

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K4/75

Applicant : The Hong Kong Housing Authority (HKHA)

Sites : (a) Car Park in Chak On Estate, Shek Kip Mei
(b) Car Park in Nam Shan Estate, Shek Kip Mei
(c) Car Park in Shek Kip Mei Estate, Shek Kip Mei

Land Status :

| Estate | Land Status |
|-------------------------|-------------------------|
| (a) Chak On Estate | Vesting Order (V.O.) 64 |
| (b) Nam Shan Estate | V.O. 88 |
| (c) Shek Kip Mei Estate | V.O. 32 |

Plan : Draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/30

Zoning : “Residential (Group A)” (“R(A)”)

(a) maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic. For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0

(b) maximum building heights (BH) as follows:

| Estate | BH in metres above Principal Datum |
|-------------------------|------------------------------------|
| (a) Chak On Estate | 120 |
| (b) Nam Shan Estate | 80 |
| (c) Shek Kip Mei Estate | 30 to 130 |

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 three public rental housing (PRH) estates, namely Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate (**Plan A-1**) for a period of five years to facilitate letting of the surplus monthly parking spaces to non-residents.

- 1.2 The concerned car blocks and the open car parks in the subject estates application sites (the Sites) fall within areas zoned “R(A)” on the approved draft Shek Kip Mei OZP No. S/K4/3029. According to the Notes of the OZP for “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). The locations of the three estates and their existing car parks are shown in **Plans A-1, A-2a, A-2b, A-3a, A-3b, A-4a and A-4b**.
- 1.3 The Sites are the subject of six previous planning applications (Application Nos. A/TWK/1, A/TWK/3, A/TWK/5, A/TWK/7, A/TWK/9 and A/TWK/11) submitted by HKHA for the same use for a period of 3 years. All these applications were approved with or without conditions by the Metro Planning Committee (the Committee) of the Board between 2004 and 2019. The latest planning permission under Application No. A/TWK/11 will expire on 16.4.2022.
- 1.4 According to the applicant, from July 2020 to June 2021, the average vacancy rates of vehicle parking spaces in these three estates range from 18% to 38%. As vacancy rates of the car parks concerned may fluctuate from time to time, to allow greater flexibility in optimizing the use of public resources, it is proposed to let all surplus monthly parking spaces to non-residents. A comparison of the total number of monthly parking spaces and the average number of monthly parking spaces let to residents of the three estates under the previously approved application (No. A/TWK/11) and the current application (No. A/K4/75) is as follows:

| Vehicle Type by Estate | Total No. of Monthly Parking Spaces ¹ | | Average No. of Monthly Parking Spaces Let to Residents | | Surplus Vehicle Parking Spaces that could be Let to Non-Residents (Vacancy Rate of Monthly Vehicle Parking Spaces) | |
|------------------------|--|----------------------------|--|----------------------------|--|--------------------------------|
| | Previously Approved Scheme A/TWK/11 (a) | Current Scheme A/K4/75 (b) | Previously Approved Scheme A/TWK/11 (c) | Current Scheme A/K4/75 (d) | Previously Approved Scheme A/TWK/11 (a)-(c) | Current Scheme A/K4/75 (b)-(d) |
| Chak On Estate | | | | | | |
| Private Car | 107 | 107 | 57 | 62 | 50 (47%) | 45 (42%) |
| Light Goods Vehicle | 11 | 11 | 7 | 7 | 4 (36%) | 4 (36%) |
| Motorcycle | 21 | 21 | 15 | 17 | 6 (29%) | 4 (19%) |
| Sub-total | 139 | 139 | 79 | 86 | 60 (43%) | 53 (38%) |
| Nam Shan Estate | | | | | | |
| Private Car | 244 | 251² | 200 | 199 | 44 (18%) | 52 (21%) |
| Light Goods Vehicle | 15 | 11³ | 11 | 11 | 4 (27%) | 0 (0%) |
| Motorcycle | 51 | 44⁴ | 24 | 17 | 27 (53%) | 27 (61%) |

