

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/ST/999**

<b><u>Applicant</u></b>	: The Hong Kong Housing Authority (HKHA)
<b><u>Site</u></b>	: Section A of Sha Tin Town Lot No. 229, May Shing Court, Sha Tin, N.T.
<b><u>Site Area</u></b>	: 1,820 m <sup>2</sup>
<b><u>Lease</u></b>	: Sha Tin Town Lot (STTL) 229 (a) for Home Ownership Scheme development; and (b) a separate car parking building comprising 308 car park spaces should be provided.
<b><u>Plan</u></b>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<b><u>Zoning</u></b>	: “Residential (Group A)” (“R(A)”)
<b><u>Application</u></b>	: Temporary Public Vehicle Park (excluding container vehicle) for a period of 5 years

**1. The Proposal**

- 1.1 On 12.7.2021, the applicant sought planning permission for temporary public vehicle park (excluding container vehicle) at the application site (the Site) (May Shing Court carpark) which is zoned “R(A)” on the approved Sha Tin OZP No. S/ST/34 (**Plan A-1a**). According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for ‘Public Vehicle Park (excluding container vehicle)’ in the “R(A)” zone.
- 1.2 The Site is the subject of an application No. A/ST/968 submitted by the same applicant for the same use which was approved on 22.2.2019 by the Rural and New Town Planning Committee (the Committee) of the Board on a temporary basis for three years from 27.3.2019 to 26.3.2022. The applicant proposes to facilitate letting of surplus monthly parking spaces at May Shing Court carpark (including parking spaces for private car, light goods vehicle and motorcycle) to non-residents on a monthly basis for a period of five years. Letting of the vehicle parking spaces to non-residents is regarded as a conversion of the existing ancillary carpark to ‘Public Vehicle Park (excluding container vehicle)’ use.
- 1.3 May Shing Court is a Home Ownership Scheme (HOS) development with a 6-storey carpark block. According to the applicant, the average surplus rate of monthly parking spaces (including private car, light goods vehicle and motorcycle) if not letting to non-residents from April 2020 to March 2021 was 15%. A summary of

the total number of the monthly vehicle parking spaces let to residents is as follows:

Motor Vehicle	Total no. of monthly residential parking spaces (a)	Average no. of monthly parking spaces let to residents (b)	Surplus parking space (a)-(b)
Private car	287	246	41 (14%)
Light goods vehicle	10	5	5 (50%)
Motorcycle	35	31	4 (11%)
<b>Total</b>	<b>332</b>	<b>282</b>	<b>50 (15%)</b>

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

- (a) Application form received on 12.7.2021 and attachments **(Appendix I)**
- (b) Further Information (FI) dated 13.8.2021 providing responses to public comment and clarification on surplus parking space **(Appendix Ia)**
- (c) FI dated 17.8.2021 and 19.8.2021 providing responses to public comment and clarification on surplus parking space **(Appendix Ib)**

1.5 Location plans of May Shing Court and its Carpark Block submitted by the applicant are shown in **Drawings A-1 and A-2**.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Attachment II of Appendix I, and Appendices Ia and Ib**. They can be summarized as follows:

### (a) **Previous Approval**

Letting of the surplus monthly vehicle parking spaces in May Shing Court to non-residents on a monthly basis was first approved by the Board on 26.3.2004 on a temporary basis up to 26.3.2007 (Application No. A/ST/593). Five renewals of temporary permission were subsequently approved by the Committee at its meeting on 9.3.2007 (A/ST/648), 5.3.2010 (A/ST/694), 1.3.2013 (A/ST/807), 5.2.2016 (A/ST/894) and 22.2.2019 (A/ST/968).

(b) Compliance with Approval Conditions

The approval condition of the previous application No. A/ST/968 has been fulfilled. The Commissioner for Transport (C for T) has no adverse comment on letting of the surplus vehicle parking spaces to non-residents.

(c) Better Utilization of Public Resources

The average surplus rate of the monthly parking spaces in May Shing Court from April 2020 to March 2021 was about 15%. The proposed letting of surplus monthly parking spaces to non-residents would help utilize public resources more efficiently.

(d) No Adverse Traffic and Environmental Impacts

The proposal will not result in any increase of parking spaces over the existing spaces provided. Letting of surplus monthly parking spaces on a monthly basis to non-residents will not generate any additional traffic flow as compared with the planned traffic flow. Hence, adverse traffic or environmental impact are not anticipated. No complaint about the traffic condition has been received since the last planning approval in 2019.

(e) Compatibility with Surrounding Land Uses

The proposal involves no change in land use and is considered compatible with the adjacent land uses.

(f) Upholding Residents' Rights and Interests

To uphold the residents' rights and interests, residents of May Shing Court will be accorded the highest priority in letting of monthly vehicle parking spaces; non-residents will be charged the same monthly rent as that for the residents; and only surplus monthly vehicle parking spaces will be let to non-residents.

(g) No Security and Management Concerns

Entrances to the vehicle parking spaces and the residential blocks are separated. Security guards are stationed at each tower and patrol within May Shing Court from time to time. Therefore, no security and management problems are anticipated.

