

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/502

- Applicant** : Free Ocean Investments Limited represented by KTA Planning Limited
- Site** : Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and Adjoining Government Land (GL), Lam Tei, Tuen Mun
- Site Area** : About 2,644.68m² (including GL of about 1,996.18m² or 75.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYT/14 (LTYT OZP) and Draft Tuen Mun OZP No. S/TM/42 (TM OZP) (currently in force)
- Draft LTYT OZP No. S/TM-LTYT/13 and Approved TM OZP No. S/TM/41 (at the time of submission)
- [no change to the zonings and development restrictions for the application site (the Site)]*
- Zonings** : “Commercial” (“C”) (about 2,195.5m² or 83%) on LTYT OZP
[Restricted to a maximum plot ratio (PR) of 3.6 and a maximum building height (BH) of 12 storeys including car park (36 m)]
- ‘Road’ (about 224.89m² or 8.5%) on LTYT OZP
- ‘Road’ (about 214.45m² or 8.1%) on TM OZP
- ‘River Channel’ (about 9.84m² or 0.4%)¹ on TM OZP
- Application** : Proposed Residential Development (Flat) with Shop and Services Use and Minor Relaxation of PR and BH Restrictions

¹ Regarded as minor boundary adjustment according to the covering Notes of the OZP and not included in the planning assessment.

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed residential development (flat) with shop and services use and minor relaxation of PR restriction from 3.6 to 4.2 (+ about 16.7%) and BH restriction from 12 storeys including carpark (36m) to 17 storeys (58.68m) (+ 5 storeys (+41.7%) and +22.68m (+63%))² (**Plan A-1a**) at the Site which falls within an area mostly zoned “C” on the LTYO OZP with minor portion straddling an area shown as ‘Road’ on the LTYO OZP and TM OZP. According to the Notes of the OZP for the “C” zone, ‘Flat’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board), whereas ‘Shop and Services’ is a Column 1 use which is always permitted and minor relaxation of the PR and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance (the Ordinance) based on the individual merits of the development proposal. Furthermore, the covering Notes of the LTYO OZP and TM OZP stipulate that all uses or developments within an area shown as ‘Road’ require permission from the Board. The Site is accessible via a local track leading from Castle Peak Road – Lam Tei. It is currently vacant, partially fenced-off and covered by vegetation the existing footpath and cycle track along Castle Peak Road – Lam Tei (**Plans A-2a to A-4b**).
- 1.2 The proposed development comprises one residential block of 17 storeys with residential lobby and a shop on G/F, car parks on G/F and 1/F, and recreational facilities and a covered landscape area on 2/F and 3/F respectively. It has a total PR of about 4.2 (domestic PR of 4.17 and non-domestic PR of 0.03) and a BH of 58.68m (65.53mPD). Plans showing the Site and Development Site, proposed layout, floor plans, sections, Landscape Master Plan (LMP), proposed access road and road works, environmental mitigation measures, photomontages, urban design considerations and visual mitigation measures of the proposed scheme submitted by the applicant are at **Drawings A-1 to A-14b**.
- 1.3 Part of the Site which falls within the area zoned “C” on the LTYO OZP is the subject of several previous applications and the last application (No. A/TM-LTYO/426 at Lots 531 RP, 532 S.D RP and 532 RP and GL 1 on **Plan A-2b**) for the same proposed uses was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (“the Last Approved Scheme”). Subsequent to obtaining the planning permission of the Last Approved Scheme, the applicant has submitted a land exchange application to the Lands Department (LandsD). During the processing of the land exchange application associated with the Last Approved Scheme, the applicant was invited to consider taking up additional GL adjacent to the Site, including the small strips of GL located near the southern tip of “C” zone and the GL within the “C” zone located underneath the MTR Tuen Ma Line (TML) viaduct which are fragmented, irregular in shape, unmanned and/or inaccessible (i.e. GL 2, 3 and 4 on **Plan A-2b**), for comprehensive development, better land management and optimised use of land resources. Furthermore, to facilitate the access road and run-in/out serving the proposed development from Castle Peak Road – Lam Tei, a portion of GL (i.e. GL 5 on **Plan A-2b**) which falls within an area shown as ‘Road’ on the LTYO OZP and TM OZP

² For the Development Site which falls entirely within the “C” zone under the LTYO OZP (**Drawing A-1** and **Plan A-2b**).

has been included in the Site as part of the development proposal (**Drawing A-11**). According to the applicant, the proposed scheme has been revised under the current application based on the Last Approved Scheme with due consideration to address LandsD's comments and to improve the access arrangement for the proposed development.

