

(Translation)

Minutes of the 21<sup>st</sup> Meeting of  
Community Building, Planning and Development Committee (1/2019)

Date: 14 May 2019 (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 MAN Yu-ming, MH

Mr KOO Yeung-pong, MH

Mr NG Hin-lung, Norris

Ms LAM Yuen-pun, Phyllis

Ms LAM, Lam Nixie

Mr CHAN Sung-ip, MH

Mr WONG Ka-wa

Mr WONG Wai-kit, MH

Mr KOT Siu-yuen

Mr CHOW Ping-tim

Mr CHENG Chit-pun

Mr LO Siu-kit, MH

Mr TAM Hoi-pong

Government Representatives

Mr NG Kar-shu

Senior Town Planner/Tsuen Wan, Planning  
Department

Mr YIM Wai-hung

Administrative Assistant/Lands (District  
Lands Office, Tsuen Wan and Kwai Tsing),  
Lands Department

Mr HO Wing-kuen, Tyler

Engineer/1 (West), Civil Engineering and  
Development Department

Mr CHOW Chun-hun, Gary

Assistant District Officer (Tsuen Wan), Tsuen  
Wan District Office

Miss TAI Tsz-yan, Angie

Executive Officer (Development), Tsuen Wan  
District Office

Tsuen Wan District Council Secretariat Representatives

Miss LAM Siu-yung, Daisy

Senior Executive Officer (District Council), Tsuen  
Wan District Office

Miss CHAN Hiu-yuen (Secretary)

Executive Assistant (District Council) 4, Tsuen Wan  
District Office

Attendance by Invitation:

For discussion of item 4

Mr CHAN Chung-yun, Stephen	Senior Town Planner/Kwai Tsing, Planning Department
Mr CHEN Kin-tung, Tommy	Senior Estate Surveyor/Central 1 (District Lands Office, Tsuen Wan and Kwai Tsing), Lands Department

The Meeting

I Opening Remarks and Introduction

The Chairman welcomed the Members and representatives from the government departments to the 21<sup>st</sup> meeting of the Community Building, Planning and Development Committee (CBPDC) and introduced Mr HO Wing-kuen, Tyler, Engineer/1 (West) of the Civil Engineering and Development Department who attended this meeting on behalf of Mr LI Pui-sang.

2. The Chairman reminded Members that according to section 15(3) of the Tsuen Wan District Council Standing Orders (the Standing Orders), “in the course of a meeting of the Council, all persons attending or sitting in on the meeting at the place of the meeting shall switch off all devices which might emit sound and shall not use any telecommunications devices for conversation” in order to ensure the smooth progress of the meeting. He further reminded Members of section 28 of the Standing Orders that unless otherwise agreed by the Chairman, a Member might speak and make supplementary remarks once for each agenda item at the meeting. Each Member could speak up to three minutes each time.

II Item 1: Confirmation of Minutes of the Meeting held on 12.3.2019

3. The minutes of the previous meeting were unanimously confirmed by Members without amendment.

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

4. The Chairman said that there were no matters arising from the minutes of the previous meeting.

(Note: Mr CHENG Chit-pun and Mr TAM Hoi-pong joined the meeting at 2:36 p.m.)

IV Item 3: Planning Applications (as at 26.4.2019)

(CBPDC Paper No. 1/2019)

5. Senior Town Planner/Tsuen Wan (STP/TW) of the Planning Department (PD) introduced the paper and invited Members to note the supplementary paper on the planning applications as at 10 May 2019 which was tabled at the meeting by the PD.

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

- (1) as Application No. A/TW-CLHFS/1 would be submitted to the Town Planning Board (TPB) for deliberation on 31 May 2019, he enquired about the latest status concerning the number of rooms and parking spaces in the proposed hotel (Mr LO

Siu-kit); and

- (2) he invited the representative of the PD to provide preliminary advice on the planning applications as set out in the paper (Mr NG Hin-lung, Norris).

7. STP/TW of the PD responded as follows:

- (1) regarding Application No. A/TW-CLHFS/1, the applicant had recently submitted the revised Technical Assessment Report in response to the comments given by the departments. According to the Transport Department, the number of parking spaces proposed in the application was inadequate and the applicant was requested to consider providing more parking spaces; and
- (2) as the PD was currently collecting views from the departments and the public for consolidation and consideration, he could not provide preliminary advice on the planning applications as set out in the paper for the time being.

(Note: Mr KOT Siu-yuen and Ms LAM Yuen-pun, Phyllis joined the meeting at 2:40 p.m.)

