

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/503

<u>Applicant</u>	The Automall Discovery Park Limited represented by Kenneth To & Associates Limited
<u>Premises</u>	Portion of Carpark at 7/F, Discovery Park, 398 Castle Peak Road – Tsuen Wan, Tsuen Wan
<u>Total Floor Area of Premises</u>	3,383m ² (about)
<u>Lease</u>	<u>Tsuen Wan Town Lot (TWTL) 361</u> (a) New Grant No. 6935 (b) To expire on 30.6.2047 (c) Restricted to non-industrial (excluding godown and hotel) purposes
<u>Plan</u>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
<u>Zoning</u>	“Residential (Group A) 6” (“R(A)6”) [subject to a maximum domestic gross floor area (GFA) of 210,560m ² , a maximum non-domestic GFA of 43,330m ² and a maximum building height (BH) of 150 metres above Principal Datum. Minor relaxation of the GFA and BH restrictions may be considered by the Town Planning Board (the Board) on application]
<u>Application</u>	Temporary Shop and Services (Motor-vehicle Showroom) and Temporary Minor Relaxation of Non-domestic GFA Restriction for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic GFA restriction, both for a period of 3 years, at a portion of carpark at 7/F, Discovery Park, 398 Castle Peak Road – Tsuen Wan, Tsuen Wan (the Premises) (**Plans A-1 and A-2**). The Premises is within the existing purpose-designed non-domestic podium of Discovery Park, which is a comprehensive commercial/residential development with a total provision of 1,000 car parking spaces on 3/F to 7/F. The currently proposed temporary motor-vehicle showroom on the Premises involves temporary conversion of 136 parking spaces (originally designated as commercial car parking spaces according to the applicant) with a non-domestic GFA of about 3,383m² (i.e. an increase of 7.8% of the non-domestic GFA restriction of 43,330m² on the OZP).

- 1.2 According to the Notes of the OZP, ‘Motor-vehicle Showroom’ subsumed under ‘Shop and Services’ at the floors containing wholly or mainly car parking within “R(A)6” zone requires planning permission from the Board. Besides, the “R(A)6” zone is subject to a maximum non-domestic GFA of 43,330m² on the OZP. Since the proposal involves temporary conversion of ancillary carpark not countable in GFA into motor-vehicle showroom, which is GFA accountable, minor relaxation of the non-domestic GFA restriction to cater for the showroom use is also required.
- 1.3 The Premises was the subject of five previous s.16 planning applications for temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic GFA restriction, which were approved from 2004 to 2016 (details are provided at paragraph 5 below). The last planning permission (under Application No. A/TW/474) will lapse on 18.1.2019. The current application is to continue the use of the Premises for temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic GFA restriction for a period of three years.
- 1.4 The floor plan showing the layout of the Premises submitted by the applicant is at **Drawing A-1**. According to the applicant’s Parking Demand Study (PDS) (Appendix 4 of **Appendix Ia**), there is a shortage of 58 numbers of public car parking spaces in Discovery Park during the peak hours in weekends and public holidays. In order to address the shortage of parking spaces in Discovery Park, three mitigation measures are proposed, including (i) making use of the unoccupied loading/unloading (L/UL) spaces in the basement for provision of 26 parking spaces (**Drawing A-2**); (ii) utilizing the emergency vehicular access (EVA) adjacent to the G/F entrance for holding 12 private vehicles (**Drawing A-3**); and (iii) reducing the scale of the motor-vehicle showroom with 20 parking spaces under the previously approved application (No. A/TW/474) released for public use under the current application (**Drawing A-4**).
- 1.5 The following table summarizes the situation of car parking space provision in Discovery Park:

<u>Carpark Level</u>	<u>No. of Car Parking Spaces</u> <i>(before conversion of car parking spaces to showroom)</i>	<u>No. of Car Parking Spaces</u> <i>(after approval of last Application A/TW/474)</i>	<u>No. of Car Parking Spaces</u> <i>(upon approval of current Application A/TW/503)</i>
B/F	-	-	26 (converted from L/UL spaces)
3/F & 4/F	401	401	401
5/F	223	223	223
6/F	213	213	213
7/F (where the Premises located)	163	7 (-156 for showroom use with a non-domestic GFA of 4,333m ²)	27 (-136 for showroom use with a non-domestic GFA of 3,383m ²)
Total	1,000[@]	844	890

[@] Note – total provision as required under the Master Layout Plan (para.4.1 below refers).