| Vehicle Type by Estate | Total No. of Monthly Parking Spaces ¹ | | Average No. of Monthly Parking Spaces Let to Residents | | Surplus Vehicle Parking Spaces that could be Let to Non-Residents (Vacancy Rate of Monthly Vehicle Parking Spaces) | |
|----------------------------|--|----------------------------|--|----------------------------|--|--------------------------------|
| | Previously Approved Scheme A/TWK/11 (a) | Current Scheme A/K4/75 (b) | Previously Approved Scheme A/TWK/11 (c) | Current Scheme A/K4/75 (d) | Previously Approved Scheme A/TWK/11 (a)-(c) | Current Scheme A/K4/75 (b)-(d) |
| Sub-total | 310 | 306 | 235 | 227 | 75 (24%) | 79 (26%) |
| Shek Kip Mei Estate | | | | | | |
| Private Car | 382 | 382 | 277 | 311 | 105 (27%) | 71 (19%) |
| Light Goods Vehicle | 7 | 23⁵ | 7 | 23 | 0 (0%) | 0 (0%) |
| Motorcycle | 48 | 64⁶ | 29 | 51 | 19 (40%) | 13 (20%) |
| Sub-total | 437 | 469 | 313 | 385 | 124 (28%) | 84 (18%) |
| Total | | | | | | |
| | 886 | 914 | 627 | 698 | 259 (29%) | 216 (24%) |

Notes:

- Figures exclude hourly parking spaces and parking facilities reserved for the estate management.
- The total number of monthly private car parking spaces in Nam Shan Estate has increased from 244 to 251 due to: (i) 7 motorcycle parking spaces were converted to 3 private car parking spaces on 1.4.2019; (ii) 5 new private car parking spaces were created on 1.7.2019; and (iii) 1 private car parking space was deleted for the conversion of parking space to entrance for pedestrian on 1.11.2019.
- The total number of monthly light goods vehicle parking spaces in Nam Shan Estate reduced from 15 to 11 due to the conversion of 4 light goods vehicle parking spaces to loading/unloading bay on 1.1.2021.
- The total number of monthly motorcycle parking spaces in Nam Shan Estate reduced from 51 to 44 due to the conversion of 7 motorcycle parking spaces to 3 private car parking spaces on 1.4.2019.
- The total number of monthly light goods vehicle parking spaces in Shek Kip Mei Estate has increased from 7 to 23 due to the inclusion of parking spaces at Shek Kip Mei Estate Phases 2 & 5 and Phases 6 & 7 in the current application.
- The total number of monthly motorcycle parking spaces in Shek Kip Mei Estate has increased from 48 to 64 due to the inclusion of parking spaces at Shek Kip Mei Estate Phases 2 & 5 and Phases 6 & 7 in the current application.

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

- Application form received on 19.10.2021 and supplementary information received on 25.10.2021 **(Appendix I)**
- Further information (FI) received on 16.11.2021 providing the updated location plan for parking facilities in Nam Shan Estate and the number of monthly parking spaces let to non-residents in these **(Appendix Ia)**

estates in the previous year #

- (c) FI received on 24.11.2021 providing responses to public comments # **(Appendix Ib)**

[# 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 **Appendices I to Ib**. They are summarised as follows:

- (a) According to the survey conducted from July 2020 to June 2021, the vacancy rate of monthly parking spaces for all of the subject estates ranges from 18% to 38%. In particular, the number of vacant spaces in Shek Kip Mei Estate is the highest at 84 on a monthly average.
- (b) The proposal will not result in an increase of parking spaces over the existing ones. No adverse traffic and environmental impacts are envisaged.
- (c) The proposal does not involve a change in the car parking nature of land use of the concerned area. It is considered compatible with other uses in surrounding areas.
- (d) For the safety of tenants/residents of the subject estates, the following measures will continue to be implemented: (i) separate entrances to the car parks from the residential tower entrances; (ii) security guards to be stationed at each residential tower and to patrol the estates regularly; and (iii) Closed Circuit Televisions (CCTVs) have already been installed in the car parks.
- (e) The proposal will not compromise the residents' right as HKHA will continue to uphold the policy that residents shall have priority in renting parking spaces and only surplus parking spaces would be let to non-residents. The monthly charges for both residents and non-residents will also be the same.
- (f) No complaints regarding letting of surplus parking spaces to non-residents from the estates have been received since the last approval. Estate Management Advisory Committees (EMACs) of the estates have been consulted and raised no objection to the application.
- (g) In response to the public concern on the use of the surplus parking spaces for community or elderly care facilities, HKHA explained that for car parks with relatively lower occupancy rates, HKHA has been conducting feasibility studies to identify opportunities for conversion to other uses which is subject to the circumstances of individual carparks, technical constraints and other considerations such as cost effectiveness. In the past, HKHA has completed several car parks conversion projects and the converted spaces were made available for welfare, educational and retail uses.

