

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/129

Applicant : Transport Department (TD), represented by KTA Planning Limited

Site : Government Land (GL), Po Tai Street, Ma On Shan

Site Area : About 4,790m²

Land Status : GL

Plan : Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/28

Zoning : “Open Space” (“O”)

Application : Proposed Temporary ‘Public Vehicle Park (excluding container vehicle)’ for a period of eight years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) (‘PVP’) for a period of eight years (the proposed development) at the application site (the Site). The Site falls within an area zoned “Open Space” (“O”) on the approved Ma On Shan OZP No. S/MOS/28 (**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’. The Site is currently formed, and is operating as a temporary open-air public car park with about 220 car parking spaces under Short Term Tenancy (STT) No. STT2145 (**Plan A-2**).
- 1.2 The Site 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 October 2025. 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 layout and number of car parking spaces are subject to detailed design. The applicant has submitted Traffic Impact Assessment (TIA) and Visual Appraisal to demonstrate the technical feasibility of the proposed development.

- 1.3 The Site is the subject of a previous application (No. A/MOS/128) submitted by the same applicant for the same use for a period of seven years, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 24.11.2023. As the proposed temporary ‘PVP’ will be implemented with a tenancy term of seven years, the total approval period for the planning permission requires eight years which includes one year of preparatory works for the tenancy and seven years for the actual tenancy term. Hence, the applicant submitted this application seeking an approval period of eight years. Compared with the previously approved application, the development parameters and the layout of the proposed development remain the same, except one more year is sought for the proposed period of time under current application. Details of the previous application are set out in paragraph 4 below.

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

- (a) Application Form received on 15.8.2024 **(Appendix I)**
- (b) Further Information (FI) received on 27.8.2024 **(Appendix Ia)**
- (c) FI received on 9.10.2024* **(Appendix Ib)**

**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 the Application Form and FIs (**Appendices I and Ia**), 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 conducted by TD reveals that the utilization rate of the car park at the Site is over 90% during night time. Such high demand for parking spaces at the Site implies that there is a genuine 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 points of view, a longer tenancy 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. In view of the preparatory works and procedures for the tenancy including obtaining approval from District Lands Conference, vetting of tenancy agreement documents by the Legal Advisory and Conveyancing Office of Lands Department (LandsD) and the tendering exercise, which require about one year in total, a planning permission for eight years is therefore necessary;
- (d) the government currently 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 the Board's previous approvals on similar applications involving 'PVP' use in "O" zones;
- (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 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) are not applicable to the application.

4. **Previous Application**

The Site is the subject of a previous application (No. A/MOS/128) (**Plan A-1**) submitted by the same applicant for the same temporary ‘PVP’ use with the same site area and layout for a period of seven years (i.e. one year less than the period of time sought under the current application). The application was approved by the Committee on 24.11.2023, mainly on the grounds that the proposed ‘PVP’ could help alleviate the parking demand in the area; the proposed temporary use is considered not incompatible with the surrounding land use and relevant departments consulted generally had no adverse comment on the application. Details of the application are summarised at **Appendix II**.

5. **Similar Application**

There is no similar application within the same “O” zone on the 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 for a term of one year certain and thereafter quarterly; and
- (b) accessible via Po Tai Street.

6.2 The surrounding areas are predominately high-density residential areas with a commercial development called We Go Mall to the immediate north of the Site.

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**

8.1 Apart from the government bureau as set out in paragraph 8.2 below, 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 III** and **IV** respectively.

8.2 The following government bureau supports the application:

Policy Aspect

8.2.1 Comments of the Secretary for Transport and Logistics (STL):

he notes that policy support for proposed APS at the Site was granted by the then Transport and Housing Bureau on 24.2.2022. There is no reason to depart from the policy support for proposed APS at the Site under STT of seven years given before.

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

On 23.8.2024 and 13.9.2024, the application was published for public inspection. During the statutory public inspection periods, a total of five public comments were received (**Appendix V**). Two individuals support the application while three individuals indicate adverse comments that there are adequate car parking spaces in the area and lack of open space; the proposed development is contrary to the government's policy of promoting public transport; and the proposed period of seven years deviates from LandsD's usual practice on STTs.

10. **Planning Considerations and Assessments**

- 10.1 The application is for proposed temporary 'PVP' for a period of eight 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. The Committee approved application No. A/MOS/128 for the same use at the Site for a period of seven years on 24.11.2023. As the preparatory works for tendering out the Site will require one year and the actual tenancy term for the 'PVP' is seven years, i.e. a total of eight years is required, the applicant submitted this application seeking planning permission for the subject 'PVP' for eight years.
- 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, the Director of Leisure and Cultural Services advises that there is currently no programme to implement open space at the Site. In terms of open space provision, there is also a surplus of 3.9 hectares (ha) district open space and 19.1 ha local open space even if the subject local open space is discounted. 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 at the Site). STL supports the application from the policy perspective. While 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 predominant residential neighbourhood with commercial uses. The proposed temporary 'PVP' is considered not incompatible with the surrounding land uses. Given the high-rise, high density residential and commercial developments 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, the Chief Town Planner/Urban Design and Landscape of Planning Department 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 not have significant adverse traffic impact on the surrounding road network. On other technical aspects, concerned government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland South of Drainage Services Department and Director of Fire Services have no objection or adverse comments on the application from environmental, drainage and fire safety aspects respectively.
- 10.5 The Site falls within the railway protection boundary of the existing Tuen Ma Line and the applicant has consulted MTR Corporation Limited (**Appendix I**). Railway Development Office, Highways Department has no comment on the application from railway development perspective.
- 10.6 The public comments supporting the application are noted. Regarding the adverse public comments, the planning considerations and assessments above 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 Transport and Logistics Bureau, are required for consideration and processing of the seven-year term STT upon planning approval. Regarding the parking availability in the area, the applicant has provided information about the existing supply of parking spaces (paragraph 2(b) above refers).

11. Planning Department’s Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments 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 eight years until 25.10.2032. The recommended advisory clauses are attached at **Appendix IV**.
- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested by Members’ reference:

the proposed 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. There is no strong planning justification in the submission for a departure from such 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 received on 15.8.2024
Appendix Ia	FI received on 27.8.2024
Appendix Ib	FI received on 9.10.2024
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
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
OCTOBER 2024**