

**APPLICATION FOR PERMISSION UNDER SECTION 16
OF THE TOWN PLANNING ORDINANCE (CAP. 131)**

**PROPOSED 'PLACE OF RECREATION, SPORTS OR CULTURE (GYMNASIUM)' AT
KINDERGARTEN, G/F, CHESTWOOD COURT, KINGSWOOD VILLAS PHASE 3,
NO. 8 TIN SHUI ROAD, TIN SHUI WAI, YUEN LONG
ON THE APPROVED TIN SHUI WAI OUTLINE ZONING PLAN NO. S/TSW/16**

SUPPORTING PLANNING STATEMENT

JANUARY 2024

Executive summary

This planning application is submitted to the Town Planning Board (“TPB”) under Section 16 of the Town Planning Ordinance to seek planning permission for proposed ‘Place of Recreation, Sports or Culture (Gymnasium)’ at Kindergarten, G/F, Chestwood Court, Kingswood Villas Phase 3, No. 8 Tin Shui Road, Tin Shui Wai, Yuen Long (“the Premises”).

The subject Premises falls within an area zoned “Residential (Group B)” (“R(B)”) on the approved Tin Shui Wai Outline Zoning Plan No. S/TSW/16 (“the OZP”). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is under Column 2 of “R(B)” zone which requires planning permission from the TPB.

The Premises, with a total gross floor area (“GFA”) of about 1,037.6m², is for kindergarten use and is currently vacant. The Application does not involve any change of the major development parameters of the building, i.e., plot ratio (“PR”), total GFA and maximum building height (“BH”).

The proposed use is in line with the Policy Address 2022 and 2023 that the Government will continue to work with sports sector, schools and business sector to promote sports, particularly popular among young people. The Premises is a market-led retail development with good accessibility which should be encouraged. The proposed use is also compatible with the ground floor uses in the subject building and the surrounding residential context. No adverse traffic and environmental impacts will be induced to the surrounding area. Approval of this application is in line with TPB’s decision on similar applications in both the same and nearby “R(B)” zones within the same OZP.

In view of the above, and the detailed planning justifications put forward in the Planning Statement, we sincerely seek TPB’s favorable consideration to approve the Application.

行政摘要

是次規劃申請(「是次申請」)根據《城市規劃條例》第16條向城市規劃委員會(「城規會」)申請規劃許可，准許在元朗天水圍天瑞路八號嘉湖山莊三期翠湖居地下幼稚園(「申請地點」)作康體文娛場所(健身院)用途(「擬議發展」)。

申請地點現時於《天水圍分區計劃大綱核准圖編號S/T S W / 16》(「分區計劃大綱圖」)已劃作「住宅(乙類)」地帶。根據「住宅(乙類)」地帶內的註釋，康體文娛場所用途為第二欄用途，須先向城規會申請。

申請處所的總樓面面積約 1,037.6 平方米，用作幼稚園用途，現時處於空置狀態。是次申請不會涉及建築物發展參數的改動，包括地積比率、總樓面面積及最高建築物高度。

擬議用途符合 2022 年和 2023 年《施政報告》，政府將繼續與體育界、學校和商業界合作，促進體育運動，特別是受到年輕人歡迎的運動。申請地點屬市場主導及擁有高易達性的零售業發展，應受助長。申請用途與該建築物的地下用途和周圍的住宅環境相容。擬議用途不會為周邊帶來不良的交通及環境影響。若是次申請獲批，此決定與城規會對於在同一大綱草圖內相同和鄰近「住宅(乙類)」地帶的類似先例作出的決定一致。

基於上述情況，以及規劃綱領內的詳細規劃理據，申請人懇請城規會給予考慮批准是次規劃申請。

註: 內容如有差異，應以英文版本為準。

1 Introduction

1.1 Background

This Application is submitted to the Town Planning Board (“TPB”) to seek planning permission for proposed ‘Place of Recreation, Sports or Culture (Gymnasium)’ use at Kindergarten, G/F, Chestwood Court, Kingswood Villas Phase 3, No. 8 Tin Shui Road, Tin Shui Wai, Yuen Long (“the Premises”) (refer to **Figures 1 and 2**). The subject Premises falls within an area zoned “Residential (Group B)” (“R(B)”) on the approved Tin Shui Wai Outline Zoning Plan No. S/TSW/16 (“the OZP”).

According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is under Column 2 of “R(B)” zone which requires planning permission from the TPB.

