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## **Solution to the Public Parking Spaces on Shared-Holding Road Land in Taiwan**

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### **Abstract:**

*This paper believes that such practice violates the building construction constraint which is imposed by building construction professionals taking the building coverage ratio into consideration. The results of logical deduction carried out in this study claim that the government of Taiwan should abandon the aforementioned incentive which may jeopardize the safety of construction buildings as well as the hygiene and comfort measures of residential areas. Instead, pay-per-use public parking spaces should be constructed on appropriate shared-holding road lands. The rationalities of this claim and the hypotheses of the deduction will be discussed in this paper.*

**Keywords:** Building Technical Regulations, Road Land

### **1. Research Background**

In order to obtain the properties of these road lands for free and secure administrative rights including maintaining good traffic control, installing underground utilities such as hydro, gas piping and cables, and implementing fire-fighting practices, the government has offered the following incentives for new house construction owners: if new house construction owners are willing to purchase road lands from private owners and transfer the property to the government, the government can increase the construction floor area limit as an incentive for the new house construction owners according to the size of land property transferred. Taking Taipei City as an example, this incentive was applied in 1988 and has been implemented for 38 years. As a result, the government has acquired property of road lands with a total area of 650 hectares. In fact, under a given base area for building construction, the floor area of above-ground levels was determined according to the building's living conditions such as the amount of effective sun light, ventilation, lighting, energy c, emergency evacuation, hygiene, and safety, etc. This decision was based on the Building Technical Regulations deduced from construction professionals. This suggests that the government should strictly follow the specifications for floor area ratio for buildings (refers to the ratio between total floor areas of the building and the total base area of the building) determined according to the original Building Technical Regulations. The government should not violate Article 30 and Article 30-1 of the original Building Technical Regulations on floor area ratio specifications for new building construction ([Reference 1]) because of non-construction professional reasons (government wants to obtain road land property for free). Therefore, it is suggested by this paper that the government should immediately cease the aforementioned incentive policy for increasing the construction floor area limit. Instead, the following policy should be considered: under the condition of not causing any impact on the traffic, construct public parking spaces on the shared-holding road lands. Car drivers can then randomly rent the parking spaces at will. The implementation of this policy can not only ease the pressure of insufficient parking spaces in urban areas, but also allow the shared owners of the properties (including part of the road land properties which have already been collected by the government) to receive parking space rental income depending on the proportion of properties shared.

The amount of parking spaces will have the following impact on society: the convenience of car parking not only will affect the traffic but also economic growth, particularly on the calculation of trading cost between buyer and seller ([Reference 2], [Reference 3], [Reference 4]). As for the trading cost of the seller, besides the product manufacturing or purchasing cost, the time spent for delivering the product to the store or the time spent for delivering the product to the customer can also be viewed as a trading cost, which means the convenience of parking will affect each individual in terms of transportation and economy simultaneously. Therefore, this paper believes that if pay-per-use public parking spaces can be constructed by the government on shared-holding road lands appropriately, it will certainly become one of the best public policies that possess several advantages.

## 2. Research Methodology

In this paper, a philosophical attitude is proposed for the government when properties of road lands owned by the citizens are collected by the government due to public needs. The discursive process for such philosophical attitude is regarded as the deductive method. Such deductive method begins with the following hypothetical condition: the traditional Chinese philosophy of why citizens should pay tax to the government. The core philosophy is that: if the government wants to interfere with citizens' properties, the government must make contributions to citizens' properties first ([4], [5], [6]).

## 3. Research Content

### 3.1. *The Legitimacy of the Government in Handling Non-owned Road Lands*

The owners of shared-holding road lands for certain congregate housing may voluntarily organize a congregate housing management committee for managing the use of congregate housing road lands and specifying the target of use, particularly the planning of parking spaces for the housing community is commonly seen. Typically, the user for the parking spaces are limited to the owners of congregate housing road lands or their relatives. Usually, a lucky draw will be applied to determine the users of the parking space during the rental period. After the rental period, a redraw must be applied. Even though the parking space rental income belongs to the shared-holding road land owners, the management committee of most congregate housing communities will turn the income into public deposit money for maintaining the safety, hygiene/cleaness, landscape or other needs of the housing community. Of course, the parking spaces organized by the management committee of the congregate housing community must not interfere with road traffic. The problem is that who has the power to decide: whether or not a parked car has interfered with road traffic? Should it be decided by the shared-holding road land owners? A paradox can be found in the answer of Question 1.

Question 1 :If someone parked his/her car on his/her own property, how can the governmental traffic authority accuse him/her of violating parking regulations? Can the governmental traffic authority draw red lines forbidding parking on privately owned roads or alleys ?

