

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

APPLICATION NO. A/TMYLW/1

Applicant : The Hong Kong Housing Authority (HKHA)

Sites : (a) Car Park in Shui Pin Wai Estate, Yuen Long
 (b) Car Park in Tin Heng Estate, Tin Shui Wai

<u>Site Areas</u>	Housing Development	Site Area
(a)	Shui Pin Wai Estate, Yuen Long	39,410 m ²
(b)	Tin Heng Estate, Tin Shui Wai	59,500 m ²

<u>Land Status</u>	Housing Development	Land Status
(a)	Shui Pin Wai Estate, Yuen Long	Vesting Order (V.O.) No. 94
(b)	Tin Heng Estate, Tin Shui Wai	V.O. No. 201

<u>Plans and Zonings</u>	Housing Development	Outline Zoning Plan (OZP)	Zoning
(a)	Shui Pin Wai Estate, Yuen Long	Approved Yuen Long OZP No. S/YL/23	“Residential (Group A)” (“R(A)”) [restricted to a maximum domestic plot ratio of 5 or a maximum non-domestic plot ratio of 9.5, as the case may be, and a maximum building height of 30 storeys excluding basement(s)]
(b)	Tin Heng Estate, Tin Shui Wai	Approved Tin Shui Wai OZP No. S/TSW/14	“R(A)” [no restrictions on plot ratio and GFA]

Application : Renewal of Planning Approval for Temporary ‘Public Vehicle Park (excluding Container Vehicle) (Letting of Surplus Parking Spaces to Non-residents)’ for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for renewal of the temporary planning permissions (Applications No. A/YL/220 and A/TSW/66), which will be valid until 14.5.2019, for a public vehicle park (excluding container vehicle) at Shui Pin Wai Estate and Tin Heng Estate (the Sites). The locations of Shui Pin Wai Estate (Site A) and Tin Heng Estate (Site B) are shown on **Plans A-1a and 1b** respectively. The applicant proposes to continue letting the surplus parking spaces (including parking spaces for private cars, light goods vehicles and/or motor cycles) in two public rental

housing (PRH) estates to non-residents for a period of 3 years from 15.5.2019 to 14.5.2022.

- 1.2 The Sites fall within areas zoned “R(A)”. The letting of the car parking spaces to non-residents is regarded as a conversion of the existing ancillary car park to ‘Public Vehicle Park (excluding container vehicle)’. According to the Notes of the respective OZPs, planning permission from the Town Planning Board (the Board) is required for ‘Public Vehicle Park (excluding container vehicle)’ use in the “R(A)” zone.
- 1.3 Site A involves 5 previous applications (Nos. A/YL/119, 148, 173, 197 and 220) and Site B involves 6 previous applications (Nos. A/TSW/29, 36, 43, 47, 56 and 66). Except Application No. A/TSW/43 for the conversion of vacant parking spaces to the Hong Kong Jockey Club Telebet Centre cum Volunteers and Training Centre, all the other 10 applications are for temporary public vehicle park (excluding container vehicle) (i.e. letting out of surplus ancillary car parking spaces to non-residents) (**Plans A-1a and 1b**). The last applications on both Sites (No. A/YL/220 and A/TSW/66) for renewal of planning approval for temporary public vehicle park (excluding container vehicle) were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 18.3.2016 for the period from 15.5.2016 to 14.5.2019. Details of the previous applications are at paragraph 5 and **Appendix III**.
- 1.4 According to the applicant, the average vacancy rates of monthly parking spaces for all types of vehicles (if not let to non-residents) are 16% at Site A and 1% at Site B respectively from February 2018 to January 2019. On an average, 17 private car, 2 light goods vehicle and 2 motor cycle parking spaces at Site A, and 6 motor cycle parking spaces at Site B could be let to non-residents. A comparison of the monthly parking spaces and the average number of monthly car parking spaces let to residents under the previously approved applications (No. A/YL/220 and A/TSW/66) and the current application (No. A/TMYLW/1) is as follows:

