

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYYY/426

- Applicant** : Free Ocean Investments Limited represented by PlanPlus Consultancy 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, New Territories
- Site Area** : About 1,569 m² (including GL of about 987 m² or 63%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/12 (currently in force)

Draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/11 (at the time of submission)
- Zoning** : “Commercial” (“C”)
[Restricted to a maximum plot ratio (PR) of 3.6 and a maximum building height (BH) of 12 storeys including car park (36 m)]

[no change in zoning and restrictions of the application site on the current OZP]
- Application** : Proposed Residential Development (Flat) with Shop and Services Use and Minor Relaxation of Plot Ratio (PR) and Building Height (BH) Restrictions

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 5.0 (i.e. + about 39%) and BH restriction from 12 storeys including carpark (36m) to 19 storeys including 1-storey basement carpark (57.6m) (i.e. + 7 storeys (+58%) and 21.6m (+60%)) (**Plan A-1a**) at the application site (the Site) zoned “C” on the 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. 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. The Site is currently vacant, fenced-off and partially covered by vegetation (**Plans A-2 to A-4**).

- 1.2 The applicant has submitted a scheme for the proposed development (**Drawings A-1 to A-10**). The proposed development comprises one residential block of 19 storeys (including 1-storey basement carpark) with clubhouse and retail facilities at ground floor. It has a total PR of about 5 (domestic PR of 4.957 and non-domestic PR of 0.043) and a BH of 57.6m (64.45 mPD). A podium structure of 9m high, comprising two storeys for entrance lobby, E&M and clubhouse facilities and a 1.97m thick transfer plate, is proposed to minimise the adverse air quality impact on the residential floors and to comply with the Air Quality Objectives (AQO) thereat.
- 1.3 The Site is sandwiched between the elevated viaduct of MTR Tuen Ma Line (TML) and at grade Light Rail (LR) track to the west and Castle Peak Road – Lam Tei section to the east and subject to road and railway traffic noise impact. To mitigate the noise impact, the applicant proposes:
 - (a) to adopt a single-aspect building design with non-noise sensitive rooms directly facing the MTR TML and LR track and with openable windows facing Castle Peak Road – Lam Tei section (**Drawings A-19 and A-20**); and
 - (b) to provide an 1.5m high solid wall on second floor, 1m to 1.5m long architectural fins, as well as fixed windows, acoustic windows and self-closing doors for the residential units facing Castle Peak Road – Lam Tei section (**Drawings A-19 and A-20**).
- 1.4 Private open space of not less than 378m² comprising G/F Terrace Garden, 1/F Communal Garden and R/F Roof Garden are proposed (**Drawings A-11 and A-17**) in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). No less than 20% of overall greenery coverage will be provided according to the submitted Landscape Master Plan (LMP) (**Drawings A-11 to 13**). About 29 new trees will be planted within the Site to compensate for the 11 trees to be felled within the Site.
- 1.5 As the Site is not served by public sewers, an underground sewage treatment plant (STP) on basement floor (**Drawing A-2**) is proposed by the applicant to ensure the sewage generated from the proposed development will be treated to an acceptable level before discharge into public sewer. The proposed STP will also be fully enclosed to avoid odour issues.
- 1.6 According to the applicant, the Site would be accessible via Castle Peak Road – Lam Tei section and the ingress/egress point is at its southern part (**Plans A-2 and A-3**). A deceleration lane of 90m in length for the purpose of ingress and a 40m long give-way lane for egress is proposed and to be implemented by the applicant (**Appendix 1b**). A 2m wide footpath and 3.5m wide cycle track will be provided along the proposed deceleration lane (**Drawing A-28**) to connect with the existing footpath and cycle track. The proposed development is anticipated to be completed in 2026. The master layout plan, floor plans, section plan, landscape plans, proposed noise mitigation measures, photomontages, proposed run-in/out proposal and proposed visual impact mitigation measures and submitted by the applicant are at **Drawings A-1 to A-29**.

