

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

**APPLICATION NO. A/TWW/135**

- Applicant** : Salisburgh Company Limited represented by KTA Planning Limited
- Premises** : Level 5 (Part), Bellagio Mall, Bellagio, 33 Castle Peak Road – Sham Tseng, Sham Tseng, Tsuen Wan
- Floor Area** : About 483.85m<sup>2</sup>
- Lease** : Lot 269 RP in D.D. 390 (the Lot)
- (a) New Grant No. 7133 dated 7.9.2001
  - (b) restricted to non-industrial purposes excluding godown, office, hotel and petrol filling station
  - (c) subject to maximum gross floor area (GFA) of 260,106m<sup>2</sup>, comprising a maximum GFA of 257,234m<sup>2</sup> for private residential purposes and a maximum GFA of 2,872m<sup>2</sup> for non-industrial purposes other than private residential purposes
  - (d) to provide and maintain a kindergarten comprising not less than 5 classrooms and other ancillary facilities with total GFA of not less than 670m<sup>2</sup>, such GFA would be exempted from GFA calculation
- Plan** : Approved Tsuen Wan West Outline Zoning Plan (OZP) No. S/TWW/21
- Zoning** : “Residential (Group A)3” (“R(A)3”)
- (a) maximum domestic GFA of 257,234m<sup>2</sup> and maximum non-domestic GFA of 2,872m<sup>2</sup>, or the GFA of the existing building, whichever is the greater
  - (b) maximum building heights of 30, 120 and 100 metres above Principal Datum as indicated on the OZP
  - (c) a day nursery, a children and youth centre cum study/reading room, a kindergarten consisting not less than five classrooms and a public transport terminus should be provided
  - (d) any floor space constructed or intended for use solely for the uses in (c) above as required by the Government, may be disregarded
- Application** : Proposed Minor Relaxation of Maximum Non-domestic GFA Restriction for Permitted Public Clinic/Social Welfare Facility (SWF) for a Period of 5 Years

## 1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of the maximum non-domestic GFA restriction at the “R(A)3” subzone to facilitate a permitted public clinic/SWF at the application premises (the Premises) for a period of 5 years (**Plans A-1** and **A-2**). According to the Notes of the OZP, ‘Public Clinic’ and ‘Social Welfare Facility’ uses are always permitted within the “R(A)3” subzone. While the proposed uses are always permitted, the “R(A)3” subzone is subject to, amongst others, a maximum non-domestic GFA restriction of 2,872m<sup>2</sup>. The aforesaid proposed uses will lead to an exceedance of the aforesaid non-domestic GFA restriction, hence planning permission from the Town Planning Board (the Board) is required. Each application for minor relaxation of GFA restriction may be considered by the Board on individual merit under section 16 of the Town Planning Ordinance.
- 1.2 The Premises is located on Level 5 of a free-standing purpose-designed commercial block within a comprehensive residential development, known as Bellagio<sup>1</sup>. At the time of its completion in 2002, the Premises was designated for kindergarten use<sup>2</sup> and hence disregarded from GFA calculation in accordance with the OZP<sup>3</sup>. As the GFA exemption clause does not cover the proposed public clinic/SWF uses, the current application is submitted for minor relaxation of the maximum non-domestic GFA restriction from 2,872m<sup>2</sup> to 3,355.85m<sup>2</sup> (or about +483.85m<sup>2</sup>/+16.8%) in order to facilitate the proposal.
- 1.3 According to the applicant, the proposal is to relocate the existing Tsuen Wan District Health Centre (DHC) – Tsuen Wan West Satellite Centre<sup>4</sup> (considered as a ‘Public Clinic’ use) on Level 1 of the Bellagio Mall (**Plan A-3**) to a portion of the Premises. To allow flexibility for SWF use at the remaining portion of the Premises, ‘Social Welfare Facility’ is also included as part of the current application. The floor plan of the Premises as submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 29.12.2025 **(Appendix I)**

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<sup>1</sup> Bellagio was previously zoned “Comprehensive Development Area” and subsequently rezoned to “R(A)3” on the draft Tsuen Wan West OZP No. S/TWW/13 on 13.12.2002.

<sup>2</sup> A larger premises (shown as hatched green on **Plan A-1**) (including the Premises) was designated for kindergarten use under the approved General Building Plans at the time of the completion of Bellagio Mall in 2002.

<sup>3</sup> According to the Notes of the OZP for the “R(A)3” subzone, any floor space constructed or intended for use solely as day nursery, children and youth centre cum study/reading room, kindergarten consisting not less than five classrooms and public transport terminus as required by the Government, may be disregarded from GFA calculation.

