

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/I-TCTC/65

<u>Applicant</u>	Link Properties Limited represented by PlanPlus Consultancy Limited
<u>Premises</u>	Portion of 5/F, Car Park No. 2 Yat Tung Estate, Tung Chung, Lantau Island
<u>Total Floor Area</u>	About 1,211m ²
<u>Lease</u>	Tung Chung Town Lot (TCTL) 30 - Non-industrial (excluding godown, hotel and petrol filling station) purposes
<u>Plan</u>	Approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/24
<u>Zonings</u>	“Residential (Group A)” (“R(A)”) - Maximum domestic plot ratio (PR) of 5
<u>Application</u>	Proposed Training Centre and Eating Place

1. The Proposal

- 1.1 The applicant seeks planning permission to convert part of the fifth floor of Yat Tung Car Park No. 2 for a proposed integrated facility with a food bank, a multimedia training centre and a café for training purpose. The application premises (the Premises) fall within an area zoned “R(A)” on the approved Tung Chung Town Centre Area OZP No. S/I-TCTC/24 (**Plan A-1**). According to the Notes of the OZP, while the food bank which can be considered as a ‘Social Welfare Facility’ use is always permitted within “R(A)” zone, ‘Training Centre’ and ‘Eating Place’ uses in “R(A)” zone require planning permission from the Town Planning Board (the Board)¹.

¹ In the “R(A)” zone, planning permission is still required for ‘Training Centre’ and ‘Eating Place’ uses not in the lowest three floors of a building, taken in include basements; or not in the purpose-designed non-residential portion of an existing building, excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room.

- 1.2 The Premises is situated at 5/F of a 6-storey car park building within Yat Tung Estate (i.e. Car Park No. 2) (**Plan A-2**). Out of 1,753 private car parking spaces provided at the three car park buildings in Yat Tung Estate, 1,271 are provided at the subject car park building and the adjoining Car Park No. 3, together with 67 motorcycles parking spaces.
- 1.3 The proposed development involves conversion of a floor area of about 1,211m² (about 12.51% of the total floor area of the subject car park), leading to a reduction of 42 private car parking spaces in the building and relocation of 5 motorcycle parking spaces to other locations at the same floor (**Drawing A-2**). The proposed conversion would bring about a slight increase of non-domestic GFA of 1,211m² in Yat Tung Estate.
- 1.4 The layout plan of the proposed integrated facility submitted by the applicant is at **Drawing A-1**. According to the applicant, the facilities run by two non-government organisations operate daily with different peak hours and service schedules. The proposed training centre (i.e. the multimedia training centre) and eating place (i.e. the vocational training café) would be operated by Neighbourhood Advice-Action Council and the food bank will be operated by St. James' Settlement. The facility is not intended for commercial purposes but to offer training to youngsters in Tung Chung and provide social welfare support to underprivileged families within the neighbourhood.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 9.6.2023; (**Appendix I**)
 - (b) Supporting planning statement received on 9.6.2023; (**Appendix Ia**)
 - (c) Further Information (FI) received on 28.9.2023* (**Appendix Ib**)
 - (d) FI received on 14.11.2023[#]; (**Appendix Ic**)
 - (e) FI received on 20.12.2023[#]; (**Appendix Id**)
 - (f) FI received on 25.1.2024[#]; (**Appendix Ie**)
 - (g) FI and replacement page received on 7.2.2024 and 9.2.2024[#]; and (**Appendix If**)
 - (h) FI received on 15.3.2024* (**Appendix Ig**)
 - (i) FI received on 20.3.2024* (**Appendix Ih**)
- * accepted and exempted from publication and recounting requirements
accepted but not exempted from publication and recounting requirements
- 1.6 On 28.7.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) The utilisation of car parking spaces in Yat Tung Estate have been persistently

low for the past decades in view of relatively low car ownership rate in the estate and low connectivity with the Hong Kong International Airport. Since users often prioritise using car parking spaces at the lower floors, the proposed integrated facility at 5/F of the car park would better utilise land resources;