(h) Reasonable Steps Taken to Give Notifications to Owners and/or Residents of the Court

Notices of the application (in both Chinese and English) have been posted at prominent places including the main carpark entrance since 4.3.2021. Newspaper notices were also published on 7.5.2021.

(i) Precedent applications approved by the Board in the territory

The HKHA has submitted applications of similar nature and most recently for the renewal or fresh permission in about 40 estates/HOS developments since late 2018, which have all been approved by the Board. There have been no undue difficulties encountered for the HKHA to implement these proposals.

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

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

### 4. **Previous Application**

- 4.1 There are six previous applications (Nos. A/ST/593, A/ST/648, A/ST/694, A/ST/807, A/ST/894 and A/ST/968) involving the Site. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plans A-1a** and **A-1b**.
- 4.2 Application No. A/ST/593 was submitted by HKHA for the change of use from resident-only vehicle park to public vehicle park in one HOS development (i.e. May Shing Court) and eight public rental housing estates (i.e. Chun Shek Estate, Lek Yuen Estate, Lung Hang Estate, Mei Lam Estate, Sha Kok Estate, Sun Chui Estate, Sun Tin Wai Estate and Wo Che Estate) in Sha Tin which was approved by the Committee on 26.3.2004 for a period of three years up to 26.3.2007 on the considerations that the application was to let out the existing surplus ancillary vehicle parking spaces as public vehicle parks; no alteration, addition or modification works to existing car parks were involved; there would not be significant difference in traffic generated from the proposed use; and the residents would be given priority in the letting of parking spaces.
- 4.3 The approval for temporary public vehicle park (excluding container vehicle) for carpark block of May Shing Court was renewed five times up to 26.3.2022 under Applications Nos. A/ST/648, A/ST/694, A/ST/807, A/ST/894 and A/ST/968 subject to the condition that the priority should be accorded to the residents of May Shing Court in the letting of the surplus vehicle parking spaces and the proposed number of car parking spaces to be let to non-resident to be agreed with C for T.

### 5. **Similar Application**

- 5.1 There are also nine similar applications (Nos. A/ST/653, A/ST/692, A/ST/729, A/ST/730, A/ST/731, A/ST/732, A/ST/832, A/ST/908 and A/ST/977) (**Appendix III, Plan A-1a** and **Plan A-1b**) approved or rejected by the Committee at various HOS / public rental housing developments under “R(A)” zone in Sha Tin District.
- 5.2 Application No. A/ST/653 was for temporary public vehicle park (excluding container vehicle) at Ka Keng Court for a period of 3 years which was approved with condition by the Committee on 25.5.2007. Application Nos. A/ST/729, A/ST/730, A/ST/731 and A/ST/732 for temporary public vehicle park (excluding container vehicle) use at Sun Chui Estate, Sha Kok Estate, Lek Yuen Estate and Wo Che Estate respectively were approved with condition by the Committee on 28.1.2011 for a period of three years. The grounds of approval are similar to the previous applications above.
- 5.3 Subsequently, three applications (Nos. A/ST/832, A/ST/908 and A/ST/977) for renewal of planning approval at Sha Kok Estate (involving the site of application No. A/ST/730) were approved with condition by the Committee for a period of three

years on 17.1.2014, 23.12.2016 and 29.11.2019 respectively.

- 5.4 Application No. A/ST/692 was rejected by the Committee on 15.1.2010 for the reasons that the subject car parks were intended for meeting the car parking demand for the residents of Yu Chui Court; there was strong objection from the residents; the applicant failed to demonstrate that the car parking demand for the residents had been met; and the proposed public vehicle park would cause environmental, security and management problems to Yu Chui Court.
- 5.5 Details of these similar applications are summarized at **Appendix III**.

## **6. The Site and its Surrounding Areas (Plans A-1a, A-2 and site photos on Plan A-3)**

- 6.1 The Site is:
- (a) a 6-storey carpark block at the southern part of the HOS development, May Shing Court; and
  - (b) accessed via Mei Tin Road.
- 6.2 The surrounding areas have the following characteristics:
- (a) Mei Lam Sports Centre is located to the east;
  - (b) Shing Mun River Channel is located to the south; and
  - (c) The residential blocks of May Shing Court are located to the west and north.

## **7. Planning Intention**

The planning intention of the “R(A)” zone in Sha Tin New Town 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 views on the application are summarized as follows:

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Sharing Tin, Lands Department (DLO/ST, LandsD):
- (a) he has no comment on the application; and
  - (b) the subject premises is situated on STTL 229 which is held under Lease dated 31.5.1984. The lot is granted under the HOS and

restricted for non-industrial purposes. The Lessee is required to provide 2,192 private residential flats not exceeding a GFA of 111,713 m<sup>2</sup>, one kindergarten not exceeding a GFA of 830 m<sup>2</sup> and a separate car parking building comprising 308 car parking spaces. The lessee is also required to provide space for parking of motor vehicles to the satisfaction of the Director of Housing; and

- (c) the Lease does not contain specific restriction regarding the subject application, which involves letting of surplus monthly vehicle parking spaces to the non-residents.

