

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

APPLICATION NO. A/HK/15

Applicant : Hong Kong Housing Authority (HKHA)

Premises : (a) Car Park in Wah Fu (I) Estate, Pok Fu Lam
(b) Car Park in Wah Fu (II) Estate, Pok Fu Lam
(c) Car Park in Yue Fai Court, Aberdeen

<u>Lease</u>		Housing Development	Lease
	(a)	Wah Fu (I) Estate, Pok Fu Lam	<u>Inland Lot No. 8096</u> - 75 years from 16.12.1963
	(b)	Wah Fu (II) Estate, Pok Fu Lam	<u>Inland Lot No. 8577</u> - 75 years from 16.12.1963
	(c)	Yue Fai Court, Aberdeen	<u>Aberdeen Inland Lot No. 393</u> - 75 years from 30.9.1977

<u>Plans and Zonings</u>		Car Park	Outline Zoning Plan (OZP)	Zoning
	(a)	Car Park in Wah Fu (I) Estate, Pok Fu Lam	Approved Pok Fu Lam OZP No. S/H10/19	“Residential (Group A)” (“R(A)”)
	(b)	Car Park in Wah Fu (II) Estate, Pok Fu Lam		
	(c)	Car Park in Yue Fai Court, Aberdeen	Approved Aberdeen & Ap Lei Chau OZP No. S/H15/33	

Application : Temporary Public Vehicle Park (excluding Container Vehicle) by Letting of Surplus Monthly Parking Spaces to Non-residents for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) use at Wah Fu (I) and (II) Estates (public rental housing (PRH)) and Yue Fai Court (Home Ownership Scheme (HOS)) (the Estates and the Court) (**Plan A-1**) for a period of five years by letting of the surplus monthly vehicle parking spaces to non-residents.
- 1.2 The Estates and the Court fall within areas zoned “R(A)” on the respective OZPs. According to the Notes of the respective OZPs, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use in the “R(A)” zone. As the letting of vehicle parking spaces to non-residents involves a change from the existing ancillary car park use to ‘Public Vehicle Park (excluding container vehicle)’ use, planning permission from the Town Planning Board (the Board) is required.

- 1.3 The Estates and the Court are the subject of six previous planning applications (Nos. A/HK/2, A/HK/4, A/HK/6, A/HK/8, A/HK/11 and A/HK/12) submitted by the HKHA for the same use for a period of three years. All were approved with or without condition(s) by the Metro Planning Committee (the Committee) of the Board between 2004 and 2019. The latest planning permission under application No. A/HK/12 would expire on 16.4.2022.
- 1.4 The location of the Estates and the Court and the existing vehicle parking spaces are shown on **Plans A-2 to A-3 (Plans A-2a to A-2g for Wah Fu (I) and (II) Estates and Plans A-3a to A-3d for Yue Fai Court)**. The applicant proposed that letting of the surplus monthly vehicle parking spaces to non-residents will allow better use of public resources. According to the applicant's survey on the utilisation rate of monthly parking spaces in the Estates and the Court for the period from November 2020 to October 2021, out of the total 996 monthly vehicle parking spaces (private car (PC), light goods vehicle (LGV) and motor cycle (MC) inclusive), 767 vehicle parking spaces were let to residents. The average vacancy rates of the monthly vehicle parking spaces for the said period for the Estates and the Court were 21% and 32% respectively. The survey demonstrated that the Estates and the Court have substantial number of vacant parking spaces after allocation to the residents. A comparison of the survey statistics submitted by the applicant under the previously approved application (No. A/HK/12) and the current application is as follows:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces		No. of Monthly Vehicle Parking Spaces Let to Residents		Surplus Monthly Vehicle Parking Spaces that could be Let to Non-Residents (Vacancy Rate)	
	Statistics (Dec 2017 – Nov 2018) for Previous Application (A/HK/12) (a)	Statistics (Nov 2020 – Oct 2021) for Current Application (A/HK/15) (b)	Statistics (Dec 2017 – Nov 2018) for Previous Application (A/HK/12) (c)	Statistics (Nov 2020 – Oct 2021) for Current Application (A/HK/15) (d)	Previous Application (A/HK/12) (a) – (c)	Current Application (A/HK/15) (b) – (d)
Wah Fu (I) & (II) Estates*						
PC	544	504	393	397	151 (28%)	107 (21%)
LGV	66	61	64	61	2 (3%)	0
MC	217	217	150	163	67 (31%)	54 (25%)
<u>Sub-total</u>	<u>827</u>	<u>782</u>	<u>607</u>	<u>621</u>	<u>220 (27%)</u>	<u>161 (21%)</u>
Yue Fai Court						
PC	182	182	128	127	54 (30%)	55 (30%)
MC	32	32	18	19	14 (44%)	13 (41%)
<u>Sub-total</u>	<u>214</u>	<u>214</u>	<u>146</u>	<u>146</u>	<u>68 (32%)</u>	<u>68 (32%)</u>
Total						
	<u>1,041</u>	<u>996</u>	<u>753</u>	<u>767</u>	<u>288 (28%)</u>	<u>229 (23%)</u>