Comparison between the Last Approved Scheme and the Current Application

- 1.4 Compared with the Last Approved Scheme, the Site involves a larger site area from 1,569.02m² to 2,644.68m² (+1,075.66m²/+68.6%) with more additional GL from 987m² to 1,996.18m² (about +1,009.18m²) at the western and southern portions. The Development Site of the proposed development mainly involves the private land owned by the applicant and the adjoining GL within the "C" zone (i.e. GL 2, 3 and 4 on **Plan A-2b**). The remaining GL area at the southern portion of the Site (i.e. GL 5 on **Plan A-2b**) is mainly for access road and run-in/out which fall outside the Development Site of the proposed development (**Drawings A-1 and A-2 and Plan A-1b**).
- 1.5 The current application also involves proposed increase in total gross floor area (GFA) and BH, as well as changes in building deposition and layout. A comparison of the major development parameters of the Last Approved Scheme and the current application is as follows:

Major Development Parameters	Last Approved Scheme under A/TM-LTYT/426 (a)	Current Application A/TM-LTYT/502 (b)	Difference (b) – (a)
Application Site Area (about)	1,569.02m ²	2,644.68m ²	+1,075.66m ² (+68.6%)
Development Site Area (about) #		2,195.5m ²	+626.48m ² (+39.9%)
PR	5	4.2	-0.8 (-16%)
- Domestic PR	4.957	4.17	-0.787 (-15.9%)
- Non-domestic PR	0.043	0.03	-0.013 (-30.2%)
GFA	7,845.10m ²	9,221.10m ²	+1,376m ² (+17.5%)
- Domestic GFA	7,777.51m ²	9,156.10m ²	+1,378.59m ² (+17.7%)
- Non-domestic GFA	67.59m ²	65.00m ²	-2.59m ² (-3.8%)
Site Coverage (SC)	35%	33.3%	-1.7%
No. of Block	1	1	No change
No. of Storeys	19 (including 1-storey basement carpark)	17 (no basement proposed)	-2 (-10.5%)
BH	57.6m 64.45mPD	58.68m 65.53mPD	+1.08m (+1.9%)
No. of Flats	184	276	+92 (+50%)

Major Development Parameters	Last Approved Scheme under A/TM-LTY/426 (a)	Current Application A/TM-LTY/502 (b)	Difference (b) – (a)
Average Flat Size	30.58m ²	33.17m ²	+2.59m ² (+8.5%)
Estimated Population	378	718	+340 (+90%)
Car Parking Spaces	34 <i>(including 1 for disabled)</i>	42 <i>(including 1 for disabled)</i>	+8
- For residents	29	37	+8
- For visitors	5	5	No change
Motorcycle Parking Spaces	8	3	-5
Loading/Unloading Space (L/UL) (LGV)	4	4	No change
Bicycle Parking Spaces	10	62	+52
Private Open Space (not less than)	378m ²	718m ²	+340m ²

Note:

The Development Site (**Drawing A-1**) involves area accountable for PR/GFA calculation for the proposed development and excludes the area for the proposed access road and run-in/out connecting to Castle Peak Road – Lam Tei.

- 1.6 In support of the application, the applicant has submitted various technical assessments, including Traffic Impact Assessment (TIA), Noise Impact Assessment (NIA), Air Quality Impact Assessment (AQIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Visual Impact Assessment (VIA) and Landscape, Tree Preservation Proposal. According to the applicant, the proposed development will be completed by 2030.

Access and Transport Arrangement

- 1.7 The proposed development is accessible via Castle Peak Road – Lam Tei and the ingress/egress point is at its southern part (**Plan A-2a**). The current proposal involves the construction of access road and run-in/out for the Site with associated road works for public footpath and cycle track at the southern portion of the Site along Castle Peak Road – Lam Tei. In gist, the access road comprises a deceleration lane of about 90m in length for ingress and a give-way lane in about 30m in length for egress within the Site. In addition, the existing footpath and cycle track will be re-aligned along the proposed deceleration lane to connect with the footpath and cycle track at Castle Peak Road – Lam Tei (**Drawing A-11**) which is beyond and adjacent to the Site. The applicant states that the access road, the re-aligned footpath and cycle track, pedestrian crossing and traffic island within/near/abutting the Site as identified in the TIA shall be constructed by the applicant. The applicant also states that the demarcation, exact area, maintenance and management (M&M) responsibility, terms and conditions of the proposed road works as mentioned above will be subject to confirmation with relevant

departments in the subsequent land exchange stage. Should the proposed road works be not taken up by Government departments upon completion, the applicant will continue to manage and maintain these areas.

- 1.8 Regarding the internal transport facilities, parking spaces for private car, motorcycle and bicycle and L/UL spaces will be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) with a high-end provision of private car parking space adopted. By utilising the land within the Development Site, only aboveground car parks are proposed³ on G/F and 1/F of the proposed development.
- 1.9 According to the TIA, the Site is well served by public transport facilities and the traffic assessments show that all the concerned road junctions will operate with adequate junction capacity upon completion of the proposed development. The TIA concludes that the proposed development will not cause significant traffic impact on the local road network.

Environment

- 1.10 According to the NIA and AQIA, the proposed development would not be subject to adverse impacts in terms of fixed noise as well as air quality aspects. A podium structure up to 16.75m high (including a 1.75m thick transfer plate) is proposed to minimise the adverse air quality impact on the residential floors from vehicular emission along Castle Peak Road – Lam Tei (**Drawing A-9**). Furthermore, noise mitigation measures (**Drawings A-12a to A-12c**) including acoustic fins with sound absorption material, acoustic window, enhanced acoustic balcony, 1.5m high solid wall, 2m high solid balustrade, self-closing door, fixed glazing with maintenance window and sound absorption façade would be implemented for compliance with the relevant noise criteria stipulated in the HKPSG. The NIA and AQIA confirm that with the implementation of the mitigation measures, the proposed development is environmentally acceptable.

