

(Translation)

Minutes of the 7th Meeting of
Community Building, Planning and Development Committee (5/16-17)

Date: 10 January 2017 (Tuesday)

Time: 2:30 p.m.

Venue: Main Conference Room, Tsuen Wan District Office

Present:

Members

Mr CHAN Chun-chung, Jones (Vice Chairman)

Mr MAN Yu-ming, MH

Mr KOO Yeung-pong, MH

Mr CHAN Sung-ip, MH

Mr NG Hin-lung, Norris

Ms LAM Yuen-pun, Phyllis

Ms LAM, Lam Nixie

Mr WONG Ka-wa

Mr WONG Wai-kit

Mr CHENG Chit-pun

Mr LO Siu-kit

Mr TAM Hoi-pong

Co-opted Members

Mr HOU An-che

Ms WONG Pui-chi, Vicki

Government Representatives

Mr CHONG Kong-sang, Patrick

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

Mr KWONG Wang-ngai, Walter

Senior Town Planner/Tsuen Wan,
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

Mr LEE Shing-fai, Henry

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

Mr LEE Nelson (Secretary)

Executive Officer (District Council)1, Tsuen
Wan District Office

Attendance by Invitation:

For discussion of item 2

Mr TSE Man-hong

Engineer (Tsuen Kwai), Drainage Services
Department

Mr YAN Ka-kit, Ric

Senior Health Inspector (Market
Management), Food and Environmental
Hygiene Department

For discussion of item 4

Mr CHAU Yat-cheung, Lawrence

District Planning Officer/Tsuen Wan & West
Kowloon, Planning Department

Absent:

Members

Mr LAM Faat-kang, MH (Chairman)

Mr KOT Siu-yuen

Mr CHOW Ping-tim

The Meeting

I Opening Remarks and Introduction

The Vice Chairman welcomed the Members and representatives of the government departments to the 7th meeting of the Community Building, Planning and Development Committee (CBPDC).

2. The Vice Chairman said that for Members' information, Mr LAM Faat-kang and Mr KOT Siu-yuen were absent with apologies.

3. As Mr LAM Faat-kang, the Chairman, was unable to preside at this meeting due to other commitments, the Vice Chairman would perform the duties of the Chairman and preside at the meeting according to section 35(3) of the Tsuen Wan District Council Standing Orders (the "Standing Orders").

4. The Acting Chairman reminded Members that according to section 15(3) of 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 may 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 Acting 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.

(Note: Mr CHENG Chit-pun joined the meeting at 2:44 p.m.)

II Item 1: Confirmation of Minutes of the Meeting held on 8.11.2016

5. Mr HOU An-che said that he only raised enquiries about the planning application concerned and he did not raise objection to it in paragraph 8 of the minutes of the CBPDC meeting held on 8 November 2016.

6. 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

(A) Paragraphs 22 to 34 in the Minutes of the Meeting held on 8 November 2016: Regarding “Request to Improve the Planning of the Government Site at Sham Tseng and Build a Community Complex”

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

- (1) Mr KWONG Wang-ngai, Walter, Senior Town Planner/Tsuen Wan (Sr Town Plnr/TW) of the Planning Department (PD);
- (2) Mr YAN Ka-kit, Ric, Senior Health Inspector (Market Management) (SHI(Market Mgt)) of the Food and Environmental Hygiene Department (FEHD);
- (3) Mr TSE Man-hong, Engineer (Tsuen Kwai) (Engr (TKi)) of the Drainage Services Department (DSD); and
- (4) Mr TSE Hing-chit, Administrative Assistant (District Lands Office, Tsuen Wan & Kwai Tsing) (AA/Lands (DLO, TW&KT)) of the District Lands Office (DLO).

8. Sr Town Plnr/TW of the PD said that as stated at the last CBPDC meeting, the PD kept an open mind towards the proposal but the PD had nothing to add for the time being.

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

10. Engr (TK) of the DSD said that some areas in Sham Tseng San Tsuen, which was affected by the astronomical tide during the typhoon in 2008, were situated upstream to the north of the site discussed under this agenda item. However, the site under discussion was unaffected by the typhoon and during the astronomical tide in 2008.

