

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk



To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

4/1-DB/2

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

Attached paper include the comments prepared by the Parkview Village Owners Committee which represents the residents living in the area adjacent to Area 63. The Plan D and TPB:-

(a) are requested to comply with the instruction of the High Court to reconsider the application. And not just the F1 received by Plan D on the 28/11/21

(b) are asked to properly deal with the application as explain in our comments in respect of planning law and technical process and planning issues e.g. road access, geotechnical, sewage, water and ownership issues

The "tentative" 14/1/22 date for the TPB provides little time \*

MR. Kenneth J. BRADLEY

「提意見人」姓名／名稱 Name of person/company making this comment

簽署 Signature

K. Bradley

日期 Date

3/12/21

\* to do the above so Plan D should recommend to the TPB that the meeting be deferred for at least 3 months.

## PARKVALE VILLAGE OWNERS' COMMITTEE

**Comments on the submission in support of section 12A Application Number Y/I-DB/2 to amend Discovery Bay Outline Zoning Plan for rezoning the permissible use from staff quarters to flats at Area 6f, Discovery Bay (the Application).**

We, the Parkvale Village Owner's committee (PVOC), a body of owners in Parkvale Village in Discovery Bay (DB) have been elected to represent the interests of the owners of the 606 flats in the village. Our comments on the Application are set out in the following sections:

### A. INTRODUCTION

1. Reconsidering the Application.
2. Legal references relevant to the Application.
3. Overview.

### B. AREAS OF CONCERN

1. Inaccuracies and Misleading Statements in the Application.
2. Access to Area 6f from the Woods area of Parkvale Village.
3. The Woods Passageway and the Use of Parkvale Drive.
4. Geotechnical Planning Review.
5. Sewage Treatment Works and Discharge into the Sea.
6. Water Supply.
7. Landscape and Ecology.
8. HKR's Right to Develop Area 6f.

### C. CONCLUSION

#### A. INTRODUCTION

##### A1. RECONSIDERING THE APPLICATION

The Planning Department (PlanD) issued paper No Y/1-DB/2D to the Rural and New Town Planning Committee (RNTPC) for consideration at its meeting on the 23<sup>rd</sup> June 2017 at which the Application made by Hong Kong Resort Company Limited (HKR) was rejected. Subsequently HKR appealed through the judicial review process with the eventual result that the Court of Appeal on the 10<sup>th</sup> September 2021 reaffirmed the decision of the Court of First Instance that the Application be remitted to the TPB for reconsideration.

Based on this unequivocal instruction from the High Court to the Director of Planning, the PlanD, on behalf of the TPB, must reconsider the complete application and not just the Further Information (FI) received by PlanD on the 28<sup>th</sup> October 2021.

Therefore the PVOC requests the PlanD to comply with the Court of First Instance and Court of Appeal instruction as follows:

1. The PlanD reconsiders the complete application and report on that exercise to the TPB. If this is not complied with and the PlanD just reports on the FI received on the 28<sup>th</sup> October 2021, the TPB are requested to instruct the PlanD to properly comply with the Court's instruction i.e. to reconsider the complete application.
2. The PlanD in this reconsideration withdraws the statements in minutes 23 and 28 of the RNTPC minutes of the 23<sup>rd</sup> June 2017 that government departments generally had no



adverse comments on the technical assessments. As can be seen from this paper not all issues have been properly addressed by the PlanD and departments. The PlanD must revisit the responses of all the government departments and in particular properly address road access, geotechnical, sewage, water and ownership issues. i.e.:

- a. Request the HKR to correct the simplistic and misleading impression that the “access road” is merely the entrance to the Area 6f at the point it connects to Parkvale Drive. The reality is that this point of contact is with the Passageway of the Woods area of the village. Any commonsense assessment, including a site visit, would note that providing the required access to Area 6f must involve the destruction of 2 CTL Category 1 (highest-consequence-to-life) slopes opposite the three Woods residential buildings and the complete rebuilding of the Woods Passageway as the access road. There are massive social implications of doing this work since during the construction phase it would make the adjacent Woods area uninhabitable for the approximately 630 residents of the 252 units. The Applicant must, for the first time, address the massive implications of building an access road and, by doing this, comply with the elementary principle of planning practice stated in the case at A2.4 below. It is pointed out that the Applicant only stated that the proposed development includes “an access road for the site to be connected with existing Parkvale Drive” in one line of section 2.2 of the GPRR report dated 28<sup>th</sup> February 2017 a full year after the application was made.
  - b. Request the Applicant to report on geotechnical issues affecting both Area 6f and adjacent areas, including Area 6b in which Parkvale Village is situated. The GEO in the 23<sup>rd</sup> June 2017 RNTPC Paper No, Y/1-DB/2D paragraph 9.1.12 stated that “based on the GPRR submitted by the Applicant that the information provided is insufficient to demonstrate the geotechnical feasibility of the proposed slope upgrading/modification and natural terrain hazard mitigation works”. At the meeting the PlanD allowed the Applicant to table a response using a letter dated the 25<sup>th</sup> May 2017. Based on the minutes there was no examination of this response and no one from GEO attended the meeting.
3. According to the Application for Amendment of Plan the tentative date of the TPB to **consider the application** is the 14<sup>th</sup> January 2022. As this provides little time to complete the reconsideration properly, the PlanD should inform the TPB that more time is required to reconsider the whole application and set a date, say 3 months later, for the meeting to be held.

## **A2. LEGAL REFERENCES RELEVANT TO THE APPLICATION**

The PVOC draws attention to the following included in the Judgment in respect of CIVIL APPEAL NO 432 OF 2020 (CACV 432/2020, 2021 HKCA 1313):

1. Paragraph 25: in accepting an application to amend an approved plan under sections 12A(1), the TPB must be satisfied that the application is proper and acceptable. What materials are required to satisfy the TPB that the application would not give rise to some insurmountable or unacceptable impact on the **local community**, and whether some technical assessments or report should be obtained to demonstrate the potential areas of concern could be appropriately addressed, must depend on the facts and circumstances of the case in question.



2. Paragraphs 41-44: In *Royal Billion Investment Limited v The Town Planning Board*, Chow J regarded the feasibility of the proposed road widening works a relevant factor, as the prospect of **fulfillment of a desirable condition** is a relevant albeit non-conclusive factor that the planning authority was entitled to take into account. Looking into the matter with common sense, one can well understand why the feasibility of the proposed road widening works is a relevant consideration in *Royal Billion Investment Limited*.
3. Paragraph 47: the TPB is required under section 3(1) of the TPO to undertake the systematic preparation of draft plans with a view to the promotion of the health, safety, convenience and general welfare of the community.
4. Paragraph 47: Lord Widgery CJ in *Collis Radio Limited v Secretary of State for the Environment & Anr* (1975) 29 P & CR 390 a 396 - "Planning is something which **deals with localities and not individual parcels of land and individual sites**. In all planning cases it must be of the greatest importance when considering a single planning application to ask oneself **what the consequences in the locality will be** – what are the side effects which will flow if such permission is granted. In so far as an application for planning permission on site A is judged according to the consequences on sites B, C and D, in my judgment no error of law is disclosed but only what is perhaps the most elementary principle of planning practice is being observed".

The PVOC also draws attention to the judicial review judgement (HCAL 645/2017 [2020] HKCFI 1956) indicating that the PlanD and the TPB have failed to take into account all relevant factors and planning considerations and to discharge their Tameside duty to inquire properly, as paragraph 108 of the judgement states "in proper discharge of its Tameside duty, the TPB should have asked these right questions namely, whether the rezoning was consistent with the planning intention, and whether it met the feasibility study of infrastructure and environmental capacities".

The PVOC considers that the PlanD has failed to properly deal with the application, and subsequently reporting to the RNTPC, in respect of the following:

1. Materiality, relevance, access and impact on the local community. The PlanD failed to look properly beyond the Area 6f in respect of the local community i.e. the Woods residential buildings, most affected by the Application. It has been only concerned at the macro level i.e. with the whole of Discovery Bay. The PVOC has repeatedly pointed out the road access difficulties but this has not been explained to the TPB despite the photographs attached at Z4-6 Of the RNTPC Paper No Y/1-DB/2D.
2. Questioning of government departments responses on numerous subjects, especially:
  - a. The ignoring of road access and the impact on the adjacent community of the Woods area. **The access difficulties are such that construction of the access road would make the Woods area uninhabitable.**
  - b. The failure to satisfactorily deal with geotechnical issues.

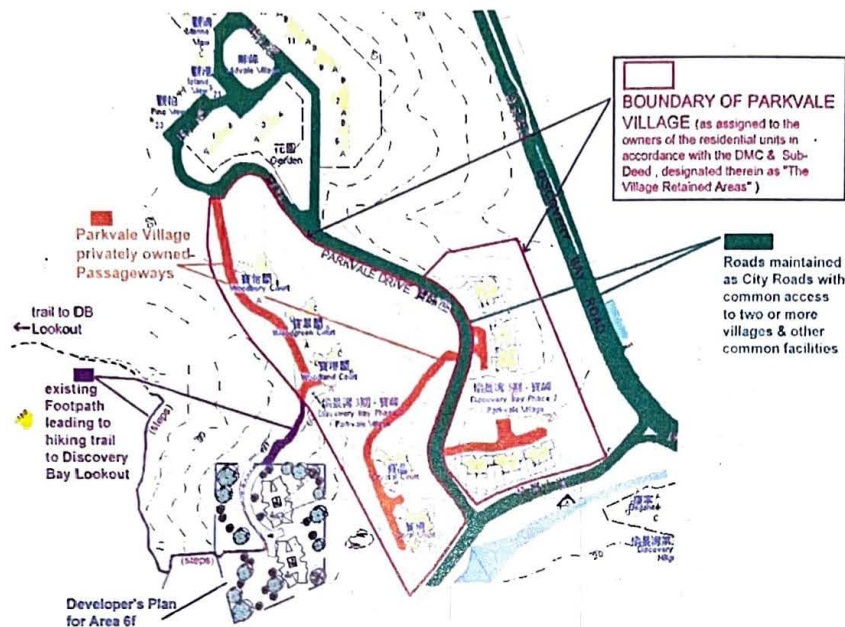
### A3. OVERVIEW

Parkvale Village is located in the Area 6b referred to in the judicial review judgements. As owners in this village we will be directly affected by the development proposed by HKR in Area 6f, as the only access proposed to Area 6f is through our village. All construction traffic and materials and, subsequent to completion of construction, all the population of the



proposed development and deliveries thereto must pass through our village. This is illustrated in Figure A below.

**Figure A - Map illustrating proximity of existing Parkvale Village including Village Retained Areas and Village Passageways.**

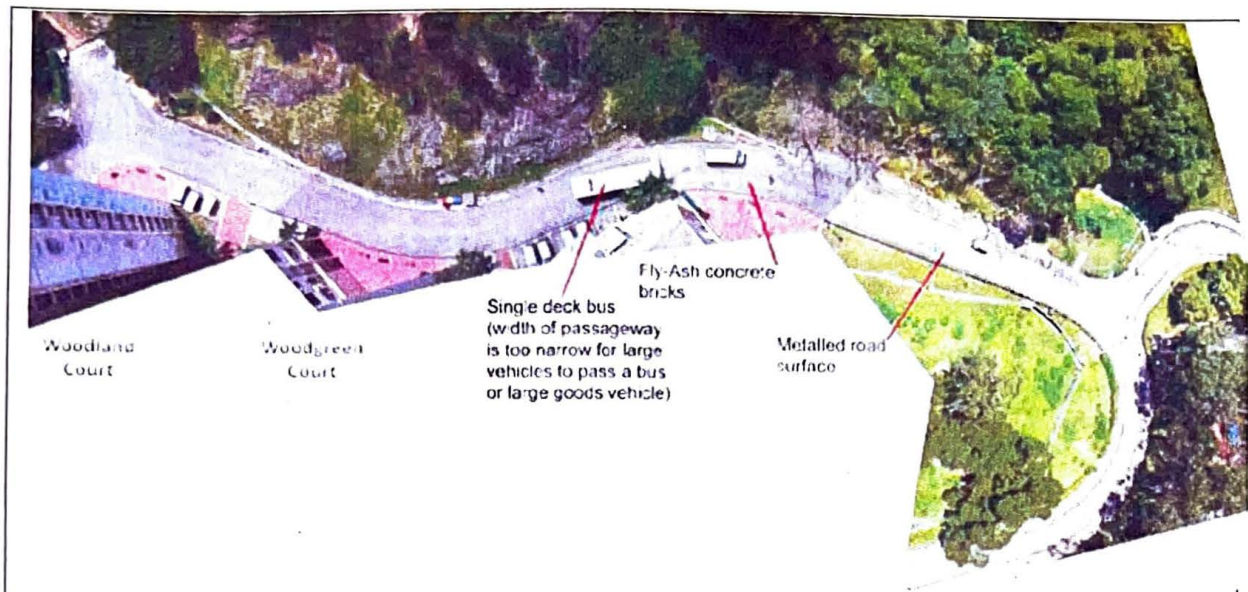


**MAP ILLUSTRATING PROXIMITY OF EXISTING PARKVALE VILLAGE INCLUDING PRIVATELY OWNED VILLAGE RETAINED AREAS ( INCLUDING SLOPES) AS WELL AS PRIVATE PASSAGEWAYS**

We are very concerned that the PlanD has indicated that there is adequate infrastructure provision to cater for the proposed development as it appears that in arriving at this conclusion the PlanD has not adequately assessed the infrastructure immediately beyond the boundaries of Area 6f, being that provided by our village on which the proposed development would have to rely.