1.2 Statement Structure

This Supporting Planning Statement comprises of six sections. Following the introduction, descriptions on the Premises and its surrounding context will be discussed in **Section 2**. The relevant planning context will be set out in **Section 3**, which is to be followed by details of the Proposed Development and justifications as presented in **Sections 4 and 5** respectively. The Supporting Planning Statement will be concluded in **Section 6**. The following supplementary materials are attached along with the Statement in supporting this Application: -

- Layout Plan of the Application Premises (**Appendix I**); and
- Occupation Permit dated 19 April 1994 (**Appendix II**).

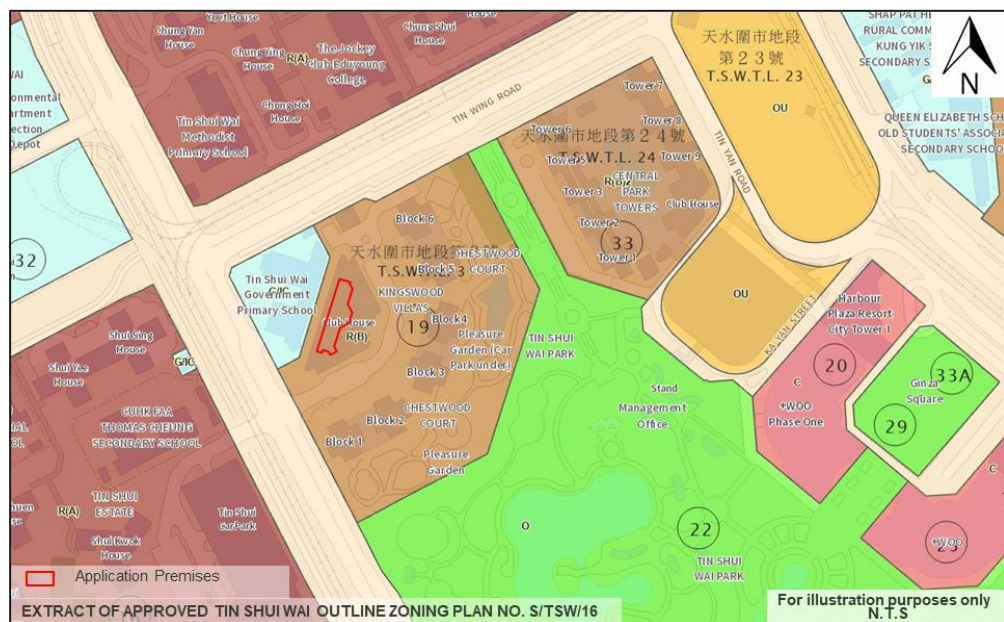


Figure 1. Location Plan



Figure 2. Site Photo of the Application Premises

2 The Premises and Its Surrounding

2.1 The Premises

The Premises, with a total gross floor area (“GFA”) of about 1,037.6m² (Internal Floor Area: 890.6m²) is situated on the G/F of the 2-storey commercial complex. It is for kindergarten use and is currently vacant.

2.2 Land Status

The Premises is registered in the Land Registry as Tin Shui Wai Town Lot No.3 RP (“the Lot”) (refer to **Figure 3**) which is held under New Grant No. 3466 that was subsequently modified by modification letters dated 10 November 1989 and 5 May 1992. New Grant No. 3466 and the modification letters are collectively referred to as “the New Grant” hereinafter.

Pursuant to the Special Conditions (“SC”) Nos. (4), (8) and (10) of the New Grant, the erection of buildings, ancillary works and facilities is required to comply with the Master Layout Plan (“MLP”) and the Landscaping Proposals (with any amendments, alterations, additions, modifications or substitution approved). The total GFA of any buildings erected or to be erected on the Lot for both residential or non-domestic (excluding industrial and/or godown) purposes shall be specified in the Development Schedule of the MLP and shall not exceed 972,000m² for residential purposes and 75,000m² for non-domestic purposes.

According to the MLP and Landscaping Proposals of the Lot approved under lease, the Premises is annotated as kindergarten use (i.e. existing use). Therefore, an application for a temporary waiver to the Lands Department (“LandsD”) is required to permit for the gymnasium use upon obtaining planning permission from the TPB.



Figure 3. Lot Index Plan

2.3 Surroundings

The Premises is:

- a) Located on the G/F of an existing 2-storey commercial complex of Chestwood Court, Kingswood Villas, which was completed in 1994 (i.e. Occupation Permit dated 19 April 1994). The current uses of the subject building by floor are summarized as follows:

Floor	Uses
G/F	Kindergarten (currently vacant), Management Office of Chestwood Court, Kingswood Villas, Clinic, Supermarket, and Church
Podium Floor	Swimming Pool for Residents Use only, Changing Rooms, Lawn, and Sun Deck

- b) Accessible from Tin Shui Road; and
- c) Annotated as kindergarten use under the MLP and Landscaping Proposal approved under lease and have been used as a kindergarten since 1994.

