

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/506

Applicant

The Hong Kong Housing Authority (HKHA)

Premises

- (a) Covered parking spaces under podium and open-air parking spaces at Cheung Shan Estate, Tsuen Wan
- (b) Open-air parking spaces at Fuk Loi Estate, Tsuen Wan

Land Status

Estate	Land Status
(a) Cheung Shan Estate	Vesting Order (VO) No. 68 (Part)
(b) Fuk Loi Estate	Tsuen Wan Town Lot (TWTL) 70 and Lot 2168 RP in D.D. 449

Plan

Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33

Zoning

“Residential (Group A)” (“R(A)”)

[Subject to a maximum domestic plot ratio (PR) of 5.0 or maximum non-domestic PR of 9.5 for domestic and non-domestic buildings respectively, or the PR of the existing building, whichever is the greater, and a maximum building height of 150 metres above Principal Datum (mPD) (Cheung Shan Estate) or 100mPD (Fuk Loi Estate). 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.]

Application

Temporary Public Vehicle Park (excluding Container Vehicle) (Surplus Vehicle Parking Spaces Only) for a period of five years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) use at Cheung Shan Estate and Fuk Loi Estate (the Premises) (**Plan A-1**) for a period of five years to facilitate letting of the surplus monthly vehicle parking spaces to non-residents.
- 1.2 The car parks fall within areas zoned “R(A)” on the approved Tsuen Wan OZP No. S/TW/33. According to the Notes of the OZP for “R(A)” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The locations of the subject estates and the existing car parks are shown on **Plans A-2a, A-2b, A-3a and A-3b**.

- 1.3 The location plans and layout plans of the car parks concerned submitted by the applicant are at **Drawings A-1a to A-1e** and **A-2a to A-2c**. According to the applicant's submission (Attachment II of **Appendix I**), the overall vacancy rates of monthly vehicle parking spaces at Cheung Shan Estate and Fuk Loi Estate were about 11% (16 numbers) and 3% (5 numbers) respectively in the period between March 2018 to February 2019. A comparison of the total number of the monthly vehicle parking spaces and the number of monthly vehicle parking spaces let to residents of the subject estates under the previously approved application (No. A/TW/479) and the current application is as follows:

Vehicle type by estate	Total number of monthly vehicle parking spaces ¹		Average number of monthly vehicle parking spaces let to residents		Surplus parking spaces that could be let to non-residents (vacancy rate of monthly vehicle parking spaces)	
	Previous Scheme (A/TW/479) (a)	Current Scheme (A/TW/506) (b)	Previous Scheme (A/TW/479) (c)	Current Scheme (A/TW/506) (d)	Previous Scheme (A/TW/479) (a) - (c)	Current Scheme (A/TW/506) (b) - (d)
Cheung Shan Estate						
Private car	96	111²	74	106	22 (23%)	5 (5%)
Light goods vehicle	6	6	0	0	6 (100%)	6 (100%)
Motorcycle	26	26	15	21	11 (42%)	5 (19%)
Total	128	143	89	127	39 (30%)	16 (11%)
Fuk Loi Estate						
Private car	110	110	104	109	6 (5%)	1 (1%)
Light goods vehicle	21	21	20	21	1 (5%)	0 (0%)
Motorcycle	13	13	10	9	3 (23%)	4 (31%)
Total	144	144	134	139	10 (7%)	5 (3%)

Notes:

1. Figures exclude hourly vehicle parking spaces and parking facilities reserved for the estate management.
2. Comparing with the previously approved application (No. A/TW/479), the total number of monthly private car parking spaces in Cheung Shan Estate had increased from 96 to 111 due to the inclusion of 15 open-air parking spaces in the current application.

- 1.4 The conversion of covered parking spaces from residents' ancillary parking spaces to public vehicle parking spaces has implication on PR calculation. According to the applicant (**Appendix Ia**), even assuming all the covered ancillary vehicle parking spaces within the subject estates are to be let to non-residents which is PR countable, the domestic PR and the resultant non-domestic PR of Cheung Shan Estate and Fuk Loi Estate would be approximately 4.14 and 0.92, and 3.44 and 0.14 respectively, which are within the statutory restriction of the "R(A)" zone under the OZP.