<sup>4</sup> The existing DHC – Tsuen Wan West Satellite Centre on Level 1 of Bellagio Mall has a floor area of about 84m<sup>2</sup>.

- (b) Supporting Planning Statement (SPS) received on 29.12.2025 (Appendix Ia)
- (c) Further Information (FI) received on 10.2.2026\* (Appendix Ib)

*\* 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 **Appendices Ia** and **Ib**, which are summarised as follows:

- (a) minor relaxation of the maximum non-domestic GFA restriction of the “R(A)3” subzone is needed as the proposed DHC and SWF will replace the originally-designated kindergarten use, which is GFA non-accountable under the OZP. The proposal will provide services to local residents/the wider community and conforms to the planning intention of the “R(A)” zone;
- (b) the inclusion of both public clinic (in the form of DHC) and SWF uses is to meet the changing market demand by allowing planning flexibility. The proposed uses are compatible with other existing uses in Bellagio Mall and is expected to synergise with the other Government, institution or community (GIC) uses on the same floor to serve as a one-stop hub providing inter-generational services;
- (c) the proposed DHC is in line with the policy directives of upgrading of DHC and expansion of its service network as announced in recent Policy Addresses. The proposed DHC will provide necessary floor space on a timely basis to cope with the increasing demand by the ageing population; and
- (d) the proposal is merely a change of use without involving any construction of new floor space and will not result in any increase or change of the existing building bulk. No adverse impacts arising from the proposal is anticipated.

## **3. Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is the sole ‘current land owner’ of the Premises. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Previous Applications**

The Premises is the subject of five previous applications (Nos. A/TWW/98, 104, 111, 118 and 123) submitted by the same applicant, all for minor relaxation of the maximum non-domestic GFA restriction for permitted school (tutorial service) use, which were approved with/without conditions on a temporary basis of 3 or 5 years by the Metro Planning Committee (the Committee) of the Board between 2009 and 2022 (**Plan A-1**). The applications were approved mainly on the considerations that a temporary approval would not frustrate the long-term intention of the Premises for the designated GIC uses as prescribed under the OZP (see footnote 3); the proposed use was not incompatible with the surrounding land uses; and relevant Government departments consulted had no

adverse comment on the proposals. A summary of the previous applications is at **Appendix II**.

**5. Similar Application**

There is one similar application for minor relaxation of maximum non-domestic GFA restriction within the “R(A)” zone on the OZP (**Plan A-2**). Application No. A/TWW/132 for minor relaxation of the maximum non-domestic GFA restriction within the same “R(A)3” zone for permitted SWF use within Bellagio Mall was approved on a temporary basis of 5 years by the Committee on 11.4.2025 mainly on the same considerations as those mentioned in paragraph 4 above. A summary of this similar application is at **Appendix III**.

**6. The Premises and Its Surrounding Areas (Plans A-1 to A-7)**

6.1 The Premises is:

- (a) located on part of Level 5 of Bellagio Mall; and
- (b) currently vacant and under renovation.

6.2 The subject mall is:

- (a) a 3-storey free-standing purpose-designed commercial block, located at the northern portion and forming an integral part of Bellagio, a comprehensive residential development;
- (b) abutting Castle Peak Road – Sham Tseng to its north; and
- (c) currently used for the following purposes:

<b>Level</b>	<b>Current Uses</b>
1 (Street Level)	Real estate agency, DHC and public transport terminus
3	Tutorial school, fitness centre, hair salon, retail shops and restaurants
5	<b>The Premises</b> , nursery school and children and youth centre
6 (Open-air Roof)	Outdoor tennis courts for residents of Bellagio

Remarks: Levels 2 and 4 are omitted.

6.3 The surrounding areas have the following characteristics:

- (a) to the north across Castle Peak Road – Sham Tseng is Rhine Garden, a comprehensive residential development on land zoned “R(A)1” with shop and services, eating places and kindergarten at the podium levels;
- (b) to the east and southeast are a food factory (Garden Company Limited within the “Residential (Group E)” zone) and a residential development

(Ocean Pointe within the “R(A)2” zone) respectively; and

- (c) to the west is Sham Tseng Catholic Primary School on land zoned “Government, Institution or Community”.

## **7. Planning Intention**

The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

## **8. Comments from Relevant Government Bureaux/Departments (B/Ds)**

- 8.1 The following Government B/Ds have been consulted and their views on the application are summarised as follows:

### **Health Policy**

- 8.1.1 Comments of the Director of Health (D of Health):

- (a) no objection to the application; and
- (b) the existing Tsuen Wan DHC – Tsuen Wan West Satellite Centre on Level 1 of Bellagio Mall, which is proposed to be relocated to the Premises, is operated by the Government.

