

(Translation)

Minutes of the 10th Meeting of
Community Building, Planning and Development Committee (2/17-18)

Date: 11 July 2017 (Tuesday)

Time: 2:30 p.m.

Venue: Main Conference Room, Tsuen Wan District Office

Present:

Members

Mr LAM Faat-kang, MH (Chairman)
Mr CHAN Chun-chung, Jones (Vice Chairman)
Mr KOO Yeung-pong, MH
Ms LAM Yuen-pun, Phyllis
Ms LAM, Lam Nixie
Mr CHAN Sung-ip, MH
Mr WONG Ka-wa
Mr WONG Wai-kit
Mr KOT Siu-yuen
Mr CHOW Ping-tim
Mr CHENG Chit-pun
Mr LO Siu-kit, MH
Mr TAM Hoi-pong

Co-opted Member

Mr HOU An-che

Government Representatives

Mr CHONG Kong-sang, Patrick	Assistant District Officer (Tsuen Wan), Tsuen Wan District Office
Mr CHAN Siu-wan, Wallace	Town Planner/Tsuen Wan 1, Planning Department
Ms TSE Pui-lam, Rosa	Town Planner/Tsuen Wan 2, Planning Department
Mr TSE Hing-chit	Administrative Assistant/Lands (District Lands Office, Tsuen Wan and Kwai Tsing), Lands Department
Mr LI Pui-sang	Contract Project Coordinator/2 (New Territories West), Civil Engineering and Development Department

Tsuen Wan District Council Secretariat Representatives

Miss LAM Siu-yung, Daisy	Senior Executive Officer (District Council), Tsuen Wan District Office
Mr LEE Nelson (Secretary)	Executive Officer (District Council)1, Tsuen Wan District Office

5. Members confirmed the proposed amendment of the PD and the minutes of the meeting held on 9 May 2017.

(Note: Mr WONG Ka-wa joined the meeting at 2:38 p.m.)

III Item 2: Matters Arising from the Minutes of the Previous Meeting

(A) Paragraphs 4 to 12 of the Minutes of the Meeting held on 9 May 2017: “Request to Improve the Planning of the Government Site at Sham Tseng and Build a Community Complex”

6. The Chairman welcomed the representatives of government departments who specially joined the meeting, including:

- (1) Mr CHAN Siu-wan, Wallace, Town Plnr/TW 1 of the PD;
- (2) Ms TSE Pui-lam, Rosa, Town Planner/Tsuen Wan 2 (Town Plnr/TW 2) of the PD;
- (3) Mr TSE Man-hong, Engineer (Tsuen Kwai) 1 (Engr (TK) 1) of the Drainage Services Department (DSD); and
- (4) Mr TSE Hing-chit, Administrative Assistant/Lands (District Lands Office, Tsuen Wan and Kwai Tsing) (AA/Lands (DLO, TW & KT)) of the Lands Department (Lands D).

Moreover, the PD, DSD, Transport Department (TD), Food and Environmental Hygiene Department (FEHD) and District Lands Office (DLO) had submitted the written replies on the captioned matter prior to the meeting for Members’ perusal. Besides, the TD and Leisure and Cultural Services Department (LCSD) had informed the Secretariat prior to the meeting that they were unable to send representatives to attend this meeting.

7. The Chairman asked the representatives of the PD to report the latest status.

8. Town Plnr/TW 2 of the PD said that the location was zoned “Government, Institution or Community” (G/IC) in the Tsuen Wan West Outline Zoning Plan. Since it was located under a viaduct, the site development would be subject to geographical and environmental constraints. If community and welfare facilities and sports and recreational venues were to be provided, the planning application should be submitted for part of the site to the Town Planning Board (TPB) for approval. The PD kept an open mind towards the item, if the works departments or user departments took the lead to raise the proposal of providing community facilities, the PD would continue to cooperate with the departments concerned and take follow-up actions and provide support as appropriate.

(Note: Ms LAM Yuen-pun, Phyllis joined the meeting at 2:43 p.m.)

9. AA/Lands (DLO, TW & KT) of the DLO said that the DLO had not received the application for site allocation from the departments concerned for the time being and had nothing to add.

10. Engr (TK) 1 of the DSD said that the DSD had given a written reply to the CBPDC on 3 July 2017 and did not have any updates or supplementation for the supplementary information concerned.

11. Mr CHENG Chit-pun stated that the captioned matter had been discussed repeatedly at CBPDC meetings but no department undertook to spearhead the proposal. He said that the proposal on consolidating the wet market and cooked food stalls into a multi-storey carpark had been discussed at CBPDC meetings in the past. He enquired whether the Food and Health Bureau or FEHD should take the lead and proposed discussing this item with the departments concerned.

12. The Chairman said that due to no department took the lead and the captioned matter had been repeatedly discussed at CBPDC meetings without making any progress, he suggested that Members should continue to follow up on the captioned matter individually and discuss it at CBPDC meetings again when there was new progress. Hence, by that time, Members could urge the departments to implement and take forward the proposal. He said that the CBPDC would not continue to discuss the captioned matter under the matters arising from the minutes of the previous meeting and would handle it again when there was new progress.

(Note: Ms LAM, Lam Nixie joined the meeting at 2:48 p.m.)

IV Item 3: Planning Applications (as at 26.6.2017)

(CBPDC Paper No. 10/17-18)

13. Town Plnr/TW 1 of the PD introduced the paper and invited Members to note the supplementary paper on the planning applications as at 10 July 2017 which was tabled at the meeting by the PD.