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

- (a) Application form with letter received on 20.11.2018 (Appendix I)
- (b) Supporting Planning Statement (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supporting Planning Statement at **Appendix Ia**. They can be summarized as follows:

No Adverse Effect on Residential Car Park and No Shortage of Parking Spaces

- (a) The lease conditions stipulate the provision of 1,000 car parking spaces in Discovery Park and not less than 672 of them are designated for residential use. The number of car parking spaces of 136 that will be affected by the motor-vehicle showroom on 7/F is within the range of 328 commercial car parking spaces as required on the lease, and thus there is no effect on the residential car parking spaces.
- (b) The PDS conducted by the applicant (Appendix 4 of **Appendix Ia**) identified peak utilization of the carpark. In view of the parking shortage, mitigation measures have been proposed including making use of the existing L/UL bays for provision of additional parking spaces and EVA for provision of queuing spaces. In addition, the motor-vehicle showroom will open 20 spaces for public use to alleviate the pressure for car parking spaces. The shortage of parking spaces at Discovery Park will be addressed.
- (c) The proposed car showroom on 7/F would represent a more efficient use of the surplus car parking spaces at the Premises. As the car showroom on 7/F would be separated from the existing monthly parking for residents at 3/F and 4/F and the hourly parking on 4/F to 6/F, no disturbance to the existing residential parking will be resulted. According to the findings in the PDS, it is concluded that the planning application for extending the temporary motor-vehicle showroom for another 3 years is acceptable from the perspective of traffic engineering.

Suitability of the Proposed Use at the Premises

- (d) The motor-vehicle showroom is a suitable temporary use accommodated in the car parking area of Discovery Park. With a footbridge along the northern edge of Discovery Park connected directly to the MTR Tsuen Wan Station, the motor-vehicle showroom is conveniently located with easy access by both private and public transport. The temporary showroom for display of second hand vehicles is considered compatible with the retail podium uses.
- (e) The Premises has been operated as motor-vehicle showroom for 11 years and is well received by the public. The applicant will ensure full security control and monitoring being in place at all times.

No Adverse Traffic Impact

- (f) As most of the vehicles in the proposed temporary motor-vehicle showroom are for display, they will not move in and out of the carpark very frequently. Hence, there will not be adverse traffic impact on the surrounding road network.

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. 31A) by giving notification to the current land owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

4.1 Discovery Park was previously zoned “Comprehensive Development Area” on the then Tsuen Wan OZP, which is a comprehensive commercial/residential development comprising 12 residential blocks on top of a purpose-designed non-domestic podium. According to the Master Layout Plan (MLP) for the development approved by the Metro Planning Committee (the Committee) of the Board on 19.2.1993 (Application No. A/TW/167), there is a breakdown of 672 car parking spaces for domestic and 328 for non-domestic purpose amongst the 1,000 car parking spaces provided.

4.2 On the draft Tsuen Wan OZP No. S/TW/13 gazetted on 12.1.2001, Discovery Park was rezoned to “R(A)6”. According to the Notes of the OZP, the “R(A)6” zone is subject to a maximum domestic GFA of 210,560m² and a maximum non-domestic GFA of 43,330m².

5. Previous Applications

5.1 The Premises was the subject of five previous planning applications (Nos. A/TW/346, A/TW/388, A/TW/407, A/TW/435 and A/TW/474) for temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic GFA restriction (**Plan 1**). Details of the previous applications are at **Appendix II** for Members’ reference.

