

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TY/138

<u>Applicant</u>	: The Hong Kong Housing Authority (HA)
<u>Site</u>	: Easeful Court, Tsing King Road, Tsing Yi
<u>Site Area</u>	: About 6,043m ²
<u>Lease</u>	: Tsing Yi Town Lot No. 163 under New Grant No. 7110
<u>Plan</u>	: Approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/28
<u>Zoning</u>	: “Residential (Group A)” (“R(A)”)

[Subject to a maximum domestic plot ratio (PR) of 5.0 or a maximum non-domestic PR of 9.5. For new development of a building that is partly domestic and partly non-domestic, it is subject to a maximum domestic/non-domestic PR of 5/9.5 under a composite formula]

<u>Application</u>	: Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle)’ (Surplus Car Parking Spaces Only) and Minor Relaxation of Non-Domestic Plot Ratio (from 0.05 to 0.14) for the Proposed ‘Public Vehicle Park (excluding Container Vehicle)’ for a Period of Three Years until 3.5.2022
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1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary ‘Public Vehicle Park (excluding Container Vehicle)’ use (for a period of three years from 4.5.2019 to 3.5.2022) and for minor relaxation of the existing non-domestic PR from 0.05 to 0.14 to facilitate letting of the surplus monthly vehicle parking spaces at Easeful Court (the Site) to non-residents. The previous renewal application (No. A/TY/133) was approved with conditions by the Metro Planning Committee (the Committee) of the Town Planning Board (the Board) on 18.3.2016 on a temporary basis for a period of three years from 4.5.2016 to 3.5.2019.
- 1.2 The Site falls within an area zoned “R(A)” on the approved Tsing Yi OZP No. S/TY/28. According to the Notes of the OZP for “R(A)” zone, ‘Public Vehicle Park (excluding Container Vehicle)’ and minor relaxation of the PR restriction require planning permission from the Board. The location of the Site and the car park are shown on **Drawings A-1 to A-3** and **Plan A-2**.

- 1.3 According to the applicant, out of the total 95 monthly vehicle parking spaces, 92 were let to residents from January 2018 to December 2019, with an overall vacancy rate of 3% (Appendix 2 of Attachment I of **Appendix I**). A comparison showing the total number of monthly vehicle parking spaces and that let to residents under the previously approved application (No. A/TY/133) and current application (No. A/TY/138) is summarised in the following table:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces		No. of Monthly Vehicle Parking Spaces Let to Residents*		No. of Vacant Monthly Vehicle Parking Spaces (Vacancy Rate %)	
	Previously Approved Application (A/TY/133) (a)	Current Application (A/TY/138) (b)	Previously Approved Application (A/TY/133) (c)	Current Application (A/TY/138) (d)	Previously Approved Application (A/TY/133) [(a) – (c)]	Current Application (A/TY/138) [(b) – (d)]
Private Car	86	86	73	86	13 (About 15%)	0 (0%)
Motor Cycle	9	9	5	6	4 (About 44%)	3 (About 33%)
Total	95	95	78	92	17 (About 18%)	3 (About 3%)

* Remarks: For the previous Application No. A/TY/133, the survey covers the period from December 2014 to November 2015. For the current Application No. A/TY/138, it covers the period from January 2018 to December 2018.

- 1.4 As compared with the previously approved application (No. A/TY/133) where about 30% (i.e. 29 numbers) of the total monthly vehicle parking spaces were proposed for public vehicle park use, the current application (No. A/TY/138) proposes a maximum of about 10% (i.e. 10 numbers) of the total parking spaces for public vehicle park use which has allowed a margin to address fluctuation in vacancy. The proposed split of parking spaces for private car and motor cycle is as follows:

Vehicle Type	Total No. of Monthly Vehicle Parking Spaces	Proposed Public Vehicle Parking Spaces out of the Existing Monthly Parking Spaces	
		Previously Approved Application (A/TY/133)	Current Application (A/TY/138)
Private Car	86	24	5
Motor Cycle	9	5	5
Total	95	29	10