In particular we do not understand how the PlanD considers the access though our village to be adequate infrastructure. The photographs below and later clearly indicate that it is not. All traffic would have to pass along this narrow brick surfaced Passageway to enter Area 6f as its entrance is at the far end of the Passageway. To provide road access would require a new Woods Passageway and slopes.





*Bird's-eye view of the pedestrian pavement Section 3 of Parkvale Drive, to the rear of the Woodbury Court, Woodgreen Court and Woodland Court residential buildings, illustrating that this section is a narrow paved pedestrian and golf parking area providing access to the entrance lobbies of the buildings. It also provides access to service vehicles, local bus services and delivery vehicles which may traverse at low speeds to park in one of the only three unloading bays. It is not a properly engineered road and lacks a camber to allow for efficient drainage, being constructed of concrete bricks laid on non-reinforced sand underlay. This renders the surface prone to subsidence and minor flooding during heavy rainfall.*

In the judicial review judgement the judge stated that "in proper discharge of its Tameside duty, the TPB should have asked these right questions namely, whether the rezoning was consistent with the planning intention, and whether it met the feasibility study of infrastructure and environmental capacities".

We now ask the PlanB to reconsider its conclusion that there is adequate infrastructure provision, including that provided in the surrounding area, to cater for the proposed development and that the TPB properly discharges its duty and asks appropriate questions of the PlanB in this respect. In particular, has HKR provided sufficient evidence in respect of:

1. Is access through Parkvale Village to Area 6f adequate to support the flow of traffic during construction and thereafter? And if not to disclose its plans to provide that access.
2. Does HKR have sufficient ownership rights to the access to Area 6f through Parkvale Village?
3. Has an adequate Geotechnical Planning Review been completed?
4. Does the proposed method to treat the sewage arising from the development meet the environmental expectations of a modern developed city?
5. Is the method to supply potable water to the proposed development viable?
6. Will HKR be able to plant all the compensatory trees which will be required?
7. Does HKR have the right to develop Area 6f?

PlanD officials and members of the TPB/RNTPC should visit the site to see for themselves the lack of infrastructure and environmental capacities.



## B. AREAS OF CONCERN

### B1. INACCURACIES AND MISLEADING STATEMENTS IN THE APPLICATION

The Application contains inaccuracies and misleading statements; many pointed out before but not followed up on despite their strategic implications to the practicability of the proposed development. They paint a totally misleading picture of the accessibility and the surrounding environment to the proposed development of Area 6f.

For example the PVOC draws attention to comments in the RNTPC Paper Y/I-DB/2D of 23/6/2017 "APPLICATION" under Section 2 "Justification from the Applicant" Paragraph (c) "Logical Location for Increased Residential Development Intensity" where in the second sentence it says "....it is readily accessible, currently served by public transport and in close proximity to commercial and leisure activities; the proposed BH and footprint are of similar scale to the surrounding existing residential blocks; and the proposed increase of residential units of 476 and population of 1,190 is of very modest development intensity .....".

Firstly, Area 6f is not "readily accessible". While they reference a new "access road" to be built, this is proposed to connect with the end of a private pedestrian Passageway which is tightly hemmed in to the east by the walls of the three residential blocks of the Woods and to the west by the drainage system and a high rock bank. This pedestrian Passageway, which is utilised for the only residential access, for the elderly walking and for children playing, allows for only one bus or delivery vehicle to enter at a time to allow for it to turn around to exit. This passageway is connected to a further very steep Passageway connecting below to Parkvale Drive which is a narrow, winding substandard roadway not up to the minimum standards set by the Highways Department. This can hardly be considered as "readily accessible" and would not permit access by either construction traffic or the future bus and delivery traffic the new development would require.

Secondly, the number 3 route bus which terminates at the Woods is full at peak hours and could not provide for the additional population of Area 6f. The Applicant has not provided any information in respect of the views of the bus operator (DBPTL).

Thirdly, while the Applicant refers to the Area 6f new residential blocks with 476 flats as "modest" and "in balance with the setting", it should be noted that, as the capacity of the existing three Woods blocks combined is a total of only 252 flats, the population of Area 6f, at almost double that number, would swamp the existing purpose designed facilities.

Except for the foregoing statements in Para (c) of Section 2, there is no mention or description of the surrounding environment to Area 6f or of any impediment to the development or interference with or disturbance to established surrounding residential properties and their specifically designed related infrastructure.

The intention of the Applicant, indicated on the plans but not given any written explanation, to provide an "access road" into Area 6f from Parkvale Drive and the Woods pedestrian Passageway completely ignores the physical constraints of the local environment and population **and it totally ignores the certainty that during the construction phase that THE WOODS area of Parkvale village would not be inhabitable during the construction period.**

Apart from the total disruption of the Woods pedestrian Passageway access, the disruption to the Emergency Vehicular Access (EVA) and bus services in the substandard Parkvale Drive would affect the lower Crystal and Coral blocks and adjacent low rise buildings of Parkvale



Village, as well as to the whole of the much larger Midvale Village which is totally reliant on Parkvale Drive for all access.

It is inexplicable that a decision as to the development of Area 6f could be made without serious consideration of the restricted residential environment through which access is proposed to be constructed and the effects and disruption that this would have to the lives and rights of the existing owners and residents. Although these problems have been well stated in many submissions, there has been no reference or answer to them in documentation issued by the Applicant or the PlanD and nor have there been any follow up questions regarding this vital issue from the RNTCP. It is inexcusable that at no stage have any TRNTCP/TPB members and PlanD staff made a site visit in preparing for decision making.

## **B2. ACCESS TO AREA 6f FROM THE WOODS AREA OF PARKVALE VILLAGE**

The PVOC has consistently challenged the lack of adequate or any clarification on the critical issue of access to Area 6f and the serious issues during and after construction relating to traffic, emergency access and personal safety. Nothing has changed. The proposed development has no safe means of access indicated on plans both for the construction phase and also no safe means of access for residents following completion.

The Applicant suggests that access to the site would be provided by utilising the existing:

1. **Parkvale Drive** (which is a City Common Area shared by Midvale Village). This is a sub-standard road which does not meet Hong Kong's Highway Construction Codes in terms of road-width and the provision of adequate and safe pavements, making it unsuitable for large cement trucks and other construction vehicles.
2. **"Parkvale Passageway"** as defined on the Parkvale Sub-DMC. This is to the rear of Woodland, Woodgreen and Woodbury Courts. This is not a "road". It is a pathway primarily for residents to gain access to the building lobbies, for other pedestrians to pass through the village, to provide access to a limited number of golf cart parking spaces and delivery trucks and as a terminus for the local shuttle bus. The Passageway has very low capacity because it was designed for only very limited and occasional vehicle access by delivery and service vehicles. Any large construction vehicles would impose an unsafe risk to pedestrians passing along the Passageway as well as obstructing the essential shuttle bus service. The lack of separate pavements to the rear of the Woods blocks is because the primary function of the entire Passageway itself is to serve as the pavement and as a paved recreational area.

The following photographs show that the Parkvale Passageway is a pedestrianised paved area providing access and recreational space for the approximately 630 residents of the Woods area and is wholly unsuitable for through traffic and heavy traffic flow and poses a very real risk of residents, including children and the elderly, being hurt or killed by the heavy traffic.



*Section 3 of  
Parkvale Drive –  
“The Passageway”.*

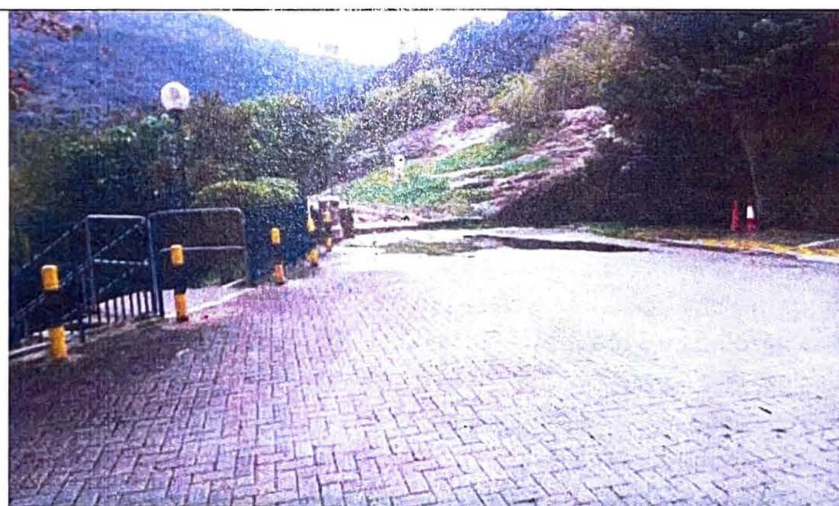
*The far end of the  
pedestrian  
pavement is from  
where the  
proposed access  
road to Area 6f will  
start.*



The private Parkvale Drive “Passageway” design did not envisage the introduction of through traffic, especially heavy construction vehicles and increased numbers of buses, the presence of which would destroy the safety and amenity of Parkvale Village.

*Section 3 of Parkvale  
Drive – “The  
Passageway”.*

*Settlement evident  
to 20 tonne rated  
paving resulting  
from current traffic  
loading at start of  
the proposed access  
road to Area 6f.*



Apart from the inadequacy of single access via Parkvale Drive and the Woods Passageway, the Application has nowhere recognized that Area 6f will house almost double the population of the existing three Woods residential buildings, thereby trebling the residential population relying on access through the constricted Parkvale Drive private Passageway with the obvious impact on the requirement for public transport and services and the frequency of emergency calls. Blockage of this private Passageway, either by an accident by two large vehicles in conflict or collapse or washout of the narrow slope below Woodbury Court, would sever access both general and in emergencies to a significant population, which is an unrealistic proposition from a safety and amenity perspective and is socially unacceptable.



The Fire Services department (FSD) asked HKR to clarify that an access in the form of a statutory EVA would be provided between Parkvale Drive and the EVA within Area 6f, although, even if the EVA within Area 6f complies with Buildings Department requirements, it will be "USELESS" without a conforming further EVA link through Parkvale Village along Parkvale Drive. HKR's response simply says that such an EVA access will be provided without clarifying how. The Buildings Department should require HKR to provide detailed evidence as to how it intends to provide this statutory EVA externally, as access to Area 6f from Parkvale Drive, given the proximity of the Woods high rise residential buildings, the storm water drainage provision and the immediately encroaching terrain.

The EVA connection will involve rock breaking / slope stabilisation work adjacent to the three Woods high rise residential buildings. The existing Parkvale Drive and the "Passageway" at the three Woods high rise residential buildings are patently insufficient to properly or safely serve the construction of and the additional development when occupied by 476 Flats of 2.5 or 2.8 persons per flat. The existing three Woods high rise residential buildings are within five metres of the existing Passageway, which is also the pedestrian access way to the entrances of the 3 buildings. Consequently, the proposed EVA will not comply with the requirements of the relevant Code of Practice issued and administered by the Buildings Department unless the Passageway is widened so that there is at least five meters between Woodbury Court and the resulting access. This will require the removal of the slope currently opposite the building.

