

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/564
(3rd Deferment)

- Applicant** : Year Master Limited represented by R-Riches Property Consultants Limited
- Site** : Lots 216 S.S ss.2 RP, 216 S.S RP, 237 S.B RP, 237 S.B ss.3 RP, 237 S.B ss.3 S.A, 237 S.B ss.4 S.A, 237 S.B ss.4 S.B, 237 S.B ss.4 RP, 237 S.B ss.5 RP (Part), 237 S.B ss.12 RP, 237 S.B ss.13 RP and 237 S.B ss.14 RP in D.D.103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long
- Site Area** : About 1,392.7m² (including about 562.2m² of Government land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Village Type Development” (“V”)
[maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services and Eating Place (Outside Seating Accommodation of a Restaurant) with Ancillary Parking Spaces for a Period of 3 Years

1. Background

- 1.1 On 16.5.2017, the applicant sought planning permission to use the application site (the Site) (**Plan A-1**) for temporary shop and services and eating place (outside seating accommodation of a restaurant) with ancillary parking spaces for a period of 3 years.
- 1.2 On 14.7.2017 and 13.10.2017, Rural and New Town Planning Committee (the Committee) agreed twice to defer a decision on the application, as requested by the applicant, to allow a total of four months’ time for preparation of further information to address departmental comments. On 13.12.2017, the applicant submitted FI on the parking provision and the location of ingress/egress of the Site in responses to departmental comments. The application is scheduled for the Committee’s consideration on 26.1.2018.

2. Request for Deferment

On 11.1.2018, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application so as to allow two months' time for preparation of a new proposal on ingress/egress arrangement to address departmental comments (**Appendix I**).

3. Planning Department's Views

3.1 The application has been deferred twice for a total of four months upon the requests of the applicant to allow more time to prepare FI to address the departmental comments. Since the second deferment on 13.10.2017, the applicant submitted FI on 13.12.2017 to address departmental comments, as detailed in paragraph 1.3 above. Nevertheless, the applicant needs more time to prepare new proposal on ingress/egress arrangement to address further departmental comments.

3.2 The Planning Department has no objection to the request for deferment as the justifications for deferment meet 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 further information in response to departmental comments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.

3.2 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within two months upon receipt of further submission from the applicant. If the further information 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 Committee's consideration. The applicant should be advised that the Committee has allowed a further two months for the applicant to prepare the submission of further information. Since this is the third deferment, the applicant should also be advised that the Committee has allowed a total of six months for preparation of submission of further information, 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 11.1.2018 from the applicant's representative requesting for deferment

Plan A-1 Location Plan