- 1.7 The Site is the subject of six previous applications (No. A/TM-LTYYY/2, 21, 93, 151, 212 and 290) for proposed residential development (with or without retail/commercial facilities and minor relaxation of BH restriction) (details at paragraph 6 below). Four of the applications were approved by the Rural and New Town Planning Committee (the Committee) or the Board upon review between 1997 to 2015.
- 1.8 Compared with the last approved application (No. A/TM-LTYYY/290-2) which planning permission lapsed on 27.3.2023, the current application is submitted by the same applicant for similar use at the same site with increase in PR and BH and changes in building deposition and layout. A comparison of the major development parameters of the last approved application and the current application are summarised as follows:

| Major Development Parameters | Last Approved Application A/TM-LTYYY/290-2 (a) | Current Application No. A-TM-LTYYY/426 (b) | Difference (b) – (a) |
|---|--|--|--|
| Applied Use | Proposed Flat Development and Minor Relaxation of BH Restriction | Proposed Residential Development (Flat) with Shop and Services Uses and Minor Relaxation of PR and BH Restrictions | Addition of Minor Relaxation of PR and shop and services use |
| Site Area | About 1,569.02m² | | No change |
| PR | 3.6 | 5 | +1.4 (+38.9%) |
| - Domestic PR | - 3.6 | - 4.957 | +1.357 (+37.7%) |
| - Non-domestic PR | - Nil | - 0.043 | +0.04 |
| Gross Floor Area (GFA) (m²) | 5,648.47 | 7,845.10 | +2,196.63 (+38.9%) |
| - Domestic GFA | - 5,648.47 | - 7777.51 | +2129.04 (+37.7%) |
| - Non-domestic GFA* | - Nil | - 67.59 | +67.6 |
| Site Coverage | 34.8% | 35%[^] | +0.2% |
| No. of Flats | 132 | 184 | +52 (+39.4%) |
| Average Flat Size | 44 | 30.58 | -13.42 (-30.5%) |
| No. of Block | 1 | 1 | No change |
| No. of Storeys | 12 | 19 | +7 (+58.3%) |
| Absolute BH (m) | 41.2m | 57.6m | +16.4m (+39.8%) |

| Major Development Parameters | Last Approved Application A/TM-LTY Y/290-2 (a) | Current Application No. A-TM-LTY Y/426 (b) | Difference (b) – (a) |
|-------------------------------|---|---|-----------------------------|
| (mPD) | 48.7 mPD | 64.45 mPD | +15.75 m (+32.3%) |
| Private Open Space | Not less than 285 m ² | Not less than 378 m ² | +93 m ² (+32.6%) |
| Car Parking Spaces | 19 | 4346 | +2427 (+126.3142.1%) |
| Private Car | 15 (including 1 for visitor and 1 for disabled) | 34 (including 5 for visitor and 1 for disabled) | +19 (+126.6%) |
| Motorcycle | 2 | 58 | +36 (+150300%) |
| Loading/Unloading Space (LGV) | 2 | 4 | +2 (+100%) |
| Bicycle Parking Spaces | 10 | 10 | 0 |

*According to the applicant, GFA for car park, L/UL bays, plant rooms may be disregarded according to the OZP; the granting of GFA exemption as set out in PNAP APP-151 and other associated PNAPs will be set out in the GBP subject to detailed design.

^ The site coverage for residential use (2/F and above) is about 35% and for non-domestic uses (G/F to 1/F) is about 46%.