- * Compared with the previous application (No. A/HK/12), the changes in total numbers of parking spaces in Wah Fu (I) and (II) Estates are summarised below:
- (i) Reduction of PC parking spaces due to the deletion of 44 PC parking spaces after completion of various improvement works in Wah Fu (I) Estate and additional of 4 PC spaces in Wah Fu (II) Estate.
 - (ii) Reduction of LGV parking spaces due to the deletion of 5 LGV parking spaces after the realignment of emergency vehicle access in Wah Fu (I) Estate.

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

- (a) Application form received on 8.2.2022 **(Appendix I)**
- (b) Supplementary information received on 9.2.2022 **(Appendix Ia)**
providing updated location plan for parking facilities
in Wah Fu (II) Estate
- (c) Further Information submitted via email dated **(Appendix Ib)**
23.3.2022 providing responses to public comment
and updated location plan for parking facilities in
Wah Fu (II) Estate
*(exempted from publication and recounting
requirements)*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in Attachment II of the application form in **Appendix I**. They are summarised as follows:

- (a) to maximising the usage and meeting the needs of residents and local communities, a survey on utilisation rates of monthly vehicle parking spaces was conducted from November 2020 to October 2021. According to the survey, the Estates and the Court had surplus monthly vehicle parking spaces after allocation of vehicle parking spaces to the residents, with overall vacancy rates of 21% in Wah Fu (I) & (II) Estates (i.e. 28% in Wah Fu (I) Estate and 16% in Wah Fu (II) Estate) and 32% in Yue Fai Court. The proposal of letting all surplus monthly vehicle parking spaces to non-residents will allow better use of public resources;
- (b) the application is the subject of six previous planning applications for temporary public vehicle park use for three years; the first of which was approved by the Board on 16.4.2004. The approval conditions of the prevailing application No. A/HK/12, i.e. priority should be accorded to the residents of the Estates and the Court in 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 (C for T), have been fulfilled accordingly;
- (c) the interests of the residents will not be compromised. The following policies on letting vehicle parking spaces will continue to be upheld by the HKHA: (i) the residents are accorded the highest priority in letting of vehicle parking spaces; (ii) only surplus monthly vehicle parking spaces are let to non-residents; and (iii) same monthly charges for both residents and non-residents;

- (d) as no additional vehicle parking spaces are involved, the proposal will not generate additional traffic flow. No adverse traffic or environmental impact is envisaged;
- (e) the proposal does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas;
- (f) in the consultations with the respective Estate Management Advisory Committees of the Estates in August and November 2021, the residents had no objection to the proposal. For the Court, its Owners' Corporation was notified by a letter to their management office (Appendix 7 of **Appendix I**); and
- (g) the subject application would not create any management or security problems as the following security and management measures were adopted: (i) entrances of residential towers are separated from the car parks; (ii) security guards are stationed at each residential towers and (iii) Closed Circuit Televisions (CCTVs) are installed at the car parks.

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

(a)	Wah Fu (I) Estate and Wah Fu (II) Estate	The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.
(b)	Yue Fai Court	The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant has complied with the requirements 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 publishing newspaper notice and posting site notice (Appendices 5 and 6 of Appendix I).

