



Car Parking Requirement in Special Conditions for Residential Developments

To enhance flexibility in provision of car parking spaces in residential development new conditions have been introduced with immediate effect. The number of parking spaces required now relates to the size of residential units provided in the development in accordance with the sliding scale in the Hong Kong Planning Standards and Guidelines (HKPSG) whereby more parking spaces are required for larger units. The new conditions include a table specifying the various rates for different unit sizes although the rates for each lot will be finally determined on a case by case basis.

2. In addition to the different rates specified in the conditions, developers are given further flexibility to adjust the number of parking spaces upward or downward by either up to 10% or 5% plus 50 spaces, whichever is the less.

3. A developer who considers that the parking provisions for the development should be different from those stipulated in the executed land grant documents may put forward to this Department justifications for modification well in advance of his intention to commence construction. This will facilitate our consultation with the Transport Department prior to a final decision being reached. If an application is approved, it would be subject to such terms and conditions including payment of premium and administrative fee as I may determine.

4. To arrive at the number of spaces to be provided, the new clause will require the developer to produce a schedule (the carparking provision schedule) in the building plans showing the amount of gross floor area (GFA) of each residential unit. This will comprise two figures : (i) the GFA of a particular residential unit (in exclusive possession of the resident of the unit), and (ii) the GFA of the common area apportioned for the same residential unit. The following formula serves to illustrate the basis of these two figures :


$$\begin{array}{l} \text{Aggregate of exclusive} \\ \text{GFA of all residential} \\ \text{units} \end{array} + \begin{array}{l} \text{Aggregate GFA of} \\ \text{common area*} \end{array} = \begin{array}{l} \text{Total GFA\# as stated in} \\ \text{the "Development} \\ \text{Conditions" clause} \end{array}$$

* Or the common area attributable to the residential portion of a composite development.

Or total GFA of the residential portion of a composite development.

5. It should be noted that the exemption rules under the "Definition of Gross Floor Area" clause are applicable in arriving at the flat size of individual units as well as the total GFA and that the absence of a car parking provision schedule may lead to the building plans being rejected by me without scrutiny.

6. A sample of the new standard parking clause is attached. This is for reference only and actual provision of parking spaces must be in accordance with the conditions in each individual lease.

A handwritten signature in blue ink, appearing to read 'P. Lau', with a stylized flourish at the end.

(Patrick L. C. LAU)
Director of Lands
25 May 2006

Appendix – Car parking clause

Residential Parking Spaces

- (21) (a) (i) Spaces shall be provided within the lot to the satisfaction of the Director for the parking of motor vehicles licensed under the Road Traffic Ordinance, any regulations made thereunder and any amending legislation, and belonging to the residents of the residential units in the building or buildings erected or to be erected on the lot and their bona fide guests, visitors or invitees (hereinafter referred to as “the Residential Parking Spaces”) at a rate to be calculated by reference to the respective size of the residential units erected or to be erected on the lot as set out in the table below or at such other rates [or numbers] as may be approved by the Director, subject to such terms and conditions including the payment of premium and administrative fee as he may determine;

[] Standard to be confirmed by TD

Size of each residential unit	No. of the Residential Parking Spaces to be provided
Less than 40 square metres	One space for every [] residential units or part thereof
Not less than 40 square metres but less than 70 square metres	One space for every [] residential units or part thereof
Not less than 70 square metres but less than 100 square metres	One space for every [] residential units or part thereof
Not less than 100 square metres but less than 160 square metres	One space for every [] residential units or part thereof
Not less than 160 square metres	One space for every [] residential units or part thereof

- (ii) For the purpose of sub-clause (a)(i) of this Special Condition, the total number of Residential Parking Spaces to be provided shall be the aggregate of the respective number of the Residential Parking Spaces calculated by reference to the respective size of each residential unit set out in the table of sub-clause (a)(i) of this Special Condition. For the purpose of these Conditions, the term “size of each residential unit” in terms of gross floor area shall mean the sum of (I) and (II) below:

(I) the gross floor area in respect of a residential unit exclusively used and enjoyed by the resident of that unit, which shall be measured from the exterior of the enclosing walls or parapet of such unit except where such enclosing walls separate two adjoining units in which case the measurement shall be taken from the middle of those walls, and shall include the internal partitions and columns within such unit, but, for the avoidance of doubt, shall exclude all floor area within such unit which are not taken into account for the calculation of gross floor area stipulated in sub-clause (c) of Special Condition No. (8) hereof; and

(II) the pro-rata gross floor area of Residential Common Area (as hereinafter defined) in respect of a residential unit. In so calculating, the total gross floor area of residential common area, which is for common use and benefit of all residents of the building or buildings erected or to be erected on the lot, outside the enclosing walls of the residential units but, for the avoidance of doubt, excluding all floor area which are not taken into account for the calculation of gross floor area stipulated in sub-clause (c) of Special Condition No. (8) hereof