*Section 3 of Parkvale Drive – "The Passageway".*

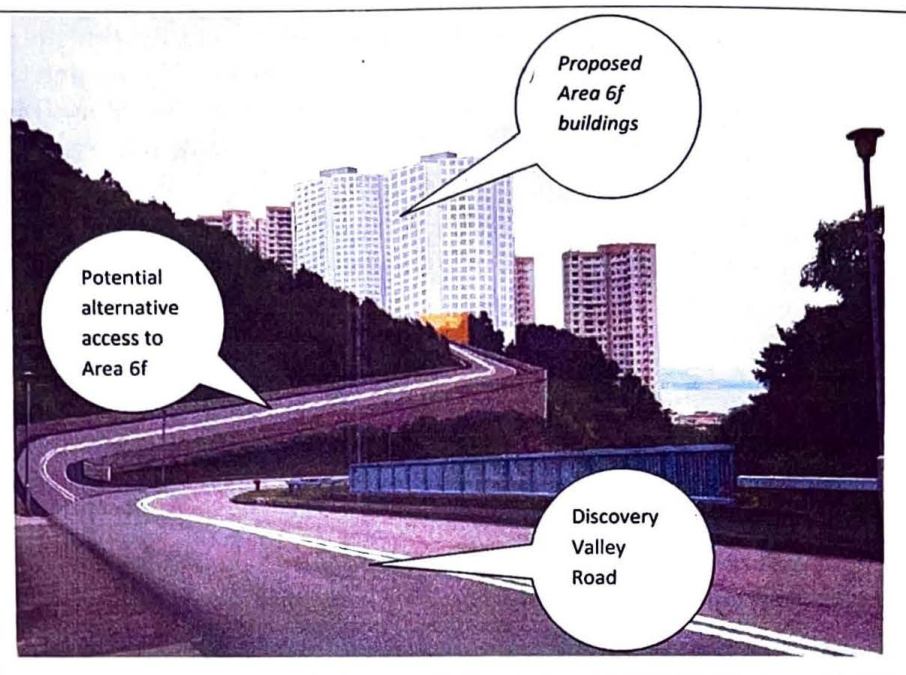
*View of the rear of Woodbury Court, illustrating the narrowness of the pedestrian pavement, its lack of a carriageway to separate vehicles from pedestrians and the inability of vehicles to pass one another.*



As illustrated below, an alternative potential access route to Area 6f does exist to the northwest by heading in the opposite direction away from the Woods enclave and connecting higher up to Discovery Valley Road towards the reservoir. This could possibly remove access problems through Parkvale village. Furthermore, **HKR has previously stated "We (the Applicant) are aware of the potential traffic impact on the neighbourhood. As such, HKR is favourably considering to build either a temporary or permanent haul road from Discovery Valley Road."** However, HKR has never mentioned either the potential traffic impact or the possibility of an alternative access from Discovery Valley Road in its Application. HKR should explain why this issue has not been addressed.



*Potential alternative access to Area 6f from Discovery Valley Road. The existing Parkvale Village high rise buildings is in the background and the existing Discovery Valley Road is in the foreground, with the proposed Area 6f development and alternative access superimposed.*



The Highways Department and PlanD should insist that this possible access is considered in the reconsideration of the application.

### **B3. THE WOODS PASSAGEWAYS AND USE OF PARKVALE DRIVE**

The Sub-Deed of Mutual Covenant for Parkvale Village refers to Sections 2 and 3 of Parkvale Drive, being from its junction with Middle Lane to its end at the start of the proposed extension to Area 6f, as a "Passageway". In Annex E of its first Further Information, HKR stated that *"the ownership of the Passageways vests with the Registered Owner (HKR) who is entitled to grant a Right of Way to other parties to use the Passageways to the proposed development in Area 6f"*.

From the outset of this application this HKR view has been contested by many Discovery Bay owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant for Discovery Bay and the Sub-Deed of Mutual Covenant for Parkvale Village are complicated documents and are difficult for a lay person to understand, especially in regard to Passageways, Village Retained Areas and Village Common Areas and the rights of the Registered Owner and of owners of undivided shares in the Lot thereto. Given the complexities in the Deeds of Mutual Covenant, the PVOC believes it is unacceptable in a public consultation exercise for RNTPC members and PlanD officials to accept the one sided view of HKR in respect of "Passageways".

Consequently, and given that the owners of the undivided shares in Parkvale Village have been responsible for the costs of maintaining this "Passageway" for the past 33 years, we believe that HKR should present counsels' independent legal opinions supporting its contention that **it has the legal right to use the Passageway as access to Area 6f.**

### **B4. GEOTECHNICAL PLANNING REVIEW**

HKR did not include a Geotechnical Planning Review Report (GPRR) in its original application and ignored the public's comments on this subject and the requests of CEDD Geotechnical



Office (GEO) throughout 2016. Such a review was essential in view of the nature of Area 6f and the adjacent Area 6B, in which Parkvale Drive is situated.

The Applicant at the outset said that the site is already formed. The site is defined as 8,300m<sup>2</sup> on rising ground from 44mPD to 70mPD. What is unclear from this description is that the site is only partially formed and is predominantly a slope leading down towards Crystal and Coral Courts. The present platform was only created to accommodate a 170m<sup>2</sup> GFA 3 Story Building and most, if not all, of the cleared flat area is only large enough to accommodate the road leading to the two proposed high rise buildings, not the buildings themselves. To establish the level site indicated on the concept plans would require considerable site formation to raise the grade from 44mPD to approximately a level 55mPD, and to cut back the existing formed slope.

*Existing platform in Area 6f.*



In creating this much larger level site, the slopes towards Crystal and Coral Courts and towards Discovery Valley Road will be increased significantly. This raises the safety risk of slope failure and increases the slope drainage run-off towards the existing Parkvale Village properties. **HKR has not stated how it will eliminate these risks.**

In the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, included under Geotechnical in paragraph 9.1.13 H (GEO), the CEDD said “The proposed development is overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). It will also affect or be affected by manmade-features. The Applicant should submit a GPRR.” It also reminded the Applicant that the GPRR shall be submitted in support of the application according to the GEO advice note and that the Applicant has not submitted a GPRR to assess the geotechnical feasibility of the proposed development.

**It took over a year until PlanD received on the 10<sup>th</sup> April 2017 a GPRR. Subsequently the Applicant responded to questions from the GEO with a submission to PlanD on the 25<sup>th</sup> May 2017 that was tabled at the RNTPC on the 23<sup>rd</sup> June 2017. Both were only in respect of Area 6f and not the adjacent areas as would be sensible in the context of A2.4 above. The PlanD did not raise questions about the paper and subsequent information.**

**Both the GPRR and the subsequent information are considered to be inadequate because of the following:**



1. They are based on outdated papers and information extracted from data sources. There is no statement and record of how many, if any, real time site visits and investigations were carried out within the Area 6f and adjacent areas.
2. They are based on a review of ground conditions assessed in 1984. Since then many of the HOKLAS test requirements have been amended so the review is not up to current standards.
3. There are four registered slope features and four natural terrains that fall partly or wholly within the site and seven registered slope features located in the vicinity of the site. Basic information of these features has been extracted from the GEO Slope Information System (SIS), but this basic information is from an inspection carried out 24 years ago, so the slope information being used in this GPRR is out of date and needs to be at least revisited.
4. The GPRR states that there is "no record of previous ground investigation works in the vicinity of the subject site from the GEO Technical Information Unit (GIU)" so the report relies on a 1985 geotechnical report for proposed residential building at Discovery Bay Development Area 6b, which was found in the Buildings Department (BD). This report prepared by LG Mouchel & Partners states that 31 drill holes were sunk in the associated Area 6b. No location plan has been found in respect of those drilling holes. Note that this GPRR has involved no boreholes within the Area 6f.
5. No records of previous groundwater monitoring have been obtained from the GEO GIU.
6. There is a need for a Natural Terrain Hazard Study (NTHS), which identifies the hazards and mitigation measures, but this will be only done after the Application is approved, and two of the NTH features are located within the site and have been identified as not satisfying the "In-principle Objection Criteria".
7. There is a need for additional ground investigation works to be carried out for detailed stability assessment on nine features and two features of natural terrain, but this work will not be done until after the Application is approved.
8. The slope stability assessment section of the GPRR confirms that eleven slope/terrain features will be affected by the proposed development and that, based on the information used in compiling this report, **all the adjacent slopes require a factor of safety above the prevailing standard.** These slopes include the slopes directly facing the three Woods high rise residential buildings and the slopes overlooking both Coral and Crystal Courts.
9. The CTL Category 1 (highest-consequence-to-life) slope (10SW-B/C218) directly opposite the three Woods high rise residential buildings would have to be destroyed and rebuilt. Two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This situation was not disclosed in the original application and only just before the RNTCP meeting on 23<sup>rd</sup> June 2017.
10. It is apparent from the GPRR that the foundation design requirements are presently totally unknown and are based on a guess estimate of the presumed bedrock profile until further site investigation is carried out. The report ignores the fact that the proposed site was formed for a very small three storey building.



11. The exact foundation system to be adopted is not known and therefore not made available for public comment. This is being left until after the Application is approved when the system to be adopted will be subject to detailed design on the loading of the proposed residential buildings, the future ground investigation works and laboratory testing results.
12. The ground profile indicated on Section A-A is incorrect and misleading.
13. Regarding site formation, paragraph 4.2 of the GPRR states very simplistically that **"to facilitate the construction of access road connecting to Parkvale Drive, local cutting with soil nails is anticipated to be carried out on Feature No. 10SW-B/C218", which is directly opposite the three Woods high rise residential buildings.** As is obvious from the inter-relationship of the issues of Passageways, slopes and EVA, as explained elsewhere in these PVOC's comments, the access to Area 6f is much more complicated and legally challenging than presented by HKR.
14. The GPRR recommends that geotechnical monitoring should be carried out on all adjoining features, ground and structures. i.e. Parkvale Village. This is despite making the contradictory statement that "there is no adverse impact to the nearby features", when this is quite clear from the statements regarding probable work to all the relevant slopes and natural features.
15. No reference is made to the construction works making the Woods area uninhabitable during construction

It appears from the GPRR that references to future slope stability work and subsequent site formation work for the access to Area 6f that the **Category 1 slope (10SW-B/C218) directly opposite the three Woods high rise residential buildings would have to be destroyed and rebuilt and the Woods Passageway rebuilt.** This MAJOR aspect of the proposed development has been ignored by the Applicant, and overlooked by the PlanD and government departments, presumably in order not to alert and alarm the PlanD, Parkvale Village residents and the general public to an issue which should be at the centre of a "public consultation" exercise.

**The PlanD must request the GEO to ask the Applicant to replace its desk top study with a full and proper assessment of the slopes within Area 6f and the adjacent slopes in Area 6b, especially the Woods slopes which are affected by the proposed development which includes the access road and not to wait, as the report states, until after approval of the application.**

## **B5. SEWAGE TREATMENT WORKS AND DISCHARGE INTO THE SEA**


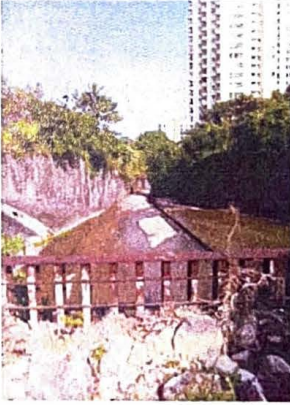
HKR proposes to provide an on-site sewage treatment plant (STP), in the basement and ground floor of the proposed buildings, to serve the proposed development as the Director of Environmental Protection (DEP) has stated that the Siu Ho Wan Sewage Treatment Works (SHWSTW), which currently treats all sewage from Discovery Bay, has no spare capacity to cater for sewage arising from the proposed development. Furthermore the Applicant proposes to:

1. Discharge the treated sewage directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. However, it is clear from HKR's comments that the latter is the intended approach.



2. In the event of the STP breaking down, divert the treated sewage to the SHWSTW, despite the DEP stating that the SHWSTW does not have the capacity to receive the sewage from the proposed development.
3. Provide a larger deodorizing unit. This is an interesting response, as it clearly acknowledges that there will be an odour issue for adjacent residents and the many users of the local hiking trail. The topography and the enclosed nature of the site, surrounded by the tower blocks, means that there is likely to be issues with wind tunnelling, confined airflow and possible micro-climate conditions. No study to this effect has been carried out.

 <p>Proposed location of sewage discharge</p>	<p><i>Picture of the redevelopment of the Discovery Bay bus station published by HKR with the location of the sewage discharge outlet added.</i></p>
---	--

	<p><i>View of the open nullah looking upstream past Hillgrove Village.</i></p>		<p><i>View of the open nullah looking downstream towards Hillgrove Village.</i></p>
---	--	--	---

Since HKR submitted its Application, work has commenced on expanding the capacity of the SHWSTW to serve the expanding population of North Lantau. However, HKR has not made any change to its submission in respect of how it intends to treat the sewage. Furthermore, according to the Sustainable Lantau Blueprint published by the Government in June 2017, Discovery Bay is not recommended as one of the potential development areas or strategic growth area.

Consequently, until advised otherwise, we presume that the sewage arising from the proposed development will be treated as proposed in HKR’s submission, as described above.