Sewerage

- 1.11 According to the SIA, as the Site is currently not served by public sewers, a sewage treatment plant (STP) is proposed on G/F of the proposed development (**Drawing A-3**). The STP will be fully enclosed to avoid odour issues. When there is a public sewer available in close proximity to the Site in the future, the applicant will make connection to the public sewer and decommission the proposed STP.

Drainage

- 1.12 The DIA concludes that the proposed development with the implementation of new drainage pipe would not result in insurmountable drainage impact on the drainage system in the vicinity as there is still capacity to cater for the surface runoff from the proposed development and the catchment nearby.

³ Compared with the Last Approved Scheme, the current proposal with no basement carpark level is in response to the latest Government's policy on GFA exemption for aboveground parking spaces in private developments.

Urban Design and Building Form

- 1.13 Compared with the Last Approved Scheme, the previous single-aspect building design facing Castle Peak Road – Lam Tei is replaced with a double-loading configuration in the current scheme (**Drawings A-2 to A-9**). A number of urban design measures are proposed including a building frontage not exceeding 60m, setback ranging from 3m to 10m at G/F from the MTR TML viaduct, site boundary, and Castle Peak Road – Lam Tei respectively, articulated building facades, vertical greening, multi-level landscaping, landscape buffer along the northwestern edge to screen off views of the graves, and alignment of the building block to minimise the visible portion of the development and to create a pedestrian footpath and more spacious public realm (**Drawings A-14a and A-14b**). For the area underneath the MTR TML viaduct, no building structure would be built in order to create a physical buffer between the proposed development and the viaduct as well as to minimise potential disturbance to the MTR TML. The applicant proposes to use such area for open-air private car/motorcycle/bicycle parking spaces, L/UL spaces and landscape areas.
- 1.14 According to the applicant, having taken into account other planned developments in the area, including the public housing development in San Hing Road (SHR) and Hong Po Road (HPR) and the private residential development in area zoned “Residential (Group A)2” (“R(A)2”), the proposed development intensity (i.e. PR of 4.2 and BH of 58.68m/65.53mPD) would be compatible with the urban backdrop in the locality. According to the VIA, the overall visual impact of the proposed development ranges from slightly adverse (Viewpoints 3 and 4) to moderately adverse (Viewpoints 1 and 2) (**Drawings A-13a to A-13d**) with no significant difference from the Last Approved Scheme. With adoption of the proposed architectural and landscape design measures, the VIA concludes that the proposed development is compatible with its visual context.

Landscape

- 1.15 Private open space of not less than 718m² comprising landscape features on G/F, 2/F to 3/F and R/F are proposed in accordance with HKPSG. Vertical greening at G/F and 2/F is also proposed to break up the visual mass of the proposed development at pedestrian height (**Drawings A-10a to A-10e**). According to the Landscape, Tree Preservation Proposal (**Appendix Ia**), no less than 20% overall greenery coverage will be provided. There are 102 trees within the Site including 19 and 83 of them falling within and outside the Development Site respectively. Within the Development Site, the applicant proposes to plant 16 new trees to compensate for the 16 trees to be felled at a ratio of 1:1 in quantity⁴. Outside the Development Site, while 54 out of 83 trees will be retained, the applicant has committed to explore the potential to compensate for those 29 trees proposed to be felled at a ratio not less than 1:1 as far as practical at the detailed design stage.
- 1.16 In support of the application, the applicant has submitted the following documents:

⁴ In addition, three *Leucaena leucocaphala* (銀合歡), an undesirable species, are found within the Site. According to the Development Bureau Technical Circular (Works) (DEVB TC(W)) No. 4/2020, it is not necessary to include undesirable species in the compensatory tree planting proposal.

- (a) Application Form received on 9.12.2025 (Appendix I)
- (b) Consolidated Supporting Planning Statement (SPS) received on 17.7.2026 (Appendix Ia)

(SPS received on 9.12.2025, Supplementary Information (SI) received on 12.12.2025 and Further Information (FI) received on 23.1.2026*, 9.2.2026*, 2.4.2026*, 7.5.2026#, 9.6.2026* and 9.7.2026# were superseded and are attached at Appendices Ib, Ic, Id, Ie, If, Ig, Ih and Ii respectively)

* accepted but not exempted from publication and recounting requirements

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1.17 On 27.3.2026 and 22.5.2026, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the SPS, SI and FIs (**Appendices Ia to Ii**), which are summarised as follows:

- (a) the current application is a refinement to the Last Approved Scheme under application No. A/TM-LTY/426 with a larger site area (from 1,569.02m² to 2,644.68m²), a lower total PR (from 5 to 4.2) for the same uses with additional design merits including adoption of double-loaded building design, a reduced SC to 33.3% (-1.7%) and a larger average flat size to 33.17m² (+1.97m²). As the nature of the current application is similar to the Last Approved Scheme, a favourable consideration from the Board should be warranted;
- (b) to address the comments from LandsD during the processing of land exchange application associated with the Last Approved Scheme, the current application has included some additional GL in its immediate and/or underneath the MTR TML viaduct which are fragmented, irregular in shape, unmanned and/or inaccessible as part of the Site for better land management and more efficient use of scarce land resources, and to facilitate the proposed development and provision of ancillary facilities including open-air car park, access road, run-in/out, footpath and cycle track (**Plan A-2b**). As a result, the current proposal would provide an additional 92 housing units when compared with the Last Approved Scheme (i.e. 276 in total). It is in line with the Government's policy on increasing housing land supply by proactively increasing flat supply;
- (c) while the BH of the proposed development would slightly increase by 1.08m over the Last Approved Scheme to accommodate additional domestic GFA and aboveground carpark, the proposed development at 65.53mPD would maintain a stepped height profile along Castle Peak Road, ensuring a gradual transition from sub-urban to urban setting;
- (d) the Site is highly accessible and well-served by public transport. It is compatible with other high-density residential developments in the vicinity, including the planned public housing development in SHR and HPR and the private residential developments to the north and further west of the Site which are zoned "R(A)1" and

“R(A)2” on the LTYO OZP; and

- (e) the various technical assessments conducted have demonstrated that the revised proposal is technically feasible and would not impose adverse impacts on the surroundings from traffic, noise, air quality, sewerage, drainage, visual and landscape aspects.

3. Compliance with the “Owner’s Consent/Notification” Requirements

For the private land portion, the applicant is the sole ‘current land owner’ for the private lots of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance’ (TPB PG-No. 31B) are not applicable.

4. Background

- 4.1 The Site was mainly zoned “C” on the draft Lam Tei and Yick Yuen Development Permission Area Plan No. DPA/TM-LTYO/1 (the DPA Plan) gazetted on 18.6.1993 to reflect the retail shops, banks and other commercial uses existing at that time and to enhance its role as the Lam Tei Local Centre. The Site was mainly zoned “C” on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYO/1 with stipulation of a maximum PR of 3.6 and a maximum BH of 36m (12 storeys including car park) gazetted on 7.6.1996. The boundary and development restrictions for the “C” zone have remained unchanged since then.
- 4.2 The private lots within the Site are all old schedule agricultural lots held under Block Government Lease. According to LandsD’s record, four land resumption exercises have been carried out for the private lots including the last land resumption taken place in 1998 under the Railways Ordinance (Cap. 519) for construction of the then West Rail (i.e. the existing TML). Upon the four land resumptions, the total area of the private lots has been reduced to the current 648.5m².
- 4.3 The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in seven previous applications (No. A/TM-LTYO/2, 21, 93, 151, 212, 290 and 426) for proposed residential/flat development (with or without retail/commercial facilities and/or minor relaxation of PR and/or BH restrictions). Except application No. A/TM-LTYO/2, the remaining six applications were submitted by the same applicant as the current application. Five of them were approved by the Board/the Committee between 1997 and 2023 while two were rejected by the Committee in 1998 and 2012. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1b**.

Approved Applications

- 5.2 Among the five approved applications, four previous applications No. A/TM-LTYY/2, 93, 151 and 290 were approved by the Board/the Committee between 1997 and 2015 on the grounds that the proposed development would not cause adverse environmental, traffic, landscape, visual, sewerage and drainage impacts on the surrounding areas and relevant government departments had no adverse comments on the applications.
- 5.3 The last application No. A/TM-LTYY/426 for proposed residential development (flat) with shop and services use and minor relaxation of PR and BH restrictions was approved with conditions by the Committee on 19.5.2023 on considerations similar to those stated in paragraph 5.2 above, as well as the proposal could enhance utilisation of the site; being not incompatible with the surrounding areas including the planned public housing development in SHR and HPR; in line with previous decisions of the Committee on similar applications and significant adverse impacts were not anticipated. The proposed development under application No. A/TM-LTYY/426 is currently under land exchange stage and has not yet commenced.

Rejected Applications

- 5.4 The other two previous applications (No. A/TM-LTYY/21 and 212) were rejected by the Committee in 1998 and 2012 respectively mainly on the grounds that there was insufficient information to demonstrate that the applications would not impose visual, traffic and sewerage impacts on the surrounding areas and/or the interface issues with the Lam Tei Vegetable Collection Centre (LTVCC) had yet to be addressed.

6. Similar Applications

- 6.1 There are three similar applications (No. A/DPA/TM-LTYY/7 and 40 and A/TM-LTYY/10) for proposed residential and/or commercial development within the same “C” zone on the LTYY OZP. Two applications (No. A/DPA/TM-LTYY/7 and A/TM-LTYY/10) were rejected by the Committee in 1994 and 1997 respectively on grounds mainly related to adverse noise impact, access arrangement and affecting the implementation of the then West Rail, while the remaining one (No. A/DPA/TM-LTYY/40) was approved by the Committee in 1995 mainly on the consideration that the noise and traffic issues had been properly addressed. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 There is no similar application within area shown as ‘Road’ on LTYY OZP and TM OZP.