11. SHI(Market Mgt) of the FEHD said that the FEHD had nothing to add for the time being and kept an open mind towards the proposal.

12. Mr NG Hin-lung, Norris hoped that the departments concerned would assist in facilitating the smooth commencement of the project because there was no clear direction for the progress of the project.

13. The Acting Chairman enquired the PD about the follow-up proposals.

14. Sr Town Plnr/TW of the PD responded that the zone was designated as “Government, Institution or Community (1)” (G/IC) on the Outline Zoning Plan (OZP) and the planning intention was to provide government, institutional and community facilities at the site. However, as part of the area in the site was situated at the lower part of Tuen Mun Road, application to the Town Planning Board (TPB) for approval was required for some uses that were easily affected by environmental pollution, and the details could be determined only after the uses were confirmed. The user department of the project would undertake implementation of a government project including funding application to the Legislative Council. After an appropriate use was determined for the site, the user department would take up the co-ordination of the project.

15. The Acting Chairman said that the discussion on the captioned matter would be continued under the matters arising from the minutes of the previous meeting because a concrete proposal on the use of the site should be firstly put forth by a department.

IV Item 3: Planning Applications (as at 23.12.2016)
(CBPDC Paper No. 19/16-17)

16. The Acting Chairman said that the revised version of the paper of the PD was tabled at the meeting for Members’ perusal.

17. Sr Town Plnr/TW of the PD said that in response to the views gauged at the last CBPDC meeting, the PD had further improved the format of the paper in order to facilitate Members to gain a better understanding on the planning applications. The PD had also submitted the latest information as at 10 January 2017 prior to the meeting. He explained that the planning applications currently under public inspection period were set out in Part A of the paper. Members were welcome to convey their views on the relevant cases to the TPB in writing before the expiry of the public consultation period.

(Note: Mr MAN Yu-ming and Ms WONG Pui-chi, Vicki joined the meeting at 2:39 p.m.)

18. The views, suggestions and enquiries of Mr LO Siu-kit and the Acting Chairman were summarised as follows:

- (1) as regards Application No. A/TW/480, they enquired whether all the commercial parking spaces at the site were allowed for sale and the number of parking spaces for hourly rental;
- (2) it was enquired whether the 56 loading and unloading spaces could be used as parking spaces for hourly parking;
- (3) it was enquired as to whether there were terms and conditions of restriction of the sale of the parking spaces to the property owners only if the divestment of parking spaces was allowed, in order to prevent speculation of parking spaces; and
- (4) it was enquired whether all commercial parking spaces were possessed by

one property owner only, so that the divestment of these parking spaces was not allowed and the parking spaces could not be possessed by individual persons.

19. Sr Town Plnr/TW of the PD responded as follows:

- (1) as regards Application No. A/TW/480, a corresponding number of parking spaces was provided for residential and commercial portions (including shops and offices) for use by occupants, shop owners and visitors in accordance with the Hong Kong Planning Standards and Guidelines (the “Guidelines”) of the department;
- (2) according to the information provided for the PD from the Lands Department (Lands D), it was stipulated in the land lease that the relevant commercial portion, including the parking spaces provided therein, might only be sold as a whole and indivisible for sale in batches. However, there was no provision in the land lease about the number of parking spaces for hourly parking. The parking spaces of the residential portion were provided for use by tenants and visitors. According to the land lease, the parking spaces for tenants could be sold separately; and
- (3) the loading and unloading spaces were provided for commercial and residential users in accordance with the Guidelines. The 56 loading and unloading spaces would be provided in the approved plan.

20. AA/Lands (DLO, Tsuen Wan and Kwai Tsing) of the DLO added that according to the terms of the land lease, the parking spaces in the commercial portion of the premises could not be divested and there was no restriction on the use of parking spaces.

