Downgraded on
20/12/2013
[CONFIDENTIAL]

TOWN PLANNING BOARD

TPB Paper No. 9506
For Consideration by
The Town Planning Board on 6.12.2013

CONSIDERATION OF THE
DRAFT CHUEN LUNG AND HA FA SHAN
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B

TPB Paper No.9506 For Consideration by the Town Planning Board on 6.12.2013

CONSIDERATION OF THE DRAFT CHUEN LUNG AND HA FA SHAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B

1. <u>Introduction</u>

- 1.1 The purpose of this paper is to seek Members' agreement that:
 - (a) the draft Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan No. DPA/TW-CLHFS/B (to be renumbered as DPA/TW-CLHFS/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
 - (b) the Explanatory Statement (ES) (**Appendix III**) is suitable to serve as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the draft Chuen Lung and Ha Fa Shan DPA Plan and that the ES should be issued under the name of the Board.

2. Background

Location and Physical Characteristics

- 2.1 Located at the north-western fringe of the Tsuen Wan New Town (TWNT), the Chuen Lung and Ha Fa Shan DPA (the Area) mainly comprises the stream valleys surrounding Chuen Lung and the upper foothill area around Ha Fa Shan to the south of the Tai Lam Country Park. Traversed by Route Twisk, the Area is bounded to the east by the Tai Mo Shan Country Park and to the west by the Tai Lam Country Park (**Plans 1 and 2**).
- 2.2 Composed mainly of vegetated slopes and streams valleys, the Area has a rural and scenic setting. With a varied topography, there is a large difference in the landscape and elevations among different parts of the Area. While the hills and slopes around Ha Fa Shan are widely covered with woodland and shrubland (Plan 3), active agricultural activities could still be found around Chuen Lung (Plans 10a and 10e). Various rare species of fauna with high ecological values have been discovered in the Area, especially in or adjacent to the natural stream courses. The Area also falls within the boundary of water gathering grounds (Plan 4), and is classified as area of high landscape value under the "Landscape Value Mapping of Hong Kong" completed by Planning Department in 2005 (Plan 5).

At present, only area around Chuen Lung is accessible to vehicular traffic via Route Twisk. The major developments are therefore found concentrated in this part of the Area including rural settlements and industrial activities (**Plans 2, 4, 10a to 10c**). Area around Ha Fa Shan, on the other hand, is only accessible by foot via either Water Supplies Department (WSD)'s restricted maintenance access from Route Twisk (**Plans 9a and 9b**) or footpath from Chai Wan Kok in TWNT (**Plan 9b**). With no vehicular access, Ha Fa Shan is primarily covered with vegetation except for a few scattered settlements/facilities. With its location in-between the Tai Mo Shan and Tai Lam Country Parks (**Plans 1 and 2**), the Area is one of the popular spots to hikers.

Need for Statutory Plan

- 2.4 The Area is currently not covered by any statutory town plans. It is rural in character and covered mainly with woodland, shrubland, active and fallow agricultural land and natural stream courses, which provide good habitats for rare species. Some rural settlements as well as existing rural workshops and open storages are found in the northern part of the Area, around Chuen Lung (**Plans 2**, **4**, **10a to 10c**). Since October 2012, landfilling and dumping of building debris has been detected in Ma Tong where is very close to a natural stream and the Tai Lam Country Park (**Plans 2**, **4 and 10g**). There is an urgent need to prevent further haphazard developments, protect the rural landscape character, and avoid further disturbance to the natural environment and habitats in the Area. The DPA plan for the Area is a stopgap measure which provides planning guidance and development control pending preparation of an outline zoning plan (OZP) and to enable enforcement actions to be taken against any unauthorized development.
- 2.5 On 20.3.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft plan designating Chuen Lung and Ha Fa Shan as DPA. Owing to the action taken up by the concerned departments including Environmental Protection Department, WSD and Lands Department, the landfilling and dumping of building debris in Ma Tong has discontinued. Until recently, the landfilling and dumping activities have occurred again.

3. Object of the Plan

- 3.1 The object of the draft DPA plan is to delineate the extent of the Area and to set out the types of developments and uses which are permitted at all times and such types of development and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The draft DPA plan is to provide planning guidance and to facilitate development control within the Area pending the preparation of an OZP. The draft DPA plan will be replaced by an OZP within three years.

4. The Plan Area (Appendix I)

4.1 The Area covers an area of about 209.95 ha and is surrounded by TWNT, Tai Mo

Shan Country Park and Tai Lam Country Park (**Plans 1 and 2**). Existing Land Uses

4.2 The existing land uses mainly include the following:

Recognized Village (Plans 7, 9a, 9b and 10a)

- 4.2.1 The Chuen Lung Village is the only recognized village within the Area. The village 'environs' ("VE") of the Village, bisected by a natural stream (**Plan 10a Photo 6**), is shown in **Plan 7**. Located to the north of the stream are the village cluster composed of Tsang Ancestral Hall (**Plan 10a Photo 3**), village houses and building structures in good to fair conditions (**Plan 10a Photos 1 and 2**). Some rural workshops are at the periphery of the village cluster (**Plan 10a Photos 4 and 5**). To the south of the stream are mainly steep slopes covered by dense vegetation and active agricultural land (**Plan 10a Photos 1, 7 and 8**).
- 4.2.2 According to the 2011 Census, the existing population of Chuen Lung Village is about 390. The District Lands Office/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD) advised that there was no approved Small House application in the past 5 years and no outstanding Small House applications, whereas the 10-year Small House demand forecast for Chuen Lung is 171. This piece of information will be taken on board together with other relevant planning considerations in the detailed studies to be carried out for the preparation of OZP.

Other Existing Uses (Plans 2, 4, 6, 9a, 9b, 10b to 10d)

4.2.3 Within the Area, there are rural settlements in Ha Fa Shan, Wang Lung, Ma Tong and Kiu Tau (Plan 10b), which are not included in the List of the New Territories Small House Policy Recognized Villages in Tsuen Wan. Existing rural workshops and open storages are found along/near Route Twisk in Wang Lung, upper parts in Ma Tong and next to a catchwater in Ha Fa Shan (Plans 4 and 10c). Most of the industrial activities have not obtained approval from the Government and would put the natural environment at risk, particularly for those in close proximity to the natural stream courses or catchwater (Plan 4). Apart from these, there are other facilities in the Area, for example, the Chuen Lung West Pigging Station (Plan 10d - Photo 22), Sai Chuk Lam Temple (Plan 10d - Photo 23) and Hong Kong Gun Club (Plan 10d -Photo 21). In Ha Fa Shan, Hong Kong Air Cadet Training Camp (Plans 9b and 10d - Photo 24), which is to be operated under a Short Term Tenancy, is now under construction. Besides, at Tsuen Wan Town Lot 389 Ma Tong, the existing recreational club building with a golf driving range is the subject of an application for modification for hotel development being processed by DLO/TW&KT (Plans 9a and 10d -Photo 25). Moreover, there are two burial grounds in the Area, namely the Ha Fa Shan Burial Ground and the Yau Kom Tau Burial Ground (**Plan 6**).

Agricultural Land (Plans 9a, 9b, 10a and 10e)

4.2.4 Agricultural activities are still active in the Area, which are mainly concentrated around Chuen Lung (**Plans 10a and 10e**) as well as the upper terraces of Ha Fa Shan (**Plan 10e**). According to the Director of Agriculture, Fisheries and Conservation (DAFC), good agricultural land is a precious asset of Hong Kong and should be retained as far as possible especially when urbanization is taking place so rapidly. DAFC also recommended that in the designation of "Village Type Development" zone, agricultural land still under cultivation should be left intact as far as possible.

Natural Environment (Plans 3, 4, 9a, 9b and 10f)

- 4.2.5 The Area falls within the upper and lower indirect water gathering grounds (**Plan 4**). The natural streams running from the mountains at northeast and northwest are intercepted by catchwaters at Kiu Tau and Ha Fa Shan before joining the river valleys in Tso Kung Tam (**Plan 4**). According to the Director of Water Supplies, in order to protect the water resources from being contaminated by wastes and pollutants, development in the Area would have to be strictly controlled.
- 4.2.6 The natural environment of the Area provides a significant habitat breeding species with conservation interest, including some rare species, i.e. Yellow Coster (Acraea issoria) (苧麻珍蝶), Hong Kong Cascade Frog (Amolops hongkongensis) (香港湍蛙), Hong Kong Newt (Paramesotriton honkongensis) (香港凛螈), Predaceous chub (Parazacco spilurus) (異鱲) and Red Muntjac (Muntiacus muntjak) (赤麂) (Plan 4). DAFC advised that any activity that would degrade, destruct or disturb the habitats should be avoided.
- 4.2.7 The Area is widely covered with natural vegetation, woodland and shrubland (**Plans 3 and 10f**) and classified with high landscape value. Chief Town Planner / Urban Design & Landscape, PlanD recommends conservation of the landscape character of the Area.

Cultural Heritage Interest (**Plan 10a**)

4.3 Within the Area, there is a Grade 3 historic building, i.e. Tsang Ancestral Hall at Chuen Lung (**Plan 10a - Photo 3**), which is worthy of preservation. Prior consultation with the Antiquities and Monuments Office of Leisure and Cultural Services Department should be made if any development, redevelopment or zoning proposals might affect the above graded historic building.

Land Ownership (Plan 6)

4.4 The majority of land in the Area is Government land (about 87.3%). The remaining 12.7% are private land which is primarily agricultural lots under Block Government Leases. Building lots are mainly concentrated in Chuen Lung area, in particular the Chuen Lung Village.

