

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

APPLICATION NO. A/K12/44

Applicant : The Hong Kong Housing Authority (HKHA)

Sites : 1. Car Park in Choi Hung Estate
2. Car Park in Choi Wan (II) Estate
3. Car Park in Fu Shan Estate
Wong Tai Sin, Kowloon

Land Status

Estate	Land Status
1. Choi Hung Estate	N.K.I.L. 4421RP & Extension Thereto
2. Choi Wan (II) Estate	Government land vested in the HKHA under the Vesting Order (VO) No. 70
3. Fu Shan Estate	Government land vested in the HKHA under VO No. 117

Plan : Approved Ngau Chi Wan OZP No. S/K12/16

Zoning : “Residential (Group A)” (“R(A)”)
[Subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9 for a building that is partly domestic and partly non-domestic]

Application : Temporary Public Vehicle Park (excluding Container Vehicle) for 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 Choi Hung Estate, Choi Wan (II) Estate and Fu Shan Estate (**Plan A-1**) for a period of 5 years for letting of surplus monthly vehicle parking spaces to non-residents.

- 1.2 The application sites (the Sites) fall within areas zoned “R(A)” on the approved Ngau Chi Wan OZP No. S/K12/16. According to the Notes of the OZP for “R(A)” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use. As the letting of vehicle parking spaces to non-residents would involve a change of use 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 Sites are the subject of 6 previous planning applications (No. A/K/1, A/K/5, A/K/8, A/K/11, A/K/14 and A/K18) submission by HKHA for the same use. All were approved with conditions by the Metro Planning Committee (the Committee) of the Board between 2004 and 2019. The latest planning permission under application No. A/K/18 will expire on 5.3.2022.
- 1.4 The location plan and site plans of the car parks concerned are at **Plans A-2, A-3, A-5, A-6, A-8 and A-9**. According to the applicant’s submission, from June 2020 to May 2021, the average vacancy rate of the parking spaces in these three estates ranges from 1% to 32%. A comparison of the total number of monthly parking spaces, the average number of monthly parking spaces let to residents under the previous approved application (No. A/K/18) and the current application is as follows:

Estate	Total No. of Monthly Parking Spaces		Average No. of Monthly Parking Spaces let to Residents		Surplus Parking Spaces that could be let to Non-residents (vacancy rate of monthly parking spaces)	
	Previous Scheme A/K/18 (a)	Current Scheme A/K12/44 (b)	Previous Scheme A/K/18 (c)	Current Scheme A/K12/44 (d)	Previous Scheme A/K/18 (a)-(c)	Current Scheme A/K12/44 (b)-(d)
Choi Hung Estate						
Private Car (PC)	434	449¹	249	290	185 (43%)	159 (35%)
Light Goods Vehicle	37	37	30	36	7 (19%)	1 (3%)
Motorcycle (MC)	91	103¹	63	76	28 (31%)	27 (26%)
Total	562	589	342	402	220 (39%)	187 (32%)

¹ The increment of PC/MC parking spaces (from the previous scheme to current scheme) is due to the 21 newly added PC parking spaces and the conversion of 6 PC parking spaces to 12 MC parking spaces in 2019.

Estate	Total No. of Monthly Parking Spaces		Average No. of Monthly Parking Spaces let to Residents		Surplus Parking Spaces that could be let to Non-residents (vacancy rate of monthly parking spaces)	
	Previous Scheme A/K/18 (a)	Current Scheme A/K12/44 (b)	Previous Scheme A/K/18 (c)	Current Scheme A/K12/44 (d)	Previous Scheme A/K/18 (a)-(c)	Current Scheme A/K12/44 (b)-(d)
Choi Wan (II) Estate						
Private Car	52	52	52	52	0 (0%)	0 (0%)
Light Goods Vehicle	9	9	4	9	5 (56%)	0 (0%)
Motorcycle	17	17	15	16	2 (12%)	1 (6%)
Total	78	78	71	77	7 (9%)	1 (1%)
Fu Shan Estate						
Private Car	102	102	57	81	45 (44%)	21 (21%)
Light Goods Vehicle	8	11²	7	8	1 (13%)	3 (27%)
Motorcycle	34	36²	14	22	20 (59%)	14 (39%)
Total	144	149	78	111	66 (46%)	38 (26%)

