

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/K/20

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Premises** : Carpark floors under the podium and an open air car park at Lei Yue Mun Estate, Yau Tong, Kowloon (Carpark (a));
Carpark floors under the podium at Yau Chui Court, Yau Tong, Kowloon (Carpark (b)); and
Open air carparks at Wo Lok Estate, Kwun Tong, Kowloon (Carpark (c))

Lease :

	Land Status
Carpark (a)	<u>Lei Yue Mun Estate</u> <ul style="list-style-type: none">● Government land vested into the HKHA under the Vesting Order (VO) No. 206
Carpark (b)	<u>Yau Chui Court and Yau Tong Estate</u> ^[1] <ul style="list-style-type: none">● New Kowloon Inland Lot (NKIL) No. 6414
Carpark (c)	<u>Wo Lok Estate</u> <ul style="list-style-type: none">● Kwun Tong Inland Lot (KTIL) No. 322 R.P., KTIL No. 600 R.P. and Extension

Plans :

	Outline Zoning Plan (OZP) No.
Carparks (a) and (b)	Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/25
Carpark (c)	Approved Kwun Tong (South) OZP No. S/K14S/22

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 of the existing building, whichever is the greater.]

^[1] Yau Chui Court and Yau Tong Estate, comprises mainly a Home Ownership Scheme (HOS) development and public rental housing (PRH) estate, are held by HKHA under a single Government lease (i.e. NKIL No. 6414).

Application : Renewal of Planning Approvals for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Surplus Vehicle Parking Spaces only) under Applications No. A/K15/118 (for Carpark (a)), A/K15/117 (for Carpark (b)), and A/K/15 (for Carpark (c)) for a Period of 3 Years until 3.5.2022^[2]

1. The Proposal

- 1.1 The applicant seeks renewal of planning approvals to continue the use of the existing ancillary vehicle parking spaces at Lei Yue Mun Estate, Yau Chui Court and Yau Tong Estate, and Wo Lok Estate (the Estates/the Court) (**Plan A-1**) for temporary ‘Public Vehicle Park (excluding container vehicle)’ (surplus vehicle parking spaces only) use for a period of 3 years until 3.5.2022 to facilitate letting of the surplus monthly vehicle parking spaces to non-residents.
- 1.2 The Estates/the Court fall within areas zoned “R(A)” on the approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 and the approved Kwun Tong (South) OZP No. S/K14S/22 respectively. According to the Notes of the respective OZPs 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 Estates/the Court and the carparks concerned are shown on **Plans A-2 to A-11**.
- 1.3 According to the applicant’s submission, the overall vacancy rates for all types of parking spaces (if not let to non-residents) were 26% (71 nos.), 5% (19 nos.) and 23% (10 nos.) for Lei Yue Mun Estate, Yau Chui Court and Yau Tong Estate, and Wo Lok Estate respectively in the period between February 2018 and January 2019. A comparison of the total monthly parking spaces and the number of monthly parking spaces let to residents of the Estates/the Court under the previously approved applications and the current application is as follows:

^[2] There are different validity periods for Applications No. A/K15/117, A/K15/118, and A/K/15, which will expire on 25.5.2019, 3.5.2019 and 28.5.2019 respectively.