V Item 4: About the Progress of Ma Wan Old Village in Phase 2 of Ma Wan Park  
(CBPDC Paper No. 2/2019)

8. The Chairman welcomed the representatives from government departments who specially joined the meeting, including:

- (1) Mr CHAN Chung-yun, Stephen, Senior Town Planner/Kwai Tsing (STP/KwT) of the PD; and
- (2) Mr CHEN Kin-tung, Tommy, Senior Estate Surveyor/Central (SES/C) of the District Lands Office, Tsuen Wan and Kwai Tsing (DLO).

Besides, the consolidated written reply of the Development Bureau, PD and Lands Department was tabled at the meeting for Members' perusal.

(Note: Mr WONG Wai-kit and Mr WONG Ka-wa joined the meeting at 2:42 p.m.)

9. Mr TAM Hoi-pong introduced the paper.

10. STP/KwT of the PD responded as follows:

- (1) the Master Layout Plan (MLP) of the Ma Wan Park (MWP) (Application No. A/I-MWI/45) was approved with conditions by the Rural and New Town Planning Committee (RNTPC);
- (2) due to various problems encountered during the implementation of the development, the applicant had applied for a renewal of the respective planning permission for four years, i.e. the expiry date of the planning permission was extended from 17 January 2018 to 17 January 2022; and
- (3) further renewal would not be granted to the existing planning permission upon its expiry on 17 January 2022. The applicant should submit a fresh application to the RNTPC if the applicant wished to obtain the planning permission thereafter.

11. SES/C of the DLO responded as follows:

- (1) the MWP was a development project for Ma Wan under the Heads of Agreement (HoA) signed between the Government and the developer of the MWP in 1997.

The development plan was mainly based on the planning permission granted to the developer by the RNTPC and the approved MLP;

- (2) the development of the MWP totally consisted of two phases. Phase 1 mainly comprised the facilities such as Ma Wan Nature Garden, Noah's Ark, Solar Tower and exhibition centre, etc. which were mostly completed in 2012;
  - (3) Phase 2 of the MWP would be developed according to the theme of the refurbishment of the Ma Wan Old Village as established in the revised MLP of the MWP which was approved in 2014;
  - (4) as the development of Phase 2 of the MWP involved some complicated cases of village removal and rehousing of the Ma Wan Old Village, the sites had not been cleared and vacated so far and thus, the original plan of the MWP was inevitably affected; and
  - (5) at present, most of the land exchange cases of private lots were concluded. The Government was closely monitoring and following up the situation as well as discussing with the developer with a view to completing the development of Phase 2 of the MWP as soon as possible.
12. The views, enquiries and suggestions of Members were summarised as follows:
- (1) he was discontented that the development of Phase 2 of the MWP had been delayed for long, and suggested suspending the development of the four lots under disputes and developing the lots which were not affected by land resumption first (Mr CHOW Ping-tim);
  - (2) he enquired about the reasons for granting the renewal of the respective planning permission for four years, whether the time frame for development and arrangements upon expiry were set out in the land lease, and about the penalties for breaching the HoA (Mr CHOW Ping-tim);
  - (3) the lack of penalties and the fact that the developer could submit a fresh application for development after 2022 were unacceptable because he thought that this might allow the developer to delay the development (Mr CHOW Ping-tim);
  - (4) he opined that the DLO should adopt the compromise scheme to handle the urgent matters such as land resumption and development if circumstances so required (Mr CHOW Ping-tim);
  - (5) as the captioned issue had been discussed previously, he suggested considering exercising the functions of the Tsuen Wan District Council (TWDC) so that the works could commence as soon as possible (Mr WONG Ka-wa);
  - (6) he enquired whether the government department concerned would provide funding for development if the developer failed to commence the project before the deadline. He also enquired about the project cost (Mr WONG Ka-wa);
  - (7) he expressed his disappointment regret at the failure to commence the project. He thought that the only developer undertaking the development of Ma Wan at that time should fulfill its commitment (Mr WONG Ka-wa);
  - (8) he thought that the planning of the captioned project was already in the pipeline more than ten years ago; however, it had not been completed so far. He did not understand and accept that the progress was slow. He also enquired about the follow-up arrangements after the residents refused the proposed land exchange (Mr NG Hin-lung, Norris);

- (9) as regards the appeal cases from the ineligible applicants, he enquired about the time given for submission of information by these applicants and about the DLO's strategy and timetable of vacating the sites concerned. He also opined that the applicants could slow down the progress of planning through submitting new information time and again (Mr NG Hin-lung, Norris);
- (10) he learnt that among the three unconcluded cases of land exchange, one of them was about to be concluded. In this connection, he enquired whether the remaining two cases could be concluded by the developer before the deadline (the Chairman); and
- (11) he enquired about the time frame for the development of Phase 2 of the MWP, if any, and whether the development would be undertaken by the developer. He also enquired about the party responsible for the development of the project if the developer failed to take forward the development before the deadline (the Chairman).