### **Traffic**

#### 8.1.2 Comments of the Commissioner for Transport (C for T):

- (a) he has no comments on the application from traffic engineering point of view on the application; and
- (b) the applicant should comply with the previous condition that May Shing Court residents would have the highest priority on parking spaces.

#### 8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he noted that there would have no alteration to any existing public roads due to this application and therefore has no comment from highways maintenance point of view.

### **Building Matters**

#### 8.1.4 Comments of Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE(2)&Rail, BD):

- (a) he has no objection in principle to the application under the Buildings Ordinance; and
- (b) as the proposed rental of the parking spaces in the existing ancillary carpark to non-residents of the HOS court are regarded as public carpark under the Buildings Ordinance and accountable for non-domestic gross floor area, the Director of Housing should therefore ensure that the resulting development parameters of the HOS Court would comply in all respects under the Buildings Ordinance.

### **Local Views**

#### 8.1.5 Comments of the District Officer/Shia Tin, Home Affairs Department (DO/ST, HAD):

- (a) she is of the view that concerns of the public should be taken into due consideration and dealt with prior to approval of the subject application.

- 8.2 The Director of Fire Services (D of FS) has no specific comment on the application.

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

On 10.8.2021, the application was published for public inspection. During the statutory public inspection period, two comments were received from individuals (**Appendix IV**). They raised objection to the application mainly on the grounds that there is a lack of monthly parking spaces for residents of May Shing Court, ingress and egress of traffic to the subject carpark would generate additional traffic flow and jeopardize safety of pedestrians, and the surplus car parking spaces could be used for provision of community facilities.

## **10. Planning Considerations and Assessments**

- 10.1 The application seeks planning permission for continuing temporary public vehicle park use to let the surplus vehicle parking spaces in the existing car park block at the subject estate 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 May Shing Court from April 2020 to March 2021 was about 15%. The letting of the surplus parking spaces to non-residents as proposed in the application would help utilise resources more efficiently.
- 10.2 The Site were the subject of six previous applications (Nos. A/ST/593, A/ST/648, A/ST/694, A/ST/807, A/ST/894 and A/ST/968) 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 2019. The proposal does not involve any new development or redevelopment. 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.
- 10.3 The applicant indicates that residents of May Shing Court would be given the priority in the letting of monthly vehicle parking spaces. As only the surplus monthly vehicle parking spaces will be let out to non-residents, the parking need of the residents of May Shing Court will not be compromised. C for T has no comment on the application and advises that the previous condition that residents of May Shing Court would have the priority in the letting of the surplus vehicle parking spaces should be complied with. Should the application be approved by the Committee, an approval condition in this regard is recommended in paragraph 11.2. Other government departments consulted have no adverse comment or objection to the application.
- 10.4 The period of five years of the planning permission sought is considered reasonable so that the vacant parking spaces can be let to non-residents flexibly while the parking demand of the residents can be further reviewed.
- 10.5 For the public comment stating that there is a lack of monthly parking spaces for residents of May Shing Court, the applicant indicates that the parking needs and interests of the residents will not be compromised since the residents will be

accorded the highest priority in letting of parking spaces and only surplus monthly parking spaces will be let to non-residents. Regarding the traffic impact and safety concerns, the application does not involve any increase in parking spaces and the traffic circulation is expected to be similar. No complaint about the situation has been received by the local management of May Shing Court since the previous approval of planning application in 2019. C for T has no comment on this application. For the suggested use of surplus car parking facilities for provision of community services, the applicant clarified that the demand for parking spaces from local residents fluctuates from time to time, and the vacant parking spaces are scattered in the carpark block. The conversion of carpark into community facilities would be subject to technical and other constraints. The proposal would optimize the use of land resources and help meet local parking demand.

## **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 paragraphs 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 10.9.2026. The following condition of approval and advisory clause are also suggested for Members' reference:

### Approval Condition

Priority should be accorded to the residents of May Shing Court 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 Clause

The recommended advisory clause is attached at **Appendix V**.

- 11.3 Alternatively, should the Committee decide to reject the subject application, the following reason is suggested for Members' reference:

The subject car park is intended for meeting the car parking demand for the residents of May Shing Court. The applicant fails to demonstrate that the car parking demand for the residents has been met.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and advisory clause, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.



- 12.3 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

### 13. **Attachments**

<b>Appendix I</b>	Application form and attachments received on 23.11.2021
<b>Appendix Ia</b>	FI dated 13.8.2021 providing responses to public comment and clarification on surplus parking space
<b>Appendix Ib</b>	FI dated 17.8.2021 and 19.8.2021 providing responses to public comment and clarification on surplus parking space
<b>Appendix II</b>	Summary of previous applications
<b>Appendix III</b>	Summary of similar applications
<b>Appendix IV</b>	Public comments
<b>Appendix V</b>	Recommended advisory clause
<b>Drawing A-1</b>	Location plan of May Shing Court
<b>Drawing A-2</b>	Location of the Parking Facilities of May Shing Court
<b>Plans A-1a and A-1b</b>	Location Plans
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photos

**PLANNING DEPARTMENT**  
**September 2021**