The DEP and HKR's own consultants have expressed concern over the use of a standalone STW and the proposed method of disposal of the sewage. We share these concerns and believe the proposal is unacceptable and should be rejected by the PlanD and the TPB.

The proposed sewerage treatment system will have a negative effect on sea water and air quality. We question HKR's claim that it has retained experience to operate such facilities. It is contrary to DSD's Vision statement, being "To provide world-class wastewater and stormwater drainage services enabling the sustainable development of Hong Kong". The proposed emergency sewage back up measures are not only very unsatisfactory, but are not feasible as they include using the existing sewerage system when the DEP has stated that the SWHSTW has no spare capacity to accept sewage from the proposed development.

The DEP has expressed reservation on the acceptability of the proposed development from a **sea water quality** assessment perspective and has advised that there are various technical discrepancies/deficiencies in the submitted Environmental Study. In HKR's April 2017 submission, it quotes the EPD as stating that "Not until the applicant has demonstrated that all practicable mitigation measures are exhausted, we have reservation on the acceptability of the proposed development from water quality assessment point of view".

HKR's conclusion that the quality of the sea water will conform to standards is based on modelled measurements 270 metres from the sewage discharge point. Would HKR's conclusions have been the same if it had modelled measurements at the sewage discharge outlet adjacent to a pedestrian walkway, residential buildings and a shopping centre which HKR has now built?

Although the DEP has no adverse comment on the air quality planning point of view, we are concerned that the DEP has not taken into account the potential smells arising from removing the sewage sludge from the standalone STW and from discharging the treated sewage into the open nullah. Even HKR's own consultants note that a **local STW may cause "an offensive smell and is health hazard"** (HKR's application, Appendix A, paragraph 5.6.4.1).

Not surprisingly HKR's consultants say that the sewage proposal "is considered not an efficient sewage planning strategy" (October Further Information, Annex G "Revised Study on Drainage, Sewage and Water Supply", paragraph 5.6.1.4).

In its April 2017 submission, HKR stated that it is familiar and experienced in operating a standalone STW, as it operated its own sewage treatment works in Discovery Bay prior to the commissioning and connection to the Siu Ho Wan public facilities. However, as it has been more than 20 years since this commissioning, **has HKR retained this experience?**

How does building such a standalone STP and discharging its effluent into an open nullah and then into the sea, adjacent to a pedestrian walkway, residential buildings and a shopping centre, help in the DSD in fulfilling its Vision statement, being "**To provide world-class wastewater and stormwater drainage services enabling the sustainable development of Hong Kong**"?

HKR has stated that there will be no sewage impact on the existing Discovery Bay sewerage system, yet it also mentions that there would be discharge to the SWHSTW in an emergency situation. These statements are contradictions as there is clearly an assumption that the existing sewerage system will be utilized in an emergency situation. There is no study or



assessment of the condition of the existing system to support its utilization during an emergency condition.

The **proposed emergency sewage back up measures** provide for routing a sewer pipe from the site past the existing residential Woods buildings to the existing Sewage Pumping Station Number 1 or across the previously untouched hillside and down to the stream running down Discovery Valley Road to the junction of Discovery Bay Road and Discovery Valley Road or tankers travelling up the already inadequate Parkvale Drive and Passageway to clear and carry effluent out of Parkvale Village and Discovery Bay. **Both are very unsatisfactory.**

Furthermore, we fail to understand how using the SWHSTW in the event of an emergency can be feasible when the DEP has stated that the SWHSTW has no spare capacity to accept sewage from the proposed development.

Given that the approximately 19,000 current residents of Discovery Bay enjoy sewage disposal facilities provided by the government and the government's considerable efforts to improve sewage disposal in Hong Kong over recent years, building a standalone STP to serve the 1,190 potential residents of the proposed development seems a retrograde step and we are very concerned and surprised that neither the DEP or the DSD have rejected the proposal to build one.

In view of the serious inadequacies of the proposed STW and discharge proposal, we believe that the DSD and EPD have no alternative but to reject HKR's proposal and advise the TPB to reject the application. As nearby residents, we should not be forced to live so close to the potential hazards of a standalone STP from which sewage sludge will travel through our village and which discharges effluent into an open nullah. Furthermore, the residents of Discovery Bay should not be forced to accept effluent being discharged into the sea so close to a popular pedestrian walkway, shopping centre and residential buildings.

## **B6. WATER SUPPLY**

Potable water is currently supplied to the residents of Discovery Bay via the Siu Ho Wan Water Treatment Works (SHWWTW) and the SHW Fresh Water Pumping Station (FWP). As these facilities have no spare capacity to supply water to the proposed development, HKR proposes to provide potable water to the proposed development from the raw water stored in the private Discovery Bay Reservoir by restoring the private water treatment works and building water mains for fresh and flushing water in order to make a private water supply exclusively for the additional 1,190 persons in Area 6f.

Since HKR submitted its application, work has commenced on expanding the capacity of the SHWWTW to serve the expanding population of North Lantau. However, HKR has not made any change to its submission in respect of how it intends to supply water to the proposed development. Furthermore, according to the Sustainable Lantau Blueprint published by the Government in June 2017, Discovery Bay is not recommended as one of the potential development areas or strategic growth area.

Consequently, until advised otherwise, we presume that water will be supplied to the proposed development as proposed in HKR's submission, as described above.

The laying of a major new water main required to enable the Discovery Bay existing reservoir supply to be utilised to provide potable water to the proposed development will



further disturb the natural environment, with much rock breaking required from the proposed new private water treatment works, pumping station and service reservoir, down Discovery Valley Road, and back up Parkvale Drive to Crystal Court and Coral Court, then up the slope to the Area 6f site (option 2) or from Discovery Valley Road across the hillside to Area 6f (option 1).

HKR indicates that a new private water treatment works will be provided for the fresh water supply system for the Area 6f development. However, one of the primary reasons for connecting to the government water source was the low standard of drinking water that residents experienced from the reservoir, which is a recipient of water run-off from the golf course i.e. presumably with the usual pesticides. There is no detail over how the water quality for the Area 6f development will be so significantly improved above past failures.

In addition, there appears to be no backup plan for the provision of fresh water to the Area 6f residents if and when the water quality does not comply with Guidelines for Drinking-water Quality recommended by the World Health Organization, which is the water quality standard currently adopted by the WSD fresh water supply system.

Furthermore, it does not appear economic to build the proposed infrastructure to supply the potential 1,190 residents of the proposed development, who, alone, will need to bear the costs of operating the new standalone system, as the other residents of Discovery Bay will not benefit from it.

#### **B7. LANDSCAPE AND ECOLOGY**

The Applicant has failed to properly consider the landscape and ecological aspects of the proposed development within Area 6f and the adjacent areas. For example:

1. With regard to the compensatory planting, the site conditions simply do not allow for the retention of the trees as stated in the Application and FIs.
2. The statement that only 30 metres of the hiking trail would be affected is inaccurate, and demonstrates unfamiliarity with the site. The latter is illustrated by there being no mention that the proposal to divert the hiking trail would most likely involve the hacking off of a large part of the scenic and solid rock immediately next to the cul-de-sac.
3. Necessary major works to slopes, when eventually designed, will disturb existing trees and may well prevent the planting of replacements. HKR has a poor record of sympathetic retaining walls, for example the new houses at the reservoir, with ugly, highly visible, large concrete retaining walls.
4. The loss of vegetation to the existing slopes after site formation work and the requirements for major concrete retaining walls and soil nails to withhold fill and / or to retain slopes, in what are presently green areas are not addressed.

#### **B8. HKR's RIGHT TO DEVELOP AREA 6F**

The final determinant of the ultimate development potential of the Lot (under the Land Grant and Master Plan) on which Discovery Bay is built is the number of undivided shares remaining for allocation to any new development on the Lot.

The Principal Deed of Mutual Covenant (PDMC) contains a unique share regime in which the Lot is notionally divided into 250,000 undivided shares. These undivided shares are allocated in the PDMC to various uses including: 56,500 to Residential Development; 4,850



to Commercial development; 2,150 to Clubs and public recreation activities; and 3,550 to hotel use. 55,000 were defined as "Reserve Undivided Shares".

The 56,500 undivided shares allocated to Residential Development may be sub-allocated to residential units and, once these have been exhausted, the developer may draw from the Reserve Undivided Shares for further Residential Development.

In 2019, HKR provided a Certificate on Undivided Shares of Discovery Bay City which, for the first time, purported to set out the then actual usage of the 250,000 undivided shares. This certificate shows that all the 56,500 undivided shares allocated to Residential Development in the PDMC have been assigned to residential villages in Discovery Bay. Consequently, shares allocated for further residential development must be drawn from any remaining Reserve Undivided Shares.

It has recently been argued by an owner in Discovery Bay, who has a deep understanding of the PDMC, the Land Grant and the Master Plan, that this certificate is incomplete as it does not include most commercial developments, the clubs, the club grounds, the Service Area, the Public Recreation Facilities, the City licensed areas and the roads and passageways. The owner further argues that as BMO Section 34G may require the allocation of Reserved Undivided Shares to these areas of the City, and that more than the remaining Reserve Undivided Shares would need to be allocated to these areas, that there are no remaining Reserve Undivided Shares to be allocated to new residential development, which would include Area 6f.

The Department of Justice should advise the PlanD, the LandsD and the TPB as to whether there are any undivided shares remaining to be allocated to Area 6f. If there are no such undivided shares, the TPB should reject HKR's application.

### **C. CONCLUSION**

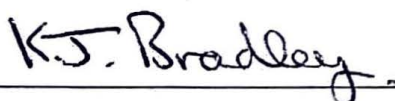
We, the Parkvale Owners Committee, representing the Owners of Parkvale Village, which is adjacent to Area 6f and through which all traffic to Area 6f would pass, are very disappointed that HKR continues with its fundamentally unsound application, since it has been, from the outset, so heavily discredited and believe that the application should be withdrawn.

We now ask the PlanD to comply with the instruction from the High Court to reconsider the application in its entirety and perform its duty in accordance with Section A above. We also ask that it reconsiders its conclusion that there is adequate infrastructure provision, including that provided in the surrounding area, to cater for the proposed development and that the TPB properly discharges its duty and asks appropriate questions of the PlanD in this respect and rejects the application.

*Signed on behalf of the PVOC:*

*Date:*

3<sup>rd</sup> December 2021



**Mr. Kenneth J. Bradley J.P.**

Parkvale Village Owners Committee Chairman



致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

4/1-DB/2

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

I agree with the POC comments in the attached paper in respect of ~~the~~ Plan D not properly considering road access to Agabg and the impact on the adjacent area of the Woods.

This is a glaring omission and needs to be corrected.

M. K. J. Bradley

「提意見人」姓名／名稱 Name of person/company making this comment

簽署 Signature

*M. K. J. Bradley*

日期 Date

3/12/21

RECEIVED

- 3 DEC 2021

Town Planning Board



### ACCESS TO AREA 6f FROM THE WOODS AREA OF PARKVALE VILLAGE

The PVOC has consistently challenged the lack of adequate or any clarification on the critical issue of access to Area 6f and the serious issues during and after construction relating to traffic, emergency access and personal safety. Nothing has changed. The proposed development has no safe means of access indicated on plans both for the construction phase and also no safe means of access for residents following completion.

The Applicant suggests that access to the site would be provided by utilising the existing:

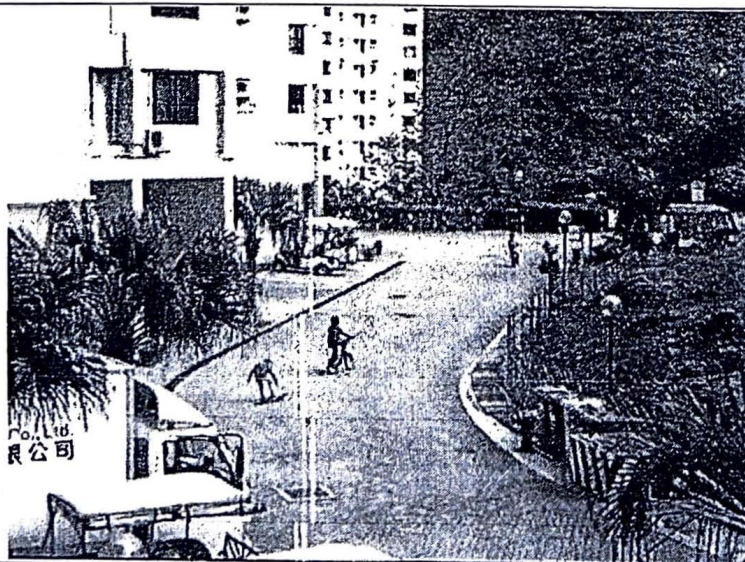
1. **Parkvale Drive** (which is a City Common Area shared by Midvale Village). This is a sub-standard road which does not meet Hong Kong's Highway Construction Codes in terms of road-width and the provision of adequate and safe pavements, making it unsuitable for large cement trucks and other construction vehicles.