The surrounding areas have the following characteristics:

- a) A predominately residential neighbourhood; to its immediate southeast is Block 1 to 6 of Chestwood Court, Kingswood Villas, to the further northeast is Tower 1 to 9 of Central Park Towers, to the further north is Tin Chung Court intermixed with schools (i.e. Tin Shui Wai Methodist Primary School, The Jockey Club Man Kwan Eduyoung College, and H.K.F.Y.G, Lee Shau Kee Primary School), and to the further west is Tin Shui Estate intermixed with school (i.e. CUHK FAA Thomas Cheung Secondary School, T.W.G.HS. Yiu Dak Chi Memorial Primary School

(Yuen Long), and The Yuen Yuen Institute MFBM Nei Ming Chan Lui Chung Tak Memorial College);

- b) To its immediate northwest is Tin Shui Wai Government Primary School; and
- c) To its further southeast is the Tin Shui Wai Park.

2.4 Accessibility

The Premises is well served by several types of public transport services including mass transit railway (MTR) (i.e. Tuen Ma Line and Light Rail System), franchised buses and minibuses. The MTR Light Rail stop, Chestwood stop is located at about 5-min walking distance northeast of the Application Site. There is also a comprehensive network of cycle track within the Tin Shui Wai New Town.

3 Policy Background and Planning Context

3.1 Policy Address 2022 and 2023

As supported under Policy Address 2022 and 2023, the HKSAR Government will continue to promote sports development in Hong Kong, support elite sports, enhance professionalism, maintain Hong Kong as a centre for major international sports events, develop sports as an industry, and promote sports in the community. The Government will work with the sports sector, schools and the business sector to promote urban sports that are popular among young people in the community in the coming years.

3.2 Hong Kong Planning Standards and Guidelines

According to Chapter 6 of the Hong Kong Planning Standards and Guidelines (HKPSG), retail development, including but not limited to personal services, leisure, and entertainment, such as gymnasiums, should be market-led. Government intervention should be kept to a minimum to allow the private sector to respond to the market efficiently. The zonings on statutory plans can regulate retail developments and direct such uses to the appropriate land use zones, while adequate flexibility is provided in the planning application system to allow for changes in uses to meet the changing needs of the market.

3.3 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 TPB.

3.4 Statutory Planning Control

According to the OZP, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of maximum domestic gross floor area ("GFA ") of 92,781 m² for TSWTL No. 3 and a maximum non-domestic GFA of 135,000m² for TSWTL

Nos. 1,2,3,5,6,7 and the sites zoned “Commercial” at TSWTL No. 4. The GFA allocation would be controlled by the MLP under lease.

3.5 Previous Application

There are no previous applications at the Premises.

3.6 Similar Applications

There is one similar application for commercial development within the subject building, which is for Tutorial School use (application No. A/TSW/31). It was approved with conditions on 12 August 2005.

In addition, there are 23 similar applications for commercial developments within the nearby “R(B)” zone on the same OZP at Tin Shui Wai Town Lot No. 1. These include applications for proposed Place of Public Entertainment (Family Amusement Centre) (application No. A/TSW/18), proposed tutorial schools (application No. A/TSW/32, A/TSW/33, A/TSW/34, A/TSW/35, A/TSW/37, A/TSW/38, A/TSW/39, A/TSW/40, A/TSW/42, A/TSW/44, A/TSW/46, A/TSW/48, A/TSW/50, A/TSW/52, A/TSW/54, A/TSW/58, A/TSW/59, A/TSW/67, A/TSW/69 and A/TSW/78), as well as proposed Place of Entertainment (Amusement Game Centre) (application No. A/TSW/79 and A/TSW/80).

All of these applications, except for planning application no. A/TSW/18 which was approved for 3 years on 20 July 2001, were approved with conditions by TPB for a period of 4 years between October 2005 and July 2023.

4 Proposed use

4.1 Details of ‘Place of Recreation, Sports, or Culture’ use

The proposed ‘Place of Recreation, Sports, or Culture’ use is a Column 2 use which requires planning permission from the TPB.

The Premises is within the ground floor area with an area of about 1,037.6m². No changes in the development parameters, including PR, GFA and BH of the subject building are involved. The layout of the current kindergarten use can be found at **Appendix I**.

The proposed operating hours of the gymnasium is 24 hours and the estimated capacity is 200 people. Multi-functional rooms, shower rooms and fitness equipment such as treadmill, upright bike, abdominal board and indoor rower will be provided.