5.2 On 25.6.2004, the Committee approved Application No. A/TW/346 with conditions on a temporary basis for a period of 3 years with a non-domestic GFA of about 4,820m² involving 177 parking spaces. Renewal of the planning permission was approved with conditions by the Committee for another 3 years on 1.12.2006 (Application No. A/TW/388).

5.3 On 21.8.2009, the Committee approved Application No. A/TW/407 with conditions for renewal of the planning permission under Application No. A/TW/388 for another 3 years with a reduced non-domestic GFA of 4,333m² involving 156 parking spaces.

5.4 On 10.8.2012, the Committee rejected Application No. A/TW/435 for renewal of the planning permission under Application No. A/TW/407 for the reason that there was insufficient information in the submission to demonstrate that with the proposed conversion of 156 commercial parking spaces for motor-vehicle showroom, sufficient commercial car parking spaces will be provided to meet the requirement under the Hong Kong Planning Standards and Guidelines (HKPSG) to serve the commercial portion of the existing development on the application site. In particular, the Commission for Transport (C for T) pointed out that the applicant had made use of a

large number of residential parking spaces to serve the commercial portion of the development and considered that the parking space requirement had been underestimated.

- 5.5 Subsequently, the applicant applied a review of the Committee's decision to reject the application under section 17(1) of the Town Planning Ordinance. As the Members generally considered that the illegal parking problem at Mei Wan Street was not a relevant consideration for the application, the applicant was law-abiding as the temporary showroom had ceased operation after the planning application was rejected, while sufficient justification with facts and figures on the car parking conditions in Discovery Park was provided to support the application, the Board approved the application with conditions on 18.1.2013 on a temporary basis for a period of 3 years until 18.1.2016.
- 5.6 On 8.1.2016, the Committee approved Application No. A/TW/474 with conditions for renewal of the planning permission under Application No. A/TW/435 for another 3 years. The approval condition on provision of fire service installations has been complied with.

6. Similar Application

On 19.12.2008, the Committee approved Application No. A/TW/402 with conditions for proposed shop and services (temporary motor-vehicle showroom) on 6/F of the same carpark and temporary minor relaxation of non-domestic GFA restriction on a temporary basis for a period of 3 years (**Plan 1**). However, due to non-compliance with the approval condition on provision of fire service installation, the planning permission was revoked on 19.6.2009. Details of this similar application are summarized in **Appendix II** for Members' reference.

7. The Premises and Its Surrounding Areas (**Plans A-1** and **A-2** and photos on **Plans A-3** and **A-4**)

7.1 The Premises is:

- (a) located at 7/F of the existing carpark floor within the non-domestic podium of Discovery Park (**Plan A-1**). It covers 136 car parking spaces and their adjoining driveways (**Drawing A-1**);
- (b) accessible by car through the entrance of the carpark of Discovery Park at Mei Wan Street (**Plan A-2**). It is also accessible through the shopping centre of Discovery Park by passenger lifts; and
- (c) currently used as a motor-vehicle showroom.

7.2 The subject development, Discovery Park:

- (a) is a comprehensive commercial/residential development completed in 1997 and 1998 comprising 12 residential blocks with 3,360 flats on top of a non-domestic podium (**Plan A-3**);

- (b) has a purpose-designed non-domestic podium with a BH ranging from 4 to 9 storeys (including 1-storey basement). The carpark is located within the podium below Blocks 9 to 12 of the residential development. The major uses of the podium by floor based on the site inspection on 18.12.2018 are summarized below:

Podium Level	Current Major Uses
Basement	Loading/unloading areas and plant rooms
1/F	Shopping centre and carpark's shroff office
2/F	Shopping centre
3/F	Shopping centre and carpark (for monthly parking)
4/F to 6/F	Carpark
7/F	Carpark and temporary motor-vehicle showroom (the Premises)
8/F	Landscape garden and residents clubhouse