	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/K15/118 (a)	Current Scheme A/K/20 ^[^] (b)	Previous Scheme A/K15/118 (c)	Current Scheme A/K/20 (d)	Previous Scheme A/K15/118 (a)-(c)	Current Scheme A/K/20 (b)-(d)
Lei Yue Mun Estate (Carpark (a))						
Private Car (PC)	162	166^[*]	115	155	47 (29%)	11^[@] (7%)
Light Goods Vehicle (LGV)	32	32	9	12	23 (72%)	20^[@] (63%)
Motorcycle (MC)	72	72	30	32	42 (58%)	40 (56%)
Total	266	270	154	199	112 (42%)	71 (26%)
Yau Chui Court and Yau Tong Estate (Carpark (b))	Previous Scheme A/K15/117 (a)	Current Scheme A/K/20 ^[^] (b)	Previous Scheme A/K15/117 (c)	Current Scheme A/K/20 ^[@] (d)	Previous Scheme A/K15/118 (a)-(c)	Current Scheme A/K/20 (b)-(d)
PC	234	234	234	234	0 (0%)	0 (0%)
LGV	39	39	38	39	1 (3%)	0 (0%)
MC	134	134	131	115	3 (2%)	19 (14%)
Total	407	407	403	388	4 (1%)	19 (5%)
Wo Lok Estate (Carpark (c))	Previous Scheme A/K/15 (a)	Current Scheme A/K/20 ^[^] (b)	Previous Scheme A/K/15 (c)	Current Scheme A/K/20 (d)	Previous Scheme A/K/15 (a)-(c)	Current Scheme A/K/20 (b)-(d)
PC	41	38^[#]	22	29	19 (46%)	9 (24%)
LGV	0	0	0	0	0 (0%)	0 (0%)
MC	5	5	3	4	2 (40%)	1 (20%)
Total	46	43	25	33	21 (46%)	10 (23%)

- [^] Figures exclude hourly parking spaces and parking facilities reserved for the estate management, and a parking space reserved to Hong Kong Post at Yau Chui Court and Yau Tong Estate that is required under the lease.
- [%] It is required under the lease governing Yau Chui Court and Yau Tong Estate that parking spaces should also be provided to the residents of Yau Lai Estate. Figures above include no. of parking spaces let out to the residents of Yau Chui Court, Yau Tong Estate and Yau Lai Estate.
- [*] Compared with the previous application, the total number of monthly PC parking spaces had increased from 162 to 166 due to the change of 4 hourly parking spaces to monthly use.
- [#] Compared with the previous application, the total number of monthly PC parking spaces had decreased from 41 to 38 due to the change of 3 monthly parking spaces to hourly use.
- [@] According to record, the statistics include 2 PC spaces and 16 LGV spaces let out to Hong Kong Post. As such, the no. of PC and LGV could be let to non-residents are 9 and 4 respectively.
- Note: For Applications No. A/K15/117, A/K15/118 and A/K/15, the statistics covered the period from January to December 2015. For current application, the statistics reflect the situation from February 2018 to January 2019.

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

- (a) Application form with attachments received on 8.3.2019 (**Appendix I**)
- (b) Further information received on 13.3.2019 providing (**Appendix Ia**) clarification on the application
- (c) Further information received on 12.4.2019 providing (**Appendix Ib**) response to public comments
- (d) Further information received on 17.4.2019 providing (**Appendix Ic**) response to departmental comment

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in **Appendices I and Ia to Ic**. They are summarized as follows:

- (a) The applicant has been keeping in view closely the usage and occupancy situation of its parking facilities to maximize the usage and meet the needs of residents and local communities. As revealed by surveys of utilization rates of monthly parking spaces in the Carparks (a), (b) and (c) for a 12-month period, there are still surplus parking spaces after allocation of parking spaces to the residents. In order to optimize the use of public resources, the applicant proposes to let all surplus parking spaces concerned to non-residents.
- (b) By balancing the needs of residents and demand from the public, the applicant has been and will continue reviewing the occupancy rate of and demand for the parking facilities and exploring the feasibility of converting the parking space to the appropriate type of vehicle parking to cater for the most needed ones. The applicant has also converted the parking spaces in the other housing estates into retail, welfare, educational and Government, Institution or Community (GIC) uses taking into account the feasibility and other site constraints. For instance, 51 nos. of PC parking spaces have been converted for a Speedpost Operation Centre of

Hong Kong Post, and upon conversion, the provision of PC parking spaces at Lei Yue Mun Estate still meet the requirement under the Hong Kong Planning Standards and Guidelines and there are still surplus parking spaces for letting out to the residents.

- (c) The proposed letting of surplus parking spaces will not generate additional traffic flow. No adverse traffic and environmental impact is envisaged.
- (d) The proposed letting of surplus parking spaces does not involve any physical changes nor changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (e) Entrances to individual residential towers in the Estates/the Court are separated from the parking spaces. Moreover, security guards are stationed at each residential tower and will patrol within the Estates/the Court from time to time. No management or security problems should be created.
- (f) Residents of the Estates/the Court 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.
- (g) Members of the Estate Management Advisory Committees of Lei Yue Mun Estate, Yau Tong Estate, Yau Lai Estate and Wo Lok Estate as well as the Incorporated Owners of Yau Chui Court have been consulted, and they have no objection to the current application.
- (h) Similar applications submitted by the applicant had all been approved with conditions by the Board. There have been no undue difficulties encountered for the applicant to implement the proposal and fulfill the approval conditions.

