

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/ST/968

- Applicant** : The Hong Kong Housing Authority (HKHA)
- Site** : Section A of Sha Tin Town Lot No. 229, Carpark Block of May Shing Court, Sha Tin, N.T.
- Site Area** : 1,810 m²
- Lease** : Sha Tin Town Lot 229
(a) for Home Ownership Scheme development; and
(b) a separate car parking building comprising 308 car parking spaces should be provided.
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
- Zoning** : “Residential (Group A)” (“R(A)”)
- Application** : Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) under Application No. A/ST/894 For a Period of 3 Years until 26.3.2022

1. The Proposal

- 1.1 On 7.1.2019, the applicant sought planning permission to continue the use of the 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 (**Drawings A-1 and A-2**). 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/894 submitted by the same applicant for the same use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on a temporary basis for three years. The applicant proposes to continue letting the surplus 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 three years, i.e. up to 26.3.2022. 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 parking spaces) if not letting to non-residents from December 2017 to November 2018 is 15%. A summary of the total number of monthly vehicle parking spaces let to residents is as follows:

| Motor Vehicle | Total no. of monthly residential parking spaces (a) | No. of monthly parking spaces let to residents (b) | Surplus parking space (a) - (b) |
|---------------------|--|---|------------------------------------|
| Private car | 287 | 245 | 42 (15%) |
| Light goods vehicle | 10 | 5 | 5 (50%) |
| Motorcycle | 35 | 33 | 2 (6%) |
| Total | 332 | 283 | 49 (15%) |

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

- (a) Application form dated 7.1.2019 and attachments (**Appendix I**)
- (b) Letter dated 13.2.2019 providing response to public comment (**Appendix Ia**)

- 1.5 Location plans of the May Shing Court carpark 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 **Appendix Ia**. 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). Four renewals of temporary permission were subsequently approved by the Board at its meeting on 9.3.2007 (A/ST/648), 5.3.2010 (A/ST/694), 1.3.2013 (A/ST/807) and 5.2.2016 (A/ST/894).

(b) Compliance with Approval Conditions

The approval conditions of the previous application No. A/ST/894 have been fulfilled. Commissioner for Transport (C for T) has no adverse comment on letting of all vacant monthly vehicle parking spaces to non-residents.

(c) Better Utilization of Public Resources

Average utilization rate of the monthly parking spaces in May Shing Court from December 2017 to November 2018 is about 85%. To better utilize public resources, it is proposed to continue letting the surplus parking spaces to non-residents. As the vacancy rate of the carpark fluctuates from time to time, the letting of surplus monthly parking spaces to non-residents would allow greater flexibility in optimizing the use of public resources.

(d) No Adverse Traffic and Environmental Impacts

Letting of vacant monthly parking spaces to non-residents would not generate any additional traffic flow as compared with the planned traffic flow. Hence, adverse traffic and environmental impacts are not anticipated.

(e) Compatibility with Surrounding Land Uses

The proposal involves no physical 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 vehicles parking spaces; non-residents will be charged the same monthly rent as that for the residents; and only vacant 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 Residents of the Court

Notices of this renewal application (in both Chinese and English) have been posted at prominent places including the main carpark entrance since 3.10.2018.

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

Since 2015, the HKHA has submitted some applications in some 50 estates/HOS developments, which have 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. Town Planning Board Guidelines

The Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No.34B) is relevant to this application. For renewal of planning approval, relevant assessment criteria are summarised as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
- (d) whether the approval period sought is reasonable;
- (e) any other relevant considerations; and
- (f) the approval period should not be longer than the original validity period of temporary approval.

5. Previous Applications

- 5.1 There are five previous applications (Nos. A/ST/593, A/ST/648, A/ST/694, A/ST/807 and A/ST/894) involving the Site. Details of these applications are summarized at **Appendix I I** and their locations are shown on **Plans A-1a** and **A-1b**.
- 5.2 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 Home Ownership Scheme development (i.e. May Shing Court) and eight public rental housing estates (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.