Besides, not all congregate housing communities will have a management committee to resolve the above-mentioned dispute. Even if they do, some management committee may have bias or insufficient power, leading to poor management. This suggests that the utilization of shared-holding road land in helping to solve the problem of inadequate parking space in urban areas is limited due to the following main reasons. The road side spaces of the housing community without management committee often are occupied by the 1<sup>st</sup> floor residents due to the close proximity. As for the road side spaces of the housing community with management committee, even if they have been assigned as parking spaces, they can only be used by certain users for a certain period of time which is determined randomly by draw. Since such parking spaces can only be parked by certain cars, the average parking utilization rate is only 1/3. For the rest of the time (2/3 of the time) , the parking spaces are unoccupied. In fact, if "Utilitarianism Distribution Theory" is adopted, the following Question 2 must hold.

Question 2: Public-use property cannot be allocated or divided. Only the priority of service targets and the rules of use can be assigned for using public-use property.

Road land literally means that such land can only be used for road related purposes. Therefore, road lands are public-use property. According to the point of view in Question 2, road land cannot be allocated or divided, which can be elaborated by the following hypothesis. Assume a road land property is owned by 10 people. Each person will have an equal share of 1/10 of the property. Is it possible that each person can take away his/her own share of the property for private use? The answer is no. The reason is because the road must maintain its integrity in order to function properly.

By summarizing the content of Question 1 and the proof of Question 2, the following can be obtained: when the uncertainty of Question 1 meets affirmative Question 2, the scope of Question 1 must be reduced. Although the content of Question 2 already answered most of the uncertainty in Question 1, some are still left unanswered, which will be elaborated as follows.

### 3.2. *The Need of Constructing Public Parking Spaces on Shared-Holding Road Land*

If the owners of shared-holding road lands cannot advocate their rights on using such properties, the fundamental meaning of "property rights" will be violated. To resolve this paradoxical question, the thinking behind the following examples is worth considering:

Example 1: In a suburban area, rivers often will change their routes due to climate change. After changing their routes, these rivers may invade private-owned land properties (not only invading government-owned lands). If it has been assessed that the new river routes will not change and will not easily be changed in the short term, how does the government protect private-owned land properties that have been invaded by rivers? Currently, the solution for Example 1 is that: the government should help owners of land properties that have been invaded by rivers to build ditch cover and the space above the ditch cover should be owned by the land owners.

By combining Question 2 and the thinking of Example 1, the following Question 3 can be derived.

Question 3: Should the government invest in and construct pay-per-use parking spaces on shared-holding road lands? The income received from parking space rental will be allocated in accordance with the proportion of shared-holding road lands. For the answer of Question 3 to be affirmative, the following condition must be met: the construction or partition of

parking spaces on road lands will not violate the function and purpose of roads. Cars travelling on roads must have the need to park eventually, or else there is not point of driving the car. The above mentioned elaborations support the claim of this paper: the governments should invest and construct pay-per-use public parking spaces on appropriate shared-holding road lands. The income received from parking space rental will be allocated to the owners in accordance with the proportion of shared-holding road lands.

#### 4. Conclusion

The rule of China is based on the traditional Confucianism philosophy of "Country is Formed on People's Belief", which leads to the China's traditional tax philosophy of the "Environment Contribution Theory". The characteristic of Environmental Contribution Theory is that: the government must make contributions to the citizens' properties first before applying tax to these properties. If the government makes a promise to its people first, and the content is based on the time and conditions when making the promise, then the probability of failing the promise will be high. By applying the above mentioned philosophy and under the fact that the government is financially unable to purchase road lands, the idea of government constructing pay-per-use public parking spaces on appropriate shared-holding road lands will be feasible and essential. Since the income received from parking space rental will be allocated to the land owners in accordance with the proportion of shared-holding road lands, meaning that the government will make contribution first to the land owners, the government then will have the power to intervene with the traffic and road usage based on the above mentioned "Environment Contribution Theory". In addition, since the above mentioned parking spaces constructed by the government are public and are billed based on the duration of occupancy, they will be fully utilized to minimize the vacancy period. Since the construction of parking spaces on road lands is for the benefit of the land owners, the determination of parking fees shall take into consideration the conditions where road land owners will receive the maximum profit. The parking fee calculation basis in this case will be different as compared to that of the public parking spaces 100% owned by the government. The parking fee level per unit time of the latter one will be determined based on the consumer surplus maximization of parking space demand. The unit parking fee consumer surplus per unit time refers to the difference between the (average) maximum parking fee per unit time that the consumer of the parking space is willing to pay and the actual paid total parking fee.

After completing the construction of parking spaces on appropriate road lands by the government while offering benefits to the land owners and looking back at the arguments and basis behind the rulings of historical judicial cases of disputes between road control power of the government and the land property rights of the owners, the following can be observed: it is certain that the construction of parking spaces on appropriate road lands by the government while offering benefits to the land owners will have significant impact on the court decisions for previously mentioned historical cases of disputes.

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