



5201

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

6 December 2016

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I **strongly object** to the submission regarding the proposed development of the Lot. My main reasons for objection on this particular submission are as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go, pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same, subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is a major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from an environmental perspective and against the interests of all residents and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses an environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot cope with further increases, should there be such a substantial increase in population as implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. One example is the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum the Developer should undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We accept the applicant's statement in item E.6 of R1C that the existing buses parks in Area 10b open space are "eyesores". However, this provides an excellent example of how the Developer has little regard for the surrounding areas. We

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RiC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

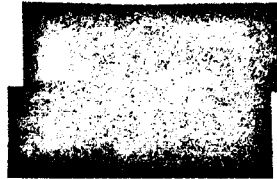
Unless and until the applicant is able to provide detailed reasons for the continuation of the
further review and comments on the application in the area of ...

Signature 

Date

Name of Discoverer: Rev. President Stewart

Address 



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

6 December 2016

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I **strongly object** to the submission regarding the proposed development of the Lot. My main reasons for objection on this particular submission are as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section 1 of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go, pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same, subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is a major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from an environmental perspective and against the interests of all residents and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses an environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot cope with further increases, should there be such a substantial increase in population as implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. One example is the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum the Developer should undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We accept the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". However, this provides an excellent example of how the Developer has little regard for the surrounding areas. We

respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : *Fung Man Yu* Date: 6 December 2016

Name of Discovery Bay Owner: FUNG Man Yu

Address: 

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5203

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

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1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
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7. We disagree with the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
- 10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: [Handwritten Signature] Date: 07/DEC/2016

Name of Discovery Bay Owner / Resident: TAY SIN MING

Address: [Redacted Address]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbnd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5204

Dear Sir,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

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Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

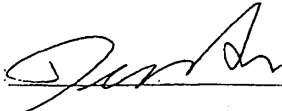
1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9 The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
10. I disagree the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature



Date:

7 December 2016

Name of Discovery Bay Owner / Resident:

LEE FAI MING

Address:

[REDACTED ADDRESS]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5205

Dear Sir,

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Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

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3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Arca 10b should be withdrawn.

Signature: _____

Date: _____

Name of Discovery Bay Owner / Resident: _____

Address: _____

1206

寄件者
寄件日期
收件者
主题
附件

URGENT [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5206

11/28/83

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbnd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

Section 12A Application No. Y1-DB/3
Area 10b, Lot 385 BP & East (Part) in D.D. 252, Discovery Bay

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approved Outline Zoning Plan in the application, i.e. from service area into residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arising out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 16% non-mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature



Date: 7-12-2016

Name of Discovery Bay Owner / Resident: WONG CHEUK SANG

Address: 

寄件者: Nadine Romnich [REDACTED]
寄件日期: 08日12月2016年星期四 10:27
收件者: tpbx1@pland.gov.hk
主旨: Objection area 6F and 10B
附件: 001112.pdf; 001111.pdf

5207

Good day,
Kindly find attached letters.
Regards,
Nadine

Y/1-DBB



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

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Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental


impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
10. I disagree the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 7.12.2016

Name of Discovery Bay Owner / Resident: Nadir Römmich

Address: 

tpbp

寄件者: Bhavna Shivpuri
寄件日期: 08/12/2016年星期四 10:21
收件者: tpbsd@pland.gov.hk
副本: Bhavna Shivpuri - personal
主旨: Feedback on Section 12A Applications nos Y4-DB/2 related to Area of and Y4-DB/3 related to Area 10b
附件: Area 10b letter 7 Dec.pdf; Area 6f letter 7 Dec.pdf

5208

Dear Sir

Please note my objection to the submission by the Applicant on 27/10/2016 in relation to the captioned.

Unless and until the applicant is able to provide detailed responses to my comments per the attached for further review and comment, both these applications should be withdrawn.

Sincerely
Bhavna

Bhavna S. Shivpuri

7th December, 2016

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk)

Dear Sirs,

Section 12A Application No. Y/1-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

Bhavna S. Shivpuri

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:
(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are

Bhavna S. Shivpuri

sufficient undivided shares retained by them for allocation to the proposed development". Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and

Bhavna S. Shivpuri

until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

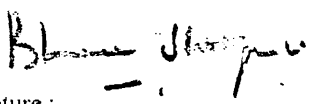
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its

Bhavna S. Shivpuri

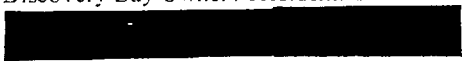
possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L. PlanD's comment in RfC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : Date: 

Name of Discovery Bay Owner / Resident: Bhavna Shivpuri

Address: 

to:br

寄件者:
寄件日期:
收件者:
主旨:
附件:

Aleks Bobrowski [REDACTED]
07月12月2016年 星期二 21:52
tpbpd@pland.gov.hk
Objections to the Submission by the Applicant on 27.10.2016
Objections ajb07122016.pdf

5209

Dear Sirs,

Please find attached a scan of two signed objections to the Submission of the Applicant on 27.10.2016 for the following two applications:

Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Section 12A Application No. Y/I-DB/2

Area 6f, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Best regards

Aleks Bobrowski
[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case

from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure

and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: Bobrowski Date: 7 December 2016

Name of Discovery Bay Owner / Resident: Mr Aleks Bobrowski

Address: 

寄件者: John Brennan
寄件日期: 07/12/2016 星期三 20:03
收件者: tpbd@pland.gov.hk
主旨: Application No.: TPB/Y/I-DB/3

5210

Dear Sirs,

Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation)

Ordinance together with encroachment on Government Land, along with other transgressions. The submission has satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the compensatory proposals are totally unsatisfactory.

7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Yours faithfully,

John Brennan

5210

Name: John Brennan

Owner: [REDACTED]

Tel: [REDACTED]

①

寄件者: Yashin Jiwa
寄件日期: 07日12月2016年星期三 20:21
收件者: tpbpc1@pland.gov.hk
主旨: Objection!!!!

5211

Dear Sirs,

Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

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4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

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6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

7. We disagree with the applicant's statement in item E.6 of R1C that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.

10. We disagree with the applicant's response in item (b) of UD&I, PlanD's comment in RIC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Yours faithfully,

Yasmin Jiwa



Mobile : 

Sent from my iPhone

tpbr

寄件者: Stephen Pill
寄件日期: 07日12月2016年星期三 20:26
收件者: tpbd@pland.gov.hk
主旨: Application No. Y1-DB/3 - Area 10B Objection
附件: Area 10b Objection SP.pdf

5212

Dear Sirs,

Please find enclosed my objection to Section 12A Application No. Y1-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352. Discovery Bay Objection to the Submission by the Applicant on 27.10.2016.

Kind regards

Stephen Pill

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repossess over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the

Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
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8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimise their effects to the workers and the residents nearby.
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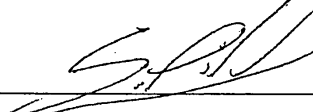
of its rural and natural setting.

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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :  Date: 7 December 2016

Name of Discovery Bay Owner / Resident: _Stephen Pill_____

Address: 

寄件者:
寄件日期:
收件者:
主旨:
附件:

CW [REDACTED]
01810001 01810001
Ippocampaland@icr
Objection to the Submission by the Applicant on 27.11.2015 regarding Section 14 Application No. 14
in D.D. 352 Discovery Bay
Area 10b Objection CP.pdf

5013

Dear Sirs,

Please find enclosed my objection to the Submission by the Applicant on 27.11.2015 regarding Section 14 Application No. 14
DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352 Discovery Bay

Kind regards

Wong Ka Yun Anita



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the

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8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimise their effects to the workers and the residents nearby.
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10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view

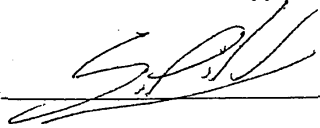
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- 11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :  Date: 7 December 2016

Name of Discovery Bay Owner / Resident: Stephen Pill

Address: 

tpbr

寄件者: Suzie Nuttall [REDACTED]
寄件日期: 08日12月2016年星期四 8:18
收件者: tpbxl@pland.gov.hk
主旨: Fwd: Office Copier
附件: SKM_C364e16120808230.pdf

5214

Please see attached voice of opposition.

Best regards,

Suzie Nuttall

Director of Advancement
International College Hong Kong (Hong Lok Yuen)

[REDACTED]
www.ichk.edu.hk

Office: [REDACTED]
Direct: [REDACTED]



A Community Learning for Tomorrow

CONFIDENTIALITY NOTICE

This e-mail and any files transmitted with it may contain information that is privileged or confidential. The sending of this e-mail

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of

the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation

"partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RIC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and

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10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L. PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: Suzanne Nuttall Date: 8 Dec 2016

Name of Discovery Bay Owner / ^{Resident} Resident: Suzanne Nuttall

Address: 

寄件者: [REDACTED]
 寄件日期: 08日12月2016年星期四 10:18
 收件者: tpbpl@pland.gov.hk
 副本: rawson@netvigator.com
 主旨: OBJECTION TO APPLICATION Y/I-DB/E AREA 10B, LOT 385 RP & EXT (PART) IN DD352 DISCOVERY BAY

5215

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

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Name of Discovery Bay Owner / Resident: ELIZABETH RAWSON

Address: [REDACTED]

5215

①

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expedite



Objection to HKR Development plan Area 10c
07/12/2015 14:33

5216

[Redacted] to: tbbpd@pland.gov.za

From: Brendan Roscoe
To: tbbpd@pland.gov.za



Area 10b Objection template.docx

We object to these plans for development near Fertile Bay village in
Discovery Bayas outlined in the attached objection letter.
Brendan Roscoe

Signed,
Brendan John Roscoe
Sharon Lesley Roscoe

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
- 10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____ Date: _____

Name of Discovery Bay Owner / Resident: _____

Address: _____

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Fwd: Objection to HKR Development plan Area 10b
07/12/2016 14:11

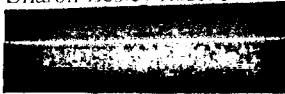
5216

[REDACTED] to: Tpbpd@pland.gov.hk

From: Brendan Roscoe [REDACTED]
To: Tpbpd@pland.gov.hk,

We strongly object to the proposed HKR development in Areas 10b of Discovery Bay as outlined in the attached objection letter.

Brendan John Roscoe
Sharon Leslev Roscoe



7 December 2016



Area 10b Objection template.docx

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. YA-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____ Date: _____

Name of Discovery Bay Owner / Resident: _____

Address _____

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角滙華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

5217

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

Y/I DB3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

香港興業提交愉景徑 106/6 单元的發
 展計劃本人提出反對。我們愉景徑
 居民數控單享有的生活已~~被~~
 發展商不斷擴建大廈而破壞
 再言辭永無止境發展~~恐~~愉景徑
 建設及交通系統會應接不~~下~~

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

簽署 Signature

日期 Date

7-12-2016

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



To: tpbpd@pland.gov.hk,

Cc:

Bcc:

Subject: Objection to the Section 12A Application No. Y11-DB/3

From: Iris Chan [REDACTED] - Wednesday 07/12/2016 15:30

The Secretariat

Town Planning Board

15/F, North Point Government Offices

333 Ave Road, North Point

(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2322 8426)

Dear Sir,

Section 12A Application No. Y11-DB/2
 Area 106, Lot 385, B/F, A, East (Part) in D.D. 351, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Road ("HKR"), Macroplex Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:

HKR claims that they are the sole land owner of Area 106 in its entirety, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.5.1982. Area 106 forms part of the "Service Area" as defined in the PDMC. Area 106 also forms part of either the "City Common Area" or the "City Restricted Areas" in the PDMC. Pursuant to Clause 7 under Section 1 of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go past and cross over and along and use Area 106 for all purposes associated with the proper use and enjoyment of his own subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, in all property owners of the Lot, should be considered, secured and respected.

The alteration, pollution and nuisance caused by the connection to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.

There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the



approved Outline Zoning Plan in the application, i.e. from service area into residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9.34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Governmental Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arisen out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within

the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of belgian for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.

10. I disagree the applicant's response in item (b) of UD&L. Pland's comment in RUC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layout of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and concerns, the application for Area 10b should be withdrawn.

Signature

Cheng-fa

Date: 7 Dec 2016

Name of Discovery Bay Owner/Resident: CHAN JIA KUAN

Address

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section 1 of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the

approved Outline Zoning Plan in the application, i.e. from service area into residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arising out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 164 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.5 of R/C that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within

the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
- 10. I disagree the applicant's response in item (b) of UD&L. Plan D's comment in RIC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature

Chetan

Date: 7 Dec 2016

Name of Discovery Bay Owner / Resident:

Chetan Siva Kumar

Address:

[Redacted Address]

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



db planning application
07/12/2016 14:23

[REDACTED] to: tpbpd@pland.gov.hk

Y/1-DB/3

From: peter walsh [REDACTED]
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>



pl find attached objection to application. tpboard.pdf

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion - which includes the Service Area defined in the DMC

- Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
- In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

- The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
- The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
- The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

- The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
- We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
- The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
- The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
- We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: Peter Walsh

Date: 7 DEC 16

Name of Discovery Bay Owner / Resident: PETER WALSH

Address: [REDACTED]

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Section 12A Application No. Y/I-DB/3
07/12/2016 15:41

[REDACTED] to: tpbpd@pland.gov.hk

From: billy cheng [REDACTED]
To: tpbpd@pland.gov.hk,

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,
Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and re-pass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission

has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.

We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"....towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "....Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the

building mass with wider building gaps... are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 11c should be withdrawn.

Name of Discovery Bay Owner / Resident: _

_Cheng hok lun_____

Address: _____

Lantau Island

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5221

Dear Sirs,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

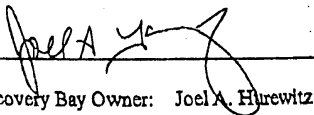
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :



Date: December 7, 2016

Name of Discovery Bay Owner: Joel A. Hurewitz

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Area 10b Objection
07/12/2016 17:28

1-DBB

[Redacted] to: tpbpd@pland.gov.hk

From: Edwin Tam [Redacted]
To: tpbpd@pland.gov.hk,



Area 10b Objection.pdf



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

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3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____

Date: 07 DEC 2016

Name of Discovery Bay Owner / Resident: _____

Address: _____

5223

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

參考編號

161207-171306-69073

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

07/12/2016 17:13:06

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Thomas Gebauer

Name of person making this comment:

意見詳情

Details of the Comment :

Environmental Study (Area 10b) Air Quality and Emissions from Fireworks

1.

One must take issue with the applicant's method of separate assessment of various types/sources of air pollution thus arriving at a sort of "smoke-screen , not serious " state ment.

quote :

"...All the relevant air emission sources in the vicinity that would have air quality impacts on the proposed developments have been identified and assessed. Key air emission sources include the marine vessels (such as the ferries between Discovery Bay and Central, Kaitos, Oil Tankers and sand barges), the fireworks at Disney Theme Park, sewerage treatment works and sewage pumping station. A literature review on best available information including Environmental Protection Department (EPD)'s publications, approved Environmental Impact Assessment (ELA) Reports and operators' data has been conducted to establish the emission strengths of these air emission sources..."

2.

Beside the a.m. sources of air pollution we have in DB : noxious fumes/emissions from old buses which are still running in the applicant's own bus-company , (perhaps only till 2019) , from from old -almost derelict- petrol operated golf carts, aircraft emissions (as Discovery Bay is one of the major take-off routes from Chek Lap Kok), from additional traffic entering DB created by construction related vehicles but also taxis and tourist buses which enter DB; these are and will be all affecting DB, with a lot of extra air pollution, this is on top of the general air pollution in Hongkong.

3

The TPB must always keep the history of Discovery Bay in mind , lauded as a pollution -free residential area.

Thousands of citizens bought property or rented in DB because of the previous rather pleasant environment ,now unfortunately deteriorating. DB has a large population with small children who are now more and more exposed to air-pollution !

4

It is very much the question why the TPB and the Environmental Protection Department are considering each source and type of pollution on its on merits while they should rather consider the overall impact , to look at the " big picture " the combined ! impact of the many different types/sources of air pollution.

5

A holistic view is asked for to assess the past, current and future environment of DB and last not least each owners and resident should ask for their views.

It cannot be the case that hundreds of submissions are posted by persons living outside of DB or are not owners of property in DB.

The view of the TPB , the HKR Company is quoted as legal owner of DB must this must be taken with a large grain of salt .

The TPB must recognise : The application must be considered in the light that the HongKong Resort Company (HKR)

although considered to be the " legal owner of Discovery Bay" is bound by a DMC with thousands of individual owners

in Discovery Bay who must be considered as legal stake-holders in Discovery Bay.

6

The summing -up of the various types/sources air-pollutions which are upon Discovery Bay already and what to be expected to be added in future must be done using a holistic approach.

The applicant, on many occasions in their application , mentioned : "to minimise " , "minimise any adverse impacts" , "minimise the impacts" , "mitigation measures" , "dispersion" etc.

All of this already points to the fact that there will be more pollution coming to Discovery Bay , the fact must be clearly seen:

" mitigating the additional pollution " is in itself already a problem for HK's bad air-environment . Adding to pollution

using the terms "minimising, mitigation "or the like must already raise alarm bells . Any new development in the

21st century should show that one can develop with the aim reducing pollution and not to add to pollution,

HK is already too heavy loaded with air-pollution.

7.

As far as pollution from the Disney Fireworks are concerned:

a)

Discovery Bay Development is just across the Bay from the daily fireworks of Disney Theme Park (DTP).

Air pollution, large amounts of smoke from the fireworks can easily be spotted from DB , often also smelled !

Already in the past many complaints have been lodged by Discovery Bay owners and residents

to stop this damaging behaviour.

(The HK Government, dealing with air pollution emergency in HK, allows their own establishment to pollute the air substantially on a daily basis, this in itself is already scandalous)

b)

The applicant writes over many pages in their "Environmental study" quoting on several pages reports on "" air quality assessment in HK " the applicant showers the TPB with copied information also showing "assumptions of emission from fireworks" and "estimations

The problem is that measurements regarding air pollution in Discovery Bay proper, have not been addressed.

Per example the applicant writes :

"...Therefore, the average of the annual monitoring concentrations of aluminium, barium and copper for the latest 5 available years (i.e. Year 2010- Year 2014) at Tung Chung Station, the nearest station to the proposed development, are adopted as their corresponding background concentrations (Table A4.2e)....."

I trust that the members of the TPB have a proper view of the geographic setting/location of Discovery Bay. Some of the highest hills and mountains in Hongkong separate Discovery Bay and DTP from the quoted monitoring station far away in Tung Chung.

This is a bit of sophistication on behalf of the applicant perhaps "pulling wool over ".

c)

The HongKong Resort Co. (HKR), the applicant instead should inform the TPB that there is an air-pollution monitoring station established in Discovery Bay, explicitly to monitor the pollution coming from the DTP-Disney fireworks.

The equipment was installed on HKR's property, right across the Bay from DTP in Crestmont Villa / Peninsula Village.

The equipment, with the knowledge of the Environment Protection Department was installed years ago, at the time of

DTP- commencement. No one of DB owners/residents really knows how the monitoring is going, the residents in

Discovery Bay are not informed about the quality of the equipment, the workings of the equipment, the times of measurements taken and the independently recorded results.

Once an inquiry brought to light that measurements were taken at odd hours from the fireworks, indeed producing practically meaningless data.

The applicant, on who's property the equipment is installed has apparently no particular interest to inform the TPB in regard to that, as this monitoring station should indeed be : the nearest station to the proposed development !

d)

The whole submission of the applicant regarding the air-pollution from the DTP-Daily Fireworks should be disregarded .

I therefore humbly request the TBP to get deep into this subject, and to see for clear evidence that there is no problem regarding air pollution from the daily DTP Fireworks, in particular there is no danger of long-term health problems for residents.

The issue for DB residents is the long-term daily- exposure to the pollutants of fireworks not jus

t exposure or readings for one day and perhaps with " convenient wind- direction ".
Dispersing in the air cannot be accepted in 21st century as pollution does not vanish but may just be carried from

" A to B "but might to return easy to " A " . Our air pollution in China HK is not "vanishing by dispersing".

On the above grounds and also under the term of " Optimisation of Land Use " the proposed development is

ill -conceived in its present planning, it is neither a necessity for Discovery Bay nor for HongKong:

I object therefore to the application and ask the TPB to investigate deeply on above points before giving any go-ahead for the controversial project.

Thomas Gebauer

5223

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

參考編號

Reference Number:

161206-163451-14534

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

06/12/2016 16:34:51

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Thomas Gebauer

意見詳情

Details of the Comment :

Waste Management and related Environment

Current Waste-Collection-Sorting and Transfer -Point (WCTP) for all of Discovery Bay is close to the current Kaito Ferry Pier . off the residential area , safe a nearby building used as staff quarters of the

applicant or their wholly owned subsidiaries. There is one Waste Management Building (WM B) but a large number of

operations of the WCTP are taking place on open grounds around the WMB . The existing building is already much too

small , very much too small , to accommodate all Waste Management Operations.

The size of the current building is about 10x20 m = 200 sqm which can only accommodate one large "FEHD type

garbage truck" with little space at the sides used for certain rough -sorting of large pieces of waste; loading the truck

is done or can only be done by also utilising space outside of the building. The current total area (incl. the building)

used for waste management operations i.e. for waiting space for DB garbage trucks, parking for DB garbage trucks ,

waste-collection "wheeled green plastic containers for general garbage " (mostly originating from commercial enterprises/restaurants and from the DB public rubbish bins), large truck -size- containers : according to "about measurements"

is about 36x30m = 1080 sqm.

The outside/open space, also used for temporary storage of certain separated waste (like plastics, glass , paper) is

quite large , sometimes additional space must be provided when the "waste -transfer -chain " is interrupted. Sometimes

holidays, adverse weather, problems at the receiving end of the waste-chain lead to a built-up of waste.

Always to keep in mind , in case of need some more open space is currently available, there is a flexibility, this is not

the case in the planned Podium.

Considering the now planned, CONFINED space in /underneath the Podium :

according to measurements on the drawings it is calculated about 20x 40 meters for the "box" de

scribed as

"Refuse Collection Chamber".

There is not enough space for waiting vehicles and there must be congestion because of turning vehicles, lack of space

for temporary storage of large pieces of waste or sorted "recycling -waste".

Vehicles might have to wait on the public road before the entrance to the Podium .

Where can an "overflow" of rubbish , municipal waste , buses and the vehicles for maintenance have an "escape -area"? no more as all at the Nim Shue Wan area will be built -up, it will be residential development.

The increase of population in DB, the influx of many visitors/ local tourists plus expected tourists coming via sightseeing

coaches , the corresponding larger quantities of rubbish , municipal waste

ask for the need for larger refuse collection-, temporary -storage- and initial sorting- facilities .

The current , semi-open- air- facilities with a certain temporary -space -flexibility for storage especially during holiday-seasons, typhoon -seasons and the like are already stretched !

The demand for space , the burden on ventilation of a Podium- Underground facility, the subsequent exhausts to nearby

residential areas must be re-considered seriously in the application.

Even the applicant's claim for allocation of "about 1000 sqm" cannot be considered to be enough as consideration to the "inflexible location" must be given .

As the Podium is either right underneath or very close, within the residential development the air pollution from the

various activities (Waste-Handling , Bus Station , Bus- and other Vehicle- Maintenance- and Repair- Shops) must be

dealt with by high powered (noisy) ventilators and VERY high chimneys .

The applicant often used phrase " to minimise" must be read as : there will be additional pollution!

How much should people in DB bear as "having chosen originally a place in HK which is pollution-free" why should

the DB owners and residents have to accept a worse environment because of developer's aims ?

In Hongkong in the 21st century it must go the other way around: when a new development is planned the aim must

be for simultaneous improvement of environment not the impairment of environment.

Conclusion :

> The projected space for facilities serving the whole of DB "under a Podium " is not sufficient, already not for the

present , definitely not for the future as this must also be considered by the TPB; last not least to keep in mind the

increase in DB permanent population, influx of visitors , also annual capacity of the hotel. Town Planning is a forward

looking endeavour not just considering the present situation or needs. So TPB MUST also take a HOLISTIC VIEW as far

as property -developments , increase in population in DB are concerned , this also concerns therefore the other

application Y/I-DB/2 also that application cannot be dealt with just on its own merits!!

The projected size of DB population is ?? details should be with the Lands Department , but they do not release the

figure to the DB owners!! Maximum permitted number of housing units in DB , proposed in Master Plan 7.0E (dd.28/12/2015) , are ??

> Ventilation /Air quality ? .where will the smell of garbage / waste management / vehicle repair shops go? The

unfounded promise to "minimise" must be taken with a " turning up of one's nose ".

> There are in addition other pollution - sources planned around / within the residential areas: th

5223

the sewage - plant
and the petrol filling station, last not least the increase in traffic right in the residential surroundings.
On above grounds I object to the application.
Thomas Gebauer (owner and resident)
Discovery Bay

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

參考編號

161206-163451-14534

Reference Number:

提交限期

09/12/2016

Deadline for submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Thomas Gebauer

Name of person making this comment:

聯絡人

Thomas Gebauer

Contact Person

通訊地址

Postal Address :

電話號碼

Tel No. :

傳真號碼

Fax No. :

電郵地址

E-mail address :

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

參考編號

Reference Number:

161206-170704-93707

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

06/12/2016 17:07:04

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Thomas Gebauer

意見詳情

Details of the Comment :

Discovery Bay applications Y/I-DB/2 and Y/I-DB/3

I draw the attention of the Town Planning Board (TPB) to the fact that the entire lot of Discovery Bay, including the areas

covered by the applications Y/I-DB/2 and Y/I-DB/3, is held under a Deed of Mutual Covenant (DMC). Many of the other

owners of the lot have grave concerns about the adherence to the DMC (or lack thereof) by Hong Kong Resort Company Limited (HKR) and the Manager, Discovery Bay Services Management Limited (DBSML), a wholly-owned subsidiary of HKR.