1.9 In support of the application, the applicant has submitted the following documents:

- (a) Application form and Supporting Planning Statement (Appendix I) received on 5.5.2022
- (b) Further Information (FI) received on 8.5.2023 providing a Consolidated Planning Report* (Appendix Ia)
- (c) FI received on 11.5.2023 providing further illustration of landscape master plan and replacement pages of the Consolidated Planning Report (Appendix Ib)

**[To supersede the following FIs and not attached: FIs received on 2.8.2022, 30.8.2022, 13.9.2022, 25.10.2022, 16.11.2022, 19.12.2022, 1.2.2023 and 22.3.2023 which were accepted but not exempted from publication and recounting requirements; and FIs received on 1.3.2023, 20.4.2023, 26.4.2023 and 8.5.2023 which were exempted from publication and recounting requirements]*

1.10 On 24.6.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the

Supporting Planning Statement at **Appendices I and Ia** which are summarised as follows:

- (a) The proposal maintains and enhances the planning merits of the previously approved scheme under planning application No. A/TM-LTY/290 and 290-2 to provide diversified housing supply with small/medium-sized flats in Lam Tei. The provision of shop on G/F in the proposed scheme would serve residents living in the vicinity.
- (b) The proposed minor relaxation of PR and BH restrictions is in line with Government's relevant initiatives/policies to enhance development intensity and better utilise land resources to meet the imminent housing need.
- (c) The proposal echoes with the Government's policy to increase residential plot ratio, which includes the optimization of land intensity to boost developable land in short term as suggested by the Task Force on Land Supply.
- (d) The proposed scheme is compatible with the high-density developments in the vicinity. Various technical assessments demonstrate that the proposal is technically feasible and would not impose adverse impacts on the surroundings on visual, traffic environmental and infrastructural aspects.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection. For the G.L. portion, the "Owner's Consent/Notification" Requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

4.1 The Site was first included in the draft Lam Tei and Yick Yuen Development Permission Area Plan No. DPA/TM-LTY/1 (the DPA Plan) gazetted on 18.6.1993 as "C" zone 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 zoned "C" on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/1 with a maximum PR of 3.6 and a maximum BH of 36m (12 storeys including car park) gazetted on 7.6.1996. There has been no change in the zoning and development restrictions on the OZP since then.

4.2 The Site is currently not subject to planning enforcement action.

5. Previous Applications

5.1 The Site is involved in six previous applications (No. A/TM-LTY/2, 21, 93, 151, 212 and 290) for proposed residential/ flat development (with or without retail/commercial facilities and minor relaxation of BH restriction). Except application No. A/TM-LTY/2, the remaining five applications are submitted by the same applicant as the current application. Details of the applications are summarised in **Appendix III** and the locations of the Sites are shown on **Plan A-1b**.

- 5.2 Four previous applications (No. A/TM-LTY Y/2, 93, 151 and 290) were approved by the Board between 1997 and 2015 on the grounds that the technical assessments submitted by the applicant had demonstrated that the proposed development would not cause adverse environmental, traffic, landscape, visual, sewerage and drainage impacts on the area and relevant departments had no adverse comments on the application. On 18.4.2019, the applicant of the last application No. A/TM-LTY Y/290 submitted a Class B amendment application (No. A/TM-LTY Y/290-2) to revise the approved scheme to incorporate the relevant amendments arising from the changes in site boundary due to the exclusion of GL within the common Village Environ (“VE”) of Lam Tei, Lam Tei San Tsuen and To Yuen Wai. The application was approved by the Director of Planning on 2.3.2020 under the delegated authority of the Board. The approved development was not commenced and the planning permission lapsed on 27.3.2023.
- 5.3 Two previous applications (No. A/TM-LTY Y/21 and 212) were rejected by the Board in 1998 and 2012 respectively given that there were insufficient information to demonstrate that the applications would not impose visual, traffic and sewerage impacts on the surrounding areas and the interface issues with the Lam Tei Vegetable Collection Centre (LTVCC) was yet to be addressed.

