

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

**APPLICATION NO. A/H25/19**

- Applicant** : The Automall Limited represented by Kenneth To & Associates 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 6,207.6m<sup>2</sup>
- Lease** : Inland Lot (I.L.) 8593 governed by the Conditions of Grant No. 11784 for a term of 75 years commencing on 19.2.1985
- (a) SC 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 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 345 motor vehicles to be parked at the waiver area is granted on quarterly basis
- Plan** : Approved Wan Chai North Outline Zoning Plan (OZP) No. S/H25/4
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services (Motor-vehicle Showroom) for a period of three years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary motor-vehicle showroom, which is regarded as ‘Shop and Services’ use, at part of the Basement Level B1 of the Car Park Complex, HKCEC (Phase 1) (the Premises) for a period of three years. The Premises falls within an area zoned “Open Space” (“O”) on the approved Wan Chai North Outline Zoning Plan (OZP) No. S/H25/4 (**Plan A-1**). According to the Notes of the OZP for the subject “O” zone, ‘Shop and Services’ requires planning permission from the Town Planning Board (the Board).

Whilst temporary uses expected to be five years or less of any land or buildings are permitted in all zones as long as they comply with other Government requirements, it is the Board's practice to treat temporary uses in permanent buildings as permanent uses. As such, the proposed temporary motor-vehicle showroom requires planning permission from the Board under section 16 of the Town Planning Ordinance (the Ordinance).

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

- (a) Applicant's letter and application form received on **(Appendix I)** 1.6.2018
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Applicant's letter dated 6.7.2018 providing **(Appendix Ib)** clarification on maximum number of visitors and the arrangement of the unaffected car parking spaces

1.3 The Premises is the subject of seven previous s.16 applications for a temporary motor-vehicle showroom use by the same applicant, and six of which were approved from 2003 to 2016 (details are provided at paragraph 4 below). The last planning permission (under Application No. A/H25/18) will lapse on 30.7.2018. The current application is to continue the use the Premises for a temporary motor-vehicle showroom by the same applicant for a period of three years.

1.4 The floor plan showing the layout of the Premises submitted by the applicant is provided in **Drawing A-1**. As compared with the last application, the scale of the temporary motor-vehicle showroom has been reduced. However, the existing sales office which is demarcated from the car display area with a separate corridor with Y-Tong Block Wall as means of escape (MoE), existing enhanced fire services installations (FSIs) such as smoke detection system, fast response sprinkler system, public announcement system and existing mechanical monitoring system for controlling the number of visitors will remain unchanged (**Drawing A-2** and **Plan A-4**). A summary of the changes are indicated below:

	<b>Last Application (A/H25/18)</b>	<b>Current Application (A/H25/19)</b>	<b>Difference</b>
Floor Area	8,560m <sup>2</sup>	6,207.6m <sup>2</sup>	-2,352.4m <sup>2</sup> (-27.5%)
No. of Affected Car Park	305	252	-53 (-17.4%)
Maximum no. of cars to be parked in the Display Area	345	276	-69 (-20%)
Maximum no. of visitors in the Display Area	300	300	0

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in section 4 of the planning statement at **Appendix Ia**. The main justifications are summarised as follows:

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

- (a) 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 on number of visitors and the provision of enhanced FSIs e.g. smoke detection system, public announcement system, CCTV and fast response sprinkler. Bi-monthly audit reports have been submitted to the Board 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 the bi-monthly audit report for monitoring the number of visitors within the Premises.

### *No Adverse Impact on Provision of Car Parking Spaces in Wan Chai North Area*

- (b) According to the parking records for HKCEC (Phase 1) Car Park from January to December 2017 (Appendix 3 of **Appendix Ia**), there are vacant parking spaces during mega exhibitions when the temporary motor-vehicle showroom at the Premises was in operation. In response to the comments of the Transport Department (TD) and the Board in the previous approval, the applicant proposes to release 53 parking spaces for public parking so that more car parking spaces would be available for the public when visiting HKCEC at the peak periods. It is envisaged that there would be a surplus of 53 vacant parking spaces during major exhibitions.
- (c) According to the Second Parking Demand Study commissioned by TD, there are around 8,900 numbers of surplus “usage-related” private car parking spaces in Wan Chai District for year 2011. Taking into account the growth trend of demand and no major changes in the planning circumstances in the Wan Chai district, it is reasonable to assume that the current parking condition would remain similar to the year 2021 situation. Hence, the impact of the extension of the temporary motor-vehicle showroom for further three years is considered insignificant on the parking condition in the area.