7. The Site and its Surrounding Areas (Plans A-1a to A-5)

- 7.1 The Site is:

(a) currently vacant, partly fenced-off and covered by vegetation, and partly

covered the existing footpath and cycle track along Castle Peak Road – Lam Tei (**Plans A-4a and A-4b**);

(b) located in close proximity to Light Rail Transit (LRT) Lam Tei Station, and sandwiched between Castle Peak Road – Lam Tei to the immediate east and the elevated viaduct of MTR TML and the at-grade LRT alignment to the immediate west. The MTR Siu Hong Station is about 550m to the south of the Site; and

(c) accessible via Castle Peak Road – Lam Tei (**Plan A-2a**).

7.2 The surrounding areas are predominantly sub-urban in nature which include village houses intermixed with commercial facilities including the LTVCC, parking of vehicles, temporary structures for warehouses and vacant land.

7.3 To the northwest of the Site is a site zoned “R(A)2” for private residential use which is subject to a maximum PR of 5 and a maximum BH of 108mPD. To the further southwest across San Hing Tsuen is the planned public housing site in SHR and HPR which falls within areas zoned “R(A)” subject to a maximum PR of 6.5 and a maximum BH of 160mPD. Another planned private residential site near San Hing Tsuen is zoned “R(A)1” which is subject to a maximum PR of 5 and a maximum BH 100mPD. Details of these planned residential developments and their locations are shown on **Plan A-5**.

8. Planning Intentions

8.1 The planning intention of the “C” zone of LTYO OZP is for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centre(s) serving the immediate neighbourhood.

8.2 The areas shown as ‘Road’ on LTYO OZP and TM OZP are reserved for road and alignment for MTR TML and LRT purposes.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tuen Mun, LandsD (DLO/TM, LandsD):

- (a) he has no objection to/no adverse comment on the application from land administration point of view;
- (b) the Site comprises (i) three private lots, namely Lots 531 RP, 532 S.D RP and 532 RP all in D.D. 130 (“the Lots”) and (ii) adjoining

unleased and unallocated GL (i.e. GL 1 to 5 (**Plan A-2b**)). The Lots are all old schedule agricultural lots which contain the restriction that no structure shall be erected on the Lots without the prior approval of the Government;

- (c) according to LandsD's record, four times of land resumption were taken place for the private lots of which the last land resumption was taken place in 1998 under the Railways Ordinance (Cap. 519) for the construction of West Rail Line (i.e. the existing TML). Upon the four land resumptions, the total area of the private lots is 648.5m²;
- (d) under the prevailing policy, additional GL would be granted provided that the land involved is incapable of reasonable separate alienation or development; has no foreseeable public use; and requires the payment of a premium at full market value and results in a financial return to the Government no less favorable than by separate alienation;
- (e) if the application is approved by the Board, the lot owner has to apply to LandsD for a land exchange. However, there is no guarantee that the land exchange application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;
- (f) the applicant would be responsible for the M&M for the section of the area underneath the viaduct and associated support columns of the currently within TML subject to the approval of planning permission and land exchange application. Relevant lease restriction would be imposed subject to departmental comment accordingly; and
- (g) his advisory comments are at **Appendix IV**.

9.1.2 Comments of the Chief Estate Surveyor/Railway Development, LandsD (CES/RD, LandsD):

- (a) she has no adverse comment on the application; and
- (b) her advisory comments are at **Appendix IV**.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

she has no adverse comment on the application and the submitted TIA from traffic engineering viewpoint.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) he has no in-principle objection to the application from highway maintenance point of view; and
- (b) his advisory comments are at **Appendix IV**.

9.1.5 Comments of the Chief Engineer/Rail Development 1-1, HyD (CE/RD1-1, HyD):

- (a) he has no comment on the application from railway development viewpoint; and
- (b) his advisory comments are at **Appendix IV**.

Environment

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application;

Air Quality

- (b) the AQIA shows that predicted concentrations of Nitrogen Dioxide (NO₂), Respirable Suspended Particulates, Fine Suspended Particulates and Sulphur Dioxide (SO₂) at all Air Sensitive Receivers (ASRs) of the Site are within Hong Kong's Air Quality Objectives (AQOs), and there would not be any air sensitive uses or fresh air intake of mechanical system located within the area with annual average NO₂ exceedance (1.5mAG or below, which is lobby and plant room, domestic levels are at 3-16/F). Hence, adverse air quality impact on the proposed development is not anticipated. Regarding the proposed STP, it will be totally enclosed;

Noise

- (c) the NIA has been conducted by the applicant. For road traffic noise from Castle Peak Road – Lam Tei, with suitable mitigation measures (e.g. acoustic fins and acoustic windows and balcony etc), 100% compliance rate can be met. The NIA also show that no adverse fixed noise sources impact due to surrounding fixed noise sources on the proposed development is anticipated. For railway noise, mitigation measures have been recommended and the revised NIA has committed to carrying out on-site noise measurement during the construction period to review the mitigation measures with reference to the noise measurement result, and a plan of implementation of additional noise mitigation measures should the measurement results reveal that additional measure(s) is (are) necessary. Also as committed by the applicant in the revised NIA, site verification noise measurement will be carried out by the

applicant/consultant upon completion of the residential units to verify the noise reduction effectiveness of the noise mitigation measures;