14. The views, suggestions and enquiries of Members were summarised as follows:

- (1) regarding A/DPA/TW-CLHFS/5, he enquired on the differences between the said supplementary document and CBPDC Paper No. 10/17-18 (Mr LO Siu-kit);
- (2) regarding A/DPA/TW-CLHFS/5, he enquired about the reasons for the change of use of the site from recreation facilities to residential use (Mr LO Siu-kit); and
- (3) he enquired whether an application submitted under section 16 of the Town Planning Ordinance could be considered together with the Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan S/TW-CLHFS/1 (Mr TAM Hoi-pong).

15. Town Plnr/TW 1 of the PD responded as follows:

- (1) regarding A/DPA/TW-CLHFS/5, it was mainly pointed out in the paper as at 26 June 2017 that the application would be submitted to the TPB for consideration on 14 July 2017. Subsequently, the applicant submitted an application for deferment. Hence, the PD stated in the supplementary document that the TPB would consider as to whether the application for deferment on 14 July 2017 was approved;
- (2) the location was zoned as a “Unspecified Use” site and “Green Belt” site in the approved development permission area plan and draft outline zoning plan respectively. According to the Notes, the applicant proposed to carry out low-density residential developments (house) at the location and was required to make an application to the TPB; and

- (3) according to the Town Planning Ordinance, the draft outline zoning plan carried legal effect after gazettal. The applicant could submit an application for any land use at any time. Nevertheless, the TPB would consider as to whether the vetting of the applications was deferred subject to the circumstances of individual applications.

(Note: Mr CHOW Ping-tim left the meeting at 2:51 p.m.)

16. The views, suggestions and enquiries of Members were summarised as follows:

- (1) regarding A/DPA/TW-CLHFS/5, there was serious traffic congestion at Route Twisk near the lot every day. He hoped that the PD would listen to the views of the district councillors of the constituencies concerned besides considering the figures in the report when conducting the traffic impact assessment. He also hoped that the PD would provide more information for the departments including the TD in carrying out the road widening works, in order to alleviate traffic congestion (Mr WONG Ka-wa); and
- (2) regarding A/DPA/TW-CLHFS/5 and A/DPA/TW-CLHFS/3, he hoped that the PD would clarify whether the two lots under the Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan S/TW-CLHFS/1 were zoned “Green Belt” and “Recreation” and whether the TPB would consider and approve the applications according to this draft outline zoning plan (Mr WONG Wai-kit).

17. Town Plnr/TW 1 of the PD responded as follows:

- (1) the PD would relay Member’s concerns on traffic to the TD for follow-ups; and
- (2) regarding the applications A/DPA/TW-CLHFS/5 and A/DPA/TW-CLHFS/3, the two sites were zoned “Unspecified Use” as well as “Green Belt” and “Recreation” in the approved draft development permission area plan and draft outline zoning plan respectively. The TPB would consider the reasons raised and the technical report submitted by the applicant on the basis of the planning intention and make reference to the views of the departments concerned to consider planning applications and decide as to whether the application was approved with or without conditions.

18. The views, suggestions and enquiries of Members were summarised as follows:

- (1) as amendments to the draft outline zoning plan would be subject to representations and some TPB Members might not agree to the draft, the vetting of the draft outline zoning plan and the application for the lot could not be conducted together. Besides, he opined that the vetting of the cases submitted according to section 16 of the Town Planning Ordinance should be put on hold and raised objection to all cases submitted according to section 16 of the Town Planning Ordinance. Hence, he raised objection to the applications of A/DPA/TW-CLHFS/5 and A/DPA/TW-CLHFS/3 (Mr TAM Hoi-pong);
- (2) he was concerned about the greater impact on traffic resulted from the approval of planning applications nearby before the traffic problems at Route Twisk were solved. He opined that the PD had not provided professional advice to the departments concerned and failed to perform its function of coordinating with different departments in the planning process (the Chairman); and

- (3) he enquired how the PD would follow up on the case after the applicant of A/DPA/TW-CLHFS/5 submitted further information on drainage, sewage discharge and conservation (Mr LO Siu-kit).

19. Town Plnr/TW 2 of the PD responded that in processing the representation or planning application of the Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan S/TW-CLHFS/1, the PD would consult the TD on traffic issues where necessary, in order to assist the TPB in considering the representations on the draft outline zoning plan or the planning applications. The PD would also continue to gauge Members' views on the planning of Tsuen Wan district.

20. Town Plnr/TW 1 of the PD responded that the applicant of A/DPA/TW-CLHFS/5 had made an application for deferment in order to gain more time to provide supplementary documents. The TPB would consider the applicant's reasons for the application for deferment and whether approval of this application was made on 14 July 2017.

21. The views, suggestions and enquiries of Members were summarised as follows:

- (1) he enquired whether there was a time limit for the application for deferment (Mr KOO Yeung-pong);
- (2) she enquired on the maximum number of applications for similar items or whether there was time limit so that an applicant could not submit repeated applications after amending the application details and whether the PD had rejected the applications in the past and the details of these application (Ms LAM, Lam Nixie);
- (3) regarding A/DPA/TW-CLHFS/5, although the applicant might submit an application for deferment after learning the views of the CBPDC in order to give response accordingly, the CBPDC was not informed of the response of the applicant. Hence, she hoped that the PD would provide the supplementary document submitted by the applicant at the next CBPDC meeting for Members' reference (Ms LAM Yuen-pun, Phyllis); and
- (4) the PD had adopted an unsatisfactory approach in considering that the CBPDC was deemed to be consulted after the planning applications were submitted to the CBPDC for discussion (Mr CHAN Sung-ip).

