

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TSW/79

- Applicant** : Ms. Ngan Yee Kei, Tania, represented by Toco Planning Consultants Limited
- Premises** : Shop Nos. C44A and C44B, 1/F, Phase I, Kingswood Richly Plaza,
1 Tin Wu Road, Tin Shui Wai, New Territories
- Floor Area** : About 53.98m²
- 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 domestic 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** : Proposed Place of Entertainment (Amusement Game Centre)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed place of entertainment (amusement game centre) at the application premises (the Premises) (**Plan A-1**) which falls within an area zoned “R(B)” on the OZP. According to the Notes for the “R(B)” zone of the OZP, ‘Place of Entertainment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently occupied by a drug store² (**Plans A-4a and 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 **Drawing A-1** and **Plan A-2a**.

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

² 1/F of Kingswood Richly Plaza where the Premises is located was designated for, inter alias, ‘shops’ and ‘restaurant’ on the Occupation Permit issued by the Building Authority on 8.10.1992, i.e. before the first gazettal of the draft Tin Shui Wai OZP No. S/TSW/1 on 21.10.1994.

³ Excluding two levels of basement.

- 1.3 As indicated in the submission, about 30 amusement game machines would be installed at the Premises. The proposed amusement centre is for persons who have attained the age of 16 years. The maximum number of customers and staff to be accommodated at the Premises at any one time would be 15 and 3 respectively. The operation hours would be between 10 a.m. to 12 a.m. daily, including public holidays. The proposed layout plan of the Premises is at **Drawing A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 20.3.2023 (Appendix I)
 - (b) Supporting Planning Statement (Appendix Ia)
 - (c) Supplementary Information (SI) received on 28.3.2023 (Appendix Ib)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supporting planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) the applicant's previous amusement game centre at Hung Fook Street, To Kwa Wan was required to be removed as a result of the Urban Renewal Authority's Hung Fook Street/Kai Ming Street Development Project, with project commencement gazetted on 3.6.2016. A new premises is required to resume the business;
- (b) there is only one amusement game centre in the Tin Shui Wai New Town. Meanwhile, Kingswood Richly Plaza is a prominent shopping mall serving various needs of the nearby residents. The proposed use would provide additional entertainment option for visitors of the shopping mall;
- (c) the Premises is located on the first floor of a free-standing shopping arcade-cum-clubhouse building separated from the residential towers. Moreover, the residential clubhouse is located on the podium floor of the building with restricted access. Hence, disturbance to residents is not anticipated;
- (d) the proposed use is compatible with the current uses of the surrounding premises;
- (e) the applicant had been operating an amusement game centre for more than 10 years and is well-experienced. No complaint was received during the previous operation. The applicant would comply with the relevant licensing requirements;
- (f) the proposed use will not cause significant adverse traffic, environmental and fire safety impacts on the surrounding areas; and
- (g) there is a similar application approved in the same "R(B)" zone. Approval of the application would not set an undesirable precedent.

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 obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

The Premises is not involved in any previous application.

5. **Similar Application**

Within the same “R(B)” zone, there is a similar application (No. A/TSW/18) for proposed place of public entertainment (family amusement centre), which was approved with condition by the Rural and New Town Planning Committee (the Committee) on 20.7.2001 mainly on considerations that the proposed use was considered compatible with the retail and commercial uses of the shopping mall where it was located, and there was no adverse comment from concerned government departments. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

6.1 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	Boutiques, Beauty Parlours, Clinics, Convenience Stores, Courier Counter, Drug Stores, Eating Places, Electrical/Plumber Shops, Employment Agency, Fast Food Shops, Fresh Food Stores, Groceries, Hair Salons, Laundries, Massage Establishment, Pet Grooming Shop, Real Estate Agencies, Supermarket, Tutorial Schools, etc.
1/F	Boutiques, Beauty Parlours, Claw Machine Venues, Clinics, Courier Counter, Drug Stores, Eating Places, Electrical/Plumber Shop, Employment Agencies, Fast Food Shops, Fresh Food Stores, Groceries, Hair Salons, Message Establishments, Money Exchange, Pet Grooming Shops, Printing Service, Real Estate Agencies, Supermarket, Travel Agencies, Tutorial Schools, etc.
P/F	Residential Clubhouse
Roof	Residential Clubhouse

- (b) currently used as a drug store; and
- (c) accessible from Locwood Garden, Tin Wu Road and the internal road of Locwood Court, Kingswood Villas to which the subject building abuts.

⁴ Based on site inspections on 31.3.2023 and 3.4.2023.

6.2 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.

7. 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.

8. Comments from Relevant Government Departments

8.1 The following government 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/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 MLP governing the subject lot, the Premises is located in the area designated as “commercial” and accounted as non-domestic GFA. The proposed amusement game centre does not contravene the permitted use under lease. 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.

Licencing

8.1.2 Comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), HAD):

- (a) His office has no comment on the application from the licensing perspective at this stage.
- (b) In considering applications for Amusement Game Centre Licence, his office will take account of a host of relevant factors pursuant to section 5 of the Amusement Game Centres Ordinance (Cap. 435) and prevailing guidelines, such as the suitability of the applicant and the suitability of the place of proposed operation of an amusement game centre. The views of bureau/departments concerned will also be considered. Besides, public opinion on the proposed amusement game centre will be sought through District Office(s) concerned. All applications will be considered on the basis of individual merits.