HKR is bound by the DMC and is not the sole owner of the land; it is a co-owner of the land together with thousands of

other owners, who are legal stake-holders as owners of undivided shares in the lot.

There are on-going, unresolved disputes between HKR and the other owners on a number of issues, in particular

irregularities in the calculation of Management Expenses. HKR is the owner/operator of all the commercial properties

in Discovery Bay and, with the assistance of its directly controlled subsidiary DBSML, is not paying Management Fees

on the commercial properties in accordance with the clear language of the DMC.

The DMC requires that Management Expenses must be shared according to GBA, as defined in the DMC. HKR and

the Manager calculate Management Fees for the commercial properties according to Gross Floor Area (GFA), which

allows HKR to underpay its due share of Management Expenses.

Lands Department and the District Councillor of Discovery Bay are well aware of these unresolved disputes.

No recourse can be taken by small owners through the City Owners' Committee (COC), recognised as the owners'

committee under the Building Management Ordinance (Cap. 344), as HKR controls the majority of undivided shares

in the lot and is able to cast its shares at any time to control the outcome of any vote. For the same reason, the owners

of Discovery Bay are unable to form an Owners' Corporation as HKR can always block any resolution to incorporate.

Further development of Discovery Bay should be deferred until the unfair treatment of the small owners has been

addressed. Any new development will only subject more owners to the unfair charging of Management Expenses by

HKR and their wholly owned subsidiary, DBMSL

On above grounds I ask the TPB to reject the applications until government departments can show that HKR agrees

to abide in full to the terms of the New Grant and the DMC.

On above grounds I object to the application.

Thomas Gebauer

就規劃申請/覆核提出意見 / Making Development Planning Applications / Comment

參考編號
Reference Number: 161208-154617-64170

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 08/12/2016 15:46:17

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 先生 Mr. Thomas Gebauer

意見詳情
Details of the Comment :

Discovery Bay applications Y/I-DB/2 and Y/I-DB/3

I draw the attention of the Town Planning Board (TPB) to the fact that the applicant, HongKong Resort Company Ltd. uses in their submission "Development Schedule"

the "Site Area" the term GFA = Gross Floor Area while in the DMC with thousands of co-owners of

Discovery Bay the term GBA is used when sharing of expenses in Discovery Bay is prescribed. The applications cannot be approved until this large difference has been addressed.

The entire lot of Discovery Bay, including the areas covered by the applications Y/I-DB/2 and Y/I-DB/3, is held under a Deed of Mutual Covenant (DMC). Many of the other owners of the lot have grave concerns about the adherence to the DMC (or lack thereof) by Hong Kong Resort Company Limited (HKR) and the Manager, Discovery Bay Services Management Limited (DBSML), a wholly-owned subsidiary of HKR.

HKR is bound by the DMC and is not the sole owner of the land; it is a co-owner of the land together with thousands of other owners, who are legal stake-holders as owners of undivided shares in the lot.

There are on-going, unresolved disputes between HKR and the other owners on a number of issues, in particular irregularities in the calculation of Management Expenses. HKR is the owner/operator of all the commercial properties in Discovery Bay and, with the assistance of its directly controlled subsidiary DBSML, is not paying Management Fees on the commercial properties in accordance with the clear language of the DMC.

The DMC requires that Management Expenses must be shared according to GBA, as defined in the DMC. HKR and the Manager calculate Management Fees for the commercial properties according to Gross Floor Area (GFA), which allows HKR to underpay its due share of Management Expenses.

Lands Department and the District Councillor of Discovery Bay are well aware of these unresolved disputes.

No recourse can be taken by small owners through the City Owners' Committee (COC), recognised as the owners' committee under the Building Management Ordinance (Cap. 344), as HKR controls the majority of undivided shares in the lot and is able to cast its shares at any time to control the outcome of any vote. For the same reason, the owners of Discovery Bay are unable to fo

from an Owners' Corporation as H.R. can always have its own share. I believe that further development of Unsworths Bay should be subject to the same treatment. The same winners has been addressed. All the 30 companies in the area should have a right to the sharing of Management Expenses by H.R. and then what is needed is to be a 100% M.A. On above grounds I ask the TPB to repeal the application and to recommend appropriate arrangements so that H.R. agrees to abide in full to the terms of the New Contract and the 1980.

On above grounds I object to the application.

Thomas Gebauer

5223

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

參考編號

Reference Number:

151208-222045-65584

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 22:20:45

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Thomas Gebauer

意見詳情

Details of the Comment :

Sewerage Treatment Facilities

There are several issues with the "new" STW which is planned in conjunction with the proposed development at 10b .

1

At quasi the same location as the applicant proposes a new STW there is an old building /structure, housing an old

STW installation . The TPB must know that decades ago this was a location far from residential areas. Only in later years HongKong Resort Co.Ltd. created residential development around / near this STW.

2.

Locating now a STW in the midst of a modern residential development is highly controversial in the least, actually incompatible with 21st century- environmental- standards or expectations.

Odours from this STW will be felt in one way or the other as sewage odours might be replaced by "chemical odours " , noise might be another issue as well as trucks running through residential areas carrying chemicals, sludge and the like.

This cannot be an enhancement to residential living !

3

The applicant insinuates that the STW might be /could be short-lived or might not be necessary at all to be built : he

refers to the " on- going new developments at North Lantau and airport ..." and he, he applicant might benefit in future

from expanded facilities provided by the Government , the WSD and EPD , so to make the STW at area 10b perhaps even unnecessary. I ask the TPB to disregard this idea as not based on facts but only on wishful thinking.

4.

The comment of the applicant on 11.S6.3.1.1 " With the implementation of the above mitigating measures"

In this context, "mitigating" means still problem , albeit/perhaps not too much .

This statement has to be seen in the light of many "mitigation measures" regarding various types of pollution the

applicant mentions in his application. The TPB must take a holistic view, adding up all the "mitigated" types of pollution which are added upon the already fragile environment of DB (and of HongKong) and which will affect current and future owners and residents of DB.

5.

The "outfall location" of effluent must be dealt with, well before the TPB may give the go-ahead for the development;

not as the applicant states "...will be determent during the detailed design stage ..."

The discharge of treated effluent through a submarine outfall should not be accepted in the area of Nim Shue Wan, there are shallow waters and in vicinity of the island of Peng Chau which received or receives a first class Government STW.

The effluent coming from the 10b development might defeat the very purpose of an excellent STW in Peng Chau.

6.

If any, submarine outfall should be far away from Nim Shue Wan Bay and far from Peng Chau.

The CEED in their research regarding possible reclamation work states:

Strategy RECLAMATION OUTSIDE

VICTORIA HARBOUR and ROCK CAVERN DEVELOPMENT

Strategic Environmental Assessment Report - Reclamation Sites Executive Summary

states ".....For those 21 nos. of reclamation sites which were not selected into the longlist, some were found to have significant environmental impacts (e.g. Nim Shue Wan, Sham Tseng,etc."

It also must be considered that the area on Nim Shue Wan was designated as "coastal protection area". There is also a

"key coral area" at Peng Chau. Last not least in the vicinity pink dolphins and river dolphins have been spotted.

There are also fishermen active in and around Peng Chau and Discovery Bay!

7.

To allow discharge of waste-water /effluent in the already "environmentally -fragile- waters" does not commensurate

with what the HK people expect of 21st -Century regarding care for the environment.

Any development, especially in the already bad environment of HK, must be tied to the improvement of environment.

Considering the above, I ask the TPB that the applicant should choose a new location for the STW giving detailed-

design and - workings of such plant; only after the TPB has unequivocal positive opinion of the EPD, the AFCD, the DSD

and a "discharge licence" has been presented, that the TPB to give the go-ahead for the development.

Last not least the TPB of course to make up their own mind as to what a STW has to do in the 21st Century in the midst of a residential development. It should be either the location of the STW

寄件者: Elizabeth Rawson
 寄件日期: (2016年10月14日 10:42)
 收件者: gnyrd@pland.gov.hk
 主题: OBJECTION TO APPLICATION Y/I-DB/E AREA 10B, LOT 385 RP & EXT (PART) IN DD352 DISCOVERY BAY

5224

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-


1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
1. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
1. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
1. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
1. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
1. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
1. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
1. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Name of Discovery Bay Owner / Resident: ELIZABETH RAWSON

Address: 

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

參考編號

Reference Number:

161207-210221-11651

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 21:02:21

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kelvin Pan

意見詳情

Details of the Comment :

本人支持在愉景灣愉景灣第10b區丈量約份第352約地段第385號餘段及增批部分增加建造新的住宅。原因：1香港住宅需求大，應盡量利用現有的土地提供更多住宅，滿足居住需要。2許多反對原因并非不可解決，應務實針對問題所在，積極面對和解決，以便建造更多房屋滿足市場需求，而非一律反對。3保護環境非常重要，但應將美麗的環境讓更多人享用，而非變成小部分人專享。4 发展项目除提供居住外也会带来更多的绿化环境和设施予居民使用，提高居民生活质素。



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

參考編號

161207-203001-46483

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

07/12/2016 20:30:01

Date and time of submission:

有關的規劃申請編號

YJ-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Tat

Name of person making this comment:

意見詳情

Details of the Comment :

The extra landscape and greening help reduce carbon emissions and improve air quality, thus providing a better work and living environment.
It creates more job opportunities, which will bring in many social and economic benefits to the society.
The plan brings in suitable amount of population to support the businesses of local shops, in a way to provide more retail choices for residents.



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

參考編號

Reference Number:

161208-011328-24278

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 01:13:28

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. K K Wong

意見詳情

Details of the Comment :

We are long to see the redevelopment commenced as soon as possible to upgrade the overall environment of the area.



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

參考編號

161208-133707-31443

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

08/12/2016 13:37:07

Date and time of submission:

有關的規劃申請編號

Y/1-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

小姐 Miss Liu

Name of person making this comment:

意見詳情

Details of the Comment :

The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.

More community focal points and public leisure space will be created for the residents and the public to enjoy.

The extra landscape and greening help reduce carbon emissions and improve air quality, thus providing a better work and living environment.

It creates more job opportunities, which will bring in many social and economic benefits to the society.

該規劃申請/樓宇標示號碼 (Application No.)	1612/2016/152 (615)
參考編號 Reference Number:	1612/2016/152 (615)
提交限期 Deadline for submission:	09/12/2016
提交日期及時間 Date and time of submission:	06/12/2016 14:10:52
有關的規劃申請編號 The application no. to which the comment relates:	Y1-DB3
「提意見人」姓名/名稱 Name of person making this comment:	先生 Mr. W. Yau
意見詳情 Details of the Comment:	Area 10B development has had utilities well considered such as water supply, sewage, storm drain, etc. and they are feasible without adverse impact to the existing developments. To this extent, I agree with the development without hesitation.



評論的申請編號 Reference Number	161206-172842-14065
提交限期 Deadline for submission	06/12/2016
提交日期及時間 Date and time of submission	06/12/2016 17:28:42
有關的規劃申請編號 The application no. to which the comment relates	Y/A DB/3
「提意見人」姓名/名稱 Name of person making this comment:	先生 Mr. Yau Wing

意見詳情

Details of the Comment:

From the presented perspectives and photo montage, the impact of the new development to the surrounding area is minimal, if not none. The development can bring more residential units to Hong Kong people and it is desirable. I support the development definitely.

就規劃申請/覆核提出意見 148906, Comment Form No. Y1-DB/3

參考編號

Reference Number:

161206-202619-27809

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

06/12/2016 20:26:19

有關的規劃申請編號

The application no. to which the comment relates:

Y1-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Ku

意見詳情

Details of the Comment:

新填的海濱長廊，提升的交通配養、優化的街渡及碼頭設施，令出入更方便。計劃已考慮基礎設施、視覺、交通及社區方面因素及承擔能力，設計亦與周邊環境及景觀更為融合。

的規劃申請項目提出意見。Comment Form for Planning Application/Access
申請編號
Reference Number: 161206-201933-83277

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 06/12/2016 20:19:33

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 先生 Mr. Lau

意見詳情**Details of the Comment:**

可善用土地資源，減輕香港土地不足的問題，提供不同類型的房屋選擇，提升生活質素。
計劃可改善該區現時雜亂景觀及與愉景灣整體設計格格不入的情況，整體環境得到改善。

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

Reference Number:

161206-202825-76843

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

06/12/2016 20:28:25

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss May

意見詳情

Details of the Comment:

創造全新的社區集結點，大眾可享用更多公眾休閒空間。
更多的綠化空間有助減低碳排放，提升空氣質素，提供更佳工作及生活環境。
新發展會創造更多就業機會，為市民及社會帶來好處及經濟效益。
引入適量人口可支持本土小商店的營運，為居民提供更多的零售選擇。

5234

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

參考編號

Reference Number:

161206-221442-61063

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

06/12/2016 22:14:42

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Kwan

意見詳情

Details of the Comment :

The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.

More community focal points and public leisure space will be created for the residents and the public to enjoy.

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

參考編號

Reference Number:

161207-005352-17128

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 00:53:52

有關的規劃申請編號

The application no. to which the comment relates:

Y1-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss JESSICA CHAN

意見詳情

Details of the Comment :

本人並不贊成通過這個規劃申請，除非發展商承諾會先處理好以下問題：

(1) 【坪洲街道碼頭】- 這項目的地點現正是愉景灣來往坪洲的街渡碼頭，每天為兩地居民提供廉價而直接的交通工具，若要發展這地點，必需以不影響街渡服務為先，例如原址建設新的碼頭。若發展商需另覓碼頭地點，應考慮新位置是否便利、有沒有交通配套。這一點本人對香港興業有限公司沒有很大信心，因為其公司的另一個建設項目正在區內進行，經驗所見，在搬遷巴士站和封路安排盡顯混亂，延誤乘客接駁渡輪的例子經常發生。往後巴士總站需暫停使用，居民將被迫多走很長的路去上車，這都是安排不周所致的。

(2) 【行人步道】- 規劃內容之一為「增加海傍行人步道和休息用地」，這一點偏離事實，因為現場現正是一大段臨海的行人路，已經是非常好的行人步道，經常有居民到此遠跑和散步，但看了規劃書的圖則，房子臨海而建，所謂的「行人步道」只不過是該樓盤回家的必經之地，不能說是什麼行人步道。屆時變成私人地方，質疑能否供公眾人士散步之用？所以希望發展商能負責在類近位置另建海濱路供區內人士使用。

(3) 【珍樹灣的衛生環境】- 相信這項目的一大賣點是臨海沙灘美景，但實際上「樹崗灣沙灘」是出名的垃圾灘，衛生情況嚴重欠佳。這可能關乎風向和水流的問題，該沙灘每日都會有大量大型垃圾被沖上岸，若香港興業有限公司有心發展這片土地，本人認為其公司應把沙灘的清潔工作納入此項目的法定責任內，否則是有「欺騙買家」之嫌。希望發展商能承諾定期清潔珍樹灣沙灘，同時改善該段小徑的周遭環境，令這規劃項目更完善。

(4) 【交通配套】- 該小區現在只有兩架巴士每日接載居民往返巴士總站，若要通過此規劃申請，作為「獨市生意」的愉景灣巴士公司(香港興業旗下公司)必需加設新的巴士線多班次，否則在繁忙時段近乎爆滿的巴士載客情況必定更糟，對現在的居民有欠公道。

以上對原本對 Y1-DB-3 規劃申請的意見，本人不會盲目反對，只希望城規會和發展商在考慮私人樓宇項目的同時，都照顧及該區的公共交通、衛生等方面的問題，謝謝。

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

參考編號

Reference Number:

161207-093230-61113

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 09:32:30

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Lisa Lee

意見詳情

Details of the Comment :

I support the development to attract more people coming to DB. Make DB a Landmark of HK.

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

參考編號

Reference Number:

161207-103018-32824

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 10:30:18

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Jennifer Ng

意見詳情

Details of the Comment :

I support the proposal for the new development in Discovery Bay (DB) as it not only will enhance the living condition in DB, but also creates more job opportunities which will bring in many social and economic benefits to the society. With the increasing demand of housing in Hong Kong, residential development in Discovery Bay surely will provide more choices for the Hong Kong people. The increasing population in the area also can support more shops and restaurants and giving momentum for the community.



5238

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

參考編號

Reference Number:

161207-103935-45545

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 10:39:35

有關的規劃申請編號

The application no. to which the comment relates:

Y1-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Yvonne Ng

意見詳情

Details of the Comment :

I support the proposal for the new development in Discovery Bay (DB) as it not only will enhance the living condition in DB, but also creates more job opportunities which will bring in many social and economic benefits to the society. With the increasing demand of housing in Hong Kong, residential development in Discovery Bay surely will provide more choices for the Hong Kong people. The increasing population in the area also can support more shops and restaurants and giving momentum for the community.

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

參考編號

Reference Number:

161207-103426-53405

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 10:34:26

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Franklin Ip

意見詳情

Details of the Comment :

I support the proposal for the new development in Discovery Bay (DB) as it not only will enhance the living condition in DB, but also creates more job opportunities which will bring in many social and economic benefits to the society.. With the increasing demand of housing in Hong Kong, residential development in Discovery Bay surely will provide more choices for the Hong Kong people. The increasing population in the area also can support more shops and restaurants and giving momentum for the community.

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

參考編號

Reference Number:

161207-135130-57378

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 13:51:30

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

夫人 Mrs. Chu

意見詳情

Details of the Comment :

更多的綠化空間有助減低碳排放，提升空氣質素，提供更佳工作及生活環境

5241

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

參考編號

Reference Number:

161207-135256-92200

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 13:52:56

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Chu

意見詳情

Details of the Comment :

- 新建的海濱長廊、提升的交通配套、優化的街渡及碼頭設施，令出入更方便。
- 計劃已考慮基礎設施、視覺、交通及社區方面因素及承擔能力，設計亦與周邊環境及景觀更為融合。

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

參考編號

Reference Number:

161207-134826-59437

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

07/12/2016 13:48:26

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss Ivy Wong

意見詳情

Details of the Comment :

引入適量人口可支持本土小商店的營運，為居民提供更多的零售選擇



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

參考編號

161207-134942-09665

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

07/12/2016 13:49:42

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

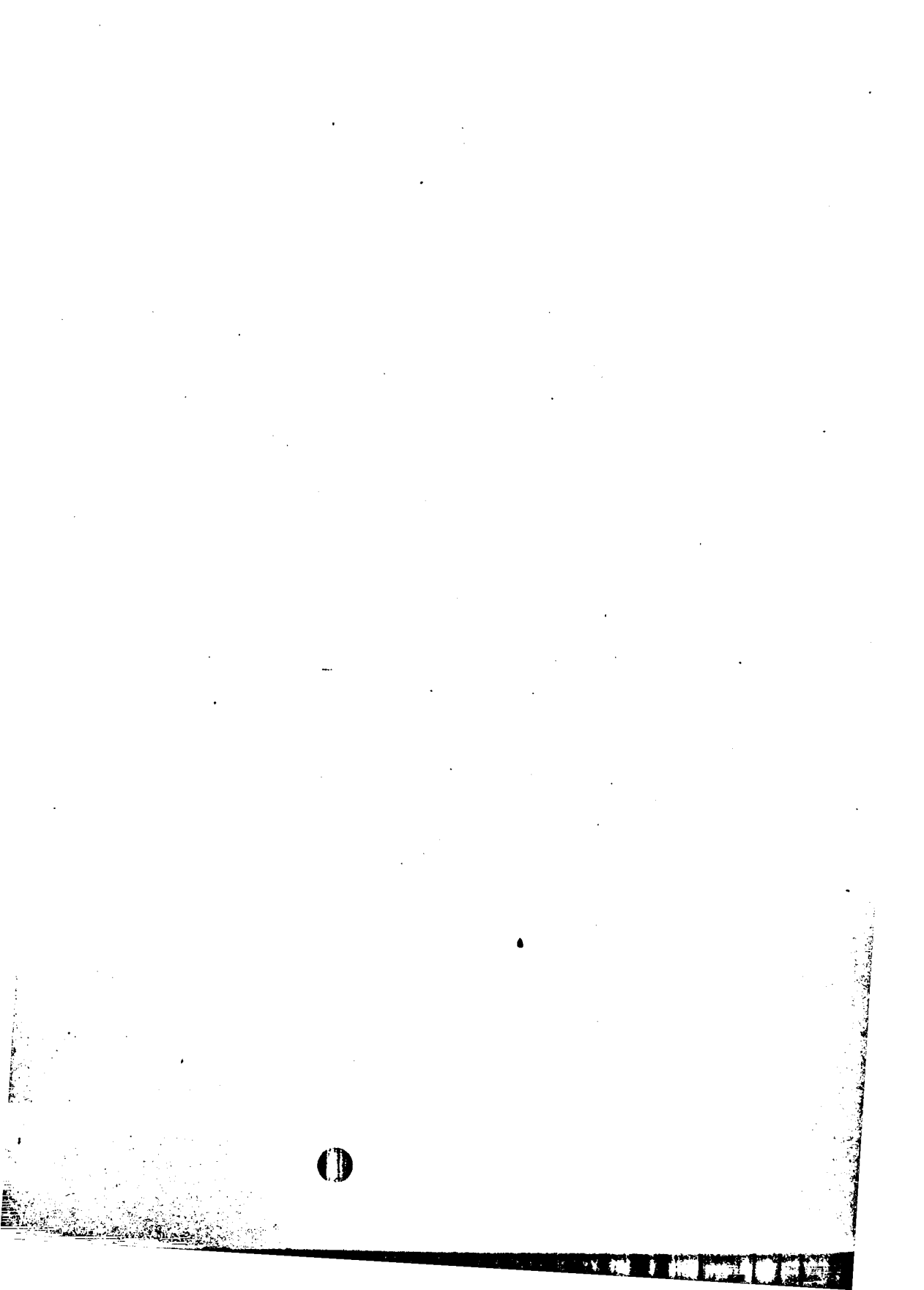
女士 Ms. Wong

Name of person making this comment:

意見詳情

Details of the Comment :

引入適量人口可支持本土小商店的營運，為居民提供更多的零售選擇



tpbpd

寄件者: David White [REDACTED]
发件日期: 08日12月2016年星期四 17:14
收件者: tpbpd@pland.gov.hk
主题: Application No.: TPB/Y1-DB/3
附件: DAW Objection 08 Dec 16 .pdf

5244

Dear Sirs,

Please find attached objection.

Regards

David A. White



To: Secretary, Town Planning Board
(Via email: tpbpd@pland.gov.hk)
Application No.: TPB/Y/1-DB/3

8 December, 2016

Dear Sirs,

Re: Hong Kong Resort Co Ltd's Revised Application to Develop Area 10b
(Waterfront near Peninsula Village) ("the Application")

I am an owner and resident in Peninsula Village, Discovery Bay.

I object to the Application generally as I believe it is an inappropriate extension of the Discovery Bay development, and specifically on the following grounds:

1) *The proposed development substantially detracts from the low-density character of the area and if accepted would result in a material increase in population density in the most sensitive waterside zone.*

The current Outline Zoning Plan No. S/I-DB/4 (the "OZP") reflects a height restriction of 9m for much of the area comprised in the Application and generally contemplates population increase

"mainly from the future phases of the Discovery Bay development in Yi Pak" (Para 6.2 of the Explanatory Statement).

Moreover

"The general planning intention of the Area is for conservation of the natural environment and to provide for low-density developments compatible with the surrounding natural setting" (Para 7.1).

It also provides that

"the unique sub-urban low-density ... of the development should be maintained" (Para 7.2).

Any relaxation of the general planning intention would open the way to greater density in this and future planning applications and profoundly alter the intended nature of the development as previously established and the planning intention enunciated in the OZP.

2) *The planning principle of a stepped approach and low-rise development on coastal lowland is ignored.*

The OZP notes that

"a stepped height approach with low-rise on the headland and coastal lowland and high-rise further inland is adopted" (Para 7.3).

Both M1 and M2 are higher above principal datum than Twilight Court, and also the adjacent high-rise buildings at Capevale Drive. Moreover they are situated on the coastal lowland area. This important principle is therefore completely disregarded by the proposal.

In fact M2 extends several meters higher than both Verdant Court and Haven Court, the most closely adjacent buildings, despite these being situated uphill from M2. Similarly M1 is significantly higher than Twilight Court.

In their Responses to Comments dated 26 October 2016, in response to the UD&L's urban design comment 4(a) regarding the general design concept of a stepped height approach with low-rise on the headland, the Applicant responds partially on the question of bulk in regard to M2 (though egregiously refers to it as a "mid-rise"), but totally fails to deal with the question of a stepped approach, and again completely disregards this important principle.

Approval of the Application would constitute a major change to the OZP in this respect and challenge the legitimate expectation of existing owners that the principles set out in the existing OZP would be applied fully and consistently, and not treated as a voluntary or infinitely variable guideline to be disregarded or amended to suit the developer to the detriment of the residential environment.

3) The total population of Discovery Bay was set at 25,000, but together with existing approvals this would increase to 29,000 if this Application were approved, placing an unsupportable burden on existing water and sewerage infrastructure, and contravening the Land Grant.

Under the Land Grant Discovery Bay is required to be self-sufficient in water and sewerage services. However the reservoir was built for a maximum population of 25,000. The Government has declined to provide services to cater for a population above this number.

Nevertheless in their Responses to Comments dated 26 October 2016, in response to the Water Services Department's comment on the sufficiency of supply capacity for an extended population the Applicant can seemingly do no more than respond that they intend to go back to pre-2000 infrastructure and hope that the Government will provide facilities which have already been declined. In other words this application is based more on hope than on prudent planning.

The total population of 25,000 should not be increased as a result of this Application.

4) The proposed development appears to exceed building height restrictions

Para 8.1.3 of the OZP states that

"To preserve the existing amenity and character, and to avoid excessive development overburdening the infrastructure provisions and external transport capacity of the Area, on land under this zoning,

no new development or addition, alteration and/or modification to or redevelopment of an existing building (including structure) shall result in a total development or redevelopment in excess of the gross floor area (GFA) and building height restrictions set out in the Notes of the Plan."