21. The views, suggestions and enquiries of Mr TAM Hoi-pong and the Acting Chairman were summarised as follows:

- (1) as regards Application No. A/TW/480, they enquired how the provision of some parking spaces under the application for public use could be ensured and whether Members’ views given in the previous CBPDC meetings had been accepted;
- (2) it was opined that Application No. A/TW/480 was approved despite the problem of shortage of parking spaces in Tsuen Wan district remained unresolved. it was enquired whether the PD had submitted Members’ views to the TPB for consideration; and
- (3) as regards Application No. A/DPA/TW-CLHFS/6, the existing seasonal wetlands or fruit trees might be destroyed due to the application because the site was a seasonal wetland where fruit trees were grown. However, the applicant did not provide any report about this. Hence, it was tended to oppose the application for the time being and hoped that the PD would request the applicant to submit the relevant reports.

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

- (1) as regards Application No. A/TW/480, the PD had received a letter from the Secretariat via the Tsuen Wan District Office after the last CBPDC meeting. The letter, together with the paper, had been submitted to the TPB for consideration. The PD had also consulted the Transport Department (TD) about the application. In the light of the latest information provided by the applicant, the TD considered that the road traffic in Tsuen Wan would not be adversely affected by the application;
- (2) according to the land lease, the parking spaces of the residential portion provided in the application could be put on sale by divestment, but the commercial parking spaces were not to be put on sale by divestment. However, restriction was not imposed on the land lease conditions that the commercial parking spaces should be used for hourly parking;
- (3) the application had been provided with parking spaces according to the requirement on proportion set out in the Guidelines. The TPB had also considered the representations and comments from the CBPDC and TD;
- (4) the TD did not raise objection to the application because the applicant had proved that the traffic would not be adversely affected by the development;
- (5) as regards Application No. A/DPA/TW-CLHFS/6, the application was currently under the public inspection period which would end on 10 January 2017. Members were welcome to convey their views to the TPB before the deadline; and
- (6) the departments which gave views on the application had requested the applicant to make further response. For example, if the Agriculture, Fisheries and Conservation Department (AFCD) considered that the application would bring a negative impact on the ecology. Such views would be submitted to the TPB for consideration. The TPB would not approve the planning applications if they brought about the negative impact.

23. The Acting Chairman said that apart from giving their views on the application at the CBPDC meetings, Members could convey their views to the TPB individually.

24. The views, suggestions and enquiries of Mr WONG Ka-wa, Mr WONG Wai-kit and the Acting Chairman were summarised as follows:

- (1) when the department demolished the multi-storey car park adjacent to the pier for redevelopment many years ago, it promised to provide sufficient parking spaces for hourly parking. However, the department failed to keep its promise. As a result, the problem of shortage of parking spaces in Tsuen Wan had become more serious than that in the past. Besides, the demand for hourly public parking spaces arising from the future development in Tsuen Wan district could not be met;
- (2) as regards Application No. A/TW/480, they wished to confirm that restriction on divestment of the 338 commercial parking spaces and 53 commercial loading and unloading spaces provided in the application was

imposed on the land lease conditions. Also, the target buyer of the 148 parking spaces for residential flats upon divestment should be restricted to the owner of the residential flat; and

- (3) dissatisfaction was expressed over the ultimate approval of the application, even after the CBPDC had repeatedly raised objection to the application to the PD and TPB on grounds of the shortage of parking spaces for hourly parking.

25. Sr Town Plnr/TW of the PD responded as follows:

- (1) as regards Application No. A/TW/480, there were mainly two parts, namely, the residential property in the north and the commercial property in the south in the application. According to the land lease conditions, the properties in the commercial portion should not be divested. In other words, the 338 commercial parking spaces and 53 commercial loading and unloading spaces together with the commercial portion should be sold for purchase in one parcel. It was previously learnt from the Lands D that divestment of the 148 parking spaces in the residential portion was allowed; and
- (2) the Administration had been aware of the problem of insufficient parking spaces in Tsuen Wan district and had requested the developers to provide 100 and 120 parking spaces under the development projects of the bayside area and cityside area of the Tsuen Wan West MTR Station respectively for the public and users of the Tsuen Wan West MTR Station. Moreover, the relevant projects were required to provide a corresponding proportion of ancillary parking spaces for users from the residential development and shopping mall as stipulated in the Guidelines in order to meet the needs arising from the project development.