6. Similar Applications

- 6.1 There are three similar applications (No. A/DPA/TM-LTY Y/7 and 40 and A/TM-LTY Y/10) for proposed residential development within the same “C” zone on the OZP. Two of the applications (No. A/DPA/TM-LTY Y/7 and A/TM-LTY Y/10) were rejected by the Committee in 1994 and 1997 respectively, while the remaining one (No. A/DPA/TM-LTY Y/40) was approved by the Committee in 1995 on the consideration that the noise and traffic issues were properly addressed to the satisfaction of respective government departments. Details of these applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) currently vacant, fenced-off and partially covered by vegetation;
 - (b) accessible via Castle Peak Road – Lam Tei section; and
 - (c) sandwiched between Castle Peak Road – Lam Tei section to the immediate east and the elevated viaduct of MTR TML and the at-grade LR track to the immediate west.
- 7.2 The surrounding areas have the following characteristics:
- (a) across Castle Peak Road – Lam Tei Section to its east are a restaurant, a food factory and two car parks which are suspected unauthorized developments (UD) and some residential developments named Opulent Villa and Hanlin Court. To Yuen Wai and Tuen Mun San Tsuen are at the further east (**Plan A-3**);
 - (b) to the immediate south are pipelines and a nullah;

- (c) across the elevated viaduct of MTR TML and the at-grade LR track; to its further west are vacant, unused land, San Hing Tsuen area (**Plan A-3**) and an area zoned “Residential (Group A)” for the public housing sites at San Hing Road and Hong Po Road (**Plan A-5**); and
- (d) to the immediate north are burial urns and a grave, LTVCC, a public toilet and a residential structure. Lam Tei LR Stop is at northwest of the Site.

8. Planning Intention

- 8.1 The “C” zone is intended 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 Remarks of the Notes also state that based on individual merits of a development or redevelopment proposal, minor relaxation of the PR and BH restrictions may be considered by the Board.
- 8.3 According to the Explanatory Statement of the OZP, in order to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of PR and the BH restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual merits.

9. Comments from Relevant Government Departments

- 9.1 The following Government bureau/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, Lands Department (DLO/TM, LandsD):

- (a) The Site comprises three private lots, namely Lots No. 531 RP, 532 s.D RP and 532 RP all in D.D. 130 (the subject lots) and the adjoining GL. The subject lots are all old schedule agricultural lots which contain the restriction that no building shall be erected on the lots except with prior written approval. After obtaining approval for planning application No. A/TM-LTY Y/290, the owner of the private lots (i.e. the Applicant) applied for a land exchange in 2015 and the application was agreed in principle by the District Land Conference (DLC) on 6.10.2017. Subsequently, a revised scheme was submitted under Application No. A/TM-LTY Y/290-2 which was approved via the Board’s letter dated 2.3.2020. The land exchange application is still under processing with comments to be resolved.

- (b) As agreed by the DLC and the Applicant, the area of private lots to be surrendered is about 663.3 m². However, the areas of the Site and the GL quoted in the Gist and the application form do not tally with the agreed area of the private lots.
- (c) The proposed vehicular access proposed at the southwestern boundary is outside the Site and is a GL. There is no guarantee that the aforesaid additional GL included in the Site and the proposed access on the GL will be approved.
- (d) Due to the proximity of the Site to the existing graves/urns next to the north eastern corner of the Site, strong local objections were received on the previously approved application (No. A/TM-LTYY/290) by the Village Representative (VR) of Nai Wai (NW). According to the DLC, the Applicant advised that the design of the development, with area adjacent to the graves/urns designed for parking and landscape purposes, has taken into account the concerns of some of the villages and the Applicant would carry out improvement works to the existing graves and urns.
- (e) The tree felling proposal which involves felling of 43 trees and also compensatory tree planting proposal as contained in the Tree Preservation Proposal Report under the current submission is noted. The proposed tree felling and proposed compensatory planting and future maintenance responsibility of the compensatory planting shall be examined at building plan submission stage.
- (f) If planning approval is given, the applicant will need to apply to the LandsD for a land exchange for the proposal. She advises that the proposal will only be considered upon receipt of formal application to her Office from the applicant. He also advises that there is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that if the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging the payment of premium and administrative fee as may be imposed by LandsD.
- (g) Detailed checking of the proposed site boundary and site area will be made during the processing of the land exchange application. If there is any encroachment by the site onto the then WR Vesting Boundary, the applicant would be required to set back the site boundary, if necessary.

