

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K/21

Applicant : The Hong Kong Housing Authority (HKHA)

Premises : Open-air carpark at Ma Tau Wai Estate, Kowloon City, Kowloon (Carpark (a)); and
Open-air carpark at Sheung Lok Estate, Ho Man Tin, Kowloon (Carpark (b))

Lease :

	Land Status
Carpark (a)	<u>Ma Tau Wai Estate</u> Kowloon Inland Lot (KIL) No. 8014 R.P.
Carpark (b)	<u>Sheung Lok Estate</u> Government land vested into the HKHA under Vesting Order (V.O.) No. 185

Plans :

	Outline Zoning Plan (OZP) No.
Carpark (a)	Approved Ma Tau Kok OZP No. S/K10/24
Carpark (b)	Approved Ho Man Tin OZP No. S/K7/24

Zoning : “Residential (Group A)” (“R(A)”) [Subject to 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, or the PR of the existing building, whichever is the greater]^[1]

Application : Temporary Public Vehicle Park (excluding Container Vehicle) (Surplus Vehicle Parking Spaces only) for a Period of 5 Years

^[1] A small strip of land (within KIL No. 8014 R.P.) (about 1% of Ma Tau Wai Estate) is shown as ‘Road’, the area is a layby and do not involve the carpark under the application, and may be treated as minor boundary adjustment to the “R(A)” zone.

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) use at Ma Tau Wai Estate and Sheung Lok Estate (the Estates) (**Plan A-1**) for a period of 5 years to facilitate letting of surplus monthly vehicle parking spaces to non-residents.
- 1.2 Carpark (a) and Carpark (b) fall within areas zoned “R(A)” on the approved Ma Tau Kok OZP No. S/K10/24 and the approved Ho Man Tin OZP No. S/K7/24 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 and the carparks are shown on **Plans A-2** and **A-8**.
- 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 13% (13 nos.) for Ma Tau Wai Estate and 14% (1 no.) for Sheung Lok Estate respectively in the period between March 2018 and February 2019. A comparison of the total monthly parking spaces and the average number of monthly parking spaces let to residents of the Estates under the previously approved application (No. A/K/16)^[2] and the current application is as follows:

	Total no. of monthly parking spaces ⁽ⁱ⁾		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)	
	Previous Scheme A/K/16 (a)	Current Scheme A/K/21 (b)	Previous Scheme A/K/16 (c)	Current Scheme A/K/21 (d)	Previous Scheme A/K/16 (a)-(c)	Current Scheme A/K/21 (b)-(d)
Ma Tau Wai Estate (Carpark (a))						
Private Car (PC)	85	85	62	73	23 (27%)	12 (14%)
Motorcycle (MC)	15	15	14	14	1 (7%)	1 (7%)
Total	100	100	76	87	24 (24%)	13 (13%)
Sheung Lok Estate (Carpark (b))						
PC	3	3	3	3	0 (0%)	0 (0%)
MC	4	4	2	3	2 (50%)	1 (25%)
Total	7	7	5	6	2 (29%)	1 (14%)

⁽ⁱ⁾ Figures exclude hourly parking spaces and parking facilities reserved for the estate management.

Note: For Application No. A/K/16, the statistics covered the period from February 2015 to January 2016. For current application, the statistics reflect the situation from March 2018 to February 2019.

^[2] Validity period for Application No. A/K/16 will expire on 11.6.2019.

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

- (a) Application form with attachments received on 4.4.2019 and supplementary location plan of Ma Tau Wai Estate received on 11.4.2019 **(Appendix I)**
- (b) Further information received on 17.5.2019 providing response to public comments **(Appendix Ia)**

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**. They are summarized as follows:

- (a) The applicant has been keeping in view closely the usage and occupancy position of its parking facilities to maximize usage and meet the needs of residents and local communities. As revealed by surveys of utilization rates of monthly parking spaces in Carparks (a) and (b) for a 12-month period (from March 2018 to February 2019), 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) Previous applications submitted by the applicant were all approved with conditions by the Board. The applicant has fulfilled the approval conditions accordingly.
- (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. It is considered compatible with other uses in the surrounding areas.
- (e) Entrances to individual residential towers in the Estates are separated from the parking spaces. Moreover, security guards are stationed at each residential tower and will patrol within the Estates from time to time. No management or security problem should be created.
- (f) Residents of the Estates are accorded the highest priority in letting of parking spaces. Only surplus monthly parking spaces are to be let to non-residents with the same monthly charges. Therefore, interests of the residents would not be compromised.
- (g) Members of the Estate Management Advisory Committee (EMAC) of Ma Tau Wai Estate as well as the Mutual Aid Committee (MAC) of Sheung Lok Estate have been consulted, and they have no objection to/adverse comment on the current application.