26. The views, suggestions and enquiries of Mr LO Siu-kit and Mr HOU An-che were summarised as follows:

- (1) it was hoped that the PD would clarify whether the loading and unloading spaces provided in residential portion under Application No. A/TW/480 were permitted for sale; and
- (2) on agreement terms, the owners of a residential flat was different from the occupants of a residential flat. it was hoped that the PD could clarify the target buyer of the parking spaces for residential flats.

27. Sr Town Plnr/TW of the PD responded that the land grant provisions on divestment only applied to the parking spaces in the residential portion and that the loading and unloading spaces should not be divested because they were located at a public area.

28. AA/Lands (DLO, TW&KT) of the DLO responded that the information on the land lease was not available at the moment. He would give supplementary information after the meeting.

29. The views, suggestions and enquiries of Mr CHENG Chit-pun, Mr WONG Ka-wa and Mr TAM Hoi-pong were summarised as follows:

- (1) regarding Application No. A/TW/480, the PD could not restrict the use of the parking spaces. Enquiry was raised on whether it was because the power was not conferred to the PD under the existing legislation or there were some restrictions in the land lease;
- (2) the majority of the Members had requested for the provision of public parking spaces under the application, but the PD still failed to persuade the TPB to take Members' views;
- (3) given the unsatisfactory consultation process regarding Application No. A/TW/480, when the PD consulted the CBPDC about the planning applications in future, it was necessary for the CBPDC to have an early discussion of the details such as the number of hourly public parking spaces, apart from the general direction of the planning,;
- (4) the development projects of cityside area and bayside area were far away from the site under Application No. A/TW/480. As such, the shortage of parking spaces arising from the said application could not be alleviated by these two developments;
- (5) it was opined that the PD did not make an all-out effort to strive for the provision of hourly public parking spaces from the developers and the TPB. It was also recommended the CBPDC to write to the PD to express dissatisfaction and make such a request again;
- (6) as regards Application No. A/DPA/TW-CLHFS/6, it was hoped that the PD would carefully study the ecological situation of the site, verify the accuracy of the descriptions given by the applicant and require the applicant to provide further information. However, it was considered that it was inappropriate to develop a campsite at the site in the application and suggest that the status quo of the site should be maintained;
- (7) as regards Application No. Y/TW/9, it was enquired whether the application aimed to regularise the existing 3 000 niches, and whether there was an increase in the number of niches as compared with that stated in the previous application; and
- (8) it was enquired about the availability of the 13 private car parking spaces in the application.

30. Sr Town Plnr/TW of the PD responded as follows:

- (1) as regards Application No. A/TW/480, the PD had learnt Members' views on the parking space arrangements at various meetings and had repeatedly requested the applicant to actively consider providing a certain number of hourly parking spaces. Even after the application had been approved, the PD continued to request the applicant to consider providing the hourly parking spaces. According to the applicant, the reservation of a certain number of hourly parking spaces would be taken into consideration actively;

- (2) as regards Application No. A/DPA/TW-CLHFS/6, the PD would relay Members' views to the applicant. The PD had consulted the departments including the AFCD. The AFCD still had comment on the application at this stage. The PD would forward the comments of the AFCD to the applicant for consideration. In general, the applicant had to solve all problems identified from the case before the approval was granted from the TPB;
- (3) as regards Application No. Y/TW/9, the niches were readily available at the site, but the planning permission for the land use for such purpose was pending. There were currently 8 850 niches, of which more than 100 were in use;
- (4) the applicant had applied for a provision of 3 000 niches at the site. If the application was approved, the applicant could only provide the approved number of niches. The number of niches had been substantially reduced from more than 10 000 in the initial application to 3 000 in the current application; and
- (5) the applicant proposed to construct a basement for provision of 13 parking spaces.

31. AA/Lands (DLO, TW&KT) of the DLO responded that there was currently no policy on restriction on the use of parking spaces. The department would only request the developer to provide the number of parking spaces according to the requirement of the Guidelines.

