and exhibition (C&E) facilities, office and hotel to further strengthen the exhibition and convention and commercial node.
- (b) The three government buildings will be vacated by end of 2027 and the proposed composite development comprising C&E facilities with office and hotel at the “OU(6)” zone will be completed in 2034 the earliest. The approval of the current planning application for another five years will not induce any adverse planning implication.

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

- (c) 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 for controlling the number of visitors and 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 during 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 bi-monthly audit reports for monitoring the number of visitors within the Premises.

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

- (d) According to the records of maximum parking demand at the Complex during major exhibitions/functions/events held at HKCEC from March to December 2023, the Complex still had vacant parking spaces in general even when the temporary motor-vehicle showroom at the Premises was in operation. In addition, a survey was conducted on 13.7.2024 during which the Wedding Expo was held, and the survey revealed that there were vacancies in other car parks near the Complex within the Wan Chai North area (**Appendix 1e**).
- (e) A review has been carried out based on the surplus parking spaces available in the Complex during the event days in 2015, 2017, 2018, 2019, 2021, 2022 and 2023. The forecasted figure demonstrates that there will be sufficient parking provision in Wan Chai District in 2029. Without any major change in Wan Chai District, the current parking condition is believed to be similar to the situation in 2029. The impact of the extension of the temporary motor-vehicle showroom for five years is considered insignificant.

Suitability of the Applied Use at the Premises

- (f) The applied use at the Premises has been in operation by the same operator since 2003 and is considered compatible in land use term with the Complex. Over the past 21 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. Further extension of the applied use for a longer period of five years will enable the continual provision of sale service of pre-owned vehicles and reduce administrative work of the government departments for processing planning application every two years.

No Adverse Traffic Impact on the Surrounding Road Network

- (g) 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 and the temporary vehicle showroom 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. 31B) by sending notification letter to the owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

When the HKCEC (Phase 1) 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 parking area underneath to its adjacent public open space (**Plan A-2**).

5. Previous Applications

- 5.1 The Premises is the subject of ten 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, A/H25/20 and A/H25/21) for temporary exhibition hall for motor vehicles or temporary motor-vehicle showroom with different extents since 2003, of which nine were approved with conditions by the Committee/the Board whilst Application No. A/H25/9 was rejected by the Committee in 2008 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 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 (No. A/H25/10), and monitoring the future demand for car parking spaces in the area (No. A/H25/12, 14, 18 to 21).

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 (two basement levels and one above-ground level with a POS at the roof);
 - (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) 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 the MTR East Rail Line;
 - (c) to the southeast is the area zoned “OU(6)(Exhibition Centre with Commercial Development)” reserved for the redevelopment of existing Wan Chai Government Offices into C&E, office and hotel uses; and

- (d) to the south and southwest across Harbour Road are Government, Institution or Community (G/IC) facilities (including Hong Kong Academy for Performing Arts and Hong Kong Arts Centre) 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 departments 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 recommended advisory clauses are provided in **Appendices III** and **V** respectively.

9.2 The below government bureau and 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 are being held in the HKCEC, there are vehicles queuing outside HKCEC; and the conversion of a portion of the basement carpark into a motor-vehicle showroom will reduce the number of parking spaces available to HKCEC visitors and users; and
- (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):

no objection to the application subject to the following:

- (i) the approval period should be limited to two years (instead of five years in the application) given that the car parking supply and demand may change with the developments in Wan Chai North with time and the approval period of two years is in line with the previous applications in recent years since 2009; and
- (ii) the parking requirements for HKCEC should be timely reviewed in view of the impact of the future developments nearby, e.g. the redevelopment of Wan Chai Government Offices.

10. Public Comment Received During Statutory Publication Period

On 10.5.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix IV**) objecting the application on the grounds that there is no independent assessments on the demand and supply of car parking spaces of the area and the impact of the opening of Exhibition Centre Station and the redevelopment of the government buildings on the demand and supply of car parking spaces; there should be adequate parking facilities for trade fairs and mega events; and showroom may not be the best use of the Premises.

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. While 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 one-storey aboveground car park with its roof developed as a POS over 2 levels basement car park. 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 Complex since 2003, would not affect the POS on top of the car park. Thus, it is considered not unacceptable from a land use point of view.
- 11.2 The Premises was involved in nine previous approved applications for similar temporary motor-vehicle showroom/exhibition hall for motor vehicles since 2003. As compared with the last planning application No. A/H25/21, there is no change in the floor area and the number of parking spaces to be affected by the temporary vehicle showroom. 875 car parking spaces at the Complex would still be available for the use of the general public and visitors.
- 11.3 The applicant has carried out a PDS to review the current car parking condition of the Complex. The findings of the PDS have revealed that the Complex still has adequate parking spaces in general during major exhibitions held at HKCEC even with the temporary motor-vehicle showroom in operation. According to the applicant’s assessment, there will be sufficient private car parking provision in Wan Chai district up to Year 2029. The survey conducted by the applicant also revealed that there were vacancies in other car parks near the Complex within the Wan Chai North area during major exhibition periods. 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 objection to the application subject to the condition that the approval period should be limited to two years, as the car parking supply and demand may change with the developments in the Wan Chai North area and the parking requirements for HKCEC should be timely reviewed. To address their concerns, it is recommended that the approval period shall be limited to 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 in principle to the current application. Besides, advisory clause related to air quality aspect is also 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 6.9.2026 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; and

- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately 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

Appendix I	Application Form received on 30.4.2024
Appendix Ia	Supplementary Planning Statement with Parking Demand Study
Appendix Ib	SI received on 8.5.2024
Appendix Ic	FI received on 7.6.2024
Appendix Id	FI received on 8.7.2024
Appendix Ie	FI received on 31.7.2024
Appendix If	FI received on 12.8.2024
Appendix II	Previous Applications covering the Premises
Appendix III	Government Departments' General Comments
Appendix IV	Public Comment
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Floor Plan showing the Sales Offices, Fire Exit and Fire Escape Route

Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**