

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/TSW/83

- Applicant** : Ms. FOK Chi Wing Mavis represented by Dear Wing Engineering Consultant Company Limited
- Premises** : Shop 14, G/F, Wetland Seasons Bay Shopping Arcade, 1 Wetland Park Road, Tin Shui Wai, Yuen Long, New Territories
- Floor Area** : About 82.41m²
- Lease** : Tin Shui Wai Town Lot (TSWTL) No. 33
(a) Governed by New Grant No. 21870 dated 11.8.2014 for non-industrial (excluding godown, hotel, office and petrol filling station) purposes
(b) Restricted to a maximum gross floor area (GFA) of 113,250m², of which the total GFA for non-industrial (excluding private residential, godown, hotel, office and petrol filling station) purposes shall not exceed 5,660m²
- Plan** : Approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/18
- Zoning** : “Residential (Group B)4” (“R(B)4”)
[Restricted to a maximum GFA of 113,250m² and a maximum building height of 10 storeys over one storey car park]
- Application** : Proposed School (Tutorial School)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed school (tutorial school) at the application premises (the Premises), which falls within an area zoned “R(B)4” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” zone, while ‘School (in free-standing purpose-designed building, and kindergarten and nursery on land designated “R(B)4” only)’ is always permitted, ‘School (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently under fitting out for the proposed use (**Plans A-4a and A-4b**).
- 1.2 The Premises is located on the G/F of a shopping arcade, namely Wetland Seasons Bay Shopping Arcade, which is within a residential block (i.e. Tower 5A of Wetland Seasons Bay). The location of the Premises is shown on **Drawing A-1 and Plan A-2a**.

1.3 As shown on the layout plan (**Drawing A-2**) and indicated in the submission, the Premises comprises three classrooms, a reception and a toilet. The maximum number of students and teachers/staff to be accommodated at the Premises would be 30. The operation hours are between 3:00 p.m. to 6:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays.

1.4 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachment received on (**Appendix I**)
9.7.2025
- (b) Supplementary Information (SI) received on (**Appendix Ia**)
17.7.2025
- (c) Further Information (FI) received on 8.8.2025* (**Appendix Ib**)
- (d) FI received on 22.8.2025* (**Appendix Ic**)

**accepted and exempted from publication and
recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ic** respectively. They can be summarised as follows:

- (a) The tutorial school is intended to serve the residents of Wetland Seasons Bay and Wetland Seasons Park. Majority of the residents are young families with children or comprising working parents. Hence, there is a keen demand for education centres, which enable students to acquire new knowledge and skills.
- (b) Established in 1999, the tutorial school brand specialises in mathematics tuition. Language and interest classes are also offered to promote all-round development for students.
- (c) To minimise the potential traffic impact, students are encouraged to utilise public transport to reach the tutorial school.
- (d) The tutorial school would comply with the Education Ordinance. In fact, the application process for school registration in accordance with the Education Ordinance has already commenced. Relevant certificates for operation of the tutorial school have been obtained from the Fire Services Department (FSD) and Buildings Department (BD).

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

The applicant is not a “current land owner” but has complied with 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 Ordinance (TPB PG-No. 31B) by notifying the current land owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 40 for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPB PG-No. 40) promulgated in February 2008 is relevant to this application. The relevant main assessment criteria are detailed at **Appendix II** and summarised as follows:

- (a) the proposed tutorial school should not be incompatible with other uses within the same building. In assessing the compatibility with other uses within the same building or surrounding development, consideration will normally be given only to the permitted uses within the building(s);
- (b) to avoid causing disturbance or nuisance to the local residents, tutorial school will normally not be permitted within a residential building or the domestic portion of a composite commercial/residential building unless the proposed access to the application premises will not cause disturbance or nuisance to the local residents;
- (c) the proposed access (entrance) to the tutorial school of a residential building or domestic portion of a composite building must be separated from that of the domestic portion of the building by way of separate stairways and/or lifts/escalators exclusively serving the tutorial school so as to minimize any disturbance to the residents in the same building;
- (d) the views of the public on the proposed tutorial school will be taken into account by the Board in consideration of the application; and
- (e) FSD and BD should be satisfied with proposals to comply with the fire and building safety requirements for the proposed tutorial school.

5. Previous Applications

The Premises was involved in three previous applications (No. A/TSW/53, 65 and 70), as part of much larger sites, for various temporary uses as well as permanent comprehensive residential and commercial development, when the Premises fell within an area zoned “Comprehensive Development Area” (“CDA”) on the then OZPs¹. All previous applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2012 and 2017. The considerations of these previous applications are not relevant to the current application which involves a different use. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same “R(B)4” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Premises is:

¹ The site of Wetland Seasons Bay was rezoned from “CDA” to “R(B)4” on the draft Tin Shui Wai OZP No. S/TSW/17 gazetted on 12.4.2024.