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

- (a) Application Form with attachments received on 19.10.2021 **(Appendix I)**
- (b) Further information (FI) received on 19.11.2021 providing responses to public comments and replacement page of the submission **(Appendix Ia)**
(*accepted and exempted from the 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 **Appendix I**. They are summarized as follows:

- (a) As revealed by the survey of utilization rates of monthly parking spaces in these estates for a 12-month period (from June 2020 to May 2021), there are still surplus parking spaces after allocation of parking spaces to the residents. The overall vacancy rate of these estates is around 1% to 32%. In order to optimize

² The increment of Light Goods Vehicle/MC parking spaces (from the previous scheme to current scheme) is due to the newly completed Fu Fai House of Fu Shan Estate in 2020.

the use of public resources, the applicant proposes to let all surplus parking spaces in the estates to non-residents.

- (b) Residents of these estates are accorded the highest priority in letting of parking spaces. Only surplus monthly parking spaces are to be let to non-residents with the same monthly charges. Therefore, the interests of the residents would not be compromised.
- (c) The proposed letting of surplus parking spaces will not generate additional traffic flow, and does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (d) Entrances to individual residential towers in these estates are separated from the parking spaces. No management or security problems should be created.
- (e) Members of the Estate Management Advisory Committee (EMAC) of the estates had been consulted in April-May 2021 and raised no adverse comments on/objection to the proposed letting of surplus monthly parking spaces.
- (f) For similar planning applications submitted by the applicant that had been approved with conditions since late 2018, no undue difficulties have been encountered to implement the proposal and fulfill the approval conditions.
- (g) In response to the public comment on the inadequacy of car parking provision in Fu Shan Estate to satisfy the demand of its residents, the applicant explained that the residents of the estate will be accorded the highest priority in letting of parking spaces and only surplus monthly parking spaces will be let to non-residents and therefore the parking needs and interests of the residents will not be compromised.
- (h) In response to the public suggestion of using surplus parking spaces for community or other facilities and converting into hourly parking spaces, the applicant explained that HKHA needs to balance the needs of residents for various types of services including retail, car parking and welfare facilities etc.. HKHA has been reviewing the occupancy rate and the demand for parking spaces in individual car parks from time to time. For car parks with relatively lower occupancy rates, HKHA has been studying for conversion to other uses subject to circumstances of individual car parks, technical constraints, cost effectiveness and other considerations. HKHA has been adopting measures to maximize the usage of car parks including converting to welfare use, educational use, retail use, hourly parking spaces, parking of other vehicle types and letting to non-residents on a monthly basis.

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

Choi Hung Estate	The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.
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Choi Wan (II) Estate and Fu Shan Estate	As these housing estates involve Government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) is not applicable to the application.
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4. Previous Applications

- 4.1 The Sites are the subject of six previous planning applications (No. A/K/1, A/K/5, A/K/8, A/K/11, A/K/14 and A/K/18) submitted by HKHA (**Plan A-1**). These six applications were for changing ancillary car park to public vehicle park (excluding container vehicle) in various PRH/HOS developments in the Wong Tai Sin District respectively.
- 4.2 Application No. A/K/1 was approved by the Committee on 26.3.2004 on a temporary basis for three years up to 26.3.2007. Temporary approval was granted so that the residents’ parking demand could be reviewed after three years. Subsequently, the other five applications (No. A/K/5, A/K/8, A/K/11, A/K/14 and A/K/18), which were the renewal applications, were approved with condition(s) by the Committee for a period of three years each. The planning permission of the latest (No. A/K/18) was valid until 5.3.2022.
- 4.3 A summary of the approval conditions for the previous applications above is at **Appendix II**.