Site A - Shui Pin Wai Estate	Total no. of monthly car parking spaces		Average no. of monthly car parking spaces let to residents		Average surplus vehicle parking spaces (Vacancy rate of monthly parking spaces) ^[1]	
	Previously Approved Scheme (A/YL/220) (a)	Current Scheme (A/TM YLW/1) (b)	Previously Approved Scheme (A/YL/220) (c)	Current Scheme (A/TM YLW/1) (d)	Previously Approved Scheme (A/YL/220) (a)-(c)	Current Scheme (A/TMYL W/1) (b)-(d)
Private Car	118	118	79	101	39 (33%)	17 (14%)
Light Goods Vehicle	9	9	9	7	0 (0%)	2 (22%)
Motor Cycle	5	5	4	3	1 (20%)	2 (40%)
Total	132	132	92	111	40 (30%)	21 (16%)

Site B – Tin Heng Estate	Total no. of monthly car parking spaces		Average no. of monthly car parking spaces let to residents		Average surplus vehicle parking spaces (Vacancy rate of monthly parking spaces) ^[1]	
	Previously Approved Scheme (A/TSW/66) (a)	Current Scheme (A/TM YLW/1) (b)	Previously Approved Scheme (A/TSW/66) (c)	Current Scheme (A/TM YLW/1) (d)	Previously Approved Scheme (A/TSW/66) (a)-(c)	Current Scheme (A/TMY LW/1) (b)-(d)
Private Car	337	356 ^[2]	293 336	356	24 1 (8%) (0.3%)	0 (0%)
Light Goods Vehicle	0	0	0	0	0 (0%)	0 (0%)
Motor Cycle	45	45	20 29	39	25 16 (57%) (35.6%)	6 (13%)
Total	382	401	313 365	395	49 17 (14%) (4.5%)	6 (1%)

^[1] The figures are based on the survey result of utilization rate of monthly parking spaces at the Sites for a 12-month period from February 2018 and January 2019. The figures exclude hourly parking spaces and parking facilities reserved for estate management use.

^[2] The figure in the previous application was 337. The increase in the current figure is due to the addition of 4 open private car and 3 covered private car parking spaces, conversion of 2 open private car parking spaces from 1 loading/unloading bay and the change of 10 hourly private car parking spaces to monthly use.

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

- (a) Application Form and supplementary information received on 8.3.2019 **(Appendix I)**
- (b) Further Information received on 17.4.2019 **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]

1.6 The location plans and the location of parking facilities submitted by the applicant are at **Drawings A-1a to A-2b**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix I to Ia**. They are summarized as follows:

- (a) The applicant has been keeping in view closely the usage and occupancy situation of its parking facilities to maximize the usage and meet the needs of residents and local communities. As revealed by the survey on the actual vacancy rate of monthly car parking spaces by residents in the 12-month period from February 2018 to January 2019, the overall vacancy rate at Site A and Site B is about 16% and 1% respectively. In order to optimize the use of public resources, the applicant proposes to let all surplus parking spaces in the Sites to non-residents.
- (b) The Sites are subject to 10 previous planning approvals for the same use as the applied use since 2004. All planning conditions under the previous approvals are fully complied accordingly.
- (c) The proposed letting of surplus parking spaces will not generate additional traffic flow. No adverse traffic and environmental impacts are envisaged.

- (d) The proposed letting of surplus parking spaces does not involve any physical change and change in land use character. It is considered compatible with other uses in the surrounding areas.
- (e) Separate entrances leading to the car parks and residential towers are provided. Security guards are also stationed at each residential block and will patrol within the Sites from time to time. No security and management problem is anticipated.
- (f) Priority will continue to be given to residents to rent the parking spaces. The monthly charges for both residents and non-residents will also be the same. The proposed letting of surplus parking spaces will not compromise the right of the residents.
- (g) Members of the Estate Management Advisory Committees of the Estate have been consulted. There was no objection from the residents of the Sites to the proposed letting of surplus monthly parking spaces of the Sites to non-residents.
- (h) The applicant has been reviewing the occupancy rate and the demand for parking spaces in individual carparks from time to time. For carparks with relatively lower occupancy rates, the applicant has been conducting feasibility studies to identify opportunities for conversion to other uses. However, the conversions are not always feasible due to technical and other constraints. Where conversion is not feasible, the applicant has been adopting other measures to maximize the usage of carpark, i.e. re-designating the surplus spaces for parking of other vehicle types in great demand and letting of surplus parking spaces to non-residents.