- (a) located on the G/F of a one-storey shopping arcade namely Wetland Seasons Bay Shopping Arcade which is within a 10-storey² residential block (Tower 5A) of Wetland Seasons Bay³. The shopping arcade is currently occupied by eating places, fast food shops and retail shops which are always permitted within the “R(B)4” zone. There is a separate access for residents of Tower 5A to reach the residential units;
- (b) currently under fitting out for the proposed use; and
- (c) accessible from Tin Shui Road and Wetland Park Road, to which the subject building directly abuts.

7.2 The surrounding areas have the following characteristics:

- (a) the subject building is located at the northern part of Tin Shui Wai New Town, which predominantly comprises residential developments as well as government, institution and community facilities; and
- (b) to its north across Tin Wu Road is Lau Fau Shan Fire Station cum Ambulance Depot, to the west across Wetland Park Road and Tin Ying Road are residential blocks of Tin Heng Estate and Grandeur Terrace, while other residential blocks of Wetland Seasons Bay are located in the close vicinity. To the further east and north is Hong Kong Wetland Park.

8. Planning Intention

The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Bureau and 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/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has no adverse comment on the application;
- (b) the Premises is located at Wetland Seasons Bay Shopping Arcade which is held under TSWTL No. 33 and governed by New Grant No. 21870 dated 11.8.2014 for non-industrial (excluding godown, hotel, office and petrol filling station) purposes subject to a maximum GFA of 113,250m², of which the total GFA for non-industrial (excluding private residential, godown, hotel, office and petrol filling station) purposes shall not exceed 5,660m²;

² Excluding basement

³ According to the Occupation Permit of Wetland Seasons Bay issued in 2022, G/F of Tower 5A is designated for, *inter alia*, ‘shop’, ‘entrance lobby’ and ‘flat’ uses, while 1/F to 10/F are mainly for ‘flat’ use.

- (c) provided that the resultant GFA complies with the above restrictions, the proposed school (tutorial school) does not contravene the permitted use under lease; and
- (d) the applicant should note his advisory comments at **Appendix IV**.

Building Matters

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

- (a) he has no objection under the Buildings Ordinance to the application ; and
- (b) the applicant should note his advisory comments at **Appendix IV**.

Fire Safety

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

- (a) he has no specific comment on the application; and
- (b) the applicant should note his advisory comments at **Appendix IV**.

9.2 The following government bureau/departments have no objection to/no comment on the application and their advisory comments are at **Appendix IV**:

- (a) Secretary for Education (SED);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (f) Commissioner for Transport (C for T); and
- (g) Commissioner of Police (C of P).

10. Public Comment Received During Statutory Publication Period

On 18.7.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed school (tutorial school) at the Premises within the “R(B)4” zone (**Plan A-1**). The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The proposed use within a shopping arcade, serving the public including local residents, is generally in line with the planning intention of the “R(B)” zone.

11.2 The proposed tutorial school use is considered in compliance with TPB PG-No. 40 in the following aspects:

- (a) the Premises is located on the G/F of a shopping arcade, where permitted uses including eating places, fast food shops and retail shops are located. The proposed tutorial school is considered not incompatible with the current uses of the surrounding premises;
- (b) while the Premises is situated within a residential block with shopping arcade on the G/F, there is a separate access for the residents to reach the residential units (**Plan A-2a**). Users of the proposed tutorial school under application can access the Premises directly from Tin Shui Road and Wetland Park Road. As such, potential disturbance or nuisance to nearby residents of Wetland Seasons Bay is not anticipated; and
- (c) the proposed tutorial school under application is small in scale, with a floor area of about 82.41m² accommodating a maximum of 30 students and teachers/staff. Considering its scale and nature, the tutorial school would unlikely cause any significant adverse impacts on the surroundings. Relevant government departments consulted, including C for T, CBS/NTW, BD and D of FS, have no objection to or no comment on the application from traffic, building and fire safety perspectives respectively.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, 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 **5.9.2029**, 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 recommended advisory clauses are attached at **Appendix IV** for Members' reference.
- 12.3 There is no strong reason to recommend rejection of the application.

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 with Attachment received on 9.7.2025
Appendix Ia	SI received on 17.7.2025

Appendix Ib	FI received on 8.8.2025
Appendix Ic	FI received on 22.8.2025
Appendix II	Extract of TPB PG-No. 40
Appendix III	Previous Applications
Appendix IV	Advisory Clauses
Drawing A-1	G/F Plan of the Shopping Arcade and Wetland Seasons Bay
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Floor Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**