

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

APPLICATION NO. A/K/22

Applicant : The Hong Kong Housing Authority (HKHA)

Sites : Carpark floors of a retail-cum-vehicle park block at Choi Ying Estate, Kwun Tong, Kowloon (Carpark (a)); and
Carpark floors under the podiums of Ko Cheung Court and Yau Mei Court, and an open air carpark at Ko Cheung Court, Kwun Tong, Kowloon (Carpark (b))

Lease :

	Land Status
Carpark (a)	<u>Choi Ying Estate</u> <ul style="list-style-type: none">Government land vested in the HKHA under the Vesting Order (VO) No. 228
Carpark (b)	<u>Ko Cheung Court and Yau Mei Court</u> ^[1] <ul style="list-style-type: none">New Kowloon Inland Lot (NKIL) 6459Restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes

Plans :

	Outline Zoning Plan (OZP) No.
Carpark (a)	Draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/31
Carpark (b)	Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/26

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, or the PR and height of the existing building, whichever is the greater.]
[Choi Ying Estate is also subject to a maximum building height of 140mPD.]

^[1] Ko Cheung Court and Yau Mei Court were built by HKHA comprising public rental housing (PRH), Home Ownership Scheme (HOS) and Government Staff Quarters (GSQ).

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 Ying Estate (the Estate), Ko Cheung Court and Yau Mei Court (the Courts) (**Plan A-1**) for a period of 5 years for letting of surplus monthly vehicle parking spaces to non-residents.
- 1.2 The Estate and the Courts fall within areas zoned “R(A)” on the draft Ngau Tau Kok & Kowloon Bay OZP No. S/K13/31 and the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/26 respectively. According to the Notes of the respective OZPs 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 Estate and the Courts are the subject of four (Nos. A/K13/253, A/K13/287, A/K13/300 and A/K/19) and six previous applications (Nos. A/K/2, A/K15/77, A/K15/92, A/K15/108, A/K15/116 and A/K/19) respectively submitted 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 of No. A/K/19 will expire on 23.3.2022.
- 1.4 The location and site plans of the car parks concerned are at **Plans A-2, A-3, A-5 and A-6**. According to the applicant’s submission, from July 2020 to June 2021, the overall vacancy rates of the parking spaces in the Estate and the Courts are about 3% and 7% and all the surplus parking spaces were let to non-residents during the aforesaid surveyed period. 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/19) and the current application is as follows:

	Total no. of monthly parking spaces		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)	
	Previous Scheme A/K/19 ^[^] (a)	Current Scheme A/K/22 ^[^] (b)	Previous Scheme A/K/19 ^[°] (c)	Current Scheme A/K/22 ^[°] (d)	Previous Scheme A/K/19 (a)-(c)	Current Scheme A/K/22 (b)-(d)
Choi Ying Estate						
Private Car (PC)	135	135	134	134	1 (0.7%)	1 (0.7%)
Light Goods Vehicle (LGV)	18	18	13	14	5 (27.8%)	4 (22.2%)
Motorcycle (MC)	36	36	32	36	4 (11.1%)	0 (0.0%)
Total	189	189	179	184	10 (5.3%)	5 (2.6%)
Ko Cheung Court and Yau Mei Court						
PC	419	419	418	419	1 (0.2%)	0 (0.0%)
LGV	22	22	17	21	5 (22.7%)	1 (4.5%)
MC	205	205	159	162	46 (22.4%)	43 (21.0%)
Total ^[#]	646	646	594	602	52 (8.0%)	44 (6.8%)

[^] Figures exclude hourly parking spaces and parking facilities reserved for the estate management.

[°] For Ko Cheung Court and Yau Mei Court, it is required under the lease governing the Courts that parking spaces should also be provided to the residents of Yau Tong Estate. No. of parking spaces let out as tabulated above include the residents of Ko Cheung Court, Yau Mei Court and Yau Tong Estate.

[#] The parking spaces exclusively to serve the residents of the GSQ are excluded.

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

- (a) Application form with attachments received on 4.1.2022 **(Appendix I)**
- (b) Further information (FI) received on 4.2.2022 providing responses to departmental comments* **(Appendix Ia)**
- (c) FI received on 9.2.2022 providing responses to public comments* **(Appendix Ib)**

* 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 **Appendices I, Ia and Ib**. They are summarized as follows:

- (a) As revealed by surveys of utilization rates of monthly parking spaces in the Estate/the Courts for a 12-month period (from July 2020 to June 2021), there are still surplus parking spaces after allocation of parking spaces to the residents. The overall vacancy rate of the Estate and the Courts are about 3% and 7% respectively. In order to optimise the use of public resources, it is proposed to let all surplus parking spaces in the Estate/the Courts to non-residents.
- (b) The proposed letting of surplus parking spaces will not result in any increase of parking spaces and will not generate any additional traffic flow. No adverse traffic or environmental impact is therefore envisaged.
- (c) Without involving any physical changes and changes in land use, the proposed letting of surplus parking spaces is considered compatible with other uses in the surrounding areas.
- (d) Entrances to individual residential towers in the Estate and the Courts are separated from the carparks. With security guard/patrolling and installation of CCTV, the proposal should not create any management or security problems.
- (e) Upon upholding the policy of (a) according the highest priority to the residents in letting of parking spaces; (b) only letting surplus monthly parking spaces to non-residents; and (c) keeping the same monthly charges for both residents and non-residents, the interests of the residents would not be compromised.
- (f) The Estate Management Advisory Committees (EMAC) of the Estate and District Council members concerned were consulted on 10.5.2021 with objection received against the proposed letting of surplus parking spaces in the Estate to non-residents, but no grounds of objection given. HKHA's policy on upholding of the resident's rights and interests in renting monthly parking spaces had been conveyed to the EMAC members and no further comment was received after the meeting. The EMAC of Ko Cheung Court (PRH portion^[2]) was also consulted on 7.5.2021 with no objection received.
- (g) 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 proposals and fulfill the approval conditions.
- (h) In response to the public comment on the inadequacy of car parking provision in the Courts to satisfy the demand of the residents therein, the applicant responded that the residents of the subject estate and courts will be accorded the highest

^[2] Parking facilities exclusively serve the GSQ portions of the Courts are not the subject of current application. The managing agent of the GSQ has been notified of the applicant's proposal to let the surplus parking spaces to non-residents.

priority in letting of parking spaces and only surplus monthly parking spaces will be let to non-residents. Therefore the parking needs and interest of the residents will not be compromised under the proposal.

- (i) In response to the public comment on the feasibility of using the surplus parking spaces to provide services that would better benefit the residents of the Estate and Courts, the applicant advised that HKHA has been studying for conversion of carparks with relatively lower occupancy rates to other uses subject to circumstances of individual carparks, technical constraints, cost effectiveness and other considerations. HKHA has been adopting measures to maximize the usage of carparks 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

The Estate

- 3.1 Since the Estate (including the carpark) involves 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 to the application.

The Courts

- 3.3 The applicant is one of the “current land owners” and has complied with the requirement as set out in the TPB PG-No. 31A by notifying other current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 The Estate is the subject of four previous applications (Nos. A/K13/253, A/K13/287, A/K13/300 and A/K/19) for the same use approved with condition by the Committee of the Board for a period of 3 years on 9.4.2010, 15.3.2013, 5.2.2016 and 8.3.2019 respectively.
- 4.2 The Courts are the subject of six previous applications (Nos. A/K/2, A/K15/77, A/K15/92, A/K15/108, A/K15/116 and A/K/19) for the same use approved with condition by the Committee of the Board for a period of 3 years on 28.5.2004, 23.3.2007, 19.3.2010, 15.3.2013, 5.2.2016 and 8.3.2019 respectively.
- 4.3 A summary of the approval conditions for the previous applications is at **Appendix II.**

5. Similar Applications

5.1 There are 19 similar applications for letting the surplus monthly vehicle parking spaces to non-residents on a temporary basis for other PRH/HOS developments in Kwun Tong District. All of them (Nos. A/K/2, A/K/6, A/K/10, A/K/13, A/K/15, A/K/17, A/K/20, A/K13/219, A/K13/246, A/K13/297, A/K13/302, A/K14/384, A/K15/78, A/K15/84, A/K15/95, A/K15/109, A/K15/110, A/K15/117 and A/K15/118) were approved by the Committee with or without conditions (**Plan A-1**).

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

6. The Sites and their Surrounding Areas (Plans A-2 to A-8)

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

Estate/Courts	Types of Existing Car Park	Adjacent Developments	Vehicular Access
The Estate (Plans A-2 to A-4)	Car park accommodated in Choi Ying Place, a retail-cum-vehicle park block in the Estate	<ul style="list-style-type: none"> - to the immediate north across Choi Ha Road are two primary schools; - to the east and north-east are residential blocks of Choi Ying Estate; - to the immediate southwest is Choi Wan Road Sitting Out Area; and - Tak Bo Garden is located to the further south across Choi Wan Road. 	Choi Ha Road via Choi Wan Road and Kwun Tong Road
The Courts (Plans A-5 to A-8)	Vehicle park floors under the podiums of the Courts and open vehicle park of Ko Cheung Court	<ul style="list-style-type: none"> - to the immediate north are Ko Chiu Road Rest Garden and Yau Tong Estate; - to the immediate east is Ko Yee Estate; - to the south is Lei Yue Mun Estate; - to the west are Yau Tong Estate with a shopping mall (Domain) and a secondary school; and - MTR Yau Tong Station is approximately 150m to the further west 	Lei Yue Mun Road for Yau Mei Court and Ko Chiu Road for Ko Cheung Court

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 (Pending)

8.1 The following Government departments have been consulted and their views on the application and/or public comments are summarized as follows:

Land Administration

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

- (b) The Estate has been vested into the HKHA under VO No. 228 for control and management of the estate. He has no objection from the land administrative point of view to the application.
- (c) The Courts fall within NKIL No. 6459 (the Lot), which is governed by a Government Lease containing, inter alia, that the Lot is restricted to non-industrial (excluding godown, hotel and petrol filling station) purposes.
- (d) By virtue of a waiver letter dated 3.12.2004, the surplus car parking spaces of the Courts are permitted to be underlet to members of the public subject to obtaining relevant planning permission. Hence, he has no objection on the application.

