

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TKO/129**

- Applicant** : Strongly Limited represented by Toco Planning Consultants Limited
- Premises** : Retail No. 5, G/F and B2/F, Alto Residences, 29 Tong Yin Street, Tseung Kwan O
- Floor Area** : About 510.2m<sup>2</sup>
- Lease** : (a) Pink Area and Pink Cross-Hatched Black Area within Area (b) of TKOTL 95 under New Grant No. 21499  
(b) Restricted to non-industrial (excluding private residential, godown, hotel and petrol filling station) purpose
- Plan** : Draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/29
- Zoning** : “Residential (Group A)6” (“R(A)6”) Area (c)  
(a) a maximum domestic plot ratio (PR) of 2 and non-domestic PR of 0.5  
(b) a maximum site coverage (excluding basement(s)) of 50%  
(c) a maximum building height of 60mPD
- Application** : Renewal of Planning Approval for Temporary Massage Establishment (Spa Facility) for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary massage establishment (spa facility) on G/F and B2/F of the non-residential portion of a residential cum commercial development (Alto Residences) at 29 Tong Yin Street, Tseung Kwan O (the Premises) for a period of five years. The Premises fall within Area (c) of the “R(A)6” zone on the draft Tseung Kwan O OZP No. S/TKO/29 (the OZP) (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Commercial Bathhouse/Massage Establishment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises are currently used for the applied use with valid planning permission until 19.7.2024 (**Plans A-1 and A-2**).

- 1.2 The Premises comprise two levels, with the main entrance of the Premises and the reception on G/F, and treatment rooms on B2/F. The access of the Premises is totally separated from domestic portion of Alto Residences. Within the Premises, there is an internal staircase connecting G/F and B2/F (**Drawing A-2, Plans A-4a to A-4d**). According to the applicant, the opening hours of the Premises will be from 8 a.m. to 10 p.m. daily. The massage establishment is intended to serve 20 guests per day and advance booking is required.
- 1.3 The Premises are the subject of a previous application No. A/TKO/118 submitted by the same applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of five years until 19.7.2024 (details in paragraph 5 below and at **Appendix IV**). Compared with the previously approved application, there is no change in the major development parameters. There are minor increase in the number of guests to be served per day (from 18 to 20) and minor changes in internal layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 5.4.2024 (**Appendix I**)
  - (b) Supporting Planning Statement received on 5.4.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 7.5.2024 and 8.5.2024\* (**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) the proposed renewal of further five years facilitates continual operation of the subject spa facility to help meet the increasing demand for high-quality spa facilities in Hong Kong;
- (b) there has been no material change in planning circumstances since the previous planning approval was granted and there is no adverse planning implication arising from the renewal of the planning approval;
- (c) the applicant has complied with all approval conditions under the previous planning approval;
- (d) the Premises are located within the non-domestic portion of Alto Residences and the access to the Premises is completely separated from the domestic portion of the development;

- (e) the subject spa facility is small scale in nature and will not result in any significant impact on traffic and environmental aspects;
- (f) sufficient means of escape and firefighting facilities have been provided to minimise potential fire and emergencies risks; and
- (g) the current application complies with the planning criteria set out in the relevant Town Planning Board Guidelines, i.e. TPB PG-No. 14B and TPB PG-No. 34D, and the proposed renewal period of five years does not exceed the validity period of the current approval.

**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. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines on Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance (TPB PG-No. 14B) is relevant to the application. The Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is also relevant to the application. The relevant assessment criteria are attached at **Appendix III**.

**5. Previous Application**

The Premises are the subject of a previous application No. A/TKO/118 submitted by the same applicant for temporary massage establishment for a period of five years, which was approved with conditions by the Committee on 19.7.2019. The application was approved mainly on the grounds that the application was considered in line with the assessment criteria of TPB PG-No. 14B; the proposed massage establishment was considered not incompatible with other non-domestic uses within the development and surrounding developments and would unlikely cause nuisance to the residents of the subject residential estate; and the proposed use would be subject to relevant licensing requirements of the Commissioner of Police (C of P). Subsequently, the approved scheme was implemented and all the approval conditions in respect of the provision of fire service installations (FSIs) and water supplies for firefighting had been complied with. Details of the previous application are summarised at **Appendix IV** and its location is shown on **Plans A-1 and A-2**.

**6. Similar Application**

There is no similar application within the “R(A)” zone of the OZP.

**7. The Premises and Surrounding Areas (Plans A-1 to A-3 and Photos on Plans A-4a to A-4d)**

7.1 The Premises are:

- (a) located on G/F and B2/F of the non-domestic portion (i.e. Greenwich Village) of Alto Residences;
- (b) currently used for the applied use with valid planning permission;
- (c) accessible from the G/F entrance at a public pedestrian walkway which connects Tong Yin Street to Tseung Kwan O Waterfront Park (**Plans A-2 and A-4b**); and
- (d) about 500m south of MTR Tseung Kwan O Station (**Plan A-1**).