Transport and Accessibility (**Plans 9a and 9b**)

4.5 Within the Area, only area around Chuen Lung is accessible by vehicles via Route Twisk (**Plan 9a**), which connects TWNT and Kam Tin. Area around Ha Fa Shan, however, could only be accessed via WSD's restricted maintenance access from Route Twisk (**Plans 9a and 9b**); or the footpath from Chai Wan Kok in TWNT (**Plan 9b**).

Population

4.6 According to the 2011 Population Census, the total population of the Area was about 1,340.

5. <u>Land Use Proposals</u> (Appendix I)

General Planning Intention

5.1 The Area is rural in character with village settlements and existing rural industrial activities. The planning intention of the Area is to protect the natural habitats and the rural landscape of the Area, to prevent haphazard developments in the Area and to reflect the existing recognized Chuen Lung Village.

"Village Type Development" ("V") Total Area 2.79 ha (Plans 7, 8a, 8b, 10a and 10c)

- 5.2 The planning intention of this zone is to reflect the existing recognized village and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses servicing the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses in the zone may be permitted on application to the Board.
- 5.3 Chuen Lung Village is the only recognized village in the Area. The existing village cluster is mainly located to the north of the stream as illustrated in paragraph 4.2.1 above. There is a proposed Chuen Lung Village Expansion Area (VEA) to the southeast of the Village (Plan 7). It is covered by a Layout Plan No. L/TW-CL/1, which was adopted on 5.1.1994. The Layout Plan aims to respond to the demand for village houses in the area, and to provide a basis for the future development of the VEA. The VEA is not located within the "VE" of the Chuen Lung Village in order to avoid the high natural terrain and disturbance to the extensive dense vegetation and high landscape value in the southern part of the "VE" and its adjoining area including the Tai Mo Shan Country Park (Plans 7, 8b and 10a - Photo 1), minimize the site formation cost and remove the undesirable and/or illegal land uses in the location of the VEA (i.e. rural workshops and open storages (Plan 10c - Photo 16) which still exist today). Although the access road and drainage/sewerage infrastructure to support the VEA development have been completed, the implementation of the VEA is at present frozen and subject to a review on the Small House Policy by the

Government.

- The boundaries of the "V" zones are drawn up provisionally around the existing village cluster and the proposed VEA as shown on the Layout Plan No. L/TW-CL/1 having regard to the existing village houses and building structures, the "VE", the approved Small House applications and the existing site conditions. Areas of difficult terrain, dense and mature vegetation have been excluded and large pieces of active agricultural land have been avoided as far as possible. The boundaries of the "V" zones will be further reviewed and defined during the preparation of the OZP taking account of the results of relevant assessments/studies on various aspects including Small House demand and developments, the review of the Small House Policy, traffic, infrastructure, conservation value, environmental setting, landscape character, etc.
- 5.5 As diversion of streams may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

"Unspecified Use": Total Area 207.16 ha

- 5.6 The Area has a high scenic value and forms part of the wider natural environment of the Tai Lam Country Park and Tai Mo Shan Country Park. comprises mainly woodland, shrubland, active and fallow agricultural land, natural stream courses as well as village settlements and existing industrial developments. One landfilling and waste dumping site is detected in Ma Tong. To prevent further haphazard developments and protect the rural landscape character of the Area, the designation of "Unspecified Use" is required and primarily intended for giving statutory protection to the Area subject to further studies. Under this land use designation, apart from the 'Agricultural Use' and some uses which are permitted in the covering Notes of the Plan, all uses and developments will require planning permission from the Board. Besides, if diversion of stream, landfilling/excavation and pond filling are required for the always permitted uses (except the public works implemented and coordinated by the Government), permission from the Board will be required. This control will help properly regulate and control the existing topography and natural vegetation pending the designation of landuse zonings on the OZP.
- 5.7 Detailed proposals for the Area are set out in the ES (**Appendix III**).

6. Notes of the Plan (Appendix II)

- 6.1 Attached to the draft DPA plan is a set of Notes that shows the types of uses or developments which are always permitted within the Area and other uses for which planning permission from the Board should be sought. The provision for application for planning permission under section 16 of the Ordinance allows flexibility in land-use planning and control of development to meet the changing needs.
- 6.2 The draft Notes are formulated on the basis of the latest set of Master Schedule of Notes endorsed by the Board whilst having regard to the peculiar characteristics of the Area.

7. Plan Number

Upon gazetting, the draft Chuen Lung and Ha Fa Shan DPA Plan will be renumbered as DPA/TW-CLHFS/1.

8. Consultation

- 8.1 The draft DPA Plan together with the Notes and ES has been circulated to the relevant Government bureaux and departments for comments.
- 8.2 Comments received have been incorporated into the draft DPA plan, its Notes or ES as appropriate. On 2.12.2013, the draft DPA Plan was also endorsed by circulation by the Metro District Planning Conference for submission to the Board.
- 8.3 The Tsuen Wan District Council (TWDC) and the Tsuen Wan Rural Committee (TWRC) have not been consulted due to the confidential nature of the Plan. However, the TWDC and TWRC will be consulted separately on the draft DPA Plan after its publication under section 5 of the Ordinance.

9. <u>Decision Sought</u>

Members are invited to agree that:

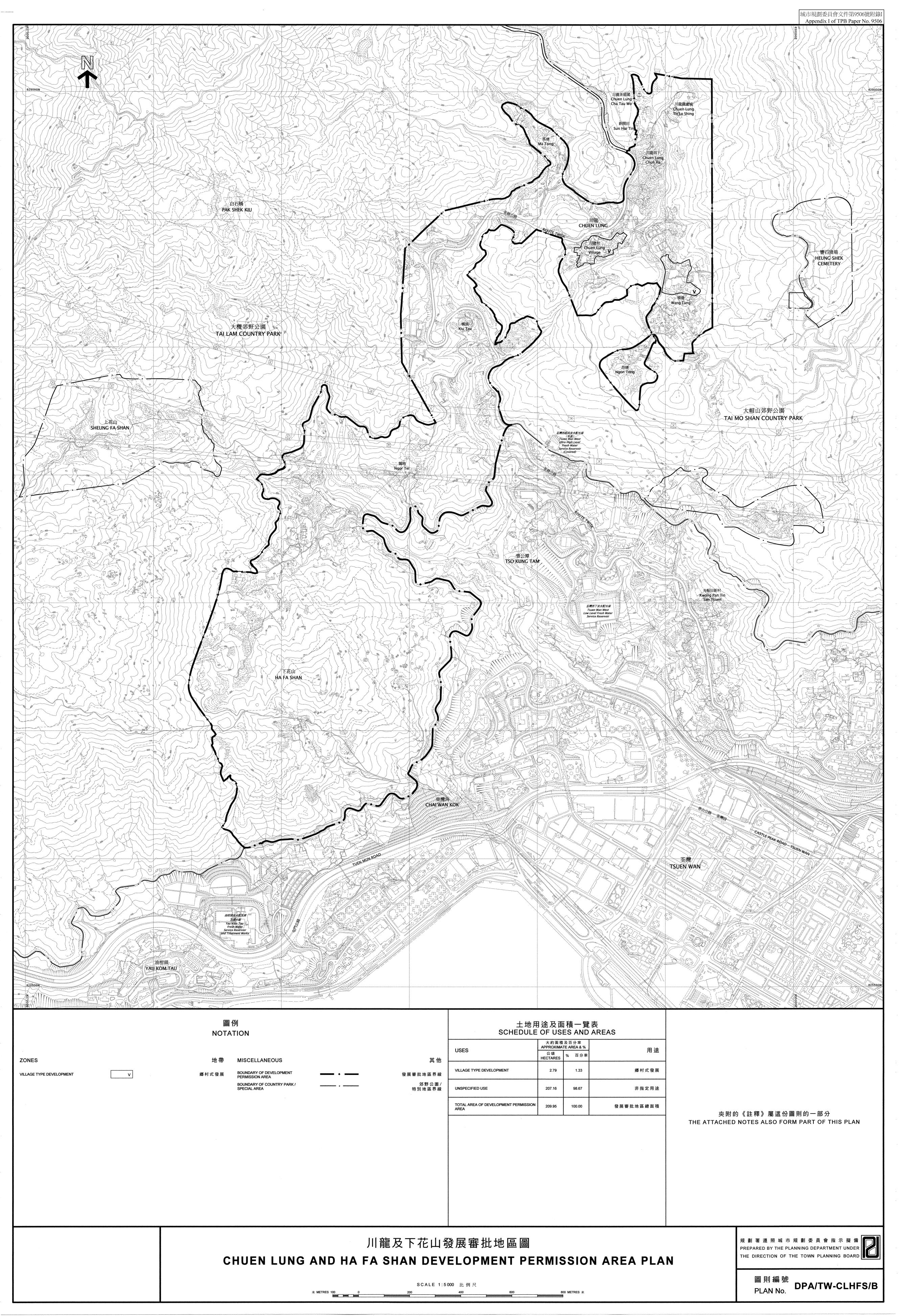
- (a) the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/B (to be renumbered DPA/TW-CLHFS/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the ES (**Appendix III**) is suitable to serve as an expression of the planning intention and objectives of the Board for the draft Chuen Lung and Ha Fa Shan DPA Plan and that the ES should be issued under the name of the Board; and
- (c) consultation on the draft Chuen Lung and Ha Fa Shan DPA Plan will be conducted for the TWDC and TWRC separately after its publication under section 5 of the Ordinance.