2. **"Parkvale Passageway"** as defined on the Parkvale Sub-DMC. This is to the rear of Woodland, Woodgreen and Woodbury Courts. This is not a "road". It is a pathway primarily for residents to gain access to the building lobbies, for other pedestrians to pass through the village, to provide access to a limited number of golf cart parking spaces and delivery trucks and as a terminus for the local shuttle bus. The Passageway has very low capacity because it was designed for only very limited and occasional vehicle access by delivery and service vehicles. Any large construction vehicles would impose an unsafe risk to pedestrians passing along the Passageway as well as obstructing the essential shuttle bus service. The lack of separate pavements to the rear of the Woods blocks is because the primary function of the entire Passageway itself is to serve as the pavement and as a paved recreational area.

The following photographs show that the Parkvale Passageway is a pedestrianised paved area providing access and recreational space for the approximately 630 residents of the Woods area and is wholly unsuitable for through traffic and heavy traffic flow and poses a very real risk of residents, including children and the elderly, being hurt or killed by the heavy traffic.

*Section 3 of  
Parkvale Drive –  
"The Passageway".*

*The far end of the  
pedestrian  
pavement is from  
where the  
proposed access  
road to Area 6f will  
start.*

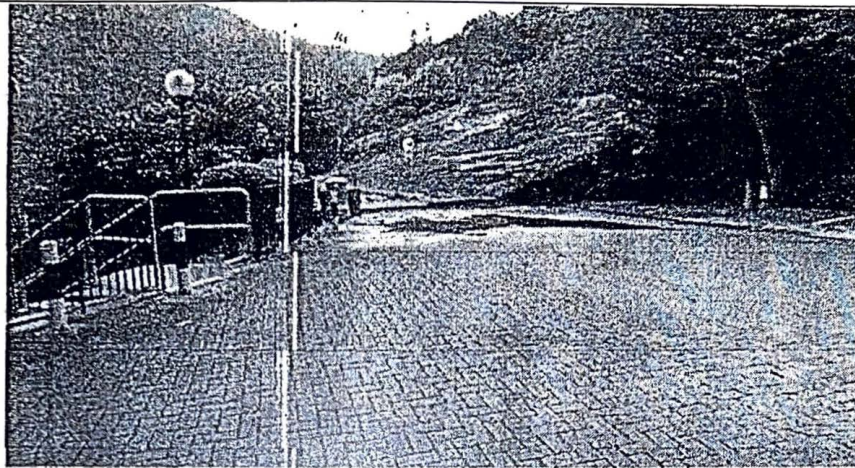




The private Parkvale Drive "Passageway" design did not envisage the introduction of through traffic, especially heavy construction vehicles and increased numbers of buses, the presence of which would destroy the safety and amenity of Parkvale Village.

*Section 3 of Parkvale Drive – "The Passageway".*

*Settlement evident to 20 tonne rated paving resulting from current traffic loading at start of the proposed access road to Area 6f.*



Apart from the inadequacy of single access via Parkvale Drive and the Woods Passageway, the Application has nowhere recognized that Area 6f will house almost double the population of the existing three Woods residential buildings, thereby trebling the residential population relying on access through the constricted Parkvale Drive private Passageway with the obvious impact on the requirement for public transport and services and the frequency of emergency calls. Blockage of this private Passageway, either by an accident by two large vehicles in conflict or collapse or washout of the narrow slope below Woodbury Court, would sever access both general and in emergencies to a significant population, which is an unrealistic proposition from a safety and amenity perspective and is socially unacceptable.

The Fire Services department (FSD) asked HKR to clarify that an access in the form of a statutory EVA would be provided between Parkvale Drive and the EVA within Area 6f, although, even if the EVA within Area 6f complies with Buildings Department requirements, it will be "USELESS" without a conforming further EVA link through Parkvale Village along Parkvale Drive. HKR's response simply says that such an EVA access will be provided without clarifying how. The Buildings Department should require HKR to provide detailed evidence as to how it intends to provide this statutory EVA externally, as access to Area 6f from Parkvale Drive, given the proximity of the Woods high rise residential buildings, the storm water drainage provision and the immediately encroaching terrain.

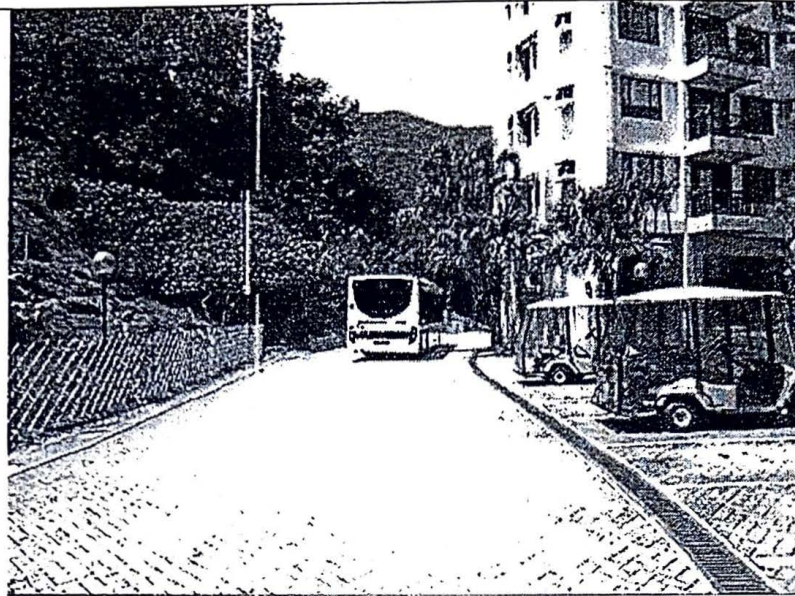
The EVA connection will involve rock breaking / slope stabilisation work adjacent to the three Woods high rise residential buildings. The existing Parkvale Drive and the "Passageway" at the three Woods high rise residential buildings are patently insufficient to properly or safely serve the construction of and the additional development when occupied by 476 Flats of 2.5 or 2.8 persons per flat. The existing three Woods high rise residential buildings are within five metres of the existing Passageway, which is also the pedestrian access way to the entrances of the 3 buildings. Consequently, the proposed EVA will not comply with the requirements of the



relevant Code of Practice issued and administered by the Buildings Department unless the Passageway is widened so that there is at least five meters between Woodbury Court and the resulting access. This will require the removal of the slope currently opposite the building.

***Section 3 of Parkvale Drive – "The Passageway".***

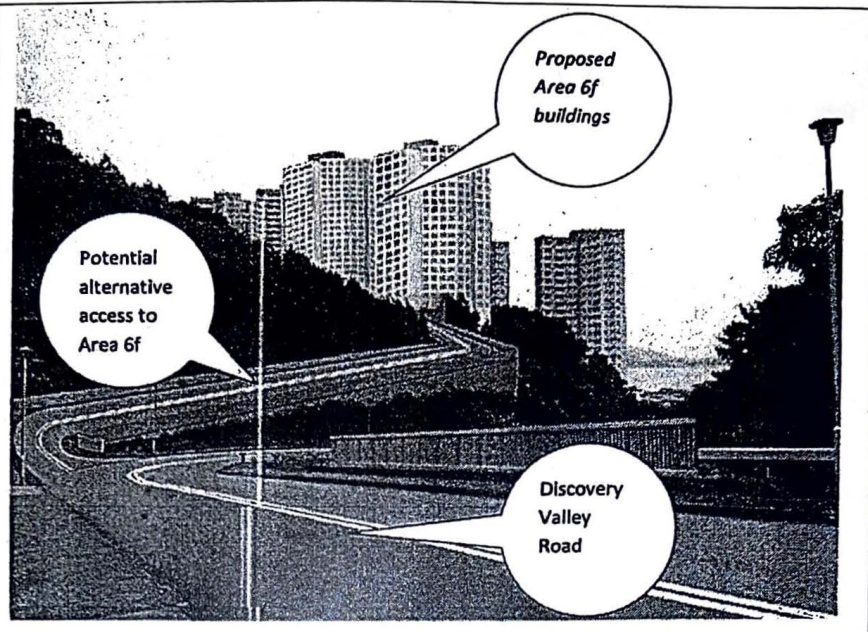
***View of the rear of Woodbury Court, illustrating the narrowness of the pedestrian pavement, its lack of a carriageway to separate vehicles from pedestrians and the inability of vehicles to pass one another.***



As illustrated below, an alternative potential access route to Area 6f does exist to the northwest by heading in the opposite direction away from the Woods enclave and connecting higher up to Discovery Valley Road towards the reservoir. This could possibly remove access problems through Parkvale village. Furthermore, HKR has previously stated "We (the Applicant) are aware of the potential traffic impact on the neighbourhood. As such, HKR is favourably considering to build either a temporary or permanent haul road from Discovery Valley Road." However, HKR has never mentioned either the potential traffic impact or the possibility of an alternative access from Discovery Valley Road in its Application. HKR should explain why this issue has not been addressed.



*Potential alternative access to Area 6f from Discovery Valley Road. The existing Parkvale Village high rise buildings is in the background and the existing Discovery Valley Road is in the foreground, with the proposed Area 6f development and alternative access superimposed.*



The Highways Department and PlanD should insist that this possible access is considered in the reconsideration of the application.

K. B. Bradley  
3/12/21



6499 附 11 2

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

4/1-DB/2

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

Plan D and TPB are requested to  
pay close attention to the views of  
the Parkside Village Owners Committee  
CPUD in respect of "Legal References  
Relevant to the Application" as set out  
in the attached paper.

It is clear that the Plan D has  
failed to take into all relevant factors  
and planning considerations and to discharge its  
fiduciary duty to inquire properly.

「提意見人」姓名／名稱 Name of person/company making this comment

M. K. J. BRADLEY

簽署 Signature

M. K. J. Bradley

日期 Date

3/12/21





## LEGAL REFERENCES RELEVANT TO THE APPLICATION

The PVOC draws attention to the following included in the Judgment in respect of CIVIL APPEAL NO 432 OF 2020 (CACV 432/2020, 2021 HKCA 1313):

1. Paragraph 25: in accepting an application to amend an approved plan under sections 12A(1), the TPB must be satisfied that the application is proper and acceptable. What materials are required to satisfy the TPB that the application would not give rise to some insurmountable or unacceptable impact on the **local community**, and whether some technical assessments or report should be obtained to demonstrate the potential areas of concern could be appropriately addressed, must depend on the facts and circumstances of the case in question.
2. Paragraphs 41-44: In *Royal Billion Investment Limited v The Town Planning Board*, Chow J regarded the feasibility of the proposed road widening works a relevant factor, as the prospect of **fulfillment of a desirable condition** is a relevant albeit non-conclusive factor that the planning authority was entitled to take into account. Looking into the matter with common sense, one can well understand why the feasibility of the proposed road widening works is a relevant consideration in *Royal Billion Investment Limited*.
3. Paragraph 47: the TPB is required under section 3(1) of the TPO to undertake the systematic preparation of draft plans with a view to the promotion of the health, safety, convenience and general welfare of the community.
4. Paragraph 47: Lord Widgery CJ in *Collis Radio Limited v Secretary of State for the Environment & Anr (1975) 29 P & CR 390 a 396* - "Planning is something which **deals with localities and not individual parcels of land and individual sites**. In all planning cases it must be of the greatest importance when considering a single planning application to ask oneself **what the consequences in the locality will be** – what are the side effects which will flow if such permission is granted. In so far as an application for planning permission on site A is judged according to the consequences on sites B, C and D, in my judgment no error of law is disclosed but only what is perhaps the most elementary principle of planning practice is being observed".

The PVOC also draws attention to the judicial review judgement (HCAL 645/2017 [2020] HKCFI 1956) indicating that the PlanD and the TPB have failed to take into account all relevant factors and planning considerations and to discharge their Tameside duty to inquire properly, as paragraph 108 of the judgement states "in proper discharge of its Tameside duty, the TPB should have asked these right questions namely, whether the rezoning was consistent with the planning intention, and whether it met the feasibility study of infrastructure and environmental capacities".