7.2 The subject residential cum commercial development (Alto Residences) comprises 7 residential towers, 23 houses, with the non-domestic portion comprising commercial accommodation and carpark. According to the Occupation Permit issued by the Building Authority on 2.5.2018, the main approved uses of the non-domestic portion are summarised as follows:

<b>Floor</b>	<b>Main Approved Uses</b>
B2/F	Retail shops, restaurants, residents’ recreational facilities and car parking spaces
B1/F (minor portion at southeast part of the development only)	Restaurant
G/F	Shopping arcade and restaurants
1/F	Restaurants

7.3 The non-domestic portion of Alto Residences is currently mainly used for restaurants, retail shops and school use (i.e. pre-schools and learning centres). Public and ancillary car parking spaces are provided on B2/F. The residential towers and houses are accessible from the main entrance at Tong Yin Street and the side entrance at the public pedestrian walkway (**Plan A-2**) which are separated from those of the non-domestic portion, including the Premises.

7.4 The surrounding areas of Alto Residences have the following characteristics (**Plan A-3**):

- (a) developments in the vicinity are predominantly residential with commercial uses on the lower floors, which include Capri to its immediate west, The Wings III and Corinthia By The Sea to its northeast; and

- (b) to the south is Tseung Kwan O Waterfront Park and to the east is the southern portion of the proposed Town Park currently under construction.

**8. Planning Intention**

The planning intention of “R(A)” zone is 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.

**9. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comments on the application. Their general comments on the application are provided in **Appendix V**.

**10. Public Comments Received During Statutory Publication Period**

On 12.4.2024, the application was published for public inspection. During the statutory public inspection period, 15 supporting comments in the form of standard letters submitted by the management office of Alto Residences and 14 individuals (**Appendix VI**) were received with the main grounds that the applied use is operating well, can continue to provide quality facilities to meet residents’ demand, and has no adverse impact due to its small scale.

**11. Planning Considerations and Assessments**

- 11.1 The application is for renewal of planning approval for temporary massage establishment (spa facility) for a period of five years at the Premises falling within the “R(A)6” zone. The planning intention of the “R(A)” zone is 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. The Premises are located at the non-domestic portion of the residential cum commercial development (Alto Residences). The applied use for a massage establishment does not contravene the planning intention of the “R(A)” zone.
- 11.2 The non-domestic portion of Alto Residences is currently a shopping arcade (Greenwich Village) mainly used for the approved uses such as retail shops and restaurants. The applied use is considered not incompatible with other uses within the non-domestic portion of the development.
- 11.3 The Premises can be accessed from the G/F entrance at a public pedestrian walkway and are completely separated from the residential towers and houses of Alto Residences (**Plan A-2**). In view of its small scale, separate entrance and small number of daily visitors, the applied use would unlikely cause nuisance to the residents of Alto Residences. The Premises are covered by a

valid massage establishments licence, and FSIs and water supplies for firefighting have also been provided within the Premises. Both Director of Fire Services and C of P have no objection to the application. Other government departments consulted, including District Lands Officer/Sai Kung (SK), Lands Department, Commissioner for Transport and District Officer (SK), Home Affairs Department have no objection to/adverse comments on the application. In view of the above, the applied use is considered in line with the assessment criteria of TPB PG-No. 14B as set out in **Appendix II**. The previous approval conditions regarding the FSIs have been complied with since the use is in operation. Hence, no approval condition regarding FSIs is required.

- 11.4 The renewal application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances and the land uses of the surrounding areas since the granting of the last temporary approval on 19.7.2019; no adverse planning implication arising from the renewal application is anticipated; all the approval conditions under the previous approval have been complied with; and the approval period sought (i.e. five years) which is the same as the previous application is considered reasonable.
- 11.5 All the supporting public comments received during the statutory publication period are noted.

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

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, 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 on a temporary basis for a period of five years, and be renewed from 20.7.2024 until 19.7.2029.
- 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 period of which the permission should be valid on a temporary basis.
- 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**

<b>Appendix I</b>	Application Form with attachments received on 5.4.2024
<b>Appendix Ia</b>	Planning Statement received on 5.4.2024
<b>Appendix Ib</b>	Further Information received on 7.5.2024 and 8.5.2024
<b>Appendix II</b>	Town Planning Board Guidelines for Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance (TPB PG-No. 14B)
<b>Appendix III</b>	Relevant Extracts of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
<b>Appendix IV</b>	Previous Application
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Site and Land Status Plan
<b>Drawing A-2</b>	Architectural Drawing (Floor Plans and Elevations)
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2024**