- 1.5 Besides, the proposed conversion of the ancillary vehicle parking spaces to public vehicle park has PR implication. The proposed 10 parking spaces to be let to non-residents would result in a total non-domestic PR of 0.14 (i.e. 837m²), which exceeds the maximum permissible non-domestic PR of 0.05 (i.e. 323m²) as calculated by composite formula under the OZP restriction based on the existing domestic PR of 4.97. A comparison of the existing development parameters of

the Site and the proposed development parameters under the current application is as follows:

Major Development Parameters	Existing (a)	Current Application (A/TY/138) (b)	Differences [(b) – (a)]
Site Area	6,043m ²	6,043m ²	No change
Gross Floor Area (GFA)			
Domestic	30,045m ²	30,045m ²	No change
Non-Domestic	323m ² *	837m ²	+514m ²
- Shops	195m ²	195m ²	No change
- Public Vehicle Park	-	642m ²	+642m ²
Plot Ratio			
Domestic	4.97	4.97	No change
Non-Domestic	0.05	0.14	+ 0.09

*Remarks: Including an unused permitted non-domestic GFA of 128m².

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

- (a) Application form with attachments received on 6.3.2019 and email dated 14.3.2019 enclosing replacement pages of the attachments **(Appendix I)**
- (b) Letter dated 24.4.2019 providing responses to public comment **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Attachment I of **Appendices I and Ia** which are summarised as follows:

- (a) Easeful Court was planned and built as Private Sector Participation Scheme (PSPS), and was subsequently used as Public Rental Housing (PRH) due to change in housing policy. The car parking provision of the Site was provided based on the PSPS standard vis-a-vis PRH standard. The change from PSPS to PRH has resulted in an over-provision of car parking spaces at the Site. A comparison table between PSPS standard and PRH standard is shown below:

	Private Car Parking Space	Motor Cycle Parking Space
Provision in Easeful Court (Planning Brief for PSPS approved on 29.12.1998 and PRH approved on 27.1.2003)	1 space per 6 flats	10% of private car parking provision
PRH Standard in 2003	1 space per 20 flats (excluding 1p/2p flats)	10% of private car parking provision

- (b) The applicant has been keeping in view closely the usage and occupancy rate of its parking facilities to maximise the usage and needs of residents / local communities. A survey of utilisation rate of monthly parking spaces at the Site in the last three consecutive 12-month periods from January 2016 to December 2018 has been conducted. As revealed from the data collected (Appendix 2 of Attachment I of **Appendix I**), there are still surplus parking spaces at the Site after allocation of parking spaces to the residents. The overall vacancy rate ranges from about 3% to 7% with an average of about 4% over the last three years. The letting of surplus parking spaces to non-residents would optimise the use of public resources and offer the public a wider choice of parking facilities. The proposed number of 10 parking spaces for public vehicle park use has allowed a margin to address fluctuation in vacancy.
- (c) The policy on letting parking spaces will continue to be uphold in that the residents will be accorded the highest priority in letting of vehicle parking spaces, while only surplus monthly vehicle parking spaces are to be let to non-residents. The monthly charges are the same for both residents and non-residents. Therefore, the interests and rights of the residents would not be compromised.
- (d) The proposed relaxation of non-domestic PR from 0.05 to 0.14 (with an increase of 0.09) is minor, and the car parking spaces were built already. The relaxed PR would be used for parking spaces for non-residents and would not be used for extension of shops or flats.
- (e) The proposed use does not involve any physical changes and changes in land use character. It is considered compatible with other uses in the surrounding areas.
- (f) No adverse traffic or environmental impacts are envisaged for the proposed use of surplus monthly parking spaces in serving the neighbouring developments.
- (g) Entrances to individual residential towers at the Site are separated from the carpark. Security guards are stationed at each tower and will patrol within the Site from time to time. The proposal should not create any management or security problems. No complaints regarding the letting of surplus parking spaces to non-residents from the Site have been received since the last approval.
- (h) A number of previous planning applications / renewal of planning approvals for temporary public vehicle park use at the Site for a period of 3 years and minor relaxation of non-domestic PR for the proposed public vehicle park have been approved by the Board. The prevailing planning approval (No. A/TY/133) is subject to the approval conditions that priority of letting of surplus parking spaces should be accorded to the residents and that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport (C for T).
- (i) The applicant has previously submitted applications of similar nature and most recently for the renewal or fresh permission in some 50 estates / Home Ownership Scheme (HOS) developments since late 2015. The applications have all been approved by the Board subject to approval conditions. There have been no undue difficulties encountered by the applicant to implement the proposals with the conditions fulfilled.