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) to the east is a cluster of industrial and commercial developments comprising CDW Building, Sime Darby House, Mega Trade Centre, Grand City Plaza, Maykong Godown and Maykong Godown No. 2;
- (b) to the south across Castle Peak Road – Tsuen Wan are Fuk Loi Estate, Tsuen Wan Fire Station and industrial/commercial developments in Chai Wan Kok Industrial Area;
- (c) to the west and northwest are the residential developments at Tsuen King Circuit, Waylee Industrial Centre, Tsuen Wan Police District Headquarters and Divisional Station and a knoll designated as Chai Wan Kok Archaeological Site;
- (d) to the north across Mei Wan Street is Tsuen King Circuit Sports Centre and Tsuen King Circuit Garden; and
- (e) a footbridge linking 2/F of the shopping mall of Discovery Park to the MTR Tsuen Wan Station at further east at Tai Ho Road is running along the northern edge of Discovery Park and Mei Wan 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 are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) The Premises falls within TWTL 361 which is held under New Grant No. 6935 granted for a term up to 30.6.2047 as varied and modified by a Modification Letter dated 23.6.1997. The salient lease conditions are:
- (i) The lot shall only be used for non-industrial (excluding godown and hotel) purposes;
 - (ii) The lot shall be developed/redeveloped in accordance with the approved MLP;
 - (iii) The total non-domestic GFA shall not exceed 43,330m² and domestic GFA shall not exceed 210,560m²;
 - (iv) Not more than 1,000 spaces shall be provided for the parking of private motor vehicles to the satisfaction of the Director of Lands and shall not be used for other purposes. The spaces so provided shall not be taken into account for the GFA calculation;
 - (v) The car parking spaces shall be maintained in accordance with the approved carpark layout plan except with the prior written consent of the Director of Lands;
 - (vi) Spaces shall be provided within the lot for the loading and unloading of licenced goods and services vehicles at the rate of not less than:
 - (i) One for every 1,000m² GFA for retail purposes;
 - (ii) One for every 5,000m² GFA for office purposes; and
 - (iii) One for every residential tower block.Such spaces shall be in the form of loading and unloading bays each measure 11.0m x 3.5m and minimum headroom of 4.1m;
 - (vii) The car parking spaces and loading and unloading spaces so provided shall not be used for any purposes other than as specified; and
 - (viii) No building or structure or support for any building or structure shall be erected and no parking of motor vehicles shall be permitted on over or within the area shown coloured pink hatched blue on the lease plan (the Waterworks Reserve) (i.e. the EVA area).
- (b) The proposed “Shop and Services (Motor-vehicle Showroom)” use at the Premises is in breach of the lease conditions and thus a waiver is required for the proposed use. Following the approval of the Application No. A/TW/435, a temporary waiver dated 22.12.2014 to permit the purpose of a showroom for the display or the display and the sale of motor vehicles at

the Premises with an area of 4,270m², for a fixed term of three months commencing from 2.6.2013 and thereafter quarterly was issued (“the 2014 Waiver Letter”). Under the 2014 Waiver Letter, the owner is required to make available and maintain a minimum of 672 car parking spaces for use by the owners or occupiers of the residential units of the development in accordance with the approved MLP. Following the approval of Application No. A/TW/474, approval has been given to revise the parking requirement to make available and to maintain a minimum of 519 car parking spaces for use by the owners or occupiers of the residential units, a minimum of 36 car parking spaces for use by the bona fide guests, visitors or invitees of the residents of the residential units and a minimum of 262 car parking spaces for commercial use of the development on the Lot shall be maintained and provided under the waiver. According to the provision of the Waiver Letter, the owner is also required to obtain and renew the planning permission prior to the expiry of the permission. In the event that the owner is unable to provide the said permission prior to the expiry of any permission, the Government may at its sole discretion revoke the waiver granted and the Premises shall again subject to the car parking requirements under the existing lease conditions.

