

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/287

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Site** : Shui Pin Wai Estate, Yuen Long, New Territories
- Site Area** : 39,410 m² (about)
- Land Status** : Government Land (GL) held under Vesting Order (V.O.) No. 94
- Plan** : Approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/25
- Zoning** : “Residential (Group A)” (“R(A)”) *[restricted to a maximum domestic plot ratio (PR) of 5 or a maximum non-domestic PR of 9.5 (composite formula applies if the building is partly domestic and partly non-domestic) and a maximum building height of 30 storeys excluding basement(s)]*
- Application** : Temporary Public Vehicle Park (excluding Container Vehicle) for 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 temporary public vehicle park (excluding container vehicle) for letting of surplus monthly parking spaces of Shui Pui Wai Estate (the Estate) to non-residents for a period of 5 years at the application site (the Site) (**Plan A-1**). The letting of the surplus monthly parking spaces to non-residents is regarded as a conversion of the existing ancillary carpark of the Estate to ‘Public Vehicle Park’ use. According to the Notes of the OZP for the “R(A)” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by the Estate (**Plan A-1**).
- 1.2 The Site involves six previous applications (No. A/YL/119, 148, 173, 197 and 220 and A/TMYLW/1) for public car/vehicle park uses. The last application (No. A/TMYLW/1) (involving both the Site and Tin Heng Estate, Tin Shui Wai) was approved with condition for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 3.5.2019. The planning permission will lapse on 415.5.2022.
- 1.3 According to the applicant, the average vacancy rates of monthly parking spaces for all types of vehicles (if not let to non-residents) was about 4% (amounting to 5

parking spaces) from October 2020 to September 2021. Under the current application, all the eventual surplus monthly parking spaces are proposed to be let to non-residents. A comparison of the average number of monthly parking spaces let to residents as recorded by the applicant and the average surplus in parking spaces under the previously approved application (No. A/TMYLW/1) and the current application (No. A/YL/287) are as follows.

Shui Pin Wai Estate	Total No. of Monthly Parking Spaces		Average No. of Monthly Parking Spaces Let to Residents ^[1]		Average Surplus Vehicle Parking Spaces (Vacancy Rate of Monthly Parking Spaces) ^[2]	
	Previously Approved Application (A/TMYLW/1) (a)	Current Application (A/YL/287) (b)	Previously Approved Application (A/TMYLW/1) (c)	Current Application (A/YL/287) (d)	Previously Approved Application (A/TMYLW/1) (a)-(c)	Current Application (A/YL/287) (b)-(d)
Private Car	118	118	101	115	17 (14%)	3 (3%)
Light Goods Vehicle	9	9	7	8	2 (22%)	1 (11%)
Motor Cycle	5	5	3	4	2 (40%)	1 (20%)
Total	132	132	111	127	21 (16%)	5 (4%)

^[1] As recorded by the applicant between February 2018 and January 2019 for application No. A/TMYLW/1, and between October 2020 and September 2021 for the current application.

^[2] The figures exclude hourly parking spaces and parking facilities reserved for estate management.

1.4 A plan showing the location of the parking facilities of the Estate submitted by the applicant is at **Drawing A-1**.

1.5 In support of the application, the applicant has submitted an Application Form with appendices and plans received on 4.1.2022 (**Appendix I**).

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The applicant has closely monitored the usage and occupancy situation of its parking facilities. Recent survey indicated that there is an average surplus of 5 parking spaces after allocation of monthly parking spaces to residents. The proposal to let surplus parking spaces on a monthly basis to non-residents will allow better utilisation of public resources and provide the public with more choices of parking facilities. Furthermore, even if the whole covered carpark is assumed to be converted to public vehicle park, the resultant non-domestic PR would still comply with the PR restriction of the subject “R(A)” zone.
- (b) The Site has been subject to previous planning approvals for the same use since 2004. All the approval conditions had been fully complied with. Since late 2018, the applicant has submitted similar applications involving 40 other estates/Home Ownership Scheme developments. All of them were approved by the Board.

- (c) The proposal does not involve new parking spaces and hence no additional traffic flow will be generated. No adverse traffic and environmental impacts are envisaged. No physical change or change in land use is proposed. The proposal is considered compatible with other uses in the surrounding area.
- (d) The entrances to the parking facilities and residential towers are separated. Security guards are stationed at each residential block and will patrol the Site from time to time. No security and management problem is anticipated.
- (e) The proposed letting of surplus parking spaces will not compromise the rights and interests of the residents. Priority for renting of parking spaces will continue to be accorded to residents. Only when there is surplus monthly parking spaces will they be let to non-residents. The monthly rent for both residents and non-residents will be the same. No complaints on such arrangement have been received from residents.
- (f) Members of the Estate Management Advisory Committee of the Estate have been consulted. The majority of members have no objection to the application.