32. The views, suggestions and enquiries of Mr WONG Ka-wa and Mr TAM Hoi-pong were summarised as follows:

- (1) as regards Application No. Y/TW/9, the roads near the site of the application were very busy. Hence, objection was raised to the excavation works for the development;
- (2) it was supported that the departments should deal with the application regarding a provision of 3 000 niches according to the current practice; and
- (3) as regards Application No. A/DPA/TW-CLHFS/6 and the draft OZP under agenda item 4, it was enquired about the procedure of freezing this application during the vetting process.

33. Sr Town Plnr/TW of the PD responded as follows:

- (1) as regards Application No. Y/TW/9, the applicant understood that the roads near the site in the application would be very busy during Ching Ming Festival and Chung Yeung Festival. Therefore, the applicant proposed to temporarily close the car park during Ching Ming Festival and Chung Yeung Festival. Worshippers could only access to and from the site by shuttle bus as arranged by the applicant; and
- (2) after the public inspection period of a statutory plan expired, if a person had made representations on the statutory plan regarding the site in the application, the PD would consider making application on deferral of the

date for consideration of the planning application to the TPB. If no representation was made regarding the site in the application, such an application would be submitted to the TPB for consideration as scheduled.

34. Mr CHAN Sung-ip said that as regards Application No. Y/TW/9, he worried that serious traffic congestion arising from illegal parking by worshippers would be triggered by the temporary closure of the car park during Ching Ming Festival and Chung Yeung Festival as proposed by the applicant. Therefore, he objected to the application.

35. Sr Town Plnr/TW of the PD responded that as regards Application No. Y/TW/9, a number of departments had given comments on the the applicant's proposed closure of the car park during Ching Ming Festival and Chung Yeung Festival. The applicant was required to provide a traffic impact assessment report for his proposals on traffic in order to prove that the development would not bring about negative impact on road traffic.

36. The views, suggestions and enquiries of Ms LAM Yuen-pun, Phyllis and Ms WONG Pui-chi, Vicki were summarised as follows:

- (1) as regards Application Nos. A/DPA/TW-CLHFS/3 and A/DPA/TW-CLHFS/5, the sites and details of these two applications were very similar. It was enquired whether the applications were submitted tactfully by the applicants, i.e. the two applications were submitted separately subject to the areas in close proximity;
- (2) the PD pointed out at the last CBPDC meeting that all Members' views on the application were submitted to the TPB. However, due to the circumstances that two applications were submitted by the applicant, Members were misled to suppose that they had given views on the application and thus did not raise objection. As a result, the application was approved; and
- (3) as regards Application No. A/DPA/TW-CLHFS/6, it was enquired about the AFCD's concerns on this application.

37. Sr Town Plnr/TW of the PD responded that as regards Application Nos. A/DPA/TW-CLHFS/3 and A/DPA/TW-CLHFS/5, although the sites in the two applications were in close proximity, they were actually situated at two different locations. As regards Application No. A/DPA/TW-CLHFS/6, the site in the application was located next to a catchment channel at Ha Fa Shan. The applicant was required to prove that no negative impact on various aspects including conservation of the natural environment was brought by the development. The application was still under the departmental comment by the AFCD still had comment on the application at this stage. The PD had relayed the AFCD's comments to the applicant.

38. The Acting Chairman hoped that the PD would note Members' views and that Members could convey their views to the TPB individually. Members would

consider at the next CBPDC meeting as to whether their dissatisfaction with Application No. A/TW/480 would be relayed to the PD and TPB in writing.

V Item 4: Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/1

(CBPDC Paper No. 20/16-17)

39. The Acting Chairman said that the PD consulted Members on the Draft Chuen Lung and Ha Fa Shan Outline Zoning Plan No. S/TW-CLHFS/1 (the “draft OZP”) and welcomed Mr CHAU Yat-cheung, Lawrence, District Planning Officer/Tsuen Wan & West Kowloon (DPO/TW & West Kln) of the PD who joined the meeting.