10. Attachments

Appendix I	Draft Chuen Lung and Ha Fa Shan Development Permission Area Plan No. DPA/TW-CLHFS/B		
Appendix II	Notes of the Draft Chuen Lung and Ha Fa Shan Development		
	Permission Area Plan No. DPA/TW-CLHFS/B		
Appendix III	Explanatory Statement of the Draft Chuen Lung and Ha Fa Shan		
	Development Permission Area Plan No. DPA/TW-CLHFS/B		
Plan 1	Location Plan of Chuen Lung and Ha Fa Shan		
Plan 2	Site Plan - Planning Scheme Boundary of Chuen Lung and Ha Fa Shan		
	Development Permission Area		
Plan 3	Aerial Photo - Planning Scheme Boundary of Chuen Lung and Ha Fa		

	Shan Development Permission Area
Plan 4	Water Gathering Grounds, Sighting of Rare Species and Locations of
	Industrial/Landfilling/Waste Dumping Sites
Plan 5	Landscape Value of Chuen Lung and Ha Fa Shan
Plan 6	Land Status of Chuen Lung and Ha Fa Shan
Plan 7	Village Environs of Chuen Lung Village and Proposed Chuen Lung
	Village Expansion Area
Plan 8a	Site Plan - Proposed "Village Type Development" Zones
Plan 8b	Aerial Photo - Proposed "Village Type Development" Zones
Plan 9a	Location of Site Photos - Chuen Lung
Plan 9b	Location of Site Photos - Ha Fa Shan
Plan 10a	Site Photos - Chuen Lung Village and Surrounding Environment
Plan 10b	Site Photos - Living Quarters in the Rural Settlements
Plan 10c	Site Photos - Rural Workshops and Open Storages
Plan 10d	Site Photos - Other Facilities
Plan 10e	Site Photos - Agricultural Land (Outside Chuen Lung Village)
Plan 10f	Site Photos - Natural Landscape
Plan 10g	Site Photos - Landfilling and Waste Dumping Site

PLANNING DEPARTMENT DECEMBER 2013



<u>DRAFT CHUEN LUNG AND HA FA SHAN</u> DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) Except to the extent that paragraph (3) applies, any use or development falling within the boundaries of the Plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (5) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (6) Boundaries of the Plan and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of the zone:
 - (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted Houses;
 - (f) replacement of an existing domestic building, i.e., a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House;
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government;
 - (h) in areas not zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the use stipulated in the schedule forming Annex A of these Notes; and
 - (i) in areas zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the uses stipulated in column 1 of the relevant zoning schedule forming part of Annex B of these Notes.
- (8) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (9) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.
 - "Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

"New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT CHUEN LUNG AND HA FA SHAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/CLHFS/B

Schedule of Uses

		<u>Page</u>
Annex A	Use always permitted in an "Unspecified Use" area	1
Annex B	VILLAGE TYPE DEVELOPMENT	2

Annex A

Use always permitted in an "Unspecified Use" area (Being an area not zoned or set apart under Section 4(1) of the Town Planning Ordinance)

Agricultural Use

Remarks

- (a) Any use or development, other than the always permitted use as specified above or the uses or developments always permitted under the covering Notes, requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to the always permitted use as specified above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by the Government), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

DPA/TW-CLHFS/B

Annex B

VILLAGE TYPE DEVELOPMENT

Column 1	Column 2		
Uses always permitted	Uses that may be permitted with or		
	without conditions on application		
	to the Town Planning Board		
Agricultural Use	Burial Ground		
Government Use (Police Reporting Centre,	Eating Place		
Post Office only)	Government Refuse Collection Point		
House (New Territories Exempted	Government Use (not elsewhere specified)#		
House only)	Hotel (Holiday House Only)		
On-Farm Domestic Structure	House (not elsewhere specified)		
Religious Institution	Institutional Use (not elsewhere specified)#		
(Ancestral Hall only)	Market		
Rural Committee/Village Office	Place of Recreation, Sports or Culture		
	Public Clinic		
	Public Convenience		
	Public Transport Terminus or Station		
	Public Utility Installation #		
	Public Vehicle Park (excluding container vehicle)		
	Religious Institution (not elsewhere specified)#		
	Residential Institution #		
	School #		
	Shop and Services		
	Social Welfare Facility #		
	Utility Installation for Private Project		

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place Library School Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (cont'd)

Planning Intention

The planning intention of this zone is to reflect the existing recognized village and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams, including that to effect a change of use to the always permitted uses as specified above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by the Government), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

DRAFT CHUEN LUNG AND HA FA SHAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B

EXPLANATORY STATEMENT

<u>DRAFT CHUEN LUNG AND HA FA SHAN</u> <u>DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B</u>

EXPLANATORY STATEMENT

CON	<u>ONTENTS</u>	
1.	INTRODUCTION	1
2.	AUTHORITY FOR THE PLAN AND PROCEDURE	1
3.	OBJECT OF THE PLAN	1
4.	NOTES OF THE PLAN	2
5.	THE EXISTING SITUATION	2
6.	NEED FOR PLANNING GUIDANCE AND CONTROL	3
7.	THE DEVELOPMENT PERMISSION AREA	3
	 7.1 Plan Area 7.2 General Planning Intention 7.3 Population 7.4 Land Use Zoning and Intended Uses within "Unspecified 	3 3 3 3
	Use" Area 7.4.1 Village Type Development 7.4.2 Unspecified Use 7.5 Water Gathering Grounds 7.6 Transport and Utility Services 7.6.1 Road Network and Footpath 7.6.2 Utility Services 7.7 Cultural Heritage 7.8 Geotechnical Issue	3 4 5 5 5 5 5 5 5
8.	PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA	6

<u>DRAFT CHUEN LUNG AND HA FA SHAN</u> <u>DEVELOPMENT PERMISSION AREA PLAN NO. DPA/TW-CLHFS/B</u>

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Chuen Lung and Ha Fa Shan Development Permission Area Plan No. DPA/TW-CLHFS/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- On 20 March 2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Chuen Lung and Ha Fa Shan as a development permission area (DPA).
- 2.2 On XX December 2013, the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to delineate the extent of the Chuen Lung and Ha Fa Shan DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The Plan is a small-scale plan and the planning scheme boundary and boundaries between zones may be subject to minor adjustments as detailed planning and development proceed.
- 3.3 The Plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for formulation of an outline zoning plan (OZP).

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at http://www.info.gov.hk/tpb.

5. THE EXISTING SITUATION

- The Area, located at the north-western fringe of the Tsuen Wan New Town (TWNT), mainly comprises the stream valleys surrounding the Chuen Lung and the upper foothills around Ha Fa Shan to the south of the Tai Lam Country Park. Traversed by the Route Twisk, the Area is bounded to the east by the Tai Mo Shan Country Park, and to the west by the Tai Lam Country Park.
- 5.2 Mainly consisted of vegetated slopes and stream valleys, the Area has a rural and scenic setting. With a varied topography, the Area has a large diversity in landscape and elevations. While the hills and slopes around Ha Fa Shan are widely covered with woodland and shrubland, active agricultural activities could be found around Chuen Lung.
- The Area falls within the upper and lower indirect water gathering grounds. Catchwaters and natural streams pass through the Area. Various rare species of fauna with high ecological values have been discovered in the Area, especially in or adjacent the stream courses, including Yellow Coster (*Acraea issoria*), Hong Kong Cascade Frog (*Amolops hongkongensis*), Hong Kong Newt (*Paramesotriton honkongensis*), Predaceous chub (*Parazacco spilurus*) and Red Muntjac (*Muntiacus muntjak*). Any activity that would degrade, destruct or disturb the habitats should be avoided. In addition, the Area is also classified as area of high landscape value under the "Landscape Value Mapping of Hong Kong" completed by Planning Department in 2005.
- 5.4 Only area around Chuen Lung is accessible to vehicular traffic via Route Twisk. Major developments are therefore concentrated in this part of the Area, including Chuen Lung Village, which is the only recognized village in the Area. Area around Ha Fa Shan, however, is only accessible by foot through Water Supplies Department (WSD)'s restricted maintenance access from Route Twisk or footpath from Chai Wan Kok in TWNT. With no vehicular access, Ha Fa Shan is primarily covered with vegetation except for a few scattered settlements/facilities.

.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

The Area is rural in character with a scenic setting attractive to hikers/tourists. There are undulating highland and slopes with woodland, shrubland, active and fallow agricultural land and stream courses, which provides good habitats for rare species. There is an urgent need to prevent haphazard developments in order to protect the rural landscape of the Area and avoid disturbance to the natural habitats and rare species. Therefore, it is necessary to prepare a DPA plan to cover the Area and provide planning guidance and development control pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers an area of about 209.95ha and is surrounded by TWNT, the Tai Mo Shan Country Park and the Tai Lam Country Park. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

The Area is rural in character with village settlements and existing rural industrial activities. The general planning intention of the Area is to protect the natural habitats and the rural landscape which complement the overall natural environment and the landscape beauty of the surrounding Tai Lam Country Park and Tai Mo Shan Country Park, and to prevent haphazard developments in the Area. The planning intention is also to reflect the existing recognized Chuen Lung Village.

7.3 Population

Based on population data from the 2011 Census, the total population of the Area was estimated to be about 1,340.

7.4 Land Use Zoning and Intended Uses Within the "Unspecified Use" Area

7.4.1 "Village Type Development" ("V"): Total Area 2.79 ha

(a) The planning intention of this zone is to reflect the existing recognized village and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses servicing the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses in the zone may be permitted on application to the Board.