- 5.3 The approval for temporary public vehicle park (excluding container vehicle) for carpark block of May Shing Court was renewed four times up to 26.3.2019 under Applications No. A/ST/648 A/ST/694, A/ST/807 and A/ST/894 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.

6. Similar Application

There is one similar application for temporary public vehicle park (excluding container vehicle) at Yu Chui Court (No. A/ST/692 as shown on **Plan A-1b**). It 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. Details of the application are summarized at **Appendix III**.

7. The Site and Its Surrounding Areas (Plans A-1a, A-2 and site photos on Plan A-3)

7.1 The Site is:

- (a) a 6-storey carpark block at the south of the HOS development, May Shing Court; and
- (b) accessed via Mei Tin Road.

7.2 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.

8. 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.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) she has no comment on the application; and
- (b) Sha Tin Town Lot No. 229 is held under Lease dated 31.5.1984 granted for Home Ownership Scheme development. The Lessee is required to provide 2,192 private residential flats not exceeding a GFA of 111,713m², one kindergarten not exceeding a GFA of 830m² and a separate car parking building comprising 308 car parking spaces. The proposal is not in conflict with the lease conditions.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) he has no objection in principle from traffic engineering viewpoint to the application for renewal of permission for temporary public vehicle park (excluding container vehicle); and
- (b) the application should comply with the previous condition that May Shing Court residents would have the highest priority on parking spaces.

Building Matter

9.1.3 Comments of the 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, D of H should therefore ensure that the resulting development parameters of the HOS Court would comply in all respects under the Buildings Ordinance.

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

- (a) Chief Highways Engineer/New Territories East, Highways Department;
- (b) Director of Housing;
- (c) Director of Fire Services; and
- (d) District Officer (Sha Tin), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 15.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one comment was received from an individual objecting to the application mainly on the ground that the Site could be used for community uses to serve the residents of May Shing Court (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is to seek renewal of a temporary approval granted for the same use under application No. A/ST/894. The application generally complies with the TPB PG-No.34B in that there has been no material change in planning circumstances since the previous temporary approval was granted nor a change in the land uses of the surrounding areas. There are no adverse planning implications arising from the renewal of the planning approval. The approval period of three years sought is also not longer than the original validity period of the temporary approval. The only approval condition under A/ST/894 is that the residents of May Shing Court would be given the priority in the letting of monthly vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with C for T. In this regard, C for T has no objection to the application and advises that the previous condition that residents of May Shing Court would have the highest priority in the letting of the surplus vehicle parking spaces should be complied with. Other government departments consulted have no adverse comment or objection to the application.
- 11.2 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. Should the application be approved by the Committee, an approval condition in this regard is recommended in paragraph 12.2.
- 11.3 The period of renewal of three 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.
- 11.4 A public comment was received during the publication period objecting to the application on the ground that the Site could be used for community uses. In this regard, it was clarified by the applicant that the occupancy rates of the parking space in individual car parks were reviewed from time to time, and the conversion of carpark into community facilities would be subject to technical and other constraints. It is considered by the applicant that the proposed letting of surplus monthly parking spaces to non-residents for the Site would allow greater flexibility in optimizing the use of public resources.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 3 years from 27.3.2019 to 26.3.2022. The following condition of approval and advisory clause are 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**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection 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.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

13.2 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.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

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|-----------------|---|
| Appendix I | Application form and attachments received on 7.1.2019 |
| Appendix Ia | Letter dated 13.2.2019 providing response to public comment |
| Appendix II | Summary of previous applications |
| Appendix III | Summary of similar application |
| Appendix IV | Public comment |
| Appendix V | Recommended advisory clause |
| Drawing A-1 | Location Plan of May Shing Court |
| Drawing A-2 | Location of the Parking Facilities of May Shing Court |
| Plans 1a and 1b | Location Plans |
| Plan A-2 | Site Plan |
| Plan A-3 | Site Photos |

**PLANNING DEPARTMENT
FEBRUARY 2019**