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

As the Sites involve 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) are not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Previous Applications

5.1 The Sites involve 11 previous applications (No. A/YL/119, 148, 173, 197, 220, A/TSW/29, 36, 43, 47, 56 and 66) for temporary public vehicle park (excluding container vehicle) and office (telebet centre) cum training centre since 2004. All of the previous applications were approved by the Committee. Details of these previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1a and 1b**.

5.2 Site A is the subject of 5 previous applications (No. A/YL/119, 148, 173, 197 and

220). The first application (No. A/YL/119) for proposed public car park (letting of the surplus residential car parking spaces to non-residents) covering Shui Pin Wai Estate (Site A) and Long Ping Estate in Yuen Long Town was approved by the Committee on 14.5.2004 for a period of 3 years on the considerations of no alteration, addition or modification works to existing car parking spaces, no significant difference in the traffic generated from the proposal, no adverse departmental comments and only surplus parking spaces being let to non-residents. The subsequent applications (No. A/YL/148, 173, 197 and 220) for renewal for the same applied use covering Site A were approved by the Committee on 27.4.2007, 23.4.2010, 3.5.2013 and 18.3.2016 respectively mainly on the considerations that the application was in line with the TPB PG-No. 34B, the application would not generate additional traffic flow nor worsen the environmental conditions, there was no adverse comment from the concerned Government departments and the renewal of the planning approval for 3 years was considered reasonable so that the vacant car parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed.

5.3 Site B is the subject of 6 previous applications (No. A/TSW/29, 36, 43, 47, 56 and 66). Except Application No. A/TSW/43 for the conversion of vacant parking spaces to office (telebet centre) cum training centre, which was approved by the Committee on 7.3.2008, all the other applications are for temporary public vehicle park (excluding container vehicle). The first application (No. A/TSW/29) for proposed public car park (letting of the surplus residential car parking spaces to non-residents) in various estates (including Tin Heng Estate (Site B)) in Tin Shui Wai was approved by the Committee on 14.5.2004 for a period of 3 years on the similar considerations for Application No. A/YL/119 mentioned above. The subsequent applications (No. A/TSW/36, 47, 56 and 66) for renewal for the same applied use covering Site B were approved by the Committee on 27.4.2007, 23.4.2010, 3.5.2013 and 18.3.2016 respectively mainly on the similar considerations for Applications No. A/YL/148, 173, 197 and 220 mentioned above.

5.4 The last planning permissions for the renewal applications of Site A and Site B (Application No. A/YL/220 and A/TSW/66) will be expired on 14.5.2019.

6. Similar Application

There is no similar application within the same “R(A)” zone on the respective OZPs.

7. The Sites and Their Surrounding Areas (Plan A-1a to Plan A-4b2)

The Sites are located within PRH estates with good vehicular access. A table summarizing the surrounding developments and the access roads is as follows:

Site	Types of Existing Car Park	Adjacent Development	Vehicular Access
Site A – Shui Pin Wai Estate	Car park under the podium and open air car park in Shui Pin Wai Estate	<ul style="list-style-type: none"> - to its immediate east is a secondary school, a church, a primary school and car park - to its north across Ma Wang Road is the villages of Fung Chi Tsuen, Shui 	Accessible via Shui Pin Wai Road and Ma Miu Road

		<p>Tin Tsuen and Chun Hing San Tsuen, woodland and grave area</p> <ul style="list-style-type: none"> - to its west across Shui Pin Wai Road is the village of Shui Pin Wai, storage yards and car parking - to its south across Castle Peak Road-Ping Shan is the village of Shui Pin Tsuen 	
Site B – Tin Heng Estate	Car park building and open air car park in Tin Heng Estate	<ul style="list-style-type: none"> - to its east across Tin Shui Road is a PRH estate named Grandeur Terrace - to its north and northeast across Tin Ying Road is a drainage channel, a residential development under construction, fire station and vacant land - to its immediate west is a drainage channel - to its south is Tin Chak Estate and Tin Chak Shopping Centre 	Accessible via Tin Shui Road

8. Planning Intention

The “R(A)” zone on the respective OZPs 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 summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

The Sites have been vested to the HKHA by V.O. Nos. 94 (Site A) and 201 (Site B). As HKHA has been vested with power to control and manage the Sites under the said V.O. pursuant to the Housing Ordinance (i.e. the Sites are not held under a Government Lease), his office is not in a position to comment the application.

