

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

**APPLICATION NO. A/TWW/132**

- Applicant** : Salisbury Company Limited represented by Kenneth To & Associates Limited
- Premises** : Level 5 (Part), Bellagio Mall, Bellagio, 33 Castle Peak Road – Sham Tseng, Sham Tseng, Tsuen Wan
- Total Floor Area of Premises** : About 211m<sup>2</sup>
- Lease** : Lot 269 RP in D.D. 390  
(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 domestic gross floor area (GFA) of 257,234m<sup>2</sup> and maximum non-domestic GFA of 2,872m<sup>2</sup>; and  
(d) to provide and maintain a kindergarten with total GFA of not less than 670m<sup>2</sup>.
- 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 (BHs) of 30, 120 and 100 metres above Principal Datum (mPD) 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; and  
(d) in determining the maximum domestic or non-domestic GFA, any floor space that is 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 transport terminus, as required by the Government, may be disregarded.
- Application** : Proposed Minor Relaxation of Maximum Non-domestic GFA Restriction for Permitted ‘Social Welfare Facility’ Use

## 1. The Proposal

- 1.1 The applicant seeks planning permission for proposed minor relaxation of maximum non-domestic GFA restriction for permitted ‘Social Welfare Facility’ use on the application premises (the Premises) with a total non-domestic GFA of 211.1m<sup>2</sup>, located on Level 5 of the existing Bellagio Mall, Bellagio<sup>1</sup>, Sham Tseng (**Plans A-1 and A-2**). According to the applicant, the subject ‘Social Welfare Facility’ use is proposed as a day activity centre<sup>2</sup>, namely Day Activity Centre for the Golden Age<sup>3</sup>.
- 1.2 The Premises falls within an area zoned “R(A)3”<sup>4</sup> on the approved Tsuen Wan West OZP No. S/TWW/21. The “R(A)3” zone covering the entire Bellagio is subject to a maximum domestic GFA of 257,234m<sup>2</sup> and non-domestic GFA of 2,872m<sup>2</sup>, or the GFA of the existing building, whichever is the greater. According to the Notes of the OZP, the ‘Social Welfare Facility’ use is always permitted within the “R(A)3” zone. Minor relaxation of the GFA restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance. The Premises is designated for kindergarten under both the lease and the approved General Building Plans (GBP), and is exempted from the GFA calculation in accordance with the Notes of the OZP for the “R(A)3” zone. As the GFA exemption clause under the OZP does not cover the proposed day activity centre, the applicant applies for minor relaxation of non-domestic GFA of about 211.1m<sup>2</sup> (i.e. +7.4%) in order to facilitate the proposal.
- 1.3 The Premises forms part of a larger premises (with a non-domestic GFA of 694.951m<sup>2</sup>) currently being used as a tutorial school on a temporary basis for five years until 24.6.2027 as approved under Application No. A/TWW/123<sup>5,6</sup> (**Drawing A-1 and Plan A-1**). The applicant intends to convert part of the subject premises under Application No. A/TWW/123 as the proposed day activity centre with non-domestic GFA of 211.1m<sup>2</sup>. The proposed layout is shown at **Drawing A-2**. According to the applicant, the remaining portion of the tutorial school will continue

---

<sup>1</sup> Bellagio is a comprehensive residential and commercial development completed by phase from 2003 to 2006. The non-domestic portion, namely Bellagio Mall, is a 3-storey high free-standing purpose-designed commercial block (including Levels 1, 3 and 5) abutting Castle Peak Road – Sham Tseng, and subject to a BH restriction of 30mPD under the OZP.

<sup>2</sup> The proposed day activity centre is classified as a ‘Social Welfare Facility’ use which is supported by Social Welfare Department.

<sup>3</sup> According to the Elderly Commission, different elderly age groups can be classified as “soon-to-be-olds” (those in their 50s), “young-olds” (i.e. those aged above 65 and below 85) and “old-olds” (those aged 85 or above). According to the applicant, the proposed day activity centre will host activities for individuals aged 50-59, to improve participants’ health and digital literacy, access to community support resources, and social networks. The day activity centre offers 60 to 100 places and operates from Monday to Saturday from 9:00am to 5:00pm.

<sup>4</sup> Previously zoned “Comprehensive Development Area”, and subsequently rezoned to “R(A)3” on 13.12.2002 upon completion of the comprehensive development.