- (c) As the Premises was originally parking spaces of the Discovery Park, Transport Department’s comments should be sought.
- (d) As the implementation of the current scheme under the application would result in part of the floor area covered by the Waiver Letter no longer be used for the purpose of showroom for motor vehicles, if the application is approved, the owner of the Premises would have to apply to LandsD for revision of the Waiver Letter to effect the reduced area for the motor-vehicles showroom under application. The proposal to revise Waiver Letter will only be considered upon his receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. Any approval, if given, will be subject to such terms and conditions, including inter alia, payment of waiver fees and administrative fee, as may be imposed by LandsD.
- (e) The applicant should be asked to provide physical separation between the revised showroom and the area of the 20 number of parking spaces.
- (f) He has the following comments on the applicant’s proposed traffic mitigation measures:
 - (i) The proposed use of the loading and unloading spaces for parking of private motor vehicles is in breach of the lease conditions and thus a waiver is required for the proposed use. There is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall

deem fit to do so, including, among others, charging of premium/waiver fee and administrative fee.

- (ii) Comments from Water Supplies Department (WSD) and Fire Services Department (FSD) should be sought on the proposed use of the EVA as queuing spaces.

Building Aspect

9.1.2 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

He has the following comments on the application under the Buildings Ordinance:

- (i) The subject temporary motor-vehicle showroom is under a temporary building permit (TBP) and temporary occupation permit (TOP) which have expired on 21.8.2012 and no application of renewal has been received up to the present moment. The owner/applicant is advised to submit application for renewal of TBP and TOP for the temporary motor-vehicle showroom.
- (ii) The floor plan layout in the Supporting Planning Statement does not tally with the approved plan under the above TBP and TOP.

Traffic Aspect

9.1.3 Comments of the C for T:

- (a) According to the PDS submitted by the applicant, there is a shortage of 58 nos. of public car parking spaces in Discovery Park during the peak hours in weekends and public holidays. The proposed mitigation measures include (i) making use of unused L/UL spaces in the basement to provide 26 nos. of public car parking spaces; (ii) making use of the adjacent EVA to provide queuing spaces for 12 vehicles; and (iii) reducing the extent of the motor vehicle showroom on Level 7 to provide 20 nos. of public car parking spaces.
- (b) The proposal under mitigation measure (i) will significantly affect the L/UL spaces in the basement of Discovery Park. The applicant has failed to demonstrate that the reduced L/UL provision will be able to meet the actual demand throughout the year.
- (c) The proposal under mitigation measure (ii) is basically to make use of the EVA as queuing space for holding vehicles, which, subject to FSD's agreement, can only be considered as temporary traffic management to minimise the number of vehicles queuing along Mei Wan Street waiting to enter Discovery Park. There is no increase in the provision of parking spaces to meet the shortfall.

In view of the above, both mitigation measures (i) and (ii) are considered unacceptable from traffic engineering point of view, and thus the application is not supported.

Fire Safety Aspect

9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to the fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (b) He has no specific comment on the mitigation measures as proposed by the applicant provided that there is no parking of vehicles along the EVA.
- (c) Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “*Code of Practice for Fire Safety in Buildings*” which is administrated by the Building Authority.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

The overall planning of the sewerage network falls within the purview of Environmental Protection Department (EPD). EPD’s comment is required to be sought as EPD is the authority to determine its acceptance. Subject to EPD’s comment, he has no objection to the proposed planning application from drainage maintenance.

9.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, WSD (CE/C, WSD);
- (b) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (c) Project Manager, West Development Office, Civil Engineering and Development Department (PM (West), CEDD);
- (d) Commissioner of Police (C of P);
- (e) Director of Environmental Protection (DEP); and
- (f) District Officer (Tsuen Wan), Home Affairs Department (DO(TW), HAD).