### *Suitability of the Proposed Use at the Premises*

- (d) The proposed temporary motor-vehicle showroom at the Premises has been in operation by the same operator since 2003. It is considered a compatible and suitable use. Over the past 15 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.

*No Adverse Traffic Impact on the Surrounding Road Network*

- (e) As 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. The application 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. 31) by sending notification letter to the owner. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Applications**

- 4.1 The Premises is the subject of seven previous s.16 applications (No. A/H25/2, A/H25/6, A/H25/9, A/H25/10, A/H25/12, A/H25/14 and A/H5/18) for temporary exhibition hall for motor vehicles or temporary motor-vehicle showroom since 2003. All the previous applications were approved with conditions by the Committee/the Board, except Application No. A/H25/9 which was rejected by the Committee due to insufficient information in the submission to demonstrate the provision of FSIs. Details of the previous applications are set out in **Appendix II**.
- 4.2 Among the applications approved, a shorter term of the temporary planning permission of two years was granted since 2009 for reasons of monitoring the operation of the subject temporary exhibition hall for motor vehicles at the application premises (No. A/H25/10), monitoring the possible changes in the future demand for car parking spaces in the area (No. A/H25/12) and controlling the supply of and demand for car parking spaces at HKCEC and its vicinity (No. A/H25/14 and A/H25/18).

**5. Similar Applications**

There is no similar application for ‘Shop and Services’ (Motor-vehicle Showroom) use within “O” zone within the Wan Chai North Planning Scheme Area.

**6. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

- 6.1 The Premises is:
  - (a) located at the lowest level of the 3-storey car park cum public open space complex west of the Grand Hyatt Hotel (and the HKCEC complex);

- (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; and
- (c) is accessible by vehicles via the existing car park entrances at Harbour Road and Convention Avenue. Pedestrians can access the Premises via ground floor entrance at Harbour Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the east and northeast of the Premises are the Hong Kong Grand Hyatt Hotel, Convention Plaza (serviced apartment), HKCEC and HKCEC New Wing;
- (b) to the further east is the Exhibition (EXH) Station of Shatin to Central Link (SCL) under construction. The topside of EXH Station is planned for convention and meeting facilities and other commercial related uses;
- (c) to the south across Harbour Road are Government, Institution or Community (G/IC) facilities, including Hong Kong Academy for Performing Arts, Hong Kong Arts Centre and Wan Chai Government Complex, and commercial developments like Shui On Centre, Telecom House, The Harbourview (hotel); and
- (d) to the west across Convention Avenue are a public open space and ventilation shafts, whereas to the north is the reclamation area of Wan Chai Development Phase II.

## **7. 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.

## **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 East, Lands Department (DLO/HKE, LandsD):

- (a) the Premises falls within IL 8593 which is held under the Conditions of Grant No. UB11784 as varied or modified by a Modification Letter dated 8.6.1990 (“the Condition”). Under Special Condition No. (10)(a) of the Conditions, 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. A temporary waiver has been issued to permit the waived area 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 345 motor vehicles to be parked at the waiver area. The temporary waiver is currently on quarterly basis; and

- (b) the applicant has reduced the scale of the temporary motor-vehicle showroom to meet the demand for public parking in the Wan Chai North Area. The area would be reduced to 6,207.6m<sup>2</sup> (subject to verification) and the maximum number of cars to be parked in the Premises would be reduced to 276 which do not tally with the terms and conditions of the temporary waiver. Moreover, the boundary of the Premises does not tally with that as shown on temporary waiver plan. If planning permission from the Board is given, the applicant is required to apply to LandsD to amend/vary the terms and conditions of the temporary waiver, including but not limited to the waiver area, boundary alignment and number of cars to be parked at the waiver area. However, there is no guarantee that such application will be approved and if approved by LandsD, acting in its capacity as the landlord at its discretion, it will be subject to such terms and conditions, including payment of appropriate fees, as imposed by LandsD.