<sup>5</sup> Application No. A/TWW/123 was submitted by the same applicant for minor relaxation of maximum non-domestic GFA restriction for permitted school (tutorial service) use with a total floor area of about 695m<sup>2</sup>, on a temporary basis for a period of five years. The application was approved with conditions by the Metro Planning Committee on 24.6.2022, valid until 24.6.2027.

<sup>6</sup> The premises of the tutorial school is designated for kindergarten use on the GBP approved in 2001. Since the issuance of the Occupation Permit for Bellagio in 2002, the subject premises remained vacant until the first approval for minor relaxation of non-domestic GFA for permitted school (tutorial service) use on a temporary basis (Application No. A/TWW/98) in 2009. Since then, the subject premises has been operating as a tutorial school covered by the subsequent planning approvals under No. A/TWW/98, 194, 111, 118 and 123 for the same tutorial school purpose for periods of three years.

to operate and its future use will be reviewed before the end of the validity period of approval for the aforesaid application.

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

- (a) Application form received on 11.2.2025 (Appendix I)
- (b) Supporting Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 26.3.2025\* (Appendix Ib)
- (d) FI received on 27.3.2025\* (Appendix Ic)

\*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 SPS and clarifications at **Appendices Ia** and **Ib**. They are summarised as follows:

- (a) according to the Notes of the OZP, ‘Social Welfare Facility’ use is always permitted on the Premises. The reason for minor relaxation of non-domestic GFA restriction is to replace the previous kindergarten (non-accountable for non-domestic GFA under the OZP) by the proposed day activity centre. Therefore, the proposal conforms to the planning intention of the “R(A)” zone;
- (b) the Premises is considered compatible with other existing uses including nursery school, shop and services, eating places and social welfare facilities uses at the Bellagio Mall;
- (c) in response to the ageing trend in Hong Kong, non-government organisations (NGOs) have established several centres to provide community support services targeting “golden age” population aged between 50-59, indicating wide societal need of this population. The proposed day activity centre, with the provision of around 60-100 places, will support active ageing, physical and mental wellbeing of the community through an array of activities to be held on the Premises; and
- (d) the proposal will not involve any construction of new floor space nor cause any increase in the building bulk.

## 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**

- 4.1 The Premises was the subject of five previously approved applications (Nos. A/TWW/98, A/TWW/104, A/TWW/111, A/TWW/118 and A/TWW/123) submitted by the same applicant, all for minor relaxation of maximum non-

domestic GFA restriction for permitted school (tutorial service) on a temporary basis for a period of three years or five years. The last planning approval is valid until 24.6.2027. Details of the previous applications, including approval conditions imposed are set out at **Appendix II**.

- 4.2 The latest application (No. A/TWW/123) was approved with conditions on the consideration that the proposed use was not incompatible with the surrounding land use; the proposed use complied with the Town Planning Board Guidelines for Application for Tutorial School under Section 16 of the Town Planning Ordinance (TPB PG-No. 40); and the relevant Government departments had no adverse comment on the proposed use on a temporary basis for five years.

## 5. **Similar Application**

There is no similar application for minor relaxation of GFA or plot ratio restriction for permitted ‘Social Welfare Facility’ use within the “R(A)” zone in the Tsuen Wan West area.

## 6. **The Premises and Its Surrounding Areas** (Plan A-2 and Site Photos on Plans A-3 to A-6)

- 6.1 The Premises is on Level 5 of Bellagio Mall and currently used as a tutorial school.

- 6.2 The subject mall:

- (a) is a 3-storey purpose-designed commercial block abutting Castle Peak Road – Sham Tseng located at the northern portion of Bellagio;
- (b) Level 1 at the street level is a transport terminus of bus and minibus with taxi stand; and
- (c) the current uses by level are summarised as follows:

Level	Current Uses
1 (Street level)	Real estate agencies, healthcare centre, public transport terminus
3	Tutorial school, fitness centre, retail shop, hair salon and fast food shop
5	<b>The Premises</b> , nursery school and children and youth centre
6 (Roof)	Outdoor tennis courts for residents

Remarks: Levels 2 and 4 are omitted.

- 6.3 The surrounding areas have the following characteristics:

- (a) to the south is the residential towers of Bellagio;
- (b) to the west is Sham Tseng Catholic Primary School;

- (c) to the north across Castle Peak Road – Sham Tseng is Rhine Garden, a residential development zoned “R(A)1” with retail shops on the street level and a six-classroom kindergarten; and
- (d) to the east is the Garden Co. Ltd., and a residential development namely Ocean Pointe.

