

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/282
(3rd Deferment)

<u>Applicant</u>	Swift Millions Limited represented by Llewelyn-Davies Hong Kong Limited
<u>Site</u>	1 Luen Fat Street, Fanling, New Territories
<u>Site Area</u>	About 630m ²
<u>Lease</u>	Lot 5045 in D.D. 51 (New Grant 9436) (a) held under New Grant No. 9436 dated 14.1.1965; (b) for the purpose of a Cinema or Theatre only and part or parts of the ground floor of the building may be used as and for the purpose of shop or shops; and (c) no restriction on gross floor area (GFA)
<u>Plan</u>	Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/24
<u>Zoning</u>	“Commercial/Residential” (“C/R”) for site area greater than 340m ² , the site is subject to maximum domestic plot ratio (PR) of 5.0 or non-domestic PR of 9.5; and maximum building height (BH) of 81m
<u>Application</u>	Proposed Minor Relaxation of Domestic PR Restriction for Permitted Residential Development with Commercial Uses

1 Background

- 1.1 On 22.4.2021, the applicant submitted the application to seek planning permission for minor relaxation of domestic PR restriction for permitted residential development with commercial uses on the application site (the Site) (**Plan A-1**).
- 1.2 On 11.6.2021 and 10.9.2021, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) agreed to defer making a decision on the application each for two months, as requested by the applicant, to allow time for the applicant to prepare further information (FI) to address departmental comments. Upon receipt of the applicant’s FIs on 14.7.2021, 8.10.2021 and 12.11.2021, the application is scheduled for consideration by the Committee at this meeting.

2 Request for Deferment

On 19.11.2021, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the application for two months so as to allow time for preparation of FI in response to departmental comments (**Appendix I**).

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 address the departmental comments. Since the last deferment on 10.9.2021, the applicant has submitted FIs on 8.10.2021 and 12.11.2021. The applicant has indicated more time is needed for preparation of FI to address the departmental comments.
- 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. 33A)¹ in that the applicant need more time to prepare FI 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 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 Committee's consideration. Since it is the third deferment of the application, the applicant should be advised that the Committee has allowed a total of six months for preparation of submission of FI as requested by the applicant, 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 for the Committee's consideration at the next meeting.

5 Attachments

Appendix I	Letter dated 19.11.2021 from the applicant
Plan A-1	Location Plan

**PLANNING DEPARTMENT
NOVEMBER 2021**

¹ The number of deferments to be granted stipulated under TPB PG-No.33A is not applicable to this application which was received before the promulgation of the revised guidelines on 24.8.2021.