The two main high-rise blocks M1 and M2 appear to exceed these building height restrictions at 86m and 79m above principal datum respectively.

5) *The Environmental Impact Assessment ("EIA") is potentially misleading in regard to the marine light diesel ("MLD") refueling facility*

Para 4.2.4.6 of the further revised EIA states that *"ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator"* but is non-specific about its location.

Para. 4.2.4.7 states that

"There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment."

In their Responses to Comments dated 26 October 2016, the Applicant stated that *"No MLD filling activities are presented"*, and that *"The operators have confirmed the route [to the MLD facility] will be outside 500m assessment area"*. However figure 4.3 of the original EIA (which has apparently been removed) evinced a clear intention to locate the facility within Nim Shue Wan, only a few meters from the revised sea wall, and therefore well within the 500m Assessment Area. This would be contrary to the assertion that there would be no travelling or refueling within the Assessment Area.

Further clarification of the intention of the Applicant in regard to the relocation of the MLD facility is required as any ferries based in Tsoi Yuen Wan and travelling to the proposed refueling facility would of necessity travel through the Assessment Area, and refueling would take place within that area.

6) *Any fuel barge situated in Nim Shue Wan – which is not included in the Application but would be a direct consequence of its approval - would be unsightly and a potential source of pollution.*

Moreover it would be inconsistent with the stated *"general planning intention of the Area ... for conservation of the natural environment"* (OZP para 7.1) and would detract from the general amenity of the bay.

7) *The Application photo-montage B.7 is misleading as to the visual impact*

Annex B.7 is misleading, even allowing for exaggerated perspective caused by the wide-angle nature of the photograph. A line drawn from the top of Twilight Court through the top points of Jovial Court and Verdant Court (all of


which are 17 floors in height) and extended to M.2, implies that M.2 (which is proposed to be 18 floors) is the same height, which is manifestly incorrect.

8) Current small boat moorings in Nim Shue Wan along the existing sea-wall leading to the Kai-to pier (outside the current boundary of the Discovery Bay Development) will be lost to the encroachment.

There is no indication of any plan to relocate these or provide alternative facilities.

Yours sincerely,

David Alexander WHITE



tpbd

寄件者:
寄件日期:
收件者:
主题:
附件:

psf White
08/11/2016 9:43 AM 17.47
tpbys@pland.gov.hk
Application No: TPB/Y1-DB/3
PSEW Objection 08 Dec 16 .pdf

5245

Dear Sirs,

Please find attached objection.

Regards

Patricia S F White

To: Secretary, Town Planning Board
(Via email: tpbpd@pland.gov.hk)
Application No.: TPB/Y/I-DB/3

8 December, 2016

Dear Sirs,

**Re: Hong Kong Resort Co Ltd's Revised Application to Develop Area 10b
(Waterfront near Peninsula Village). ("the Application")**

I am an owner and resident in Peninsula Village, Discovery Bay.

I object to the Application generally as I believe it is an inappropriate extension of the Discovery Bay development, and specifically on the following grounds:

1) The proposed development substantially detracts from the low-density character of the area and if accepted would result in a material increase in population density in the most sensitive waterside zone.

The current Outline Zoning Plan No. S/I-DB/4 (the "OZP") reflects a height restriction of 9m for much of the area comprised in the Application and generally contemplates population increase

"mainly from the future phases of the Discovery Bay development in Yi Pak" (Para 6.2 of the Explanatory Statement).

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Both M1 and M2 are higher above principal datum than Twilight Court, and also the adjacent high-rise buildings at Capevale Drive. Moreover they are situated on the coastal lowland area. This important principle is therefore completely disregarded by the proposal.

In fact M2 extends several meters higher than both Verdant Court and Haven Court, the most closely adjacent buildings, despite these being situated uphill from M2. Similarly M1 is significantly higher than Twilight Court.

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Approval of the Application would constitute a major change to the OZP in this respect and challenge the legitimate expectation of existing owners that the principles set out in the existing OZP would be applied fully and consistently, and not treated as a voluntary or infinitely variable guideline to be disregarded or amended to suit the developer to the detriment of the residential environment.

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There is no indication of any plan to relocate these or provide alternative facilities.

Yours sincerely,

Patricia So Fong WHITE



tpbnd

寄件者:
寄件日期:
收件者:
主题:
附件:

Mike McLaughlin [REDACTED]
08/12/2016 4:16:19 PM
tpbnd@pland.gov.hk
Section 12A Application No Y1-DB/3 Area 10b ,Lot 385 RP & Ext (Part) in D.D.252 D,sovery Bay
Area 10b Selina [REDACTED] Woodland0001.pdf

5246

Dear Sir ,

Please find enclosed (ref pdf) my comments on the above application .

Yours sincerely ,

Selina Kwong

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/1-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :

S. Wong

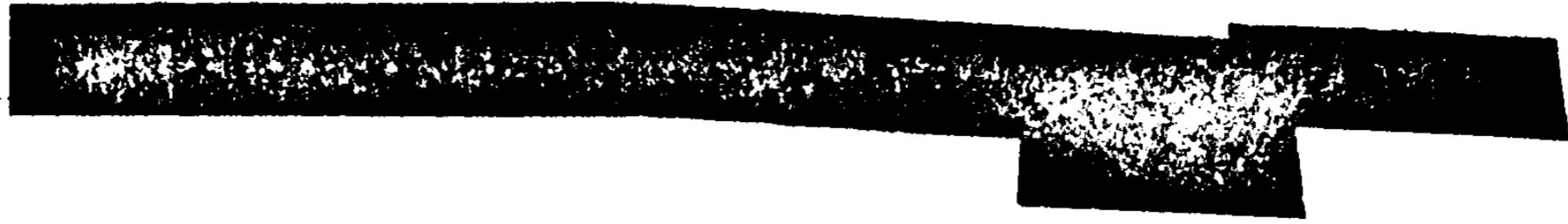
Date:

8th December 2016

Name of Discovery Bay Owner / Resident:

SELINA KWONG SIU-NGAN

Address:



①

①

tpbpd

寄件者: Mike McDonagh [REDACTED]
寄件日期: 08月12月2016年星期四 17:05
收件者: tpbpd@pland.gov.hk
主旨: Section 12 A Application No Y/I- DB/3 Area 10b ,Lot 385 RP& Ext (Part) in D.D. 352 ,Discovery Bay
附件: Area 10b [REDACTED] Woodland.pdf

5247

Dear Sir ,

Please find enclosed (ref pdf) my comments on the above application .

Yours sincerely ,

M C McDonagh

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and re-pass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
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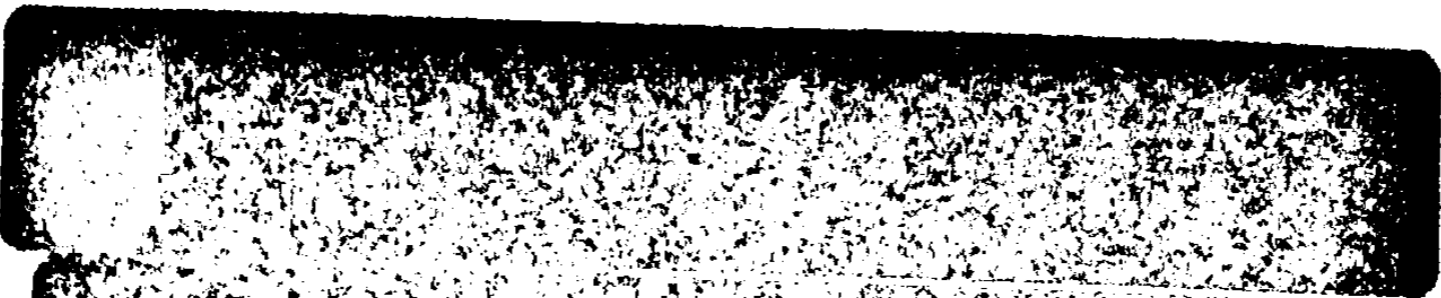
Signature: _____

Date: _____

Name of Discovery Bay Owner/ Resident: _____

M.C. McDonagh 8th December 2016
M.C. McDONAGH

Address:



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tpbpd

寄件者:
寄件日期:
收件者:
主旨:
附件:

Mike McDonagh [REDACTED]
08日12月2016年星期四 10:55
tpbpd@pland.gov.hk
Section 12 A Application No Y/1-DB / 3 ,Area 10b, Lot 385 RP & EXT (Part) in D.D. 352,Discovery Bay
Area 10b Selina Woodland.pdf

5248

Dear Sir ,

Please find enclosed (ref pdf) my comments on the above application .

Yours sincerely ,

Selina Kwong

The Secretariat
Town Planning Board
15/E, North Point Government Offices
333 Java Road, North Point
(Via email: or fax: 2877 0245 / 2522 8426)

Dear Sirs,

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Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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Signature: Sluonp Date: 8th December, 2016
 Name of Discovery Bay Owner / Resident: SELINA KWONG SIU-NGAN

Address



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tabcd

寄件者:
寄件日期:
收件者:
主旨:
附件:

Mike McDonagh
08/11/2016 年 星期四 16:51
tphcd@pland.gov.hk
Section 12 A Application No y/1- DB /3 Area 10b, Lot 385 RP & Ext (Part 3) in D/D 351 Discovery Bay
Area 10b Woodland0001.pdf

5243

Dear Sir ,

Please find enclosed (ref pdf) my comments re the above application

Yours sincerely ,

M C McDonagh

The Secretariat
Town Planning Board
15/E North Point Government Offices
333 Java Road, North Point
(Via email: or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

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and by Planning Department that :

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Signature: M. C. McDonagh Date: 8th December 2016
Name of Discovery Bay ~~Owner~~ / Resident: M. C. McDONAGH

ipbpd

寄件者: Wolf Duehring [REDACTED]
寄件日期: 08/11/2016 年 星期四 16:41
收件者: tbyx1@rland.gov.hk
主题: Wolf Duehring / Objection to proposed 10b construction in Discovery Bay, Lantau

5250

Dear Madam, Sir,

I have the following objections to the planned development 10b (Discovery Bay, Lantau)

It is doubtful whether HKR are the sole-owner of the lot, and they have failed to consult or seek proper consent from the co-owners of the lot prior to this application.

The proposal (and specifically the change from service into residential area) is a major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan.

The proposal for land reclamation is in violation of the current lease conditions and, at a minimum, contravene the Foreshore and Sea-bed (Reclamation) Ordinance together.

HKR should not be allowed to destroy 168 mature trees in Area 10b.

I object to removing the helipad which is urgently needed (and has s been used in the past) for emergency use.

I do not propose a complete rejection of the plan per se, but any construction must be on a reasonable scale and in compliance with government and legal requirements.

Discovery Bay Marina facilities

Very little is known about the future of the DB Marina Club. It is rumoured that the Marina Club itself is going to remain, but that the hard-stand/dry-dock facilities will be removed.

These facilities are essential the (currently, approx. 300+) vessels in the Marina.

Over the past 20 - 25 years, HKR have lured numerous residents into investing in the unique lifestyle in the Discovery Bay Marina. Those people who have paid for those investments. Without proper repair and maintenance facilities, the Marina cannot function.

Please consider my objections

Thanks you and best regards

Wolf Duehring

Wolf Duehring

Sailing yacht owner and long-time Member of the DB Marina Club

Tel: [REDACTED]



This email has been checked for viruses by Avast antivirus software.
www.avast.com

gbyl

REF: G.W. Lovegrove
DATE: 08/12/08
REF: 161208 DL Area 10b
TO: Operation Section 12A Application No. 352
FROM: 161208 DL Area 10b - Objections.pdf

5251

Dear Sirs,

I attach my objection concerning Section 12A Application No. 352, Area 10b, Discovery Bay, D.D. 352, Discovery Bay Objection to the Submission by the Applicant dated 20/08/08 concerning Proposed Uses at Area 10b, Discovery Bay

D C Lovegrove

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To:
The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road,
North Point,
Hong Kong

By e-mail Attachment to <tpbpd@pland.gov.hk>

Dear Sirs,

Section 12A Application No. Y/I-DB/3; Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant dated 26.10.2016 For Optimising Land Uses at Area 10b,
Discovery Bay

I strongly object to the proposed development in both its original and current form and take issue with the Response to Comments submitted on behalf of Hong Kong Resort (HKR) by its consultant Masterplan Ltd under cover of its letter dated 26 October 2016. In particular I am dismayed by the fact that the consultant has chosen to address only departmental comments when, as part of a public consultation process, it should be responding also to comments from the public.

I shall be grateful if you will take note of my comments below.

Environmental

1. It is noted that Section 2.6 of the revised EIA states that this project is likely to be a designated project under the EIA Ordinance. The EIAO process will give an opportunity for the public to submit comments on the EIA when available. With the scheme as it stands, substantial public comments can be anticipated because it is likely that Discovery Bay residents will employ professionals (not in the pay of the Applicant) to critically address proposals so it seems unwise to approve a plan containing so many flaws that even a lay person can identify.
2. The Dangerous Goods store is going to be moved. EMSD comments state there is a requirement that the new site (wherever it may be) needs a Qualitative Risk Assessment (QRA) so it should be demonstrated by the Applicant that there is a suitable area that meets the requirements (see below) of such an assessment within land available to HKR for development. Failure to identify such a site could mean the withdrawal of gas supplies from residents in Discovery Bay which is unacceptable. Further, the transportation of LPG from the pier to the new site will also require a QRA and the need for this must be a condition of any approval also. The following EMSD requirements should be noted:

Gas Supply Installations

www.emsd.gov.hk/filemanager/en/content_287/Guidance_Notes_Gas_Supply_Installation.pdf

- 1 *Gas Supply Installations 1. Introduction 1.1 The purpose of this guidance note is: (a) to draw the attention of APs and developers to Government's ...*
- 5.5 *For bulk LPG storage installations where replenishment of LPG by road tanker is necessary, careful consideration should be given to the location of the installation. Factors to be considered include the estimated population in the vicinity, the capacity of the storage containers, the arrangements for road tanker access and unloading. A Quantitative Risk Assessment (QRA) report should normally be submitted to the Gas Authority with the application for NGI construction approval, to demonstrate that the installation will not present undue risks to society.*

Note: The acceptability of the location of any bulk LPG storage installation will be determined by reference to the QRA. As a general rule, however, for high-rise residential property, a separation distance of between 35 and 100 metres may be necessary, depending on the quantity of LPG stored and the size of the road tanker used for replenishing stocks of LPG.

The Applicant is proposing to remove an existing infrastructure element that is essential to the operation of Discovery Bay without identifying an alternative location and knowing that it is viable in terms of current planning and environmental standards. This application cannot be approved until an alternative site is identified and shown to be viable in terms of current standards.

3. The Petrol Filling station looks as though it might scrape through on minimum standards. However, while minimum standards sometimes have to be adopted when an existing facility cannot economically be brought up to normally accepted standards, minimum standards should never be used when planning new developments and the public in Discovery Bay is entitled to demand a Petrol Filling Station that fully complies with all current standards.
4. There has been no change to the original Application concerning the vehicle repair workshop (VRW) for golf carts, buses and other plant owned by HKR and its subsidiaries. At present this does not conform to standards that are advised (mandated?) by Planning Department (see below) so it is difficult to see how the proposal can be approved because the building is not an "industrial building".

Chapter 12 : Miscellaneous Planning Standards and Guidelines www.pland.gov.hk

1. Introduction : 1.1: The purpose of this chapter is to provide planning standards and guidelines for those land uses or facilities which do not fall within the ...

Standards state:

5.2.1 VRWs should be located away from residential areas or sensitive receivers. Balancing between environmental objectives and business requirements, VRWs in the main urban area and new towns should be accommodated on the periphery of industrial areas, either in purpose-designed buildings or on the lower floors of industrial buildings. [emphasis added]

5. The Applicant has chosen to ignore difficulties relating to re-fuelling ferries with marine light diesel highlighted in my comments on the two previous Applications. The Applicant states:

Marine light diesel refilling activities for passenger ferries (Discovery Bay / Central Route)

4.2.4.6 The current marine light diesel (MLD) refilling facility is located at Marina Avenue next to the Discovery Bay Marina Club. In order to cater for the future residential development, ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator. There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment.

The Applicant is proposing to remove an existing infrastructure element that is essential to the operation of Discovery Bay ferries without identifying an alternative location within the areas he is permitted to establish such a facility that is viable in terms of current planning and environmental standards. This Application cannot be approved without an alternative ferry re-fuelling facility being identified and deemed acceptable under current standards.

Water Supply

6. WSD in its comments noted *inter alia*: "The applicant is required to submit further information on this alternative water supply arrangement for consideration." The Applicant responded by stating that a revised study is contained in Annex L. To a lay person Annex L is virtually identical to the first application made earlier this year so, by definition, it does not contain the additional information sought by WSD.

If the old water treatment plant is to be taken out of mothballs it must be shown to meet current standards including the storage and transport of Dangerous Goods (chlorine).

Sewerage

7. EPD in its comments noted *inter alia*: "Please note that our previous comments are still valid. The applicant should provide adequate information and make adequate rectifications in the submission to address our comments". The Applicant responded by stating that a revised study is contained in Annex L. To a lay person it is difficult to see how Annex L provides the additional information sought by EPD.

Helipad

8. The proposed removal of helipad for emergency use from Area 10b is undesirable because:
- it is a condition of the Land Grant (No. 6122 dated 10 September 1976) which requires HKRCL to provide *inter alia* a helicopter landing pad "available at all times for use by Government". Further, a landing pad is a named "Other Specified Use" in the OZP (see para 8.5.13 of the Explanatory Statement in the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4); and
 - it is essential in emergencies for rescue and transportation of patients to specialist hospitals due to the rural and remote setting of Discovery Bay.

The Applicant is proposing an alternative site on top of a service reservoir situated on the steep hillside above a narrow valley. This proposal should not be accepted without a proper re-provisioning proposal by the Applicant which satisfies all Government departments and it astounds me that this part of the application has not been commented up by Civil Aviation Department (CAD) and Government Flying Service. For example, as a lay person I observe:

- that the Service Reservoir must be structurally rated for the weight of the helicopter (plus, whatever ancillary equipment might be deemed necessary) and it is unlikely that this is the case in respect of the current structure;
- that the landing site must meet ICAO requirements for size and the slope of terrain around it;
- that the landing site must allow for appropriate departure profile as laid down in relevant aircraft flight manuals; and
- that the landing site must not be subject to unpredictable wind patterns.

To me as a lay person it seems unlikely that any of these conditions will be met by the proposed location and the Applicant's attitude to matters of safety such as these is alarming. Further, the Applicant purports to have the welfare of residents at heart with regard to helicopter noise on flights to and from the existing helipad. It is clear to me that the flight path to the site being proposed is as close (or closer) to residential areas than the one it replaces.

Other Issues

I full support comments made on the following important issues made by others.

9. The claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the Applicant (HKR) has the absolute right to develop Area 10b must be rejected.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 10b. The right of the Applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the Applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

10. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
11. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the Applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

12. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
13. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
14. I disagree with the Applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

Unless and until the Applicant is able to provide acceptable responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signed:

Janice P. Lovegrove

Date: 16 December 2016

Name:

D C Lovegrove

Address:

[REDACTED]

寄件者: Carmen Li
寄件日期: 08/12/16 14:29
收件者: tpbpd@pland.gov.hk
主旨: Objection to Hong Kong Resort Submission for Area 10b, Lot 385 RP & Ext (Part) in D.D. 352 Discovery Bay

5252

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk)

Dear Sirs/Madams,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Please kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

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Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

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As such, the applicant may not assign the Reserved Portion - which includes the Service Area defined in the DMC and shown on the Master Plan - except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

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10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and re-pass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea water pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

The sewage from this development will spill into the South Plaza bay located behind the ferry area which is approx. only 270 meters to the beach and Boardwalk Restaurants (with this additional sewage will the water quality be safe? Currently the water quality is already quite polluted especially in the summer time, which we can see polluted water flowing in the beach).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000.

The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HER has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

8. We disagree with the applicant's statement in item E.6 of RtC that the existing bushes in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous goods store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Would appreciate the government to consider the above comments and to take appropriate action towards Hong Kong Resort's Submission for Area 6F.

Many thanks

Name of Discovery Bay Owner / Resident: Li Ho Ching Carmen

Address: [REDACTED]

Date: 8th December 2016

5252

tpbpd

寄件者:
寄件日期:
收件者:
主题:
附件:

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Section 12A Application No. YH-DB/1 - Area 10b, Lot 385 RP & Ext (Part) in D. D. 352, Discovery Bay
10b.pdf

5253

Objection to the Submitted Application by the Applicant on 27.10.2016

I submit my objection to the captioned application as per my letter attached herewith.

Yours Faithfully,

Francis Lam



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and reap over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those


polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: 

Date: 8/12/2016

Name of Discovery Bay Owner: Lam Che Chung Francis

Address: 

寄件者:
寄件日期:
收件者:
主旨:

Richard Jerwood
08/12/2016 星期三 13:53
tpbpd@pland.gov.hk
Section 12A Application No. Y/I-DB/3 - 10b

5254

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RfC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

tpbpd

寄件者:
寄件日期:
收件者:
主旨:
附件:

G W Lovegrove
08/11/2016 星期三 13:45
tpbpd@pland.gov.hk
Objection Section 12A Application No Y/I-DB/3
16.11.29 GI, Area 10b - Objection.pdf

5255

Dear Sirs,

I attach my objection concerning Section 12A Application No. Y/I-DB/3; Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay Objection to the Submission by the Applicant dated 26.10.2016 For Optimising Land Uses at Area 10b, Discovery Bay.

G W Lovegrove

To:
The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road,
North Point,
Hong Kong

By e-mail Attachment to <tpbpd@pland.gov.hk>

Dear Sirs,

Section 12A Application No. Y/I-DB/3; Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant dated 26.10.2016 For Optimising Land Uses at Area 10b,
Discovery Bay

I strongly object to the proposed development in both its original and current form and take issue with the Response to Comments submitted on behalf of Hong Kong Resort (HKR) by its consultant Masterplan Ltd under cover of its letter dated 26 October 2016. In particular I am dismayed by the fact that the consultant has chosen to address only departmental comments when, as part of a public consultation process, it should be responding also to comments from the public.

I shall be grateful if you will take note of my comments below.

Environmental

1. It is noted that Section 2.6 of the revised EIA states that this project is likely to be a designated project under the EIA Ordinance. The EIAO process will give an opportunity for the public to submit comments on the EIA when available. With the scheme as it stands, substantial public comments can be anticipated because it is likely that Discovery Bay residents will employ professionals (not in the pay of the Applicant) to critically address proposals so it seems unwise to approve a plan containing so many flaws that even a lay person can identify.
2. The Dangerous Goods store is going to be moved. EMSD comments state there is a requirement that the new site (wherever it may be) needs a Qualitative Risk Assessment (QRA) so it should be demonstrated by the Applicant that there is a suitable area that meets the requirements (see below) of such an assessment within land available to HKR for development. Failure to identify such a site could mean the withdrawal of gas supplies from residents in Discovery Bay which is unacceptable. Further, the transportation of LPG from the pier to the new site will also require a QRA and the need for this must be a condition of any approval also. The following EMSD requirements should be noted:

Gas Supply Installations

www.emsd.gov.hk/filemanager/en/content_287/Guidance_Notes_Gas_Supply_Installation.pdf

- 1 *Gas Supply Installations 1. Introduction 1.1 The purpose of this guidance note is: (a) to draw the attention of APs and developers to Government's ...*
- 5.5 *For bulk LPG storage installations where replenishment of LPG by road tanker is necessary, careful consideration should be given to the location of the installation. Factors to be considered include the estimated population in the vicinity, the capacity of the storage containers, the arrangements for road tanker access and unloading. A Quantitative Risk Assessment (QRA) report should normally be submitted to the Gas Authority with the application for NGI construction approval, to demonstrate that the installation will not present undue risks to society.*

Note: The acceptability of the location of any bulk LPG storage installation will be determined by reference to the QRA. As a general rule, however, for high-rise residential property, a separation distance of between 35 and 100 metres may be necessary, depending on the quantity of LPG stored and the size of the road tanker used for replenishing stocks of LPG.

The Applicant is proposing to remove an existing infrastructure element that is essential to the operation of Discovery Bay without identifying an alternative location and knowing that it is viable in terms of current planning and environmental standards. This application cannot be approved until an alternative site is identified and shown to be viable in terms of current standards.

3. The Petrol Filling station looks as though it might scrape through on minimum standards. However, while minimum standards sometimes have to be adopted when an existing facility cannot economically be brought up to normally accepted standards, minimum standards should never be used when planning new developments and the public in Discovery Bay is entitled to demand a Petrol Filling Station that fully complies with all current standards.
4. There has been no change to the original Application concerning the vehicle repair workshop (VRW) for golf carts, buses and other plant owned by HKR and its subsidiaries. At present this does not conform to standards that are advised (mandated?) by Planning Department (see below) so it is difficult to see how the proposal can be approved because the building is not an "industrial building".

Chapter 12 : Miscellaneous Planning Standards and Guidelines www.pland.gov.hk

1. Introduction : 1.1: The purpose of this chapter is to provide planning standards and guidelines for those land uses or facilities which do not fall within the ...

Standards state:

5.2.1 VRWs should be located away from residential areas or sensitive receivers. Balancing between environmental objectives and business requirements, VRWs in the main urban area and new towns should be accommodated on the periphery of industrial areas, either in purpose-designed buildings or on the lower floors of industrial buildings. [emphasis added]

5. The Applicant has chosen to ignore difficulties relating to re-fuelling ferries with marine light diesel highlighted in my comments on the two previous Applications. The Applicant states:

Marine light diesel refilling activities for passenger ferries (Discovery Bay / Central Route)

- 4.2.4.6 The current marine light diesel (MLD) refilling facility is located at Marina Avenue next to the Discovery Bay Marina Club. In order to cater for the future residential development, ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator. There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment.