## **7. Planning Intention**

The “R(A)3” 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 Bureau/Departments**

- 8.1 The following Departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) the Premises is situated in the non-domestic portion of the buildings on Lot 269 RP in D.D. 390 governed by New Grant No. 7133 dated 7.9.2001 for non-industrial (excluding godown, office, hotel and petrol filling station) purpose. The maximum GFA allowed for the non-industrial portions other than private residential purposes on the lot is 2,872m<sup>2</sup>. Besides, under Special Condition No. 29, the Grantee of the lot shall provide and maintain a kindergarten with a total GFA of not less than 670m<sup>2</sup>. Regardless the size of the kindergarten being provided, only a maximum GFA of 670m<sup>2</sup> can be excluded from GFA calculation under lease; and
- (b) should the application be approved by the Board, the registered owner(s) of the Premises is required to apply for temporary waiver for the proposed use. However, there is no guarantee that the approval will be given. If approved, it will be subject to such terms and conditions as the Government shall deem appropriate including the payment of waive fee and administrative fee.

### **Social Welfare Facilities**

- 8.1.2 Comments of Director of Social Welfare (D of SW):

- (a) the proposed Day Activity Centre is classified as a ‘Social Welfare Facility’; and

- (b) supports the application from social welfare perspective.

### **Building Matters**

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

- (a) no objection to the application;
- (b) before any alteration and addition works are to be carried out on the Premises for the conversion, prior approval and consent of the Building Authority should be obtained, unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise, they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance; and
- (c) detailed comments are at **Appendix III**.

### **Fire Safety**

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

- (a) no specific comment on the application; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of short term tenancy/short term waiver, general building plans or referral from relevant licensing authority.

#### 8.2 The following Government bureau/departments have no objection to or no comment on the application:

- (a) Commissioner for Transport;
- (b) Secretary for Education (SED);
- (c) District Officer (Tsuen Wan), Home Affairs Department;
- (d) Director of Environmental Protection; and
- (e) Government Property Administrator.

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

During the statutory public inspection period, no public comment was received.

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

- 10.1 The current application is for minor relaxation of the maximum non-domestic GFA restriction on the OZP for permitted 'Social Welfare Facility' use on the

Premises on Level 5 of an existing free-standing commercial block of a comprehensive residential and commercial development at Sham Tseng.

- 10.2 The Premises is designated for kindergarten use under both the lease and the approved GBPs, and is exempted from GFA calculation under the OZP. According to the Notes of the OZP, the proposed day activity centre, subsumed under 'Social Welfare Facility' use, is always permitted within the "R(A)3" zone. However, as there is no provision to exempt the proposed day activity centre from GFA calculation under the OZP, the conversion of the Premises from kindergarten to the proposed day activity centre would involve additional non-domestic GFA, resulting in total non-domestic GFA in excess of the maximum restriction of 2,872m<sup>2</sup> under the OZP. Planning permission for minor relaxation of such restriction is therefore required.
- 10.3 The applicant applies for minor relaxation of non-domestic GFA restriction of 211.1m<sup>2</sup> for the proposed 'Social Welfare Facility' use, within the total area of 694.951m<sup>2</sup> originally designated for kindergarten. The proposal will not result in any actual increase in the development bulk as the Premises physically exists on Level 5 of the subject free-standing commercial block. In terms of land use compatibility, the proposed day activity centre is considered compatible with the other social welfare facilities on the same floor, as well as other commercial uses on the lower floors within the commercial block. D of SW supports the application and all other concerned bureau/departments consulted including SED, CBS/NTW of BD and D of FS have no objection to/no comment on the application.
- 10.4 The Premises was the subject of five previous applications (Nos. A/TWW/98, A/TWW/104, A/TWW/111, A/TWW/118 and A/TWW/123) for minor relaxation of the maximum non-domestic GFA restriction for permitted school (tutorial service) use, which were approved by the Committee between 2009 and 2022 on a temporary basis. There has been no change in planning circumstances since the approval of the latest application. In order to monitor the planning circumstances so as not to jeopardise the long-term planned kindergarten at the Premises to serve the local community, it is recommended that if the application is approved, the approval should be given on a temporary basis for a period of five years.

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

- 11.1 Based on the assessment made in paragraph 10 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 11.4.2030. The recommended advisory clauses are attached at **Appendix III**.
- 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 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.
- 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 11.2.2025
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	FI received on 26.3.2025
<b>Appendix Ic</b>	FI received on 27.3.2025
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Advisory Clauses
<b>Drawings A-1 and A-2</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-6</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2025**