5. Similar Applications

- 5.1 Three similar applications (No. A/K8/34, A/K11/135 and A/K12/22) at various HOS developments (i.e. Tin Ma Court, Lung Poon Court and King Lai Court/King Shan Court respectively) in Wong Tai Sin District submitted by the same applicant were approved by the Committee on 1.6.2001 for permanent public vehicle park use. Another similar application (No. A/K11/181) at Upper Wong Tai Sin Estate submitted by the Link Properties Limited was approved with condition by the Committee on 23.5.2008 for public vehicle park use on a temporary basis for a period of three years (**Plan A-1**), which was expired on 23.5.2011.
- 5.2 A summary of the approval conditions for the similar applications above is at **Appendix III**.

6. The Sites and their Surrounding Areas (Plans A-2 to A-10)

All the existing car parks under the current application are located within residential areas in Wong Tai Sin district with good vehicular access. A table summarizing the surrounding developments and the access roads is as follows:

Estate	Types of Existing Car Park	Adjacent Developments	Vehicular Access
1. Choi Hung Estate (Plans A-2 to A-4)	One 3-storey ³ car park block and open parking spaces	Rhythm Garden, Ngau Chi Wan Village, Ping Shek Estate	Lung Cheung Road, Prince Edward Road East
2. Choi Wan (II) Estate (Plans A-5 to A-7)	One 1-storey car park block and open parking spaces	Choi Wan (I) Estate, Choi Fai Estate, Good Hope School	Ngau Chi Wan Street and Fung Shing Street
3. Fu Shan Estate (Plans A-8 and A-10)	One 3-storey commercial block with car park at G/F and open parking spaces	King Shan Court, Grand View Garden	Po Kong Village Road and Fung Shing Street

7. Planning Intention

The planning intention of “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 and public comments are summarized as follows:

Land Administration

- 8.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) for Choi Hung Estate which is situated at the Remaining Portion of N.K.I.L. 4421~~RP~~ and the Extension Thereto, it is held under the Conditions of Grant No. 6643 dated 8.2.1961 as varied or modified by a Modification Letter dated 9.9.1974 and the Conditions of Extension No. 20164 dated 31.5.2012 (collectively referred to as “the Conditions”) for a term up to 30.6.2047. According to the Conditions, the car parking spaces shall not be used for any purpose other than the parking of motor vehicles belonging to or used by residents of the buildings erected or to be erected on the lot. A temporary waiver dated 21.2.2013 was also issued⁴ to the HKHA so as to permit members of the public (~~i.e. non-residents~~) to rent and use the surplus car parking spaces which shall not be used for any

³ Including a basement car park level

⁴ For a term of one year commencing on 1.4.2011 and thereafter annually

purpose other than for the parking of 340 private cars, 15 light goods vehicles and 36 motorcycles in accordance with planning permission under application No. A/K/8 dated 19.3.2010 and licensed under the Road Traffic Ordinance. In accordance with the waiver conditions, HKHA shall obtain the relevant planning permission (if required) prior to the renting out or the use of the said surplus car parking spaces by members of the public, and shall comply with any conditions or requirements which may be imposed in the planning permission. Hence, he has no comment on the renewal application of Choi Hung Estate from the land administrative point of view; and

- (b) for Choi Wan (II) Estate and Fu Shan Estate, they are vested in HKHA under VO Nos. 70 and 117 respectively for control and management of these estates. He has no comment on the renewal application of these two estates from land administrative point of view.

Traffic Aspect

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

He has no in-principle objection to letting out the surplus parking spaces. The applicant shall review the residents' parking demand regularly and priority should be accorded to the residents of these estates.

Building Aspect

8.1.3 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

Under s.41(1)(aa) of the Buildings Ordinance, buildings upon any land vested in the HKHA or over which the HKHA has control and management, subject to s.18(2) and (3) of the Housing Ordinance (Cap 283), are exempted from the provisions of the Buildings Ordinance. In addition, any land vested in the HKHA is also exempted under s.41(1)(ba) of the Buildings Ordinance

8.2 The following Government departments have no comment on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police;
- (c) District Officer (Wong Tai Sin), Home Affairs Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Director of Fire Services; and
- (g) Chief Architect/CMB2, Architectural Services Department.