The Applicant is proposing to remove an existing infrastructure element that is essential to the operation of Discovery Bay ferries without identifying an alternative location within the areas he is permitted to establish such a facility that is viable in terms of current planning and environmental standards. This Application cannot be approved without an alternative ferry re-fuelling facility being identified and deemed acceptable under current standards.

Water Supply

6. WSD in its comments noted *inter alia*: "The applicant is required to submit further information on this alternative water supply arrangement for consideration." The Applicant responded by stating that a revised study is contained in Annex L. To a lay person Annex L is virtually identical to the first application made earlier this year so, by definition, it does not contain the additional information sought by WSD.

If the old water treatment plant is to be taken out of mothballs it must be shown to meet current standards including the storage and transport of Dangerous Goods (chlorine).

Sewerage

7. EPD in its comments noted *inter alia*: "Please note that our previous comments are still valid. The applicant should provide adequate information and make adequate rectifications in the submission to address our comments". The Applicant responded by stating that a revised study is contained in Annex L. To a lay person it is difficult to see how Annex L provides the additional information sought by EPD.

Helipad

8. The proposed removal of helipad for emergency use from Area 10b is undesirable because:
- it is a condition of the Land Grant (No. 6122 dated 10 September 1976) which requires HKRCL to provide *inter alia* a helicopter landing pad "available at all times for use by Government". Further, a landing pad is a named "Other Specified Use" in the OZP (see para 8.5.13 of the Explanatory Statement in the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4); and
 - it is essential in emergencies for rescue and transportation of patients to specialist hospitals due to the rural and remote setting of Discovery Bay.

The Applicant is proposing an alternative site on top of a service reservoir situated on the steep hillside above a narrow valley. This proposal should not be accepted without a proper re-provisioning proposal by the Applicant which satisfies all Government departments and it astounds me that this part of the application has not been commented up by Civil Aviation Department (CAD) and Government Flying Service. For example, as a lay person I observe:

- that the Service Reservoir must be structurally rated for the weight of the helicopter (plus, whatever ancillary equipment might be deemed necessary) and it is unlikely that this is the case in respect of the current structure;
- that the landing site must meet ICAO requirements for size and the slope of terrain around it;
- that the landing site must allow for appropriate departure profile as laid down in relevant aircraft flight manuals; and
- that the landing site must not be subject to unpredictable wind patterns.

To me as a lay person it seems unlikely that any of these conditions will be met by the proposed location and the Applicant's attitude to matters of safety such as these is alarming. Further, the Applicant purports to have the welfare of residents at heart with regard to helicopter noise on flights to and from the existing helipad. It is clear to me that the flight path to the site being proposed is as close (or closer) to residential areas than the one it replaces.

Other Issues

I full support comments made on the following important issues made by others.

9. The claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the Applicant (HKR) has the absolute right to develop Area 10b must be rejected.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 10b. The right of the Applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the Applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

10. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
11. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

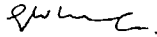
The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the Applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

12. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
13. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
14. I disagree with the Applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

Unless and until the Applicant is able to provide acceptable responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signed: 

Date: 16 December 2016

Name: G W Lovegrove

Address: 

tpbpd

寄件者: Angie Bucu [REDACTED]
寄件日期: 08日12月2016年星期四 11:59
收件者: tpbpd@pland.gov.hk
主旨: Objection letter re Section 12A Application No. Y/I-DB/3, Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
附件: CCF08122016.pdf

5256

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk)

Please find attached my signed letter of objection to the submission by the Applicant for the following application:
Section 12A Application No. Y/I-DB/3, Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Should your office have any questions regarding my objection letter please do not hesitate to contact me

Kind regards
Angela Bucu



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tobpbd@planning.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
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Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.

9. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 8/12/16.

Name of Discovery Bay Owner / Resident: ANGELA BUU

Address: 

pbod

寄件者:
寄件日期:
收件者:
主题:
附件:

H. Gale [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
20151208_005541.pdf

5257

Dear Sirs,

Please find attached my objection to the planned development of the
Discovery Bay - Area 10b.

Regards,

P E T R A G O B E C

[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
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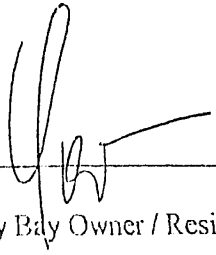
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 8-DEC-2016
 Name of Discovery Bay Owner / Resident: PETRIA GOBZEC

Address: 

案件者: Martin Keen [REDACTED]
寄件日期: 08/11/2016 09:31:09
收件者: tpbpd@pland.gov.hk
主 題: Application No. Y/I-DB/3
簽名者: [REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of

any modified development subsequently agreed to. Disruption to all residents in the vicinity could be properly mitigated and addressed in the submission.

6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : Martyn Douglas Keen (Email digitally signed) Date: 8th Dec 2016

Address: 

tpbd

发件者: Rossiter, Kent (AllianzGI) [REDACTED]
发件日期: 08月12日2016年星期四 18:45
收件者: 'tpbd@pland.gov.hk'
主题: Hong Kong Resort (HKR) to Town Planning Board (TPB) to develop Nim Shu Wan (Service Area at the waterfront of Peninsula Village) in Discovery Bay - Application No. Y/I-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4)...pdf

5259

Thanks for asking our opinion again regarding this development.
See my submission to the TPB below which still holds very true for Application No. Y/I-DB/3 Area 10b.

To be honest, I am extremely disappointed to see few of my concerns raised in earlier emails addressed.

Perhaps the TPB missed these first emails? (I'd tried to be somewhat commercial, understanding that *something* would be built, but imploring you to keep the same density ratio as the rest of Peninsula Village, so about a third the number of units – and not the tiny unit sizes HKR have in mind).

The impact on La Costa residents, particularly those in our two high-rise towers, will have their views obstructed.

All of the La Costa low-rise units are near the main road, and will suffer greatly from the construction trucks, noise, dust, etc from going back and forth for years, and then after being built, from the buses for that new population.

I am also attaching a document put together by fellow concerned residents. I shares many of the views within.

And if there are only two choices for this response to be categorized, being SUPPORT or OBJECT, well it would have to be the **OBJECT** until HKR can present a reasonable proposal and demonstrate that it'll be a positive to the neighborhood.

Pls do re-read the issues raised below which are still valid.

Regards,

Kent Rossiter
La Costa Chairman, Discovery Bay
[REDACTED]

From: Rossiter, Kent (AllianzGI)
Sent: Thursday, April 07, 2016 9:39 AM
To: 'tpbd@pland.gov.hk'
Subject: Application by Hong Kong Resort (HKR) to Town Planning Board (TPB) to develop Area 10b (Service Area at the waterfront of Peninsula Village) in Discovery Bay - Application No.: TPB/Y/I-DB/3

Dear Town Planning Board (TPB),

Re: Application No.: TPB/Y/I-DB/3 by Hong Kong Resort (HKR) to Town Planning Board (TPB) to develop [REDACTED] (Service Area at the waterfront of Peninsula Village) in Discovery Bay, with reference to HKR's application briefs on the Town Planning Board website:

http://www.info.gov.hk/tpb/tc/plan_application/Attachment/20160318/s12a_Y_I-DB_3_0_gist.pdf

Comments Specific to 10b, Service Area near Nim Shu Wan:
www.info.gov.hk/tpb/en/plan_application/Y_I-DB_3.html

Regarding the mix of housing ranging from 4 stories to 18 stories with a total of 1,125 flats.

I agree this area is currently an eyesore so some minimal redevelopment would be welcome - particularly for increased garden and green areas, and the promenade. But the current plan for so many

living units is excessive. Some minor low-rise and house-style units is the only thing I would support, say 1/4 the proposed unit numbers (which would be more in-line with population density of surrounding Peninsula village), lower density, and not as tall - and with many reasonable restrictions mentioned later in this response. It is important to keep the density of South Discovery Bay low as to protect the excellent harmony and balance we residents currently enjoy.

The Applications seeks approval to increase the ultimate population at Discovery Bay from 25,000 under the current Outline Zoning Plan (OZP) to 29,000 under the revised OZP. I do NOT see how an increased population can be supported with existing stretched infrastructure and until this has been rectified don't support increasing our population plans.

The EPD itself has indicated reluctance & concern that it won't be able to accommodate the additional development needs of DB.

Additionally, with more residents in DB, they'll have the need to get to other areas like Tuen Mun, HKIA, the HZMB, and Border Crossing facility, something that is very inefficient at the moment. The only access residents have is to take Cheung Tung Road a significant distance out of the way instead of being able to get onto the North Lantau Highway (or over it to the aforementioned destinations) more directly. It's critical we get the support from the TPB to look into getting DB Residents direct access from Discovery Bay Tunnel Road over the MTR and highway to the area near Siu Ho Wan & Sham Shui Kok Drive.

Under HKR's executive summary, Point S1, it states:

"Hong Kong Resort Company Limited has a long term vision to better utilize the existing land resources at Discovery Bay to serve a larger population while retaining the character of the development. It has conducted site analysis, and subsequently identified development potentials at Area 10b which is the subject site of this application, and Area 6f for which a separate application is made concurrently. The Concept Plan for the two areas will create about 1,601 units for 4,003 persons in total."

I don't see how further development will benefit any party other than HKR, and unless this new development comes with significant conditions for improving the environment for current residents, then the residents will be hard-pressed to support it.

Under the Land Grant, the Government has no obligation to provide potable water and sewerage services to the Lot 10b, including operation of all treatment plants, storage facilities and pipelines, so current DB owners would need assurance that we will not be paying for any of the investment needed for this project. We also need to protect current owners rights to excellent sewage and water services as they currently enjoy, and that this new development would not jeopardize that, nor increase the costs. To understand better how this may be possible we request the government release the existing water and sewerage services agreements.

For more info see Page 1 & 2 of document 235926-REP-OOWJ2 JRavi 02 January 2016.

I understand a Traffic Impact Assessment (TIA) confirms spare capacity for a population increases from 25,000 to 29,000. We need the government to declare that DB will continue to be "primarily a car-free development", and that they will not allow an increase in the number of slow-moving golf carts which would only increase congestion. Additionally the government should implore HKR to insist all new golf cart purchases are for electric golf carts, and begin electric charging station installations. We also request that Government review vehicle parking throughout DB before any population increase. Will this new 10b development support private golf cart electric charging stations?

Another anticipated impact I can foresee is the worsening chance of getting school spaces for children. We already have a acute shortage of spaces for children, with long waiting lists. I have many friends who've had to move out of DB to other areas because this was such a problem, while others who've expressed interest in living in DB have not been able to do so because their children can't get spaces. The TPB should enquire with the Education Bureau (EDB) as to how on the one hand Hong Kong's population is set to grow above 8m, yet they claim the demand for school spaces is decreasing. That's certainly not the case in DB.

As the Schedule of Uses proposed for the Promenade at Area 10b states:

"This zone is intended primarily for the provision of outdoor open-air space at the foreshore promenade, for active and/or passive recreational uses serving the needs of the local residents and visitors."

Under the DMC, there is no provision to allow public access to the Lot, nor is there any requirement for the residential owners to pay for the maintenance of public areas. Public access is only allowed if an area is declared to be Public Recreation on the Master Plan, and HKR undertakes to pay for management and maintenance of the public area. We need HKR to either (i) remove the reference to visitors or (ii) the Master Plan be revised and HKR undertake all management and maintenance of new public areas. This is important so that those benefiting from this space can pay for it.

Make sure any reclamation is required receives all relevant permissions before proceeding. The application makes it look like there's between 20 - 40m of land reclamation, depending on the area.

It's my understanding that the Master Plan 6.0E1 (which forms part of the Land Grant at DB and the current OZP are inconsistent, so request the Government and HKR update the existing Master Plan and OZP before considering any amendments to the OZP. This is an important document of understanding for current residents and future condo buyers to understand.

On the TPB application for Y/I-DB/3 the proposed amendments listed are far too vague for anybody to make a reasonable guess as to the extent of the redevelopment. We ask the Government to require HKR to provide impacted residents of DB more details.

A project of the magnitude proposed would take a number of years to complete. We ask that details of HOW this construction will be done be declared. We do NOT think thousands of trucks and heavy equipment coming back and forth through the tunnel, and the main road of DB is appropriate. Is it the intention of HKR to do most of the construction transport planning via sea and barges? The amount of disruption to residents, through increased pollution, noise, traffic, and safety risks if not done by ship is significant.

While construction is under progress how will residents get to other islands, like Peng Chau and Mui Wo (currently use Kaito Pier)? Would HKR in the meantime plan for residents to catch the ferries closer to the main DB Pier side? What arrangements are there?

Will the new 10b area support some minimal mooring facilities of recreational boats and yachts that want to onboard and off board passengers there?

Does HKR's plans include any water sports recreational area around 10b, such as kayaking, paddleboarding, canoe rental, etc, or is this planned for elsewhere in Discovery Bay?

The site is immediately next to a wonderful marina, so would like HKR to declare their intentions for these hundreds of residents when the HKR owned marina debentures are set to expire in Dec 2018. Keeping residents uncertain about their future and way of life is inappropriate.

Will HKR be paying for the extra wear and tear of the project on DB's roads?

As you know, our District Councilor Amy Yung also has some valid comments which I paste here for your consideration:

- (1) The Applications TPB/Y/I-DB/2 and TPB/Y/I-DB/3 seek approval to increase the ultimate population at Discovery Bay from 25,000 under the current Outline Zoning Plan (OZP) to 29,000 under the revised OZP. The Applications include detailed impact statements to show that the increase is well within the capacity limits of the lot. However, the impact statements ignore the essential fact that, under the Land Grant, the Government has no obligation to provide potable water and sewerage services to the Lot.

- Discovery Bay is required to be self-sufficient in water and sewerage services under the Land Grant, and HKR wrote to the City Owners' Committee on 10 July, 1995 stating that the reservoir was built for a maximum population of 25,000. The impact assessments ignore this essential fact.

I demand that the population cap of 25,000 be preserved, so as not to breach the Land Grant.

- In spite of the conditions contained in the Land Grant, when the tunnel was built Government agreed to allow potable water and sewerage connections to Siu Ho Wan. However, the agreements are between HKR and the Government, and they remain secret. Now, the Government has refused to provide additional water and sewerage services to cater for a population beyond 25,000.

I demand that Government release the existing water and sewerage services agreements.

(2) If the Town Planning Board insists on approving the Applications, I further request that the following issues be addressed.

- Due to Government's to provide potable water and sewerage services beyond a population of 25,000, HKR is proposing to restart the water treatment and waste water treatment plants on the Lot. Under the Deed of Mutual Covenant (DMC), HKR may further develop the lot, provided such development does not impose any new financial obligations on existing owners (Clause 8(b), P. 10).

I demand that all costs for water and sewerage services to areas 6f and 10b, including operation of all treatment plants, storage facilities and pipelines, be charged to areas 6f and 10b and not to existing villages.

- Although Government agreed to provide water and sewerage services to DB when the tunnel was built, it refused to pay for and maintain the connections. As a result, the Owners are paying over \$1 million per year to the Government to lease land to run pipelines outside the Lot to connect to Siu Ho Wan. The owners are also paying for all maintenance of the pipelines and pumping systems.

I demand that Government provide potable water and sewerage connections to the Lot boundary, just like every other residential development in Hong Kong.

(3) The Traffic Impact Assessment (TIA) states that the roads both within and outside DB have plenty of spare capacity to cater for a population increase from 25,000 to 29,000. However, the TIA ignores the essential fact that, under the existing OZP, DB is declared to be "primarily a car-free development". As such, road capacity is irrelevant.

- Golf carts are the primary mode of personal transport, and are capped at the existing number.

I demand that the Government consider whether it is safe to allow increased traffic in competition with slow-moving golf carts that offer no collision protection to occupants.

I demand that Government review the sustainability of capping golf carts at the current level while increasing population. Golf carts are already selling for over HK\$2 million. (Personal note: I am NOT in favor of increased golf carts on the roads of Discovery Bay).

- No provision has been made for vehicle parking (distinct from golf cart parking) on the Lot, and vehicles are currently parked illegally at different locations.

I Demand that Government review vehicle parking before any population increase.

(4) The Schedule of Uses proposed for the Promenade at Area 10b states that "This zone is intended primarily for the provision of outdoor open-air space at the foreshore promenade, for active and/or passive recreational uses serving the needs of the local residents and visitors." Under the DMC, there is no

provision to allow public access to the Lot, nor is there any requirement for the responsible person to pay for the maintenance of public areas. Public access is only allowed if an area is declared to be Public Recreation on the Master Plan, and HKR undertakes to pay for management and maintenance of the public area.

I Demand that either (i) the reference to visitors be removed or (ii) the Master Plan be revised and HKR undertake all management and maintenance of new public areas.

- (5) HKR claims in the Applications that it is the sole owner of the Lot. This is untrue. There are presently over 8,300 assigns of the developer who co-own the Lot together with HKR.

I Demand that HKR withdraw the Applications and make revisions to recognise the co-owners. (Personal note: I don't know how this claim works, but if we property owners are also considered owners not only of our individual units in different villages, but for small parts as a whole in Discovery Bay, then the application should be amended).

- (6) Under the DMC, City Management is supposed to represent the Owners (including HKR) in all matters and dealings with Government or any utility in any way concerning the management of the City. Despite this condition, HKR continues to negotiate direct with Government and utilities, and conclude secret agreements which we have no input or access. The water and sewerage agreements, plus the lease to run the water and sewage pipelines outside the Lot, have already been mentioned, but there are more.

I demand that the LPG supply agreement with San Hing be made public.

~~I demand that the proposed bus depot at Area 10b be declared a public bus depot, and ensure that henceforth franchised bus operators have the right to run bus services between Discovery Bay and other places.~~

- (7) The Area 10b Application claims that HKR has the right to reclaim additional land from the sea at Nim Shue Wan, and cites Gazette Notice 710 of Gazette 14/1976. However, this Notice does not include the area of the proposed reclamation. HKR only secured the relevant seabed and foreshore lease in 1980 (see New Grant IS6788, registered in the Land Registry).

I demand that HKR show proof that it has the right to reclaim the area of the seabed at Area 10b before the OZP is extended to include the seabed area at Nim Shue Wan.

- (7) The Area 10b Application removes the existing dangerous goods store and vehicular pier.

I demand proper studies showing how dangerous goods will be handled in the future.

- (8) The Master Plan forms part of the Land Grant at Discovery Bay, yet the current Master Plan, 6.0E1, and the current OZP are not aligned.

I demand that the Government and HKR first update the existing Master Plan and OZP to ensure that they are properly aligned, before considering any amendments to the OZP.

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The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

- I. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/T-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IIKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, Plan D's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

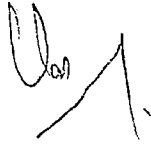
~~Madam Baby Heru~~

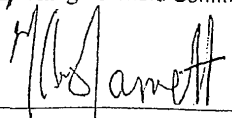
T.A. JARRETT

Andrew Nam 

ON BEHALF OF

~~Chairman of~~ Peninsula Village Owners Committee

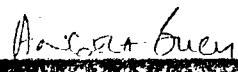

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Date: _____

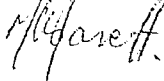
Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

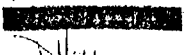

FAD# Rona





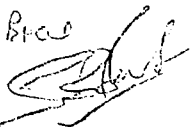


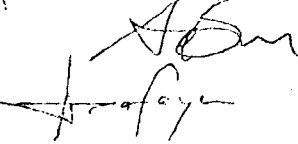
JEREMY VELA 

TREASURER JONAS JETT 

5 of 3 



ED RAIN BRAC 



We the undersigned VOC members do further to the letter of 5 December 2016 ~~from Madam Ifejiro~~ hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIWEHI, VIKOKATA
VIMSI KOUSSHOA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUUM

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. MROZIA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbd

寄件者:
寄件日期:
收件者:
主題:

Bee Yung
08112312016年9月04日 21:14
tpbysl@pland.gov.hk
Objection to HKR Masterplan Application Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

5260

Greetings and to whom it may concern;

I am resident in Discovery Bay for 20 years since I arrived HK in 1996. The attraction to live here then was serenity; clean environment; good management and the sense of community. These elements have since been compromised over the years due to rapid development bringing more residence to the island that is now close to maximum population capacity of 25,000. The new application for Area 10B is a significantly large project and one that should be stop to avoid further deterioration of our current lifestyle; our infrastructure in the Island simply cannot support this! We need to keep our low carbon footprint; green and nature living lifestyle in DB. And we need to respect Mother Nature.

Please find below my rationale for the objection and I sincerely hope that TPD can organise a face to face forum for residence in DB preferably with the supports from HKR. Thank you.



1. The new development will add extra 1,125 units which effectively double the current number of units in Peninsula Village. Today; the village is served via 3 buses (#7,#8 and #9S) which are already packed at peak hours. The new development will need to add extra bus and all the busses will converge into the one and only road - The Discovery Road - which is already a busy and hectic road today. Road safety and pollution are very key concerns.
2. Reclamation and engineering work means increasing carbon footprint which contradicting to what HKR always claims the area to be a low carbon footprint; green living lifestyle. Construction work will impact our current quiet and nature lifestyle around that area. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This disruption have not been addressed in the submission.
3. In the proposal; having the gas refill station as well as the refuse collection chamber located so close to a densely populated area is a real key hazard especially to baby and young children. We must also remember that there is only one main road and in case of any emergencies where we depend on help and aids from outside DB; this can be an even bigger issue.
4. From the legal perspective; HKR claim that they are the sole land owner of Area 10b. However; the lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

There are many many more good supporting points that I believe you receiving them from other residence in Discovery Bay. I look forward to having the opportunity to attend a forum in DB. Thanks you for your attention.

Regards;

Bee Yung
A Resident in Upper Capetidge at the Peninsula Village

tpbd

寄件人: kobi janssen
寄件日期: 08月12月2016年 星期四 22:50
收件人: tpbd@pland.gov.hk
主题: Area 10B Objection
附件: Area 10b Objection (1).docx

5261

To whom it may concern ;

Please find herewith my objection against the Area 10B plan.

Kind regards,

kobi janssen

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from

service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"....towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "....Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

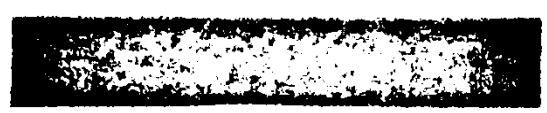
Signature: kobi janssen

Date: dec. 8 2016

Name of Discovery Bay Owner/Resident: Kobi Janssen

5261

Address.



寄件者:
寄件日期:
收件者:
主旨:

Amy Yau
081112月2016年 星期四 23:13
tobpsl@pland.gov.hk
Re: Section 12A Application No. Y/I-DB/3 - Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

5262

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tobpd@pland.gov.hk)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6),

HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section 1 of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised

substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

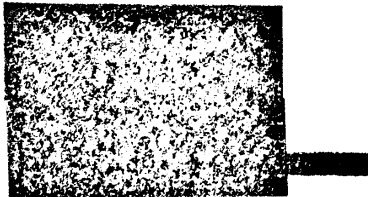
Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Yours sincerely,

5262

Amy Yung

Islands District Council Member - Discovery Bay



tpbpd

寄件者:
寄件日期:
收件者:
主任:

Me to [REDACTED]
08112712016 (4) 100092515
tpbys3@pland.gov.hk
Y/I-DB/3

5263

Dear Sirs,

Comments on Application No. Y/I-DB/3: Area 10b, Lot 385 RP & Ext (Part) in D.D. 352,
Discovery Bay

The owners and residents of DB made many highly detailed and well-documented comments on the original HKR submission. Most of these important comments have been ignored by HKR in their response.

Furthermore it is apparent that the very many comments submitted in the previous round in favour of the development were submitted by HKR or the management company (which should be neutral). This is hardly right and ethical.

Density

I can find little if any changes in the density of the buildings proposed in this re-application compare to the original application. The sight lines of the existing building at Verdant will be severely compromised and **the development is not in keeping with the proposed original concept for Discovery Bay being a "peaceful oasis away from hectic Hong Kong"**¹ (direct quote from their website on 13th July 2016)

A total of 1,125 dwellings in this area is in total contrast to the existing low density nature of the area around Coastline

Environment

HKR state that "protecting the environment has always been top on HKR's priority list"² and to see how reclamation of part of the long established waterfront facing Nim Shue Wan protects the environment.

Under the DMC how can undivided shares be allocated to this new development? There is a need for proper accounting of the undivided shares prior to approval of the proposals.

Traffic impact

Currently the decibel level of the buses parking in the area has been measured at 75 which is a reading higher than recommended by the epd. With many buses driving into an enclosed area, HKR guarantee that the level of 70 will not be exceeded. Furthermore for the next 2 years until 2018 minimum the traffic situation on the Marina drive will be even busier as buses are diverted to turn around by the Kaito pier whilst the bus terminus is renovated. I can not imagine how the TBP can approve plans which would increase the traffic into DB and in particular Marina Drive even further until such time as the bus terminus renovations are completed and then another traffic impact survey can be undertaken.

The proposed development is excessive for the area. I urge that it be rejected.