13. STP/KwT of the PD responded as follows:

- (1) on planning, consideration would be given to the planning application of the zone for the land use designated in the Outline Zoning Plan which was supplemented by adequate technical information during the development of the MWP;
- (2) the respective planning permission was granted in accordance with the Town Planning Ordinance and after consideration by the RNTPC. Subsequently, the TPB approved the extension of the approval period of the planning permission according to the individual and actual circumstances after considering the problems encountered and the state of affairs during the implementation of the development at the request of the applicant; and
- (3) overall speaking, the Government and the developer of the MWP had signed the HoA for the development of Ma Wan. The developer should implement the plan, alike Phase 1 of the MWP which was completed in phases, according to the HoA and planning application.

(Note: The Vice Chairman joined the meeting at 2:58 p.m. Mr CHOW Ping-tim and Ms LAM Yuen-pun, Phyllis left the meeting at 2:58 p.m.)

14. SES/C of the DLO responded as follows:

- (1) as the development of Phase 2 of the MWP involved complicated land issues, the implementation of the MWP was inevitably affected and the progress was not satisfactory. The land exchange for most of the sites had been essentially completed and several remaining cases were under process currently;
- (2) one of these cases, in which the corresponding location would seriously hamper the entire development project of Phase 2 of the MWP and the issue of land title was involved, had entered the stage of the calculation of land premium after years of vigorous negotiation. This relatively important case could be settled if the owner agreed with the amount of land premium proposed by the DLO and completed the contractual procedure. The DLO was currently striving to seek legal advice in order to settle the remaining two cases which also involved the issue of land title as soon as possible;

- (3) as it was anticipated at the early stage of development that complicated land issues would be involved in the development project, the completion date of Phase 2 of the MWP was not stipulated in the HoA; and
- (4) he held that the developer maintained the discussion with the Government in a responsible manner and actively followed up the remaining land exchange projects.

(Note: Mr CHAN Sung-ip left the meeting at 3:00 p.m.)

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

- (1) he opined that the development of Phase 2 of the MWP had been discussed for years and enquired about the expiry of the land granted for Phases 1 and 2 of the MWP (Mr LO Siu-kit);
- (2) he thought that the developer did not negotiate the land sales conditions and had an intention to develop Ma Wan. In this connection, he enquired about the party which should be held responsible for hindering the development of Ma Wan (Mr LO Siu-kit);
- (3) he enquired about the information on the initial design of Phase 2 of the MWP, and was concerned about parts of the design which might have become outdated (Mr KOO Yeung-pong);
- (4) he opined that the role of the Government should be determined. He also said that the developer should still fulfill its responsibility for developing Ma Wan after submitting a fresh application for planning permission in the end; otherwise, the HoA would become unfair to the Government (Mr KOO Yeung-pong);
- (5) he enquired about the penalties for breaching the HoA of the development of Ma Wan and the follow-up arrangements (Mr KOO Yeung-pong);
- (6) he enquired about the feasibility of suspending the development of the four lots, of which the land exchange exercise had not yet been completed, and developing the lots which were not affected by land resumption first (Mr KOO Yeung-pong);
- (7) he enquired about the approach of negotiation regarding the land premium of the village houses within the area of Phase 2 of the MWP and about the party responsible for negotiating the land premium. He opined that it would be more appropriate for the developer to undertake the negotiation on land premium because it was prescribed in the HoA that the consensus on land resumption should be reached through negotiation (Mr TAM Hoi-pong);
- (8) he enquired about the time frame for the development of the entire MWP project (Mr TAM Hoi-pong);
- (9) he opined that the department concerned could provide a written reply with more substantive information in response to the questions as set out in the discussion paper (Mr WONG Ka-wa);
- (10) as all residents in Ma Wan Old Village had moved out and the sites concerned had been fenced off, he suggested that the department concerned should discuss as soon as possible with the four households whose land exchanges were not completed and should offer the compensation for land exchange (Mr WONG Ka-wa);
- (11) he enquired about the development plan of Phase 2 of the MWP, and suggested discussing up-to-date ideas for the development of Phase 2 of the MWP and commencing the construction works of various facilities as soon as possible if the

lots which were not affected by land resumption could be developed first (Mr WONG Ka-wa); and

- (12) he opined that the development would be further delayed if an agreement which stipulated the time frame for development and the legally-bound commitment to development was not made. Therefore, he enquired the Government about the feasibility of resuming the sites in question for development (Mr WONG Ka-wa).