40. DPO/Tsuen Wan & West Kln of the PD introduced the paper.

(Note: Mr WONG Ka-wa left the meeting at 3:56 p.m.)

41. The views, suggestions and enquiries of Mr CHAN Sung-ip, Ms LAM Yuen-pun, Phyllis and Mr WONG Wai-kit were summarised as follows:

- (1) it was concerned about the “Village Type Development” sites in Chuen Lung where the PD had not exercised land resumption in the past ten years and the approval for building of small houses had never been granted by the Lands D. It was expected that the PD would receive dissenting views during the consultations with the respective rural committee and village representatives;
- (2) it was opined that it was not appropriate for the CBPDC to give views on the draft OZP for the site because the CBPDC was not a stakeholder of the site;
- (3) the PD failed to incorporate in the paper the views collected during the meetings with the village representatives;
- (4) the PD planned to rezone some “Agriculture” and “Green Belt” sites to “Other Specified Uses” (OU) sites; however, according to a village representative, the site concerned was not the private land under discussion;
- (5) the PD’s proposal on rezoning of some sites currently inhabited by some residents to “Green Belt” sites was unacceptable because the residents would lose their entitlement to use the land;
- (6) the PD was requested to meet the village representative again during the consultation period;
- (7) the PD might retain the existing uses of land after incorporating a private land into “Green Belt”, but the villagers worried that they would have to move when their houses were damaged and could not be repaired in future;
- (8) it was understood that the purpose of the draft OZP prepared by the PD was to maintain the condition of the land which was good currently but it was hoped that the PD would not affect the interests of the landowners;

- (9) the PD did not exercise land resumption in the “Village Type Development” sites for many years. Consequently, there was no land available for residents’ applications of building of small houses;
- (10) reservation was expressed on the draft OZP because the village representative opposed the rezoning of most of the sites in the area into “Green Belt” sites;
- (11) some residents worried that the existing agricultural use of land could not be maintained after the site was rezoned as a “Green Belt” site. It was opined that the PD failed to address the concerns of the residents;
- (12) officially, Ha Fa Shan Village was not a recognised indigenous village. However, some of the private land in the village had been developed to ancestral houses. If the village became a recognised indigenous village in future, the villagers would be required to file another application to the TPB for rezoning the village to a “Village Type Development” site and they would indirectly lost their rights and interests of development of land that they possessed in the past;
- (13) as most of the residents of Ha Fa Shan Village lived in squatters, it was enquired the PD on whether the New Territories Exempted House (NTEH) in the two items under the “Uses Always Permitted”, namely the rebuilding of NTEHs and the replacement of existing residential buildings with NTEHs, referred to villages houses and how the daily lives of the villagers would be affected; and
- (14) it was enquired whether the villagers had raised objection to the comments given by the PD when the PD discussed the matter with the rural committee in late October 2016.

42. DPO/TW & West Kln of the PD responded as follows:

- (1) the PD was pleased to discuss with the village representatives and villagers on the draft OZP;
- (2) the “Agricultural Use” in a “Green Belt” site was under the “Uses Always Permitted”;
- (3) in accordance with the previous development permission area plan, application to the TPB was required for all land uses on a “Unspecified Uses” site, exclusive of “Agricultural Use”. Such land uses might be approved by the TPB on conditions so as to ensure that no negative impact was brought from various factors such as environment and traffic. However, some land uses were under the “Uses Always Permitted” in individual areas in the current draft OZP, so that application to the TPB was not required;
- (4) when a site was zoned “Village Type Development”, the PD had to take into account the comments from various government departments;
- (5) he understood the villagers’ concern over the small house policy. However, according to the current policy, the village expansion area (VEA) scheme was temporarily frozen. As the Chuen Lung VEA had been zoned “Village Type Development”, “Small House” was under the “Uses Always Permitted” in terms of planning;

- (6) the repair of squatters was a matter under land management;
- (7) the PD understood that the rural committee was concerned about the supply of small houses. In the previous consultation, they had expressed concern on the supply of small houses in the draft OZP;
- (8) the official recognition of an indigenous village for Ha Fa Shan Village was under the scope of small house policy of the Lands D;
- (9) the existing life style and rights and interests of the residents would not be affected by zoning of the land as “Green Belt”. They could make application to TPB for construction of small houses in the “Green Belt”; and
- (10) the PD had taken all relevant planning factors into account when formulating the draft OZP.