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

- (a) Application form and supplementary information received on 4.4.2019 and 10.4.2019 **(Appendix I)**
- (b) Further Information received on 29.4.2019 and 30.4.2019 providing revised location plan, revised layout plan and information on the existing domestic PR and resultant non-domestic PR of Cheung Shan Estate and Fuk Loi Estate taking into account the surplus vehicle parking spaces (exempted from publication and recounting requirements) **(Appendix Ia)**
- (c) Further Information received on 10.5.2019 and 14.5.2019 providing response to public comments (exempted from publication and recounting requirements) **(Appendix Ib)**

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in Attachment II of **Appendix I** and **Appendix Ib**. They are summarized as follows:

- (a) As revealed by the survey of utilisation rates of the monthly vehicle parking spaces in the two estates for a 12-month period from March 2018 to February 2019, there are still surplus vehicle parking spaces after allocation of vehicle parking spaces to the residents and the overall vacancy rates of the estates range from 3% to 11%. The proposed letting of surplus monthly vehicle parking spaces to non-residents will optimize the use of public resources.
- (b) The application premises was the subject of five previous applications for letting of the surplus vehicle parking spaces in the estates to non-residents for temporary public vehicle park use for three years, which were all approved by the Board. The first application (No. A/TW/348) was approved by the Board on 11.6.2004. The approval condition of prevailing approved application No. A/TW/479, in which priority should be accorded to the residents of the estates in the letting of the vacant 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 (C for T), has been fulfilled accordingly.
- (c) The proposal will have no adverse traffic or environmental impact as there will not be any increase of vehicle parking spaces or additional traffic flow generated over the previously planned.
- (d) The proposal does not involve any physical changes or changes in land use. It is considered compatible with other uses in the surrounding areas.
- (e) Entrances to individual residential towers in the estates are separated from the car parks. Security guards are stationed at each tower and will patrol within the estates from time to time. The proposal should not create any management or security problems.
- (f) The applicant will continue to uphold the policies that the residents are accorded the highest priority in letting of vehicle parking spaces, only surplus monthly vehicle parking spaces are to be let to non-residents and the monthly charges are the same for both residents and non-residents. The interests of the residents would not be compromised. No complaints regarding letting of surplus parking spaces to non-residents from the estates have been received since last approval.

- (g) Estate Management Advisory Committees of Fuk Loi Estate and Cheung Shan Estate have been consulted in December 2018 and March 2019 respectively, which raised no objection to the proposal.
- (h) Similar applications in some 50 estates/Home Ownership Scheme developments submitted by the applicant since late 2015 have all been approved with conditions by the Board. There have been no undue difficulties encountered for the applicant to implement the proposals with the conditions fulfilled.
- (i) 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. Given the limited spaces in public housing estates and the keen demand for non-domestic premises from various groups, entities and organizations, the applicant needs to balance the needs of residents for various types of services including retail, car parking and welfare facilities, etc. The applicant has completed several carparking 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 measures 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

Cheung Shan Estate

- 3.1 As the estate (including the car park) involves 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.

Fuk Loi Estate

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

4. Previous Applications

- 4.1 The Premises were the subject of five previous applications (Nos. A/TW/348, A/TW/392, A/TW/412, A/TW/448 and A/TW/479) (**Appendix II** and **Plan A-1**).
- 4.2 Application No. A/TW/348 for public vehicle park (excluding container vehicle) (letting of surplus parking spaces to non-residents) use at Cheung Shan Estate and Fuk Loi Estate, together with Lei Muk Shue Estate and Shek Wai Kok Estate was approved by the Metro Planning Committee (the Committee) of the Board on 11.6.2004 for a period of three years.
- 4.3 Subsequently, four applications (Nos. A/TW/392, A/TW/412, A/TW/448 and A/TW/479) for renewal of planning approval at Cheung Shan Estate and Fuk Loi Estate were approved with condition by the Committee for a period of three years on

25.5.2007, 7.5.2010, 24.5.2013 and 10.6.2016 respectively. The planning permission of the latest application No. A/TW/479 will expire on 11.6.2019.