(Note: Mr WONG Ka-wa left the meeting at 3:01 p.m.)

22. Town Plnr/TW 1 of the PD responded as follows:

- (1) the applicant should provide sufficient reasons for an application for deferment. If it was approved, the applicant had to submit further information to the TPB for consideration within the approved time limit of the deferment (usually two months at maximum). If the applicant needed to apply for a postponement again, the application should be supported on acceptable grounds. If the application for deferment was rejected, the TPB would consider whether the planning application was approved at its next meeting;
- (2) according to the established procedures, the PD would upload the summary of the documents submitted by the applicant to the webpage for public access and publish an announcement in newspapers to invite public views; and

- (3) the public had the right to submit any applications. The TPB, as an independent organisation, would make decision on the planning application and the PD would collect public views according to the procedures for consideration of the TPB.

23. Town Plnr/TW 2 of the PD said that if there were insufficient reasons for the application for deferment submitted by the applicant, the TPB would not approve the application for deferment. There were rejected cases of application for deferment in the past.

24. The Chairman said that as the applicants had the right to make repeated applications for the same planning, Members would closely monitor the impact of the applications in Tsuen Wan district. According to the TPB, in addition to the views of the District Council, the views of other members of the community would be considered. He hoped that the PD would provide clearer information on the planning applications for the CBPDC and thanked the Tsuen Wan District Office (TWDO) for the efforts made to improve the papers for the CBPDC meetings.

V Item 4: Request for the Departments Concerned to Seriously Follow up the Matters concerning the Operation of a Vehicle Repair Centre at the Basement of Kong Nam Industrial Building, Nos. 603-609, Castle Peak Road, Tsuen Wan
(CBPDC Paper No. 4/17-18)

25. The Chairman welcomed the representatives of government departments who specially joined the meeting, including:

- (1) Mr KUK Chun-ming, Albert, Building Surveyor/D5-3 (Bldg Surveyor/D5-3) of the Buildings Department (BD);
- (2) Mr CHAN Siu-wan, Wallace, Town Plnr/TW 1 of the PD;
- (3) Ms TSE Pui-lam, Rosa, Town Plnr/TW 2 of the PD;
- (4) Mr TSE Hing-chit, AA (DLO, TW & KT) of the DLO;
- (5) Mr LO Kit-hung, Division Commander (New Territories South) (Div Commander (NTS)) of the Fire Services Department (FSD);
- (6) Mr WONG Kee-kiu, Station Commander Tsuen Wan Fire Station (Acting) of the FSD; and
- (7) Mr LUI Sui-hung, Officer-in-Charge District Traffic Team (Tsuen Wan) (OC DTT (TW)) of the Hong Kong Police Force (HKPF).

26. Ms LAM, Lam Nixie and Mr WONG Wai-kit introduced the paper.

27. The Chairman said that the PD had submitted a written reply on the captioned matter prior to the meeting for Members' perusal. Besides, the TD did not send representative to attend this meeting and the written reply of the TD was distributed to Members for perusal. He asked the representative of the PD to give response.

28. Town Plnr/TW 2 of the PD responded that according to the Town Planning Ordinance, the PD had no authority of enforcement in the urban and new town areas. (Details in paragraph 34)

29. AA/Lands (DLO, TW & KT) of the DLO responded as follows:

- (1) the two industrial buildings at the location concerned was situated across three lots. According to the land leases, two of these lots were restricted for industrial

use and there was no restriction on the land use for the remaining lot. Generally speaking, the production of raw materials under the industrial use would not be technically involved in a vehicle repair workshop. Also, the “vehicle repair” use did not go against the restriction on “commerce” in general. If lease enforcement action was to be taken because the repair workshop was in breach of the land lease, the operation of the repair workshop could only be suspended or the repair workshop was to be moved to other places such as commercial property. In fact, the operation of vehicle repair would generate problems of oil pollution and noise nuisance. According to the existing applicable guidelines for taking lease enforcement actions, the DLOs would not take lease enforcement actions against the premises which were used as vehicle repair workshops only within an industrial building;

- (2) in the recent auctions of industrial land by the Government, the use of vehicle repair workshop was included as a permitted use in the land lease in the relevant outline zoning plans;
- (3) the staff of the DLO had conducted an inspection and taken photos inside as well as drawing diagrams of the repair workshop of the vehicle brand concerned. Consideration would be given as to whether lease enforcement action would be taken as appropriate subject to the actual operation of the repair workshop; and
- (4) according to the person-in-charge of the repair workshop, their company had also set up other service centres in Tsuen Wan district and the centre for receipt and dispatch of new vehicles had already been moved to another location. Currently, the vehicle repair workshop at Kong Nam Industrial Building provided repair services for the vehicles of their brand only. According to the person-in-charge of the repair workshop, in response to the problem of traffic congestion in the morning, they undertook to consider advancing their operating hours and changing the mode of receiving the customers’ vehicles, in order to alleviate the problem of traffic congestion arising from the operation of their repair workshop.

