

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/K9/13
(for 2nd deferment)

- Applicant** : Mr. LAI Chi Kwok
- Plan** : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/26
- Application Site** : 34-42B Baker Street, Hung Hom, Kowloon
- Site Area** : 294m² (about)
- Lease** : (a) Hung Hom Inland Lot (HHIL) No. 236 s.A ss2, s.A ss3, s.A RP and 237 s.A ss2 & s.A RP which are held under Government lease both subject to a lease term of 75 years renewable for 75 years commencing on 1.1.1901
(b) Subject to “Noisy Noisome or Offensive Trade or Business” clause
- Zoning** : “Residential (Group A) 4” (“R(A)4”)

[‘Columbarium’ is neither a Column 1 nor Column 2 use under “R(A)” zone]
- Proposed Amendment** : To rezone the application site from “R(A)4” to “R(A)7”

1. Background

On 22.7.2019, the applicant submitted an application and proposes to rezone the application site (the Site) from “R(A)4” to “R(A)7” on the approved Hung Hom OZP No. S/K9/26 with ‘Columbarium’ included as a Column 2 use that requires planning permission from the Town Planning Board (the Board) (**Plan Z-1**). On 18.10.2019, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for two months in order to allow more time for the applicant to submit further information (FI) to address departmental comments. On 18.12.2019, the applicant submitted FI and the application is scheduled for consideration by the Committee at this meeting.

2. Request for Deferment

On 24.2.2020, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the application for 2.5 months to allow

more time to prepare further information to address the comments from Transport Department (TD) (**Appendix I**).

3. Planning Department's Views

- 3.1 The application has been deferred once for two months at the request of the applicant to allow more time to prepare further information to address departmental comments. Since the first deferment period, the applicant has submitted FI.
- 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 a revised TIA to address the comments from TD, the deferment period is not indefinite and the deferment would not affect the interest of other relevant parties. Notwithstanding the above, as set out in the TPB PG-No. 33, normally the applicant would be given two months for preparation of submission of FI, if the applicant's request for deferment is acceded to, a deferment period of two months instead of 2.5 months should be allowed.
- 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 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 Committee's consideration. Since it is the second deferment of the application, the applicant should be advised that the Committee has allowed a total of four 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 to the Committee for consideration at the next meeting.

5. Attachments

- Appendix I** Letter dated 24.2.2020 (attached with letters of 19.2.2020 and 11.2.2020) from Cham and Co. Solicitors on behalf of the applicant
- Plan Z-1** Location plan