The PVOC considers that the PlanD has failed to properly deal with the application, and subsequently reporting to the RNTPC, in respect of the following:

1. Materiality, relevance, access and impact on the local community. The PlanD failed to look properly beyond the Area 6f in respect of the local community i.e. the Woods residential buildings, most affected by the Application. It has been only concerned at the macro level



i.e. with the whole of Discovery Bay. The PVOC has repeatedly pointed out the road access difficulties but this has not been explained to the TPB despite the photographs attached at Z4-6 Of the RNTPC Paper No Y/1-DB/2D.

2. Questioning of government departments responses on numerous subjects, especially:
  - a. The ignoring of road access and the impact on the adjacent community of the Woods area. **The access difficulties are such that construction of the access road would make the Woods area uninhabitable.**
  - b. The failure to satisfactorily deal with geotechnical issues.

K. B. Breckley  
31/12/21



致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To: Secretary, Town Planning Board

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

411-DB12

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

The attached paper draws attention to the unequivocal intention from the High Court to the Director of Planning and R&D that they must reconsider the application that means the complete application and not the further information received by R&D on the 27/10/21.

In view of the limited time available for reconsideration R&D should defer the TPK tentative meeting date by at least 3 months.

Mr. K. J. Bradley

「提意見人」姓名／名稱 Name of person/company making this comment

簽署 Signature

K. J. Bradley

日期 Date

3/12/21





## **RECONSIDERING THE APPLICATION**

The Planning Department (PlanD) issued paper No Y/1-DB/2D to the Rural and New Town Planning Committee (RNTPC) for consideration at its meeting on the 23<sup>rd</sup> June 2017 at which the Application made by Hong Kong Resort Company Limited (HKR) was rejected. Subsequently HKR appealed through the judicial review process with the eventual result that the Court of Appeal on the 10<sup>th</sup> September 2021 reaffirmed the decision of the Court of First Instance that the Application be remitted to the TPB for reconsideration.

Based on this unequivocal instruction from the High Court to the Director of Planning, the PlanD, on behalf of the TPB, must reconsider the complete application and not just the Further Information (FI) received by PlanD on the 28<sup>th</sup> October 2021.

Therefore the PVOC requests the PlanD to comply with the Court of First Instance and Court of Appeal instruction as follows:

2. The PlanD reconsiders the complete application and report on that exercise to the TPB. If this is not complied with and the PlanD just reports on the FI received on the 28<sup>th</sup> October 2021, the TPB are requested to instruct the PlanD to properly comply with the Court's instruction i.e. to reconsider the complete application.
3. The PlanD in this reconsideration withdraws the statements in minutes 23 and 28 of the RNTPC minutes of the 23<sup>rd</sup> June 2017 that government departments generally had no adverse comments on the technical assessments. As can be seen from this paper not all issues have been properly addressed by the PlanD and departments. The PlanD must revisit the responses of all the government departments and in particular properly address road access, geotechnical, sewage, water and ownership issues. i.e.:
  - a. Request the HKR to correct the simplistic and misleading impression that the "access road" is merely the entrance to the Area 6f at the point it connects to Parkvale Drive. The reality is that this point of contact is with the Passageway of the Woods area of the village. Any commonsense assessment, including a site visit, would note that providing the required access to Area 6f must involve the destruction of 2 CTL Category 1 (highest-consequence-to-life) slopes opposite the three Woods residential buildings and the complete rebuilding of the Woods Passageway as the access road. There are massive social implications of doing this work since during the construction phase it would make the adjacent Woods area uninhabitable for the approximately 630 residents of the 252 units. The Applicant must, for the first time, address the massive implications of building an access road and, by doing this, comply with the elementary principle of planning practice stated in the case at A2.4 below. It is pointed out that the Applicant only stated that the proposed development includes "an access road for the site to be connected with existing Parkvale Drive" in one line of section 2.2 of the GPPR report dated 28<sup>th</sup> February 2017 a full year after the application was made.
  - b. Request the Applicant to report on geotechnical issues affecting both Area 6f and adjacent areas, including Area 6b in which Parkvale Village is situated. The GEO in the 23<sup>rd</sup> June 2017 RNTPC Paper No, Y/1-DB/2D paragraph 9.1.12 stated that "based on the GPPR submitted by the Applicant that the information provided is insufficient to



demonstrate the geotechnical feasibility of the proposed slope upgrading/modification and natural terrain hazard mitigation works". At the meeting the PlanD allowed the Applicant to table a response using a letter dated the 25<sup>th</sup> May 2017. Based on the minutes there was no examination of this response and no one from GEO attended the meeting.

4. According to the Application for Amendment of Plan the tentative date of the TPB to **consider the application** is the 14<sup>th</sup> January 2022. As this provides little time to complete the reconsideration properly, the PlanD should inform the TPB that more time is required to reconsider the whole application and set a date, say 3 months later, for the meeting to be held.

*KG Bradley*  
3/12/21



6499 P11124

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

**To: Secretary, Town Planning Board**

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

411-0312

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

I support the Parkvale Village Owners' Committee's overview and conclusion as set out in the attached paper.

「提意見人」姓名／名稱 Name of person/company making this comment

Mk J. Bradley

簽署 Signature

Mk J. Bradley

日期 Date

31/12/21

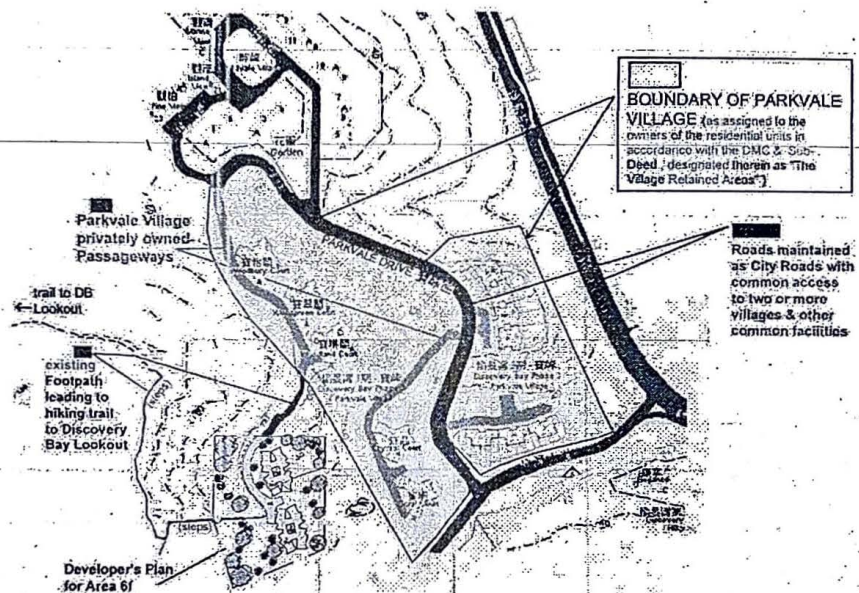




## OVERVIEW

Parkvale Village is located in the Area 6b referred to in the judicial review judgements. As owners in this village we will be directly affected by the development proposed by HKR in Area 6f, as the only access proposed to Area 6f is through our village. All construction traffic and materials and, subsequent to completion of construction, all the population of the proposed development and deliveries thereto must pass through our village. This is illustrated in Figure A below.

Figure A - Map illustrating proximity of existing Parkvale Village including Village Retained Areas



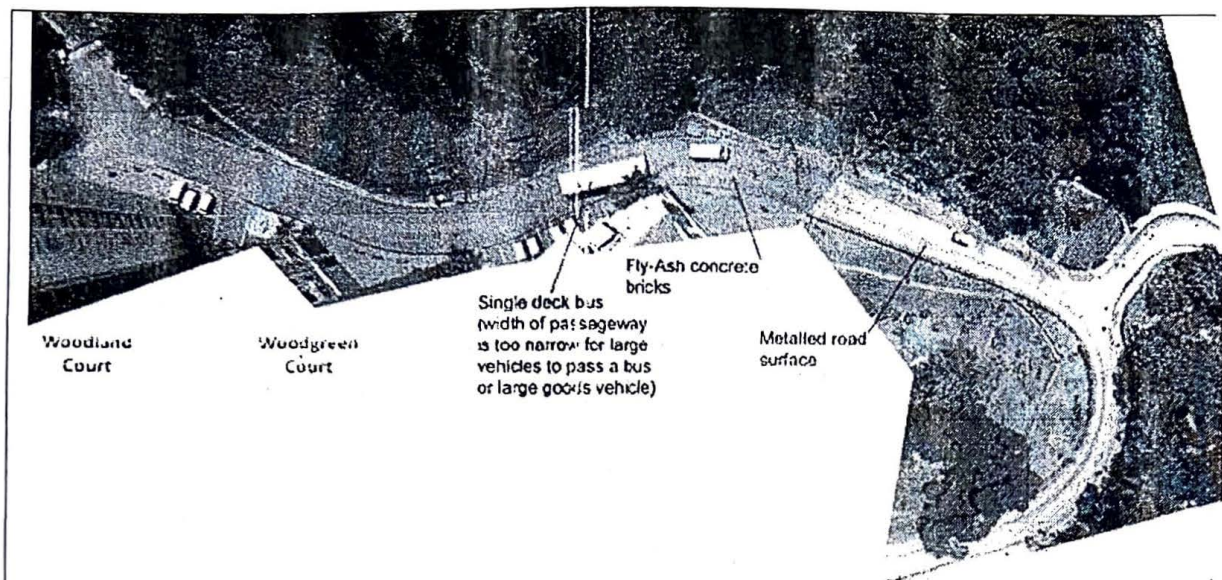
MAP ILLUSTRATING PROXIMITY OF EXISTING PARKVALE VILLAGE INCLUDING PRIVATELY OWNED VILLAGE RETAINED AREAS (INCLUDING SLOPES) AS WELL AS PRIVATE PASSAGEWAYS

and Village Passageways.

We are very concerned that the PlanD has indicated that there is adequate infrastructure provision to cater for the proposed development as it appears that in arriving at this conclusion the PlanD has not adequately assessed the infrastructure immediately beyond the boundaries of Area 6f, being that provided by our village on which the proposed development would have to rely.

In particular we do not understand how the PlanD considers the access through our village to be adequate infrastructure. The photographs below and later clearly indicate that it is not. All traffic would have to pass along this narrow brick surfaced Passageway to enter Area 6f as its entrance is at the far end of the Passageway. To provide road access would require a new Woods Passageway and slopes.





*Bird's-eye view of the pedestrian pavement Section 3 of Parkvale Drive, to the rear of the Woodbury Court, Woodgreen Court and Woodland Court residential buildings, illustrating that this section is a narrow paved pedestrian and golf parking area providing access to the entrance lobbies of the buildings. It also provides access to service vehicles, local bus services and delivery vehicles which may traverse at low speeds to park in one of the only three unloading bays. It is not a properly engineered road and lacks a camber to allow for efficient drainage, being constructed of concrete bricks laid on non-reinforced sand underlay. This renders the surface prone to subsidence and minor flooding during heavy rainfall.*

In the judicial review judgement the judge stated that "in proper discharge of its Tameside duty, the TPB should have asked these right questions namely, whether the rezoning was consistent with the planning intention, and whether it met the feasibility study of infrastructure and environmental capacities".

We now ask the PlanB to reconsider its conclusion that there is adequate infrastructure provision, including that provided in the surrounding area, to cater for the proposed development and that the TPB properly discharges its duty and asks appropriate questions of the PlanB in this respect. In particular, has HKR provided sufficient evidence in respect of:

1. Is access through Parkvale Village to Area 6f adequate to support the flow of traffic during construction and thereafter? And if not to disclose its plans to provide that access.
2. Does HKR have sufficient ownership rights to the access to Area 6f through Parkvale Village?
3. Has an adequate Geotechnical Planning Review been completed?
4. Does the proposed method to treat the sewage arising from the development meet the environmental expectations of a modern developed city?
5. Is the method to supply potable water to the proposed development viable?
6. Will HKR be able to plant all the compensatory trees which will be required?
7. Does HKR have the right to develop Area 6f?



PlanD officials and members of the TPB/RNTPC should visit the site to see for themselves the lack of infrastructure and environmental capacities.

As an owner and resident in Parkvale Village, which is adjacent to Area 6f and through which all traffic to Area 6f would pass, I am very disappointed that HKR continues with its fundamentally unsound application, since it has been, from the outset, so heavily discredited and believe that the application should be withdrawn.

The PlanD must comply with the instruction from the High Court to reconsider the application in its entirety and perform its duty. Plan D must it reconsider its conclusion that there is adequate infrastructure provision, including that provided in the surrounding area, to cater for the proposed development and that the TPB properly discharges its duty and asks appropriate questions of the PlanD in this respect and rejects the application.