30. Bldg Surveyor/D5-3 of the BD responded that the BD issued the occupation permit of the building concerned in 1981. Regarding the approved plan, the lower floors of the building were designated for industrial use. As the fire safety specifications for industrial use including the fire resistance period were more stringent than those for commercial use, the BD considered that the operation of a vehicle repair centre in an industrial building did not constitute a major change in the use. The staff of the BD had to carry out investigation inside the repair centre to ascertain whether there were other illegal structures or major changes in the use. In addition, the building was selected as the target building for mandatory building and windows inspection. The Mandatory Building Inspection Section of the BD had issued the notice concerned to all the units in the building.

31. Station Commander Tsuen Wan Fire Station (Acting) of the FSD responded that the Fire Stream of the FSD carried out an investigation in the repair centre on 6 July 2017 and did not find any over-storage of dangerous goods in the repair centre during the inspection. Moreover, there was no designated emergency vehicular access (EVA) between Kong Nam Industrial Building and Southeast Industrial Building.

32. OC DTT (TW) of the HKPF responded that the officers of the HKPF had conducted inspections time and again at the location concerned and found that there would be traffic

congestion from 8:00 p.m. to 9:00 p.m. Although the large transporter for delivery of three to four vehicles was not found, the traffic congestion was caused because the staff of the repair centre drove the vehicles into the centre one by one. As the traffic congestion was not generated from illegal parking of the vehicles, the HKPF would issue fixed penalty tickets subject to circumstances. The uniformed police officers and traffic wardens would also be assigned to control the traffic at the scene and request the queuing vehicles to drive away from the location to avoid traffic congestion. Regarding the obstruction to the EVA near Hoi On Road at Kong Nam Industrial Building, the police officers of the HKPF found in a site inspection that as the rear gate of Kong Nam Industrial Building was open, the vehicles could go past the EVA from Kong Nam Industrial Building. Hence, the HKPF issued a warning to the repair centre, indicating that the EVA was not a legal parking space and requested the repair centre to drive away all the vehicles. The situation had improved significantly at present. The HKPF would continue to monitor the situation and take law enforcement actions where necessary.

(Note: Mr CHENG Chit-pun left the meeting at 3:30 p.m.)

33. The views, enquiries and suggestions of the Chairman and Members were summarised as follows:

- (1) the repair centre was found in violation of the terms in the land lease. He opined that the DLO did not eradicate the repair centre through activation of procedures selectively and allowed the continuous operation of the repair centre (Mr HOU An-che);
- (2) when the occupation permit was issued in 1981, it was not anticipated that the location would be used as a vehicle repair centre. An application for change of use should be submitted according to the established procedures. The BD allowed the operation of the repair centre and it would indirectly encourage the public to manipulate a grey area in the law which also harmed the interests of the residents in the area. He requested the BD to define the major change in the use (Mr HOU An-che);
- (3) he enquired whether the PD did not have the enforcement and regulatory power in the urban areas and new towns because the development permission area plan was not formulated yet (Mr TAM Hoi-pong);
- (4) he expressed dissatisfaction over the failure of the departments in facing up to and solving the problem of the breach of land lease by the repair centre. Earlier, factories in the New Territories North were used as warehouses for parallel goods and the departments had eradicated these warehouses. Although it was understood that there was a huge demand for electric vehicles in Hong Kong, people's livelihood was affected under the current situation. If the operation of a repair centre in the industrial building was confirmed to be in breach of the terms in the land lease, the departments should take law enforcement actions to eradicate the vehicle repair centre. Besides, the number of electric vehicles was on the rise. There would be a great impact on the residents and the traffic flow in Tsuen Wan district (Mr KOO Yeung-pong);
- (5) Castle Peak Road was rather narrow and only one-way traffic was allowed. The traffic nearby would also be affected in the event of congestion (Mr KOO Yeung-pong);

- (6) the DLO indicated in its written reply that the operation of the repair centre in Kong Nam Industrial Building was in breach of the terms in the land lease. Thus, she expressed dissatisfaction over the response given by the DLO at the meeting (Ms LAM, Lam Nixie);
- (7) the repair centre was not a research and development unit. As the repair centre had breached the land lease, the DLO opted not to enforce the law and favoured specific industries, which aroused suspicion of agreement between the DLO and the vehicle brand. Selective law enforcement was not allowed in Hong Kong (Ms LAM, Lam Nixie);
- (8) according to the BD, the operation of a vehicle repair centre was not a major change in the use, which was inconsistent with the response of the DLO. She enquired whether it was a territory-wide policy that the operation of a vehicle repair centre in an industrial building was not regarded as a major change in the use or it was a decision made by the staff who handled this complaint case. She also enquired whether the BD took law enforcement action selectively (Ms LAM, Lam Nixie);
- (9) he expressed dissatisfaction over the PD's lack of enforcement and regulatory power in the urban areas and new towns, which making it fail to deal with the operation of the vehicle repair centre and other uses which were in breach of the terms in the land lease on industrial land. He was also dissatisfied with the BD and the DLO which failed to address the problem of the breach of the terms in the land lease due to policy reasons (Mr WONG Wai-kit);
- (10) he enquired the FSD about the maximum quantity of batteries and compressed gas that was allowed for storage under the existing legislation and the relevant regulations (Mr WONG Wai-kit);
- (11) he thanked the Police for its efforts in maintaining smooth traffic flow and hoped that the Police would assign police officers to request the staff of the repair centre to drive the vehicles into the repair centre as soon as possible when traffic congestion was anticipated (Mr WONG Wai-kit); and
- (12) he enquired the PD why it was required to submit a planning application for the change of land use but it did not possess the enforcement power to deal with the problem of the vehicle repair centre. He requested the PD to conduct a relevant review (the Chairman).