### **Land Administration**

- 8.1.2 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department:

the proposed DHC/SWF located within the area where the Grantee of the Lot is required to provide and maintain a kindergarten are not permissible under the New Grant. If the application is approved by the Board, the lot owner is required to apply to her department for a temporary waiver for the implementation of the proposed uses. Upon receipt of the waiver application, it will be considered by her department acting in the capacity as the landlord at its sole discretion. There is no guarantee that any application will be approved. In the event that the waiver application is approved, it will be subject to such terms and conditions as the Government shall see fit, including, among others, the payment of waiver fee and administrative fee.

### **Building Matters**

- 8.1.3 Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- (a) no objection to the application noting that the existing means of

escape and toilets used in common are included in the Premises, and adequate provision of sanitary fitment and means of escape should be maintained and/or provided for the subject building and the Premises in accordance with the Building (Planning) Regulations and Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and

- (b) other detailed comments are at **Appendix IV**.

### **Fire Safety**

#### 8.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no specific comments on the proposal subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- (b) other detailed comments are at **Appendix IV**.

8.2 The following Government B/Ds have no comment on/no objection to the application:

- (a) Secretary for Education (SED);  
(b) Director of Social Welfare (DSW);  
(c) Commissioner for Transport (C for T);  
(d) Director of Environmental Protection (DEP); and  
(e) District Officer (Tsuen Wan), Home Affairs Department.

## **9. Public Comment Received During Statutory Publication Period**

During the statutory publication period, one comment was received from an individual (**Appendix V**) supporting the application without stating any reasons.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for proposed minor relaxation of the maximum non-domestic GFA restriction of the “R(A)3” subzone from 2,872m<sup>2</sup> to 3,355.85m<sup>2</sup> (i.e. +483.85m<sup>2</sup>/+16.8%) for permitted ‘Public Clinic’ and/or ‘Social Welfare Facility’ uses at the Premises on a temporary basis of 5 years (**Plan A-2**).
- 10.2 The Premises is located within an existing free-standing purpose-designed commercial block. At the time of its completion in 2002, the Premises was originally designated for kindergarten use and hence exempted from GFA calculation in accordance with the OZP provisions. According to the applicant, the proposal is to relocate the existing Tsuen Wan DHC – Tsuen Wan West Satellite Centre (considered as a ‘Public Clinic’ use) on Level 1 of the Bellagio Mall (**Plan A-3**) to a portion of the Premises and to allow flexibility to provide SWF at the remaining portion of the Premises. As the GFA exemption clause

under the OZP does not cover public clinic/SWF uses (despite the uses being always permitted), the conversion of the Premises from the original kindergarten use to the current proposed public clinic/SWF uses would lead to an exceedance of the non-domestic GFA restriction and hence an application for minor relaxation of the restriction is required. As the proposal only involves conversion of as-built floorspace, albeit from GFA-exempted floor space to GFA-accountable floor space, the proposal will not lead to any increase in floor space or change in building bulk of the subject development. Given that the application is for a period of 5 years, approval of the application on a temporary basis would not frustrate the long-term intention of the Premises for the designated GIC uses as prescribed under the OZP.

- 10.3 The proposed public clinic/SWF uses are always permitted within the “R(A)” zone and are also considered compatible with the other GIC and commercial uses within the subject commercial block. Relevant Government B/Ds consulted, including D of Health, SED, DSW, D of FS, DEP and C for T, have no objection to/no adverse comment on the application.
- 10.4 The Premises is the subject of five approved applications (No. A/TWW/98, 104, 111, 118 and 123) all for similar minor relaxation of maximum non-domestic GFA restriction for permitted school (tutorial service) use for periods of three or five years. The Committee has also approved one similar application for minor relaxation of maximum non-domestic GFA restriction for permitted SWF use for a period of five years within the same “R(A)3” subzone. As there is no change in planning circumstances since the approval of these applications, approval of the current application is generally consistent with the Committee’s previous decisions.

## **11. Planning Department’s Views**

- 11.1 Based on the assessment made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 27.2.2031. The recommended advisory clauses are attached at **Appendix IV**.
- 11.3 There is no strong reason to recommend rejection of the application.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee 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 period of which the permission should be valid on a

temporary basis.

- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 29.12.2025
<b>Appendix Ia</b>	SPS received on 29.12.2025
<b>Appendix Ib</b>	FI received on 10.2.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Floor Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-7</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2026**