

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FLN/18
(for 3rd Deferment)

- Applicant** : Keep York Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Lots 247, 255 (Part), 257 (Part), 267, 406 (Part), 408 (Part), 409, 414 (Part), 415 (Part), 416 (Part), 418 (Part), 420 (Part), 424 (Part), 425 (Part), 426 (Part), 427 (Part), 434 (Part) and 435 (Part) in D.D. 51 and Adjoining Government Land, Fanling North, New Territories
- Site Area** : About 9,121.4 m² (including Government land of about 1,277.6 m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/2
- Zoning** : “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange (2)” (“OU (CRD&PTI)2”)
- Application** : (i) Proposed Minor Relaxation of Maximum Plot Ratio and Building Height Restrictions for Permitted Commercial/Residential Development with Public Transport Interchange; and
(ii) Proposed Shop and Services, Eating Place, School (not elsewhere specified) and Place of Entertainment on the lowest third floor above ground (2/F) of the proposed development

1. Background

- 1.1 On 23.4.2019, the applicant submitted the subject application to seek planning permission for minor relaxation of maximum plot ratio and building height restrictions for permitted commercial/residential development with public transport interchange at the application site (the Site) (**Plan A-1**), and proposed shop and services, eating place, school (not elsewhere specified) and place of entertainment on the lowest third floor above ground (2/F) of the proposed development. On 17.1.2020 and 26.6.2020, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the

application for two months, as requested by the applicant, to allow time for the applicant to prepare further information (FI) on the planning justifications and address the comments from Government departments.

- 1.2 On 11.11.2020 and 23.11.2020, the applicant submitted FIs including responses to departmental comments and revised traffic impact assessment. Comments from Lands Department (LandsD) and Transport Department (TD) on the FIs were subsequently received on 4.12.2020 and 17.12.2020. The application is scheduled for consideration by the Committee on 22.1.2021.

2. Request for Deferment

On 7.1.2021, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application to allow two months' time for the applicant to review and update the relevant technical assessment(s) to address the departmental comments (**Appendix I**).

3. Planning Department's Views

- 3.1 The application has been deferred twice for a total of four months at the request of the applicant to address departmental comments. In order to allow more time to address further comments from LandsD and TD of 4.12.2020 and 17.12.2020, the applicant requests the Committee to defer a decision on the application for another two months.
- 3.2 The Planning Department has no objection to the request for further deferment as the justification for deferment meets the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needs more time to prepare FI in response to departmental comments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.
- 3.3 Should the Committee agree to defer making a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of FI from the applicant. If the FI submitted by the applicant is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. Since it is the third deferment of the application, the applicant should be advised that the Committee has allowed a total of six months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

4. Decision Sought

The Committee is invited to consider whether or not to accede to the applicant's request for deferment. If the request is not acceded to, the application will be submitted for the Committee's consideration at the next meeting.

5. Attachments

Appendix I Letter dated 7.1.2021 from the applicant requesting for deferment

Plan A-1 Location Plan

**PLANNING DEPARTMENT
JANUARY 2021**