10. Public Comments Received During Statutory Publication Period

10.1 During the first three weeks of the statutory public inspection period, which ended on 18.12.2018, 126 public comments were received.

10.2 Among the 126 public comments, two support the application, 123 object and one provides comments on the application. These public comments are submitted by the

following parties:

- (a) two comments submitted by Mr. Yim Chi Leung, a member of the Tsuen Wan West Area Committee (**Appendix III-1**) and an individual (**Appendix III-2**) support the application;
- (b) one comment submitted by Hon Tien Puk Sun, Michael, Legislative Councilor and TWDC member (**Appendix III-3**) with signatures (628 nos.) by residents, objects the application;
- (c) one comment submitted by Mr. Chiu Yan Loy, a representative of Labour Party objects the application (**Appendix III-4**);
- (d) one comment submitted by the Owners' Committee of Discovery Park (Residential Portion) objects the application (**Appendix III-5**); and
- (e) 121 public comments submitted by residents of Discovery Park and individuals, including 120 comments (**Appendices III-6 and III-7 and III-9 to III-126**) objecting the application and one expressing general comments (**Appendix III-8**).

Supporting Views

10.3 The supporting grounds are mainly as follows:

Retaining a legitimate and reputable platform for trading of second-hand vehicles in Tsuen Wan could protect the rights and choices of consumers.

Objecting Views

10.4 The objecting grounds are mainly as follows:

- (a) Provision of car parking spaces in Tsuen Wan is inadequate to cater for the increasing demand from the additional population of the newly completed residential developments and the rising number of visitors attracted by newly completed commercial projects. In addition, the shortage of car parking spaces in Tsuen Wan is intensified by the resumption and demolition of various carparks in Tsuen Wan. The inadequate provision of car parking spaces in Tsuen Wan has resulted in adverse traffic impact in the district, including traffic congestion and illegal parking.
- (b) The provision of monthly car parking spaces and hourly car parking spaces in Discovery Park is insufficient to satisfy the needs of the residents and visitors. Some residents of Discovery Park encounter difficulties to rent parking spaces within Discovery Park due to insufficient provision. They are forced to rent or buy the parking spaces in other places. All the parking spaces in Discovery Park should be released to the residents or visitors for car parking use in order to reduce the queuing time and fee for using the carpark.
- (c) The motor-vehicle showroom occupies large number of car parking spaces at the carpark of Discovery Park resulting in insufficient car parking spaces provision to meet the need. As a result, large number of vehicles queue up along Mei Wan

Street for entering the carpark, especially during weekends and public holidays. Frequent illegal parking activity is also found in Mei Wan Street, giving rise to potential road safety problems.

- (d) The operation of motor-vehicle showroom will generate additional traffic flows on Mei Wan Street and increase the pedestrian flows in Discovery Park. Approval of the application will thus cause adverse traffic impact and nuisance to residents. Additional pressure on the capacity of fire escape will also be imposed as a result of the increase in pedestrian flow.
- (e) As the motor-vehicle showroom shares the lifts with the residents, the lifts cannot cope with the intensive pedestrian flow induced by the showroom. This prolongs the waiting time for the lifts. Besides, the shared lift arrangement raises security concerns.
- (f) Motor-vehicle showroom deviates from the planning intention of the residential zone and is incompatible with the commercial podium use of Discovery Park. The provision of car parking spaces should primarily cater for the needs of the residents living therein rather than for other uses.
- (g) The increase in non-domestic GFA for commercial use is in breach of the lease conditions and leads to public's doubts on collusion between Government and private business.
- (h) The applicant has not conducted assessments of the impact on the living quality of residents and the community brought about by the proposed development of the current application.

