

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

**APPLICATION NO. A/TSW/76**

<b><u>Applicant</u></b>	:	The Hong Kong Housing Authority (HKHA)
<b><u>Site</u></b>	:	4-storey car park in the Ancillary Facilities Block and open car parks of Tin Yan Estate, Tin Shui Wai
<b><u>Site Area</u></b>	:	About 48,200m <sup>2</sup>
<b><u>Land Status</u></b>	:	Government Land vested to the HKHA under Vesting Order (VO) No. 198
<b><u>Plan</u></b>	:	Draft Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/15
<b><u>Zoning</u></b>	:	“Residential (Group A)” (“R(A)”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Public Vehicle Park (excluding Container Vehicle) (Letting of Surplus Monthly Parking Spaces to Non-residents) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for renewal of planning approval (Application No. A/TSW/68<sup>1</sup>), which is valid until 17.2.2022, for a temporary public vehicle park (excluding container vehicle) at Tin Yan Estate (**Plan A-1a**). The applicant proposes to continue letting the surplus monthly vehicle parking spaces to non-residents for a period of 5 years from 18.2.2022 to 17.2.2027.
- 1.2 The concerned ancillary facilities block and open car parks in Tin Yan Estate (the Site) falls within an area zoned “R(A)” on the draft Tin Shui Wai OZP No. S/TSW/15. The letting of the car parking spaces to non-residents is regarded as a conversion of the existing ancillary car parking to ‘Public Vehicle Park (excluding container vehicle)’. According to the Notes for “R(A)” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use,

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<sup>1</sup> The previous application (No. A/TSW/68), which covered the letting of surplus monthly parking spaces in Tin Yan Estate and Grandeur Terrace to non-residents, was approved by the Rural and New Town Planning Committee (the Committee) on 17.2.2017 for a period of 5 years. For the current application (No. A/TSW/76), the car parking spaces in Grandeur Terrace is not included as there is currently no surplus monthly parking space available for letting to non-residents according to the survey conducted by the applicant.

which requires planning permission from the Town Planning Board (the Board). The location and site photos of Tin Yan Estate and the existing car parks are shown in **Plans A-2 to A-4d**.

- 1.3 According to utilisation rate survey undertaken by the applicant from September 2020 to August 2021, the average vacancy rate of monthly parking spaces for all types of vehicles (if not let to non-residents) at Tin Yan Estate was 4%. On an average, 3 private car and 5 light goods vehicle parking spaces 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 application (No. A/TSW/68) and the current application (No. A/TSW/76) is as follows:

	Total No. of Monthly Parking Spaces <sup>[1][2]</sup>		Average No. of Monthly Parking Spaces Let to Residents		Average Surplus Vehicle Parking Spaces (Vacancy Rate of Monthly Parking Spaces)	
	Previous Application A/TSW/68 (a)	Current Application A/TSW/76 (b)	Previous Application A/TSW/68 (c)	Current Application A/TSW/76 (d)	Previous Application A/TSW/68 (a)-(c)	Current Application A/TSW/76 (b)-(d)
Private Car	165	<b>172</b> <sup>[3]</sup>	162	<b>169</b>	3 (2%)	<b>3</b> (2%)
Light Goods Vehicle	20	<b>18</b> <sup>[4]</sup>	11	<b>13</b>	9 (45%)	<b>5</b> (28%)
Motorcycle	22	<b>22</b>	21	<b>22</b>	1 (5%)	<b>0</b> (0%)
Total	207	<b>212</b>	194	<b>204</b>	13 (6%)	<b>8</b> (4%)

Notes:

- [1] Figures exclude hourly parking spaces and parking facilities reserved for the estate management.  
 [2] For Application No. A/TSW/68, the statistics covered the period from August 2015 to July 2016.  
 [3] Increase of 7 private car parking spaces due to (i) change of 4 hourly private car parking space to monthly use and (ii) conversion of 2 monthly light goods vehicle parking spaces to 3 monthly private car parking spaces.  
 [4] Decrease of 2 light goods vehicle parking spaces due to conversion of 2 light goods vehicle parking spaces to 3 monthly private car parking spaces.