5. Similar Applications

- 5.1 Apart from the similar application No. A/TW/348 which was also a previous application in which the Premises were included, there are five other similar applications (Nos. A/TW/391, A/TW/411, A/TW/446, A/TW/478 and A/TWK/12) (**Appendix III** and **Plan A-1**) for converting surplus ancillary car parking spaces to public vehicle parking spaces in Tsuen Wan.
- 5.2 Application No. A/TW/391 for temporary public vehicle park (excluding container vehicle) (surplus car parking spaces only) use at Lei Muk Shue Estate submitted by the same applicant was approved with condition by the Committee on 25.5.2007 for a period of three years. Subsequently, three applications (Nos. A/TW/411, A/TW/446 and A/TW/478) for renewal of planning approval at Lei Muk Shue Estate were approved with condition by the Committee for a period of three years on 7.5.2010, 3.5.2013 and 22.4.2016 respectively.
- 5.3 Application No. A/TWK/12 for temporary public vehicle park (excluding container vehicle) (surplus car parking spaces only) at Lei Muk Shue Estate and other public housing estates in Kwai Chung and Tsing Yi was approved with condition by the Committee for a period of five years on 17.5.2019.

6. The Premises and its Surrounding Areas (Plans A-2b and A-3b and Site Photos on Plans A-2c, A-2d and A-3c to A-3e)

- 6.1 All the existing car parks under the current application are located within the public housing estates in Tsuen Wan with good vehicular access. A table summarizing the parking spaces, the respective access of the public housing estates and surrounding developments is as follows:

Sites	Parking facilities	Adjacent/surrounding developments	Accessibility to local/district roads
Cheung Shan Estate (Plans A-2b to A-2d)	- Car parking floors under podium - open-air parking spaces	Schools, Shing Mun Valley Park, Sam Tung Uk Resite Village	Ingress/egress are at Cheung Shan Estate Road West
Fuk Loi Estate (Plans A-3b to A-3e)	- open-air parking spaces	Some Government and institutional uses (including Tsuen Wan Telephone Exchange Building), schools, private housing developments, business and commercial developments, and the MTR Tsuen Wan Station	Accessible by an internal estate road via ingress/egress at Hoi Pa Street

7. **Planning Intention**

The planning intention of the “R(A)” zone is 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 comments on the application are summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department:

Fuk Loi Estate

- (a) Fuk Loi Estate falls within Lot 2168 RP in D.D. 449 governed by New Grant No. 3940 (NG 3940) and TWTL 70 governed by New Grant No. 4478 (NG 4478). According to NG 3940, the grantee shall erect and maintain upon the lot not less than 2,700 self contained flats and 30 shops to house about 17,000 persons of small means and such offices. Under NG 4478, the grantee shall provide 192 self-contained flats to house 1,152 persons of small means and such offices and the lot shall not be used for industrial purposes.
- (b) Provided that the above provisions are complied with, she has no comment on the application.

Cheung Shan Estate

- (c) Cheung Shan Estate is held under VO 68, by which the control and management of the land was vested in the HKHA. As such, she has no comment on the application.

Building Matters

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

He has no comment on the application under the Buildings Ordinance since Cheung Shan Estate and Fuk Loi Estate are public housing estates managed by the HKHA and not under the purview of the BD.

Traffic

8.1.3 Comments of the C for T:

- (a) He has no comment on the application.

- (b) There should be no adverse traffic impact arising from letting surplus car parking spaces to non-residents.
- (c) Should the Board decide to approve the application, the following condition should be incorporated:

Priority should be accorded to the residents of Cheung Shan Estate and Fuk Loi Estate in the letting of the vacant 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.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/New Territories West, Highways Department;
- (d) Director of Environmental Protection;
- (e) Director of Fire Services;
- (f) District Officer (Tsuen Wan), Home Affairs Department;
- (g) Independent Checking Unit, Office of the Permanent Secretary for Transport and Housing (Housing);
- (h) Project Manager (West), Civil Engineering and Development Department; and
- (i) Commissioner of Police.