- (j) The applicant has been reviewing the occupancy rate and demand for parking spaces in individual carparks, and conducting feasibility studies to identify opportunities for conversion to other uses. The applicant has completed several carpark conversion projects for welfare, educational and retail facilities taking into account the feasibility and other site constraints. Where conversion is not feasible, the applicant has also been adopting other measure to maximise the usage of carparks, including seeking necessary permission for the letting of surplus parking spaces to non-residents on a monthly basis.

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

The applicant is one of the “current land owners” of the Site. In respect of the other “current land owner(s)”, the applicant 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 given written notification to the other two land owners on 12.2.2019. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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. 34C) are relevant to this application. The relevant assessment criteria for renewal of planning approval can be summarised as follow:

- (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 for 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 specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. Previous Applications (Plan A-1)

- 5.1 There are five previous planning applications covering the Site (Nos. A/TWK/2, A/TWK/4, A/TWK/6, A/TY/121 and A/TY/133) for temporary public vehicle park (excluding container vehicle). Details of the application are summarised in **Appendix II**.

- 5.2 Planning Application No. A/TWK/2 for proposed public vehicle park (excluding container vehicle) (letting of surplus parking spaces to non-residents) for 21 PRH / HOS developments in Kwai Chung and Tsing Yi area including the Site was approved with conditions by the Committee on 28.5.2004 for a temporary period of three years up to 28.5.2007. Subsequently, Planning Application No. A/TWK/4 for the renewal of planning approval under Application No. A/TWK/2 was approved with conditions by the Committee on 25.5.2007 for a temporary period of three years up to 28.5.2010. Planning Application No. A/TWK/6 for the renewal of planning approval under Application No. A/TWK/4 was also approved with conditions by the Committee on 7.5.2010 for a temporary period of three years up to 25.5.2013.
- 5.3 Planning Application No. A/TY/121 for the same use and minor relaxation of non-domestic PR (from 0.05 to 0.2) was approved with conditions by the Committee on 3.5.2013 for a temporary period of three years up to 3.5.2016. Subsequently, Planning Application No. A/TY/133 for the renewal of planning approval under Application No. A/TY/121 for the same use and minor relaxation of non-domestic PR (from 0.05 to 0.18) was approved with conditions by the Committee on 18.3.2016 for a temporary period of three years up to 3.5.2019.

6. Similar Applications (Plan A-1)

- 6.1 There are five similar planning applications (Nos. A/TY/70, A/TY/107, A/TWK/8, A/TWK/10 and A/TWK/12) in Tsing Yi. Details of the application are summarised in **Appendix II**.
- 6.2 Planning Application No. A/TY/70 for public car park use at Ching Wah Court was approved by the Committee on 1.6.2001.
- 6.3 Planning Application No. A/TY/107 for a temporary public vehicle park (excluding container vehicle) (surplus parking spaces only) for three years at Cheung Fat Estate was rejected by the Committee on 9.4.2010 on the ground that the subject car parks were intended for meeting the car parking demand of the residents of Cheung Fat Estate, Ching Tai Court and Ching Nga Court, and that there was no planning justification for letting the car parking spaces for residents to non-residents in view of the low vacancy rate and the strong demand for car parking provision (as evident from the large number of objections).
- 6.4 Planning Application No. A/TWK/8 for renewal of temporary public vehicle park (excluding container vehicle) (surplus parking spaces only) for three years at Cheung Ching Estate and other three PRH developments at Kwai Chung was approved with conditions by the Committee on 3.5.2013 for a temporary period of three years up to 25.5.2016. Subsequently, Planning Application No. A/TWK/10 for the renewal of planning approval under Application No. A/TWK/8 was approved with conditions by the Committee on 13.5.2016 for a temporary period of three years up to 25.5.2019.
- 6.5 Planning Application No. A/TWK/12 for a temporary public vehicle park (excluding container vehicle) (surplus parking spaces only) for five years at Cheung Ching Estate and other four PRH developments at Kwai Chung / Tsuen