KO Bradley  
3/12/21



6499 附 12-5

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

**To: Secretary, Town Planning Board**

By hand or post: 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax: 2877 0245 or 2522 8426

By e-mail: tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

4/1-DB2

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

The attached paper draws attention to the GEO's rejection of the GPR and the PLAND's failure to report properly on this subject at the RUTPC on the 23/6/2017. PLAND are requested to revisit this subject.

「提意見人」姓名／名稱 Name of person/company making this comment

Mr K.W. Bradley

簽署 Signature

K.W. Bradley

日期 Date

3/12/21

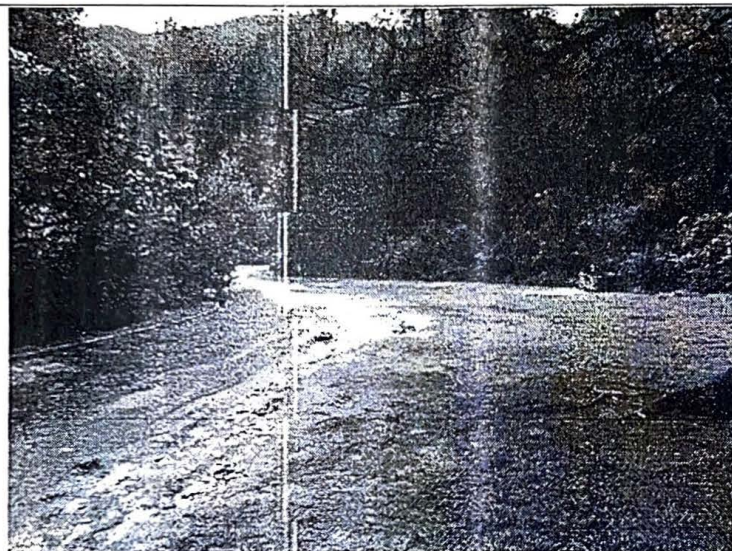


## GEOTECHNICAL PLANNING REVIEW

HKR did not include a Geotechnical Planning Review Report (GPRR) in its original application and ignored the public's comments on this subject and the requests of CEDD Geotechnical Office (GEO) throughout 2016. Such a review was essential in view of the nature of Area 6f and the adjacent Area 6B, in which Parkvale Drive is situated.

The Applicant at the outset said that the site is already formed. The site is defined as 8,300m<sup>2</sup> on rising ground from 44mPD to 70mPD. What is unclear from this description is that the site is only partially formed and is predominantly a slope leading down towards Crystal and Coral Courts. The present platform was only created to accommodate a 170m<sup>2</sup> GFA 3 Story Building and most, if not all, of the cleared flat area is only large enough to accommodate the road leading to the two proposed high rise buildings, not the buildings themselves. To establish the level site indicated on the concept plans would require considerable site formation to raise the grade from 44mPD to approximately a level 55mPD, and to cut back the existing formed slope.

*Existing platform in Area 6f.*



In creating this much larger level site, the slopes towards Crystal and Coral Courts and towards Discovery Valley Road will be increased significantly. This raises the safety risk of slope failure and increases the slope drainage run-off towards the existing Parkvale Village properties. **HKR has not stated how it will eliminate these risks.**

In the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, included under Geotechnical in paragraph 9.1.13 H (GEO), the CEDD said "The proposed development is overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). It will also affect or be affected by manmade-features. The Applicant should submit a GPRR." It also reminded the Applicant that the GPRR shall be submitted in support of the application according to the GEO advice note and that the Applicant has not submitted a GPRR to assess the geotechnical feasibility of the proposed development.

**It took over a year until PlanD received on the 10<sup>th</sup> April 2017 a GPRR. Subsequently the Applicant responded to questions from the GEO with a submission to PlanD on the 25<sup>th</sup> May**



2017 that was tabled at the RNTPC on the 23<sup>rd</sup> June 2017. Both were only in respect of Area 6f and not the adjacent areas as would be sensible in the context of A2.4 above. The PlanD did not raise questions about the paper and subsequent information.

Both the GPRR and the subsequent information are considered to be inadequate because of the following:

1. They are based on outdated papers and information extracted from data sources. There is no statement and record of how many, if any, real time site visits and investigations were carried out within the Area 6f and adjacent areas.
2. They are based on a review of ground conditions assessed in 1984. Since then many of the HOKLAS test requirements have been amended so the review is not up to current standards.
3. There are four registered slope features and four natural terrains that fall partly or wholly within the site and seven registered slope features located in the vicinity of the site. Basic information of these features has been extracted from the GEO Slope Information System (SIS), but this basic information is from an inspection carried out 24 years ago, so the slope information being used in this GPRR is out of date and needs to be at least revisited.
4. The GPRR states that there is "no record of previous ground investigation works in the vicinity of the subject site from the GEO Technical Information Unit (GIU)" so the report relies on a 1985 geotechnical report for proposed residential building at Discovery Bay Development Area 6b, which was found in the Buildings Department (BD). This report prepared by LG Mouchel & Partners states that 31 drill holes were sunk in the associated Area 6b. No location plan has been found in respect of those drilling holes. Note that this GPRR has involved no boreholes within the Area 6f.
5. No records of previous groundwater monitoring have been obtained from the GEO GIU.
6. There is a need for a Natural Terrain Hazard Study (NTHS), which identifies the hazards and mitigation measures, but this will be only done after the Application is approved, and two of the NTH features are located within the site and have been identified as not satisfying the "In-principle Objection Criteria".
7. There is a need for additional ground investigation works to be carried out for detailed stability assessment on nine features and two features of natural terrain, but this work will not be done until after the Application is approved.
8. The slope stability assessment section of the GPRR confirms that eleven slope/terrain features will be affected by the proposed development and that, based on the information used in compiling this report, **all the adjacent slopes require a factor of safety above the prevailing standard.** These slopes include the slopes directly facing the three Woods high rise residential buildings and the slopes overlooking both Coral and Crystal Courts.
9. The CTL Category 1 (highest-consequence-to-life) slope (10SW-B/C218) directly opposite the three Woods high rise residential buildings would have to be destroyed and rebuilt. Two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This situation was not



disclosed in the original application and only just before the RNTCP meeting on 23<sup>rd</sup> June 2017.

10. It is apparent from the GPRR that the foundation design requirements are presently totally unknown and are based on a guess estimate of the presumed bedrock profile until further site investigation is carried out. The report ignores the fact that the proposed site was formed for a very small three storey building.
11. The exact foundation system to be adopted is not known and therefore not made available for public comment. This is being left until after the Application is approved when the system to be adopted will be subject to detailed design on the loading of the proposed residential buildings, the future ground investigation works and laboratory testing results.
12. The ground profile indicated on Section A-A is incorrect and misleading.
13. Regarding site formation, paragraph 4.2 of the GPRR states very simplistically that "to facilitate the construction of access road connecting to Parkvale Drive, local cutting with soil nails is anticipated to be carried out on Feature No. 10SW-B/C218", which is directly opposite the three Woods high rise residential buildings. As is obvious from the inter-relationship of the issues of Passageways, slopes and EVA, as explained elsewhere in these PVOG's comments, the access to Area 6f is much more complicated and legally challenging than presented by HKR.
14. The GPRR recommends that geotechnical monitoring should be carried out on all adjoining features, ground and structures. i.e. Parkvale Village. This is despite making the contradictory statement that "there is no adverse impact to the nearby features", when this is quite clear from the statements regarding probable work to all the relevant slopes and natural features.
15. No reference is made to the construction works making the Woods area uninhabitable during construction.

It appears from the GPRR that references to future slope stability work and subsequent site formation work for the access to Area 6f that the **Category 1 slope (10SW-B/C218) directly opposite the three Woods high rise residential buildings would have to be destroyed and rebuilt and the Woods Passageway rebuilt.** This MAJOR aspect of the proposed development has been ignored by the Applicant, and overlooked by the PlanD and government departments, presumably in order not to alert and alarm the PlanD, Parkvale Village residents and the general public to an issue which should be at the centre of a "public consultation" exercise.

**The PlanD must request the GEO to ask the Applicant to replace its desk top study with a full and proper assessment of the slopes within Area 6f and the adjacent slopes in Area 6b, especially the Woods slopes which are affected by the proposed development which includes the access road and not to wait, as the report states, until after approval of the application.**

*K Bradley*  
3/12/21



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

211202-115520-51505

Reference Number:

提交限期

03/12/2021

Deadline for submission:

提交日期及時間

02/12/2021 11:55:20

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Kenneth J Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

**THE WOODS PASSAGEWAYS AND USE OF PARKVALE DRIVE**

The Sub-Deed of Mutual Covenant for Parkvale Village refers to Sections 2 and 3 of Parkvale Drive, being from its junction with Middle Lane to its end at the start of the proposed extension to Area 6f, as a "Passageway". In Annex E of its first Further Information, HKR stated that "the ownership of the Passageways vests with the Registered Owner (HKR) who is entitled to grant a Right of Way to other parties to use the Passageways to the proposed development in Area 6f". From the outset of this application this HKR view has been contested by many Discovery Bay owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant for Discovery Bay and the Sub-Deed of Mutual Covenant for Parkvale Village are complicated documents and are difficult for a lay person to understand, especially in regard to Passageways, Village Retained Areas and Village Common Areas and the rights of the Registered Owner and of owners of undivided shares in the Lot thereto. Given the complexities in the Deeds of Mutual Covenant, the PVOC believes it is unacceptable in a public consultation exercise for RNTPC members and PlanD officials to accept the one sided view of HKR in respect of "Passageways".

Consequently, and given that the owners of the undivided shares in Parkvale Village have been responsible for the costs of maintaining this "Passageway" for the past 33 years, we believe that HKR should present counsels' independent legal opinions supporting its contention that it has the legal right to use the Passageway as access to Area 6f.



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

Reference Number:

211202-115658-84348

提交限期

Deadline for submission:

03/12/2021

提交日期及時間

Date and time of submission:

02/12/2021 11:56:58

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kenneth J Bradley

意見詳情

Details of the Comment:

**HKR's RIGHT TO DEVELOP AREA 6F**

The final determinant of the ultimate development potential of the Lot (under the Land Grant and Master Plan) on which Discovery Bay is built is the number of undivided shares remaining for allocation to any new development on the Lot.

The Principal Deed of Mutual Covenant (PDMC) contains a unique share regime in which the Lot is notionally divided into 250,000 undivided shares. These undivided shares are allocated in the PDMC to various uses including: 56,500 to Residential Development; 4,850 to Commercial development; 2,150 to Clubs and public recreation activities; and 3,550 to hotel use. 55,000 were defined as "Reserve Undivided Shares".

The 56,500 undivided shares allocated to Residential Development may be sub-allocated to residential units and, once these have been exhausted, the developer may draw from the Reserve Undivided Shares for further Residential Development.

In 2019, HKR provided a Certificate on Undivided Shares of Discovery Bay City which, for the first time, purported to set out the then actual usage of the 250,000 undivided shares. This certificate shows that all the 56,500 undivided shares allocated to Residential Development in the PDMC have been assigned to residential villages in Discovery Bay. Consequently, shares allocated for further residential development must be drawn from any remaining Reserve Undivided Shares.

It has recently been argued by an owner in Discovery Bay, who has a deep understanding of the PDMC, the Land Grant and the Master Plan, that this certificate is incomplete as it does not include most commercial developments, the clubs, the club grounds, the Service Area, the Public Recreation Facilities, the City licensed areas and the roads and passageways. The owner further argues that as BMO Section 34G may require the allocation of Reserved Undivided Shares to these areas of the City, and that more than the remaining Reserve Undivided Shares would need to be allocated to these areas, that there are no remaining Reserve Undivided Shares to be allocated to new residential development, which would include Area 6f.

The Department of Justice should advise the PlanD, the LandsD and the TPB as to whether there are any undivided shares remaining to be allocated to Area 6f. If there are no such undivided shares, the TPB should reject HKR's application.



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

211202-115915-84342

Reference Number:

提交限期

03/12/2021

Deadline for submission:

提交日期及時間

02/12/2021 11:59:15

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Kenneth J Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

**ECOLOGY AND SUSTAINABILITY OF AREA 6f**

With regard to the compensatory planting, the proposal is misleading and impractical. As evident on page 88, of the FI, the site conditions simply do not allow for the retention of the trees as stated in HKR's FI.

The statement that only 30 metres of the hiking trail would be affected is inaccurate, and demonstrates unfamiliarity with the site. The latter is illustrated by there being no mention that the proposal to divert the hiking trail would most likely involve the hacking off of a large part of the scenic and solid rock immediately next to the cul-de-sac.

