

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TSW/82

- Applicant** : Smart Tend Holdings Limited
- Premises** : Shop No. 1-2, G/F, Kingswood Richly Plaza Phase II, 1 Tin Wu Road, Tin Shui Wai, New Territories
- Floor Area** : About 75.3m²
- 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 (at the time of submission)

Draft Tin Shui Wai OZP No. S/TSW/17 (currently in force)

(no change to the zoning and restrictions for the application premises)
- Zoning** : “Residential (Group B)” (“R(B)”) *[Restricted to a maximum domestic gross floor area (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 Plans (MLPs)¹]*
- 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

¹ MLPs refer to those governed by the Lease.

requires planning permission from the Town Planning Board (the Board). The Premises is currently occupied by a restaurant² (**Plan A-4**).

- 1.2 The Premises is located on the G/F 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**.
- 1.3 As indicated in the submission, 37 game machines with 52 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 70. 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 and fire service installations (FSIs) proposal are at **Drawings A-2 and A-3** respectively.
- 1.4 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 26.3.2024
 - (b) Supplementary Information (SI) received on (**Appendix Ia**) 2.4.2024

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I and Ia** 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. The entrance of the Premises is also facing a public road to minimise impact on nearby residents.

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.

² G/F of Kingswood Richly Plaza where the Premises is located was designated for, inter alias, ‘shops’ 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.

5. Similar Applications

Within the same “R(B)” zone on the OZP, there are three similar applications (No. A/TSW/18, 79 and 80) involving place of public entertainment uses located within Kingswood Richly Plaza Phases I and II. Application No. A/TSW/18 is for a proposed family amusement centre, while applications No. A/TSW/79 and 80 are for proposed amusement game centres at Kingswood Richly Plaza Phase I and Phase II respectively. All applications were approved with condition by the Rural and New Town Planning Committee (the Committee) between 2001 and 2023 mainly on considerations that 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 their locations are shown on **Plan A-1**.

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

6.1 The Premises is:

- (a) located on the G/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 floors³ are summarised as follows:

Floor	Uses
G/F	bus terminus, clinic, convenience store, property agency, eating place, fast food shops, wet market, etc.
1/F	butcher shop, supermarket, eating places, hair salons, money exchange, clinics, drug store/pharmacy, etc.
2/F	beauty/hair salons, clinics, massage establishments, tutorial schools/learning centres ⁴ , courier service counters, fast food shops, retail shops, printing shops, storage, etc.

- (b) currently occupied by a restaurant; and
- (c) accessible from Tin Wu Road, to which the subject building directly 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 north and northwest across Tin Wu Road are Locwood Garden (a public open space) and Kingswood Richly Plaza Phase I, while residential towers of Locwood Court, Kingswood Villas are located to its south and southwest across an internal road.

³ Based on site inspections on 8.4.2024 and 10.5.2024.

⁴ Majority of which are not covered by valid planning permissions.

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 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 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. Subject to no change to the GFA as a result of the proposal, 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;
- (b) in considering applications for Amusement Game Centre Licence, his office will take into account 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; and
- (c) the applicant should note his detailed comments at **Appendix III**.

8.1.3 Comments of the Secretary for Education (SED):

The schools registered under the Education Ordinance located at Phase I of Kingswood Richly Plaza⁵ are as follows:

	School	School Address
1	Hong Kong Institute of Technology	Shop No. A118 & A119, G/F, Kingswood Richly Plaza (Phase I)
2	Funny Education Centre	Shop No. A65 & A123, G/F, Kingswood Richly Plaza (Phase I)
3	Kumon Tin Shui Wai Education Centre	Shop No. B20 & B21, 1/F, Kingswood Richly Plaza (Phase I)

Fire Safety

8.1.4 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**.

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

- (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), CEDD (PM(W), CEDD);
- (f) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (g) Commissioner for Transport (C for T);
- (h) Commissioner of Police (C of P);
- (i) Director of Environmental Protection (DEP); and
- (j) Director of Food and Environmental Hygiene (DFEH).

9. Public Comments Received During Statutory Publication Period

On 5.4.2024, the application was published for public inspection. During the statutory public inspection period, a total of three public comments from a Yuen Long District Council member (also the Chairman of the Yuen Long District Youth Development and

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.

Civic Education Committee), Chairman of Locwood Court Estate Owners' Committee and an individual were received (**Appendices IV**) objecting to the application. Their comments are summarised as follows:

- (a) there are existing tutorial centres and educational institutions on the same floor as the Premises at the shopping arcade (most of which are within 100m from the Premises). 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 students nearby; and
- (b) the Premises is located in close proximity to the residential towers of Locwood Court, Kingswood Villas (with a distance of about 50m). The proposed use is not compatible with the surrounding areas and will generate nuisance and security issues to the residents.

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 G/F of a free-standing three-storey shopping arcade-cum-bus terminus building, which is separated from and not fronting 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 courier service counters, eating places, etc. 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, 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 public safety perspectives respectively. Furthermore, should this planning application be approved, the applicant is still required to obtain the Amusement Game Centre Licence and subject to control (including fire safety aspect) 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 three similar applications (No. A/TSW/18, 79 and 80), including two for amusement game centre use within the same "R(B)" zone at Kingswood Richly Plaza Phases I and II in 2023 mainly on considerations summarised in paragraph 5 above. Approval of the current application is generally in line with the previous decisions of the Committee.
- 10.5 There are three public comments objecting to 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 comment on presence of tutorial

centres and educational institutions on the same floor as the Premises, there are no such uses on the same floor as the Premises and SED advises there is no registered school under the Education Ordinance within the subject shopping arcade (i.e. Kingswood Richly Plaza Phase II). The suitability of the Premises for proposed amusement game centre use, amongst other factors, would also be further examined by CO(LA), HAD in the licensing stage, as mentioned in paragraphs 8.1.2(b) and 10.3 above.

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 **24.5.2028**, 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 recommended advisory clauses are attached at **Appendix III** for Members' reference.
- 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

Appendix I	Application Form with Attachments received on 26.3.2024
Appendix Ia	SI received on 2.4.2024
Appendix II	Similar Applications
Appendix III	Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	G/F Plan of the Shopping Arcade
Drawing A-2	Proposed Layout Plan
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Floor Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2024**