

**Proposed Temporary ‘Public Vehicle Park (excluding container vehicle)’
for a period of 8 Years at “Open Space” Zone,
Government Land at Po Tai Street, Ma On Shan
(Planning Application No. A/MOS/129)**

Comments forwarded from Sha Tin, Tai Po & North District Planning Office

Comments	Responses								
Comments from District Lands Office, Sha Tin (received on 26 September 2024)									
The captioned site is currently held under Short Term Tenancy (“STT”) No. 2145 for the purpose of “ <i>a fee-paying public carpark for the parking of motor vehicles (excluding medium goods vehicles, heavy goods vehicles, tractors, trailers and container vehicles with or without tractors, trailers and containers)</i> ” for a term of one year certain commencing on 17.4.2018 and thereafter quarterly. The STT can be terminated by either party giving to the other at least 3 calendar months’ notice in writing.	Noted.								
We have no in-principal objection to the applied use. However, this office has not yet received any application/proposal from Transport Department (“TD”) for re-tendering the STT for the applied use since the planning approval in November 2023 and DLO will require a lead time of not less than 9 months to process the re-tendering exercise. As such, it is likely that the proposed tenancy cannot commence in late 2024/early 2025 as intended in para. 2.2.1 of the Technical Note.	<p>Please note that the Planning Application, if approved by the TPB in October 2024, will be valid till October 2032 (i.e. 8-year approval period). To allow a 7-year term tenancy, the commencement of the tenancy will be no later than October 2025. Hence, sufficient time has been allowed for the processing of the re-tendering exercise.</p> <p>In view of the above, the commencement date of the tenancy for the temporary public vehicle park would be amended to “no later than October 2025”.</p> <p>The programme for the Project is provided below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #cccccc;">Tasks</th> <th style="background-color: #cccccc;">Period</th> </tr> </thead> <tbody> <tr> <td>Obtaining TPB Approval of the S16 Planning Application</td> <td>25 Oct 2024</td> </tr> <tr> <td>Processing of Re-tendering Exercise by LandsD</td> <td>Nov 2024 to Aug 2025 (i.e. not less than 9 months)</td> </tr> <tr> <td>Commencement of Tenancy for STT Carpark</td> <td>Oct 2025 to Sep 2032</td> </tr> </tbody> </table>	Tasks	Period	Obtaining TPB Approval of the S16 Planning Application	25 Oct 2024	Processing of Re-tendering Exercise by LandsD	Nov 2024 to Aug 2025 (i.e. not less than 9 months)	Commencement of Tenancy for STT Carpark	Oct 2025 to Sep 2032
Tasks	Period								
Obtaining TPB Approval of the S16 Planning Application	25 Oct 2024								
Processing of Re-tendering Exercise by LandsD	Nov 2024 to Aug 2025 (i.e. not less than 9 months)								
Commencement of Tenancy for STT Carpark	Oct 2025 to Sep 2032								

Comments	Responses
<p>Apart from the above, please note our comments below in our memo of 29.9.2023 on the proposed re-tender remain valid:</p>	
<p>a. Under the established practice, any STT tendered by LandsD should not have a term of more than 7 years and the initial term of all carpark tenancies is normally “one year certain and thereafter quarterly”. As the 7-year term for the proposed tenancy deviates from the established practice as aforesaid, TD is required to provide full justifications and obtain support from the relevant policy bureau(x), e.g. TLB and/or FSTB, as appropriate for LandsD to consider and proceed the retender, if planning approval is given for the s.16 application. Notwithstanding, LandsD is unable to commit that a 7-year term carpark tenancy can be approved at this stage. LandsD may have further requirements for processing the proposed carpark STTs with automated parking system (“APS”) requirements on this case’s merits.</p>	<p>Noted.</p>
<p>b. TD shall be responsible for monitoring the compliance of any proposed tender arrangements deviated from the normal carpark STT tender as well as the APS requirements or such other related requirements of TD under the re-tender/tenancy.</p>	<p>Noted.</p>
<p>Comments from Buildings Department (received on 26 September 2024)</p>	
<p>Notify that the PVP will be subject to a tenancy, I have no in-principle objection under the Buildings Ordinance (BO) to the application subject to the following comments:</p>	<p>No in-principle objection noted.</p>
<p>(a) Whether an Automatic Parking System (APS), its supporting structures or any part of its construction members falling within the definition of “Building” and hence under the control of the BO depends on individual merits of each APS. Detailed comments will be provided at General Building Plan submission stage when full details of APS are available;</p>	<p>Noted. Details of the APS system and its supporting structures will be included in the GBP submission.</p>
<p>(b) The APS should be GFA & SC accountable under the BO.</p>	<p>Noted.</p>
<p>(c) The site shall be provided with EVA in accordance with Building (Planning) Regulation 41D;</p>	<p>Noted.</p>
<p>(d) The granting of any planning approval should not be construed as an acceptable of any existing building works or unauthorized building works, if any, on the application site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works</p>	<p>Noted.</p>