Others

8.1.3 Secretary for Education (SED):

The schools registered under the Education Ordinance located in Kingswood Richly Plaza⁵ are as follows:

	School	School Address
1	Hong Kong Institute of Technology	Shop Nos. A118 & A119, G/F
2	Funny Education Centre	Shops A65 & A123, G/F
3	Kumon Tin Shui Wai Education Centre	Shops B20 & B21, 1/F

Building Matters

8.1.4 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 note his detailed comments at **Appendix IV**.

Fire Safety

8.1.5 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 note his detailed comments at **Appendix IV**.

⁵ According to the 'Amusement Game Centre Licence – Guidelines for Granting of a Licence' issued by the Office of the Licensing Authority, HAD, an Amusement Game Centre Licence will not normally be granted unless, inter alia, existing amusement game centre(s) or educational institution(s) is/are not within a radius of 100m from the main entrance of the proposed amusement game centre.

Environment

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

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

District Officer's Comments

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

His office has not received any feedback from locals.

8.2 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) Director of Food and Environmental Hygiene (DFEH); and
- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

9. Public Comments Received During Statutory Publication Period

On 31.3.2023, the application was published for public inspection. During the statutory public inspection period, a total of 25 public comments were received. Amongst them, 6 from the Chairman of the Yuen Long District Youth Development and Civic Education Committee, Locwood Court Estate Owners' Committee, Kingswood Richly Plaza (Phase I) Owners' Committee, and individuals (**Appendices III-1 to III-6**) objected to the application. 19 comments from individuals, largely in the form of a standard letter, supported the application (Sample at **Appendix III-7**). The comments/views are summarised as follows:

Objecting views (6 comments)

- (a) there are existing education institutions in Kingswood Richly Plaza, some within a radius of 100m from the main entrance of the proposed amusement game centre. Also, there are seven secondary schools with the 1km catchment area. Therefore, the proposed amusement game centre does not comply with the 'Amusement Game Centre Licence - Guidelines for Granting of a Licence' issued by the Office of the Licensing Authority, HAD;
- (b) the proposed use would cause youth gangs and triad-related issues, posing adverse impact on the law and order of the neighbourhood. There is concern that the Premises may be used as a cover to carry out illegal activities such as gambling and drug trafficking, which would adversely affect youth development in the area;

- (c) the Premises is located in close proximity to the residential towers of Locwood Court, Kingswood Villas, and would bring nuisance to its residents;
- (d) the proposed use would gather smokers, and poses adverse fire safety impacts on the surrounding premises; and
- (e) the similar application for family amusement centre is entirely different from the current application in terms of visitor types and impact on law and order. Moreover, the approved family amusement centre has never been operated. The similar application is therefore not a relevant consideration;

Supporting Views (19 comments)

- (f) given its small scale, the proposed amusement game centre would unlikely cause adverse impacts on the surroundings;
- (g) the applicant is well-experienced in operating amusement game centre;
- (h) the proposed amusement game centre would complement the entertainment options of the area, and satisfy the various needs of different ages;
- (i) the shopping mall is equipped with fire safety installations and provided with fire escape route, thus minimising the risk of potential fire hazard; and
- (j) the proposed use would not set any undesirable precedent.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed place of entertainment (amusement game centre) 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 proposed use within a free-standing shopping arcade-cum-clubhouse building, serving the public including local residents, is not in conflict with the planning intention of the “R(B)” zone.
- 10.2 The Premises is located on the 1/F of a free-standing three-storey shopping arcade-cum-clubhouse building, which 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. Whilst there is currently no amusement game centre in the subject building, there are various shops and services and eating places, including claw machine venues. From land use perspective, the proposed use to be located within a shopping arcade is considered not incompatible with the other uses in the building and the surrounding neighbourhood.
- 10.3 Concerned government departments including D of FS, CBS/NTW of BD, C for T and DEP have no in-principle objection to or no adverse comments on the application. The proposed development would unlikely cause significant adverse

fire safety, traffic and environmental impacts on the surroundings.

10.4 The Committee has approved a similar application (No. A/TSW/18) for proposed place of public entertainment (family amusement centre) within the same “R(B)” zone in 2001. Approval of the current application is in line with the previous decision of the Committee.

10.5 There are 25 public comments with six objecting to and 19 supporting the application as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.4 above are relevant. Regarding the objecting comments concerning the compatibility of the proposed use with the nearby education institutions and public order issues, it should be noted that should this application be approved, the proposed amusement game centre would still be required to fulfil the relevant licensing requirements. Similarly, control of youth and triad-related crimes is a policing matter that is outside the purview of the Board. In these regards, CO(LA) of HAD and C of P have no objection to or no adverse comment on the application.

11. Planning Department’s Views

11.1 Based on the assessments made in paragraph 10 above, and having taken into account the public comments 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 until **19.5.2027**, 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 condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

The provision of fire service installations and equipment for the amusement game centre 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**.

11.3 There is no strong planning 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, and the date when the validity of the permission should expire.

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

Appendix I	Application Form received on 20.3.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	SI received on 28.3.2023
Appendix II	Similar Application within the same “R(B)” zone
Appendices III-1 to III-7	Samples of Public Comments Received During Statutory Publication Periods
Appendix IV	Recommended Advisory Clauses
Drawing A-1	First Floor Plan of the Shopping Arcade
Drawing A-2	Layout Plan
Plan A-1	Location Plan with Similar Application
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
MAY 2023**