Yours faithfully

5263

Dr Denise Giles

(resident/owner for 20+ years in Jovial Court, Discovery Bay)

Email: 

www.dbcommunity.hk

² DB Development projects- Progress Update (2). 03 June 2016 www.dbcommunity

①

②

tpbpd

寄件者: Len Bach [REDACTED]
寄件日期: 08月12月2016年 星期三 12:05
收件者: tpbpd@pland.gov.hk
主题: Area 10b (Peninsula) - Objection Letter to TPB.pdf
附件: Area 10b (Peninsula) - Objection Letter to TPB.pdf, ATTO423.txt

5264

Dear Madam/Sir

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas

as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

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The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

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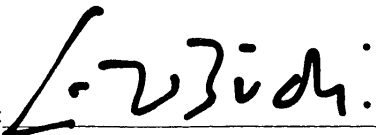
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7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 8-Dec-16

Name of Discovery Bay Owner / Resident: BUECHI, Lienhard

Address: 

文件名:
寄件日期:
收件人:
住址:

Lau, Carmen (RE: [REDACTED])
09/12/2016 年 星期四 11:19
tpbyst@pland.gov.hk
Section 12A Application No. Y/L10/3 Objection to the Submission by the Applicant on 27.10.2016

5205

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/L-D1/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

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Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC,

the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land

Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is *not* whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
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HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

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Carmen C. Wong
[REDACTED]

9 December 2016

tpbpd

寄件者:
寄件日期:
收件者:
主题:
附件:

lib Tham [REDACTED]
09/11/2016 星期五 1:31
tpbpd@pland.gov.hk
Peninsula Owners Committee for 10b
Discovery Bay Penninsular Village Owners Committee Objection to 10B (4).pdf

5266

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10b and I wish to register my objection with the TPB accordingly

Tham Moo Cheng

[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
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Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

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~~Madam Baby Heff~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee
Signature: T.A. Jarrett Date: _____
Andrew Nam
Vance Boniwatt

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

F.A.D.H. Roca
Amanda Owen
Barry
JEREMY VELLA
5 of 3
ED RICHARD BRUCE
T.A. Jarrett

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam I~~ do hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
Douglas Nairn

Address
[Redacted]

Signature
[Signature]

Name
POTUWUHI, VEKATA
VIMSI KUISIROA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUW

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
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Name
SUREN SAFAYA

Address
[Redacted]

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Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. MROZMA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

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Name

Address

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tpbpd

发件者:
收件日期:
收件者:
主题:
附件:

[REDACTED]
09:11:14 AM on 5/08/2013
tpb@sepland.gov.uk
PENINSULA OWNERS COMMITTEE for 10b
Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5267

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Brian John Bunker

[REDACTED]

[REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tjbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

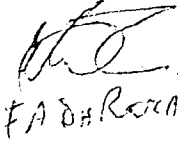
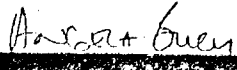
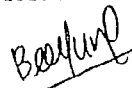

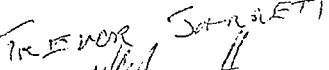
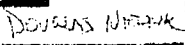
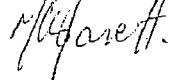
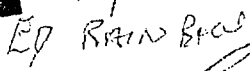

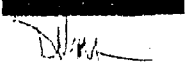
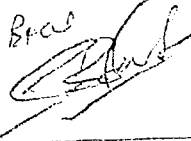

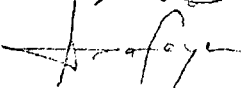
~~Madam Baby Hett~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee

Andrew Nam 


Vance POWWETT 


Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam T. H. H. do~~ hereby add our support and signatures.

Name: Trevor Jarrett
Address: [Redacted]
Signature: *Trevor Jarrett*

Name: Andrew Nam
Address: [Redacted]
Signature: *Andrew Nam*

Name: DOUGLAS NAIRNE
Address: [Redacted]
Signature: *Douglas Nairne*

Name: POTUWUHI, VIKIATA
Name: VIKI SI KRISHNA
Address: [Redacted]
Signature: *Viki Krishna*

Name: ANGELA BUCH
Address: [Redacted]
Signature: *Angela Buch*

Name: JEFFREY VELLA
Address: [Redacted]
Signature: *Jeffrey Vella*

Name: SUREN SAFAYA
Address: [Redacted]
Signature: *Suren Safaya*

Name: BEE YUNG
Address: [Redacted]
Signature: *Bee Yung*

Name: FRANCISCO A. ROSA
Address: [Redacted]
Signature: *Francisco A. Rosa*

Name: ED RAINBOW
Address: [Redacted]
Signature: *Ed Rainbow*

Name: [Redacted]
Address: [Redacted]
Signature: [Redacted]

Name: [Redacted]
Address: [Redacted]
Signature: [Redacted]

tpbd

寄件者:
寄件日期:
收件者:
主任:

Jim Hooc
09/12/16 2016 9:01 AM L2A
tpbd@pland.gov.hk
Section 12A Application No. YI-DB3 Area 10b

5268

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. YI-DB3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and

occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would create operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.

10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: _____ James Hood _____ Date: _____ 4 Dec 2016 _____

Name : "Discovery Bay Owner : _____james hood_____

Address: _____

5268

tpbpd

寄件者:
寄件日期:
收件者:
主题:
附件:

Kenneth Wannell [REDACTED]
09/11/2016 年 星期五 9:13
tpbpd@pland.gov.hk
Application No. Y/A-DB/3 Area 10b
Discovery Bay Peninsular Village Owners Committee Objection to 10B.pdf

5269

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10b and I wish to register my objection with the TPB accordingly

Ken Wannell
[REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

~~Madam Baby Hett~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of Peninsula~~ Village Owners Committee
Signature: T.A. Jarrett Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

FADARORA
[Handwritten signatures and names including: Andrew Nam, Vamsi, JEREMY VELLA, TRISHORE, JERRY JETT, M. J. JETT, ED RAIN, BFCO, DENNIS NANK, 5 of 3, and various other illegible signatures]

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Heff~~ do hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Mann

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIWIHI, VEORATA
Vamsi Koushika

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUON

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. DE ROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbpd

寄件者:
寄件日期:
收件者:
主旨:
附件:

Kenneth Wannell [REDACTED]
09月12月2016年星期五 9:21
tpbpd@pland.gov.hk
FW: Application No. Y1-DB/3 Area 10b
Discovery Bay Penninsular Village Owners Committee Objection to 10B.pdf

5270

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Ken Wannell
[REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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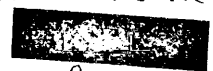
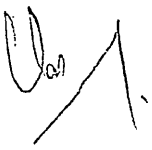
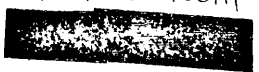
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

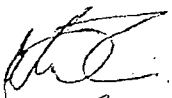
~~Madam Baby HEH~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee

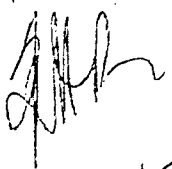
Andrew Nam 

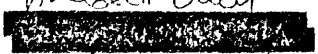

Vance POWNCHT 


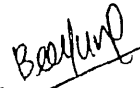
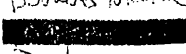
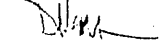
Signature :  Date: _____

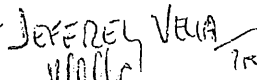
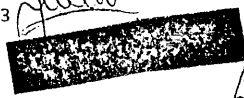
Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

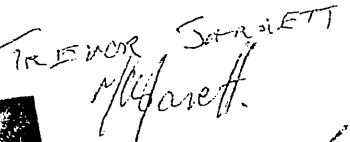
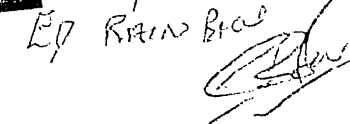

FADH ROCHA



ANGELA BURN 


DENNIS NIKK 


JEREMY VELA 


TREVISOR JEFFRETT 
ED RICHARD BICE 

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Healy~~ do hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIWEHI, VENKATA
VANSI KRISHNA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUON

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. DE ROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbpd

发件者: Vamsi Potukuchi [REDACTED]
发件日期: 09月12月2016年 星期五 9:23
收件者: tpbpd@pland.gov.hk
主题: Application No. YH-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5271

Dear Sirs

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10band I wish to register my objection with the TPB accordingly.

Vamsi Potukuchi

[REDACTED]

[REDACTED]

[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk; or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

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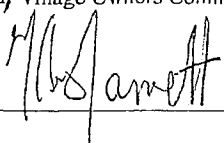
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~~Madam Baby Hiett~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of Peninsula~~ Village Owners Committee

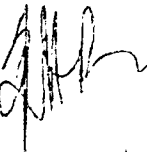
Andrew Nam 


VANESSA BOWEN 


Signature:  Date: _____


Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay



F.A. BARRON




ANITA BURN 



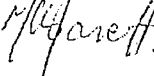
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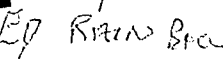
TRINIDAD SUTHERLAND 



DOUGLAS WATKINS 





ED RICHARDSON 



We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam T. H. H. do~~ hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRNE

Address
[Redacted]

Signature
[Signature]

Name
POTUICHI, VIKRATA
VIMSI KALSHRA
Name

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BULL

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

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FRANCISCO A. MORA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbpd

寄件者: Vamsi Potukuchi [REDACTED]
寄件日期: 09/11/2016 年 星期五 9:24
收件者: tpbpd@pland.gov.hk
主题: Application No. Y4-DB/3 Area 10b
附件: Discovery Bay Penninsular Village Owners Committee Objection to 10B (4).pdf

5272

Dear Sirs

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Vamsi Potukuchi

[REDACTED]

[REDACTED]

[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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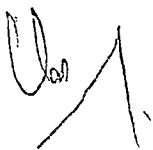
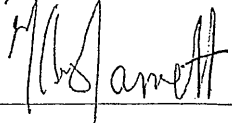
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5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IIKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

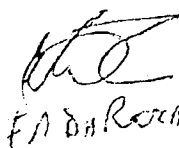
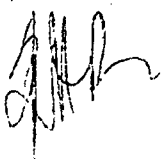
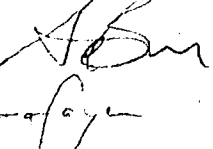
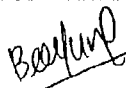

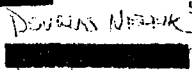
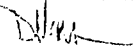
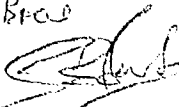
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10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RiC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

~~Madam Baby Heff~~ T.A. JARRETT Andrew Nam 
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee
Vance POWELL 
Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay





JEFFREY VELLA
5 of 3



TREASURER JARRETT
M. Jarrett
ED BRAD BRAD


We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Tefiti~~ do hereby add our support and signatures.

Name
Tina Janet

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
STURUA, VEKATA
Name
Vamsi KRISHNA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BULL

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. ROZAS

Address
[Redacted]

Signature
[Signature]

Name
ED KAINSO

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

寄件者: Wolf Duehring
寄件日期: 09/12/2016 年 5/04/19:12
收件者: tbbpd@pland.gov.hk
主旨: RE:SEND / Wolf Duehring / Application No. Y/I-DB/3 Area 10b / Objection to proposed 10b construction in Discovery Bay, Lantau

5273

Dear Madam, Sir

This objection letter is a copy of the one sent yesterday. To make sure that it goes to the intended recipient, I put the proper reference (Application No. Y/I-DB/3 Area 10b) in the Subject line with this transmission

Sorry about the confusion
Wolf Duehring

From: Wolf Duehring
Sent: Thursday, December 08, 2016 4:40 PM
To: tbbpd@pland.gov.hk
Subject: Wolf Duehring / Objection to proposed 10b construction in Discovery Bay, Lantau

Dear Madam, Sir,

I have the following objections to the planned development 10b (Discovery Bay, Lantau)

It is doubtful whether HKR are the sole-owner of the lot, and they have failed to consult or seek proper consent from the co-owners of the lot prior to this application.

The proposal (and specifically the change from service into residential area) is a major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan.

The proposal for land reclamation is in violation of the current lease conditions and, at a minimum, contravene the Foreshore and Sea-bed (Reclamation) Ordinance together.

HKR should not be allowed to destroy 168 mature trees in Area 10b.

I object to removing the helipad which is urgently needed (and has s been used in the past) for emergency use.

I do not propose a complete rejection of the plan per se, but any construction must be on a reasonable scale and in compliance with government and legal requirements.

Discovery Bay Marina facilities

Very little is known about the future of the DB Marina Club. It is rumoured that the Marina Club itself is going to remain, but that the hard-stand/dry-dock facilities will be removed.

These facilities are essential the (currently. approx. 300+) vessels in the Marina.

Over the past 20 - 25 years, HKR have lured numerous residents into investing in the unique lifestyle in the Discovery Bay Marina. Those people who have paid for those investments. Without proper repair and maintenance facilities. the Marina cannot function.

Please consider my objections

Thanks you and best regards

Wolf Duehring

Wolf Duchring

Sailing yacht owner and long-time Member of the DB Marina Club



This email has been checked for viruses by Avast antivirus software.

www.avast.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com

5273

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tpbpd

寄件者: P.R. van den Esschert [REDACTED]
寄件日期: 09月12日2016年星期五 10:09
收件者: tpbpd@pland.gov.hk
主旨: Application No. Y/I-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to IOB (4)(1).pdf

5274

Dear Sirs,

RE: Application No. Y/I-DB/3 Area 10b Discovery Bay.

I have read the attached submission from the PENINSULA OWNERS COMMITTEE and I wish to register my objection with the TPB accordingly.

Yours Sincerely,

[REDACTED]

Petrus R. van den Esschert

I-Winner Ltd. Hong Kong

①

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The D.L.O's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
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7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
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health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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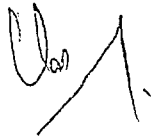

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

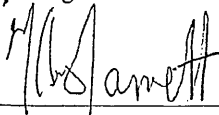
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

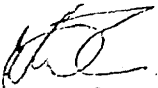
~~Madam Baby Hetti~~ T.A. JARRETT
ON BEHALF OF
~~Charity of~~ Peninsula Village Owners Committee

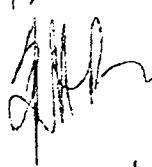
Andrew Nam 

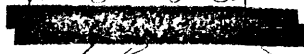

Vansi Bonawit 


Signature:  Date: _____


Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

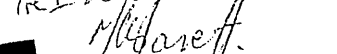

F.A. D.H. ROCHA

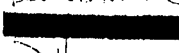


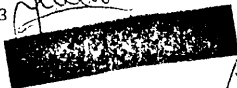
AARON BURN 

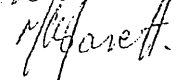


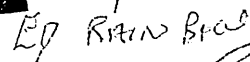
JEREMY VELLA 

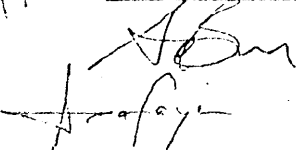
TRINOR SORRETT 


DEBORAH WILKINSON 5 of 3 

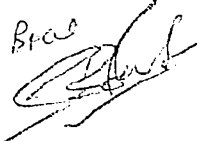


MICHAEL 

ED RYAN BRAD 







We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam I Heiti do~~ hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRNE

Address
[Redacted]

Signature
[Signature]

Name
POTIUCHI, VIKRATA
Vamsi KUSHROA
Name

Address
[Redacted]

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Name
ANGELA BULL

Address
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Name
JEFFREY VELLA

Address
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Name
SUREN SAFAYA

Address
[Redacted]

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Name
BEE YUNG

Address
[Redacted]

Signature
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Name
FRANCISCO A. MAROZA

Address
[Redacted]

Signature
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Name
ED RAINBOW

Address
[Redacted]

Signature
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Dear Sir,

Section 12A Application No. Y1-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

① The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
1. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
1. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
1. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
1. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
1. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
1. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

"... towers closer to the coast should be reduced in height to minimize the overhearing impact on the coast" and that "Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Name of Discovery Bay Owner / Resident GEORGINA RAWSON

Address: [REDACTED]

5275

D

D

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
1. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
1. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
1. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
1. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
1. We disagree with the applicant's statement in item E.6 of RiC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
1. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
1. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RiC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "... Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps ..." are still valid after this revision

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Name of Discovery Bay Owner / Resident: ALEXANDRA RAWSON

Address: 

5276

寄件者:
寄件日期:
收件者:
主旨:

Trevor Jancil [REDACTED] 5277
09/12/2016 星期五 11:08
Benjamin HO
Dear Benjamin this is my individual objection Regarding Application No. Y/I-DB/3, Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email tpbpd@pland.gov.hk)

Dear Sirs,

Regarding Application No. Y/I-DB/3, Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay



Objection to the Submission by the Applicant of 27.10.2016

As a concerned Discovery Bay resident and Owner of 10c Twilight Court , 2 Caperidge Drive. I wish to register this objection to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the Departmental comments regarding the captioned application on 27.10.2016.

My reasons of objection are listed as follows:-

The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an *easement* that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

2. The disruption, pollution and nuisance caused by the planned construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the

application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

5. The original stipulated DB maximum population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

6. The proposed felling of 168 mature trees in Area 10b represents an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the service backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all occupants and property owners of Discovery Bay.

10. I disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The

proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

And by Planning Department that

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide satisfactory responses to the comments for our further review and comment, the application for Area 10b should be withdrawn.

many thanks

Trevor Jarrett

5277



LinkedIn : <https://hk.linkedin.com/in/trevorjarrett>

寄件者: Kane Saxton [REDACTED]
 寄件日期: 09/11/2016 星期四 11:09
 收件者: tpbysle@pland.gov.hk
 主题: Subject: OBJECTION TO APPLICATION Y/H-DB/E AREA 10b, LOT 385 RP & EXT (PART) IN DD352 DISCOVERY BAY

Dear Sirs,

Section 12A Application No. Y/H-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.

1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

1. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

1. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

1. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

1. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

1. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

1. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.

1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "... Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Name of Discovery Bay Owner / Resident: KANE SAXTON

Address: 

5278



寄件者: Kane Saxon
 寄件日期: 09/12/2016 星期五 11:11
 收件者: tpbnd@pland.gov.hk
 主题: Subject: OBJECTION TO APPLICATION Y/I DB/E AREA 10B, LOT 385 RP & EXT (PART) IN DD352 DISCOVERY BAY

5279

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
1. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
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1. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
1. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
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1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "Public viewers from southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Name of Discovery Bay Owner / Resident: _____ KANE SAXTON _____

Address: _____ [REDACTED] _____

5279



寄件者: Greg Rawson [REDACTED]
 寄件日期: 09/11/2016 星期五 11:16
 收件者: tpbpd@pland.gov.hk
 主题: OBJECTION TO APPLICATION Y/I-DB/E AREA 10B, LOT 385 RP & EXT (PART) IN DD352 DISCOVERY BAY

5280

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

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1. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
1. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
1. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "... Public views from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with water building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area F-1b should be withdrawn.

Name of Discovery Bay Owner / Resident: _____ Gregory Rawson _____

Address: _____ [REDACTED] _____

5290

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C

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,
Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

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Line KESWAN!

Signature :

Name of District Board Member

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please refer to the attached

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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Signature: _____

Date: _____

Name of Discovery Bay Owner / Resident: _____

Address: _____

tpbpd

寄件者:

寄件日期:

收件者:

主题:

附件:

09/11/2016年 星期五 11:30

tpbpd@pland.gov.hk

Application No. YL-DB/3

at_1.pdf; at_2.pdf; at_3.pdf; at_4.pdf; at_6.pdf

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The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
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Signature: _____

Date: 7 DEC. 2010

Name of Discovery Bay Owner / Resident: _____

CHAN CHAN CHUNG, HOWARD

Address: _____

tpodd

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寄件日期:
收件者:
主旨:
附件:

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tpodd@pland.gov.hk
Objection to the submission of HK Resort
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Town Planning Board
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4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation

"partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S1-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and

safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: _____

Date: _____

6 Feb. 2016

Name of Discovery Bay Owner / Resident: _____

CHIN Lai Pui Ying-Vivien

Address: _____

信件號:
寄件日期:
收件者:
主題:

Leung Pik Ki
091312/1,2016 3:09 PM 11:47
tpb1st@pland.gov.hk

5285

Objection to the submission regarding the proposed development of Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Attention:
The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point

Dear Madam/Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repossess over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the

submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
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11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Thank you for your attention.

5285

LEUNG Pik Ki
(resident of Discovery Bay)

寄件者: charlie estcourt
 寄件日期: 09/12/2016 星期四 13:55
 收件者: tpbpd@pland.gov.hk
 主题: OBJECTION TO 10B suggested development

5286

The Secretariat
 Town Planning Board
 15/F, North Point Government Offices
 333 Java Road, North Point
 (Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. V/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

1. Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

*"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:
 (i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."*

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6),

HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
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The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

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5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised

substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKK has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
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12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: CharlieKo Date: 9th Dec

Name of Discovery Bay Owner / Resident: Charlie Ko

Address: [REDACTED]

Lantau [REDACTED]

tpbpd

寄件者: Andrew Burns [REDACTED]
寄件日期: 09日12月2016年星期五 12:24
收件者: tpbpd@pland.gov.hk
副本: dlois@landsd.gov.hk; sesis2@landsd.gov.hk; esis2@landsd.gov.hk
主旨: Application No. Y/I-DB/3. Area 10b, Discovery Bay -- Service Area
附件: TPB YI-DB3 Area 10b R3 Service Area.pdf

5287

To: Secretary, Town Planning Board

Date: 9 December, 2016

Dear Sirs,

Re: Application No. Y/I-DB/3. Area 10b, Discovery Bay -- Service Area

I take pleasure in forwarding the attached submission to the Town Planning Board in respect of the subject Application.

Yours sincerely,
Andrew Burns

To: Secretary, Town Planning Board
cc: District Lands Office, Islands
Date: 9 December, 2016

Dear Sirs,

Re: Application No. Y/I-DB/3. Area 10b, Discovery Bay – Service Area

I refer to the "Response to Comments" dated October 2016 on the Section 12A Application No. Y/I-DB/3 related to Discovery Bay Area 10b submitted by Masterplan Limited on behalf of the Applicant, Hong Kong Resort Company Limited ("HKR").

Lands Department made the following comment (Paragraph 10):

Area 10b forms part of the "Service Area" as defined in the Principle Deed of Mutual Covenant ("PDMC"). Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The Applicant is required to substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC.

And Masterplan replied:

In our response to comment item no.9 above sent to DLO directly and separately, it is clearly demonstrated that the undivided shares of Area 10b application site are held by HKR and have never been assigned to any other party. (Full set of all DMCs, Sub-DMCs and Sub-sub-DMCs have been provided for District Lands Office's reference directly via HKR's letter to DLO dated 3 Aug 2016.) Therefore, the applicant is the sole land owner of Area 10b and has absolute right to develop the application site notwithstanding that some of the facilities located in Area 10b forms part of either the "City Common Areas" or the "City Retained Areas".

I disagree strongly with Masterplan's view that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 10b. The rights of the Applicant, including the right to develop any part of the lot, are defined and strictly limited by New Grant No 6122 dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the New Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Furthermore, it is irrelevant that the Applicant has not assigned the undivided shares of Area 10b to any other party. In truth, HKR have never carried out their obligations under the New Grant and the DMC to allocate undivided shares to Area 10b.

Please refer to the following extracts from the New Grant and DMC. These show beyond doubt that the assertions made by Masterplan are simplistic and unreliable.

The "Service Area" forms part of the "Reserved Portion"

The following is the definition of "Service Area" from the DMC:

"The pieces of land indicated in the Master Plans as Service Area on which the gas plants, repair shops, Godowns, dormitories for staff and all other buildings and structures which will be constructed thereon for the purpose of supplying services to the City."

As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions." (emphasis added)

The following is the definition of Conditions from the DMC:

"New Grant No.6122, New Grant No.6620, New Grant No.6788 and New Grant No.6947 collectively and any subsequent modifications of the Conditions."

The following is the definition of City Retained Areas from the DMC:

"The piers, the breakwaters and other marine structures, public gardens, lawns, transport terminal, children's playground, public beaches, estate management offices, aviary/botanical garden, non-membership golf course (if any), cable-car system (if any), the heliport and the other part or parts of the Service Area and all open areas and spaces in the City other than the City Common Areas." (emphasis added)

Special Condition 10(a) of New Grant No. 6122 states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the entire Service Area known as Area 10b, both those parts that are City Common Area and those that are City Retained Area – except as a whole to the Grantee's (HKR's) subsidiary company.

Thus, HKR has no right whatsoever to develop the Service Area at Area 10b for residential housing for sale to third parties.

Allocation of Undivided Shares to the Service Area

It will also be noted from the foregoing that HKR are required by the New Grant to either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area.

HKR did not carve out Area 10b from the lot prior to the execution of the DMC. Yet, there is no evidence whatsoever in the Land Registry that HKR have allocated any Reserve Undivided Shares to the Service Area.

It is evident that HKR did not fulfill their obligations under the New Grant and the DMC. Thus, it is moot whether HKR are actually the "sole land owner" of Area 10b.

All the owners of Discovery Bay have had the "right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same" for the past 34 years. At no time during the past 34 years have HKR prevented owners of the lot from entering Area 10b.

HKR have therefore forfeited any rights they may have had over the area through the ownership of undivided shares.

The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

Yours sincerely,
Andrew Burns
Owner and resident, Discovery Bay

Email: 

5288

親城市規劃委員會秘書：
專人投遞或郵遞：香港北角清華道 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 Y/1-DB/B

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

發展香頤附近地方令社區配套更完善

「提意見人」姓名/名稱 Name of person/company making this comment 易美王
簽署 Signature Yikmei Wang 日期 Date 9/12

5289

Town Planning Board

寫字樓或郵遞：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/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access

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

Sam Seung

簽署 Signature

Aphina

日期 Date

7-12-2016

5290

新城市規劃委員會秘書:

專人送遞或郵遞: 香港北角渣甸道 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 Y/1-DB-3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

香港地少人多, 有地唔用的浪費.