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

Lei Yue Mun Estate

- 3.1 As 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) is not applicable to the application.

Yau Chui Court and Yau Tong Estate

- 3.2 The applicant is one of the “current land owners” and has complied with the requirements as set out in the TPB PG-No. 31A by notifying other current land owners (Appendices 7 and 8 of **Appendix I**).

Wo Lok Estate

- 3.3 The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria for renewal of planning approval are summarized as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land use zoning of the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specific time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Previous Applications

- 5.1 Carpark (a) is the subject of five previous applications for a period of 3 years (Nos. A/K/2, A/K/6, A/K/10, A/K15/110 and A/K15/118) for the same use approved with condition by the Metro Planning Committee (the Committee) of the Board for a period of 3 years on 28.5.2004, 25.5.2007, 28.5.2010, 3.5.2013 and 8.4.2016 respectively (**Plan A-1**). The planning permission of the last renewal application No. A/K15/118 will expire on 3.5.2019.
- 5.2 Carpark (b) is the subject of five previous applications for a period of 3 years (Nos. A/K/2, A/K15/78, A/K15/95, A/K15/109 and A/K15/117) for the same use approved with condition by the Committee of the Board on 28.5.2004, 25.5.2007, 7.5.2010, 3.5.2013 and 18.3.2016 respectively (**Plan A-1**). The planning permission of the latest renewal application No. A/K15/117 will expire on 25.5.2019.
- 5.3 Carpark (c) is the subject of five previous applications for a period of 3 years (Nos. A/K/2, A/K/6, A/K/10, A/K/13 and A/K/15) for the same use approved with condition by the Committee of the Board on 28.5.2004, 25.5.2007, 28.5.2010, 3.5.2013 and 18.3.2016 respectively (**Plan A-1**). The planning permission of the latest renewal application No. A/K/15 will expire on 28.5.2019.

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

6. Similar Applications

- 6.1 There are 20 similar applications for letting the surplus monthly vehicle parking spaces to non-residents on a temporary basis for other PRH estates/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/19, A/K13/219, A/K13/246, A/K13/253, A/K13/287, A/K13/297, A/K13/300, A/K13/302, A/K14/383, A/K15/77, A/K15/84, A/K15/92, A/K15/108 and A/K15/116) were approved by the Committee with or without conditions (**Plan A-1**).
- 6.2 Application No. A/K/2 for the conversion of ancillary car parks to public car parks in 22 other PRH estates/HOS developments was approved by the Committee on 28.5.2004 on a temporary basis for a period of 3 years. Subsequently, applications (Nos. A/K/6, A/K/10, A/K/13, A/K/15, A/K/19, A/K13/246, A/K15/77, A/K15/84, A/K15/92, A/K15/108 and A/K15/116) for renewal of planning approval in respect of some of those car parks were approved with condition for 3 years each, up to 23.3.2022 ^[3]. Five other applications (Nos. A/K13/219, A/K13/253, A/K13/287, A/K13/297 and A/K13/300) for three PRH estates were approved with condition by the Committee on 9.3.2007, 9.4.2010, 15.3.2013, 21.8.2015 and 5.2.2016 respectively on a temporary basis for a period of 3 years.
- 6.3 Application Nos. A/K13/302 and A/K/17 for the conversion of ancillary car parks to public car parks in five PRH estates on a temporary basis for a period of 5 years will expire on 3.2.2022 and 9.6.2022 respectively.
- 6.4 Another similar application (No. A/K14/384) for permanent public vehicle park use at five HOS developments was approved by the Committee on 1.6.2001.
- 6.5 A summary of the approval conditions for the similar applications is at **Appendix III**.