- (b) The proposed integrated facility conforms to the planning intention of the “R(A)” zone and comply with the statutory permissible development intensity;
- (c) The proposed integrated facility is compatible with the local characters of Yat Tung Estate and the surrounding context where a number of social welfare facilities and education institutions are located at the subject car park building and the neighbourhood;
- (d) The proposed integrated facility is in line with the government’s policy to widen youngsters’ progression pathway through providing vocational and professional training;
- (e) The proposed integrated facility caters for the increasing demand for training centres and social welfare facilities in Tung Chung West induced by the on-going development of Tung Chung New Town Extension and the influx of new population;
- (f) The proposed integrated facility is technically feasible and will not cause insurmountable impact on traffic, sewerage and environmental aspects; and
- (g) The applicant will also review the parking layout plan of Yat Tung Estate and explore the possibility of providing more motorcycle parking spaces in the future to alleviate the illegal on-street parking problem in the vicinity.

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

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

4. Previous Application

There is no previous application at the Site.

5. Similar Application

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

6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a to 4d)

6.1 The Premises is:

- (a) located on 5/F of Car Park No. 2 of Yat Tung Estate providing 42 private car and 5 motorcycle parking spaces;
- (b) located within a 6-storey car parking building which also accommodates the following uses:

G/F	Wet market and loading/unloading bay
1/F	Car parking spaces, nursery and pedestrian connection to Yat Tung Shopping Mall
2/F	Car parking spaces, kindergarten, vehicular connection bridge to Car Park No. 3 and pedestrian connection to Yat Tung Shopping Mall
3/F	Car parking spaces and social services centre
4/F	Car parking spaces and kindergarten
5/F	Car parking spaces
R/F	Social service centre, basketball court, leisure facilities and playground

- (c) accessible via the vehicular entrance at Yat Tung Street; and
- (d) located adjacent to Yat Tung Shopping Centre and the bus terminus of Yat Tung Estate.

6.2 The surrounding areas mainly composed of housing blocks of Yat Tung (I) and (II) Estate and a number of social welfare facilities and schools. Another newly-completed public housing estate, Mun Tung Estate, is located to the southwest. North Lantau Hospital and a mosque are located to the east and northeast of Yat Tung Estate respectively.

7. Planning Intention

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

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Islands, Lands Department (LandsD):

- (a) the Premises is within TCTL 30 (the Lot) which is held under a Government Lease for the purpose of non-industrial (excluding godown, hotel and petrol filling station purposes). The total GFA of any building or buildings erected or maintained on the Lot shall not be more than 735,709m² of which the total GFA of the commercial facilities shall be not more than 22,221m². Furthermore, the Lessee shall provide and maintain, among other things, within the Lot to the satisfaction of the Director of Lands 1,753 spaces and 67 spaces for the parking of motor vehicles (excluding motor cycles and goods vehicles) and motor cycles respectively. The Lessee shall not use or permit or suffer to be used the parking spaces indicated on the Car Park Layout Plan for any purpose other than for the respective purposes set out in the Government Lease; and
- (b) the current proposal is in breach of the Government lease of the Lot. Should the captioned planning application be approved by the Board, the owner of the application premises is required to apply to LandsD for a temporary waiver to implement his proposal. Every application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the temporary waiver application will eventually be approved by LandsD. If the application for temporary waiver is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of waiver fee and administrative fee.

Traffic and Transport

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

It is noted that there is a surplus of private car parking spaces of Yat Tung Estate car parks to accommodate the parking demand in the vicinity after removal of the 42 private car parking spaces and that the affected 5 motorcycle parking spaces will be re-provided. He has no objection in principle to the proposed training centre and eating place. The applicant should work out measures to address the illegal parking of motorcycles as identified in the application.

Environment

8.1.3 Comments of the Director of Environmental Protection (DEP):

Given that no adverse environmental impact is anticipated from the

proposed uses, he has no objection to the application from environmental perspective.

Social Welfare Provision

8.1.4 Comments of the Director of Social Welfare (DSW):

- (a) The proposed development comprises of (i) Social Welfare Facilities, (ii) Training Centre and (iii) Eating Place. As the Food Bank, Community Support Service and Carers' Service are generally in line with the Government Policy, she supports these proposed uses which could be regarded as 'Social Welfare Facilities'.
- (b) As for the proposed 'Training Centre' and 'Eating Place' uses, as they fall outside the purview of her department, she has no comment from social welfare services provision point of view.