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

- (a) She has no comment on the application.

- (b) As the Site falls within the then WR Protection Boundary, it is advised to seek comment of the MTR Corporation Limited (MTRCL).

Traffic

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

- (a) She has no in-principle objection to the application.
- (b) The proposed number of car parking spaces (i.e. 29 residential and 5 visitor parking spaces) and the proposed eight number of motorcycle parking spaces are acceptable. The proposed ~~two~~four loading/unloading bays for the lorries are acceptable. She also has no objection to the applicant's proposal on bicycle parking.
- (c) The vehicular access will be located on GL. LandsD should be consulted on its feasibility. Furthermore, its management and maintenance responsibility should be clarified and clearly specified on the land grant conditions.
- (d) The Emergency Vehicular Access provision shall comply with Code of Practise for Fire Safety in Buildings 2011. The Authorized Person should be responsible to review and update the design of vehicular access arrangement during the detailed design stage and should seek comments from relevant government departments to address the respective departmental requirements.

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.
- (b) The proposed access arrangement of the application site should be commented and approved by the Transport Department.
- (c) The whole vehicular access should be maintained by the lot owner as it serves only the development.
- (d) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads and exclusive road drains.

Environment

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

Air Quality Impact

- (a) The proposed residential development will not be subject to adverse air quality impact.

Noise

- (b) He has no adverse comment on the Noise Impact Assessment (NIA). He notes that various traffic noise mitigation measures have been exhaustively considered and practicable ones have been recommended for implementation. With the recommended mitigation measures (i.e. building design, acoustic fins with absorptive material, acoustic windows, acoustic balcony, 1.5m high solid wall, self-closing door, fixed glazing with maintenance window) in place, the compliance rate of road traffic noise for mitigated scenario is 100%, which is better than that in the approved development proposal under Application No. A/TM-LTYY/290 and is equivalent to that in the approved development proposal under Application No. A/TM-LTYY/290-2.
- (c) Should the application be approved, the following approval conditions are suggested:

The submission of an updated noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the DEP or of the Board.

Sewerage Impact

- (d) He has no adverse comment on the application from sewerage planning perspective. As there is no public sewer available for the proposed development, an on-site sewage treatment plant has been proposed by the applicant. He has no adverse comments on this proposal. The applicant is reminded that the collection, treatment and disposal of all wastewater arising from the site shall comply with the requirements of the Water Pollution Control Ordinance.

Urban Design, Visual and Landscape

- 9.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD(2), ArchSD):

It is noted that the proposed residential development mainly consists of one tower with a BH of 19 storeys including one storey basement carpark about (64.45mPD) and PR of 5.0 (about 39% increase), which are about 50% higher than the BHR of 12 storeys permitted under the "C" zone on the OZP. It is undesirable from visual impact point of view and may not be compatible to adjacent developments.

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

Urban Design and Visual

- (a) She has no objection to the application from urban design and visual perspectives.

