

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TSW/78

- Applicant** : Ms. Wong Ching Man
- Premises** : Shop No. C59E, 1/F, Phase 1, Kingswood Richly Plaza, 1 Tin Wu Road, Tin Shui Wai, New Territories
- Floor Area** : About 8.96m²
- Lease** : Tin Shui Wai Town Lot (TSWTL) No. 1 RP
(a) Together with TSWTLs No. 2 to 7 all governed by New Grant No. 3466 dated 21.5.1985 as varied and modified by various modification letters
(b) Restricted to non-industrial (excluding godown) purposes
- Plan** : Approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/16
- Zoning** : “Residential (Group B)” (“R(B)”) [Restricted to a maximum GFA of 209,718m² for TSWTL No. 1; the total non-domestic GFA of TSWTLs No. 1, 2, 3, 5, 6 & 7 zoned “R(B)” and TSWTL No. 4 zoned “Commercial” shall not exceed 135,000m²; and the distribution of non-domestic GFA amongst TSWTLs No. 1-7 would be controlled by the submission of Master Layout Plans¹]
- Application** : School (Tutorial School)

1. The Proposal

- 1.1 The applicant seeks planning permission for school (tutorial school) at the application premises (the Premises) (**Plan A-1**). The Premises falls within an area zoned “R(B)” on the approved Tin Shui Wai OZP No. S/TSW/16. According to the Notes for the “R(B)” zone of the OZP, ‘School’ not in a free-standing purpose-designed building² is a Column 2 use that requires planning permission from the Town Planning Board (the Board). The Premises is currently occupied by the applied use without valid planning permission (**Plan A-4b**).
- 1.2 The Premises is located on the 1/F of a free-standing three-storey³ shopping arcade-cum-clubhouse building, namely Kingswood Richly Plaza and Kingswood Club, with restricted access to the clubhouse portion. The location of the Premises is shown on **Plan A-2a**.

¹ Master Layout Plans (MLP) refers to those governed by the Lease.

² According to the Notes for the “R(B)” zone of the OZP, ‘School (in free-standing purpose-designed building only)’ is a Column 1 use which is always permitted.

³ Excluding two levels of basement.

- 1.3 As shown on the layout plan (**Drawing A-1**) and indicated in the submission, the Premises comprises one classroom, which can accommodate a maximum of 8 students and a teacher. The operating hours are between 2:30 p.m. and 8:30 p.m. from Mondays to Fridays, and between 3 p.m. and 5 p.m. on Saturdays. There is no operation on Sundays and public holidays.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 14.11.2022 (Appendix I)
 - (b) Supplementary Information (SI) received on 21.11.2022 (Appendix Ia)
 - (c) Further Information (FI) received on 12.12.2022* (Appendix Ib)

** accepted and exempted from publication requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. The applicant claims that the applied use can provide learning assistance to students and support for working parents, hence contributing to the neighbourhood.

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. 31A) by notifying the current land owners by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The TPB 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 views of the public on the proposed tutorial school will be taken into account by the Board in consideration of the application.

- (d) The Fire Services Department (FSD) and the Buildings Department (BD) should be satisfied with proposals to comply with the fire and building safety requirements for the proposed tutorial school.

5. **Previous Application**

The Premises is not involved in any previous application.

6. **Similar Applications**

- 6.1 Within the same “R(B)” zone, there are 19 similar applications (No. A/TSW/32, 33, 34, 35, 37, 38, 39, 40, 42, 44, 46, 48, 50, 52, 54, 58, 59, 67 and 69) for school uses. All of them were approved by the Rural and New Town Planning Committee (the Committee) between 2005 and 2017 mainly on considerations that the applied use was located within a free-standing building separated from the residential development; the applied use was not incompatible with the other uses at the surrounding premises; and concerned government departments had no objection to or no adverse comment on the applied use.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Premises is:

- (a) located on the 1/F of an existing free-standing three-storey shopping arcade-cum-clubhouse building, viz. Kingswood Richly Plaza and Kingswood Club, which was completed in 1992. There are automatic turnstiles on the Podium Floor (P/F) restricting access to the clubhouse portion. The current uses of the subject building by floors⁴ are summarised as follows:

Floor	Uses
Basements	Basement Car Park
G/F & 1/F	Supermarket, Convenience Stores, Property Agencies, Clinics, Restaurants, Fast Food Shops, Fresh Food Stores, Homeware Shop, Pharmacies, Hardware Store, Groceries, Hair Salons, Beauty Parlours, Boutiques, Tutorial Schools, etc.
1/F	Property Agencies, Clinics, Restaurants, Fast Food Shops, Fresh Food Stores, Pharmacies, Bakery Shop, Groceries, Hair Salon, Beauty Parlours, Boutiques, Claw Machine Shops, etc.
P/F	Residential Clubhouse
Roof	Residential Clubhouse

- (b) currently used for the applied use without planning permission; and
- (c) accessible from Locwood Garden and Tin Wu Road to which the subject building abuts.

⁴ Based on site inspection on 30.12.2022 and 4.1.2023.

7.2 The surrounding areas have the following characteristics:

- (a) the subject building is located at the southwestern part of the Tin Shui Wai New Town, which comprises residential developments, open spaces, and government, institution and community facilities;
- (b) to the northwest and southwest are the residential towers of Locwood Court, Kingswood Villas;
- (c) to the east is the Locwood Garden (a public open space); and
- (d) to the west is the landscape garden of Locwood Court.

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 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) The Premises is located at Kingswood Richly Plaza, which is held under TSWTL No. 1 RP among other lots (i.e. TSTWLs No 2 to 7) all governed by New Grant No. 3466 dated 21.5.1985 as varied and modified by various modification letters for non-industrial (excluding godown) purpose.
- (b) According to the Master Layout Plan governing the subject lot, the Premises is located in the area designated as “commercial” and accounted as non-domestic GFA. The proposed tutorial school does not contravene the permitted use under lease so long as it is running on a commercial basis. The proposal submitted is not in conflict with the conditions governing the subject lot. As such, if the proposal is approved by the Board, the applicant is not required to seek a lease modification from LandsD to implement the proposal. Any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

Building Matters

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

- (a) He has no objection in principle under the Buildings Ordinance to the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire service installations and equipment being provided to his satisfaction.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Environment

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

Given that the entire shopping centre is equipped with central air-conditioning system and the Premises is located on the 1/F of the shopping centre, she has no objection to the application.

District Officer's Comments

9.1.5 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any feedback from locals.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Commissioner for Transport (C for T);
- (d) Commissioner of Police (C of P);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (f) Secretary for Education (SED).

10. Public Comment Received During Statutory Publication Period

On 25.11.2022, 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 school (tutorial school) use at the Premises within the “R(B)” 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 applied use within a free-standing shopping arcade-cum-clubhouse building, serving the public including local residents, is generally in line with the planning intention of the “R(B)” zone.
- 11.2 The applied tutorial school use is considered in compliance with TPB PG-No. 40 in the following aspects:
- (a) the Premises is located on the 1/F of a free-standing three-storey shopping arcade-cum-clubhouse building, where various shop and services and eating place uses are located. The tutorial school is considered not incompatible with the current uses of the surrounding premises.
 - (b) the subject building where the Premises is located is separated from the residential towers of Locwood Court, Kingswood Villas. Moreover, the residential clubhouse is located on the P/F and roof of the subject building with restricted access. Hence, disturbance to the residents of Locwood Court and Kingswood Villas is not anticipated.
 - (c) The tutorial school under application is small in scale, with a floor area of about 8.96m² accommodating a maximum of 8 students and a teacher. It is unlikely that the tutorial school would cause any significant adverse impacts on the surroundings. Relevant government departments, including D of FS and CBS/NTW of BD have no in-principle objection to the application.
- 11.3 The Committee has approved 19 similar applications within the same “R(B)” zone. Approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 **13.1.2027**, 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 Condition

The provision of fire service installations and equipment for the tutorial school to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

12.3 There is no strong planning 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 received on 14.11.2022
Appendix Ia	SI received on 21.11.2022
Appendix Ib	FI received on 12.12.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines for “Application for Tutorial School under Section 16 of the Town Planning Ordinance” (TPB PG-No. 40)
Appendix III	Similar Applications within the same “R(B)” zone
Appendix IV	Recommended Advisory Clauses
Appendix V	Enclosing Wall Plan
Appendix VI	Fire Escape Plan
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-2a	Floor Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**