9. Public Comments Received During Statutory Publication Period

- 9.1 On 26.10.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.11.2021, two public comments objecting to the application were received (**Appendix IV**).
- 9.2 A comment from a resident of Fu Shan Estate (**Appendix IVa**) objects to the application mainly on ground that the provision of car parking spaces cannot satisfy the residents' demand at Fu Shan Estate and it is preferable to rent out the car parks in Fu Shan Estate on hourly basis at non-peak hours. Another comment from an individual (**Appendix IVb**) objects to the application and requests the applicant to review its parking facilities and release space for better use including community care and recreational facilities.

10. Planning Considerations and Assessments

- 10.1 The application seeks planning permission for temporary public vehicle park use for letting of surplus parking spaces in the existing car parks in the three PRH estates in Wong Tai Sin District to non-residents for a period of 5 years. According to the applicant, the average vacancy rates of the vehicle parking spaces from June 2020 to May 2021 if not let to non-residents were about 32% for Choi Hung Estate, 1% for Choi Wan (II) Estate and 26% for Fu Shan Estate. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilize public resources more efficiently.
- 10.2 According to the applicant, the parking demand of the residents would be monitored and the number of parking spaces to be let to the residents would be adjusted as appropriate. In this regard, with ongoing monitoring, the proposed temporary period of 5 years is considered acceptable as only the surplus parking spaces will be let to the non-residents and the parking need of the residents would not be compromised.
- 10.3 The proposal would not attract additional traffic flow to the surrounding areas. The Transport Department (TD) has no comment on the application from traffic engineering viewpoint. In order to address TD's concern that residents of the subject estates should still be accorded a higher priority in renting the monthly parking spaces and that the demand from the estate residents for renting monthly parking spaces and the number of parking spaces to be let to non-residents should be monitored from time to time, approval condition is recommended at paragraph 12.2 below, should the application be approved by the Committee.
- 10.4 There are six previous applications (applications No. A/K/1, A/K/5, A/K/8, A/K/11, A/K/14 and A/K/18) on the same PRH estates approved with condition(s) by the Committee in 2004, 2007, 2010, 2013, 2016 and 2019 for a period of 3 years each, up to 22.2.2022. There are also four similar applications (No. A/K8/34, A/K11/135, A/K12/22 and A/K11/181) at various HOS/PRH developments in Wong Tai Sin District. The first three were approved by the

Committee on 1.6.2001 for permanent public vehicle park use and the last one was approved with condition by the Committee on 23.5.2008 for public vehicle park use on a temporary basis for a period of 3 years. 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 concern on the inadequacy of car parking provision in Fu Shan Estate to satisfy the demand of its residents, the applicant has responded in paragraph 2(h) above that the residents of the estate will be accorded the highest priority in letting of parking spaces and only surplus monthly parking spaces will be let to non-residents, and therefore the parking needs and interests of the residents will not be compromised. Regarding the public suggestion of using surplus parking spaces for community or other facilities and converting into hourly parking spaces, the applicant has responded in paragraph 2(i) above that for car parks with relatively lower occupancy rates, HA has been adopting measures to maximize their usage including conversion for welfare, educational and retail uses, conversion to hourly parking spaces, re-designating for parking of other vehicle types in great demand and letting to non-residents on a monthly basis. In this regard, an advisory clause is recommended to advise the applicant to consider releasing such spaces for the provision of community facilities as well as converting them to hourly parking spaces (**Appendix V**).

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, 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 10.12.2026. The following condition of approval and advisory clause are suggested for Members' reference:

Approval Condition

Priority should be accorded to the residents of Choi Hung Estate, Choi Wan (II) Estate and Fu Shan Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

Advisory clause

- 11.3 The recommended advisory clause is attached at **Appendix V**.
- 11.4 There is no strong planning 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 with attachments received on 19.10.2021
Appendix Ia	FI received on 19.11.2021
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IVa and IVb	Public comments
Appendix V	Recommended Advisory Clause
Plan A-1	Location Plan of three housing estates
Plans A-2 to A-4	Location Plan, Site Plan and Site Photos (Choi Hung Estate)
Plans A-5 to A-7	Location Plan, Site Plan and Site Photos (Choi Wan (II) Estate)
Plans A-8 to A-10	Location Plan, Site Plan and Site Photos (Fu Shan Estate)

PLANNING DEPARTMENT
DECEMBER 2021