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

- (1) in accordance with the existing policy, the Government would not use public funds for land resumption in the VEAs and grant land to villagers for building small houses. The Government reviewed the policy annually but there was no timetable on revising the policy for the time being;
- (2) the villagers had to meet all the requirements under the policy on construction of houses when building small houses;
- (3) a site zoned as a VEA by the PD did not bring the statutory right of construction of small houses to the villagers therein;
- (4) the villagers of other districts of the New Territories also did not process the private land for building their own small houses;
- (5) the NTEH was a type of housing under the Buildings Ordinance (Chapter 123) and squatter was not included in the NTEHs. Squatters were the houses which were once approved through license plates, exemptions or other means under the Government’s squatter control policy, but they were currently regarded as structures unlawfully occupying government land; and
- (6) registration of the squatters at the site had been made and the squatters were tolerated to remain until the Government carried out land resumption or the occupants of the squatters abandoned the squatters. According to the existing policy, the occupants of squatters were permitted to rebuild or repair their squatters under the restrictions imposed on the construction materials in use and the area of squatter huts.

44. The Acting Chairman enquired whether fish pond was an agricultural use, and whether eligible villagers of building small houses who owned some land in “Village Type Development” sites could build small houses thereon.

45. DPO/TW & West Kln of the PD responded that fish pond was an agricultural use. However, if fish pond projects in the “Green Belt” involved in pond filling or alteration of river courses, an application to the TPB would be required to ensure that the environment would not be destroyed. Besides, the construction of small houses

in a “Village Type Development” site was under the “Uses Always Permitted” and application to the TPB was not required.

46. AA/Lands (DLO, TW&KT) of the DLO responded that if the private land owned by an indigenous villager was located in a VEA, the indigenous villager might submit application for building a small house.

47. The views, suggestions and enquiries of Mr WONG Wai-kit and Ms LAM Yuen-pun, Phyllis were summarised as follows:

- (1) if Ha Fa Shan Village became a recognised indigenous village in the future, it was enquired whether the terms and conditions of the existing domestic building of an indigenous villager could be replaced by those of a NTEH, so that the villager could build a small house in replacement of a squatter in-situ and they did not have to submit a planning application to the PD;
- (2) although the sites had been rezoned to “Village Type Development” by the PD, the housing needs of the villagers were not met due to policy constraints. The PD’s initiative on rezoning the sites owned by villagers to “Green Belt” also made the construction of small houses by these villages impossible;
- (3) they requested the PD to set aside sufficient land to meet the housing needs of the villagers when the PD rezoned the land. Before the housing need could be fully met, the sites owned by the villagers should not be zoned as “Green Belt”; and
- (4) they hoped that the PD would adopt other measures to rezone the site to a Village Type Development site.

48. DPO/TW & West Kln of the PD responded that an “existing building” referred to a building, including a structure, which was physically existing and was in compliance with all relevant legislation and the conditions of the Government lease concerned. Such being the case, an unlawful squatter was not an “existing building”. However, as the squatters already in existence prior to the gazettal of the approved Chuen Lung and Ha Fa Shan Development Permission Area Plan were regarded as the structures in use currently and they were tolerable from the planning perspective. Moreover, as the maintenance and repair works of buildings were the operations always permitted according to the draft OZP, such works would not be affected by the draft OZP. The draft OZP had provided a framework and guidelines for the planning of Chuen Lung and Ha Fa Shan. Villagers could apply for building of small houses in the sites zoned “Green Belt”, which, however, generally was not suitable for any development. When considering the application concerned, the TPB would also consider the relevant government policies, such as the Small House Policy in the New Territories.

49. The Acting Chairman hoped that the PD would continue to discuss with the stakeholders and follow up on the needs and aspirations of the villagers.