34. Town Plnr/TW 1 of the PD responded that according to the Town Planning Ordinance, the PD only possessed the statutory enforcement and regulatory power at the locations previously or currently covered by the development permission area plans. As no development area permission plan was formulated for the new towns in Tsuen Wan currently covered under the Tsuen Wan Outline Zoning Plan, the PD did not possess the statutory enforcement and regulatory power in these areas. The enforcement work in various areas was mainly carried out by other departments concerned according to the relevant legislations and/or land lease. Kong Nam Industrial Building was situated at the site zoned "Other Specific Uses" annotated "Business" in the Tsuen Wan Outline Zoning Plan No. S/TW/33. To operate a vehicle repair centre in an industrial building in this zone, a planning application should be submitted to the TPB in advance for vetting and granting a planning approval. The operation of a vehicle repair centre without a planning approval was not in compliance with the Town Planning Ordinance.

35. AA/Lands (DLO, TW & KT) of the DLO responded as follows:

- (1) the land lease was a private lease entered between the Government and land title owners for individual pieces of land. It was mainly to set out the terms for the grant and use of the land, instead of regularising individual industries or planning uses. The industrial uses set out in the land lease did not equate the industrial uses defined by the TPB;
- (2) the legal advice obtained by the DLO suggested that the operation of a vehicle repair centre was similar to non-industrial use in nature, but there was no court judgment or cases to cite. The DLO was reviewing the definition of industrial use currently;
- (3) it was a territory-wide policy that the DLO would not take lease enforcement action against the premises which were only used as vehicle repair workshops in an industrial building. The DLO would not take lease enforcement actions against any individual operators regardless of their scale;
- (4) despite the operation of a vehicle repair centre in an industrial building was in violation of the use set out in the land lease, the DLO would consider the terms of individual land leases in handling the cases in breach of the land leases. As there was no restriction on the uses for some parts of the repair workshop in the land lease, the DLO would conduct a review again based on the investigation result and consider whether appropriate lease enforcement action would be taken subject to the actual operation of the repair workshop;
- (5) the DLO noted that there might be deficiencies in the land leases of industrial buildings granted in the past. Hence, the Lands D was currently improving the terms of the new land leases to be granted and set out other acceptable uses; and
- (6) the person-in-charge of the vehicle repair workshop undertook to drive the vehicles into the workshop for queuing as early as possible in order to avoid affecting the traffic nearby.

36. Bldg Surveyor/D5-3 of the BD responded that the BD mainly undertook the enforcement work according to the Buildings Ordinance. The design requirements for residential and non-residential uses were specified in the Buildings Ordinance. If a building for non-residential use was utilised for residential use, the requirements on ventilation and lighting were largely different and the occupant would face a higher risk of fire. It was a major change in the use and the BD would not accept it. The BD opined that the risk of fire would be high for both industrial use and the vehicle repair industry. The BD would not accept the application for change in use from a shop to a vehicle repair centre on a domestic site according to the Buildings Ordinance. On the other hand, the BD considered that the operation of a vehicle repair centre in an industrial building which was designated for industrial use in the occupation permit would not constitute a higher risk of fire. Hence, the Buildings Ordinance was not violated.

37. Div Commander (NTS) of the FSD responded that any person who stored, conveyed or used dangerous goods exceeding an exempt quantity or exceeding the total exempt quantity of dangerous goods in category 2 (the total exempt quantity of dangerous goods in category 2 was five gas cylinders) was required to apply for a dangerous goods licence with the competent authority. Battery installations did not fall under the purview of the FSD.

38. The views, enquiries and suggestions of Members were summarised as follows:
- (1) in respect of the response of the DLO, he enquired whether it was not necessary to apply for the operation of vehicle repair centres in industrial buildings in other districts (Mr HOU An-che);
 - (2) the DLO had set out terms upon the grant of land lease for compliance by the users. When the land lease was violated, the DLO should activate the procedures for recovering the procession of the property in breach of the land lease. The DLO indirectly encouraged the public to ignore the terms in land lease when it opted not to take enforcement action against the repair centre (Mr HOU An-che);
 - (3) there were three land leases for Kong Nam Industrial Building. The industrial uses were stated in two of them while unspecific uses were stated in the other. They enquired about the land lease for the repair centre (Mr HOU An-che and Ms LAM, Lam Nixie);
 - (4) if industrial uses were stated in the land lease for the repair centre, the public was of the view that the departments allowed the continuous operation of the repair centre (Mr HOU An-che);
 - (5) as Tsuen Wan district was troubled by the lack of development permission area plan, he requested the PD to review the problem of the lack of enforcement authority caused by the absence of development permission area plan and suggested to request the PD to face up to the situation in writing (Mr TAM Hoi-pong);
 - (6) she thanked the Police for the efforts made on the captioned matter (Ms LAM, Lam Nixie);
 - (7) there was a high-density housing estate with three blocks of residential buildings, club house and car park next to Kong Nam Industrial Building. This might even be more dangerous than the conversion of industrial units into residential units (Ms LAM, Lam Nixie);
 - (8) she was concerned about the safety concern and traffic problems brought to the residents nearby by the vehicle repair centre (Ms LAM, Lam Nixie);
 - (9) she did not understand why the repair centre was in breach of the rules but it was not illegal according to the DLO (Ms LAM, Lam Nixie);
 - (10) she had liaised with the vehicle brand together with the DLO and the TD over the long-term occupation of Chai Wan Kok Street and walkway by more than ten vehicles for several months ago but no progress was made. The vehicles were no longer waiting outside the repair centre after the departments found that the vehicle brand had demolished two walls of the shop. In this regard, she enquired the DLO why it turned a blind eye to the occurrence of similar incidents at Kong Nam Industrial Building when there was precedent and why the DLO considered that the repair centre complied with operational requirements. She expressed dissatisfaction over the practice (Ms LAM, Lam Nixie);
 - (11) as there was insufficient space in the streets near Kong Nam Industrial Building, she was discussing with the TD about widening the roads. The repair centre operated at an unsuitable location which led to serious traffic congestion nearby and failed to take up the corporate social responsibility (Ms LAM, Lam Nixie);
 - (12) Members had followed up the captioned matter for several months but the departments simply responded that no action was taken to solve the problem. She was concerned about whether the DLO would give warning and taken