5 Justifications

5.1 In line with Policy Address 2022 and 2023

The Government has been actively fostering sports development in Hong Kong by providing support to elite sports, establishing Hong Kong as a hub for major

international sports events, and encouraging sports participation within the community. The proposed gymnasium use at the Premises by the business sector aligns with Government's intention and seeks to promote urban sports that are popular among young people in the community.

5.2 Market-led retail development with suitable location should be encouraged

According to Chapter 6 of the HKPSG, retail development, including gymnasiums should be market-led, and government intervention should be kept at minimum to allow the private sector to respond to the market efficiently. The applicant responded to the rising demand for gymnasiums in the nearby residential-dominated neighbourhood by providing a gymnasium with good accessibility.

5.3 Similar planning applications in "R(B)" zones nearby within the same OZP

As mentioned in **Section 3.6**, there is one similar application for the commercial development of a Tutorial School within the same building. Additionally, there are 23 similar applications for commercial developments, including Tutorial Schools, Place of Public Entertainment (Family Amusement Centre) and Place of Entertainment (Amusement Game Centre) within the nearby "R(B)" zone at TSWTL No. 1 on the same OZP. The application premises has similar planning circumstances as the similar applications, situated within residential-dominated neighbourhood. Should the proposed use be approved, it will not set an undesirable precedent for similar applications in the area in the future.

5.4 Compatibility with the Surrounding Context

The Premises is situated at the G/F of a 2-storey commercial complex and is fully compatible with the subject building. The proposed use is also considered compatible with the predominantly residential surrounding area, which includes Block 1 to 6 of Chestwood Court, Kingswood Villas, Tower 1 to 9 of Central Park Towers, Tin Chung Court and Tin Shui Estate. The provision of a gymnasium serves the needs of the nearby residents.

5.5 No Change to the Development Parameters

The conversion from the existing kindergarten use to the proposed gymnasium use would not involve any changes to the development parameters, including PR, BH, and total GFA.

5.6 No Adverse Impacts

Traffic Aspects

Given the target audience of the proposed gymnasium use is the residents in the vicinity, it is unlikely that the approval of the proposed use would cause an unacceptable traffic impact to the area. Also, there is adequate provision of parking and L/UL spaces available in the nearby residential developments to cater additional parking and L/UL needs, if any.

Environmental Aspects

The proposed gymnasium use is a non-polluting use and the application premises is situated at the G/F of a commercial complex. It would not pose nuisances or adverse environmental impacts to the surroundings, particularly to the residences.

6 Conclusion

This Application is submitted to seek the TPB's permission for the 'Place of Recreation, Sports or Culture (Gymnasium)' use at the Application Premises. The proposed use aligns with Policy Address 2022 and 2023 that the Government will continue promote sports development in the community through working with sports sector, schools and business sector. The Application Premises, a market-led retail development with good accessibility should be encouraged in accordance with HKPSG Chapter 6. The Application Premises shares similar planning circumstance with the approved similar applications in the same and nearby "R(B)" zones within the same OZP, such that the approval of proposed use will not set an undesirable precedent. The proposed use is compatible with the subject building and surrounding residential-dominant land use character. No changes to the development parameters would be required. Lastly, the proposed use will not pose adverse impacts on traffic nor environment in the surrounding area. In view of the above, favorable consideration by the TPB is hereby sought to approve this planning application.

7 Appendices

Appendix I	Layout Plan of the Application Premises
Appendix II	Occupation Permit dated 19 April 1994

Appendix I

Layout Plan of the Application Premises

Appendix II

**Occupation Permit of the Application
Premises dated 19 April 1994**

BUILDING AUTHORITY OF HONG KONG
FORM BD 104
BUILDINGS ORDINANCE
(Chapter 123)
Section 21

Permit to occupy a new building

Permit No. NT 49/94

Our Ref.No. BD 2/9257/90

To: Damen Ltd.
Mr. Dennis Lau Wing Kwong
c/o Dennis Lau & Ng Chun Man Architects &
Engineers (HK) Ltd.
34-35/F, Hennessy Centre
500 Hennessy Road
Hong Kong

Date 19 April 1994

I hereby permit the occupation of the new building at (No. and name of street and locality) _____

Tin Shui Wai, Yuen Long

on (Lot No.) T.S.W.T.L. 3 R.P. for the following purposes :-

A 2-storey commercial building comprising :-

Ground Floor : Entrance hall, kindergarten, management office, shops
and ancillary accommodation for non-domestic use.

Podium Floor : Swimming pools and ancillary accommodation for
non-domestic use.

c.c. D.L.O./Yuen Long
C.R. & V.
R.G.(L.R.)
C.H.E./N.T.
C. for C. & S.
CES/V
District Police Commander, NT
7/9257/90

(H.K. Chung)
Chief Building Surveyor
for Building Authority

12,455,475. I