Sewerage

- (d) according to the SIA, the existing public sewer located to the west of the Site is separated by a nullah and LRT. Therefore, the SIA recommends that sewage generated from the development (Total flow rate $\sim 218.5\text{m}^3/\text{d}$) will be treated by a proposed on-site STP which shall be designed in accordance with the requirement in the “Guidelines for the Design of Small Sewage Treatments Plants” and the discharge will have to meet Technical Memorandum Standard (Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters). Regarding the maintenance and operation of the proposed on-site STP, the Applicant has undertaken in the planning supporting document to take up the maintenance of the proposed on-site STP and will make connection to the public sewer when there is public sewer available in proximity to the Site in future; and
- (e) in relation to the applicant’s commitment in the NIA as mentioned above, he recommends imposing a condition requiring the submission of revised NIA and implementation of the noise measures identified therein for the proposed development to the satisfaction of the DEP if the Board decide to approve the application.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) she has no comment on the application from public drainage point of view;
- (b) her advisory comments are at **Appendix IV**.

Urban Design, Visual and Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) she has no adverse comment on the application from urban design and visual perspectives;
- (b) the Site is located to the north of Tuen Mun New Town. It is sandwiched between Castle Peak Road – Lam Tei to the east and MTR TML and LRT to the west. The surrounding areas are

characterised by existing/planned low to high-rise residential developments with BH up to about 160mPD. While the proposed development will result in an increase in BH of 5 storeys and 22.68m in absolute BH as compared to the BH restriction under the “C” zone under LTYO ZP, or an increase of 1.08m in absolute BH with a reduction of 2 storeys as compared to the Last Approved Scheme, it is considered the proposed BH is not entirely incompatible with the surrounding developments in the wider context;

- (c) while maintaining a single-block design as the Last Approved Scheme, most of the design/mitigation measures are retained under the current proposal (e.g. building setbacks, and landscaping/greening measures), which are considered to have urban design merits;
- (d) a VIA has been submitted by the applicant which concludes that significant adverse visual impacts are not anticipated. Based on the findings of the VIA, she has no adverse comments on the application from visual perspective;

Landscape

- (e) she has no in-principle objection to the application from landscape planning perspective;
- (f) according to the aerial photo, the Site is situated in an area of miscellaneous rural fringe landscapes characterised by tree clusters, sandwiched between a road and a railway line. From the site photos, the Site is largely formed with existing trees along the site periphery;
- (g) according to the Tree Preservation Proposal, only common species were found on the Site. 16 existing trees (excluding undesirable species) are proposed to be felled within the Development Site and 29 existing trees of common species are proposed to be felled outside the Development Site while within the Site. It is noted that no distinctive landscape character area (or resources) as defined in “Application for Permission under Section 16 of the Town Planning Ordinance (Cap.131) Guidance Notes” are found within the Site;
- (h) According to the Landscape Proposal, a minimum of 16 new trees are proposed to be planted within the Development Site on the G/F entrance and boundary for buffer planting and 2/F Terrace Garden for amenity planting. The applicant has committed to explore the potential for additional compensatory tree planting for the 29 trees located outside the Development Site at a ratio of not less than 1:1 as far as practical during the detailed design stage of the project;
- (i) while no significant adverse landscape impact arising from the proposed development is anticipated, an approval condition is

recommended to be included should the application be approved by the Board to ensure that more compensatory planting could be achieved;

- (j) in view of the above, no significant adverse landscape impact arising from the proposed development is anticipated;
- (k) her advisory comments are at **Appendix IV**; and

Air Ventilation

- (l) taking into account the scale of the proposed development (site area of not more than 2 hectares and overall PR of not more than 5), it is considered that significant adverse air ventilation impact due to the proposed development on the surrounding pedestrian wind environment is not anticipated.

9.2 The following government departments have no objection to/no comment on the application. Their advisory comments, if any, are at **Appendix IV**:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Fire Services (D of FS);
- (c) Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (f) Director of Food and Environmental Hygiene (DFEH);
- (g) Director of Leisure and Cultural Services (DLCS);
- (h) Commissioner of Police (C of P); and
- (i) District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD).

10. Public Comments Received During the Statutory Publication Periods

On 16.12.2025, 30.1.2026, 24.2.2026, 17.4.2026 and 16.6.2026 the application and relevant FIs were published for public inspection. During the statutory public inspection periods, four public comments from the village representative of To Yuen Wai, an individual and MTRCL were received (**Appendix V**). While the Village Representative of To Yuen Wai agrees to the application, MTRCL provides views regarding the potential railway noise impacts from MTR TML on future residents and the recommended mitigation measures. An individual submits two comments including one objecting to the application on the grounds that the proposed development has small average flat size, inadequate open space, potential wall effect and the GL shall not be granted for private development; and another one providing views on the number and type of tree compensation, as well as the supervision to the developer for timely development of the proposed development.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for a proposed residential development