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

As the three subject public 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) are not applicable.

4. **Previous Applications**

- 4.1 The Sites are the subject of six previous planning applications (Application Nos. A/TWK/1, A/TWK/3, A/TWK/5, A/TWK/7, A/TWK/9 and A/TWK/11). The Sites, together with car parks at nine other public housing estates/HOS developments, are the subject of a planning application (Application No. A/TWK/1) for the same use approved by the Committee of the Board on 16.4.2004 for a period of three years. Two applications (Application Nos. A/TWK/3 and A/TWK/5) for renewal of planning approval at the Sites and car parks at two other public housing estates were approved with conditions by the Committee for a period of three years on 23.3.2007 and 9.4.2010 respectively. The remaining three applications ¹ (Application Nos. A/TWK/7, A/TWK/9 and A/TWK/11) for renewal of planning approval at the Sites and another public housing estate were approved with conditions by the Committee for a period of three years on 15.3.2013, 4.3.2016 and 8.3.2019 respectively (**Plan A-1**). The planning permission of the latest application No. A/TWK/11 will expire on 16.4.2022.
- 4.2 Part of Nam Shan Estate car park block (portion of 5/F and 6/F and the whole of 7/F and 8/F) is the subject of a planning application (Application No. A/K4/50) submitted by the applicant for proposed educational institution. The application was approved with condition by the Committee on 24.8.2007.
- 4.3 Details of the previous applications are summarised at **Appendix II**.

5. **Similar Applications**

- 5.1 There are three similar applications (Application Nos. A/K5/504, A/K5/509 and A/K5/686) at various public housing estate/HOS developments in Cheung Sha Wan and Shek Kip Mei areas. Two of the applications (Application Nos. A/K5/504 and A/K5/509) submitted by the same applicant of the current application were approved by the Committee on 8.2.2002 and 11.10.2002 respectively for permanent public car park use. The remaining application (Application No. A/K5/686) submitted by the Link Properties Limited was approved with condition by the Committee on 4.12.2009 for public vehicle park use on a temporary basis for a period of three years (**Plan A-1**).
- 5.2 Details of the similar applications are summarised at **Appendix III**.

¹ Applications Nos. A/TWK/7 and A/TWK/9 comprise Chak On Estate, Nam Shan Estate, Shek Kip Mei Estate as well as Pak Tin Estate. Pak Tin Estate is not included in the latest application (Application No. A/TWK/11) and the current application since the portion of Pak Tin Estate including the car park under the commercial podium of the estate is under redevelopment.

6. **The Sites and Their Surrounding Areas**

(Plans A-2a, A-2b, A-3a, A-3b, A-4a, A-4b and photos on Plans A-2c, A-2d, A-3c to A-3e and A-4c to A-4f)

All the existing car parks under the current application are located within HKHA's public housing estates and are predominantly residential in nature with good vehicular access. A table summarising the surrounding developments and the access roads is as follows:

| Estate | Type of Existing Car Park | Adjacent Developments | Vehicular Access |
|---|--|--|---|
| (a) Chak On Estate (Plans A-2a to A-2d) | A 4-level underground car park and open car parking spaces | Nam Cheong Street Rest Garden, Shek Kip Mei Service Reservoir Playground, Pak Tin Estate, private residential developments of Beacon Heights and Dynasty Heights | Nam Cheong Street via Chak On Road |
| (b) Nam Shan Estate (Plans A-3a to A-3e) | A 9-storey car park block (lift lobby on LG/F, car park on G/F and 2/F to 4/F, and parts of 5/F and 6/F) [#] and open car parking spaces at various locations | Tai Hang Tung Estate, Tai Hang Sai Estate, Shek Kip Mei Park, City University of Hong Kong | Nam Shan Chuen Road and Tai Hang Sai Street |
| (c) Shek Kip Mei Estate (Plans A-4a to A-4f) | A car park at Level 1 to Level 6 under the podium of Block 44 and open car parking spaces at various locations | YHA Mei Ho House Youth Hostel, Jockey Club Creative Arts Centre, private residential developments and schools at Wai Chi Street, Tai Hang Sai Estate, and private residential developments at Berwick Street (covered by Cheung Sha Wan OZP) | Nam Cheong Street via Woh Chai Street |