It is clear from the reply to CTR/UD&L Plan D that:

1. Necessary major works to slopes, when eventually designed, will disturb existing trees and may well prevent the planting of replacement trees. HKR does not have a good record of sympathetic retaining walls, for example the new houses at the reservoir, new houses on the golf course, both with ugly, highly visible, large concrete retaining walls.
2. Does not address the loss of vegetation to the existing slopes after the site formation work and the requirements for major concrete retaining walls and soil nails to withhold fill and / or to retain slopes, in what are presently green areas and the ability to re-green these areas around the major concrete structures or bare cut rock faces that will need to be formed.



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

Reference Number:

211202-120039-59936

提交限期

Deadline for submission:

03/12/2021

提交日期及時間

Date and time of submission:

02/12/2021 12:00:39

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kenneth J Bradley

意見詳情

Details of the Comment :

**WATER SUPPLY**

Potable water is currently supplied to the residents of Discovery Bay via the Siu Ho Wan Water Treatment Works (SHWWTW) and the SHW Fresh Water Pumping Station (FWP). As these facilities have no spare capacity to supply water to the proposed development, HKR proposes to provide potable water to the proposed development from the raw water stored in the private Discovery Bay Reservoir by restoring the private water treatment works and building water mains for fresh and flushing water in order to make a private water supply exclusively for the additional 1,190 persons in Area 6f.

Since HKR submitted its application, work has commenced on expanding the capacity of the SHWWTW to serve the expanding population of North Lantau. However, HKR has not made any change to its submission in respect of how it intends to supply water to the proposed development. Furthermore, according to the Sustainable Lantau Blueprint published by the Government in June 2017, Discovery Bay is not recommended as one of the potential development areas or strategic growth area.

Consequently, until advised otherwise, we presume that water will be supplied to the proposed development as proposed in HKR's submission, as described above.

The laying of a major new water main required to enable the Discovery Bay existing reservoir supply to be utilised to provide potable water to the proposed development will further disturb the natural environment, with much rock breaking required from the proposed new private water treatment works, pumping station and service reservoir, down Discovery Valley Road, and back up Parkvale Drive to Crystal Court and Coral Court, then up the slope to the Area 6f site (option 2) or from Discovery Valley Road across the hillside to Area 6f (option 1).

HKR indicates that a new private water treatment works will be provided for the fresh water supply system for the Area 6f development. However, one of the primary reasons for connecting to the government water source was the low standard of drinking water that residents experienced from the reservoir, which is a recipient of water run-off from the golf course i.e. presumably with the usual pesticides. There is no detail over how the water quality for the Area 6f development will be so significantly improved above past failures.

In addition, there appears to be no backup plan for the provision of fresh water to the Area 6f residents if and when the water quality does not comply with Guidelines for Drinking-water Quality recommended by the World Health Organization, which is the water quality standard currently adopted by the WSD fresh water supply system.

Furthermore, it does not appear economic to build the proposed infrastructure to supply the potential 1,190 residents of the proposed development, who, alone, will need to bear the costs of ope



rating the new standalone system, as the other residents of Discovery Bay will not benefit from it.



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

Reference Number:

211202-115238-31820

提交限期

Deadline for submission:

03/12/2021

提交日期及時間

Date and time of submission:

02/12/2021 11:52:38

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kenneth J Bradley

意見詳情

Details of the Comment :

**INACCURACIES AND MISLEADING STATEMENTS IN THE APPLICATION AND ALL FIs**

The Application and all FIs contain inaccuracies and misleading statements; many pointed out before but not followed up on despite their strategic implications to the practicability of the proposed development. They paint a totally misleading picture of the accessibility and the surrounding environment to the proposed development of Area 6f.

For example the PVOC draws attention to comments in the RNTPC Paper Y/I-DB/2D of 23/6/2017 "APPLICATION" under Section 2 "Justification from the Applicant" Paragraph (c) "Logical Location for Increased Residential Development Intensity" where in the second sentence it says "...it is readily accessible, currently served by public transport and in close proximity to commercial and leisure activities; the proposed BH and footprint are of similar scale to the surrounding existing residential blocks; and the proposed increase of residential units of 476 and population of 1,190 is of very modest development intensity ....".

Firstly, Area 6f is not "readily accessible". While they reference a new "access road" to be built, this is proposed to connect with the end of a private pedestrian Passageway which is tightly hemmed in to the east by the walls of the three residential blocks of the Woods and to the west by the drainage system and a high rock bank. This pedestrian Passageway, which is utilised for the only residential access, for the elderly walking and for children playing, allows for only one bus or delivery vehicle to enter at a time to allow for it to turn around to exit. This passageway is connected to a further very steep Passageway connecting below to Parkvale Drive which is a narrow, winding substandard roadway not up to the minimum standards set by the Highways Department. This can hardly be considered as "readily accessible" and would not permit access by either construction traffic or the future bus and delivery traffic the new development would require.

Secondly, the number 3 route bus which terminates at the Woods is full at peak hours and could not provide for the additional population of Area 6f. The Applicant has not provided any information in respect of the views of the bus operator (DBPTL).

Thirdly, while the Applicant refers to the Area 6f new residential blocks with 476 flats as "modest" and "in balance with the setting", it should be noted that, as the capacity of the existing three Woods blocks combined is a total of only 252 flats, the population of Area 6f, at almost double that number, would swamp the existing purpose designed facilities.

Except for the foregoing statements in Para (c) of Section 2, there is no mention or description of the surrounding environment to Area 6f or of any impediment to the development or interference with or disturbance to established surrounding residential properties and their specifically designed related infrastructure.



The intention of the Applicant, indicated on the plans but not given any written explanation, to provide an "access road" into Area 6f from Parkvale Drive and the Woods pedestrian Passageway completely ignores the physical constraints of the local environment and population and it totally ignores the certainty that during the construction phase that THE WOODS area of Parkvale village would not be inhabitable during the construction period.

Apart from the total disruption of the Woods pedestrian Passageway access, the disruption to the Emergency Vehicular Access (EVA) and bus services in the substandard Parkvale Drive would affect the lower Crystal and Coral blocks and adjacent low rise buildings of Parkvale Village, as well as to the whole of the much larger Midvale Village which is totally reliant on Parkvale Drive for all access.

It is inexplicable that a decision as to the development of Area 6f could be made without serious consideration of the restricted residential environment through which access is proposed to be constructed and the effects and disruption that this would have to the lives and rights of the existing owners and residents. Although these problems have been well stated in many submissions, there has been no reference or answer to them in documentation issued by the Applicant or the PlanD and nor have there been any follow up questions regarding this vital issue from the RNTCP. It is inexcusable that at no stage have any TRNTCP/TPB members and PlanD staff made a site visit in preparing for decision making.



**就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**

參考編號

Reference Number:

211202-120501-26860

提交限期

Deadline for submission:

03/12/2021

提交日期及時間

Date and time of submission:

02/12/2021 12:05:01

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kenneth J Bradley

意見詳情

Details of the Comment :

**SEWAGE TREATMENT WORKS AND DISCHARGE INTO THE SEA**

HKR proposes to provide an on-site sewage treatment plant (STP), in the basement and ground floor of the proposed buildings, to serve the proposed development as the Director of Environmental Protection (DEP) has stated that the Siu Ho Wan Sewage Treatment Works (SHWSTW), which currently treats all sewage from Discovery Bay, has no spare capacity to cater for sewage arising from the proposed development. Furthermore the Applicant proposes to:

1. Discharge the treated sewage directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. However, it is clear from HKR's comments that the latter is the intended approach.
2. In the event of the STP breaking down, divert the treated sewage to the SHWSTW, despite the DEP stating that the SHWSTW does not have the capacity to receive the sewage from the proposed development.
3. Provide a larger deodorizing unit. This is an interesting response, as it clearly acknowledges that there will be an odour issue for adjacent residents and the many users of the local hiking trail. The topography and the enclosed nature of the site, surrounded by the tower blocks, means that there is likely to be issues with wind tunnelling, confined airflow and possible micro-climate conditions. No study to this effect has been carried out. Since HKR submitted its Application, work has commenced on expanding the capacity of the SHWSTW to serve the expanding population of North Lantau. However, HKR has not made any change to its submission in respect of how it intends to treat the sewage. Furthermore, according to the Sustainable Lantau Blueprint published by the Government in June 2017, Discovery Bay is not recommended as one of the potential development areas or strategic growth area.

Consequently, until advised otherwise, we presume that the sewage arising from the proposed development will be treated as proposed in HKR's submission, as described above.

The DEP and HKR's own consultants have expressed concern over the use of a standalone STW and the proposed method of disposal of the sewage. We share these concerns and believe the proposal is unacceptable and should be rejected by the PlanD and the TPB.

The proposed sewerage treatment system will have a negative effect on sea water and air quality. We question HKR's claim that it has retained experience to operate such facilities. It is contrary to DSD's Vision statement, being "To provide world-class wastewater and stormwater drainage services enabling the sustainable development of Hong Kong". The proposed emergency sewage back up measures are not only very unsatisfactory, but are not feasible as they include using the existing sewerage system when the DEP has stated that the SHWSTW has no spare capacity to accept sewage from the proposed development.



The DEP has expressed reservation on the acceptability of the proposed development from a sea water quality assessment perspective and has advised that there are various technical discrepancies/deficiencies in the submitted Environmental Study. In HKR's April 2017 submission, it quotes the EPD as stating that "Not until the applicant has demonstrated that all practicable mitigation measures are exhausted, we have reservation on the acceptability of the proposed development from water quality assessment point of view".

HKR's conclusion that the quality of the sea water will conform to standards is based on modelled measurements 270 metres from the sewage discharge point. Would HKR's conclusions have been the same if it had modelled measurements at the sewage discharge outlet adjacent to a pedestrian walkway, residential buildings and a shopping centre which HKR has now built?

Although the DEP has no adverse comment on the air quality planning point of view, we are concerned that the DEP has not taken into account the potential smells arising from removing the sewage sludge from the standalone STW and from discharging the treated sewage into the open nullah. Even HKR's own consultants note that a local STW may cause "an offensive smell and is a health hazard" (HKR's application, Appendix A, paragraph 5.6.4.1).

Not surprisingly HKR's consultants say that the sewage proposal "is considered not an efficient sewage planning strategy" (October Further Information, Annex G "Revised Study on Drainage, Sewage and Water Supply", paragraph 5.6.1.4).

In its April 2017 submission, HKR stated that it is familiar and experienced in operating a standalone STW, as it operated its own sewage treatment works in Discovery Bay prior to the commissioning and connection to the Siu Ho Wan public facilities. However, as it has been more than 20 years since this commissioning, has HKR retained this experience?

How does building such a standalone STP and discharging its effluent into an open nullah and then into the sea, adjacent to a pedestrian walkway, residential buildings and a shopping centre, help in the DSD in fulfilling its Vision statement, being "To provide world-class wastewater and stormwater drainage services enabling the sustainable development of Hong Kong"?

HKR has stated that there will be no sewage impact on the existing Discovery Bay sewerage system, yet it also mentions that there would be discharge to the SWHSTW in an emergency situation. These statements are contradictions as there is clearly an assumption that the existing sewerage system will be utilized in an emergency situation. There is no study or assessment of the condition of the existing system to support its utilization during an emergency condition.

The proposed emergency sewage back up measures provide for routing a sewer pipe from the site past the existing residential Woods buildings to the existing Sewage Pumping Station Number 1 or across the previously untouched hillside and down to the stream running down Discovery Valley Road to the junction of Discovery Bay Road and Discovery Valley Road or tankers travelling up the already inadequate Parkvale Drive and Passageway to clear and carry effluent out of Parkvale Village and Discovery Bay. Both are very unsatisfactory.

Furthermore, we fail to understand how using the SWHSTW in the event of an emergency can be feasible when the DEP has stated that the SWHSTW has no spare capacity to accept sewage from the proposed development.

Given that the approximately 19,000 current residents of Discovery Bay enjoy sewage disposal facilities provided by the government and the government's considerable efforts to improve sewage disposal in Hong Kong over recent years, building a standalone STP to serve the 1,190 potential residents of the proposed development seems a retrograde step and we are very concerned and surprised that neither the DEP or the DSD have rejected the proposal to build one.

In view of the serious inadequacies of the proposed STW and discharge proposal, we believe that the DSD and EPD have no alternative but to reject HKR's proposal and advise the TPB to reject the application. As nearby residents, we should not be forced to live so close to the potential hazards of a standalone STP from which sewage sludge will travel through our village and which discharges effluent into an open nullah. Furthermore, the residents of Discovery Bay should not be forced to accept effluent being discharged into the sea so close to a popular pedestrian walkway, shopping centre and residential buildings.