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

Ma Tau Wai Estate

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

Sheung Lok Estate

- 3.2 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.

4. Previous Applications

- 4.1 Carparks (a) and (b) are the subject of five previous applications (Nos. A/K/4, A/K/7, A/K/9, A/K/12 and A/K/16) (**Plan A-1**). On 11.6.2004, the Metro Planning Committee (the Committee) of the Board approved application No. A/K/4 for public car park/public vehicle park (excluding container vehicle) use at five public housing estates including Ma Tau Wai Estate and Sheung Lok Estate on a temporary basis for a period of 3 years up to 11.6.2007.
- 4.2 Subsequently, renewal applications (Nos. A/K/7, A/K/9, A/K/12 and A/K/16) were approved with conditions by the Committee for a period of 3 years each on 25.5.2007, 7.5.2010, 3.5.2013 and 10.6.2016 respectively. The planning permission of the latest application No. A/K/16 will expire on 11.6.2019.
- 4.3 A summary of the approval conditions for the previous applications is at **Appendix II**.

5. Similar Application

Apart from the application No. A/K/4 mentioned in paragraph 4.1 above, there is no other similar application in the areas covered by Ma Tau Kok and Ho Man Tin OZPs.

6. The Estates and Their Surrounding Areas (Plans A-2 to A-10)

Existing carparks under the current application are located within the Estates with good vehicular access. A table summarizing the surrounding developments and the access roads is as follows:

Estates	Types of Existing Carpark	Adjacent Developments	Vehicular Access
Ma Tau Wai Estate (Plans A-2)	Open-air carparks along internal vehicular access of	- to the immediate north are primary and secondary schools; - to the east and northwest are	Shing Tak Street

Estates	Types of Existing Carpark	Adjacent Developments	Vehicular Access
to A-7)	Ma Tau Wai Estate	residential areas; - to the immediate south and west are Ma Tau Wai Road Playground and Tin Kwong Road Recreation Playground; and - well-served by various modes of public transport including buses and minibuses along Ma Tau Wai Road.	
Sheung Lok Estate (Plans A-8 to A-10)	Open-air carparks at the entrance of Sheung Lok Estate	- to the immediate north is Perth Street Sports Ground; - to the immediate east and west are some GIC developments; and - to the south across Sheung Shing Street is a private residential development.	Sheung Shing Street

7. Planning Intention

The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) No objection to the application.
- (b) Ma Tau Wai Estate falls within KIL No. 8014 R.P. and is held by the HKHA under Conditions of Grant No. 6668 (the Conditions). Under the Conditions, KIL 8014 R.P. shall be used for “...not less than 2,000 flats and not more than 2,200 flats for persons of small means in accordance with Housing Ordinance No. 18 of 1954 and such offices and shops as may be approved by the Government” and the Conditions contains, inter alia, provision of parking of motor vehicles at the rate of not less than one car per 50 flats.
- (c) Sheung Lok Estate is held by the HKHA under V.O. No. 185 without any specific conditions imposed pursuant to Housing Ordinance.

- (d) The applicant should ensure compliance with the Conditions and V.O. Any application by the applicant to LandsD for modification/waiver of the concerned lease conditions of KIL 8014 R.P. as appropriate will be processed by LandsD acting in the capacity as landlord at discretion. If the application is approved, it will be subject to the terms and conditions as appropriate.

Traffic

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

He has no adverse comment to letting all surplus monthly vehicle parking spaces (spaces not taken up by the residents and left vacant) in Ma Tau Wai Estate and Sheung Lok Estate to non-residents during the approval period subject to the condition that adequate parking spaces are maintained to serve the residents of Ma Tau Wai Estate and Sheung Lok Estate and give them the highest priority on using the parking spaces at any time.