4. **Previous Applications**

- 4.1 The Estates and the Court were the subject of six previous planning applications (Nos. A/HK/2, A/HK/4, A/HK/6, A/HK/8, A/HK/11 and A/HK/12) submitted by the HKHA (**Plan A-1**).
- 4.2 Application No. A/HK/2 is for the change of some ancillary vehicle parking spaces into public vehicle park in 12 PRH estates/HOS developments in the Western and Southern Districts for letting of the surplus vehicle parking spaces to non-residents on a monthly basis. It was approved by the Committee of the Board on 16.4.2004 on a temporary basis for three years up to 16.4.2007. The applicant was advised that a temporary approval period of three years was granted so that the surplus car parking spaces can be let to non-residents flexibly while the parking demand of the residents could be reviewed. Subsequently, application Nos. A/HK/4, A/HK/6, A/HK/8, A/HK/11 and A/HK/12 for renewal of planning approval in respect of some of those car parks were approved with condition for three years each, up to 16.4.2022.

4.3 A summary of the approval conditions for the previous applications above is at **Appendix II.**

5. Similar Applications

5.1 There are 14 similar applications (Nos. A/H15/223, A/H15/239, A/H15/255, A/H15/269, A/H15/281, A/H20/115, A/H20/163, A/HK/1, A/HK/3, A/HK/5, A/HK/7, A/HK/9, A/HK/13 and A/HK/14) submitted by the HKHA within Hong Kong Island (**Plan A-1**). All of them were approved by the Committee with or without conditions. While Application Nos. A/H15/281 and A/HK/14 for the same use were approved with conditions by the Committee on 17.5.2019 and 24.9.2021 respectively for a period of five years up to 17.5.2024 and 24.9.2026 respectively, the remaining applications (except application No. A/H20/115) were approved for a period of three years each.

5.2 A summary of the approval conditions for the similar applications above is at **Appendix III.**

6. The Sites and their Surrounding Area

6.1 All the parking spaces are located within the Estates and the Court that are predominantly residential in nature, and easily accessible to/from local/district roads:

Housing Estate	Type of Existing Vehicle Parking Spaces	Adjacent Developments	Vehicular Access
Wah Fu Estate (Plans A-2a to A-2g)	<ul style="list-style-type: none"> - one 5-storey car park block - two 3-storey car parks within non-residential podium - one 3-storey car park within a 9-storey commercial/Government, Institution or Community (GIC) block - open car park at various locations 	<ul style="list-style-type: none"> - to the immediate northwest are a primary school, 3 secondary schools and a special school - to the immediate east are a secondary school and a post-secondary school - to the immediate southeast are Wah Kwai Estate and Ka Lung Court - to the immediate south and west is Waterfall Bay Park - to the northwest is Hong Fu Playground 	Wah Fu Road, Waterfall Bay Road and Wah Cheung Street
Yue Fai Court (Plan A-3a to A-3d)	<ul style="list-style-type: none"> - one 3-storey car park within non-residential podium - one 4-storey car park podium within a commercial/GIC block 	<ul style="list-style-type: none"> - to the east is Shek Pai Wan Estate - to the west are mainly private residential buildings and GIC facilities 	Yue Kwong Road and Aberdeen Reservoir Road

6.2 The receptive estates for the Wah Fu Estate Redevelopment is under construction and will be completed in phases. The first phase is expected to be ready for population intake around 2027/28.

7. Planning Intention

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

8. Comments from Relevant Government Departments

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

Land Administration

- 8.1.1 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

- (a) Wah Fu (I) Estate is governed by the Conditions of Grant No. 9086 of Inland Lot No. 8096 for a term of 75 years commencing on 16.12.1963, while Wah Fu (II) Estate is governed by the Government Lease of Inland Lot No. 8577 for a term of 75 years commencing on 16.12.1963. Yue Fai Court is governed by the Government Lease of Aberdeen Inland Lot No. 393 for a term of 75 years commencing on 30.9.1977 renewable for 75 years as modified by no-objection letters dated 25.4.1981 (for provision of footbridge), 12.2.2003 (for owners’ committee office and recreation room) and 17.12.2004 (for provision of footbridge and pedestrian passage), and a waiver letter dated 2.8.1999 (for removing design and disposition requirement under the lease);
- (b) under the lease conditions of Inland Lot No. 8577 of Wah Fu (II) Estate, there are requirements for car parking spaces to be used by the residents of the estate. An application from the HKHA for a temporary waiver to allow the letting of surplus parking spaces to non-residents in Wah Fu (II) Estate is under consideration by his office; and
- (c) no objection to the application subject to the comments in paragraph (b) above.