- (b) Chuen Lung Village is the only recognized village in the Area. The boundaries of "V" zones are drawn up provisionally around the existing cluster and the proposed Chuen Lung Village Expansion Area (VEA) as shown on the Layout Plan No. L/TW-CL/1 having regard to the existing village houses and building structures, approved Small House applications, the village 'environs' ("VE") and the existing site conditions. Areas of difficult terrain, dense and mature vegetation are not included and large pieces of active agricultural land have been avoided as far as possible. The boundaries of the "V" zones will be further reviewed and defined during the preparation of the OZP to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, the review of Small House Policy, traffic, infrastructure, conservation value, environmental setting, landscape character, etc.
- (c) There is a proposed Chuen Lung VEA to the southeast of the Chuen Lung Village. The VEA is not located within the "VE" of the Chuen Lung Village. The implementation of the VEA is subject to a review on the Small House Policy by the Government.
- (d) Except for those specified, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- (e) To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- (f) Any diversion of streams may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

7.4.2 "Unspecified Use": Total Area 207.16 ha

The Area has a high scenic value and forms part of the wider natural environment of the Tai Lam Country Park and the Tai Mo Shan Country Park. The Area comprises mainly woodland, shrubland, active and fallow agricultural land, natural watercourses as well as village settlements and rural industrial developments. To prevent haphazard developments in order to protect the rural landscape and natural environment of the Area, planning guidance and development control is considered necessary. Due to the urgency to establish planning control under the DPA Plan, the Area, except land within the "V" zone, has been

designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP.

7.5 <u>Water Gathering Grounds</u>

The Area falls within the upper and lower indirect water gathering grounds. To protect the water resources from being contaminated by wastes and pollutants, development in the Area would have to be strictly controlled.

7.6 <u>Transport and Utility Services</u>

7.6.1 Road Network and Footpath

Chuen Lung in the Area is accessible by vehicles via Route Twisk which connects Tsuen Wan and Kam Tin. Ha Fa Shan is accessible via WSD's restricted maintenance access from Route Twisk or footpath from Chai Wan Kok in TWNT.

7.6.2 <u>Utility Services</u>

The Area is provided with electricity and telephone services. The existing fresh water supply system is mainly provided along or within some existing village settlements. But the capacity is limited and very sensitive to any increase in demand. Currently, no salt water supply system is provided in the Area. Public sewerage system is provided by Drainage Services Department along the Route Twisk. Provision of sewerage system for village settlements in the Area is under study. Any new development proposal should be required to demonstrate that no adverse drainage and sewage impact would be caused to the Area.

7.7 Cultural Heritage

- 7.7.1 Within the Area, there is a Grade 3 historic building, i.e. Tsang Ancestral Hall at Chuen Lung, which is worthy of preservation.
- 7.7.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of the AAB at http://www.aab.gov.hk.
- 7.7.3 Prior consultation with the Antiquities and Monuments Office of Leisure and Cultural Services Department should be made if any development, redevelopment or rezoning proposals might affect the above graded historic buildings/structures, new items pending grading assessment and its/their immediate environs.

7.8 <u>Geotechnical Issue</u>

The Area is overlooked by steep natural hillsides. It could be affected by potential geotechnical hazards in the form of landslips including boulder falls.

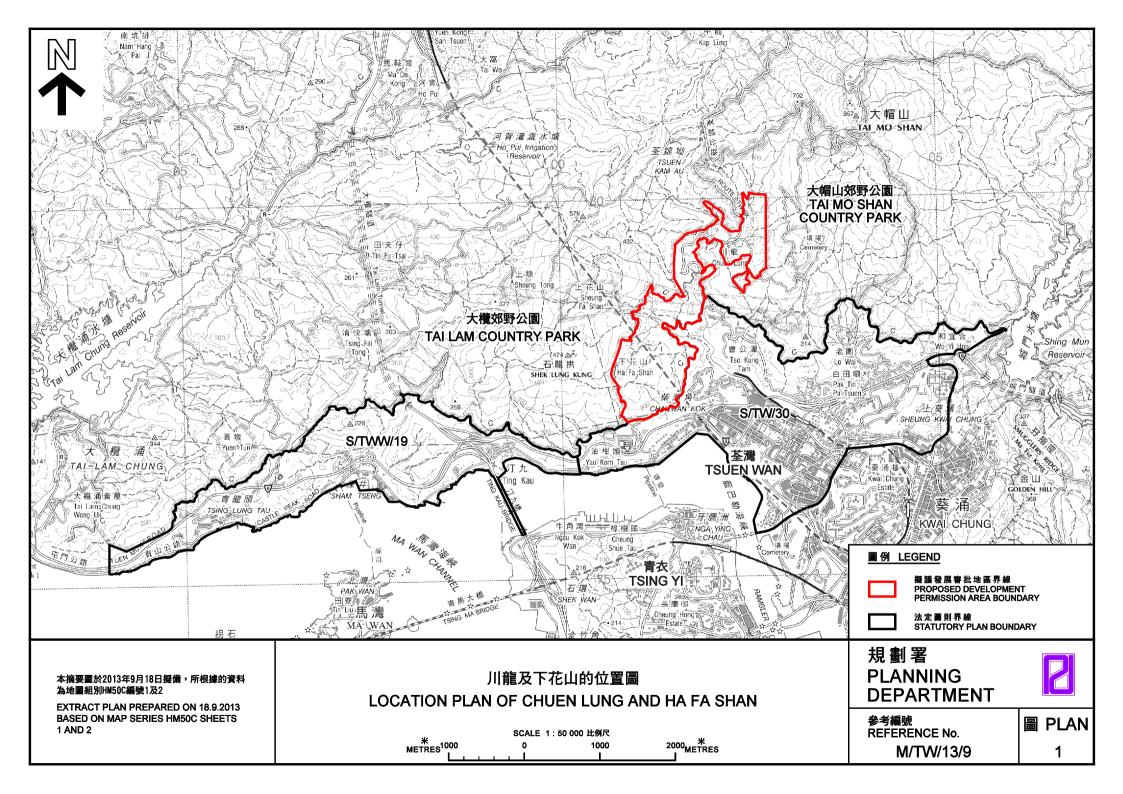
For developments within the Area, geotechnical investigations, design, construction and supervision of mitigation/stablisation works, and maintenance of such works may be required, if found necessary, as part of the developments.

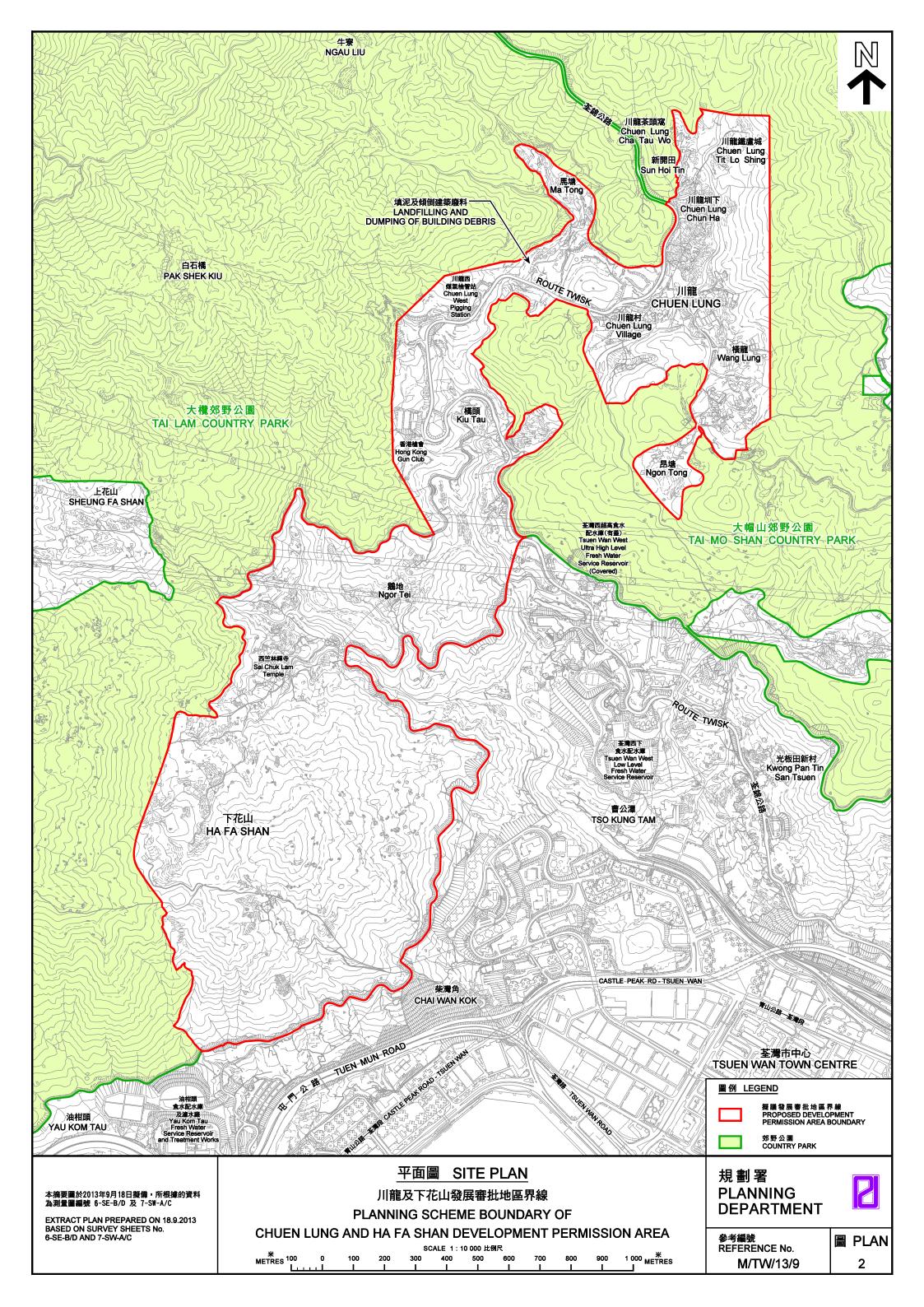
8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