Environment

8.1.3 Comments of Director of Environmental Protection (DEP):

- (a) He has no objection to the application from the environmental planning perspective.
- (b) Given that the application will not result in increase of parking spaces, the nature of the land use for vehicle parking remains unchanged and previous applications submitted by the applicant were all approved by the Board, adverse environmental impacts arising from the application are not anticipated.

District Officer's Comments

8.1.4 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

He has no comment on the application. He noted that the interested Kowloon City District Council (KCDC) members, Area Committees, Schools as well as Owners' Committee/management committees of the Estates have been notified and invited to make comments to the Board. The Board should take into account their comments gathered in the consultation exercise. The applicant should take appropriate measures to address the stakeholders' concerns if the application is approved by the Board.

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

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

9. Public Comments Received During Statutory Publication Period

The application was published for public inspection on 12.4.2019. During the first three weeks of the statutory public inspection period, which ended on 3.5.2019, two public comments objecting to the application were received from two individuals (**Appendix III**). They raised objection to the application on the grounds that surplus vehicle parking spaces at the Estates should be released for GIC use in view of the strong demand for provision of GIC facilities, insufficient parking spaces reserved for residents of Ma Tau Wai Estate, and frequent ingress and egress of traffic to Carpark (a) would jeopardize safety of parents and students of Ma Tau Chung Government Primary School.

10. Planning Considerations and Assessments

- 10.1 The application seeks planning permission for temporary public vehicle park (excluding container vehicle) use to let surplus vehicle parking spaces in the existing carparks of Ma Tau Wai Estate and Sheung Lok Estate to non-residents for a period of 5 years. According to the applicant, while priority has been accorded to the residents of the Estates in the letting of monthly vehicular parking spaces, there were surplus parking facilities (with the average vacancy rates from March 2018 to February 2019 of about 13% for Ma Tau Wai Estate and 14% for Sheung Lok Estate respectively). The letting of the surplus monthly vehicle parking spaces to non-residents as proposed in the application would help to utilize public resources more efficiently.
- 10.2 Previous planning applications for the same use were approved on a temporary basis for three years by the Committee for Carparks (a) and (b) (both are subject to five permissions approved in 2004, 2007, 2010, 2013 and 2016 respectively). There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on previous applications.
- 10.3 As only the surplus parking spaces not let out (on monthly basis) to residents will be let out to non-residents, the parking needs of the residents of the Estates will not be compromised. C for T has no adverse comment on the application. To ensure that the residents of the Estates 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 in paragraph 11.2 below.
- 10.4 For the public comment stating that there are insufficient parking spaces for residents in Ma Tau Wai Estate, the applicant indicates that the surveys of utilization rates of monthly parking spaces in Carpark (a) for a 12-month period revealed that there are still surplus vehicle parking spaces after allocation of parking spaces to the residents. As such, to ensure the parking needs of the residents would not be compromised, an approval condition is proposed requesting the applicant to seek agreement from C for T on the number of vehicle parking spaces to be let to non-residents. Regarding safety concerns of parents and students of Ma Tau Chung Government Primary School, the application is to allow surplus vehicle parking spaces to be let to non-residents and there will not be increase in car parking space and traffic circulation will be similar. C for T and C of P have no comment on the application. For the public comment suggesting the

applicant to review its parking facilities and release spaces 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 spaces to other uses will be explored. In fact, surplus parking spaces in 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 comments to the applicant under advisory clause.

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, the permission shall be valid on a temporary basis for a period of 5 years until 31.5.2024. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

Priority should be accorded to the respective residents of Ma Tau Wai Estate and Sheung 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 Clauses

The recommended advisory clause is attached at **Appendix IV**.

11.3 There is no strong planning reason to recommend rejection of the application.

12. Decision Sought

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form with attachments received on 4.4.2019 and supplementary location plan of Ma Tau Wai Estate received on 11.4.2019
Appendix Ia	Further information submitted by the applicant received on 17.5.2019
Appendix II	Previous applications
Appendix III	Public comments
Appendix IV	Recommended advisory clause
Plans A-1 to A-10	Location plans and site photos

**PLANNING DEPARTMENT
MAY 2019**