### **Building Matters**

#### 8.1.2 Comments of the Chief Building Surveyor/Hong Kong East & Heritage Section, Buildings Department (CBS/HKE&H, BD):

- (a) no comment under the Buildings Ordinance (BO) on the planning application; and
- (b) no objection to impose conditions regarding the maximum number of visitors permitted, employment of an independent professional to monitor the mechanical monitoring system and an Authorised Person to conduct bi-monthly audit checks on the monitoring system as well as submission of bi-monthly audit reports which was imposed in the previous permission (No. A/H25/18).

### **Fire Safety**

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

- (a) no objection in principle to the application subject to the FSIs and water supplies for firefighting being provided to his satisfaction; and
- (b) detailed fire services requirements will be formulated at the detailed design stage.

### **Traffic Aspect**

#### 8.1.4 Comments of the Secretary for Commerce and Economic Development (SCED):

- (a) as far as he understands, from time to time when major events were being held in the HKCEC, there were vehicles queuing outside HKCEC; and the conversion of a portion of the basement car park into a motor-vehicle showroom will reduce the number of parking spaces available to HKCEC visitors; 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.

#### 8.1.5 Comments of the Commissioner for Transport (C for T):

- (a) he has no comments on the application and no adverse comments on SCED's proposal of limiting the approval period to two years (instead of three years in the application); and
- (b) the parking requirements for HKCEC should be timely reviewed in view of the impact of the future developments, e.g. the Central/Wan Chai Bypass, the SCL EXH Station and redevelopment of Wan Chai Government Offices.

### **Environmental Aspect**

#### 8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) it is noted that the current application is similar to the previous applications. As such, he has no objection to the application from environmental planning perspective. If the application is approved by the Board, no approval condition is required to be imposed in the permission;
- (b) since air quality within the Premises might be a concern, the applicant is advised on the following:
  - (i) to switch on vehicle engines only when necessary and switch off the engines immediately after use to minimise air pollutants in the proposed showroom;
  - (ii) to make reference to and comply with the Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611); and
  - (iii) to make reference to the Practice Note on "Control of Air Pollution in Car Park" (ProPECC No. 2/96) which provides information on the air quality standards in car park.

### **District Officer's Comments**

8.1.7 Comments of the District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD):

He has not received any comments from members of the public.

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

- (a) Secretary for Development (Harbour Unit);
- (b) Chief Highway Engineer/Hong Kong, Highways Department; and
- (c) Commissioner of Police.

## **9. Public Comments Received During Statutory Publication Period**

9.1 On 8.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 29.6.2018, one comment from a member of the public was received (**Appendix III**). The commenter objects to the application and the major grounds are summarised as follows:

- (a) the application is not in line with the planning intention of the Premises nor the traffic need of the Wan Chai North area. There is no justification on how the temporary motor-vehicle showroom would be compatible uses with the HKCEC;
- (b) the parking is full during major events at HKCEC. This has led to additional traffic flow circulating around the nearby street which result to traffic congestion, illegal road-side parking and idling vehicles, resulting in adverse traffic condition and air pollution;
- (c) there were supposed to be 1,300 parking spaces provided at HKCEC, but there are actually 1,067 spaces provided. The spaces serve not only the HKCEC but also the apartments at Convention Plaza. TD shall advise the number of parking spaces required;
- (d) a significant number of car parking spaces appear to be used for long time parking. It seems they are related to the Automall Limited. It is not appropriate that public parking in order to cater for exhibition centre to be used for vehicle storage;
- (e) the Parking Demand Study has not taken into account the future developments (e.g. the opening of Central/Wan Chai Bypass and the station of the SCL) which will bring additional traffic to the area; and
- (f) the Premises should be converted to community or recreational uses if there is no genuine need for parking. Also, the parking spaces shall be moved down one floor below ground so as to leave the ground floor free for community use with connection to the public garden on the roof.



