

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

**APPLICATION NO. A/TSW/80**

- Applicant** : Fidelity Insurance Company Limited
- Premises** : Shop No. 190, Podium Floor, Phase II, Kingswood Richly Plaza, 1 Tin Wu Road, Tin Shui Wai, New Territories
- Floor Area** : 141.229m<sup>2</sup>
- 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) purpose
- 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 209,718m<sup>2</sup> 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 135,000m<sup>2</sup>; and the distribution of non-domestic GFA amongst TSWTLs No. 1-7 would be controlled by the submission of Master Layout Plans<sup>1</sup>]*
- 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), which falls within an area zoned “R(B)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(B)” zone, ‘Place of Entertainment’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Premises is currently vacant (**Plans A-4a and 4b**).
- 1.2 The Premises is located on the 2/F (also known as podium floor) of a free-standing three-storey shopping arcade-cum-bus terminus building, namely Kingswood Richly Plaza Phase II. The location of the Premises is shown on **Drawing A-1** and **Plan A-2a**.

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<sup>1</sup> Master Layout Plans (MLP) refers to those governed by the Lease.

1.3 As indicated in the submission, 44 game machines with 75 devices would be installed at the Premises. The proposed amusement game 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 would be 150. The operation hours would be between 8:00 a.m. to 2:00 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 submitted the following documents:

- (a) Application Form with attachments received on **(Appendix I)**  
24.5.2023
- (b) Supplementary Information (SI) received on **(Appendix Ia)**  
8.6.2023
- (c) Further Information (FI) received on 27.6.2023 **(Appendix Ib)**  
*[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 Application Form and FI at **Appendices I and Ib** respectively. They can be summarised as follows:

- (a) There is currently no entertainment premises (amusement game centre) at the Kingswood Richly Plaza and within 100m from the Premises serving the locals.
- (b) The Premises is situated in a building solely for commercial purpose. Adverse impacts on local residents are not anticipated.
- (c) A similar application has been approved near the Premises.
- (d) The applicant would arrange staff at the main entrance to check the eligibility of customers. The Home Affairs Department and police can also carry out random checks at the Premises regarding its operation or any illegal activities.

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

The applicant is the “current land owner” of the Premises. 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 Applications**

Within the same “R(B)” zone on the OZP, there are two similar applications (No. A/TSW/18 and 79) both located within Kingswood Richly Plaza Phase I for proposed place of public entertainment (family amusement centre) with a floor area of about 130m<sup>2</sup> and

place of public entertainment (amusement game centre) with a floor area of about 53.98m<sup>2</sup> respectively, which were approved with condition by the Rural and New Town Planning Committee (the Committee) on 20.7.2001 and 19.5.2023 respectively mainly on considerations including the proposed use was considered not incompatible with the uses within the shopping mall and/or its surrounding neighbourhood, and there was no adverse comment from concerned government departments. Details of the similar applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

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

### **6.1 The Premises is:**

- (a) located on the 2/F of an existing three-storey shopping arcade-cum-bus terminus building, namely Kingswood Richly Plaza Phase II, which was completed in 1992. The current uses of the subject building by floors<sup>2</sup> are summarised as follows:

<b>Floor</b>	<b>Uses</b>
G/F	Bus Terminus, Clinic, Convenience Store, Property Agency, Eating Place, Fast Food Shops, Wet Market
1/F	Butcher Shop, Supermarket, Hair Salon, Money Exchange, Clinic, Drug Store, Boutique, etc.
2/F	Beauty/Hair Salons, Massage Establishment, Clinics, Courier Counters, Fast Food Shops, Tutorial Schools, Grocery Stores, Frozen Food Shop, Storage, etc.

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

### **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 its north is the Locwood Garden (a public open space);
- (c) to its east is Tin Yiu Estate;
- (d) to its south and southwest is Locwood Court of Kingswood Villas; and
- (e) to its west is Kingswood Richly Plaza Phase I .

## **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.

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<sup>2</sup> Based on site inspection on 14.6.2023

## **8. Comments from Relevant Government Bureau and Departments**

- 8.1 The following government bureau and 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 Phase II, Kingswood Richly Plaza, which is held under TSWTL No. 1 RP among other lots (i.e. TSWTLs 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; and
  - (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.

### **Licensing**

- 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; and
  - (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 bureaux/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 Comments of the Commissioner of Police (C of P):

Multiple educational establishments/institutions are located on the same floor of the Premises. The proposed development might have negative influence/impact on nearby students and give rise to juvenile gathering at the Premises.