- follow-up action against the repair centre in breach of the rules and enquired how the BD would follow up the issue (Ms LAM, Lam Nixie);
- (13) disappointment was expressed over the response of the departments. He hoped that the CBPDC would relay Members' views to the departments concerned and request the Electrical and Mechanical Services Department (EMSD) to follow up the storage of batteries at the repair centre in writing (Mr WONG Wai-kit);
 - (14) the obstruction to the EVA was improved after the handling by the Police (Mr WONG Wai-kit); and
 - (15) he hoped that various departments could work together to exert pressure on the repair centre in order to protect the safety of the residents nearby and avoid causing obstruction to the traffic in the vicinity (Mr WONG Wai-kit).

39. Bldg Surveyor/D5-3 of the BD responded that the BD considered that the risk of the operation of a vehicle repair centre in an industrial building was comparable to that of other industries. Under the existing legislation, the industrial use was the most dangerous use. In view of the different considerations of the BD and DLO, the inclinations of monitoring similar changes in use might be different. Moreover, the BD would request the Mandatory Building Inspection Section to deploy staff to conduct an inspection inside the repair centre to check whether there were unauthorised structures.

40. AA/Lands (DLO, TW & KT) of the DLO responded as follows:

- (1) it was a territory-wide policy that no lease enforcement action would be taken against the vehicle repair workshops operating in industrial buildings. The Government did not favour any brand or operator. Besides meeting the requirements in the land lease, the operators of vehicle repair workshop were required to comply with other relevant legislations;
- (2) if the Lands D took lease enforcement action against the vehicle repair workshops operating in industrial buildings, these repair workshops might be moved to commercial and residential buildings for operation, which might pose greater risks. Hence, the DLO would not take lease enforcement action against the premises which were used as vehicle repair workshops only within an industrial building;
- (3) the Lands D would take lease enforcement action as the landlord and no prosecution and penalty were involved. In dealing with such case, in addition to the activation of the procedures for recovering the possession of the property, the DLO might impose an encumbrance and collect waiver fee for the change of uses at market price and standardise the repair centre when no departments raised objection; and
- (4) after conducting a site inspection inside the repair workshop in question, the staff of the DLO had drawn pictures of the internal facilities of the repair workshop such as repair area, storage and parking area for record. The DLO would also study the land leases of different aspects and consider whether lease enforcement action would be taken as appropriate subject to actual operation of the repair workshop.

41. Town Plnr/TW 1 of the PD reiterated that the operation of the vehicle repair centre at Kong Nam Industrial Building without a planning approval was not in compliance with the Town Planning Ordinance. However, due to the said reasons, the PD did not possess the

statutory enforcement and regulatory power. The enforcement work in various areas was mainly carried out by other departments concerned under other relevant legislations and/or land leases.

42. The Chairman said that he hoped the departments would study other measures to solve the problem. The CBPDC would request the EMSD to follow up whether the number of electrical installations including batteries stored at the vehicle repair centre exceeded the standard. Besides, he requested the PD to review the locations that had changed land uses without making an application within the Tsuen Wan district and provide solutions at the next CBPDC meeting.

(Note: Ms LAM, Lam Nixie left the meeting at 4:16 p.m.)

VI Item 5: Request the Government to Study the Feasibility on the Development of the Site of the Former Tsuen Wan Magistrates' Courts

(CBPDC Paper No. 5/17-18)

43. The Chairman said that Mr KOO Yeung-pong and Mr KOT Siu-yuen submitted the paper and welcomed the representatives of government departments who specially joined the meeting, including:

- (1) Mr CHAN Siu-wan, Wallace, Town Plnr/TW 1 of the PD;
- (2) Ms TSE Pui-lam, Rosa, Town Plnr/TW 2 of the PD;
- (3) Mr TSE Hing-chit, AA/Lands (DLO, TW & KT) of the DLO; and
- (4) Mr CHONG Kong-sang, Patrick, Assistant District Officer (Tsuen Wan) (ADO (TW)) of the TWDO.

Moreover, the Government Property Agency (GPA), TD and PD had submitted written replies prior to the meeting for Members' perusal. Besides, the GPA, TD and LCSD did not send representatives to attend the meeting. He asked the representative of the PD to give response.

44. Mr KOO Yeung-pong and Mr KOT Siu-yuen introduced the paper.

(Note: Mr TAM Hoi-pong left the meeting at 4:20 p.m.)