- 1.4 The location plan of the parking facilities in Tin Yan Estate submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 17.12.2021 (**Appendix I**)  
 (b) Further Information (FI) received on 19.1.2022 (**Appendix Ia**)  
*(Exempted from the publication requirements)*

## **2. Justifications from the Applicant**

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

- (a) The proposal of letting vacant parking spaces to non-residents will optimise the use of public resources.
- (b) The proposal does not involve any changes in land use. The proposal will not bring adverse traffic or environmental impact as it will not result in any increase of parking spaces nor generate any additional traffic flow over that previously planned. The applied use is considered compatible with other uses in the surrounding areas.
- (c) Since there is no statutory restriction on the non-domestic plot ratio under the OZP, the proposal would not contravene the OZP.
- (d) The proposal would not create management or security problems as entrances to individual residential towers in Tin Yan Estate are separated from the vehicle parks. Security guards are stationed at each tower and will patrol within the estate from time to time.
- (e) The applicant will continue to uphold the policies that the residents are accorded with the highest priority in letting of vehicle parking spaces; that only surplus monthly vehicle parking spaces are to be let to non-residents; and that the monthly charges are the same for both residents and non-residents. The interest of the residents would therefore not be compromised. No complaints regarding the letting of surplus parking spaces to non-residents from Tin Yan Estate have been received since the approval of the previous application.
- (f) Applications of similar nature submitted by the applicant previously for some 40 estates or Home Ownership Scheme (HOS) developments since late 2018 were approved and renewed with approval conditions. There have not been any difficulties for the applicant to fulfil the approval conditions.
- (g) Consultation with the Estate Management Advisory Committee (EMAC) of Tin Yan Estate was conducted in August 2021. No objection to the application was raised by the EMAC members.

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

As Tin Yan Estate involves Government Land under Vesting Order 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.

#### **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. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

#### **5. Previous Application**

5.1 The Site is involved in a previous application (No. A/TSW/68) for the same use at Tin Yan Estate and Grandeur Terrace for a period of 5 years. The previous application was approved with condition by the Committee on 17.2.2017 on considerations that the parking needs of the residents would not be compromised; the policy of according priority to residents could be effectively implemented through approval condition; and there is no adverse comment from concerned government departments. The planning permission will expire on 17.2.2022.

5.2 Details of the previous application are summarised at **Appendix III** while the location is shown on **Plan A-1a**.

#### **6. Similar Applications**

Within “R(A)” zone of the OZP, there are 9 similar applications (No. A/TSW/29, 36, 41, 47, 51, 56, 60 and 66, and A/TMYLW/1) for temporary public vehicle park (excluding container vehicle) for letting out of surplus car parking spaces in public housing developments. All of them were approved by the Committee between 2004 and 2019 on similar considerations as stated in paragraph 5.1 above. Details of these similar applications are summarised at **Appendix IV** while their locations are shown on **Plan A-1b**.

#### **7. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4d)**

7.1 The Site is:

- (a) the existing public housing, namely Tin Yan Estate, including a 4-storey vehicle park within the Ancillary Facilities Block (an 8-storey social facility/car park complex, including one basement storey) and open car parks of Tin Yan Estate, which is currently partly used for the applied use covered by a valid planning permission under Application No. A/TSW/68; and
- (b) is accessible from Tin Shui Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the north are the W F Joseph Lee Primary School and the Tin Fai Road Sports Centre. To the further north are the Tin Shui Wai Heung To

Middle School, and the Hong Kong Girl Guides Association Tin Shui Wai Pansy Ho Activity Centre;

- (b) to the east across Tin Shui Road are the public housing developments of Tin Fu Court and Tin Yuet Estate;
- (c) to the south across Tin Wah Road is the public housing development of Tin Wah Estate; and
- (d) to the west is the Tin Shui Wai Nullah.

## **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/Yuen Long, Lands Department (DLO/YL, LandsD):

The Site falls within Tin Yan Estate which has been vested to HKHA under a Vesting Order (No. VO 198) dated 12.5.2010. Under the VO, HKHA has been vested the control and management of Tin Yan Estate under section 5 of Housing Ordinance (Cap. 283). He has no comment on the proposal.