8.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Housing Manager, Housing Department;
- (b) Head of Independent Checking Unit, Housing Bureau;
- (c) Head of Sustainable Lantau Office, Civil Engineering and Development Department;
- (d) Director of Food and Environmental Hygiene;
- (e) Chief Engineer/Hong Kong and Islands, Drainage Services Department;
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Director of Electrical and Mechanical Services;
- (h) Director of Fire Services;
- (i) Chief Highway Engineer/New Territories East, Highways Department;
- (j) Director of Leisure and Cultural Services;
- (k) Commissioner of Police; and
- (l) District Officer (Islands), Home Affairs Department.

9. Public Comment Received During Statutory Publication Period

On 20.6.2023, 28.11.2023, 29.12.2023, 6.2.2024 and 20.2.2024, the application was published for public inspection. During the statutory public inspection period, four public comments from individuals were received supporting the application (**Appendix II**) mainly on the grounds that the local community desires for food bank and vocational training centres for teenagers, and the application can meet the community's pressing need of these facilities.

10. Planning Considerations and Assessments

- 10.1 The applicant seeks planning permission for converting part of 5/F of Car Park No. 2 of Yat Tung Estate to a proposed integrated facility with permitted social welfare facility and training centre and eating place which falls within an area zoned “R(A)” on the OZP intended primarily for high-density residential developments. The proposed conversion of part of the top parking floor of the subject carpark building will lead to a reduction of 42 private car parking spaces in the subject carpark building and relocation of 5 motorcycle parking spaces to other locations on the same floor. The proposed integrated facility offering social welfare services and vocational training in multimedia industry and catering services is considered not in conflict with the planning intention of the “R(A)” zone.
- 10.2 The proposed integrated facility does not involve new development or redevelopment of the existing carpark building which is ancillary and directly related to the public housing development at Yat Tung Estate. The proposed conversion of the car park area would only bring a slight increase of non-domestic GFA of about 1,211m² in the public housing estate. A number of social welfare facilities, education institution and commercial uses are located in other floors of the subject building and surrounding areas inside the estate. The proposed integrated facility is considered not incompatible with the surrounding context and local characters.
- 10.3 Upon conversion, a total of 42 private car parking spaces at the top floor of the carpark building will be suspended. However, according to the applicant, the current occupancy rates of Car Park No. 2 (i.e. where the Premises situate) and Car Park No. 3 (with vehicular bridge connected with Car Park No. 2 at 2/F) are only about 68% at peak hours, and the occupancy rate of the subject carpark building would only increase about 3% upon conversion. There are 1,753 private car and 67 motor vehicles parking spaces in three carpark buildings of Yat Tung Estate and therefore, the proposed conversion of carpark is not expected to seriously affect the parking provision for the residents of Yat Tung Estate, but enable better utilisation of land resources for an integrated facility to serve the community. C for T has no objection in principle to the application.
- 10.4 Relevant government departments including C for T, D of Housing, DEP, CE/C, WSD and DSW have no adverse comment on the application. Adverse impact from traffic, sewerage, water supply and environmental aspects are not envisaged.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that

the permission shall be valid until 5.4.2028, and after the said date, the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or this permission is renewed. The advisory clauses suggested for Members' reference are at **Appendix III**.

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

12. Decision Sought

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

12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

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

13. Attachments

Appendix I	Application Form received on 9.6.2023
Appendix Ia	Supporting Planning Statement received on 9.6.2023
Appendix Ib	FI received on 28.9.2023
Appendix Ic	FI received on 14.11.2023
Appendix Id	FI received on 20.12.2023
Appendix Ie	FI received on 25.1.2024
Appendix If	FI received and replacement page received on 7.2.2024 and 9.2.2024
Appendix Ig	FI received on 15.3.2024
Appendix Ih	FI received on 20.3.2024
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan of the Proposed Development
Drawing A-2	Car Park Layout Plan of the Existing Car Park at 5/F
Drawing A-3	Plan of Proposed Reprovision of Motorcycle Parking Spaces
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4d	Site Photos