7. The Sites and their Surrounding Areas (Plans A-2 to A-11)

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:

Estates/Court	Types of Existing Car Park	Adjacent Developments	Vehicular Access
Lei Yue Mun Estate (Plans A-2 to	Car parking floors under the podium of Lei Yue Mun Estate	- to the north across Ko Chiu Road are Yau Mei Court and Ko Cheung Court;	Ko Chiu Road

^[3] Application No. A/K/19 as approved with condition by the Committee for a period of 3 years on 8.3.2019 and will expire on 23.3.2022. The other planning permissions lapsed already.

Estates/Court	Types of Existing Car Park	Adjacent Developments	Vehicular Access
A-4)	and its adjoining open air car park	<ul style="list-style-type: none"> - to the east and south are residential blocks of Lei Yue Mun Estate - to the west is a bus terminus and further west across Yan Wing Street is Yau Tong Centre; and - the MTR Yau Tong Station is approximately 450m to the northwest 	
Yau Chui Court and Yau Tong Estate (Plans A-5 to A-7)	Car parking floors under the podium of Yau Chui Court	<ul style="list-style-type: none"> - to the north, west and south, and to the east across Lei Yue Mun Road are four schools respectively; - to the south is Yau Mei Court; and - the MTR Yau Tong Station is approximately 250m to the southwest 	An internal road leading to Lei Yue Mun Road
Wo Lok Estate (Plans A-8 to A-11)	Open air car parks of Wo Lok Estate	<ul style="list-style-type: none"> - surrounded by residential blocks of Wo Lok Estate; - to the south and west are private residential buildings along Yuet Wah Street; and - to the east are Tsui Ping (North) Estate and Po Pui Court 	Hip Wo Street and Yuet Wah Street

8. 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.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) No objection to the proposed renewal of planning approvals.

Lei Yue Mun Estate

- (b) The subject estate has been vested into the HKHA under V.O. No. 206 dated 20.8.2010.

Yau Chui Court and Yau Tong Estate

- (c) The subject Court and Estate fall within NKIL No. 6414 and is governed by a Government Lease for a term of 50 years commencing 9.9.2009 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 9.9.2009, the surplus car parking spaces of Yau Chui Court and Yau Tong Estate are permitted to be underlet to members of the public subject to obtaining relevant planning permission.

Wo Lok Estate

- (e) The subject estate falls within KTIL 322 RP, KTIL 600 RP & Extension to KTIL 600 RP.
- (f) The proposed renewal of planning approval for temporary “public vehicle park” use for letting of surplus parking spaces to non-residents at Wo Lok Estate is in breach of the lease conditions of the above lots. The HKHA has already submitted a temporary waiver application to LandsD to implement the proposal which is under processing. If the application is approved by LandsD in the capacity of a landlord at his sole discretion, it will be subject to those terms and conditions as imposed by LandsD.

Traffic Aspect

- 9.1.2 The Commissioner for Transport (C for T) has no in-principle objection to letting out the surplus parking spaces to non-residents at Lei Yue Mun Estate, Yau Chui Court and Yau Tong Estate, and Wo Lok Estate from traffic engineering point of view, subject to the approval condition that priority should be accorded to the residents of the Estates/the Court.

Other Aspect

- 9.1.3 The Postmaster General advises that there is an operation need for Hong Kong Post to operate the Speedpost Operation Centre and rent 2 PCs and 16 LGVs parking spaces at Lei Yue Mun Estate to serve the postal demand in the area. His department regularly reviews the need to rent the parking spaces at Lei Yue Mun Estate for better utilising resources.

- 9.2 The following Government departments have no comment on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
 (b) Commissioner of Police;

- (c) Director of Environmental Protection; and
- (d) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 15.3.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 6.4.2019, eight public comments were received from the chairman of the Yau Tong Estate, Yau Chui Court and the Redevelopment of Yau Tong Estate (Phase IV) Owners' Corporation (the Owners' Corporation) (**Appendix IVa**), the chairman of Yau Tong Police Quarter Residents' Association (the Residents' Association) (**Appendix IVb**), a Kwun Tong District Council (KTDC) Member (**Appendix IVc**), and individuals (**Appendices IVd to IVh**).
- 10.2 The chairman of the Owners' Corporation, the chairman of the Residents' Association, the KTDC member and a group of individuals comment that there is a strong demand for and a shortage of car parking spaces in Yau Tong area and suggest converting the Speedpost Operation Centre in Lei Yue Mun Estate back to parking spaces in order to provide more parking space to meet the parking demand by the non-residents (**Appendices IVa to IVg**).
- 10.3 An individual comments that there is a strong demand for the provision of GIC facilities and request the applicant to review its parking facilities and release space for GIC use (**Appendix IVh**).

