

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/128

<u>Applicant</u>	: Transport Department, represented by KTA Planning Limited
<u>Site</u>	: Government Land, Po Tai Street, Ma On Shan
<u>Site Area</u>	: About 4,790m ²
<u>Land Status</u>	: Government Land (GL)
<u>Plan</u>	: Draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/27
<u>Zoning</u>	: “Open Space” (“O”)
<u>Application</u>	: Proposed Temporary ‘Public Vehicle Park (excluding container vehicle)’ for a period of seven years

1. The Proposal

- 1.1 The applicant, Transport Department (TD), seeks planning permission for a proposed temporary ‘Public Vehicle Park (excluding container vehicle)’ (‘PVP’) for a period of seven years (the proposed development) at the application site (the Site). The Site falls within an area zoned “Open Space” (“O”) on the draft Ma On Shan OZP No. S/MOS/27 (the OZP) (**Plan A-1**). According to the Notes of the OZP, ‘PVP’ is a Column 2 use within the “O” zone, which requires planning permission from the Town Planning Board (the Board). While temporary use not exceeding five years is always permitted as stated in Part A¹ of the covering Notes of the OZP, temporary uses expected to be over five years must conform to the zoned use. In this regard, planning permission is required for the subject temporary ‘PVP’.
- 1.2 The Site is currently formed, and is operating as an open-air public car park with about 220 car parking spaces under Short Term Tenancy (STT) No. STT2145 (**Plan A-2**). It is accessible via Po Tai Street. According to the applicant, the proposed development comprises a maximum of 295 parking spaces, including parking spaces in the form of automated parking system (APS) at the northeastern portion of the Site and conventional parking for private and commercial vehicles. The car park will come into operation in 2024 and operate 24 hours a day. Details of the proposal are summarized as follows:

¹ Part A applies to land within the boundaries of the Plan which are not within the boundaries of “Regulated Area” as defined in section 1A of the Town Planning Ordinance.

Site Area	About 4,790m ²	
Site Coverage	Not more than 20%	
Height of APS Structures	Not more than 22mPD/15m (accommodate maximum 7 stack levels for vehicles)	
Parking Spaces	APS Parking Spaces	104 to 152
	Private Vehicles	130
	Commercial Vehicles (Light Goods Vehicles / Light Bus)	13
	Total	247 to 295

The indicative car park layout plan and photomontages submitted by the applicant are shown in **Drawings A-1 to A-4**. The applicant has submitted Traffic Impact Assessment (TIA) and Visual Appraisal to demonstrate that the technical feasibility of the proposed development.

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

- (a) Application Form with Supplementary Planning Statement (**Appendix I**) received on 6.10.2023
- (b) Further Information (FI) with revised layout plan (**Appendix Ia**) received on 6.11.2023[^]

[^] *accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in section 5 of the Planning Statement (**Appendix I**), as summarized below:

- (a) it is the Government's initiative to provide public car parking spaces in suitable government facilities and public open space projects under the principle of "Single Site, Multiple Uses". The government commissioned a consultancy study in 2018 to take forward APS and further reaffirmed in the 2020 Policy Address to promote "Smart Mobility" for alleviating the shortage of parking spaces through the application of technology such as APS. Since then, various APS projects have been carried out. The proposed development is fully in line with Government's policy for increasing parking spaces and enhancing efficiency of carparks;
- (b) the Site has been occupied for car park use for a long time. Relevant survey results reveal that the utilization rate of the car park at the Site is over 90% during night time. Such high demand implies a need of a 'PVP' at the Site. With the installation of APS, there will be an increase of about 34% parking spaces;
- (c) from financial viability and sustainable operation point of view, a longer period of seven years is necessary, taking into account the time required for design and installation of APS by future operator and the considerable amount of capital involved;

- (d) the government has no programme to implement the open space and the proposed development will not affect the long-term provision of open space in Ma On Shan;
- (e) the Site is suitable for 'PVP' as it is located in a predominantly residential neighbourhood with general demand for car parking spaces. The approval of the subject planning application will be consistent with TPB's previous approvals on similar applications involving 'PVP' use in "O" zone;
- (f) the TIA concludes that all junctions identified will operate satisfactorily and the proposed development would have no significant adverse traffic impact on the surrounding road network;
- (g) the Visual Appraisal concludes that the proposed 'PVP' with APS of not more than 15m in height will not create visual obstruction to the key visual resources and the steel frame structures of the APS will provide a certain degree of visual permeability. There is no existing tree within the Site. No adverse visual and landscape impact is anticipated;
- (h) no noisy activities will be involved during construction/installation of APS and the noise level during the operation of APS is low against the high background noise (i.e. road traffic along the adjacent road network). No noise nuisance to the surroundings is anticipated; and
- (i) no sewage will be generated from the proposed development and adverse sewerage impact is not anticipated.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) is not applicable to the application.