16. STP/KwT of the PD responded as follows:

- (1) the central part of Ma Wan, which mainly comprised of the attractions under Phase 1 of the MWP, were provided with facilities such as the well-known Ma Wan Nature Garden, Noah's Ark, Solar Tower and exhibition centre, etc.; and
- (2) after integrating the great number of abandoned village houses in the northwest of Ma Wan into the planning of development, Phase 2 of the MWP would be developed into a forest retreat with the main concept of the "refurbishment of the Ma Wan Old Village" through the provision of land in different uses including restaurants, shop and services, place of recreation, sports or culture, holiday camp and open space.

17. SES/C of the DLO responded as follows:

- (1) the views given by Members were noted;
- (2) the cases about land title would be handled subject to the proposal put forward by the developer after it had taken into consideration the residents' aspirations. The course of development of Phase 2 of the MWP involved complicated land issues and some owners once indicated that they had no intention to take part in the land exchange scheme under the development project of Ma Wan. Given that the development of the MWP should be compliant with the Outline Zoning Plan approved by the TPB, the developer had earlier taken out some private land which would not be part of the development in response to the aspirations of local residents and revised the planning application in 2013-14;
- (3) as the Ma Wan Old Village involved the land exchange scheme of private land, a new village type development area was designated in the approved MLP to facilitate the development. According to the HoA, the developer of the MWP would invite the owners concerned for negotiation and participation in the land exchange scheme. The villagers of the Ma Wan Old Village would be rehoused from the original private land in Ma Wan to the new village type development area in Ma Wan according to the established village removal exercise of the Government. The Government would charge the amount incurred if land premium payment procedure was involved in the course of the removal exercise; and
- (4) the land grant application of Phase 1 of the MWP came into effect in 2008 and would expire in 2029, i.e. the land was granted for a period of 21 years, whereas the period of land grant for Phase 2 of the MWP was pending for discussion.

(Note: Mr WONG Ka-wa left the meeting at 3:15 p.m.)

VI Item 5: Funds Allocation for Community Building, Planning and Development Committee 2019/20  
(CBPDC Paper No. 3/2019)

18. The Secretary introduced the paper.

19. The CBPDC approved the funds allocation of District Council Funds (Community Involvement Projects) in 2019/20 as follows:

<u>Programme</u>	<u>*Total Amount of Allocation in 2019/20 (\$)</u>	<u>*Allocation Available for Use from April 2019 to December 2019 (\$)</u>	<u>*Allocation Available for Use from January 2020 to March 2020 (\$)</u>
(1) Working Group on Community Building Activities	135,000.00	132,400.00	2,600.00
(2) Working Group on Community Development and Planning	59,000.00	57,800.00	1,200.00
(3) Working Group on Industrial and Commercial Development	62,000.00	60,800.00	1,200.00
(4) Tsuen Wan Festival Lightings Organizing Committee	1,946,000.00	1,946,000.00	0.00
(5) Reserve	0.00	0.00	0.00
Total:	<u>2,202,000.00</u>	<u>2,197,000.00</u>	<u>5,000.00</u>

\* The allocation included 5% deficit budget.

20. The CBPDC endorsed that the Tsuen Wan District Council Secretariat was authorised to approve the applications for the change of activity names, venues, dates and time on its own initiative in accordance with the approved funding application.

VII Item 6: Application for District Council Funds as regards Activities Co-organised by the Working Group on Community Building Activities and District Organisations  
(CBPDC Paper No. 4/2019)

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

22. The Chairman stated that he made declaration of his membership of the Hong Kong Sheng Kung Hui (HKSKH) Lady MacLehose Centre Neighbourhood Level Community Development Project Advisory Committee which was a nominal post title. Therefore, he could continue to chair the meeting and to participate in the discussion, decision-making and voting of the funding applications concerned after the declaration of interest.

23. The Chairman asked if any Members needed to make declaration of other interest immediately. The Secretary reported that two declarations of interest were received prior to the CBPDC meeting, which was made by Ms LAM Yuen-pun, Phyllis on her Chairladyship of the Spore Care and made by the Vice Chairman on his membership of the HKSKH Lady MacLehose Centre Neighbourhood Level Community Development Project Advisory Committee respectively.

24. The Chairman permitted that the Members who were concurrently the Members of the Working Group on Community Building Activities could participate in the discussion, decision-making and voting of the funding applications concerned according to section 48(12) of the Standing Orders. Besides, as it was indicated in the application form that the Chairlady of the Spore Care was the authorised person of the organisation, she was considered as the executor of the activity concerned and she should withdraw from the meeting during the discussion of the funding applications concerned. The Vice Chairman could participate in the discussion, decision-making and voting of the funding applications concerned because his membership of the HKSKH Lady MacLehose Centre Neighbourhood Level Community Development Project Advisory Committee was a nominal post title.

