

REVIEW OF APPLICATION NO. A/YL-NSW/250
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE
(2nd 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 On 18.10.2016, the applicant sought planning permission to use the application site (the Site) (**Plan R-1**) for proposed 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 for two months, as requested by the applicant, to allow 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. The review application has been scheduled for consideration by the Board on 5.1.2018.

2. Request for Deferment

On 13.12.2017, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for another one month to allow more time for the applicant to study and prepare of further information to address comments from Environmental Protection Department, Transport Department, Highways Department and Planning Department. Since the first deferment, the applicant has submitted further information including a revised layout plan and revised technical assessments including TIA and EA. Nevertheless, more time is required to prepare responses to address further departmental comments received (**Annex A**).

3. Planning Department's Views

- 3.1 The application has been deferred once for two months upon the request of the applicant to allow two months' time for preparation of further information to address the departmental comments. Since the first deferment on 18.8.2017, the applicant has submitted further information with revised layout plan and revised technical assessments including TIA and EA in support of the review application. According to the applicant, more time is required to prepare responses to address further departmental comments received.
- 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 Board agree to defer a decision on the review application, the application will be submitted to the Board 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 Board's consideration. Since it is the second deferment of the review application, the applicant should be advised that the Board has allowed a total of three 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 13.12.2017 from the applicant's representative

Plan R-1 Location plan

**PLANNING DEPARTMENT
JANUARY 2018**

**TPB PAPER NO. 10373
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD
ON 5.1.2018**

**REVIEW OF APPLICATION NO. A/YL-NSW/250
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE
*(2nd Deferment)***

**Proposed Petrol Filling Station with Sales Office
in “Undetermined” Zone and an area shown as ‘Road’
Lots 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, Au Tau, Yuen Long**