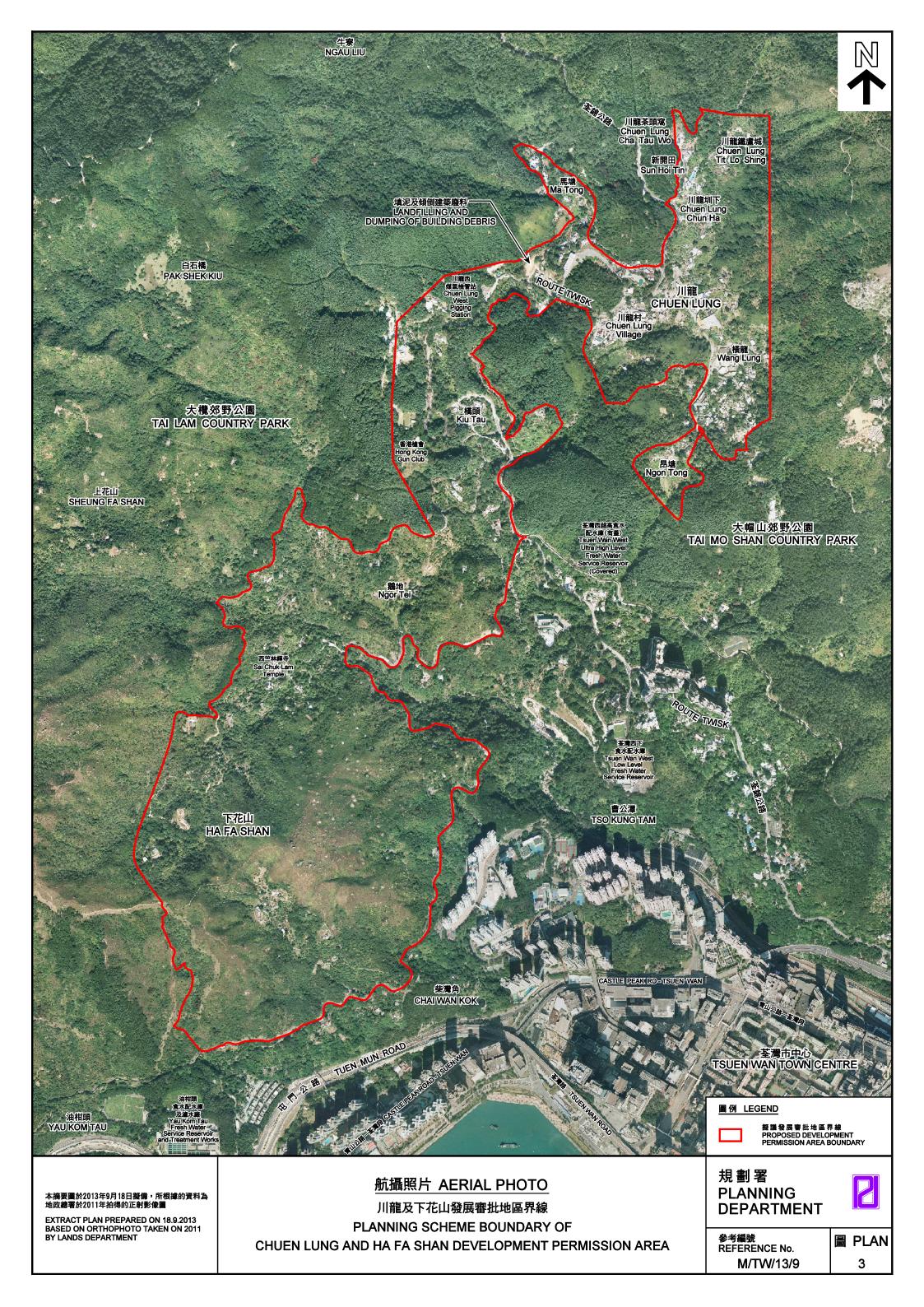
- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans, and the guidelines published by the Board. The outline development plans/layout plans are available for public inspection at the Planning Department. published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 8.4 Any development, other than those referred to in paragraph 8.1 above or in conformity with this DPA Plan or with the permission of the Board, undertaken or continued on land included in this DPA Plan on or after the date of the first publication in the Gazette of the notice on land included in the DPA plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land within land designated as "Unspecified Use" or any diversion of streams within "V" zone on or after the date of the first publication in the Gazette of the notice of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings.

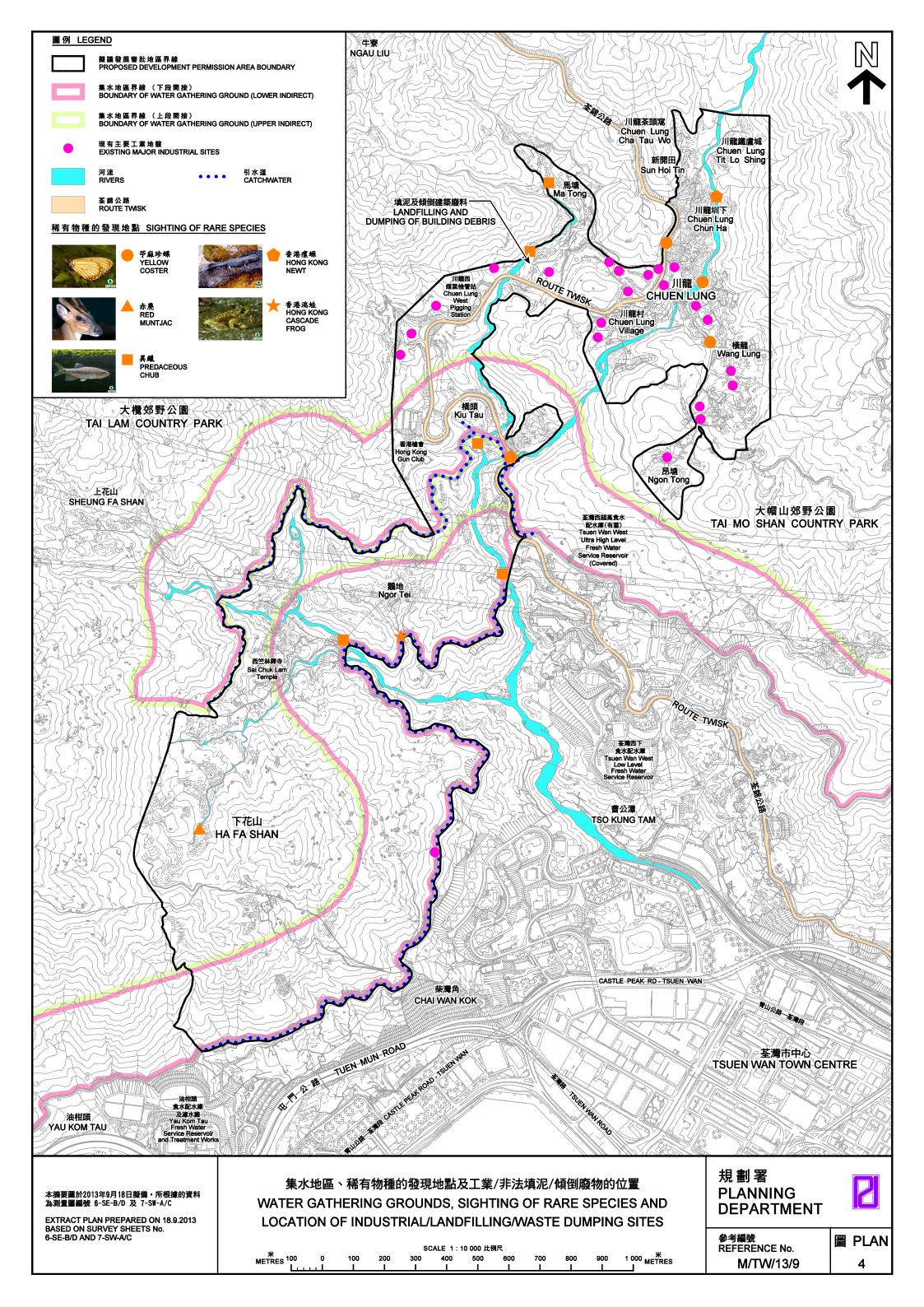
8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.