(flat) with shop and services use and minor relaxation of PR restriction from 3.6 to 4.2 (domestic PR of 4.17 and non-domestic PR of 0.03) (+ about 16.7%) and BH restriction from 12 storeys including car park (36m) to 17 storeys (58.68m) (+ 5 storeys (+41.7%) and +22.68m (+63%))⁵ at the Site. According to the applicant's submission, the Development Site (area of about 2,195.5m² comprising the private land owned by the applicant and the adjacent GL accountable for PR/GFA calculation) is located entirely within the area zoned "C" on the LTYO OZP while the remaining portion of the Site (area of about 449.18m² comprising GL only) which straddles areas mainly shown as 'Road' on LTYO and TM OZPs will be used as access road and run-in/out for the proposed development. While the proposed residential development (flat use) is not entirely in line with the planning intention of the "C" zone, which is for commercial developments and may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centre(s) serving the immediate neighbourhood, taking into account the background and the planning assessments below, the proposed development is considered acceptable as it is not incompatible with the surrounding areas and can further increase housing supply upon optimising the use of those adjoining GL within the "C" zone.

- 11.2 According to the applicant, the current application is a refinement to the Last Approved Scheme with due consideration to LandsD's comments made during the processing of the land exchange application associated with the Last Approved Scheme that involved taking up additional GL which are fragmented, irregular in shape, unmanned and/or inaccessible adjacent to the Site (i.e. GL 2, 3 and 4 on **Plan A-2b**) for comprehensive development, better land management and optimised use of land resources and inclusion of access road and run-in/out serving the proposed development (i.e. GL 5 on **Plan A-2b**). Compared with the Last Approved Scheme, there is no change to the proposed uses, while the current proposal involves a larger site area from 1,569.02m² to 2,644.68m² (+1,075.66m² or +68.6%) with reductions in total PR from 5 to 4.2 (-0.8 or -16%) and number of storeys from 19 to 17 (-2 storeys); and increases in total GFA from 7,845.1m² to 9,221.1m² (+1,376m² or +17.5%), BH from 57.6m to 58.68m (+1.08m or +1.9%) and number of flats from 184 to 276 (+92 or 50%). The Site comprises private lots all owned by the applicant and the adjacent GL with an area of about 1,996.18m², including a large portion of GL with an area of about 1,547m² falling within the "C" zone as part of the Development Site accountable for PR/GFA calculation while the remaining GL with an area of about 449.18m² is proposed for access road and run-in/out serving the proposed development (**Drawings A-1 and A-2 and Plans A-1b and A-2b**). In this regard, DLO/TM, LandsD has no objection to/no adverse comment on the application from the land administration point of view.

Land Use Compatibility and Development Intensity

- 11.3 The Site is located to the north of Tuen Mun New Town and adjacent to Castle Peak Road – Lam Tei with close proximity to the LRT Lam Tei Station (**Plan A-2a**), and sandwiched by Castle Peak Road – Lam Tei, the elevated viaduct of MTR TML and the at-grade LRT alignment. The surrounding areas are predominantly suburban in nature which comprise predominantly village houses intermixed with

⁵ For the Development Site which falls entirely within "C" zone under the LTYO OZP (**Drawing A-1 and Plan A-2b**)

commercial facilities, parking of vehicles, temporary structures for warehouses and vacant land.

- 11.4 In the wider geographical context, there are several planned high-rise high-density residential developments including planned public and private residential developments as detailed in paragraph 7.3 above and shown on **Plan A-5**. In this regard, the proposed development with a total PR of 4.2 is considered comparable to the development intensity of other planned high-density residential developments in the locality. In view of the above, the proposed development is considered not incompatible with the existing and planned developments in surroundings in terms of land use and development intensity.

Visual and Urban Design

- 11.5 The Site is located within an urban fringe setting in transition from sub-urban area to urban area (i.e. Tuen Mun New Town). Despite the proposed minor relaxation of BH (i.e. 17 storeys/58.68m or 65.53mPD) involves an increase of 5 storeys and 22.68m as compared to the BH restriction for the “C” zone under LTYO OZP and is slightly higher than the Last Approved Scheme (i.e. 57.6m or 64.45mPD), the VIA submitted by the applicant concludes that the proposed development is generally compatible with its visual context (**Drawings A-13a to A-13d**). A number of urban design measures, including a building frontage not exceeding 60m, setback ranging from 3m to 10m at G/F from the MTR TML viaduct, the site boundary and Castle Peak Road – Lam Tei respectively, articulated building facades, vertical greening, multi-level landscaping, landscape buffer along the northwestern edge of the Site and alignment of the building block to minimise the visual impact of the proposed development (**Drawings A-14a and A-14b**). The proposed development would thus become part of the high-density building cluster and help create a stepped BH profile along Castle Peak Road – Lam Tei allowing gradual transition from the high-rise public housing developments in the south and west to the low to medium-rise housing and village settlements in the north and east (**Plan A-5**). In this connection, CTP/UD&L, PlanD considers that the proposed development has urban design merits and the BH of about 58.68m/65.53mPD is not incompatible with the surrounding developments in the wider context.
- 11.6 When compared with the Last Approved Scheme and taking account of the site constraints including the Site being sandwiched between the TML viaduct and Castle Peak Road – Lam Tei, the applicant has demonstrated efforts to optimise the site layout and use of land in the proposed development, with further enhancements on building design including a reduction in SC (from 35% to 33.3%), an increased average flat size (from 30.58m² to 33.17m²), the replacement of the uninteresting single-aspect layout with a double-loading layout for optimised ventilation and natural light penetration and utilising area within the Development Site to provide aboveground parking spaces.