45. Town Plnr/TW 1 of the PD responded as follows:

- (1) the site of the former Tsuen Wan Magistrates' Courts was zoned "Government, Institution or Community" to set up government organisations or community facilities to meet the needs of local residents, regions and across the territory; and
- (2) the Tsuen Wan District Council (TWDC) had discussed the planning of the site at its meeting on 28 March 2017. The PD was consulting the departments concerned on the planning of the site and would report to the CBPDC after collecting the views of various departments.

46. AA/Lands (DLO, TW & KT) of the DLO said that the DLO had received the circulation paper of the PD on the site. The Lands D would take appropriate follow-up actions in line with the future planning of the site.

47. ADO (TW) of the TWDO said that he understood the aspiration of Members and residents of developing the site of the former Tsuen Wan Magistrates' Courts into cultural and recreational facilities, with a view to realising synergies with the Tsuen Wan City Hall next to it and providing performance venues to cultural and youth organisations in the district. They also hoped to explore the possibility of developing the site as a multi-storey carpark practically. The TWDO had relayed the views of the residents to the PD. When the PD further discussed the item with different departments, the TWDO would also liaise closely with the PD to express the aspiration of the residents to the departments concerned.

48. The views, enquiries and suggestions of Members were summarised as follows:

- (1) he noted that the Social Welfare Department (SWD) was one of the government departments that had planned to use the site of the former Tsuen Wan Magistrates' Courts and enquired whether the SWD could provide a written reply on the captioned matter (Mr HOU An-che);
- (2) he suggested that the site should be redeveloped into a government complex for cultural and recreational uses which would involve the participation and use of a number of departments and enquired whether a leading department would submit an application to the PD or the departments concerned would make a joint application (Mr CHAN Sung-ip);
- (3) besides the SWD and the TD which had indicated their intention of using the site, he hoped that more departments would be involved, including the LCSD which provided cultural and recreational facilities (Mr WONG Wai-kit);
- (4) during the planning of the site, the site would be idle for about five to ten years, he enquired whether the GPA would open the site to the public for short-term uses if a department was willing to manage the site during the vacant period (Mr WONG Wai-kit); and
- (5) he enquired whether the building height on the site was restricted to four storeys (Mr KOO Yeung-pong).

49. Town Plnr/TW 1 of the PD responded that on the Tsuen Wan Outline Zoning Plan No. S/TW/33, the site of the former Tsuen Wan Magistrates' Courts was restricted to four storeys, which reflected the use as a court only at present. The conversion of the site into other uses or an increase in the number of storeys of the building in future could be made through submission of a planning application or amendment to the statutory plan.

50. AA/Lands (DLO, TW & KT) of the DLO said that the DLO had nothing to add.

51. ADO (TW) of the TWDO responded that the SWD had generally indicated its interest in the use of the site of the former Tsuen Wan Magistrates' Courts at the TWDC meeting on 28 March 2017. Hence, the SWD had not made response to the questions of other departments at this CBPDC meeting. The matter concerned could be followed up continuously.

52. Town Plnr/TW 1 of the PD responded that a leading department would coordinate the public works programme and work with other departments interested in using the site of the former Tsuen Wan Magistrates' Courts to seek funding approval and go through other procedures.

53. Mr CHAN Sung-ip suggested that the Home Affairs Department should be the leading department.

54. ADO (TW) of the TWDO responded that for the development projects of the Government, the leading department would generally be the user department who had a development plan for the initial site planning. As the development of the site of the former Tsuen Wan Magistrates' Courts was in the preliminary stage, the PD was still collecting the views of various departments on the site, it would be too early to make decision on the leading department. After the PD provided further information on the departments intending to use the site for discussion, it was believed that there would be a clear picture.

55. Mr KOT Siu-yuen said that he understood the concerns of Members over the future development of the site of the former Tsuen Wan Magistrates' Courts. He suggested that the ground level of the site could be used for cultural and recreational purposes and the underground level could be used as parking facilities. As the site had been vacant for more than half a year, he opined that there was a need to explore the possibility of using the site on a short-term basis to avoid wastage. He enquired the GPA whether the long-term planning and development had been considered after the relocation of the Tsuen Wan Magistrates' Courts and suggested that this item should be followed up under the matters arising from the minutes of the previous meeting.

56. The Chairman stated that he agreed to include this agenda item under the matters arising from the minutes of the previous meeting and would make an enquiry to the GPA on the arrangement for the site of the former Tsuen Wan Magistrates' Courts in writing after the meeting.

VII Item 6: Application for District Council Funds by Tsuen Wan Festival Lightings Organizing Committee

(CBPDC Paper No. 6/17-18)

57. The Secretary introduced the paper.

58. The Chairman asked if any Members needed to make declaration of other interest immediately. No Members made declaration of other interest.

59. The CBPDC approved the following funding applications:

	<u>Activity</u>	<u>Proposed Amount Approved (\$)</u> *
(1)	2017/18 Tsuen Wan Festival Lightings Programme	1,100,000.00
(2)	2017/18 Tsuen Wan District New Year's Eve Countdown	712,000.00

* As the amount for application had exceeded the ceiling of allocation of funds of \$220,000 by the CBPDC under the power conferred, the above two funding applications should be submitted to the TWDC for vetting and approval.

(Post-meeting note: The TWDC approved the above two funding applications at its meeting on 25 July 2017.)

VIII Agenda Item 7: Application for District Council Funds as regards Activities Co-organised by the Working Group on Community Building Activities and District Organisations

(CBPDC Paper No. 7/17-18)

60. The Secretary introduced the paper and said that Mr CHAN Chun-chung, Jones, Ms LAM Yuen-pun, Phyllis, Mr MAN Yu-ming, Mr KOO Yeung-pong, Mr WONG Wai-kit and Mr HOU An-che were the Members of the Working Group on Community Building Activities, so as to indicate that they had made declaration of their membership.