## **10. Planning Considerations and Assessment**

- 10.1 The application is to seek planning permission for continuing the use of the Premises for a motor-vehicle showroom for a period of three years. The Premises falls within the “O” zone, which is intended primarily for 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. The proposed temporary motor-vehicle showroom is not in line with the planning intention of the “O” zone. However, while the aboveground area of the subject “O” zone was developed as a public open space, its underground space had been developed as a 3-storey car park (with two basement levels) to meet the car parking requirement of HKCEC. The proposed temporary motor-vehicle showroom, which has been in operation within Basement Level B1 of the underground car park since 2003, would not affect the public open space on top of the car park and is thus considered not unacceptable from land use point of view.
- 10.2 As mentioned in paragraph 4 above, the Premises was involved in the six previous applications for the temporary motor-vehicles showroom/exhibition hall for motor vehicles which were approved with conditions by the Committee/the Board since 2003. As compared with the last planning application (which involved 305 parking spaces out of the total 1,070 parking spaces in HKCEC (Phase 1) car park), the applicant proposes to reduce the scale of the temporary motor-vehicles showroom (i.e. occupying only 252 parking spaces) so as to make available more car parking spaces in HKCEC (Phase 1) car park for the public.
- 10.3 The Parking Demand Study submitted by the applicant has reviewed the latest car parking condition of the HKCEC (Phase 1) car park. The parking demand records have revealed that the HKCEC (Phase 1) car park still has adequate parking spaces during major events of HKCEC even with the proposed temporary motor-vehicles showroom. The Parking Demand Study has also assessed that there will be sufficient private car parking provision in Wan Chai up to 2021. In addition, as the motor vehicles at the Premises are for display and will not move in and out frequently, the proposed showroom would not induce major adverse traffic impact on the vicinity. Whilst SCED advises that from time to time, there would be vehicles queuing outside HKCEC when major events were being held in HKCEC and conversion of basement car park into a motor-vehicle showroom will reduce the number of parking spaces available to HKCEC visitors, the on-site survey carried out on some event days of HKCEC has revealed that illegal parking and vehicle waiting outside the HKCEC (Phase 1) car park are not related to whether the HKCEC (Phase 1) car park was fully occupied or not. While C for T has no comment on the findings of the Parking Demand Study submitted by the applicant, she is of the view that the parking requirements for HKCEC should be timely reviewed in view of the impact of the future development, e.g. the Central/Wan Chai Bypass, the future SCL EXH Station and redevelopment of Wan Chai Government Offices for convention and exhibition facilities. SCED has also proposed to grant a shorter approval period (i.e. two years) of the planning permission, given that the parking demand may change with the passage of time and the on-going developments around the

Premises. To address their concerns, it is recommended that the approval period shall be limited to not more than two years, should the application be approved by the Committee. This is also consistent with the period of planning approval granted by the Committee/the Board for the Premises since 2009.

- 10.4 On the safety aspect, the applicant has carried out measures to meet fire safety requirements, including demarcation of a sales office from the car display area, 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) (**Drawings A-1 and A-2 and Plan A-4**). These measures are required under the approval conditions of the last application and have been satisfactorily discharged. CBS/HKE&H, BD and D of FS have no objection to/comment on the application. However, as recommended by CBS/HKE&H, BD and D of FS, relevant approval conditions will be imposed to enforce and monitor the provision of FSIs and the implementation of the measures to meet fire safety requirements if the application is approved by the Committee. To address the possible air quality concerns within the Premises, advisory clause will also be recommended to request the applicant to take note of the relevant Ordinance and practice note in relation to control of idling motor vehicle and air pollution in car park.
- 10.5 As for the public concerns on the planning intention of the Premises, car parking space provision at HKCEC, air quality, adverse traffic impacts including traffic congestion and illegal parking on the adjacent road network and traffic impact due to the future developments in the area, views from relevant government departments set out in paragraph 8.1 above and planning assessments set out in paragraphs 10.1 to 10.4 above are relevant. Regarding the proposed alternative use of the Premises, it is considered that the Premises shall be retained as a public car park to serve the parking demand in the area.

## **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10 above 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 on a temporary basis, a shorter period of two years until 20.7.2020 instead of three 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 276 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;
- (g) the provision of fire service installations within three months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 20.10.2018;
- (h) if any of the above planning conditions (a) to (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if the above planning condition (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

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

- 11.3 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 proposed 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.

## **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**

<b>Appendix I</b>	Applicant's letter and application form received on 1.6.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Applicant's letter dated 6.7.2018 providing clarification
<b>Appendix II</b>	A summary of the details of the previous applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Layout Plan showing the Sales Offices, Locations of Fire Exit & Fire Escape Route
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to 4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2018**