

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

**APPLICATION NO. A/TSW/81**

- Applicant** : Tin Shui Wai Development Limited represented by Knight Frank Petty Limited
- Premises** : G/F, Chestwood Court, Kingswood Villas Phase 3, No. 8 Tin Shui Road, Tin Shui Wai, Yuen Long
- Floor Area** : About 899.4m<sup>2</sup>
- Lease** : Tin Shui Wai Town Lot (TSWTL) No. 3 RP  
(a) Together with TSWTLs No. 1 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 (at the time of submission)  
  
Draft Tin Shui Wai OZP No. S/TSW/17 (currently in force)
- Zoning** : “Residential (Group B)” (“R(B)”) *[Restricted to a maximum domestic gross floor area (GFA) of 92,781m<sup>2</sup> for TSWTL No. 3; 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 (MLPs)<sup>1</sup>]*  
  
(no change to the zoning and restrictions under the current OZP)
- Application** : Proposed Place of Recreation, Sports or Culture (Gymnasium)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed place of recreation, sports or culture (gymnasium) 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 Recreation, Sports or Culture’ 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**).

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<sup>1</sup> MLPs refer to those governed by the Lease.

- 1.2 The Premises is located on the G/F of a free-standing two-storey commercial building mainly comprising shops and private recreational facilities. The location of the Premises is shown on **Drawing A-1** and **Plan A-2a**.
- 1.3 As indicated in the submission, the Premises, which was previously used as a kindergarten, is proposed for conversion into gymnasium use. The maximum number of customers and staff to be accommodated at the Premises would be 200. The operation hours would be 24 hours daily. 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 received on 16.2.2024 (Appendix I)
  - (b) Further Information (FI) received on 1.3.2024<sup>#</sup> (Appendix Ia)
  - (c) FI received on 15.3.2024\* (Appendix Ib)

*<sup>#</sup>accepted and exempted from publication and  
recounting requirements*

*\*accepted but not 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 FIs at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) The proposed use would promote urban sports that are popular among young people in the community and is in line with the Government's intention to foster sports development in Hong Kong as stated in the 2022 and 2023 Policy Address.
- (b) The proposed use responds to the rising demand for gymnasiums in the neighbourhood.
- (c) Similar applications for commercial developments, including tutorial school, family amusement centre and amusement game centre, have been approved in areas zoned "R(B)" on the OZP.
- (d) The proposed use is compatible with other uses within the same building as well as the surrounding areas.
- (e) There will be no change to the major development parameters of the subject building. The applicant will comply with the Buildings Ordinance for any alteration works that may be necessary, as well as apply for temporary waiver at the Lands Department (LandsD) to implement the proposed gymnasium use should the application be approved.
- (f) No adverse traffic and environmental impacts are anticipated.

### **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 Application**

There is no similar application within the same “R(B)” zone on the OZP.

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

6.1 The Premises is:

- (a) located on the G/F of an existing two-storey commercial building which was completed in 1994. The current uses of the subject building by floors<sup>2</sup> are summarised as follows:

<b>Floor</b>	<b>Uses</b>
G/F	supermarket, clinic, churches <sup>3</sup> , management services centre, plant rooms, vacant premises, etc.
Podium Floor <sup>4</sup>	swimming pool, changing rooms, lawn, etc.

- (b) accessible from Tin Shui Road and the internal road of Chestwood 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; and
- (b) to its immediate west is the Tin Shui Wai Government Primary School, while the residential towers of Chestwood Court, Kingswood Villas are located to its east.

### **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 23.2.2024

<sup>3</sup> Without valid planning permission

<sup>4</sup> The recreational facilities on the Podium Floor are for residents’ use only.