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

簽署 Signature 葉偉輝 日期 Date 9/12/16

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5291

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section 1 of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undcrtake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental

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impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
- 10. I disagree the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: GR Lewendon Date: December 9, 2016

Name of Discovery Bay Owner / Resident: GIBSON RICHARD LEWENDON

Address: [REDACTED]

5292

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：2377 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

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By Fax: 2377 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 Y/1-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

我支持此規劃

「提意見人」姓名/名稱 Name of person/company making this comment 林志和
簽署 Signature 林志和 日期 Date 6/12/16

5293

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

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有關的規劃申請編號 The application no. to which the comment relates YI-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

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

簽署 Signature [Signature] 日期 Date 8-12-06

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5234

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
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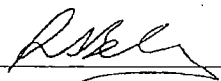
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and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :  Date: 9 Dec 16

Name of Discovery Bay Owner / Resident: R A BOPKLEY

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tplbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5295

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

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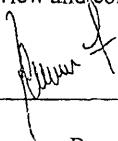
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Signature :  Date: 9 Dec 16

Name of Discovery Bay Owner / Resident: DEBORAH OY MAY KU

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tbl@td.gov.hk or fax: 2877 0245 / 2522 8426)

5296

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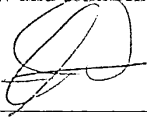
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Signature:  _____ Date: 6 DEC 2016

Name of Discovery Bay Owner / Resident: JAMES WIEBE

Address:  _____

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5297

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polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
- 10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "....The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"....towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "....Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 9/12/16

Name of Discovery Bay Owner / Resident: VICTOR LAN



To: Secretary of the 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

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

The application no. to which the comment relates (有關的規劃申請編號): Y/I-DB/3
For optimising the land uses in the development proposal of Area 10b, Discovery Bay
Public comment- in support of the application
支持愉景灣第 10b 區的發展計劃以善用珍貴土地資源

本人來函就愉景灣第 10b 區的發展計劃表示支持，原因如下：

可善用愉景灣 10b 區珍貴的土地資源，有助減輕香港土地不足的問題。

Name (姓名): YUE TING WAI Augustina Signature (簽名): 
 Contact 聯絡方式(電郵/傳真/ 地址): 

致城市規劃委員會秘書：

5299

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

Y/1-DB/3

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

新發展帶創造更多就業機會

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

陳偉傑

簽署 Signature

陳偉傑

日期 Date

9-12-16

致城市規劃委員會秘書：

5300

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 Y/1-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

It creates more job opportunities.

「提意見人」姓名/名稱 Name of person/company making this comment Chu Chi Ki
簽署 Signature [Signature] 日期 Date 9-12-16..

致城市規劃委員會秘書：

5301

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 Y/L-DB/3

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

善用土地資源，三或四層土地不足

「提意見人」姓名/名稱 Name of person/company making this comment MR. LEE MAN

簽署 Signature 李昆

日期 Date 6th DEC. 16

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

5302

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 Y/1 - 083

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

The plan optimises the land use to alleviate
shortage in HK, provides more choices.

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

簽署 Signature 洪仕成

日期 Date 9/12

致城市規劃委員會秘書：

5303

專人送遞或郵遞：香港北角濱華道 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 Y/1 -DB /3 .

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

創造商機, 支持!

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

簽署 Signature 

日期 Date 8-12-16

致城市規劃委員會秘書：

5304

專人送遞或郵遞：香港北角滙華道 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 Y/1-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

It's provide more retail choices for Residents

「提意見人」姓名/名稱 Name of person/company making this comment Anny Kam
簽署 Signature [Signature] 日期 Date 8-12-2016

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5305

Dear Sirs,

Section 12A Application No. V/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas

as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the

09 Dec 2016 12:15:17 CCR page 4

claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

5305

- 10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

- 11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RiC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

- 12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: [Handwritten Signature] Date: 9 Dec 2016

Name of Discovery Bay Owner/ Resident: Bryan Ko Shun Leung

Address: [REDACTED]

致城市規劃委員會秘書：

5306

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

44-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

新建的油蔴長廊 美化確強設施

令住客及居民交通更方便, 又可以購物, 我很支持!

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

梁偉儀

簽署 Signature



日期 Date

9 Dec 16

致城市規劃委員會秘書：

5307

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

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

有關的規劃申請編號 The application no. to which the comment relates Y/-1-DB/3

意見詳情 (如有需要, 請另頁說明)

Details of the Comment (use separate sheet if necessary)

I Love Living in DB, so I support build more Shopping
Centre

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

簽署 Signature

Susan M.

日期 Date

8-12-16

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5308

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into



residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

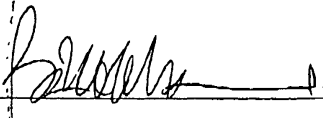
4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental

impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
10. I disagree the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :



Date: 9 Dec 2016

Name of Discovery Bay Owner / Resident:

BRIAN CHEUNG NAM CHUNG

Address:



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5309

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

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2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.

4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
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impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

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11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity..." and by Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: Paul K. Chiu Date: 9-12-2016

Name of Discovery Bay Owner ~~(Resident)~~ Paul K. Chiu

Address: 

tpbpd

寄件者: Lisa van den Esschert [REDACTED]
寄件日期: 09/12/2016 星期五 10:38
收件者: tpbpd@pland.gov.hk
主旨: FW: Application No. Y/I-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4/1).pdf



5310

Dear Sirs,


RE: Application No. Y/I-DB/3 Area 10b Discovery Bay.

I have read the attached submission from the PENINSULA OWNERS COMMITTEE and I wish to register my objection with the TPB accordingly.

Yours Sincerely,


Lisa van den Esschert - Owner


I-Winner Ltd. Hong Kong



The Secretariat
Town Planning Board
15/F, North Point Government Offices
33 Java Road, North Point
(Via email: tpbpl@tpboard.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/1-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

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Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

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3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

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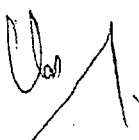

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~~Madam Baby Heff~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee

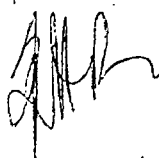


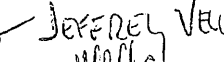
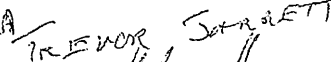
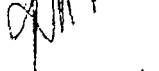

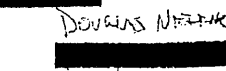

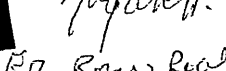
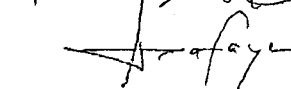



Andrew Nam 


Vamsi Ramanathan 


Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


FADH ROON

    JEREMY VELLA  TREVOR SERRIETT
     M. JARRETT
    ED RAIN BRAD

We the undersigned VOC members do further to the letter of 5 December 2016 ~~from Madam Leticia do~~ hereby add our support and signatures.

Name
TAYOR Jarett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRNE

Address
[Redacted]

Signature
[Signature]

Name
POTIWIHI, VIKAKATA
VIMSI KULSHROA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BULL

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. PROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

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Name

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inbnd

发件人:
发件日期:
收件箱:
主题:
附件:

Lingyi Zou Berthou [REDACTED]
09月12月2016年 星期四 11:28
lpbpxd@pland.gov.hk
Section 12A Application No. YI-DB/3
6f LZ.pdf; 10b LZ.pdf

5311

Hi,

Kindly find our comments attached. Please let us know if anything is unclear.

Regards,

Lingyi Zou Berthou
Owner & resident of [REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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Signature:  Date: 9 Dec 2016

Name of Discovery Bay Owner / Resident: LINGYI Zan

Address: 

10000

发件者: [REDACTED]
收件日期: [REDACTED]
收件者: [REDACTED]
主题: Application No. 10000 Area 10
附件: Discovery Bay Peninsula Village Owners Committee Report 10000

10000

For the attention of the Town Planning Board

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Richard Crosbie
[REDACTED]

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk; fax: 2877 0245 / 2522 8426)

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3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/L-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IIKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

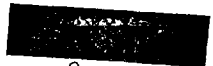
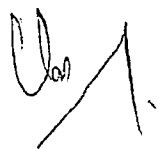

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

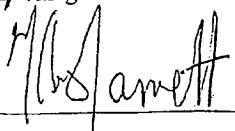
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.


~~Madam Baby Heff~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee

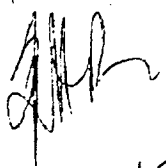
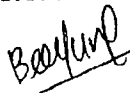
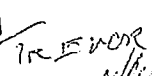

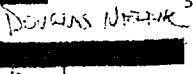

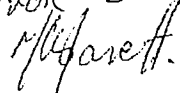
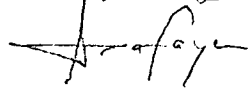
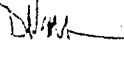
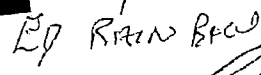
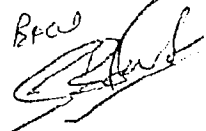
Andrew Nam 


Vamsi Potluri 


Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


FADHARUWA

 Ananta Buey  JEREMY VELA  TRISUOR SATHIETT
   
   ED RIAN BAO 

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam~~ ~~He~~ do hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nairn

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

POIVICHI, VENKATA
Vamsi KALSHRA

Address
[Redacted]

Signature
[Signature]

ANGELA BURN

Address
[Redacted]

Signature

Name

Address

Signature

JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

FRANCISCO A. MORA

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

0000

收件人:
收件日期:
收件者:
主题:

Frank Stewart [REDACTED]
09/11/2016 4:11:43 PM
hlopd@pland.gov.hk
Discovery Bay "Improvements"?

5/1/2016

5313

We have lived in Discovery Bay for about 16 years. It has been a wonderful experience with lots of greenery, nice gardens, a Plaza we enjoy, beautiful sea views, good transportation, low population density, low crime rates, reasonable cost of living i.e., in many ways the ideal place to live. The changes that I see coming are all of risks at risk, plus I fear lowered property values. Nothing has been said that my concerns will not come true. I am very concerned about THIS development. The new structures proposed for Peninsular Village would bring drastic change to where I call my home! I THEREFORE OPPOSE THE DEVELOPMENT PLAN BY THE RENDR: MANAGEMENT. I ask your help to assure me that my home will not be degraded.

Hiroko & Frank Stewart, [REDACTED]

Sent from my iPad



寄件者:
 寄件日期:
 收件者:
 主题:

Gyongwha Who Kim
 09/11/2016 4:46:11 PM
 hhrsk@pland.gov.hk
 Opposition to 100 & 66 in discovery bay

Y/H-DB/3

5314

Dear Sir/Madame,

Good afternoon.

I am Gyong Wha Kim who owns the [REDACTED] in Discovery bay in parkvale village since 2011 April.

It is a lovely green neighbourhood with mountain behind hence the reason we bought the flat. More than the sea view I like the mountain view as it is right in my window of the two bedrooms.

Anyway, it is so disappointing to hear, there will be major construction happening. It is insane to build 40 odd high rise of two three blocks. Main reasons of many other reasons are below:

1) They cannot OCCUPY our residential road that has regularly running village buses, school buses, delivery vans, hire cars AND PRIVATE golf carts.

The roads CANNOT BE MAINTAINED. The road is already busy as it is and to add onto that Construction bulldozers is just unthinkable.

We are not the only users of this parkvale road but one main road leads up to midvale And parkvale. It is simply unquestionable that they will use this road to bring in their equipments and trucks.

2) what about the dust and noise pollution?

The most attractive merit of life here is the mountain and hiking route under your doorstep. But if they start building here, all the trees and greens would be ripped off. We still have wild animal namely the barking deer here behind the woods which we can hear at night and they are being chased down here because of more constructions already happening by HKR up around the golf club.

3) hiking trails will be gone makes no sense as HKR already enough advertises to people outside and has become a popular trail. This is environmentally just destroying what green is little left here in parkvale village.

My list could go on and on but to save you from reading all this I have just pointed out the most immediate crucial reasons.

Please do take into consideration of the residents who so much have chosen life here in DB for the sake of greenery.

Kind regards,

Gyong Wha Kim

Sent from my iPhone

Sent from my iPhone

Transit

寄件者:
日期: 日期:
收件者:
日期:
地址:

Deborah Wan [REDACTED]
(81) 112月2016年 星期 在 9:23
objection@pland.gov.hk
Objection to application on development in Discovery Bay
6743811032311

Y/1-DB/3

5315

Dear Sir,

I would like to submit my objection to 2 applications, Area 6f and Area 10B of Lot 385 in DD352 of Discovery Bay.

My objection is simply based on objection to the change of land use and I forward to you the enclosure objection documents.

Deborah Wan
Resident of Discovery Bay



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plana and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 7-12-2016

Name of Discovery Bay Owner / Resident: Dz Bo KWA h ANU

Address: 

to:bed

寄件者: Serene Chan [REDACTED]
寄件日期: 09/12/2016 星期五 9:16
收件者: tpbst@pland.gov.hk
主题: Discovery Bay Planning
附件: Area 6F.pdt; Area10b.pdf

5316

Y/1-DB/3

Dear Sir/Madam,

I am writing to express my views about the proposed redevelopment of Areas 6f and 10b in Discovery Bay, Lantau Island. Please see my detailed reasons in the attached documents. Thank you very much for your kind attention.

Regards,
Serene CHan

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbtpda@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

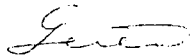
1. HKR claims that they are the sole land owner of Area 10b, but the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not addressed this.
3. There is major change to the development concept of the lot and a fundamental deviation from the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into residential area, and approval of it would be an undesirable precedent from an environmental perspective and would also be against the interest of all property owners of the district.
4. The proposed reclamation and construction of a deck with a width of 9-34m poses an environmental hazard to the immediate natural surroundings. There is possible pollution from the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on government lands etc. The submission has not satisfactorily addressed these issues and has not had any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the capacity of the underlying infrastructure could not afford such a substantial

increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate support to the proposed development, e.g. all required road network and related utilities improvement works arisen out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expenses of all infrastructure out of this development. Its disruption during construction to property owners in the vicinity should be properly mitigated and addressed in the submission.

6. The proposed felling of 168 mature trees in Area 10b will be an ecological disaster, and will pose a substantial environmental impact to the immediate natural settings. The proposal is unacceptable and the proposed tree preservation plan or tree compensatory proposal are unsatisfactory.
7. I disagree with the applicant's statement in item E.6 of RtC that the existing bus parking in the open space of Area 10b is an "eyesore". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer no change to the existing land use or operational modes of Area 10b.
8. The proposed fully-enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP would cause operational health and safety hazards to the workers, especially in view of the polluted air and volatile gases emitted and the potential noise generated within the compounds of a fully enclosed structure. The proponent should carry out an environmental impact assessment in terms of the operational health and safety hazard of the workers within the fully-enclosed structure, and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
9. The proposed removal of the helipad for emergency use from Area 10b is undesirable in view of the need for possible urgent use for rescue and transportation of patients to hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
10. I disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4 metre-wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking adequate landscaping or shelters is unsatisfactory.
11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree with the comments made by Architectural Services Department: "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...." I also agree with the Planning Department that "...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the

building mass with wider building gaps..." These comments are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.



Signature :

Date: 9 December, 2016

Name of Discovery Bay Resident: Serene Chan

Address:



tpbpd

寄件者: susan fernie [REDACTED]
寄件日期: 09日12月2016年星期五 7:52
收件者: tpbpd@pland.gov.hk
主旨: Application No. Y7-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5317

Dear Sir/Madam,

I have read the attached submission from the PENINSULA VILLAGE OWNERS COMMITTEE for 10b. While I think that some limited renovation is desirable to improve the aesthetics of the 10b area (especially of the rubbish collection site) I believe the scale of the current proposal is ridiculous and detrimental to our lovely village. I totally agree with all the points raised in the attached submission. I wish to register my objection with the TPB accordingly.

Yours faithfully,
Mrs Susan E Fernie



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tjbbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

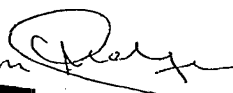
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RiC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

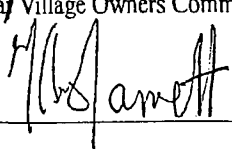
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.


~~Madam Baby Hetti~~ T.A. JARRETT
ON BEHALF OF
~~Chairman of~~ Peninsula Village Owners Committee


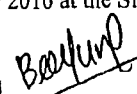
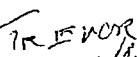
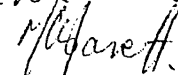

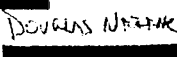

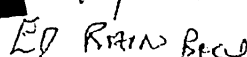
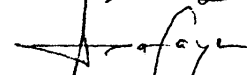


Andrew Nam 

Vance Bonvicini 

Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


FADARORA

 ANGELO BUES  JEREMY VELA  TRINOR SORRETT 
 DOUGLAS WATKINS   
  

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Icaro~~ do hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIUCH, VIKALTA
Vamsi KALSHRA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUW

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. DI ROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbod

寄件者: Edmund Fan [REDACTED]
寄件日期: 09日12月2016年星期五 0:45
收件者: tpbpd@pland.gov.hk
主旨: Application No. Y/I-DB/2 Area 6f and Application No. Y/I-DB/3 Area 10b
附件: PVOC Third Comments on the Section 12A Application further information (1).pdf; Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5318

Dear Sirs,

Application No. Y/I-DB/2 Area 6f

Application No. Y/I-DB/3 Area 10b

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10b (PARKVALE OWNERS COMMITTEE for 6f) and I wish to register my objection with the TPB accordingly.

Edmund Fan
[REDACTED]

①

The Secretariat
Towa Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City; These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IIKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.




10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

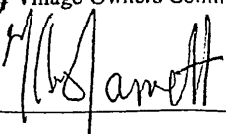
Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

~~Madam Baby Heft~~ T.A. JARRETT

Andrew Nam 

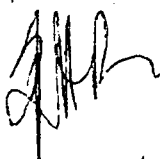
~~Charity~~ ON BEHALF OF
Peninsula Village Owners Committee




Vance Bonwick 


Signature:  Date: _____


Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


F.A. DA ROCHA

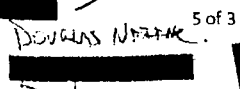


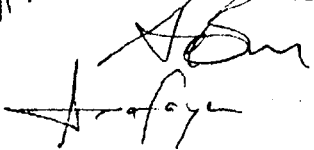



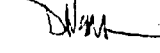



JEREMY VELA 

TRINOR JARRETT 

5 of 3






ED RAIN BRAD 

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam HCU~~ do hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIYICHI, VANDANA
Vamsi Krishna

Address
[Redacted]

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ANGELA BUON

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JEFFREY VELLA

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SUREN SAFAYA

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BEE YUNG

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Name
FRANCISCO A. VARELA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

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Name

Address

Signature

tpbpd

发件者: Janice Fung [REDACTED]
发件日期: 08/11/2016 4:10:04 PM
收件者: tpbpd@pland.gov.hk
主题: Objections to the development application by HKR
附件: Area 6f Resident Objection.pdf; Area 10b Objection.pdf

5319

Y/I-0313

Dear Sir,

I am writing to object the development applications submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited on 27.10.2016. Would you please find the attached comments.

Thank you for your attention.

Best regards,
Fung Ka Po

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plana and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RfC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : *ofice* Date: 8 December 2016

Name of Discovery Bay Owner : Fung Ka Po

Address: [REDACTED]

The Secretariat
8 December 2016
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email tpbpd@pland.gov.hk)

Discovery Bay applications Y/I-DB/2 and Y/I-DB/3

I wish to register my objection to the subject applications.

As a resident and property owner in Discovery Bay I object to the plans submitted to the Town Planning Board (TPB) on several grounds.

The entire lot of Discovery Bay, including the areas covered by the applications Y/I-DB/2 and Y/I-DB/3, is held under a Deed of Mutual Covenant (DMC). The claim by Hong Kong Resort Company Limited (HKR) to be the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.

HKR and the Manager, Discovery Bay Services Management Limited (DBSML), a wholly-owned subsidiary of HKR have not complied with the terms of the DMC. There are numerous unresolved disputes between HKR and the other owners including irregularities in the calculation of Management Expenses. HKR is the owner/operator of all commercial properties in Discovery Bay and, with the assistance of its directly controlled subsidiary DBSML, is not paying Management Fees on the commercial properties in accordance with the provisions of the DMC.

The DMC requires that Management Expenses must be shared according to GBA, as defined in the DMC. HKR and the Manager calculate Management Fees for the commercial properties according to Gross Floor Area (GFA), which allows HKR to underpay its due share of Management Expenses. HKR has blocked attempts to resolve these disputes through the City Owners' Committee (COC), recognised as the owners' committee under the Building Management Ordinance (Cap. 344), as HKR controls the majority of undivided shares in the lot and is able to cast its shares at any time to control the outcome of any vote. For the same reason, the owners of Discovery Bay are unable to form an Owners' Corporation as HKR can block any resolution to incorporate.

The Lands Department is aware of these unresolved disputes and should reject further applications by HKR until these disputes are resolved. Any new development will only subject more owners to the unfair charging of Management Expenses by HKR and their wholly owned subsidiary, DBMSL

On above grounds, I ask the TPB to reject the applications until government departments can show that HKR agrees to abide in full to the terms of the New Grant and the DMC.


I additionally object to the applications based on the questions of improper submissions in support of the

application as reported in the Hong Kong media, including the link below.

<http://www.scmp.com/news/hong-kong/politics/article/2023045/police-investigate-planning-papers-firm-linked-hong-kong>

These reports cite evidence that documents were falsified in support for the application. Such allegations call into question the legitimacy of all the submissions in support of the application. The TPB cannot accurately assess public reaction to the application if certain parties may be manipulating the process by "stuffing the ballot box" with supporting submissions which may be fake or submitted by people who have little or no legitimate interest in Discovery Bay.

As such, the application should be rejected until such time as the investigation into this matter has been concluded and the TPB is assured that the process has not been manipulated.

Lastly, the application should be rejected due to the inability of the existing DB infrastructure to support a substantial increase in population implied by the submission. The application contains insufficient explanation of how peak period transport will be accommodated, particularly in and around Parkvale Village, where access to the new development is only available using a narrow road up a steep slope. 

All DB property owners and occupiers would have to pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.

Best regards,

Douglas Nairne
Discovery Bay

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*This email may contain materials that are confidential and privileged for the sole use of the intended recipient. Any use or distribution by others, or forwarding without expressed permission, is strictly prohibited. If you are not the intended recipient, please contact the sender immediately.

Thank you.*

5320

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收件者:
收件日期:
寄件者:
主旨:
附件:

Mr. J. Buechi
The Town Planning Board
RPPB Application to The Town Planning Board for a Special Review
Petition to Review and/or ATTACHED TO THE PETITION TO REVIEW AND/OR
petitions for ATTACHED TO THE PETITION TO REVIEW AND/OR

5321

Dear Sir / Madam

The Town Planning Board,

Included are the attached files (PDF) with my own signature and petitions dated on Dec. 08 2016 for your acknowledge.

Thank you with best regards !

Ms. J. Buechi

The Secretariat
Town Planning Board
15/E, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of

the City: These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation

"partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and

safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____ Date: 08/12/2016

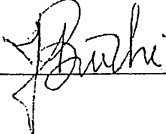
Name of Discovery Bay Owner / Resident: Campos Valenca Buechi, Janaina

Address: _____

safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :  Date: 08/12/2016

Name of Discovery Bay Owner / Resident: Campos Valenca Buechi, Janaina

Address: 

參考編號

Reference Number:

161208-172758-99240

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 17:27:58

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Neil Taylor

意見詳情

Details of the Comment :

Dear Sir/Madam,

Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27 October 2016

I object to the updated application, which was submitted to the Town Planning Board on 27 October 2016.

I have the following comments and objections to the application:

1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

2. The Applications TPB/Y/I-DB/2 and TPB/Y/I-DB/3 seek approval to increase the ultimate population at Discovery Bay from 25,000 under the current Outline Zoning Plan (OZP) to 29,000 under the revised OZP.

The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of road, water or related infrastructure to provide adequate supply or support to the proposed development.

My objections/comments:

- a. The population cap of 25,000 must be preserved, so as not to breach the Land Grant.
- b. HKR must provide a detailed proposal for the treatment and disposal of sewage before any development is considered.
- c. If HKR intends to discharge effluent into the waters around Discovery Bay, this would be una

acceptable to the residents of Discovery Bay and neighbouring communities.

3. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.

4. The proposed felling of 168 mature trees in Area 10b poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

5. The kaito, operated by Peng Chau Kaito Ltd, provides a valuable service to the residents of Discovery Bay, Peng Chau and Mui Wo. The kaito pier is already inconveniently located for many residents, being a long walk from the plaza and bus station.

The proposed development would move the kaito pier even further away. This would likely discourage use and have a damaging impact on the kaito company's business.

While the kaito pier will be moved to a more inconvenient location, HKR's plans show a new pier for the Bounty, which will be located in the approximate location of the current kaito pier. The Bounty is an ornamental boat used by HKR for promotional purposes, and which offers no benefit to the local community. It makes no sense to compromise the community's transport services for the sake of a fake sailing boat that could remain moored at the Auberge Hotel.

In its recent clarification, HKR states that; "The existing kaito pier and kaito service will be maintained during and after the proposed development works". As the development plan has not changed and the proposed reclamation works will extend the shoreline by several metres, HKR's assurance is clearly not true.

There has been no explanation as to how the kaito and other boat transport using the pier will be able to operate while reclamation and construction are taking place. HKR's updated submission fails to answer this question.

Hong Kong Resorts has not consulted with the residents of the effected districts, passengers or operators of the kaito, with the Islands District Council or the Transport Department.

My objections/comments:

a. If the kaito pier is to be relocated, a consultation must be conducted into the potential impact of the relocation of the kaito, taking into account the opinions of residents/passengers from Discovery Bay, Peng Chau and Mui Wo, Peng Chau Kaito Ltd and other external transport operators.

b. HKR must clarify where boats currently using the kaito dock will operate during the planned reclamation and construction work.

c. The kaito pier serves a public service and its location should be prioritised over the location of the Bounty pier, which would offer no benefit to the community.

6. The revision of the development as indicated in the Revised Concept Plan of Annex A is still

and by Planning Department that :

"....towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "....Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until my objections and comments are resolved, to I object to the above-mentioned development application.

