

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/876
(for 2nd Deferment)

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| <u>Applicant</u> | : Mr. YAU Siu Fai represented by R-riches Property Consultants Limited |
| <u>Site</u> | : Lots 913 RP (Part) and 920 RP in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories |
| <u>Site Area</u> | : About 267m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9 at the time of submission Draft Kam Tin North OZP No. S/YL-KTN/10 currently in force [The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/YL-KTN/10] |
| <u>Zoning</u> | : “Agriculture” (“AGR”) |
| <u>Application</u> | : Proposed Temporary Eating Place (Restaurant and Outside Seating Accommodation) for a Period of 3 Years and Filling of Land |

1. Background

- 1.1 On 12.12.2022, the applicant sought planning permission to use the application site (the Site) for proposed temporary eating place (restaurant and outside seating accommodation) for a period of 3 years and filling of land (**Plan A-1**).
- 1.2 On 30.1.2023, 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 for two months, as requested by the applicant, for the applicant to prepare further information to address departmental comments. Subsequently, on 23.2.2023, the applicant submitted further information to address departmental comments. The application is scheduled for consideration by the Committee at this meeting.

2. Request for Deferment

On 17.4.2023, the applicant wrote to the Secretary of the Board and requested the Board to further defer making a decision on the application for two months as the applicant needs more time to address departmental comments (**Appendix I**).

3. Planning Department's Views

3.1 The Planning Department has no objection to the request for the second 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) 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 interest 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 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 Committee's consideration. The applicant should be advised that the Committee has allowed a total of four months for preparation of submission of further information. The second deferment should be the last deferment and no further deferment would be granted unless under very special circumstances and supported with strong justifications.

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

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| Appendix I | Letter dated 17.4.2023 from the applicant's representative |
| Plan A-1 | Location Plan |

**PLANNING DEPARTMENT
APRIL 2023**