- (b) Application No. A/TM-LTY Y/290 for proposed flat development and minor relaxation of BH restriction from 36m to 41.2m (with no relaxation on no. of storeys) was approved by the Committee in 2015, and subsequently Application No. A/TM-LTY Y/290-2 for Class B amendments to the approved proposal under Application No. A/TM-LTY Y/290 (mainly related to the exclusion of an area falling within the “VE” with the same PR, site coverage (SC) and BH) was approved in 2020.
- (c) As compared to the scheme of A/TM-LTY Y/290-2, it is noted that the proposed scheme, with the same site area of 1,569.02m², involves changes of major development parameters including the increases of PR from 3.6 to 5.0 (+38.89%) and BH from 12 storeys (41.2m) to 19 storeys including a storey of basement (57.6m/64.45mPD) (+39.81% of absolute BH) and still comprises one residential block.
- (d) The Site is located to the north of Tuen Mun New Town. It is sandwiched between Castle Peak Road – Lam Tei Section to its immediate east and the elevated Tuen Ma Rail and the at-grade Light Rail to its immediate west. It is mainly surrounded by 1 to 3 storeys village type developments, existing/planned medium-rise private residential developments (including the approved s.12A Application No. Y/TM-LTY Y/9 with BHs of 8 storeys/35mPD to its northwest, the Sherwood and Botania Garden with BHs ranging from about 20 to 60mPD to its further northeast), and high-rise public housing developments at San Hing Road and Hong Po Road subject to a BH restriction of 160mPD to its west (**Plan A-5**). In this connection, the proposed scheme with a BH of 19 storeys including one storey of basement (57.6m/64.45mPD) is considered not incompatible with the surrounding environment in the wider context.
- (e) According to the Visual Impact Assessment (VIA) submitted, the proposed development would have some visual impacts to the selected public viewing points. Nonetheless, apart from retaining the design features/mitigation measures such as maximum building frontage length of less than 60m, articulation of building facades, the use of finishes to minimize the silhouette effect and landscape treatments at G/F and R/F, etc. of the 2020 approved scheme, the proposed scheme also incorporates slight stepping in the built form (i.e. with terrace/flat roof at the southern and northern portions of 14/F) etc. to mitigate the potential visual impacts.

Landscape

- (f) She has no objection to the application from the landscape planning perspective.
- (g) The applicant should note that approval of this application by the Board does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded

to approach relevant authority/government department(s) direct to obtain necessary approval on tree works, where appropriate.

Water Supplies

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) To note his detailed comments in **Appendix V**.

Drainage

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

He has no in-principle objection to the application from drainage point of view.

Fire Safety

9.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS.
- (b) The provision of emergency vehicular access (EVA) shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice (CoP) for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department. If the provision of EVA does not comply with CoP due to site constraint, enhanced fire safety provision shall be provided.
- (c) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.11 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no objection to the application.
- (b) To note his detailed comments in **Appendix V**.

District Officer's Comments

9.1.12 Comment of the District Officer (Tuen Mun), Home Affairs Department (DO/TM):

Her office has no specific comment on the application. The Site is outside permitted burial ground. In case clearance of existing graves/ urns is required, it is envisaged that Tuen Mun Rural Committee and affected villagers would be concerned about the potential “Fung Shui” impacts.

9.2 The following government departments have no objection/no comment on to the application:

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Director of Food and Environmental Hygiene (DFEH).
- (d) Director of Social Welfare;
- (e) Director of Leisure and Cultural Services; and
- (f) Commissioner of Police.

10. Public Comments Received During the Statutory Publication Period

10.1 The application and FIs were published for public inspection. During the statutory public inspection period, 18 public comments were received, of which 16 comments objecting to the application are submitted by the VR of San Hing Tsuen (**Appendix IV-1**) and individuals (Sample at **Appendices IV-2 and IV-3**). Two public comments providing views on the application are from MTRCL (**Appendices IV-4 and 5**) and individual. A full set of public comments received is deposited at the Board’s Secretariat for Members’ inspection and reference.

10.2 The major views of objections are summarised as follow:

- (a) the existing public transport facilities are already overcrowded;
- (b) there is inadequate provision of public transport and community facilities;
- (c) the proposed development would increase traffic flow, induce adverse traffic impact and intensify traffic congestion in the vicinity;
- (d) adverse noise and environmental impacts arising from the proposed development; and
- (e) incompatible with the surrounding environment.

10.3 The public comment from MTRCL provides views regarding potential impacts of railway noise from MTR TML on future residents and the recommended mitigation measures while the other public comment states that the provision of car parking spaces should be more than the number of flat units.