Yours sincerely

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

參考編號

161208-172758-99240

Reference Number:

提交限期

09/12/2016

Deadline for submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Neil Taylor

Name of person making this comment:

聯絡人

Neil Taylor

Contact Person

通訊地址

Postal Address :

電話號碼

Tel No. :

傳真號碼

Fax No. :

電郵地址

E-mail address :

有關的申請/覆核提出意見的參考編號 Reference Number:	161208-172915-24355
提交限期 Deadline for submission:	09/12/2016
提交日期及時間 Date and time of submission:	08/12/2016 17:29:15
有關的規劃申請編號 The application no. to which the comment relates:	Y/I-DB/3
「提意見人」姓名/名稱 Name of person making this comment:	夫人 Mrs. Lucita Taylor

意見詳情

Details of the Comment :

Dear Sir/Madam,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27 October 2016

I object to the updated application, which was submitted to the Town Planning Board on 27 October 2016.

I have the following comments and objections to the application:

1. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plan and the approved Outline Zoning Plan in the application, i.e. a change from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.
2. The Applications TPB/Y/I-DB/2 and TPB/Y/I-DB/3 seek approval to increase the ultimate population at Discovery Bay from 25,000 under the current Outline Zoning Plan (OZP) to 29,000 under the revised OZP.

The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of road, water or related infrastructure to provide adequate supply or support to the proposed development.

My objections/comments:

- a. The population cap of 25,000 must be preserved, so as not to breach the Land Grant.
- b. HKR must provide a detailed proposal for the treatment and disposal of sewage before any development is considered.
- c. If HKR intends to discharge effluent into the waters around Discovery Bay, this would be una

acceptable to the residents of Discovery Bay and neighbouring communities.

3. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owner s.

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The proposed development would move the kaito pier even further away. This would likely discourage use and have a damaging impact on the kaito company's business.

While the kaito pier will be moved to a more inconvenient location, HKR's plans show a new pier for the Bounty, which will be located in the approximate location of the current kaito pier. The Bounty is an ornamental boat used by HKR for promotional purposes, and which offers no benefit to the local community. It makes no sense to compromise the community's transport service for the sake of a fake sailing boat that could remain moored at the Auberge Hotel.

In its recent clarification, HKR states that; "The existing kaito pier and kaito service will be maintained during and after the proposed development works". As the development plan has not changed and the proposed reclamation works will extend the shoreline by several metres, HKR's assurance is clearly not true.

There has been no explanation as to how the kaito and other boat transport using the pier will be able to operate while reclamation and construction are taking place. HKR's updated submission fails to answer this question.

Hong Kong Resorts has not consulted with the residents of the effected districts, passengers or operators of the kaito, with the Islands District Council or the Transport Department.

My objections/comments:

a. If the kaito pier is to be relocated, a consultation must be conducted into the potential impact of the relocation of the kaito, taking into account the opinions of residents/passengers from Discovery Bay, Peng Chau and Mui Wo, Peng Chau Kaito Ltd and other external transport operators.

b. HKR must clarify where boats currently using the kaito dock will operate during the planned reclamation and construction work.

c. The kaito pier serves a public service and its location should be prioritised over the location of the Bounty pier, which would offer no benefit to the community.

6. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

5323

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until my objections and comments are resolved, to I object to the above-mentioned development application.

Yours sincerely

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

參考編號

161208-172915-24355

Reference Number:

提交限期

09-12-2016

Deadline for submission:

有關的規劃申請編號

Y1-DB.3

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. Lucita Taylor

Name of person making this comment:

聯絡人

Lucita Taylor

Contact Person

通訊地址

Postal Address :

電話號碼

Tel No. :

傳真號碼

Fax No. :

電郵地址

E-mail address :

有關的規劃申請編號
 Reference Number: 161208-215535-41111

提交限期
 Deadline for submission: 09/12/2016

提交日期及時間
 Date and time of submission: 08/12/2016 21:55:35

有關的規劃申請編號
 The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
 Name of person making this comment: 女士 Ms. Sarah Monks

意見詳情

Details of the Comment :

Dear Sir/Madam,

I am repeating further below reasons given earlier for objecting to this application, as the Developer's revised application - now before you - has not addressed fundamental concerns raised by impacted residents at the start of this public consultation process.

Paramount are concerns for the future physical safety of residents living in the confined area of the Peninsula served by a road system that was originally designed for the transportation and related access needs of a population only about half the size of the one now intended by the Developer.

Should this development be approved as per the revised application, it will be in violation of the Developer's undertaking - over many years - to provide a low-density, peaceful, resort-style living environment to owners/residents in the Peninsula area.

I do hope that Members of the Town Planning Board will give serious consideration to these issues, including that of breach of trust for those who believed in and bought into the Developers sales and marketing materials. Yours sincerely, Sarah Monks, a long-time resident of Peninsula Village, Discovery Bay

 REPOSTING OF OBJECTIONS MADE EARLIER

Further to my initial comments (ref number 160406-102237-90104), I wish to submit additional reasons for objecting to Hong Kong Resort's captioned application.

The application is seriously flawed for reasons that include but are not limited to the following:

1. The proposed development is dense and contravenes Hong Kong Planning Standards and Guidelines by failing to provide a descending height profile towards the waterfront
2. The building heights for the proposed two towers are excessive
3. The disposition and arrangement of the proposed development creates a wall effect along the podium which undermines Government's Sustainable Building Guidelines by failing to allow sufficient space between buildings and to provide adequate ventilation. There are also serious concerns about where toxic exhaust and other fumes generated in the enclosed areas for transport and other services underneath the podium will go. How will these be processed and dispersed?
4. The proposal advocates inclusion of a petrol filling station at the junction of Discovery Bay Road and Marina Drive. This junction has already proven to be hazardous, with accidents in recent years involving bicycles and/or vehicles. The location of a "dangerous goods" petrol station adjacent to this traffic black spot and the development of the residential scheme as proposed by HKR will only exacerbate these hazardous conditions
5. The proposal provides extremely poor and limited public access to the waterfront. The narrowness of the waterfront promenade, as proposed, is not consistent with provisions of the Hong Kong Planning Standards and Guidelines
6. HKR has not provided sufficient information in relation to the technical assessments they have undertaken in support of their Application. This deprives residents and other members of the public of the opportunity to assess either this proposal or the related Application Y/1-DB/2 from an informed position and thus undermines the integrity of the statutory due process

My thanks in advance to Members of the Town Planning Board for considering the points raised in this and my earlier online and email submissions.

就規劃申請/覆核提出意見 (Planning Comment on Application / Review)

參考編號

Reference Number:

161209-004034-33125

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 00:40:34

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. ng chan

意見詳情

Details of the Comment :

支持善用土地，增加社區設施，美化及綠化環境，令社區健康發展。

5326

就規劃申請/覆核提出意見 Making Comments on Planning Applications / Review

參考編號

Reference Number:

161208-223901-94779

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 22:39:01

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss TSE SEE YIN

意見詳情

Details of the Comment :

計劃可改善該區現時雜亂景觀及與愉景灣整體設計格格不入的情況，整體環境得到改善。新發展可為愉景灣帶來新景象/景觀。

就規劃申請覆核提出意見 Making Comments on Planning Applications / 1/1/2016

參考編號
Reference Number: 161208-224121-09853

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 08/12/2016 22:41:21

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 先生 Mr. LAI CHI MAN

意見詳情

Details of the Comment :

可善用土地資源，減輕香港土地不足的問題，提供不同類型的房屋選擇，提升生活質素。

5328

就規劃申請/覆核提出意見 / Making Comments on Planning Applications / Review

參考編號

Reference Number:

161208-171609-16308

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 17:16:09

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss Natalie

意見詳情

Details of the Comment :

本人贊成發展計劃，希望能持續發展及活化社區。

5329

就規劃申請發表意見

參考編號

Reference Number:

161208-184114-48536

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 18:41:14

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Cynthia Lee

意見詳情

Details of the Comment :

I OBJECT TO THIS APPLICATION YI-DB/3

I am a resident of Discovery Bay. I moved here to escape the developments in Hong Kong. I chose Discovery Bay because of its village-like atmosphere, free from the overcrowdedness of Hong Kong island and the pollution. I don't expect Discovery Bay to cut up every piece of land to build high rises and to landfill the coastal waters!

There would be over 1,000 new units under this new development. However, the sewage and water supply has not been well thought out as we have reached full capacity already for existing residents. There would be over 3,000 to 4,000 more residents and it would then put a strain on our public transport, adding more buses to DB and increasing the pollution and traffic on its quiet roads. It will ruin our environment.

There is no provision for golf cart parking at the new development, whereas there are over a dozen car parking spaces now for those of us who are taking the Kaido ferry to the outer islands. Where will we park our golf carts?

There is no provision for public space, whereas there is only provision for private space. The area now is publicly assessable and the new development will make it exclusive to the residents of this new development!

The coastal area would be land-filled, which I object! It would pollute the waters and shrink the bay which I enjoy by walking along the beach.

I have written to object twice already, and the developer is obviously withdrawing the application in order to decrease the amount of objections in the third round. The developers know all the tricks to get their applications approved by the Town Planning Board. I hope the TPB is not stupid enough to fall for their tricks!

Members of the TPB need to put themselves in the shoes of the residents in DB who live here to escape the developments on the island. The CE who wants to develop Lantau Island does not live in DB. WE LIVE HERE! LISTEN TO THE RESIDENTS!

就規劃申請/撥款提出意見 Making Comments on Planning Applications / Planning

參考編號

161208-205343-82770

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

08/12/2016 20:53:43

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

小姐 Miss Chole

Name of person making this comment:

意見詳情

Details of the Comment :

The plan redevelops and upgrades the current mix of unsightly uses in the area. The overall environment of the area will be improved.

The improvement to the foreshore promenade, transportation and marine access, kaito service and pier facilities will enhance the connectivity and convenience to and from Discovery Bay.

The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.

More community focal points and public leisure space will be created for the residents and the public to enjoy.

有關的規劃/覆核/修改/其他： Y/I-DB/3

參考編號

Reference Number:

161208-210215-41998

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 21:02:15

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Chung

意見詳情

Details of the Comment :

The extra landscape and greening help reduce carbon emissions and improve air quality, thus providing a better work and living environment.

It creates more job opportunities, which will bring in many social and economic benefits to the society.

The plan brings in suitable amount of population to support the businesses of local shops, in a way to provide more retail choices for residents.

5332

就規劃申請/審核提出意見 Making Comments on Planning Applications / Review

參考編號

Reference Number:

161208-205012-12086

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

08/12/2016 20:50:12

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss Chole

意見詳情

Details of the Comment :

The plan redevelops and upgrades the current mix of unsightly uses in the area. The overall environment of the area will be improved.

The improvement to the foreshore promenade, transportation and marine access, kaito service and pier facilities will enhance the connectivity and convenience to and from Discovery Bay.

The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.

More community focal points and public leisure space will be created for the residents and the public to enjoy.

就葵涌綜合發展計劃提出意見書 (Comment) Y/I-DB/3 08/12/2016

參考編號
Reference Number: 161208-220720-94033

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 08/12/2016 22:07:20

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. 楊錫和

意見詳情
Details of the Comment :

贊成盡快落實發展計劃，增加房屋供應。

5334

總規劃申請/覆核提出意見 / Planning Application / Review

參考編號

161208-223708-13728

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

08/12/2016 22:37:08

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

小姐 Miss LEUNG SIU WING

Name of person making this comment:

意見詳情

Details of the Comment :

新建的海濱長廊、提升的交通配套、優化的街渡及碼頭設施，令偷景灣交通配套更優化及完美。
亦為附近居民增加一個可漫步的海濱地方。

有關規劃申請擬議提出意見161209-002655-92319

參考編號
Reference Number: 161209-002655-92319

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 09/12/2016 00:26:55

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 先生 Mr. SY

意見詳情

Details of the Comment :

I fully support the application as it has conducted thorough studies and surveys on the visual, landscape, environmental, traffic and infrastructure capacity which will only impose very minimal impacts to the adjacent environment, but the project will bring in greater benefits to DB and HK in regards of land supply, housing choices, and sustainable development by offering suitable growth in population to support the running of shops, share the costs and bring in new recreational facilities.

It is a private plot of land that I can't see any points to hinder the development and to utilize the land which has been zoned for housing people.

All technical issues should not impose any obstacles viewing the experience of the developer and the advance technologies nowadays. If the developer can well develop a piece of barren land 40 years ago, why can't they overcome the infrastructure problems nowadays?

We should focus the discussion on ironing out the details in executing the project in a pragmatic approach instead of knocking it down based on the NIMBY mindset of individuals.

Without continuous development in the community, DB will be a stagnant, ageing and dead community like the Sea Ranch that no young population will be moving in, and the schools will not be able to recruit sufficient students, and DB owners will suffer from today's consequence of voting down the plan.

On these grounds, I sincerely hope that the plan will get a fair discussion and approval.

5336

就規劃申請/續核提出意見 Meeting Documents Planning Application / Review

參考編號

Reference Number:

161209-002132-68526

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 00:21:32

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. L. WONG

意見詳情

Details of the Comment :

I fully support the application as it has conducted thorough studies and surveys on the visual, landscape, environmental, traffic and infrastructure capacity which will only impose very minimal impacts to the adjacent environment, but the project will bring in greater benefits to DB and HK in regards of land supply, housing choices, and sustainable development by offering suitable growth in population to support the running of shops, share the costs and bring in new recreational facilities.

It is a private plot of land that I can't see any points to hinder the development and to utilize the land which has been zoned for housing people.

All technical issues should not impose any obstacles viewing the experience of the developer and the advance technologies nowadays. If the developer can well develop a piece of barren land 40 years ago, why can't they overcome the infrastructure problems nowadays?

We should focus the discussion on ironing out the details in executing the project in a pragmatic approach instead of knocking it down based on the NIMBY mindset of individuals.

Without continuous development in the community, DB will be a stagnant, ageing and dead community like the Sea Ranch that no young population will be moving in, and the schools will not be able to recruit sufficient students, and DB owners will suffer from today's consequence of voting down the plan.

On these grounds, I sincerely hope that the plan will get a fair discussion and approval.

有關的規劃申請編號
 Reference Number: 161209-002916-95144

提交限期
 Deadline for submission: 09/12/2016

提交日期及時間
 Date and time of submission: 09/12/2016 00:29:16

有關的規劃申請編號
 The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
 Name of person making this comment: 小姐 Miss Sharon

意見詳情
 Details of the Comment :

I fully support the application as it has conducted thorough studies and surveys on the visual, landscape, environmental, traffic and infrastructure capacity which will only impose very minimal impacts to the adjacent environment, but the project will bring in greater benefits to DB and HK in regards of land supply, housing choices, and sustainable development by offering suitable growth in population to support the running of shops, share the costs and bring in new recreational facilities.

It is a private plot of land that I can't see any points to hinder the development and to utilize the land which has been zoned for housing people.

All technical issues should not impose any obstacles viewing the experience of the developer and the advance technologies nowadays. If the developer can well develop a piece of barren land 40 years ago, why can't they overcome the infrastructure problems nowadays?

We should focus the discussion on ironing out the details in executing the project in a pragmatic approach instead of knocking it down based on the NIMBY mindset of individuals.

Without continuous development in the community, DB will be a stagnant, ageing and dead community like the Sea Ranch that no young population will be moving in, and the schools will not be able to recruit sufficient students, and DB owners will suffer from today's consequence of voting down the plan.

On these grounds, I sincerely hope that the plan will get a fair discussion and approval.

5338

對規劃申請/覆核提出意見 (Making Comments on Planning Applications / Review)

參考編號

161209-002315-37769

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

09/12/2016 00:23:15

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Alex Chan

Name of person making this comment:

意見詳情

Details of the Comment :

I fully support the application as it has conducted thorough studies and surveys on the visual, landscape, environmental, traffic and infrastructure capacity which will only impose very minimal impacts to the adjacent environment, but the project will bring in greater benefits to DB and HK in regards of land supply, housing choices, and sustainable development by offering suitable growth in population to support the running of shops, share the costs and bring in new recreational facilities.

It is a private plot of land that I can't see any points to hinder the development and to utilize the land and which has been zoned for housing people.

All technical issues should not impose any obstacles viewing the experience of the developer and the advance technologies nowadays. If the developer can well develop a piece of barren land 40 years ago, why can't they overcome the infrastructure problems nowadays?

We should focus the discussion on ironing out the details in executing the project in a pragmatic approach instead of knocking it down based on the NIMBY mindset of individuals.

Without continuous development in the community, DB will be a stagnant, ageing and dead community like the Sea Ranch that no young population will be moving in, and the schools will not be able to recruit sufficient students, and DB owners will suffer from today's consequence of voting down the plan.

On these grounds, I sincerely hope that the plan will get a fair discussion and approval.

5339

就香港新發展快檢出意見

參考編號
Reference Number: 161209-003237-15732

提交限期
Deadline for submission: 09/12/2016

提交日期及時間
Date and time of submission: 09/12/2016 00:32:37

有關的規劃申請編號
The application no. to which the comment relates: Y/I-DB/3

「提意見人」姓名/名稱
Name of person making this comment: 小姐 Miss Louisa Wong

意見詳情
Details of the Comment :

I fully support the application as it has conducted thorough studies and surveys on the visual, landscape, environmental, traffic and infrastructure capacity which will only impose very minimal impacts to the adjacent environment, but the project will bring in greater benefits to DB and HK in regards of land supply, housing choices, and sustainable development by offering suitable growth in population to support the running of shops, share the costs and bring in new recreational facilities.

It is a private plot of land that I can't see any points to hinder the development and to utilize the land and which has been zoned for housing people.

All technical issues should not impose any obstacles viewing the experience of the developer and the advance technologies nowadays. If the developer can well develop a piece of barren land 40 years ago, why can't they overcome the infrastructure problems nowadays?

We should focus the discussion on ironing out the details in executing the project in a pragmatic approach instead of knocking it down based on the NIMBY mindset of individuals.

Without continuous development in the community, DB will be a stagnant, ageing and dead community like the Sea Ranch that no young population will be moving in, and the schools will not be able to recruit sufficient students, and DB owners will suffer from today's consequence of voting down the plan.

On these grounds, I sincerely hope that the plan will get a fair discussion and approval.

5340

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

參考編號

Reference Number:

161209-074839-50628

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 07:48:39

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. 肖

意見詳情

Details of the Comment :

支持善用土地資源，應盡速批出此發展項目。

5241

就規劃申請/個案提出意見人士姓名/名稱	Y/T-DB/3
參考編號 Reference Number:	161209-083525-28538
提交限期 Deadline for submission:	09/12/2015
提交日期及時間 Date and time of submission:	09/12/2016 08:35:25
有關的規劃申請編號 The application no. to which the comment relates:	Y/T-DB/3
「提意見人」姓名/名稱 Name of person making this comment:	Angel Lam
意見詳情 Details of the Comment :	支持

就規劃申請/覆核提出意見 Making Decision Planning Applications / Review

參考編號

161209-085659-24914

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

09/12/2016 08:56:59

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. Hong Kong

Name of person making this comment:

意見詳情

Details of the Comment :

I find this proposal wholly unacceptable (and actually live in Discovery Bay) because of the following reasons -

1. The current wall-like structure appearance of the 3-4 storey housing is not acceptable either visually or environmentally - this is a beautiful bay area.
2. The "Waterfront Pedestrian Promenade" with a slab raised above the waterline on stilted structure open to the sea is not acceptable. A stilted structure which is open to the sea is visually / aesthetically displeasing.
3. The "Waterfront Pedestrian Promenade" proposed design is a monotonous, relatively straight (550 meter in length and only 4 meter wide) is without any interest and does not embrace the surrounding natural indented coastline.
4. Public access and Emergency services access to the Nim Shue Wan village pedestrian path is not clearly defined on the proposed masterplan and is required at this time for consideration.
5. There is not sufficient consideration for leisure or public use facilities.
6. There is not sufficient landscaping to the "Waterfront Pedestrian Promenade".
7. The prominence and appearance of the proposed location for the petrol station has not been given proper consideration.
8. The proposed sewage submarine outfall into the bay is not an acceptable long-term sustainable solution.
9. The main road into Discovery Bay is already dangerous at that corner - more buildings and people will make this even worse with the risk of injury or death.

I think serious questions need to be asked of the Planning Dept's independence if this is passed. I also think that all comments need to be reviewed to ensure that they are from real people who are affected by this and live in Discovery Bay.

Kind regards

Mr Paul Neale, FCA

5343

就規劃申請/覆核提出意見 / Planning Application / Comment

參考編號

Reference Number:

161209-093320-26340

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 09:33:20

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Ngai Wai

意見詳情

Details of the Comment :

我是居住在愉景灣倚濤軒的居民，強烈反對改變愉景灣10B區域的用途。目前在鄰近10B區域的第四期蘅峰已經居住了大批人口，早晚返工時社區巴士都經常擠滿居民，如再增加大量居民入住將使區域內擁擠不堪，同時將10B改為住宅用途將極大破壞鄰近郊野區域的自然生態。請政府認真考察現實環境，不能聽任發展商為所欲為。謝謝。

5344

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

參考編號

Reference Number:

161209-102737-32602

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 10:27:37

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. 馬先生

意見詳情

Details of the Comment :

美化該區，大大改善區內設施

有關規劃申請的投訴或意見

參考編號

161209-105830-92816

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

09/12/2016 10:58:30

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Yeung Siu Ming

Name of person making this comment:

意見詳情

Details of the Comment :

Y/I-DB/3 Zone 10b

- 可善用土地資源，減輕香港土地不足的問題，提供不同類型的房屋選擇，提升生活質素。
- 計劃可改善該區現時雜亂景觀及與愉景灣整體設計格格不入的情況，整體環境得到改善。
- 新建的海濱長廊、提升的交通配套、優化的街渡及碼頭設施，令出入更方便。
- 計劃已考慮基礎設施、視覺、交通及社區方面因素及承擔能力，設計亦與周邊環境及景觀更為融合。
- 創造全新的社區集結點，大眾可享用更多公眾休閒空間。
- 更多的綠化空間有助減低碳排放，提升空氣質素，提供更佳工作及生活環境。
- 新發展會創造更多就業機會，為市民及社會帶來好處及經濟效益。
- 引入適量人口可支持本土小商店的營運，為居民提供更多的零售選擇。
- It optimises the land use to alleviate the land shortage issue in HK, and provides more housing choices.
- The plan redevelops and upgrades the current mix of unsightly uses in the area. The overall environment of the area will be improved.
- The improvement to the foreshore promenade, transportation and marine access, kaito service and pier facilities will enhance the connectivity and convenience to and from Discovery Bay.
- The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.
- More community focal points and public leisure space will be created for the residents and the public to enjoy.
- The extra landscape and greening help reduce carbon emissions and improve air quality, thus providing a better work and living environment.
- It creates more job opportunities, which will bring in many social and economic benefits to the society.
- The plan brings in suitable amount of population to support the businesses of local shops, in a way to provide more retail choices for residents.

有關的規劃申請/發展提出意見的申請號碼/Planning Application / Development

參考編號

161209-101624-28014

Reference Number:

提交限期

09/12/2016

Deadline for submission:

提交日期及時間

09/12/2016 10:16:24

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. SAE WONG SIRIWAN

Name of person making this comment:

意見詳情

Details of the Comment :

項目計劃有利瑜景灣發展。

對規劃申請/評議提出意見 Making Comments on Planning Applications

參考編號

Reference Number:

161209-105541-34945

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 10:55:41

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss SAE WONG SIRIWA
N

意見詳情

Details of the Comment :

Y/I-DB/3 Zone 10b

- 可善用土地資源，減輕香港土地不足的問題，提供不同類型的房屋選擇，提升生活質素。
- 計劃可改善該區現時雜亂景觀及與愉景灣整體設計格格不入的情況，整體環境得到改善。
- 新建的海濱長廊、提升的交通配套、優化的街渡及碼頭設施，令出入更方便。
- 計劃已考慮基礎設施、視覺、交通及社區方面因素及承擔能力，設計亦與周邊環境及景觀更為融合。
- 創造全新的社區集結點，大眾可享用更多公眾休閒空間。
- 更多的綠化空間有助減低碳排放，提升空氣質素，提供更佳工作及生活環境。
- 新發展會創造更多就業機會，為市民及社會帶來好處及經濟效益。
- 引入適量人口可支持本土小商店的營運，為居民提供更多的零售選擇。
- It optimises the land use to alleviate the land shortage issue in HK, and provides more housing choices.
- The plan redevelops and upgrades the current mix of unsightly uses in the area. The overall environment of the area will be improved.
- The improvement to the foreshore promenade, transportation and marine access, kaito service and pier facilities will enhance the connectivity and convenience to and from Discovery Bay.
- The optimisation of the land use is well supported by suitable infrastructure, and has given due consideration for the waterfront setting with improvement to the foreshore promenade and marine access.
- More community focal points and public leisure space will be created for the residents and the public to enjoy.
- The extra landscape and greening help reduce carbon emissions and improve air quality, thus providing a better work and living environment.
- It creates more job opportunities, which will bring in many social and economic benefits to the society.
- The plan brings in suitable amount of population to support the businesses of local shops, in a way to provide more retail choices for residents.

5348

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

參考編號

Reference Number:

161209-123808-46386

提交限期

Deadline for submission:

09/12/2016

提交日期及時間

Date and time of submission:

09/12/2016 12:38:08

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/3

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. YIP Cham Sum

意見詳情

Details of the Comment :

可善用土地資源，減輕香港土地不足的問題，提供不同類型的房屋選擇，提升生活質素。創造全新的社區集結點，大眾可享用更多公眾休閒空間。更多的綠化空間有助減低碳排放，提升空氣質素，提供更佳工作及生活環境。

tpbpd

寄件者: Tish Hayward [REDACTED]
寄件日期: 12月12日2016年星期一 13:23
收件者: tpbpd@pland.gov.hk
主题: Application No. Y/L-DB/3 Area 10b

5349

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10b (PARKVALE OWNERS COMMITTEE for 6f) and I wish to register my objection with the TPB accordingly

[REDACTED]

Kind Regards,

Tish Hayward
[REDACTED]

HABITAT PROPERTY LTD

www.habitat-property.com
[REDACTED]

[REDACTED]

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorised to receive it. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance of the contents of this information is strictly prohibited and may be unlawful.