VI Item 5: Application for District Council Funds as regards Activities Co-organised by the Working Group on Community Development and Planning
(CBPDC Paper No. 21/16-17)

50. The Secretary introduced the paper and said that Mr CHENG Chit-pun, Mr MAN Yu-ming, Mr KOO Yeung-pong, Mr NG Hin-lung, Norris, Ms LAM Yuen-pun, Phyllis, Mr WONG Wai-kit, Mr CHAN Chun-chung, Jones, Mr LO Siu-kit, Mr KOT Siu-yuen, Mr TAM Hoi-pong, Ms WONG Pui-chi, Vicki and Mr HOU An-che were the Members of the Working Group on Community Development and Planning, so as to indicate that they had made declaration of the membership.

51. As the Acting Chairman had declared an interest, Members agreed that Ms LAM, Lam Nixie took over the chair temporarily according to section 48(14) of the Standing Orders.

52. The temporary Chairman asked if Members needed to make declaration of other interests immediately. No Member made declaration of other interests.

53. The temporary Chairman permitted that the Members who were concurrently the Members of the Working Group on Community Development and Planning could speak and vote on the funding application according to section 48(12) of the Standing Orders.

54. The CBPDC approved the funding application as follows:

	<u>Activity</u>	<u>Applicant Organisation/ Co-organiser</u>	<u>Approved Amount (\$)</u>
(1)	Say La Youth	Chinese YMCA of Hong Kong - Tsuen Wan Centre	29,407.00

55. The Acting Chairman resumed the chair.

VII Item 6: Work Progress Report by Working Groups under the Committee and Sponsored Organisations

(A) Working Group on Community Building Activities

56. The Acting Chairman reported that Family Fun Programme was held during November 2016 and December 2016. The activities of the Programme included the Parent-child Ecological Tour and Parent-child Fun Day. The destinations of the Ecological Tour were the Hong Kong Museum of Coastal Defence, the Peak and the Police Museum. Besides, the Cricket Training Programme for South Asian Teenagers 2016 was held during October 2016 and January 2017, with a view to providing a platform for the South Asian teenagers to develop their talents.

(B) Working Group on Community Development and Planning

57. Mr CHENG Chit-pun reported that the Working Group held the second meeting on 19 December 2016 and endorsed an allocation of \$29,407 to co-organise the Say La Youth with the Chinese YMCA of Hong Kong - Tsuen Wan Centre. This activity

would be held from January 2017 to February 2017, which aimed to facilitate the young people to gain an understanding about the urban planning, environmental protection and urban development through the recruitment of young volunteers. It also aimed to allow the young volunteers to learn more about the development opportunities of the sites through field inspections. Besides, the colouring and image editing competitions would be organised to encourage the participants to express their expectations of the development of the lot concerned through images and words. The entries would be displayed in the community, so that more residents could think about and give response to the development.

(C) Working Group on Industrial and Commercial Development

58. Mr KOO Yeung-pong reported that the Seminar on Industry and Commerce would be held on 18 February 2017 to facilitate the residents in Tsuen Wan district to gain a better understanding on investment through stocks and real estate and the prospect of stock investment in 2017 would be shared in the Seminar.

(D) Tsuen Wan Festival Lightings Organizing Committee (“Lightings Committee”)
(Sponsored Organisation)

59. Mr LO Siu-kit reported that as regards the lighting works, the Christmas lightings were launched in early December 2016 and would be replaced with the New Year lightings in early January 2017. Regarding the New Year countdown activity, the 2017 New Year Countdown in Tsuen Wan was successfully held, attracting an attendance of 17 150 participants.

VII Item 7: Any Other Business

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

- (1) Financial Statement of the Community Building, Planning and Development Committee as at 21 December 2016
(CBPDC Paper No. 22/16-17).

VIII Adjournment of the Meeting

61. The Acting Chairman reminded Members that the next meeting was scheduled at 2:30 p.m. on 14 March 2017 (Tuesday) and the deadline for submission of paper was 27 February 2017.

62. There being no other business, the meeting was adjourned at 4:13 p.m.

Tsuen Wan District Council Secretariat
24 February 2017