Comments	Responses
in the future.	
Comments from Fire Services Department (received on 26 September 2024)	
He has no objection in principle to the proposal subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the Director of Fire Services (D of FS).	Noted. Relevant layout plans incorporated with the proposed FSIs will be submitted to FSD for approval in detailed design stage of the project.
In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to this Department for approval. In addition, the applicant should also advised on the following points:	Noted. Relevant layout plans incorporated with the proposed FSIs will be submitted to FSD for approval in detailed design stage of the project.
i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and	Noted. Relevant layout plans incorporated with the proposed FSIs will be submitted to FSD for approval in detailed design stage of the project.
ii) The location of where the proposed FSI to be installed should be clearly marked on the layout plans.	Noted. Relevant layout plans incorporated with the proposed FSIs will be submitted to FSD for approval in detailed design stage of the project.
However, the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. If there is electric vehicle charging station involved, the requirement of Fireman’s Emergency Switch is appended below for reference.	Noted. Relevant layout plans incorporated with the proposed FSIs will be submitted to FSD for approval in detailed design stage of the project.

Compiled by: KTA

Date: 09 October 2024

File Ref: 20241009_A_MOS_129_FI 1_V01

**Proposed Temporary 'Public Vehicle Park (excluding container vehicle)'
for a period of 8 Years at "Open Space" Zone,
Government Land at Po Tai Street, Ma On Shan
(Planning Application No. A/MOS/129)**

Public Comments received during the 3-week Public Consultation Period

Comments	Responses
There is a lack of open space in the area. It is suggested to use the site as green belt/ children's playground/ site for solar photovoltaic system/ multipurpose activity space.	According to Planning Department's record, there are currently surplus of 3.85 ha of district open space and 19.62 ha of local open space in Ma On Shan OZP for the enjoyment of the public. Hence, the temporary use of the Site for the provision of much needed parking spaces for a period of 8 years will not affect the long-term open space provision for the planned population of about 249,600 in Ma On Shan.
It is suggested to include motorcycle parking spaces at the proposed public vehicle park.	Noted. The future operator of the carpark who will make appropriate adjustment to the number of parking space for motorcycles based on market conditions and demand.
STTs are normally granted for a fixed term of a duration ranging from 1 to 5 years. The proposed temporary 'Public Vehicle Park' for a period of 8 years is another step in discarding and disregarding guidelines and regulations.	<p>The reason for the submission of this Planning Application to the TPB is that the proposed period of temporary PVP exceeds 5 years and 'Public Vehicle Park (excluding container vehicle)' is a column 2 use under the Statutory Notes of the "O" zone which requires permission from the TPB.</p> <p>A longer approval period of 8 years to be sought is due to the need to take into account the time required for the preparatory work for the tenancy (about 1 year) and 7-year term of short term tenancy for the carpark. As a considerable amount of capital is required for the design and installation of APS, it is only viable for the operator if a longer operation period of 7 years with more APS is allowed from a financial and sustainability points of view. Hence, a longer approval period of 8 years is required (i.e. 1 year for preparatory work and 7 year for the actual tenancy).</p>
There are surplus of public carparking spaces in Ma On Shan and another public carpark is not necessary.	The Site has been occupied by PVP use for more than 20 years. According to the results of the parking survey for STT carpark in Sha Tin District conducted by TD during period of November and December 2022, the

Comments	Responses
	utilization rate of the STT carpark at the Site was higher than 90% during night-time. The results revealed that the demand for PVP at the Site has been quite high. Thus, there is indeed a need for the PVP at the Site.

Compiled by: KTA

Date: 09 October 2024

File Ref: 20241009_A_MOS_129_FI 2_V01