## **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, LandsD (DLO/YL, LandsD):

- (a) the Premises is located in Chestwood Court which is held under TSWTL No. 3 RP among other lots (TSWTLs No. 1-7) all governed by New Grant No. 3466 dated 21.5.1985 as varied and modified by various modification letters for non-industrial (excluding godown) purposes;
- (b) according to the MLP governing the subject lot, the Premises is located in the area designated as “kindergarten” and accounted as non-domestic GFA. The proposed gymnasium use does not contravene the permitted use under lease but is inconsistent with the MLP and Landscaping Proposal; and
- (c) subject to no change to the GFA as a result of the proposal, should the Board approve the planning application, the owners are required to apply to LandsD for amendment of the MLP and Landscaping Proposal as appropriate for the proposed use. However, there is no guarantee that such application will be approved. The application will be dealt with by LandsD acting in the capacity as the landlord at its discretion, and if approved, it will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by LandsD.

### **Fire Safety**

- 8.1.2 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- (b) the applicant should note his detailed comments at **Appendix II**.

### **District Officer’s Comments**

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

His office has no comment on the application and no local comments had been received by his office.

- 8.2 The following government departments have no objection to/no comment on the application and their advisory comments are at **Appendix II**:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (f) Commissioner for Transport (C for T);
- (g) Commissioner of Police (C of P);
- (h) Director of Environmental Protection (DEP); and
- (i) Director of Food and Environmental Hygiene (DFEH).

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

On 23.2.2024 and 22.3.2024, the application was published for public inspection. During the statutory public inspection periods, a total of 161 public comments from residents/owners of Chestwood Court, Kingswood Villas were received, including 75 supporting comments (**Appendix IIIa**), 84 objecting comments (**Appendix IIIb**) and two comments providing views (**Appendix IIIc**). The comments/views are summarised as follows:

### *Supporting views (75 comments)*

- (a) the proposed gymnasium can provide an additional recreational facility for residents and promote healthy living; and
- (b) the Premises can be used in a flexible manner to provide diverse services/facilities.

### *Objecting views (84 comments)*

- (c) the Premises is located within a private residential development (i.e. Chestwood Court, Kingswood Villas). The proposed use, which involves 24-hour operation, will generate nuisance and security issues;
- (d) recreational facilities including gymnasiums are already available within Kingswood Villas as well as in the locality;
- (e) adverse traffic impact will be generated by the proposed use;
- (f) the Premises should be converted into other uses to serve the neighbourhood;
- (g) no strong justifications have been provided by the applicant in support of the application;
- (h) the owner of the Premises should fulfill their social responsibility; and
- (i) the site notice for the application could not be easily seen.

*Providing views (2 comments)*

- (j) gymnasium is not necessary in the neighbourhood; and
- (k) no comment on the application but the operation of the proposed gymnasium should not bring nuisance to the residents.

**10. Planning Considerations and Assessments**

- 10.1 The application is for proposed place of recreation, sports or culture (gymnasium) 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 commercial building with shops 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 G/F of a free-standing two-storey commercial building mainly comprising shops and private recreational facilities, which is separated from and not fronting the residential towers of Chestwood Court, Kingswood Villas. Hence, disturbance to the residents of Chestwood Court is not anticipated. Whilst there is currently no gymnasium in the subject building, there are shops and services, including supermarket and clinic, etc. From land use perspective, the proposed use to be located within a commercial building 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, BD, C for T, DEP and C of P have no objection to or no adverse comment on the application from fire safety, traffic, environmental and security perspectives. To address the technical requirements of D of FS, an appropriate approval condition is recommended in paragraph 11.2 below.
- 10.4 There are 161 public comments received during the statutory publication periods with 75 supporting the application, 84 objecting to the application and two expressing views, as summarised in paragraph 9 above. The planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant. For the public comment regarding the site notice for the application, a notice had been posted at a prominent location near the Premises (i.e. near the adjacent supermarket and management services centre) at the beginning of the public inspection periods.

**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 **10.5.2028**, 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 water supplies for firefighting 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 II**.

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 received on 16.2.2024
<b>Appendix Ia</b>	FI received on 1.3.2024
<b>Appendix Ib</b>	FI received on 15.3.2024
<b>Appendix II</b>	Advisory Clauses
<b>Appendices IIIa to IIIc</b>	Public Comments
<b>Drawing A-1</b>	G/F Plan of the Commercial Building
<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  
MAY 2024**