Open Space and Landscape

- 11.7 According to the submitted LMP (**Drawing A-10a**), not less than 718m² private open space and not less than 20% greenery coverage will be provided within the Site, including vertical greening at G/F and 2/F to break up the mass of the proposed development at pedestrian height. Besides, a total of 16 new trees will be planted

to compensate for the felling of 16 trees at a ratio of 1:1 in quantity while the applicant has committed to explore the potential to compensate the 29 trees proposed to be felled outside the Development Site at a ratio not less than 1:1 as far as practical at the detailed design stage. In this regard, CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and appropriate approval condition is recommended in paragraph 12.2 below.

Technical Aspects

- 11.8 The proposed development involves the construction of an access road and run-in/out for the Site and associated road works at the southern portion of the Site along Castle Peak Road – Lam Tei (**Drawing A-11**). The applicant states that the access road, the re-aligned footpath and cycle track, pedestrian crossing and traffic island within/near/abutting the Site as identified in the TIA shall be constructed by the applicant. The demarcation, exact area, M&M responsibility, terms and conditions of the proposed road works will be subject to confirmation with relevant departments in the subsequent land exchange stage. Should the proposed road works be not taken up by Government departments upon completion, the applicant will continue to manage and maintain these areas. The TIA also indicates that the Site is well served by public transport facilities and the proposed development will not cause significant traffic impact on the local road network. In this regard, C for T and CHE/NTW of HyD have no adverse comment on/no in-principle objection to the application from traffic engineering and highways maintenance perspectives respectively.
- 11.9 Since the Site is sandwiched by highway and railway infrastructures which is subject to environmental impacts from noise (road traffic noise and railway noise) and air quality perspectives, the applicant has submitted an AQIA and a NIA which demonstrate that, with the incorporation of the air and noise mitigation measures including locating residential flats above the podium, adopting sound absorption material, acoustic window, enhanced acoustic balcony, 1.5m high solid wall, 2m high solid balustrade, self-closing door, fixed glazing with maintenance window (**Drawings A-12a to A-12c**), the proposed development could comply with the relevant standards and guidelines. In this connection, DEP has no objection to the application from environmental planning point of view.
- 11.10 The applicant has also submitted other technical assessments to demonstrate that the proposed development is feasible from traffic, drainage, sewerage and water supplies perspectives. In this regard, relevant government departments consulted, including C for T, CHE/NTW, HyD, CES/RD, HyD, CE/MN, DSD, DEP and CE/C, WSD have no in-principle objection to/no adverse comment on the application. To address the technical requirements from DEP, appropriate approval condition is recommended in paragraph 12.2 below.

Previous Applications

- 11.11 Five previous approvals for residential development with/without retail facilities and with/without minor relaxation of BH/PR restrictions have been granted to the Site between 1997 and 2023. The current application is a revised proposal based on the Last Approved Scheme under application No. A/TM-LTY/426 with the background and major changes on the development parameters as detailed in

paragraph 11.2 above. Approval of the current application is generally in line with the previous decisions of the Committee.

Public Comments

11.12 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.11 above are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **24.7.2030**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) submission of a revised Noise Impact Assessment and implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Board; and
- (b) submission and implementation of a revised landscape proposal to the satisfaction of the Director of Planning or of the Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

the proposed residential development is not in line with the planning intention of the "Commercial" zone which is primarily for commercial developments and area shown as 'Road' which are reserved for road works. There are no strong planning justifications in the submission for the proposed residential development (flat) and minor relaxation of the plot ratio and building height restrictions.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to

the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 9.12.2025
Appendix Ia	Consolidated SPS received on 17.7.2026
Appendix Ib	SPS received on 9.12.2025
Appendix Ic	SI received on 12.12.2025
Appendix Id	FI received on 23.1.2026
Appendix Ie	FI received on 9.2.2026
Appendix If	FI received on 2.4.2026
Appendix Ig	FI received on 7.5.2026
Appendix Ih	FI received on 9.6.2026
Appendix Ii	FI received on 9.7.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Plan Showing the Application Site and Development Site
Drawing A-2	Block Plan
Drawings A-3 to A-8	Floor Plans
Drawing A-9	Section Plan
Drawings A-10a to A-10e	LMP
Drawing A-11	Proposed Access Road and Road Works
Drawings A-12a to A-12c	Proposed Environmental Mitigation Measures
Drawings A-13a to A-13d	Photomontages (Viewpoints 1 to 4)
Drawings A-14a and A-14b	Proposed Urban Design Considerations and Visual Mitigation Measures
Plans A-1a and A-1b	Location Plans
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos
Plan A-5	Development Parameters for Residential Sites in the Vicinity of the Site

**PLANNING DEPARTMENT
JULY 2026**