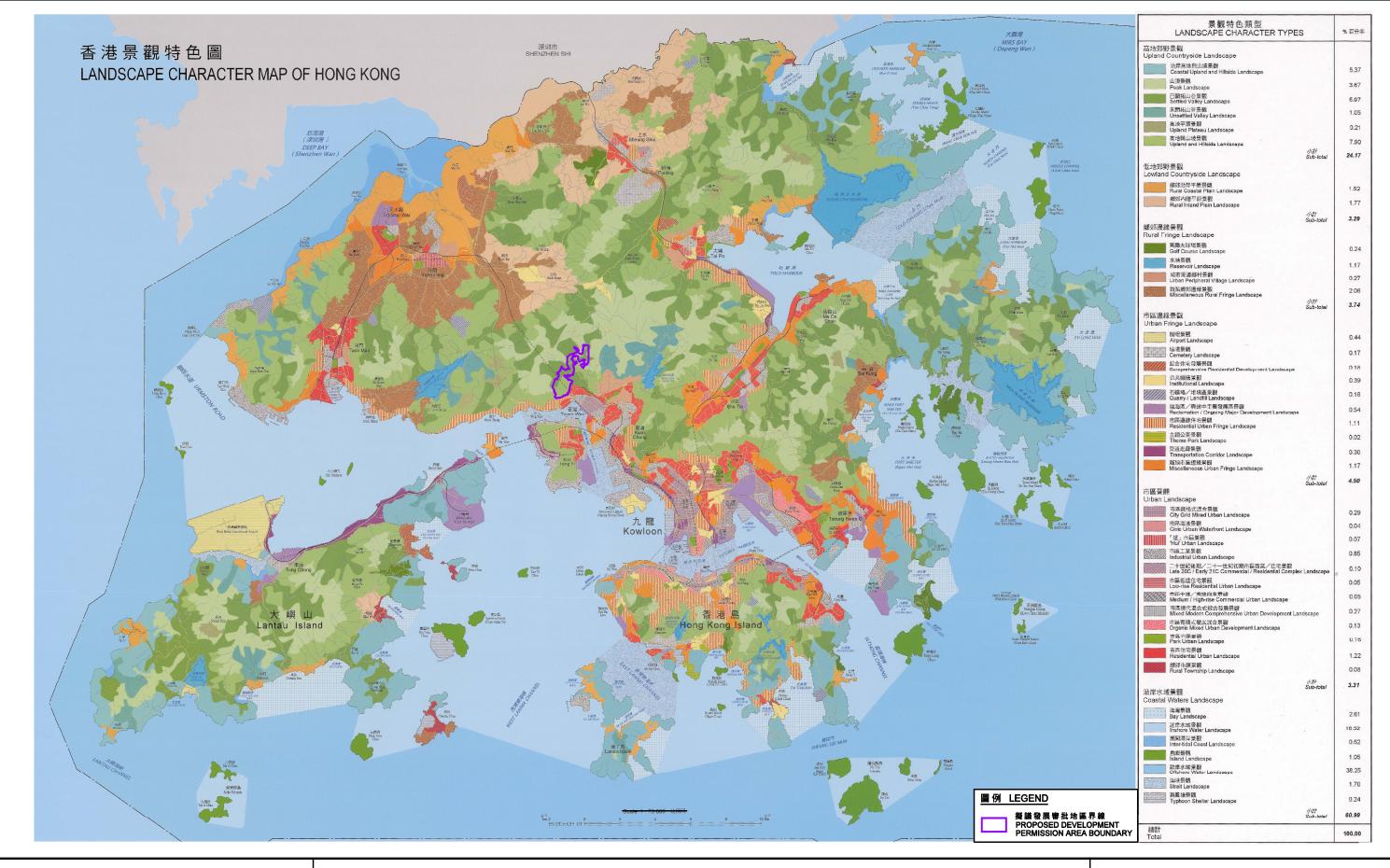
TOWN PLANNING BOARD DECEMBER 2013











本摘要圖於2013年9月18日擬備,所根據的資料 為香港具景觀特色地圖

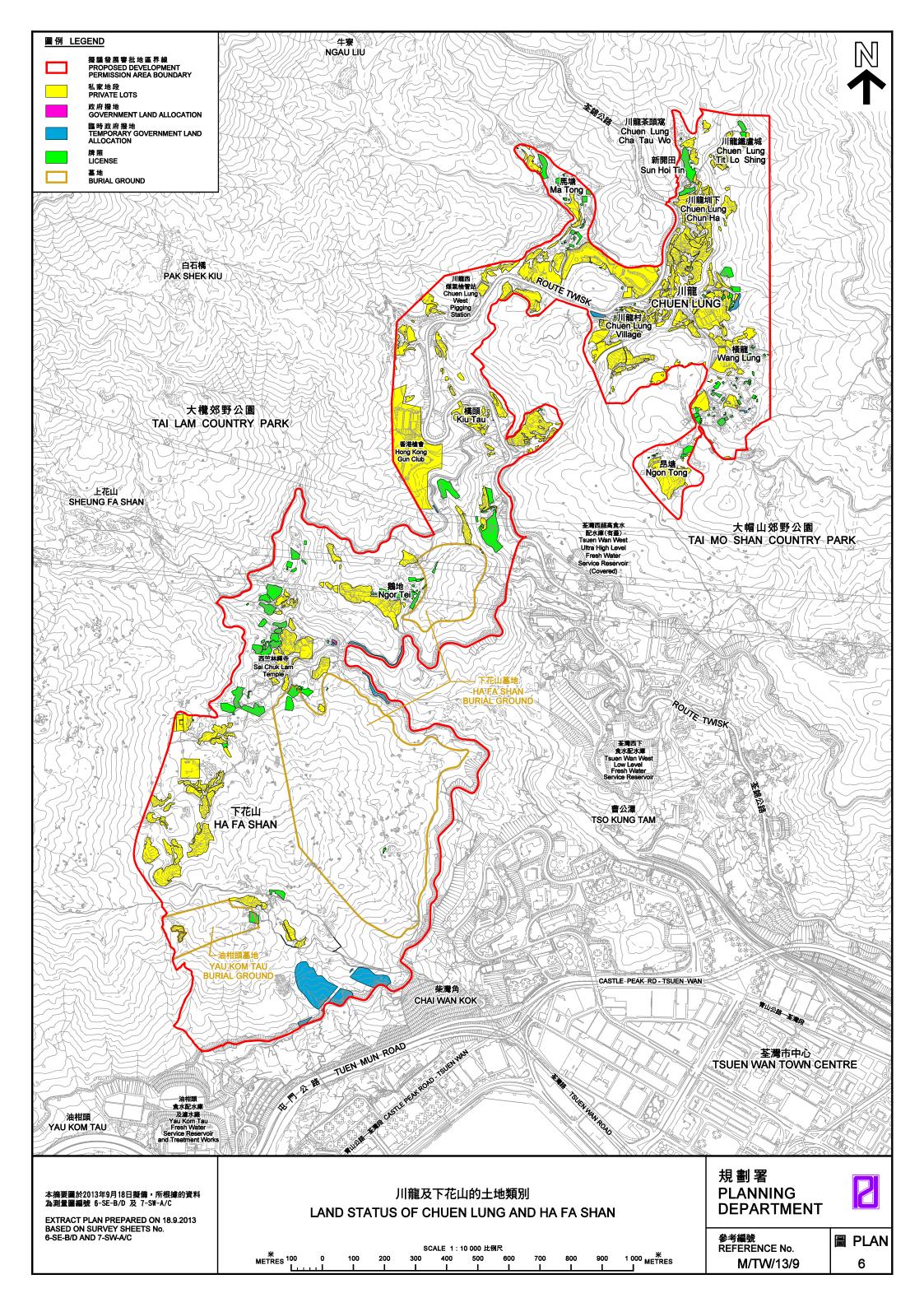
EXTRACT PLAN PREPARED ON 18.9.2013 BASED ON LANDSCAPE CHARACTER MAP OF HONG KONG 川龍及下花山的景觀價值 LANDSCAPE VALUE OF CHUEN LUNG AND HA FA SHAN