Traffic Aspect

8.1.2 The Commissioner for Transport (C for T):

He has no in-principle objection to letting out the surplus parking spaces from district traffic engineering point of view. The applicant should review the residents’ parking demand from time to time and allocate the parking spaces to the residents of the Estate and the Courts in priority.

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

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Commissioner of Police;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Building Surveyor/Kowloon, Buildings Department;
- (e) Chief Engineer/Construction, Water Supplies Department;

- (f) Director of Fire Services;
- (g) Chief Architect/CMB2, Architectural Services Department; and
- (h) District Officer (Kwun Tong), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

On 11.1.2022, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 4.2.2022, 20 public comments were received from individuals and local residents. 18 of them object to the application (**Appendices IVa to IVr**) mainly on the ground that the current provision of car parking spaces at the Estate/the Courts is far from adequate to meet the residents' demand, which has given rise to illegal parking problems and adverse traffic impacts. One comment supports the application on the ground that the provision of car parking spaces is inadequate in Yau Tong area (**Appendix IVs**). One comment expresses concerns that the surplus vehicle parking spaces should be used to provide services that would better benefit the residents of the Estate and the Courts (**Appendix IVt**).

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 of the Estate and the Courts in Kwun Tong District to non-residents for a period of 5 years. These involve one PC and 4 LGV parking spaces of the Estate, and one LGV and 43 MC parking spaces of the Courts. According to the applicant, the overall vacancy rates of the vehicle parking spaces (mainly for LGV and MC) from July 2020 to June 2021 if not let to non-residents were about 2.6% for the Estate and 6.8% for the Courts. 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 car parks from time to time so as to optimize 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 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 as well as feasibility of conversion of vacant parking spaces to other uses would not be compromised.
- 10.3 According to the applicant, the proposal would not attract additional traffic flow to the surrounding areas. The C for T has no comment on the application from district traffic engineering viewpoint. C for T has no in-principle objection to the application provided that the applicant would review the residents' parking demand from time to time and allocate the parking spaces to the residents of the Estate and the Courts 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 Estate and the Courts were previously approved for the same use by the Committee in 2004, 2007, 2010, 2013, 2016, 2019 (Application Nos. A/K13/253,

A/K13/287, A/K13/300, A/K/2, A/K15/77, A/K15/92, A/K15/108, A/K15/116 and A/K/19 respectively. There are also 19 similar applications (Nos. A/K/2, A/K/6, A/K/10, A/K/13, A/K/15, A/K/17, A/K/20, A/K13/219, A/K13/246, A/K13/297, A/K13/302, A/K14/384, A/K15/78, A/K15/84, A/K15/95, A/K15/109, A/K15/110, A/K15/117 and A/K15/118) at various HOS/PRH developments in Kwun Tong District approved by the Committee with or without condition(s) between 2001 and 2019. 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 the Estate/the Courts to meet the demand of the residents, the application involves only one PC and 4 LGV parking spaces of the Estate; and one LGV and 43 MC parking spaces of the Courts, which according to the applicant are surplus spaces as recorded in their survey. No PC space in the Courts is involved. The applicant has responded in paragraph 2(h) above that the residents of the Estate and Courts will be accorded the highest priority in letting of parking spaces and only surplus monthly parking spaces will be let to non-residents, and thus the parking needs and interest of the residents will not be compromised under the proposal. Regarding the public concern on the use of the surplus parking spaces to provide services that would better benefit the residents of the Estate and the Courts, the applicant has responded in paragraph 2(i) above that the feasibility of converting the parking spaces to other uses such as welfare and retail facilities has been being studied. In this regard, an advisory clause is recommended to advise the applicant to consider releasing such spaces for the provision of services that would benefit the residents of the Estate and the Courts.

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 4.3.2027. The following condition of approval and advisory clause are suggested for Members' reference:

Approval Condition

Priority should be accorded to the respective residents of Choi Ying Estate, Ko Cheung Court, Yau Mei Court and Yau Tong 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.

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 with attachments received on 4.1.2022
Appendix Ia	FI received on 4.2.2022
Appendix Ib	FI received on 9.2.2022
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IVa to IVt	Public comments
Appendix V	Recommended Advisory clause
Plan A-1	Location Plan of three housing sites
Plans A-2 to A-4	Site Plan and Site Photo (Choi Ying Estate)
Plans A-5 to A-8	Site Plan and Site Photos (Yau Mei Court and Ko Cheung Court)

PLANNING DEPARTMENT

MARCH 2022