25. Mr TAM Hoi-pong proposed to vote by an open ballot and said that he would vote against the funding application of the first activity because it was inappropriate for a Member of the TWDC to serve as the authorised person of the Spore Care which was the applicant organisation.

26. Members agreed to vote by an open ballot. The Chairman asked Members to vote on the funding application concerned. The voting result was listed as follows:

For (9 votes in total)

The Vice Chairman, Mr KOO Yeung-pong, Ms LAM, Lam Nixie, Mr MAN Yu-ming, Mr WONG Wai-kit, Mr LO Siu-kit, Mr NG Hin-lung, Norris, Mr CHENG Chit-pun and Mr KOT Siu-yuen

Against (1 vote in total)

Mr TAM Hoi-pong

Abstain (0 vote in total)

27. The Chairman announced the endorsement of the following funding applications:

	<u>Activity</u>	<u>Applicant Organisation/ Co-organiser</u>	<u>Approved Amount (\$)</u>
(1)	Rejoice with Happy Family	Spore Care	60,000.00
(2)	Happy Harmony in the Countryside	HKSKH Lady MacLehose Centre Neighbourhood Level Community Development Project	72,400.00

VIII Item 7: Application for District Council Funds as regards Activities Co-organised by the Working Group on Industrial and Commercial Development  
(CBPDC Paper No. 5/2019)

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

29. The Chairman stated that he had made declaration of his membership of the Working Group on Industrial and Commercial Development which was a nominal post title. Therefore, he could continue to chair the meeting and to participate in the discussion, decision-making and voting of the funding application after the declaration of interest. He also stated that the Members who were concurrently the Members of the Working Group on Industrial and Commercial Development could participate in the discussion, decision-making and voting of the funding application in accordance with section 48(12) of the Standing Orders.

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

31. The CBPDC approved the funding application as follows:

<u>Activity</u>	<u>Applicant Organisation/ Co-organiser</u>	<u>Approved Amount (\$)</u>
(1) Tour in Tsuen Wan 2019	The Hong Kong Federation of Youth Groups - Tsuen Wan Youth S.P.O.T.	60,800.00

IX Item 8: Work Progress Report by Working Groups under the Committee and Sponsored Organisations

(A) Working Group on Community Building Activities

32. The Vice Chairman said that the Working Group had held a meeting on 29 April 2019 and planned to organise two activities for the current year, namely the “Rejoice with Happy Family” which promoted harmonious family life among residents in Tsuen Wan district and “Happy Harmony in the Countryside” which enhanced community harmony through mutual understanding and interaction among different social groups in the community.

33. The Chairman suggested that the work progress report by the sponsored organisation should be reported first because Mr LO Siu-kit had to leave the conference room earlier owing to other commitments. Members agreed with the proposed arrangement.

(B) Tsuen Wan Festival Lightings Organizing Committee (Lightings Committee) (Sponsored Organisation)

34. Mr LO Siu-kit reported that the Lightings Committee would hold its first meeting in late May 2019 for endorsement of the budget for the current year and the organisational structure, the formation of working groups, election of Convenor and Vice Convenor, and approval of

the locations and the tendering exercise for festive lightings in 2019/20. In addition, the meetings of various working groups would be held one by one after the general meeting of the Lightings Committee.

(Note: Mr LO Siu-kit left the meeting at 3:25 p.m.)

(C) Working Group on Community Development and Planning

35. Mr CHENG Chit-pun reported that the Working Group had held a meeting on 2 May 2019 for discussion on the work plan and financial arrangements of the Working Group for the current year.

(D) Working Group on Industrial and Commercial Development

36. The Chairman said that the Working Group had held a meeting on 29 April 2019 and planned to organise the “Tour in Tsuen Wan 2019” for the current year based on the approach adopted in 2018 under the theme of the cultural tour of the development of industry and commerce in Tsuen Wan and exploration of changes in the community.

X Item 9: Any Other Business

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

- (1) Financial Statement of Community Building, Planning and Development Committee Funds 2018-19  
(CBPDC Paper No. 6/2019).

XI Adjournment of Meeting

38. The Chairman reminded Members that the next meeting was scheduled at 2:30 p.m. on 9 July 2019 (Tuesday) and the deadline for submission of paper was 21 June 2019.

39. There being no other business, the meeting was adjourned at 3:26 p.m.

Tsuen Wan District Council Secretariat  
23 May 2019