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for a proposed residential

development (flat) with shop and services use and minor relaxation of PR restriction from 3.6 to 5.0 (domestic PR of 4.957 and non-domestic PR of 0.043) and BH restriction from 12 storeys including car park (36m) to 19 storeys including car park (57.6m). Planning permission for same proposed flat development with minor relaxation of BH restriction was granted by the Committee on 27.3.2015 with subsequent Class B amendment to reflect the changes in site boundary approved on 2.3.2020. Compared with the previously approved scheme, the current application involves the same residential (flat) use, with addition of shop and services use and increases in PR/GFA (+38.9%) and BH (+7 storeys/16.4m) and number of units (+52 units/+39.4%). The proposed revised scheme, though not entirely in line with the planning intention of the “C” zone, could increase housing supply and better utilise scarce land resources, given that the Site is elongated in shape and sandwiched by highway and railway infrastructures (**Plan A-2**). Furthermore, the proposed addition of shop and services use can help serve any such demand from the residents of the proposed development and the surrounding areas.

- 11.2 In recent years, the development of Tuen Mun New Town has been extending to the north dominated by high-rise and high density developments (**Plan A-5**). Public housing developments in Area 54 of Tuen Mun OZP, namely Yan Tin Estate, Ching Tin Estate and Wo Tin Estate have been completed with population intake between 2018 to 2022. Other than that, there are committed public housing developments in San Hing Road and Hong Po Road located to the west of the Site and two public housing developments covered by approved application No. A/TM/583 in the housing supply pipeline in Tuen Mun North. Furthermore, there is also a comprehensive private development named Novo Land which is approaching completion. In support of the population arising from the said developments, various retail, commercial and GIC facilities have been provided or planned within those developments to satisfy and serve any such demand in a wider context of Tuen Mun North. Furthermore, the various highways and railway infrastructures including the MTR TML and its Siu Hong Station, Yuen Long Highway and the LR network have significantly enhanced the development potential of the Tuen Mun North area including the Site. The proposed residential development (flat) with shop and services and intensified development parameters is considered in line with the latest development in the surroundings areas.

Compatibility with Surrounding Land Uses

- 11.3 The Site is located to the north of Tuen Mun New Town and adjacent to the Lam Tei LR stop (with a distance of about 100m) and Castle Peak Road – Lam Tei section (**Plan A-2**). It is sandwiched by the elevated viaduct of MTR TML, the at grade LR track and the Castle Peak Road – Lam Tei section, and mainly surrounded by village type developments with retail uses to its north and to the west across Castle Peak Road – Lam Tei section. The proposed residential development with shop and services use is considered not incompatible with the surrounding areas from the land use perspective.

Minor relaxation of PR and BH

- 11.4 Although the Site is currently surrounded by one to three storeys village type development to its north and to its east across Castle Peak Road – Lam Tei section, there are existing and planned medium to high-rise developments in the surroundings including planned medium-rise private residential developments (the approved s.12A

Application No. Y/TM-LTY/9 with PR of 2.5 and BH of 8 storeys/35mPD) located to its northwest and existing medium-rise private development such as the Sherwood (total PR of 2.11 and BH of 15 storeys (45m) excluding car park) and Botania Villa (total PR of 2.1 and BH of 12 storeys (36m) excluding car park) located to its northeast. A high-density and high-rise public housing development subject to a maximum PR of 6.5 and BH restriction of 160mPD is located at San Hing Road and Hong Po Road to its west (**Plan A-5**). Given the Site is situated within an urban fringe setting of development density from sub-urban area to urban area (i.e. Tuen Mun New Town), the proposed development would create a stepped BH profile along Castle Peak Road – Lam Tei from north to south. In this connection, CTP UD&L considers that the proposed development with a total PR of 5 and a BH of 19 storeys including 1 storey of basement (57.6m/64.45mPD) is not incompatible with the surrounding environment in the wider context.