### **Traffic**

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

He has no adverse comment on the application from traffic engineering point of view.

- 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) The estate road within the VO boundary of Tin Yan Estate is not and will not be maintained by his office. His office should not be

responsible for maintaining the estate road within the VO boundary of Tin Yan Estate.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application, as the applied use does not involve operation of heavy vehicles.
- (b) There is no substantiated environmental complaint pertaining to the Site in relation to the applied use received in the past 3 years.
- (c) The applicant should be reminded of the detailed comments at **Appendix VI**.

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

- (a) Commissioner of Police (C of P);
- (b) Director of Fire Services (D of FS); and
- (c) District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD).

## **10. Public Comments Received During the Statutory Publication Period**

On 24.12.2021, the application was published for public inspection. During the statutory public inspection period, 6 public comments from individuals (**Appendices V-1 to V-6**) were received objecting to the application on the grounds that there are insufficient monthly car parking spaces to meet the demand of residents of Tin Yan Estate; and the surplus parking spaces should be considered for alternative community uses to enhance the living environment for residents.

## **11. Planning Considerations and Assessments**

11.1 The application is for renewal of planning approval under Application No. A/TSW/68 to continue letting surplus parking spaces in Tin Yan Estate to non-residents for a period of 5 years. The Site falls within an area zoned “R(A)” on the OZP, which is intended primarily for high-density residential developments. The premises and areas involved for the applied use are currently used for ancillary car park within the existing public housing estate. According to the applicant, the average vacancy rate of the monthly vehicle parking spaces in Tin Yan Estate from September 2020 to August 2021 was about 4%. According to the applicant, the letting of the surplus parking spaces to non-residents as proposed in the application would optimise the use of public resources. In this regard, approval of the application on a temporary basis of 5 years would not jeopardise the planning intention of the Site.

11.2 The previous planning application No. A/TSW/68 for the same applied use was approved with condition on a temporary basis for 5 years by the Committee on

17.2.2021. The application is generally in line with TPB PG-No. 34D in that there is no material change in planning circumstances since the previous temporary approval was granted; there is no adverse planning implication arising from the renewal of the planning approval; there is no adverse comment from the relevant government departments; and the approval period sought which is the same as the last approval granted is not unreasonable.

- 11.3 As only the surplus parking spaces not let out (on monthly basis) to residents will be let out to non-residents, the parking need of the residents of Tin Yan Estate will not be compromised. C for T has no adverse comment on the application from traffic engineering point of view. To ensure that the residents of Tin Yan Estate should be offered the highest priority in renting the monthly parking spaces, and that the number of parking spaces to be let to non-residents should be monitored from time to time, an appropriate approval condition, which is the same as the previous planning permission, is recommended at paragraph 12.2 below.
- 11.4 Previous planning approval has been granted for the Site and there are 9 approved similar applications in the public housing developments in the Tin Shui Wai area. Approval of the application is in line with the previous decisions of the Committee.
- 11.5 There are 6 public comments received objecting to the application as mentioned in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## 12. **Planning Department's Views**

- 12.1 Based on the assessments 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.
- 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 5 years, and be renewed **from 18.2.2022 until 17.2.2027**. The following condition of approval and advisory clauses are also suggested for Members' reference:

### Approval condition

priority should be accorded to the residents of Tin Yan Estate in the letting of the surplus monthly 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 VI**.

- 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**

<b>Appendix I</b>	Application Form with Attachments Received on 17.12.2021
<b>Appendix Ia</b>	Further Information received on 19.1.2022
<b>Appendix II</b>	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. 34D)
<b>Appendix III</b>	Previous s.16 Application Covering the Site
<b>Appendix IV</b>	Similar s.16 Applications within the “R(A)” Zones on the Draft Tin Shui Wai OZP No. S/TSW/15
<b>Appendices V-1 to V-6</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Location of Parking Facilities in Tin Yan Estate
<b>Plan A-1a</b>	Location Plan with Previous Application
<b>Plan A-1b</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2022**