

REVIEW OF APPLICATION NO. A/YL-NSW/250
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE
(3rd Deferment)

<u>Applicant</u>	:	Gold Asset Development Limited represented by Prudential Surveyors International Limited
<u>Site</u>	:	Lots No. 999 s.E (Part), 1001 s.A RP (Part), 1002 s.A RP (Part) and 1327 RP (Part) in D.D. 115 and Adjoining Government Land (GL), Au Tau, Nam Sang Wai, Yuen Long
<u>Site Area</u>	:	1,170.3m ² (about) (including about 316m ² of GL)
<u>Lease</u>	:	(i) Lots 999 s.E, 1001 s.A R.P., 1002 s.A R.P. are Old Scheduled Agricultural lots (ii) Lot 1327 RP is New Grant No. 6825 demised for orchard use with 40.47m ² converted to “House” status
<u>Plan</u>	:	Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	:	“Undetermined” (“U”) (about 912.8m ² or 78%) Area shown as ‘Road’ (about 257.5m ² or 22%)
<u>Application</u>	:	Proposed Petrol Filling Station with Sales Office
<u>RNTPC’s Decision</u> <u>[Date of Consideration]</u>	:	Rejected (28.4.2017)
<u>Subject of Review</u>	:	To review the Rural and New Town Planning Committee (RNTPC)’s decision to reject the application

1. Background

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan R-1**) for a proposed petrol filling station (PFS) with sales office under s.16 of the Town Planning Ordinance (the Ordinance). On 28.4.2017, the RNTPC of the Town Planning Board (the Board) rejected the application.
- 1.2 On 31.5.2017, the applicant applied, under s.17(1) of the Ordinance, for review of the RNTPC's decision to reject the application. On 18.8.2017, the Board agreed to defer a decision on the review application, as requested by the applicant, to allow two months' time for preparation of further information to address the comments of relevant Government departments. On 18.10.2017, the applicant submitted further information with revised layout plan and revised technical assessments including traffic impact assessment (TIA) and environmental assessment (EA) in support of the review application.
- 1.3 On 5.1.2018, the Board agreed to defer a decision on the application as requested by the applicant in order to allow one month's time for preparation of further information to address further comments from Environmental Protection Department (EPD), Transport Department (TD), Highways Department (HyD) and Urban Design and Landscape Unit of Planning Department (PlanD). Subsequently, on 14.2.2018, 27.4.2018 and 4.6.2018, the applicant submitted a revised TIA and responses to address comments from TD, HyD, EPD, Housing Department and PlanD. The application is scheduled for consideration by the Committee on 27.7.2018.

2. Request for Deferment

On 21.6.2018, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application to allow one month's time for the applicant to address further comments received from TD and EPD (**Annex A**).

3. Planning Department's Views

- 3.1 The application has been deferred twice at the request of the applicant to allow a total of 3 months for preparation of further information to address the departmental comments. Since the last deferment on 5.1.2018, the applicant has submitted further information with a revised TIA and responses to address departmental comments as detailed in paragraph 1.3 above. Nevertheless, the applicant needs more time to prepare further information to address further comments received from TD and EPD.

- 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.
- 3.3 Should the Committee agree to defer a decision on the application, the application will be submitted to the Committee for consideration within three 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 the Committee's consideration. Since this is the third deferment, the applicant should be advised that the Committee has allowed a total of 4 months for preparation of submission of further information 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 review application will be submitted for the Board's consideration at the next meeting.

5. Attachments

Annex A Letter dated 21.6.2018 from the applicant's representative

Plan R-1 Location plan

**PLANNING DEPARTMENT
JULY 2018**