4. Previous Application

There is no previous application covering the Site.

5. Similar Application

There is no similar application within the same "O" zone on the draft Ma On Shan OZP.

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

6.1 The Site is:

- (a) a piece of GL which is currently occupied by a fee-paying public car park under STT No. STT2145; and
- (b) accessible via Po Tai Street.

- 6.2 The surrounding areas are predominately a high-density residential area with commercial uses. Its immediate north is an existing commercial development called WeGo Mall.

7. **Planning Intention**

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving needs of the local residents as well as the general public.

8. **Comments from Relevant Government Bureaux/Departments**

Transport and Logistics Bureau (TLB) supports the subject application and all other relevant government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II and III** respectively.

9. **Public Comments Received During Statutory Publication Period**

On 13.10.2023, the application was published for public inspection. During the statutory public inspection period, one adverse comment was received from an individual, stating that the Site should cater for recreational needs and the footprint of the on-site structures should not exceed 5% of the Site; and the proposed period of seven years may deviate from Lands Department’s (LandsD) practice on STTs. The public comment (**Appendix IV**) has been deposited at the meeting for Members’ inspection.

10. **Planning Considerations and Assessments**

- 10.1 The application is for a proposed temporary ‘PVP’ for a period of seven years on a site zoned “O”. The proposed ‘PVP’ will provide a maximum of 295 parking spaces, including a maximum of 152 parking spaces in the form of APS and 143 conventional parking spaces with 130 spaces for private vehicles and 13 spaces for commercial vehicles.
- 10.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Although the proposed ‘PVP’ is not in line with the planning intention of the “O” zone, LCSD advises that there is currently no programme to implement open space at the Site. The proposed ‘PVP’ could help alleviate the parking demand in the area by providing 295 car parking spaces (an increase of 75 or about 34% parking spaces when compared with the existing 220 parking spaces). TLB supports the application. The use of the Site for temporary ‘PVP’ would enable efficient use of valuable land resources. Approval of the application on a temporary basis will not jeopardize the long-term planning intention of the “O” zone.
- 10.3 The Site is currently occupied by a STT car park and located in a predominantly residential and commercial neighbourhood. The proposed temporary ‘PVP’ is considered not incompatible with the surrounding land uses. Given the high-rise,

high density residential and commercial development with existing building heights ranging from about 30mPD to 120mPD, the predominantly open-air 'PVP' with APS structures of 15m in height (i.e. 22mPD) occupying only about 20% of the Site will not cause adverse visual impact. As the Site is located in an area of residential urban landscape character and there is no existing trees within the Site, CTP/UD&L of PlanD considers that significant impact on the landscape character or landscape resources is not anticipated.

- 10.4 According to the TIA submitted by the applicant, the proposed development will have no significant adverse traffic impact on the surrounding road network. Concerned government departments including Environmental Protection Department, Drainage Services Department and Fire Services Department have no objection or adverse comments on the application. Adverse environmental, drainage and fire safety impacts are not anticipated.
- 10.5 The Site falls within the railway protection boundary of the existing Tuen Ma Line and the applicant has consulted MTR Corporation Limited. Railway Development Office, Highways Department has no comment on the application from railway development perspective.
- 10.6 There is a public comment providing adverse views on the application as detailed in paragraph 9. The planning considerations and assessments in paragraphs 10.1 to 10.8 are relevant. As regards the tenancy period, LandsD has advised that full justifications from the applicant and policy support from relevant bureau(x), for instance TLB, are required for consideration and processing of the seven-year term STT upon planning approval.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comment mentioned in paragraph 9 above, 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 seven years until 24.11.2030. The recommended advisory clauses are attached at **Appendix III**.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested by Members' reference:
 - The development is not in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 advisory clause(s) 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 Planning Statement received on 6.10.2023
Appendix Ia	FI received on 6.11.2023
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Indicative Car Park Layout Plan
Drawing A-2	Location of Viewpoints
Drawing A-3	Photomontage at Resting Area underneath Sui Tai Road (VP1)
Drawing A-4	Photomontage at Ma On Shan Promenade near the Junction of Ning Tai Road and Po Tai Street (VP2)
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**