

# TOWN PLANNING BOARD

**TPB Paper No. 10701**

**For Consideration by  
the Town Planning Board on 27.11.2020**

**REVIEW OF APPLICATION NO. A/NE-LYT/720  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House (NETH) – Small House)  
in “Agriculture” zone**

**Lot 586 S.B RP in D.D. 85, Lau Shui Heung, Fanling, New Territories**

**REVIEW APPLICATION NO. A/NE-LYT/720**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

*(for 3<sup>rd</sup> Deferment)*

- Applicant** : Mr. LI Koon Yan
- Site** : Lot 586 S.B RP in D.D. 85, Lau Shui Heung, Fanling,  
New Territories
- Site Area** : 192 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP)  
No. S/NE-LYT/17
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)
- RNTPC’s Decision** : Rejected on 20.3.2020
- Subject of Review** : To review the Rural and New Town Planning Committee (RNTPC)’s decision to reject the application

**1. Background**

- 1.1 On 10.12.2019, the applicant, Mr. Li Koon Yan, sought planning permission to build a NTEH – Small House at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls entirely within an area zoned “Agriculture” (“AGR”) on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17 (**Plan R-1**). On 20.3.2020, the RNTPC of the Town Planning Board (the Board) rejected the application.
- 1.2 On 23.4.2020, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC’s decision to reject the application.
- 1.3 On 17.7.2020 and 25.9.2020, the Board agreed to defer a decision on the review application for two months each, as requested by the applicant, to allow time for

preparation of further information (FI) in support of the review application. No FI has been received.

2. **Request for Deferment**

On 19.11.2020, the applicant wrote to the Secretary of the Board and requested the Board to defer the consideration of the review application for another two months to allow sufficient time for the applicant to prepare FI and to liaise with Lands Department (**Annex A**).

3. **Planning Department's Views**

3.1 The application has been deferred twice for four months at the request of the applicant to allow more time to prepare FI in support of the review application. The applicant needs more time for preparation of FI to substantiate the review application.

3.2 The Planning Department has no objection to the request for 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 to address the comments from relevant government departments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties.

3.3 Should the Board agree to defer making a decision on the review application, the application will be submitted to the Board for consideration within three 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 Board's consideration. Since it is the third deferment of the application, the applicant should be advised that the Board has allowed a total of six months for preparation of FI submission, and no further deferment would be granted unless under very special circumstances.

4. **Decision Sought**

The Board 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 Board's consideration at the next meeting.

5. **Attachments**

<b>Annex A</b>	Letter dated 19.11.2020 from the applicant
<b>Plan R-1</b>	Location plan