

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/782
(for 3rd Deferment)

- Applicant** : The Garden Company Limited represented by Kenneth To and Associates Limited
- Site** : 58 Castle Peak Road, Sham Shui Po, Kowloon
- Site Area** : About 1,148m²
- Lease** : New Kowloon Inland Lot (N.K.I. L.) No. 3745
(a) to be expired by 30.6.2047; and
(b) restricted to manufacturing of confectionery excluding offensive trades
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan No. S/K5/37
- Zoning** : “Residential (Group A) 7”
[Restricted to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 110mPD (90mPD for site with an area smaller than 400m²), or the PR/BH of the existing building, whichever is the greater. For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.]
- Application** : Proposed Shop and Services, Eating Place, Office and School (Cookery-related)

1. Background

- 1.1 On 18.7.2017, the planning application for the proposed development with ‘shop and services’, ‘eating place’, ‘office’ and ‘school (cookery-related)’ at 58 Castle Peak Road, Sham Shui Po, Kowloon was received by the Town Planning Board (the Board) (**Plan A-1**). The application is scheduled for consideration by the Metro Planning Committee (the Committee) of the Board on 24.11.2017.
- 1.2 On 24.11.2017 and 16.3.2018, upon request of the applicant, the Committee agreed to defer making a decision on the application for two months each in order to allow more time to prepare the necessary information to address the comments from concerned Government departments.
- 1.3 The applicant subsequently submitted five sets of Further Information (FI) respectively on 29.3.2018, 3.4.2018, 4.4.2018, 4.5.2018 and 17.5.2018 in response to departmental

comments received. The application is scheduled for consideration by the Committee on 1.6.2018.

2. Request for Deferment

On 25.5.2018, the applicant's representative wrote to the Secretary of Board requesting the Board to defer the consideration of the planning application for another two months so as to allow more time for preparation of necessary information to address departmental comments. **(Appendix I)**

3. Planning Department's Views

3.1 The application has been deferred twice for two months each at the request of the applicant. More time is required by the applicant to prepare submission of FI to address departmental comments, in particular those from the Antiquities and Monuments Office of Leisure and Cultural Services Department.

3.1 The Planning Department has no objection to the request for deferment as the justifications provided 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 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 this is the third deferment of the application, the applicant should be advised that the Board has allowed a total of six months including the previous deferments 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 of 25.5.2018 from the applicant's representative
Plan A-1	Location plan