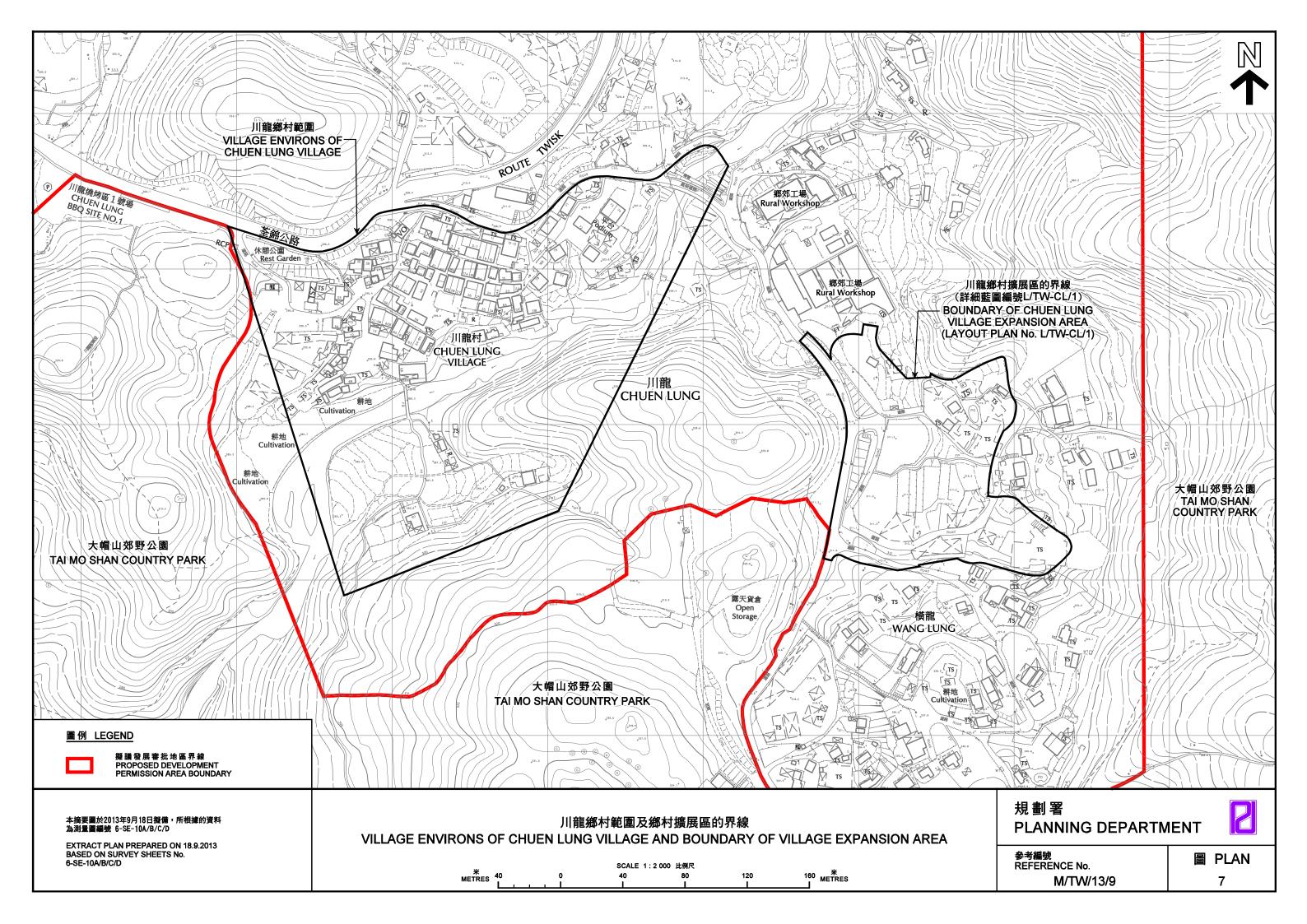
規劃署 PLANNING DEPARTMENT

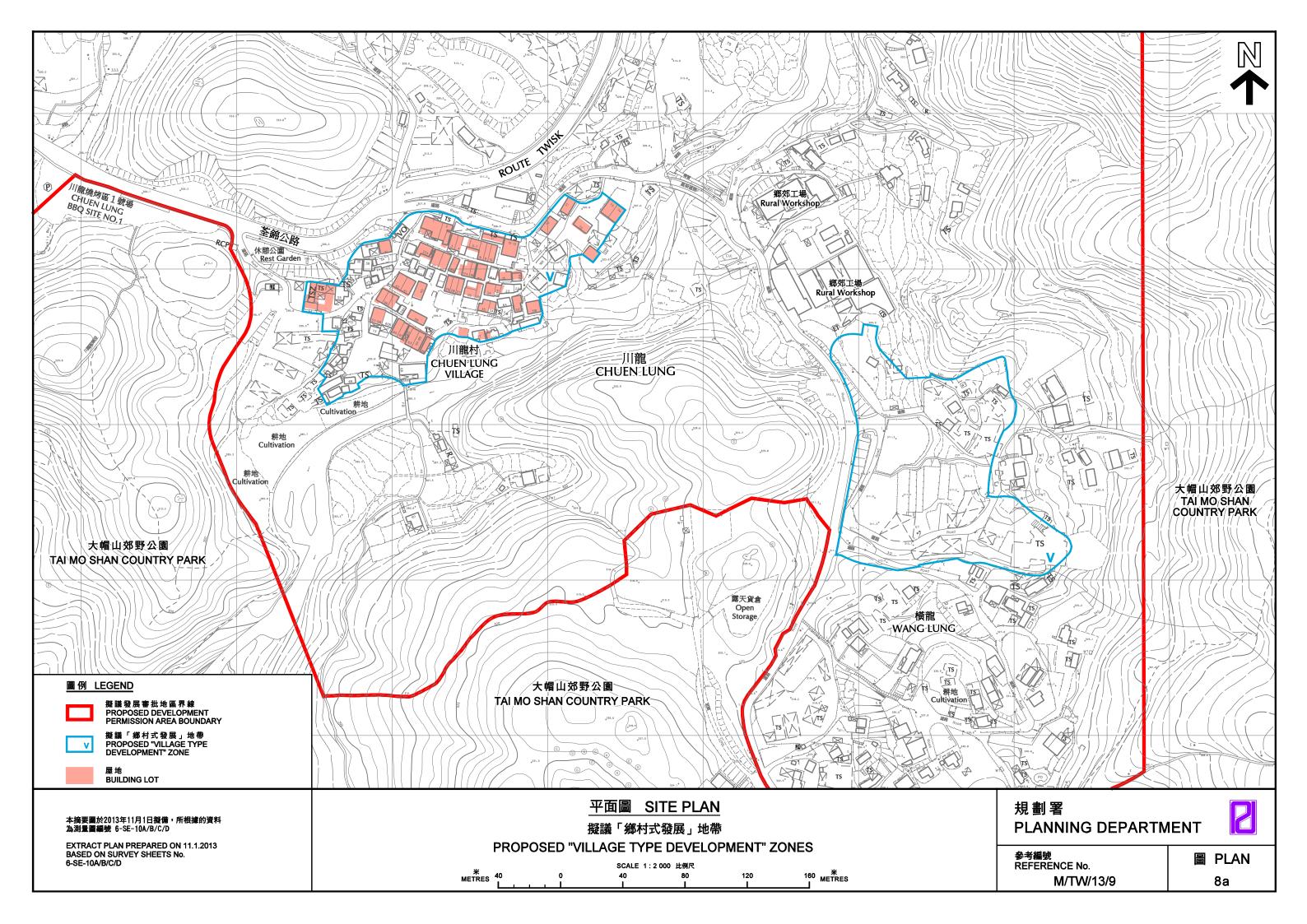


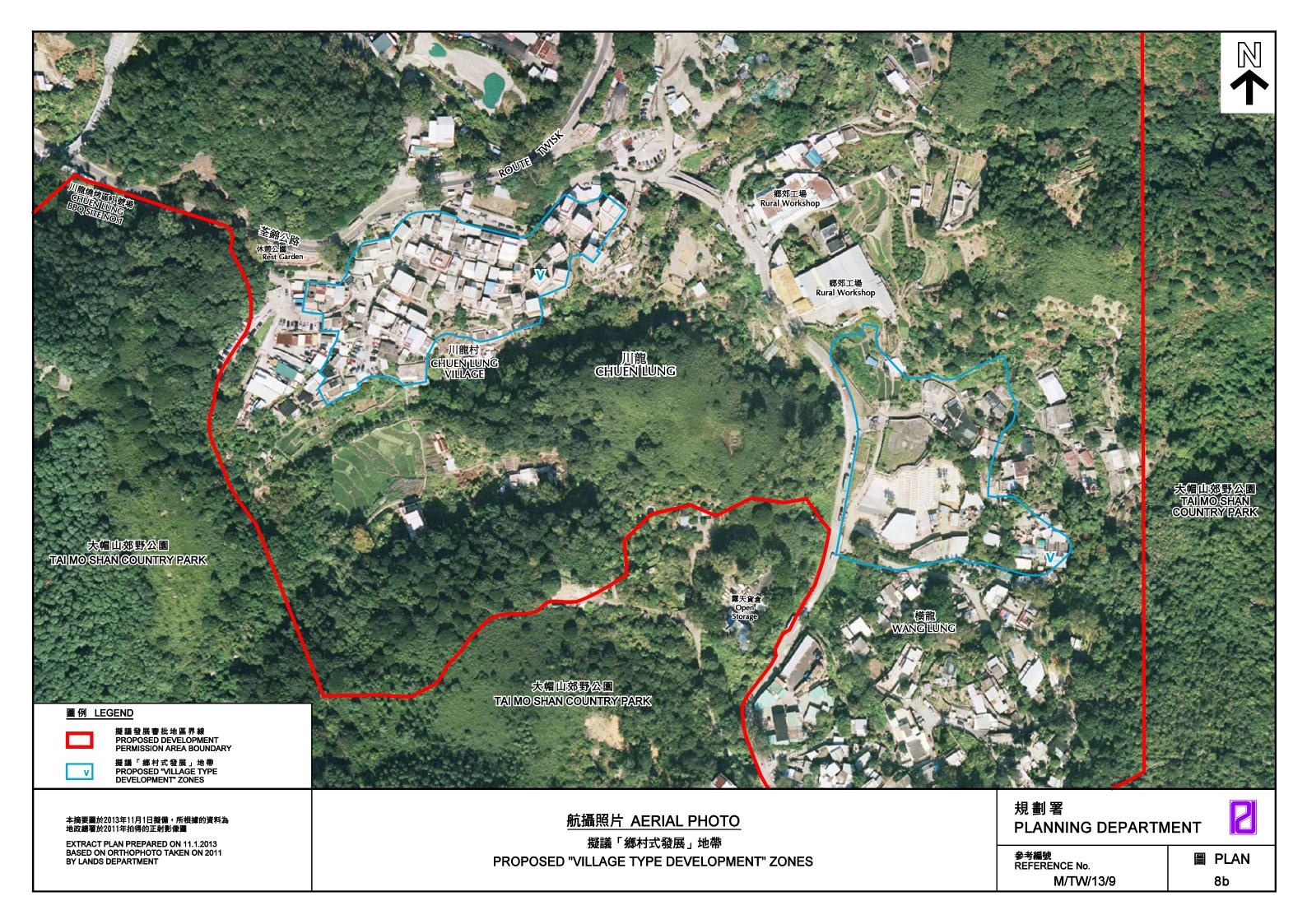
參考編號 REFERENCE No. M/TW/13/9

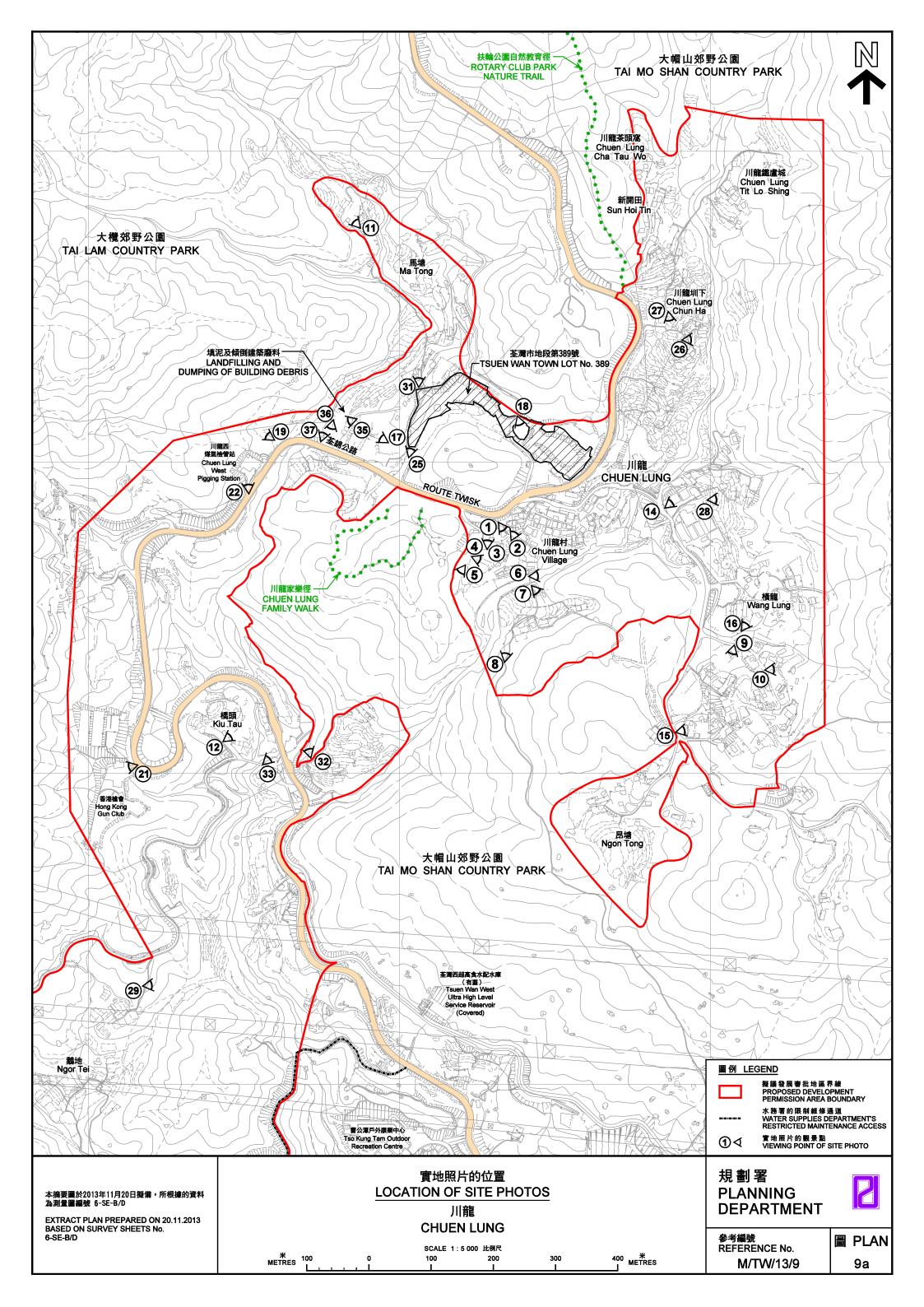


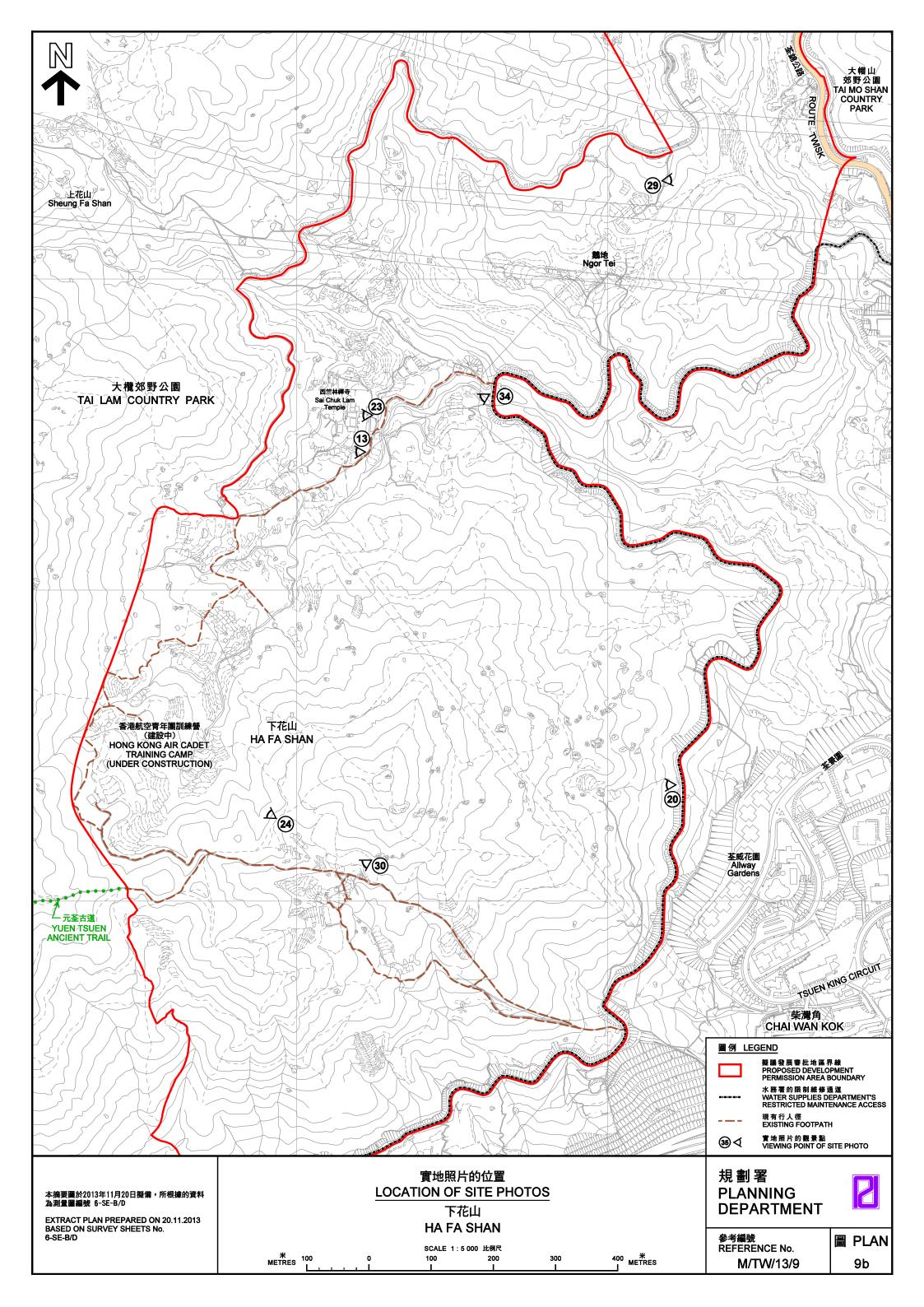




























本圖於2013年11月20日擬備,所根據的資料 為攝於2013年9月25日的實地照片

PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN ON 25.9.2013 實地照片 SITE PHOTOS

川龍村及周邊環境 CHUEN LUNG VILLAGE AND SURROUNDING ENVIRONMENT 規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9

圖 PLAN 10a

横龍 WANG LUNG (9 - 10)





馬塘 MA TONG



橋頭 KIU TAU







本圖於2013年11月20日擬備,所根據的資料 為攝於2013年9月及10月的實地照片

PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN IN SEP AND OCT 2013

實地照片 SITE PHOTOS

郊區聚落點的住所 LIVING QUARTERS IN THE RURAL SETTLEMENTS

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9 圖 PLAN 10b

横龍 WANG LUNG (14 - 16)





25.9.2013

馬塘 MA TONG (17 - 18)







馬塘 MA TONG



下花山 HA FA SHAN



實地照片 SITE PHOTOS

鄉郊工場及露天儲物 RURAL WORKSHOPS AND OPEN STORAGES

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9

圖 PLAN 10c

本屬於2013年11月20日擬備,所根據的 資料為攝於2013年9月及10月的實地照片 PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN IN SEP AND OCT 2013



香港槍會 HONG KONG GUN CLUB



川龍西煤氣檢管站 CHUEN LUNG WEST PIGGING STATION