(which residential common area is hereinafter referred to as the "Residential Common Area") shall be apportioned to a residential unit by the following formula:

$$\frac{\text{The total gross floor area of Residential Common Area} \times \text{The gross floor area in respect of a residential unit as calculated under sub-clause (a)(ii)(I) of this Special Condition}}{\text{The total gross floor area of all residential units as calculated under sub-clause (a)(ii)(I) of this Special Condition}}$$

Visitors' parking spaces

Standard to be confirmed by TD

- (iii) If more than [75] residential units are provided in any block of residential units erected or to be erected on the lot, additional spaces for the parking of motor vehicles licensed under the Road Traffic Ordinance, any regulations made thereunder and any amending legislation, and belonging to the bona fide guests, visitors or invitees of the residents of the building or buildings erected or to be erected on the lot shall be provided at a rate of [1 to 5] spaces for every such block of residential units or at such other rates as may be approved by the Director subject to a minimum of one space being provided.
- (iv) The spaces provided under sub-clauses (a)(i) and (a)(iii) of this Special Condition shall not be used for any purpose other than those respectively stipulated therein and in particular the said spaces shall not be used for the storage, display or exhibiting of motor vehicles for sale or otherwise.

Parking spaces for vehicles of disabled persons

- (b) (i) Out of the spaces provided under sub-clause (a) of this Special Condition, the Purchaser shall reserve and designate spaces for the parking of motor vehicles by disabled persons as defined in the Road Traffic Ordinance, any regulations made thereunder and any amending legislation, at the following rates or at such other rates as may be approved by the Director:

*Consult TD if this provision is required if the development involves houses only.

- * (I) not less than one space for every [200] spaces provided in accordance with sub-clause (a)(i) of this Special Condition or part thereof if such part exceeds [100] spaces (subject to a minimum of one space being reserved and designated); and
- (II) one space out of the spaces provided in accordance with sub-clause (a)(iii) of this Special Condition.
- (ii) The spaces to be provided under sub-clause (b)(i) of this Special Condition shall be located at such position and level as shall be approved in writing by the Director.
- (iii) The spaces provided under sub-clause (b)(i) of this Special Condition shall not be used for any purpose other than for the parking of motor vehicles by disabled persons as defined in the Road Traffic Ordinance, any regulations made thereunder and any amending legislation, and belonging to the residents of the building or buildings erected or to be erected on the lot and their bona fide guests, visitors or invitees and in particular the said spaces shall not be used for the storage, display or exhibiting of motor vehicles for sale

or otherwise.

Motor Cycle Parking Spaces

*[] Insert if appropriate – consult TD

[] to be advised by TD

(^) to be advised by TD

*[(c) (i) Spaces shall be provided within the lot to the satisfaction of the Director for the parking of motor cycles licensed under the Road Traffic Ordinance, any regulations made thereunder and any amending legislation, and belonging to the residents of the building or buildings erected or to be erected on the lot and their bona fide guests, visitors or invitees (hereinafter referred to as “the Motor Cycle Parking Spaces”) at a rate of [] percent of the total number of spaces required to be provided under sub-clauses (^) of this Special Condition or at such other rates [or numbers] as may be approved by the Director, subject to such terms and conditions including the payment of premium and administrative fee as he may determine provided that if the number of spaces to be provided is a decimal number, the same shall be rounded up to the next whole number.

(ii) The spaces provided under sub-clause (c)(i) of this Special Condition shall not be used for any purpose other than for the purpose set out therein and in particular the said spaces shall not be used for the storage, display or exhibiting of motor vehicles for sale or otherwise.]

Dimensions of parking spaces

[] to be advised by TD

(d) (i) Each of the spaces provided under sub-clause (a) of this Special Condition shall measure [2.5] metres in width and [5.0] metres in length with a minimum headroom of [2.4] metres.

[] to be advised by TD

(ii) Each of the spaces provided under sub-clause (b) of this Special Condition shall measure [3.5] metres in width and [5.0] metres in length with a minimum headroom of [2.4] metres.

[] to be advised by TD

(iii) Each of the spaces provided under sub-clause (c) of this Special Condition shall measure [1.0] metre in width and [2.4] metres in length with a minimum headroom of [2.4] metres or such other minimum headroom as may be approved by the Director.