- 11.5 The proposed relaxation of PR and BH would allow the provision of 184 flats and retail facilities serving the development and the surrounding area, thus enhancing utilisation of land resources. While CA/CMD2, ArchSD raises concern that the proposed development is undesirable from visual impact point of view and may not be compatible with adjacent developments, as advised by CTP/UD&L, PlanD, although the VIA shows that the proposed development would have some visual impacts (**Drawings A-21 to 27**), proposed design features/mitigation measures have been adopted by the applicant to mitigate the potential visual impacts including maximum building frontage length of less than 60m, articulation of building facades, the use of finishes to minimise the silhouette effect and landscape treatments at G/F and R/F, slight stepping in the built form (i.e. with terrace/flat roof at the southern and northern portions of 14/F) (**Drawings A-16 and A-29**).

Other Technical Aspects

- 11.6 Since the Site is sandwiched by highway and railway infrastructures, it would be subject to environmental impacts from noise (road traffic noise and railway noise) and air quality perspectives. In this regards, the NIA and Air Quality Impact Assessment submitted by the applicant have demonstrated that, with the incorporation of the noise mitigation measures identified (**Drawings A-19 and 20**) and the residential floors atop a 9m high podium (**Drawings A-9 and A-10**), the proposed development could comply with the relevant standards and guidelines. In this connection, DEP has no adverse comments on the application.
- 11.7 The applicant has submitted technical assessments to demonstrate that the proposed development is acceptable from traffic, drainage, sewerage and water supplies perspectives. Other relevant departments, including C for T, CHE/NTW, HyD, CE/ RD, HyD, CE/MN, DSD and CE/C, WSD have no in-principle objection to/no adverse comments on the application. Significant adverse impacts on the surroundings are not anticipated. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.

Previous and Similar Applications

- 11.8 Given that four previous approvals for residential development with/without retail facilities and minor relaxation of BH restriction have been granted to the Site from 1997 to 2015, approval of the current application is in line with the Committee's

previous decisions.

- 11.9 Although two similar applications for residential development with/without commercial uses were rejected by the Committee in 1994 and 1997, the rejection grounds are related to the insufficient information to demonstrate that the proposed development would not result in adverse traffic and environmental impacts and have implication on the implementation of the then WR development. Such considerations are also not applicable to the current application as all relevant government departments have no objection to/no adverse comment on the application and the MTR TML has already been completed.

Public Comments

- 11.10 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.8 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 **19.5.2027**, 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) the submission of an updated noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Board; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Board.

Advisory clauses

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

- 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. There is 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

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| Appendix I | Application Form with Attachments received on 5.5.2022 |
| Appendix Ia | FI received on 8.5.2023 |
| Appendix Ib | FI received on 11.5.2023 |
| Appendix II | Previous Applications |
| Appendix III | Similar Applications |
| Appendix IV-1 to IV-5 | Public Comments |
| Appendix V | Recommended Advisory Clauses |
| Drawing A-1 | Schematic Master Layout Plan |
| Drawing A-2 | Basement Floor Plan |
| Drawings A-3 to A-8 | Floor Plans |
| Drawings A-9 and A-10 | Section Plans |
| Drawing A-11 to 13 | Landscape Master Plans |
| Drawing A-14 to 16 | Landscape Section Plans |
| Drawing A-17 | Open Space Diagram |
| Drawing A-18 | Green Coverage Diagram |
| Drawings A-19 and A-20 | Proposed Noise Mitigation Measures |
| Drawings A-21 to A-27 | Photomontages |
| Drawing A-28 | Proposed run-in/out proposal |
| Drawing A-29 | Proposed Visual Mitigation Measures |
| Plan A-1a and A-1b | Location Plan with Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4a and A-4b | Site Photos |
| Plan A-5 | BH profile for Residential Sites in the vicinity of the proposed residential developments |

**PLANNING DEPARTMENT
MAY 2023**