Traffic

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) On the basis of the submitted planning statement, the applicant will continue to uphold the following policies on letting the parking spaces:

- (i) The residents are accorded with the highest priority in letting of vehicle parking spaces;
- (ii) Only surplus monthly vehicle parking spaces are to be let to non-residents; and
- (iii) The monthly charges are the same for both residents and non-residents.

Environment

9.1.3 Comment of the Director of Environmental Protection (DEP):

- (a) According to the information submitted, heavy vehicles and dusty operation are not expected.
- (b) 3 substantiated environmental complaints pertaining to Site B have been received in 2016, 2017 and 2019. The complaints were related to malodor (urine), noise from exhaust fan of bus terminal and noise from lift operation of Heng Chui House, Tin Heng Estate.

Building Matters

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

The subject premises are situated in the PRH estates which are outside the jurisdiction of the BD.

District Officer's Comments

9.1.5 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office did not receive any comment from the locals on the application.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (West)/West Development Office, Civil Engineering and Development Department (PM(W)/WDO, CEDD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Fire Services (D of FS);
- (g) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (h) Director of Leisure and Cultural Services (DLCS);
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (j) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

On 19.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.4.2019, 2 public comments were received from a DC member and an individual objecting to the application on the grounds that there are insufficient car parking spaces at the Sites and the surplus car parking spaces inside the PRH estates should be converted into other community facilities to improve the quality of life of residents (**Appendices IV-1 to IV-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of planning approvals under Applications No. A/YL/220 and A/TSW/66 to continue letting of surplus parking spaces at the Sites to non-residents for a period of 3 years from 15.5.2019 to 14.5.2022, which were previously approved by the Committee on 18.3.2016 for the period from 15.5.2016 to 14.5.2019.
- 11.2 The application is generally in line with the TPB PG-No.34B in that there has been no material change in planning circumstances since the granting of previous approvals; there is no adverse planning implication arising from the renewal of the planning approval; there is no adverse departmental comment; and the 3-year approval period sought is considered reasonable as the vacant vehicle parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed.
- 11.3 According to the applicant, the average vacancy rate of the vehicle parking spaces of Site A and Site B was about 16% and 1% respectively from February 2018 to January 2019. The letting of the surplus vehicle parking spaces to non-residents would help utilise public resources more efficiently. Moreover, the applicant indicates that the residents of Shui Pin Wai Estate and Tin Heng Estate would be given priority in the renting of parking spaces. As only the surplus monthly parking spaces would be let out to non-residents, the parking need of the residents would not be compromised. An approval condition is recommended in paragraph 12.2 below to ensure that priority is given to the residents in renting the vehicle parking spaces.
- 11.4 There is no change in the total number of vehicle parking spaces within the Sites and significant traffic impact is not anticipated. C for T has no adverse comment on the application.
- 11.5 Given that Sites are the subjects of 10 previously approved applications (Nos. A/YL/119, 148, 173, 197, 220 and A/TSW/29, 36, 47, 56 and 66) for the same use as the applied use (**Plans A-1a and 1b**). Approval of the application is in line with the Committee's previous decisions.
- 11.6 There are 2 public comments received from the public objecting to the application on the grounds as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application for renewal of planning approval for temporary 'public vehicle park (excluding container vehicle) (letting of surplus parking spaces to non-residents) for a period of 3 years.
- 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 3 years from 15.5.2019 to 14.5.2022. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

Priority should be accorded to the respective residents of Shui Pin Wai Estate and Tin Heng 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 clauses are attached at **Appendix V**.

- 12.3 There is no strong 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 and supplementary information received on 8.3.2019
Appendix Ia	Further Information received on 17.4.2019
Appendix II	Extract of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)
Appendix III	Previous Applications covering the Sites
Appendices IV-1 to IV-2	Public Comments Received During Statutory Publication Period
Appendix V	Advisory Clauses

Drawings A-1a to 1b	Location Plans
Drawings A-2a to 2b	Location of Parking Facilities
Plans A-1a to 1b	Location Plans with Previous Applications
Plans A-2a to 2b	Site Plans
Plans A-3a to 3b	Aerial Photos
Plans A-4a1 to 4b2	Site Photos

**PLANNING DEPARTMENT
MAY 2019**