Traffic Aspect

- 8.1.2 Comments of the C for T:

no comment on the application from traffic engineering viewpoint subject to the following conditions:

- (a) residents of the Estates and the Court should be accorded a higher priority in renting the monthly parking spaces during the application period of five years; and

- (b) during the application period of five years, the applicant should monitor from time to time the demand from the estate residents for renting monthly parking spaces, and adjust the numbers of parking spaces to be let to non-residents as appropriate and timely.

8.1.3 Comments of the Commissioner of Police (C of P):

no comment on the application and it is advised that the proposal should not cause adverse traffic obstruction.

Building Aspect

8.1.4 Comments of the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) under the Buildings Ordinance s.41(1)(aa), buildings upon any land vested in the HKHA or over which the HKHA has control and management areas, subject to s.18(2) and (3) of the Housing Ordinance, are exempted from the provisions of the Buildings Ordinance. In addition, any land vested in the HKHA is also exempted under Buildings Ordinance s.41(1)(ba); and
- (b) for buildings sold or otherwise disposed of under s.17A of the Housing Ordinance which included buildings under the HOS, officers of the Housing Department have been delegated the authority to act on behalf of the Building Authority under various sections of the Buildings Ordinance.

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

- (a) Director of Fire Services;
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Architect/Central Management Division 2, Architectural Services Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department; and
- (f) District Officer (Southern), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

On 18.2.2022 the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 11.3.2022, a public comment providing view submitted by an individual was received (**Appendix IV**). The commenter considered that in view of the prevailing data, parking facilities in new developments may be over provided and not in line with actual demand.

10. Planning Considerations and Assessment

- 10.1 The application seeks planning permission for temporary public vehicle park (excluding container vehicle) use for letting of surplus vehicle parking spaces in the existing car parks of Wah Fu (I) and (II) Estates and Yue Fai Court to non-residents for a period of five years. According to the applicant, the average vacancy rates of the vehicle parking spaces were 21% in Wah Fu (I) & (II) Estates (28% in Wah Fu (I) Estate and 16% in Wah Fu (II) Estate) and 32% in Yue Fai Court from November 2020 to October 2021. The remaining spaces would be left vacant if they are not let to non-residents. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise public resources more efficiently.
- 10.2 According to the submission, the applicant has been reviewing the occupancy rate and the demand for parking spaces in individual carparks from time to time so as to optimise the use of resources and help meet the needs of residents and local communities. In this regard, with ongoing monitoring, the proposed temporary period of five years is considered acceptable as only the surplus parking spaces will be let to the non-residents and the parking rights and interests of the residents would not be compromised.
- 10.3 According to the applicant, the proposal would not generate additional traffic flow to the surrounding areas. The C for T has no comment to the application from traffic engineering viewpoint provided that the applicant would review the residents' parking demand regularly and allocate the parking spaces to the residents of the Estates and the Court in priority. In this regard, an approval condition is recommended as in paragraph 11.2 below should the application be approved by the Committee.
- 10.4 There are six previous applications on the same Estates and the Court (Nos. A/HK/2, A/HK/4, A/HK/6, A/HK/8, A/HK/11 and A/HK/12) approved with or without condition(s) by the Committee in 2004, 2007, 2010, 2013, 2016 and 2019 for a period of 3 years each, up to 16.4.2022. There are also 14 similar applications within Hong Kong Island approved by the Committee with or without condition(s) between 2007 and 2021 (see paragraph 5 above and **Appendix III** for details), among which application Nos. A/H15/281 and A/HK/14 for the same use were approved with condition for a period of five years in 2019 and 2021 respectively. There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on the previous and similar applications.
- 10.5 Regarding the public comment providing view on the parking facilities in new developments as mentioned in paragraph 9 above, the applicant responded that the public comment is considered not relevant to the current application and the HKHA has been monitoring the usage and occupancy of their parking facilities to meet the needs of residents and the community (**Appendix Ib**).

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 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 five years up to 1.4.2027. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

Priority should be accorded to the respective residents of Wah Fu (I) Estate, Wah Fu (II) Estate and Yue Fai Court 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 Clauses

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

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form received on 8.2.2022
Appendix Ia	Supplementary information received on 9.2.2022
Appendix Ib	Further information submitted via email dated 23.3.2022
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Public comment
Appendix V	Advisory clauses

Plan A-1	Index plan of previous and similar applications
Plans A-2a and A-3a	Location plans
Plans A-2b and A-3b	Site plans
Plans A-2c to A-2g and A-3c to A-3d	Site photos

**PLANNING DEPARTMENT
APRIL 2022**