Wan is also recently received. The application is tentatively scheduled for consideration by the Committee on 31.5.2019.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and Photos at Plan A-3)

- 7.1 The Site is located at the northern part of Tsing Yi. The car park is located under the residential podium at ground level.
- 7.2 The Site is located to the northeast of Tam Kon Shan Interchange and surrounded by public housing estates, including Cheung Fat Estate to its north across Tsing King Road, and Cheung On Estate to its east and its west across Tam Kon Shan Road. Access to the car park is via internal roads which connects Tsing King Road.

8. 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.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site falls within Tsing Yi Town Lot No. 163 (the Lot), which is held under New Grant No. 7110 as varied by a Modification Letter dated 16.7.2003. The lease conditions stipulate that the spaces provided for the parking of private car and motorcycles shall be restricted to the parking of private cars and motorcycles belonging to the residents of the building(s) erected on the Lot and their bona fide visitors or invitees. Such spaces and shall not be taken into account for the purpose of calculating the total GFA under lease. The lease further provides that except with the prior written consent of the Director of Lands, the Purchaser of the Lot shall not assign, demise, underlet, part with possession of, alienate or otherwise dispose of such parking spaces other than to owners of residential units in the building(s);
- (b) the Lot is also subject to a waiver letter dated 29.12.2016 permitting the letting of 24 private car parking spaces and five motorcycle parking spaces to members of public for a term expiring on 3.5.2019; and

- (c) the letting of parking spaces for private cars and motorcycles, i.e. as a temporary public vehicle park for a period of three years from 4.5.2019, will constitute a breach of the lease conditions. Should planning approval be granted, the owner of the Lot will need to apply to LandsD for a temporary waiver of the relevant lease conditions. The proposal will only be considered upon receipt of formal application from the lot owner. There is no guarantee that such application, if received by LandsD, will be approved and she reserves her comment on such application. The application will be considered by LandsD acting in the capacity as 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.

Traffic

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

- (a) he has no objection on the application subject to the following condition:

‘priority should be accorded to the residents of Easeful Court in Tsing Yi in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport’; and
- (b) the applicant should review and keep a record of the conditions of the use of parking spaces regularly so as to ensure good management in utilising the public resources and avoid compromising the right of renting monthly vehicle parking spaces in the car park by the residents.

Building Matters

9.1.3 Comments from the Head of Independent Checking Unit, Housing Department (H(ICU), HD):

- (a) he has no objection to the application provided that the total PR of the estate including the additional GFA of the proposed public vehicle park can comply with the permitted PR under Building (Planning) Regulation (B(P)R) 21; and
- (b) the public vehicle park and all the required facilities and associated works are accountable for GFA calculation with respect to B(P)R 23(3) and Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-2.

District Officer's Comments

9.1.4 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

He has no comment from the community point of view. He has posted the application on their notice boards at his office and Cheung Fat Estate Community Centre from 15.3.2019 to 6.4.2019 and no comment was received.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Engineer/Development(2), Water Supplies Department (CE/D2, WSD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner of Police (C of P);
- (g) Director of Electrical and Mechanical Services (DEMS);
- (h) Director of Environmental Protection (DEP);
- (i) Director of Fire Services (D of FS); and
- (j) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD).