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

As the Site involves GL 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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. Previous Applications

- 4.1 The Site involves six previous applications (No. A/YL/119, 148, 173, 197 and 220 and A/TMYLW/1) for public car/vehicle park uses. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.
- 4.2 Application No. A/YL/119 for proposed public car park (i.e. letting of the surplus residential car parking spaces of the Estate and Long Ping Estate to non-residents) was approved by the Committee in 2004 on a temporary basis for a period of 3 years mainly on the considerations that no alteration, addition or modification works to existing parking spaces were proposed; no significant traffic impact was envisaged; there was no adverse departmental comments; and only surplus parking spaces would be let to non-residents.
- 4.3 Applications No. A/YL/148, 173, 197 and 220 and A/TMYLW/1 (the latter application involving both the Site and Tin Heng Estate, Tin Shui Wai) for the same use as the current application (albeit for a shorter temporary period of 3 years) were approved by the Committee between 2007 and 2019, mainly on the considerations that the applications were in line with the then 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); the applications would not generate additional traffic flow nor worsen the environmental conditions; and there were no adverse departmental

comments. The planning permission for application No. A/TMYLW/1 is valid until 14.5.2022.

5. Similar Application

Except for application No. A/YL/119 involving Long Ping Estate in another “R(A)” zone as mentioned in paragraph 4.2 above (**Plan A-1**), there is no other similar application within the areas covered by the subject OZP.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4)

6.1 The Site is:

- (a) located in the northwest portion of Yuen Long New Town;
- (b) bounded by Castle Peak Road – Ping Shan to the south, Shui Pin Wai Road to the west, Ma Wang Road to the north and Ma Miu Road to the east; and
- (c) currently occupied by the Estate with a covered carpark in its western portion and open-air parking spaces around the internal access roads.

6.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4**):

- (a) mixed in character comprising predominately village houses and unused/ vacant land with scattered residential structures, carparks, open storage/ storage yards, car services, parking of vehicles, eating place, workshops, shop, temple and graves in areas zoned “Village Type Development” and “Green Belt” to the west, north, northwest and south;
- (b) to the northeast are composite buildings and a multi-storey carpark in areas zoned “R(A)” and “Other Specified Uses” (“OU”) annotated “Public Car Park with Ground Floor Retail Shop” respectively; and
- (c) to the east, further southeast, southwest and west are a variety of government, institution and community (GIC) facilities and open spaces, with scattered residential structures, open storage/storage yards, carparks, real estate agency and petrol filling station (PFS) in areas zoned “Government, Institution or Community”, “Open Space” and “OU” annotated “PFS”.

7. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential development. 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 and public comments, where relevant, are summarised as follows:

Land Administration

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

The Site has been vested to HKHA by a V.O. (No. 94). As HKHA has been vested with power to control and manage the Site under the V.O. (i.e. the Site is not held under a government lease), her office is not in a position to comment on the application.

Traffic

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

The applicant should be reminded of the detailed comments at **Appendix IV**.

Environment

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

There are no substantiated environmental complaints concerning the Site received in the past three years.

Fire Safety

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

He has no objection in principle to the proposal provided that the existing fire service installations at the Site will be maintained in efficient working order.

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

- (a) Commissioner for Transport (C for T);
- (b) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (g) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (h) Commissioner of Police (C of P).

9. Public Comments Received During the Statutory Publication Period

On 11.1.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects to the application mainly on the grounds that the application will cause adverse traffic, environmental and fire safety impacts on the

surrounding area (**Appendix III-1**). The other individual opines that HKHA should critically vet the eligibility of its tenants for public rental housing estates which is not relevant to the subject application (**Appendix III-2**).

10. Planning Considerations and Assessments

- 10.1 The application is for temporary public vehicle park (excluding container vehicle) for letting of surplus monthly parking spaces to non-residents for a period of 5 years at the Site zoned “R(A)” on the OZP, which is primarily for high-density residential development. According to the applicant, the average vacancy rate of the vehicle parking spaces at the Estate was about 4% (amounting to 5 parking spaces) from October 2020 to September 2021. Under the current application, all the eventual surplus parking spaces are proposed to be let to non-residents. However, the applicant undertakes that the residents of the 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 11.2 below to ensure that priority is given to the residents of the Estate in renting the parking spaces. Overall, while the applied use is not entirely in line with the planning intention of the “R(A)” zone, the proposal would put public resources into more efficient use. In this regard, approval of the application on a temporary basis of 5 years would not jeopardise the planning intention of the Site.
- 10.2 The surrounding area is mixed in nature comprising predominantly village houses, residential developments, carparks, GIC facilities and open spaces (**Plan A-2**). The applied use, which only involves a broadening of the intended clientele for existing parking spaces and does not involve any alteration to existing buildings/ structures, is considered not incompatible with the surrounding uses.
- 10.3 There is no change in the total number of vehicle parking spaces within the Site and no adverse traffic impact is anticipated. C for T has no adverse comment on the application. There is also no adverse comment on the application from other concerned government departments, including DEP, D of FS and CE/MN, DSD.
- 10.4 Given that six previous approvals for the same use have been granted to the Site, approval of the current application is in line with the Committee’s previous decisions.
- 10.5 Regarding the public comment objecting to the application, the planning considerations and assessments in paragraphs 10.1 to 10.4 above are generally relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments as summarised in paragraph 9 above, 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 on a temporary basis for a period of 5 years until

4.3.2027. The following condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

priority should be accorded to the residents of Shui Pin Wai 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 at **Appendix IV**.

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 period of which the permission should be valid on a temporary basis.
- 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 with appendices and plans received on 4.1.2022
Appendix II	Previous Applications covering the Site
Appendices III-1 and III-2	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location of Parking Facilities
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**