Loading and unloading requirements

[] to be confirmed by TD at DLC

(22) (a) Spaces shall be provided within the lot to the satisfaction of the Director for the loading and unloading of goods vehicles at a rate of one space for every [800] residential units or part thereof in the building or buildings erected or to be erected on the lot or at such other rates as may be approved by the Director subject to a minimum of one loading and unloading space for each block of residential units erected or to be erected on the lot, such loading and unloading space to be located adjacent to or within each block of residential units; (For the purpose of this sub-clause, detached, semi-detached and terraced houses which are intended for use as single family residences shall not be regarded as a block of residential units);

(b) Each of the spaces provided under sub-clause (a) of this Special Condition shall measure [3.5] metres in width and [11.0] metres in length with a minimum headroom of [4.7] metres. Such spaces shall not be used for any purpose other than for the loading and unloading of goods vehicles in connection with the building or buildings referred to therein.

Bicycle parking spaces *[(23) Spaces shall be provided within the lot to the satisfaction of the Director for the parking of bicycles belonging to the residents of the building or buildings erected or to be erected on the lot and their bona fide guests, visitors or invitees at a rate of one space for every @[15]/[30] units or part thereof for those residential units, size of each residential unit is less than 70 square metres or at such other rates as may be approved by the Director.]

*[] Insert if appropriate – consult TD

@[] Standard to be confirmed by TD

Flexibility in parking provisions @[(24) (a) Notwithstanding sub-clause (*) of Special Condition No. (21) and sub-clause (*) of Special Condition No. (22) hereof, the Purchaser may increase or reduce the respective numbers of spaces required to be provided under the said sub-clauses by not more than 5 percent provided that the total number of spaces so increased or reduced shall not exceed 50.

@[] Insert only if appropriate

(*) Sub-clause no. of the type of parking requirements that TD confirms flexibility will be applied to

(b) In addition to sub-clause (a) above, the Purchaser may increase or reduce the respective number of spaces required to be provided under sub-clauses (a)(i) and (c)(i) of Special Condition No. (21) hereof (without taking into account of the spaces calculated in sub-clause (a) of this Special Condition) by not more than 5 percent.]

Parking spaces etc. excluded from gross floor area calculation (25) For the purpose of calculating the total gross floor area and total site coverage respectively referred to in sub-clauses (c) and (d) of Special Condition No. (8) hereof, there shall not be taken into account the spaces provided in accordance with Special Condition Nos. (21), (22), (23) and (24) hereof.

Restriction on alienation of Residential Parking Spaces and Motor Cycle Parking Spaces

(26) (a) The Residential Parking Spaces and the Motor Cycle Parking Spaces shall not be:

- (i) assigned except
 - (I) together with undivided shares in the lot giving the right of exclusive use and possession of a residential unit or units in the building or buildings erected or to be erected on the lot or
 - (II) to a person who is already the owner of undivided shares in the lot with the right of exclusive use and possession of a residential unit or units in the building or buildings erected or to be erected on the lot; or
- (ii) underlet except to residents of the residential units in the building or buildings erected or to be erected on the lot.

*[] Insert if appropriate

*[Provided that in any event not more than three in number of the total of the Residential Parking Spaces and the Motor Cycle Parking Spaces shall be assigned to the owner or underlet to the resident of any one residential unit in the building or buildings erected or to be erected on the lot.]

(b) Notwithstanding sub-clause (a) of this Special Condition, the Purchaser may, with the prior written consent of the Director , assign all the Residential Parking Spaces and the Motor Cycle Parking Spaces as a whole, but only to a

wholly-owned subsidiary company of the Purchaser.

(c) Sub-clause (a) of this Special Condition shall not apply to an assignment, underletting, mortgage or charge of the lot as a whole.

Common Areas

(27) The spaces provided within the lot in accordance with Special Condition Nos. (21)(a)(iii), (22) and (23) hereof shall be designated as and form part of the Common Areas.

Deposit of car park layout plan

(28) A plan approved by the Director indicating the layout of all the parking, loading and unloading spaces to be provided within the lot in accordance with Special Condition No. (21), (22), (23) and (24) hereof, or a copy of such plan certified by an Authorized Person (as defined in the Buildings Ordinance, any regulations made thereunder and any amending legislation) shall be deposited with the Director. No transaction (except a tenancy agreement or lease or an agreement for such tenancy or lease under Special Condition No. (17)(c) hereof and a building mortgage under Special Condition No. (17)(d) hereof or such other transactions as the Director may approve) affecting the lot or any part thereof or any building or part of any building erected or to be erected on the lot shall be entered into prior to such deposit. The said parking and loading and unloading spaces indicated on the said approved plan shall not be used for any purpose other than for the purposes set out respectively in Special Condition Nos. (21), (22) and (23) hereof. The Purchaser shall maintain the parking, loading and unloading spaces and other spaces, including but not restricted to the lifts, landings, and manoeuvring and circulation areas, in accordance with the said approved plan and shall not alter the layout except with the prior written consent of the Director, who may in granting consent impose such terms and conditions including payment of administrative fee and premium as he may determine. Except for the parking spaces indicated on the said approved plan, no part of the lot or any building or structure thereon shall be used for parking purposes.