10. Public Comments Received During Statutory Publication Period

On 15.3.2019, the application was published for public inspection. During the three-week statutory public inspection period ended on 6.4.2019, one public comment was received from an individual expressing concern on the application (**Appendix IV**). The commenter considers that the Housing Ordinance has not mentioned the provision of public vehicle parking, the parking issue in estates under the Housing Authority should be reviewed, the shortage of government/institution/community (GIC) facilities should be addressed, and that the Board should approve the applications in the best interest of the community and in line with the planning intention for the zone.

11. Planning Considerations and Assessments

11.1 The application is to seek renewal of planning approval to continue letting vacant vehicle parking spaces at the Site to non-residents. According to the applicant, the usage and occupancy rate of its parking facilities has been closely monitored to optimise the usage of parking facilities for the local residents / communities. The overall vacancy rate of the monthly vehicle parking spaces at the Site is 3%

between January to December 2018. The letting of the surplus parking spaces to non-residents would help maximise the utilisation of scarce land resources.

- 11.2 The proposal does not involve new development or redevelopment of the Site, except that there will be a corresponding increase in non-domestic PR of the Site from 0.05 to 0.14. As there is no change in the total number of vehicle parking spaces within the Site, the proposal would not generate additional traffic flow or worsen the environmental conditions in the area.
- 11.3 The Site was previously approved for the same use by the Committee on a temporary basis for three years in 2004, 2007, 2010, 2013 and 2016 (Application Nos. A/TWK/2, A/TWK/4, A/TWK/6, A/TY/121 and A/TY/133). The proposed use complies with the assessment criteria of the TPB PG-No. 34C as mentioned in paragraph 4 above in that there is no material change in planning circumstances of the surrounding areas since the granting of the previous temporary planning approval (No. A/TY/133); there is no adverse planning implication and no objection to / adverse comment from relevant Government departments; and the proposed tenure of temporary planning permission for three years is also considered reasonable so that the vacant parking spaces can be let to non-residents flexibly while the parking demand of the residents can be further monitored and reviewed.
- 11.4 The applicant indicates that the residents of Easeful Court would be accorded priority in renting vehicle parking spaces and monthly charge for both residents and non-residents will be the same. As only the vacant monthly parking spaces will be let out to non-residents, the parking need of the residents would not be compromised. C for T has no objection to the application provided that priority should be given to the residents of the estates for letting of the vacant parking spaces and that the applicant should seek TD's agreement on the actual number of vehicle parking spaces to be let to non-residents. In this regard, the previous approval condition is recommended to be retained in paragraph 12.2 below should the application be approved by the Committee.
- 11.5 Regarding the public comment received, the planning considerations in paragraphs 11.1 to 11.4 are relevant. With respect to the public comment regarding the shortage of GIC facilities, there is generally no shortfall in major community facilities in Tsing Yi, except hospital beds which are assessed on a wider district basis and can be addressed by the provision in the adjoining area. Moreover, the population-based planning standards for elderly services and facilities have been recently incorporated into the Hong Kong Planning Standards and Guidelines in December 2018, of which are a long-term goal and the actual provision would be subject to the consideration of the Social Welfare Department in the planning and development process as appropriate. The applicant has also responded that the occupancy rate and demand for parking spaces has been reviewed continuously and the feasibility of converting the parking space to other uses will be explored. Hence, a previous advisory clause is recommended to be retained to advise the applicant that consideration may be given to letting the surplus vehicle parking spaces for community uses so as to fully utilise the surplus vehicle parking spaces in the Site as suggested at paragraph (b) at **Appendix V**.

12. **Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments received as mentioned in paragraph 10, the Planning Department has no objection the application for the following reason:
- 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 period of three years from 4.5.2019 to 3.5.2022. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

Priority should be accorded to the residents of Easeful Court in Tsing Yi in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

Advisory clauses

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

- 12.3 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.
- 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 6.3.2019 and email dated 14.3.2019 enclosing replacement pages of the attachments
Appendix Ia	Letter from the applicant dated 24.4.2019 providing responses to public comment
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan of Easeful Court

Drawing A-2	Location of Parking Facilities
Drawing A-3	Indicative Layout of the Proposed Public Vehicle Park
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
MAY 2019**