61. The Chairman asked if any Members needed to make declaration of other interest immediately. Ms LAM Yuen-pun, Phyllis made declaration of her Chairmanship of the Spore Care. The Chairman approved that the Members who were concurrently the Members of the Working Group on Community Building Activities could speak and vote on the matter according to section 48(12) of the Standing Orders, and that the Member who had declared other interest could remain in the meeting as an observer but the Member could not speak and vote on the matter.

62. The CBPDC approved the funding application as follows:

	<u>Activity</u>	<u>Applicant Organisation/ Co-organiser</u>	<u>Approved Amount (\$)</u>
(1)	Rejoice with Happy Families	Spore Care	125,000.00

IX Item 8: Application for District Council Funds as regards Activities Co-organised by the Working Group on Industrial and Commercial Development and District Organisations
(CBPDC Paper No. 8/17-18)

63. The Secretary introduced the paper and said that Mr LAM Faat-kang, Mr KOO Yeung-pong, Ms LAM Yuen-pun, Phyllis, Mr CHAN Chun-chung, Jones, Mr CHOW Ping-tim and Mr HOU An-che were the Members of the Working Group on Industrial and Commercial Development, so as to indicate that they had made declaration of their membership.

64. As the Chairman and the Vice Chairman had declared an interest, Members agreed that Mr WONG Wai-kit took over the chair temporarily according to section 48(14) of the Standing Orders.

65. The Acting Chairman asked if any Members needed to make declaration of other interest immediately. Mr LAM Faat-kang made declaration of his Vice Chairmanship of the Hong Kong Industrial & Commercial Association Limited Tsuen Wan Branch. Mr LO Siu-kit made declaration of his appointment as the Vice President of the Hong Kong Industrial & Commercial Association Limited Tsuen Wan Branch. Mr HOU An-che made declaration of his membership of the Hong Kong Industrial & Commercial Association – Youth Link Limited. The Acting Chairman approved that the Members who were concurrently the Members of the Working Group on Industrial and Commercial Development could speak and vote on the matter according to section 48(12) of the Standing Orders and that the Members who had declared other interest could remain in the meeting as observers but the Members could not speak and vote on the matter.

66. The CBPDC approved the funding application as follows:

	<u>Activity</u>	<u>Applicant Organisation/ Co-organiser</u>	<u>Approved Amount (\$)</u>
(1)	Seminar on Industry and Commerce	Hong Kong Industrial & Commercial Association Limited Tsuen Wan Branch	57,000.00

X Item 9: Work Progress Report by Working Groups under the Committee and Sponsored Organisations

(A) Working Group on Community Building Activities

67. The Vice Chairman reported that the Working Group held its 4th meeting on 4 July 2017 and adjusted the sessions of the carnival based on the residents' views. Besides, the Working Group had approved to earmark an allocation of \$125,000 to co-organise the "Rejoice with Happy Families" with the Spore Care. The activity would be held between October 2017 and December 2017 to promote harmonious family life among the residents in Tsuen Wan district and provided them with an opportunity to take part in parent-child activities.

(B) Working Group on Community Development and Planning

68. The Vice Chairman reported that the Working Group held its 3rd meeting on 19 April 2017 and planned to organise activities in order to enhance Tsuen Wan residents' concern about the future development of Tsuen Wan district and to encourage residents to express their views.

(C) Working Group on Industrial and Commercial Development

69. The Chairman reported that the Working Group held its 4th meeting on 22 June 2017 and approved to earmark an allocation of \$57,000 for co-organising the "Seminar on Industry and Commerce" with the Hong Kong Industrial & Commercial Association Limited Tsuen Wan Branch. The activity would be held on 14 October 2017 with an aim to enhance the knowledge of the residents in Tsuen Wan district on investment, stocks and real estate and provide the prospect of stock investment in 2018. He hoped that Members would take part in the Seminar actively.

(D) Tsuen Wan Festival Lightings Organizing Committee ("Lightings Committee") (Sponsored Organisation)

70. Mr LO Siu-kit reported that regarding the lighting works, the lightings works for the celebration of the 20th anniversary of the establishment of the HKSAR in Tsuen Wan district had been completed and the lighting was officially lit on 15 June 2017. The Lightings Committee held its 2nd meeting on 21 June 2017 and approved the locations for festive lightings for 2017/18 and the tendering arrangements. The Lightings Committee was conducting a tender exercise and invited contractors to provide quotations for the festive lightings works. On the New Year's Eve countdown activity, the relevant Working Group had held a meeting on 5 July 2017. The Lightings Committee was conducting a tender exercise and invited contractors to provide quotations for the works and production of lightings for the New Year's Eve countdown activity.

XI Item 10: Any Other Business

71. Members noted the contents of the following information paper:

- (1) Financial Statement of Community Building, Planning and Development Committee as at 26 June 2017
(CBPDC Paper No. 9/17-18).

XII Adjournment of the Meeting

72. The Chairman reminded Members that the next meeting was scheduled at 2:30 p.m. on 12 September 2017 (Tuesday) and the deadline for submission of paper was 28 August 2017.

73. There being no other business, the meeting was adjourned at 4:53 p.m.

Tsuen Wan District Council Secretariat

28 August 2017