11. Planning Considerations and Assessments

- 11.1 The current application is for renewal of planning approvals to continue letting of surplus vehicle parking spaces in the existing carparks of Lei Yue Mun Estate, Yau Chui Court and Yau Tong Estate, and Wo Lok Estate to non-residents for a period of 3 years until 3.5.2022. According to the applicant, while priority has been accorded to the residents of the Estates/the Court in the letting of monthly vehicle parking spaces, there were surplus parking facilities (with the average vacancy rates from February 2018 to January 2019 of about 26%, 5% and 23% for Lei Yue Mun Estate, Yau Chui Court and Yau Tong Estate, and Wo Lok Estate respectively). The letting of the surplus monthly vehicle parking spaces to non-residents as proposed in the application would help utilise public resources more efficiently.
- 11.2 Previous planning applications for the same use were approved on a temporary basis for three years by the Committee for Carparks (a), (b) and (c) (all are subject to five permissions approved in 2004, 2007, 2010, 2013 and 2016 respectively). The application is generally in line with the planning criteria set out in the TPB PG-No. 34B as mentioned in paragraph 4 above in that there is no material change in planning circumstances of the surrounding areas since the previous temporary approvals were granted, and there is no adverse planning implication and no adverse comment from the relevant Government departments.

- 11.3 As only the surplus parking spaces not let out (on monthly basis) to residents will be let out to non-residents, the parking need of the residents of the Estates/the Court will not be compromised. C for T has no in-principle objection to the application. To ensure that the residents of the Estates/the Court should be offered the highest priority in renting the monthly parking spaces and the number of parking spaces to be let to non-residents should be monitored from time to time, an approval condition, which is the same as the previous renewal permissions, is recommended at paragraph 12.2 below.
- 11.4 For the seven public comments stating that there is an acute demand for car parking spaces in Yau Tong area and suggesting releasing parking spaces currently converted for Speedpost Operation Centre at Lei Yue Mun Estate, Postmaster General has advised that there is an operation need for the Speedpost Operation Centre at Lei Yue Mun Estate and according to the applicant, there are surplus parking spaces even with the Speedpost Operation Centre. As such, to ensure the parking need of the residents would not be compromised, an approval condition is proposed requesting the applicant to seek the comment from C for T on the number of vehicle parking spaces to be let to non-residents, and that C for T will consider the overall parking demand in the area. For the public comment suggesting the applicant to review its parking facilities and release space for GIC and recreational facilities, the applicant indicates that the occupancy rate of and demand for the parking facilities will be reviewed continuously and the feasibility of converting the parking space to other uses will be explored. In fact, surplus parking spaces in Lei Yue Mun Estate and other housing estates have been converted into other uses taking into account feasibility and site constraints. Thus, it is suggested to convey the concerns of the individual comment to the applicant under advisory clause.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 3 years until 3.5.2022. The following condition of approval is suggested for Members' reference:

Priority should be accorded to the respective residents of Lei Yue Mun Estate, Yau Chui Court, Yau Tong Estate, Yau Lai Estate and Wo Lok 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

- 12.3 The recommended advisory clauses are attached at **Appendix V**.
- 12.4 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 for renewal of the planning 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 8.3.2019
Appendix Ia	Further Information submitted by the applicant received on 13.3.2019
Appendix Ib	Further Information submitted by the applicant received on 12.4.2019
Appendix Ic	Further Information submitted by the applicant received on 17.4.2019
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendices IVa to IVh	Public comments received
Appendix V	Recommended Advisory clause
Plans A-1 to A-11	Location Plans and Site Photos

PLANNING DEPARTMENT

MAY 2019