[#] The portion of 5/F and 6/F and the whole of 7/F and 8/F of the car park block at Nam Shan Estate is under educational institution use approved by the Committee on 24.8.2007 (Application No. A/K4/50).

7. **Planning Intention**

The planning intention of the "R(A)" zone is primarily for high-density residential development. 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/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) No comment from land administrative perspectives on the subject application; and
- (b) the parking spaces under the application fall within land respectively vested in the HKHA under V.O. Nos. 64 (Chak On Estate), 88 (Nam Shan Estate) and 32 (Shek Kip Mei Estate).

Traffic Aspect

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

No in-principle objection to letting out the surplus parking spaces. However, the applicant shall review the residents' parking demand regularly and allocate the parking spaces to the residents of the concerned estates in priority.

Fire Safety

- 8.1.3 Comments of the Director of Fire Services (D of FS):

No objection in principle to the proposed parking spaces on the subject locations provided the existing Emergency Vehicular Access (EVA) of the estates shall be maintained.

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

- (a) Chief Building Surveyor/Kowloon, Buildings Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Director of Environmental Protection;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Commissioner of Police; and
- (g) District Officer (Sham Shui Po), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

During the three-week of the statutory public inspection period, two public comments were received, including one supporting comment from an individual and the other from another individual expressing concerns on the application mainly on ground that the floor area of the surplus vehicle parking spaces should be released for the provision of community or elderly care facilities that are in significant demand (**Appendix IV**).

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 Chak On Estate, Nam Shan Estate and Shek Kip Mei Estate to non-residents for a period of five years. According to the applicant, the average vacancy rates of the vehicle parking spaces in the three estates were about 38% for Chak On Estate, 26% for Nam Shan Estate and 18% for Shek Kip Mei Estate from July 2020 to June 2021. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilize 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 non-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. C for T has no in-principle objection to the application provided that the applicant would review the residents' parking demand regularly and allocate the parking spaces to the residents of the subject estates 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 The Sites were previously approved for the same use by the Committee on a temporary basis for three years in 2004, 2007, 2010, 2013, 2016 and 2019 (Application Nos. A/TWK/1, A/TWK/3, A/TWK/5, A/TWK/7, A/TWK/9 and A/TWK/11 respectively). There are also three similar applications within Cheung Sha Wan and Shek Kip Mei areas approved with or without condition(s) by the Committee between 2002 and 2009 (Application Nos. A/K5/504, A/K5/509 and A/K5/686). There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on previous and similar applications.
- 10.5 Regarding the public concern on the use of the surplus parking spaces for community or elderly care facilities, the applicant has responded in paragraph 2(g) above that the feasibility of converting the parking spaces to other uses will be explored (**Appendix Ib**). The applicant has also converted parking spaces in Nam Shan Estate and other housing estates into other uses taking into account feasibility and technical constraints. In this regards, an advisory clause is recommended to advise the applicant to consider releasing such spaces for the provision of community facilities that are in deficit.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments 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 5 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 respective residents of Chak On Estate, Nam Shan Estate and Shek Kip Mei 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

The recommended advisory clause is 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

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| Appendix I | Application form received on 19.10.2021 and supplementary information received on 25.10.2021 |
| Appendix Ia | FI received on 16.11.2021 |
| Appendix Ib | FI received on 24.11.2021 |
| Appendix II | Previous applications |
| Appendix III | Similar applications |
| Appendix IV | Public comments |
| Appendix V | Advisory clauses |
| Plan A-1 | Location plan of the Sites |
| Plans A-2a, A-3a and A-4a | Location plans |
| Plans A-2b, A-3b and A-4b | Site plans |
| Plans A-2c, A-2d, A-3c to A-3e and A-4c to A-4f | Site photos |