10.5 Other comments on the application include the followings:

No data provided on the traffic situation in the district, in particular incidents of illegal parking. TD and the Police should update the current parking scenario in the area.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission for continuing the use of the Premises falling within "R(A)6" zone for temporary shop and services (motor-vehicle showroom) and temporary minor relaxation of non-domestic GFA restriction, both for a period of 3 years. According to the Notes of the OZP, the planning intention of "R(A)" (including "R(A)6") 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, both excluding floors containing wholly or mainly carparking and L/UL. Besides, the "R(A)6" zone is subject to a maximum domestic GFA of 210,560m² and a maximum non-domestic GFA of 43,330m². Whilst the temporary showroom is not incompatible with other uses within the subject development and does not result in any actual increase in development bulk or intensity, it involves conversion of the originally provided 136 car parking spaces at the Premises on the 7/F of the podium into motor-vehicle showroom use.

- 11.2 According to the applicant's PDS (Appendix 4 in **Appendix Ia**), there is a shortage of public car parking spaces in Discovery Park in the day time peak periods on Saturdays and Sundays/public holidays ranging from 28 to 58 nos. in accordance with the surveys conducted during the periods of November 2016 to October 2017 and November 2017 to October 2018. To address the above shortfall of parking spaces, as mentioned in paragraph 1.4 above, the applicant has proposed three mitigation measures, including (i) making use of the unoccupied L/UL spaces for provision of 26 parking spaces; (ii) utilizing the EVA as queuing spaces for 12 private vehicles; and (iii) reducing the scale of the motor-vehicle showroom with 20 parking spaces released for public use under the current application.
- 11.3 Whilst the applicant has proposed mitigation measures to address the shortfall of parking spaces in Discovery Park, C for T is of the view that both measures (i) and (ii) above are unacceptable from traffic engineering point of view. The proposed measure (i) will significantly affect the provision of L/UL spaces in the basement of Discovery Park. In this regard, the applicant has failed to demonstrate that the reduced L/UL provision will be able to meet the actual demand throughout the year. For the proposed measure (ii), it can only be considered as temporary traffic management with no actual increase in car parking provision to address the shortfall as any car parking within the EVA would not be acceptable to D of FS. As such, the proposed mitigation measures could only provide an addition of 20 carparking spaces to address the shortfall. In view of the above, C for T does not support the application.
- 11.4 As stated in paragraph 5 above, the Premises was the subject of five previous applications for the same use and minor relaxation of non-domestic GFA restriction which were approved by the Committee/Board for a temporary period of three years during 2004-2016. C for T had no objections to these applications except Application No. A/TW/435 at the s.16/s.17 stages but the application was subsequently approved by the Board upon review. Application No. A/TW/474 for renewal of Application No. A/TW/435 was the last application approved by the Committee in 2016. The current application is the same as the last approved application except for a reduction in number of parking spaces involved from 156 to 136.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the views from relevant government departments as set out in paragraph 9 above and planning consideration and assessments as set out in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the considerations and assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

The applicant fails to demonstrate that the proposed development with the mitigation measures to address the anticipated shortfall in car parking provision would be acceptable from traffic engineering point of view.

- 12.2 Alternatively, 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 3 years until 18.1.2022. The following conditions of approval and advisory clauses are also

suggested for Members' reference:

Approval conditions

- (a) the provision of fire service installations and water supplies for firefighting within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.7.2019; and
- (b) if the above planning condition 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**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

Appendix I	Application form with letter received on 20.11.2018
Appendix Ia	Supporting Planning Statement
Appendix II	Previous and similar applications
Appendices III-1 to III-126	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Floor plan of the 7/F of the carpark
Drawing A-2	Plan of lorry parking spaces
Drawing A-3	Plan of proposed queuing area for ingress of Discovery Park carpark in the emergency vehicular access
Drawing A-4	Floor plan of the 7/F of the carpark showing the concerned floor area to be converted to public car park
Plan A-1	Location plan

Plan A-2
Plans A-3 to A-4

Site plan
Site photos

PLANNING DEPARTMENT
JANUARY 2019