西竹林禪寺 SAI CHUK LAM TEMPLE



建設中的香港航空青年團訓練營 HONG KONG AIR CADET TRAINING CAMP UNDER CONSTRUCTION



擬議酒店地盤 PROPOSED HOTEL SITE

本圖於2013年11月20日擬備,所根據的資料 為攝於2013年9月26日及2013年10月9日的 實地照片

PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN IN 26.9.2013 AND 9.10.2013 實地照片 SITE PHOTOS

其它設施 OTHER FACILITIES 規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9 圖 PLAN 10d

川龍圳下 CHUEN LUNG CHUN HA (26 - 27)





横龍 WANG LUNG



鵝地後面 BEHIND NGOR TEI



下花山 HA FA SHAN



本屬於2013年11月20日撥備,所根據的 資料為攝於2013年9月及10月的實地照片 PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN IN SEP AND OCT 2013

實地照片 SITE PHOTOS

農地(川龍村以外) AGRICULTURAL LAND (OUTSIDE CHUEN LUNG VILLAGE)

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9

圖 PLAN 10e

馬塘 MA TONG



橋頭 KIU TAU (32 - 33)



<u>下花山 HA FA SHAN</u>





本圖於2013年11月20日擬備,所根據的資料 為攝於2013年9月26日及2013年10月9日的 實地照片

PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN ON 26.9.2013 AND 9.10.2013

實地照片 SITE PHOTOS 自然景觀 NATURAL LANDSCAPE

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9









本圖於2013年11月20日擬備,所根據的資料 為攝於2013年11月19日的實地照片

PLAN PREPARED ON 20.11.2013 BASED ON SITE PHOTOS TAKEN ON 19.11.2013

實地照片 SITE PHOTOS

填泥及傾倒廢料地點 LANDFILLING AND WASTE DUMPING SITE

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. M/TW/13/9