9. Public Comments Received During Statutory Publication Period

On 16.4.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.5.2019, one public comment from an individual was received (**Appendix IV**). She was of the view that the external parking spaces could be accommodated on stacked facilities, thereby freeing up space for outdoor recreational uses, exercise facilities for the elderly, etc. Besides, there should be regular reviews to ensure scarce land resources are well used.

10. Planning Considerations and Assessments

10.1 The application seeks planning permission for temporary public vehicle park use to let the surplus vacant vehicle parking spaces in the existing car parks at the subject estates to non-residents for a period of five years. According to the applicant, the overall vacancy rate of the monthly vehicle car parking spaces in Cheung Shan Estate and Fuk Loi Estate from March 2018 to February 2019 was about 11% and 3% respectively. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently.

10.2 The proposal does not involve any new development or redevelopment. Assuming all the covered **monthly ancillary** vehicle parking spaces are let to non-residents and GFA accountable, the overall non-domestic PR of Cheung Shan Estate and Fuk Loi Estate do not exceed the restriction under the “R(A)” zone on the OZP.

10.3 The Premises were the subject of five previous applications (Nos. A/TW/348, A/TW/392, A/TW/412, A/TW/448 and A/TW/479) for the same use which were

approved with conditions by the Committee on a temporary basis for a period of three years between 2004 and 2016. There are also five similar applications in Tsuen Wan area approved by the Committee on a temporary basis between 2007 and 2019. There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on previous and similar applications.

- 10.4 The applicant has indicated that the residents of the subject estates will be given the highest priority in the renting of vehicle parking spaces and monthly charges are the same for both residents and non-residents. As only the surplus monthly vehicle parking spaces will be let out to non-residents, the parking need of the residents will not be compromised. C for T has no comment on the application and advises that there should be no adverse traffic impact arising from letting surplus car parking spaces to non-residents. C for T requires that priority should be given to the residents of Cheung Shan Estate and Fuk Loi Estate for the letting of the vacant car parking spaces and the applicant should seek C for T's agreement on the actual number of vehicle parking spaces to be let to non-residents. As such, the previous approval condition is recommended to be retained as in paragraph 11.2 below should the application be approved by the Committee.
- 10.5 The proposed use as temporary public vehicle park does not jeopardise the provision of community facilities within the district. To utilise the surplus parking spaces, an advisory clause 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 subject public housing estates is suggested at paragraph 11.2 below.
- 10.6 Regarding the public comment on accommodating some of the external parking on stacked facilities thus freeing up external parking spaces for other uses, and conducting regular reviews for better use of scarce land resources, the applicant has responded that the occupancy rate and demand for parking spaces have been reviewed continuously and the feasibility of converting the parking space to other uses will be explored. On the other hand, they have been keeping in view of the demands for various types of facilities from local residents. If there is a great demand for a particular type of facilities, they will consider opportunities for provision of such facility, subject to technical feasibility, local views, etc.

11. Planning Department's Views

- 11.1 Based on the considerations and assessments made in paragraph 10 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 five years up to 31.5.2024. The following approval condition and advisory clause are suggested for Members' reference:

Approval condition

Priority should be accorded to the residents of Cheung Shan Estate and Fuk Loi Estate in the letting of the vacant 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 clause

Consideration may be given to letting the surplus vehicle parking spaces for community uses so as to fully utilize the vacant vehicle parking spaces in the subject housing estate.

11.3 There is no strong planning 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 supplementary information received on 4.4.2019 and 10.4.2019
Appendix Ia	Further Information submitted by the applicant received on 29.4.2019 and 30.4.2019
Appendix Ib	Further Information submitted by the applicant received on 10.5.2019 and 14.5.2019
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Public comments
Drawings A-1a to A-1e	Location plans and layout plans of Cheung Shan Estate and the parking facilities
Drawings A-2a to A-2c	Location plans and layout plan of Fuk Loi Estate and the parking facilities
Plan A-1	Location plan for Cheung Shan Estate and Fuk Loi Estate
Plans A-2a to A-2d	Location plan, site plan and site photos of the parking facilities in Cheung Shan Estate
Plans A-3a to A-3e	Location plan, site plan and site photos of the parking facilities in Fuk Loi Estate