8.1.4 Comments of the Secretary for Education (SED):

The schools registered under the Education Ordinance located in Kingswood Richly Plaza<sup>3</sup> are as follows:

	School	School Address
1	Hong Kong Institute of Technology	Shops A118 & A119, G/F, Kingswood Richly Plaza (Phase I)
2	Funny Education Centre	Shops A65 & A123, G/F, Kingswood Richly Plaza (Phase I)
3	Kumon Tin Shui Wai Education Centre	Shops B20 & B21, 1/F, Kingswood Richly Plaza (Phase I)

**Building Matters**

8.1.5 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; and
- (b) the applicant should note his detailed comments at **Appendix III**.

**Fire Safety**

8.1.6 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; and
- (b) the applicant should note his detailed comments at **Appendix III**.

**Environment**

8.1.7 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 within the shopping centre, he has no objection to the application.

**District Officer's Comments**

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

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<sup>3</sup> 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.

His office has no comment on the application and the local comments should be submitted to the Board directly, if any.

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) Project Manager (West), CEDD (PM(W), CEDD);
- (d) Commissioner for Transport (C for T); and
- (e) Director of Food and Environmental Hygiene (DFEH).

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

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, a total of 63 public comments were received. Amongst them, 62 from the Chairman of the Yuen Long District Youth Development and Civic Education Committee, Chairman of the Tin Shui Wai South Area Committee, Locwood Court Estate Owners' Committee and individuals (samples at **Appendices IV-1 to IV-6**) objected to the application. One comment from an individual supported the application (**Appendix IV-7**). A full set of public comments will be deposited at the meeting for Members' inspection. The comments/views are summarised as follows:

### Objecting views (62 comments)

- (a) there are existing educational institutions on the same floor as the Premises (most of which are within 100m from the Premises), as well as schools and youth centres nearby. The proposed use does not comply with 'Amusement Game Centre Licence – Guidelines for Granting of a Licence' issued by the Office of the Licensing Authority, HAD. The proposed use will also bring adverse impacts to the students;
- (b) the proposed use may give rise to youth gangs and triad-related activities. The Premises may be used as a cover to carry out illegal activities such as illegal gambling and drug trafficking, affecting youth development and public order in the area;
- (c) the Premises is located in close proximity to the residential towers of Locwood Court, Kingswood Villas, and will bring nuisance to its residents; and
- (d) there are already two amusement game centres in the nearby +WOO (shopping mall formerly known as Kingswood Ginza).

### Supporting views (1 comment)

- (e) there are just a few entertainment premises (amusement game centres) in the area. The sound insulation of the proposed amusement game centre can be enhanced to reduce impacts on nearby educational institutions.

## **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-bus terminus 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 2/F of a free-standing three-storey shopping arcade-cum-bus terminus building, which is separated from the residential towers of Locwood Court, Kingswood Villas. Hence, disturbance to the residents of Locwood Court is not anticipated. Whilst there is currently no amusement game centre in the subject building, there are various shops and services, including beauty/hair salons and massage establishment, and eating places. 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 objection to or no adverse comment on the application. The proposed development will unlikely create significant adverse fire safety, traffic and environmental impacts on the surroundings. Regarding C of P’s concerns that there are some educational institutions near the Premises and the proposed use may cause issues such as gathering of juveniles, it is mainly a policing issue and not a material land use planning consideration. It should also be noted that SED advises there is no registered school under the Education Ordinance within the subject shopping arcade (i.e. Kingswood Richly Plaza Phase II) and the uses of the nearby premises may also change over time. Furthermore, should this planning application be approved, the applicant is still required to obtain the Amusement Game Centre Licence and subject to control by the Office of the Licensing Authority, HAD. In this regard, CO(LA), HAD has no comment on the application at this stage from licensing perspective.
- 10.4 The Committee has approved two similar applications (No. A/TSW/18 and 79) for family amusement centre and amusement game centre within the same “R(B)” zone at Kingswood Richly Plaza Phase I in 2001 and 2023 respectively mainly on considerations as stated in paragraph 5 above. Approval of the current application is generally in line with the previous decisions of the Committee.
- 10.5 There are 63 public comments with 62 objecting to and one supporting the application as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.4 above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, 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 **14.7.2027**, 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 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, 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**

<b>Appendix I</b>	Application Form with Attachments received on 24.5.2023
<b>Appendix Ia</b>	SI received on 8.6.2023
<b>Appendix Ib</b>	FI received on 27.6.2023
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Advisory Clauses
<b>Appendices IV-1 to IV-7</b>	Public Comments
<b>Drawing A-1</b>	Podium Level (2/F) Plan of the Shopping Arcade
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-2a</b>	Floor Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2023**