信件番:
寄件日期:
收件者:
主旨:

Shebali Byron
10/11/2016 上午 9:31
tpbpd@pland.gov.hk
Discovery Bay

5350

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion - which includes the Service Area defined in the DMC and shown on the Master Plan - except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water

previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (SI-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

tpbpd

寄件者:
寄件日期:
收件者:
主旨:
附件:

Robin Yang [REDACTED]
10月12日2016年星期六 0:33
tpbpd@pland.gov.hk; Robin Yang
回覆: 轉寄: Objection to Section 12A Application No Y1-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Area 10b (Peninsula) - Objection Letter to TPB 9 Dec 16 Mum.docx

5351

Dear Sir,

Please see the objection attached.

The word document was forwarded on behalf of my family members with objection.

Best Regards,
Robin Yang.

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15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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1. Per the application, there will be an enclosed warehouse in area 10b for storage of dangerous goods (DG), what category of DG is it (among the categories, Category 1 explosives shall be handled by public warehouse and transported by Fire Services Department Vehicles which is very unlikely)?
2. Is the warehouse a fully enclosed one? Whether affirmative or not , what is its area (in Sq. Ft) ?
3. What are the quantities intended to be stored?
4. Under the specified land use (presumably this is for residential than for industrial use) of the area 10b in this application, is DG warehouse allowed?
5. If the quantity falls into the one specified in the relevant ordinance, namely Cap. 295, does HKR need to have relevant warehouse license for that particular category of DG ? if affirmative, is HKR having it currently or will apply for it ?

6. What type of construction materials required for the such DG category ?
Does HKR capable of having it fulfilled?
7. Will this application to your department pending for the granting of such DG license?
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9. Per the Occupational Safety legislation, any site safety officer(s) required for the intended warehouse? If so, does HKR have qualified one(s) to fulfill the statutory requirement?
10. In the unlikely case of emergency, is there any contingency plan, given the warehouse is close to residential blocks?

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to: bpd

寄件者:
寄件日期:
收件人:
主题:
附件:

Robin Yang: [REDACTED]
10/11/2016 (Fri) 9:04 AM +0800
rbys1@pland.gov.hk
标题: Objection to Section 12A Application No. Y1-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay Area 10b (Peninsula) - Objection Letter to TPB 9 Dec 16 Dal.docx

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The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot,

tpbpd

寄件者: Robin Yang [REDACTED]
寄件日期: 10月12月2016年星期六 0:06
收件者: tpbpd@pland.gov.hk
主旨: Objection to Section 12A Application No. Y/I-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
附件: Area 10b (Peninsula) - Objection Letter to TPB 9 Dec 16.docx

5353

Dear Sir,

Please see the attached letter as subjected. thank you.

Best Regards,
Robin Yang.

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

I am writing to raise objections and doubts on the application as per Hong Kong Laws Fire Services Ordinance, Cap. 95 and Dangerous Goods Ordinance, Cap. 295. and the Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment April 2012 issued by the Fire Services Department of HKSAR(as below: (These doubts have been raised during the first application for the same area and application has not replied to the salient points)

1. Per the application, there will be a enclosed warehouse in area 10b for storage of dangerous goods (DG), what category of DG is it (among the cotegories, Catogory 1 explosives shall be handled by public warehouse and transported by Fire Services Department Vehciles which is very unlikely)?
2. Is the warehouse a fully enclosed one? Whether affirmative or not , what is its area (in Sq. Ft) ?
3. What are the quantity intended to be stored?
4. Under the specified land use (presumably this is for residential than for industrial use) of the area 10b in this application, is DG warehouse allowed?
5. If the quantity falls into the one specified in the relevant ordinance, namely Cap. 295, does HKR need to have relevant warehouse license for that particular category of DG ? if affirmative, is HKR having it currently or will

apply for it ?

6. What type of construction materials required for the such DG category ? Does HKR capable of having it fulfilled?
7. Will this application to your department pending for the granting of such DG license?
8. Will the DG in the intended warehouse involving international transportation, if yes, what mode (by air / sea or any other mode) ? If so, does HKR have qualified personnel (such as a IATA DG certificate holder) to handle such DG goods?
9. Per the Occupational Safety legislation, any site safety officer(s) required for the intended warehouse? If so, does HKR have qualified one(s) to fulfill the statutory requirement?
10. In the unlikely case of emergency, is there any contingency plan, given the warehouse is close to residential blocks?

I also have the following comments:

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and

obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the

DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

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11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : Robin Yang Date: 9/12/16

Name of Discovery Bay Owner / Resident: Robin Yang

Address: [REDACTED]

tpbpd

寄件者:
寄件日期:
收件者:
主题:

Rob Craig and Vera Giovannitti
10月12日2016年 星期六 0:04
tpbpd@pland.gov.hk
Objection to development Application No. Y14DB3 - Area 10b

5354

Dear Sir/Madam

Please accept this letter as our objection to the proposed development in Discovery Bay for the many reasons pointed out by the VOC. As well as, our own opinion that this community cannot sustain any more development until HKR repairs the many other infrastructure problems from burst water pipes affecting flushing water for up to one week without - twice this year alone, and traffic problems, etc.

Sincerely,

Vera Giovannitti

寄件者: elise cheng
寄件日期: 09/12月2016年 星期四 23:54
收件者: ipbpd@pland.gov.hk
副本: elise cheng
主旨: Objection to the Submission by the Applicant on 27.10.2016

5355

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point

Dear Sirs,
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Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
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Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____ Elise Cheng _____ Date : _____ Dec 9, 2016 _____

Name of Discovery Bay Owner / Resident: _____

Address: _____

3 of 3

5355

Sent from my iPad

toppc

寄件者:
寄件日期:
收件者:
主题:
附件:

Waldron family [REDACTED]
09日12月2016年星期三 10:47
toppc@pland.gov.ie
Application No TP&Y1-DE/3
Objection 08 Dec 16.docx

5356

Dear Sirs

We attach our objection letter to this application.

Mrs Judith and Mr Martin Waldron
[REDACTED]

To: Secretary, Town Planning Board
(Via email: tpbpd@pland.gov.hk)
Application No.: TPB/Y/I-DB/3

9 December, 2016

Dear Sirs,

**Re: Hong Kong Resort Co Ltd's Revised Application to Develop Area 10b
(Waterfront near Peninsula Village) ("the Application")**

We are owners of a property and resident in Peninsula Village, Discovery Bay and repeat and endorse the objections contained in the Peninsula Village VOC letter of 8 December 2016..

We object to the Application generally as we believe it is an inappropriate extension of the Discovery Bay development, and specifically on the following grounds:

1) *The proposed development substantially detracts from the low-density character of the area and if accepted would result in a material increase in population density in the most sensitive waterside zone.*

The current Outline Zoning Plan No. S/I-DB/4 (the "OZP") reflects a height restriction of 9m for much of the area comprised in the Application and generally contemplates population increase

"mainly from the future phases of the Discovery Bay development in Yi Pak" (Para 6.2 of the Explanatory Statement).

Moreover

"The general planning intention of the Area is for conservation of the natural environment and to provide for low-density developments compatible with the surrounding natural setting" (Para 7.1).

It also provides that

"the unique sub-urban low-density ... of the development should be maintained" (Para 7.2).

Any relaxation of the general planning intention would open the way to greater density in this and future planning applications and profoundly alter the intended nature of the development as previously established and the planning intention enunciated in the OZP.

2) *The planning principle of a stepped approach and low-rise development on coastal lowland is ignored.*

The OZP notes that

"a stepped height approach with low-rise on the headland and coastal lowland and high-rise further inland is adopted" (Para 7.3).

Both M1 and M2 are higher above principal datum than Twilight Court, and also the adjacent high-rise buildings at Capevale Drive. Moreover they are situated on the coastal lowland area. This important principle is therefore completely disregarded by the proposal.

In fact M2 extends several meters higher than both Verdant Court and Haven Court, the most closely adjacent buildings, despite these being situated uphill from M2. Similarly M1 is significantly higher than Twilight Court.

In their Responses to Comments dated 26 October 2016, in response to the UD&L's urban design comment 4(a) regarding the general design concept of a stepped height approach with low-rise on the headland, the Applicant responds partially on the question of bulk in regard to M2 (though egregiously refers to it as a "mid-rise"), but totally fails to deal with the question of a stepped approach, and again completely disregards this important principle.

In the circumstances approval of the Application would constitute a major change to the OZP in this respect and challenge the legitimate expectation of existing owners that the principles set out in the existing OZP would be applied fully and consistently, and not treated as a voluntary or infinitely variable guideline to be disregarded or amended to suit the developer to the detriment of the residential environment.

The application only considers the visual impact from the coastal viewpoint but disregards totally the visual impact from other parts of Peninsula Village, particularly Coastline Villas and both the lower and upper levels of Caperidge Drive, which will look out upon monolithic continuous building masses contrary to the planning intention contained in the current Outline Zoning Plan referred to above.

3) *The total population of Discovery Bay was set at 25,000, but together with existing approvals this would increase to 29,000 if this Application were approved, placing an unsupportable burden on existing water and sewerage infrastructure, and contravening the Land Grant.*

Under the Land Grant Discovery Bay is required to be self-sufficient in water and sewerage services. However the reservoir was built for a maximum population of 25,000. The Government has declined to provide services to cater for a population above this number.

Nevertheless in their Responses to Comments dated 26 October 2016, in response to the Water Services Department's comment on the sufficiency of supply capacity for an extended population the Applicant can seemingly do no more than respond that they intend to go back to pre-2000 infrastructure and hope that the Government will provide facilities which have already been declined. In other words this application is based on hope more than on prudent planning.

The total population of 25,000 should not be increased as a result of this Application.

4) *The proposed development appears to exceed building height restrictions*

Para 8.1.3 of the OZP states that

"To preserve the existing amenity and character, and to avoid excessive development overburdening the infrastructure provisions and external transport capacity of the Area, on land under this zoning, no new development or addition, alteration and/or modification to or redevelopment of an existing building (including structure) shall result in a total development or redevelopment in excess of the gross floor area (GFA) and building height restrictions set out in the Notes of the Plan."

The two main high-rise blocks M1 and M2 appear to exceed these building height restrictions at 86m and 79m above principal datum respectively.

5) The Environmental Impact Assessment ("EIA") is potentially misleading in regard to the marine light diesel ("MLD") refueling facility

Para 4.2.4.6 of the further revised EIA states that "ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator" but is non-specific about its location.

Para. 4.2.4.7 states that

"There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment."

In their Responses to Comments dated 26 October 2016, the Applicant stated that "No MLD filling activities are presented", and that "The operators have confirmed the route [to the MLD facility] will be outside 500m assessment area". However figure 4.3 of the original EIA (which has apparently been removed) evinced a clear intention to locate the facility within Nim Shue Wan, only a few meters from the revised sea wall, and therefore well within the 500m Assessment Area. This would be contrary to the assertion that there would be no travelling or refueling within the Assessment Area.

Further clarification of the intention of the Applicant in regard to the relocation of the MLD facility is required as any ferries based in Tsoi Yuen Wan and travelling to the proposed refueling facility would of necessity travel through the Assessment Area, and refueling would take place within that area.

6) Any fuel barge situated in Nim Shue Wan – which is not included in the Application but would be a direct consequence of its approval - would be unsightly and a potential source of pollution.

Moreover it would be inconsistent with the stated "general planning intention of the Area ... for conservation of the natural environment" (OZP para 7.1) and would detract from the general amenity of the bay.

7) The Application photo-montage B.7 is misleading as to the visual impact

Annex B.7 is misleading, even allowing for exaggerated perspective caused by the wide-angle nature of the photograph. A line drawn from the top of Twilight Court through the top points of Jovial Court and Verdant Court (all of which are 17 floors in height) and extended to M 2 implies that M 2, which is proposed to be 18 floors, is the same height, which is manifestly incorrect.

8) Current small boat moorings in Nim Shue Wan along the existing sea-wall leading to the Kai-to pier (outside the current boundary of the Discovery Bay Development) will be lost to the encroachment

There is no indication of any plan to relocate these or provide alternative facilities.

Yours sincerely,

Mr Martin and Mrs Judith Waldron



Tel. [REDACTED]

Email [REDACTED]

寄件者: [REDACTED]
寄件日期: 09/11/2016 年 星期五 03:46
收件者: tpbpd@pland.gov.hk
主题: Objection to the development of Areas 10B

5357

Dear Sirs,

I, Low Siok Eng of [REDACTED] is still very concerned that TPD and HKRI is still not taking any notice to our owners's concern and objections to the above development.
For the third time, in addition to what I have submitted before, I would like to submit my objections and concerns to you again.

- 1) Safety Issue of using the existing narrow road by big heavy cement mixers and truck carrying dangerous building materials has still been ignore by TPD and HKRI.
Should there be any road accidents which has happened before due to your approval of using the steep slope road during the development stage, who will be responsible? HKRI? TPD?
- 2) Sewage issue: I object to the plan for any "treated sewage" to be dumped into Discovery Bay water next to the ferry pier. This is absolutely not allowed because of the close proximity to residential area and where people lives. Also, there are many restaurants, people swimming in the next bay. children and elderly around the pier... This is the most unhealthy solution to sewage issue however well the treatment you may claim to be... there will also be a smell and bacteria hovering around.
Again, who will be responsible in the future should there is any health problems?
- 3) Road maintenance costs..should be the responsibility of HKRI ..

These are additional concerns to my previous submission.

Unless and until all of the above issues plus those already submitted before are satisfactory addressed, I would like to hold TPB & HKRI responsible should TPB & HKRI choose to ignore the DB residents' concern and objections



寄件者:
寄件日期:
收件者:
主题:

Iza M Rainbow [REDACTED]
09日12月2016年 星期五 23:33
Town Planning Board
Application No. Y/I-DB/3 Area 10b - OBJECTION

5358

Application No. Y/I-DB/3 Area 10b

I am owner and resident at [REDACTED] and member of the Peninsula Village VOC.

I have been following events as closely as I can. Had I been able to attend the VOC meeting on 5th, I would have signed the 1C's submission, sent in to TPB by Mr Jarrett on 6th December.

I take this opportunity to emphasise my concern about the misleading behaviour of the applicant since they informed every owner in Discovery Bay with their "Sound Developments for a Better Community" flyer and also the promotional material in the Plaza and elsewhere. Certainly for 10b the pictures are almost idyllic but as we move to the 3rd submission, we become increasingly aware of what is bad for us as residents and owners and the methods being used to gain an advantage over us. I am thinking particularly of the the incredible, apparent support for the project expressed in the two earlier submissions - this cannot possibly be coming from the owners, tenants, residents of Discovery Bay. Especially since the second consultation, when people became more aware, I hear of almost nobody in support and now the unanimous objection expressed by the VOC members reflects the current feelings of the residents of Discovery Bay.

We 1 understand now that we have to object or support. It is no use supporting the "podium" because it will beautify something, which is ugly and hoping that the tower blocks will be taken out of the plan. Even the podium, on second look, looks too cramped, especially the loos of space for waste separation.. Everything about this proposal is cramped. I doubt that it will really work well for the developer - a mix of pedestrian, golf carts, buses, vehicles of all sorts (except we trust, private cars) waste retrieval, tourist hub, high rise, medium rise, etc. I am not a town planner, but as some are saying, this is not a plan for the 21st Century.



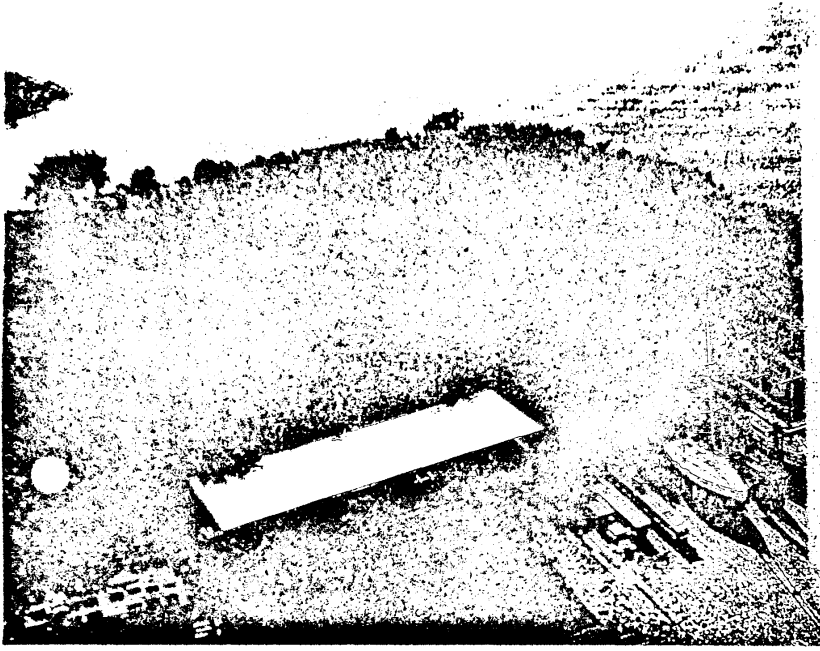
I know this counts for nothing for the developer, but I lose my open sea view from 3 out of 4 windows according to the plan. I could perhaps afford to move to one buildings in front, which will be close to where the heliport is now,

For HKR to suggest that removing the heliport will removes a noise nuisance

for owners is **nothing** compared to losing the views. I remember 2 occasions when a helicopter has landed on this heliport in 16 years. The noise is only noticeable if the windows are open, lasts no more than five minutes and the event is exciting when it occurs.

It seems to me that it is mistake to decommission a heliport. It is there for emergencies. It has been used more than the fire hose on my floor, which has never been used at all, as far as I know. In this world we can easily imagine scenarios where helicopter rescues will be necessary. A problem with the tunnel for example.

And the trees, the beautiful trees, and the birds and their singing and the fresh air and the famous vision of "resort lifestyle", all replaced by a concrete jungle. To the Town Planning Board, if you approve this, it is because you never understood why some love Discovery Bay so much. It is not in the name, it a feeling, which should be preserved for future families and Hong Kong lifestylers to enjoy. There is a value to Discovery Bay, essentially as it is now, which is important for the balance of what is on offer in the pool of residential areas in Hong Kong. TPB will never have the opportunity to create another development to equal it, so do not be a part of the destruction of the only one you have.



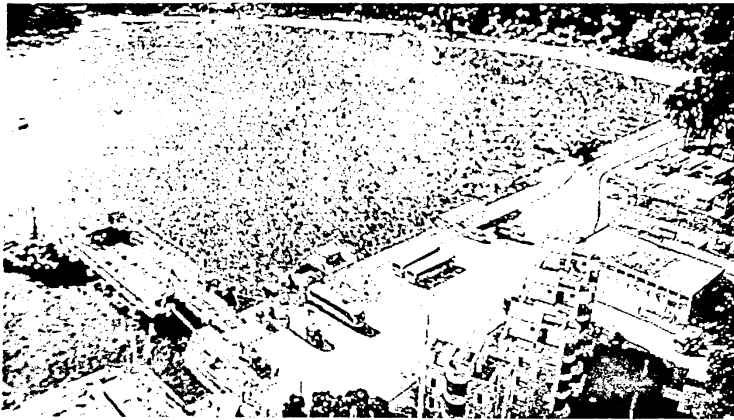
I have seen some of the materials for submissions from people like Ken Bradley, Andrew Burns, Geoff Lovegrove, Trevor Jarrett, Thomas Gebauer, Peter Crush and others. The reasons for their objections are very well founded, in my view.

●
Finally I am not reassured about what the workable plan for these.



5358

LPG. Construction Materials, Gas Cylinders, diverse utilities, waste management.



██████████

寄件者:
寄件日期:
收件者:
主旨:
附件:

Edwin Rainbow [REDACTED]
09日12月2016年 星期五 23:25
Town Planning Board
Application No. Y/I-DB/3. Area 10b, OBJECTION
10b 3.pdf

5359

To: Secretary, Town Planning Board
cc: District Lands Office, Islands; LACO
Date: 9 December, 2016

Application No. Y/I-DB/3. Area 10b,- OBJECTION

Dear Sirs

I am making a submission on behalf of the Jovial, Haven, Verdant hamlet, within Peninsula Village.

It needs to be said that the Peninsula Village Owners Committee could not bring their Chair Lady to seriously engage in the matter of the foreseen developments at 10b, so separate action was taken. The Vice Chairman had declared a conflict of interest and could take no part in this matter.

It became evident that there was little, or no, support for the 10b development. Where there is support it seems to be reliant on the HKR promotions, which show very well the beautification of the utility area, but conceal many potential problems that they were unaware of.

I am a VOC member residing at [REDACTED] and it became obvious, when neighbours approached me, that they were concerned that there was no concerted action in Peninsula Village.

A number of owners, including VOC members resident in these three blocks, decided to meet in the lobby of Verdant Court on Wednesday 30th November, to share knowledge of the Application and to organise a proper response from Peninsula Village.

I was certainly the most informed resident, due to my contacts with other villages through the City Owners Committee. (I am the Chairman of Hillgrove VOC). There were also owners who have good knowledge of town planning matters and one with legal experience.

This group hastily put together a draft, which eventually became the document below (attached), which was signed at a VOC meeting on 5th December (that was very reluctantly arranged by DBSML, our management company appointed by the Developer. This document was submitted to TPB on 6th December by Trevor Jarrett, of Twilight Court.

All VOC members present approved the objection, which reflects the position of the elected representatives of Peninsula Village owners. I am unaware of any owner, who would approve of the Application in its entirety, although the improved aesthetics of the utility area are popular.

With each round of consultation, my personal level of awareness of the shortcomings of the 10b and 6f projects became more apparent and of great concern. I have over 100 email addresses of Peninsula Village owners and I have disseminated important information, to the point that the VOC made an informed decision on 5th December.

I have referred to, and endorse the submissions made by the following owners. It seems pointless to extract, and repeat, the powerful points they make.

PARKVALE VOC Ken Bradley

PENINSULA VOC Trevor Jarrett

TRAFFIC AND TRANSPORT Peter Crush

LEGAL AND TECHNICAL Geoff Lovegrove

LEGAL AND TECHNICAL Andrew Burns

ENVIRONMENTAL ETC Thomas Gebauer

On behalf of myself and the Jovial, Haven, Verdant Hamlet Owners (and tenants) Group

Within the Sub DMC of "Peninsula JVH & Caperidge" representing ownership of 3060 undivided shares

ED RAINBOW



CHAIRMAN HILLGROVE VILLAGE

COC COMMITTEE MEMBER

VOC MEMBER PENINSULA VILLAGE

JVH HAMLET GROUP LEADER

ENVIRONMENTAL PROTECTION SUB COMMITTEE (OF THE COC)

Signed attachment

To: Secretary, Town Planning Board
cc: District Lands Office, Islands; LACO
Date: 9 December, 2016

5359

Application No. Y/I-DB/3. Area 10b,- OBJECTION

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PARKVALE VOC
PENINSULA VOC

Ken Bradley
Trevor Jarrett

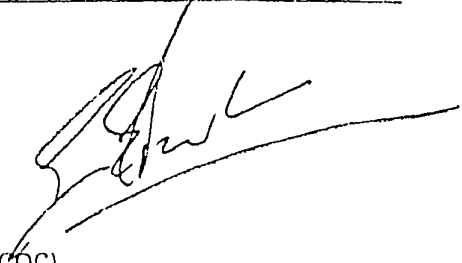
TRAFFIC AND TRANSPORT
LEGAL AND TECHNICAL
LEGAL AND TECHNICAL
ENVIRONMENTAL ETC

Peter Crush
Geoff Lovegrove
Andrew Burns
Thomas Gebauer

On behalf of myself and the Jovial, Haven, Verdant Hamlet Owners (and tenants) Group
Within the Sub DMC of "Peninsula JVH & Caperidge" representing ownership of 3060 undivided shares

ED RAINBOW/
[REDACTED]

CHAIRMAN HILLGROVE VILLAGE
COC COMMITTEE MEMBER
VOC MEMBER PENINSULA VILLAGE
JVH HAMLET GROUP LEADER
ENVIRONMENTAL PROTECTION SUB COMMITTEE (OF THE COC)



tblnd

发件者: Sally Conti [REDACTED]
发件日期: 09月12日2016年 星期四 11:30
收件者: tblnd@pland.gov.hk
主题: Discovery Bay Area 10f - Application No. Y1-DB3
附件: ATT00197.pdf, ATT00200.txt

5360

Dear Sirs,

I wish to object to the planning application (as amended) filed by the developer in respect of the above area in Discovery Bay. The reasons for my objection are as summarised in the attached submission from the Peninsula Village Owners' Committee.

Yours faithfully,

Timothy Conti



Tel. [REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y1-DB3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (VOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC'.

Area 10b forms the "Service Area", as defined in the DMC' and shown on the Master Plan. As per the DMC', the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC' and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC' (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC', every Owner (as defined in the DMC') has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same.

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DL O's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DL O dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DL O and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IKR has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospital due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of U&E1, Plaintiff's comment in R/C that the proposed 4m wide walk front promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous goods store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

~~Witnessed by~~ T.A. JARRETT
ON BEHALF OF
Peninsula Village Owners Committee

Signature: T.A. Jarrett Date: _____

Signatures of VCC Members present at the Peninsula Village Owners Committee Meeting on 28th December 2016 at the Sienna Residents Club, Discovery Bay

[Handwritten signatures and names of VCC members, including names like 'Boddy', 'Jeremy Hill', and 'George...']

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Hertz~~ hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
Douglas Nairne

Address
[Redacted]

Signature
[Signature]

Name
POTUWICH, VENGATA
VINSI KUSITOA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUI

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. MAROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbd

发件者: John Terenzini [REDACTED]
发件日期: 09/11/2016年 星期五 21:14
收件者: tpbsd@pland.gov.hk
主题: Re: Application No. Y/I-DB/3 Area 10b OBJECTION
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5361

Dear Sir/Madam,

Re: Application No. Y/I-DB/3 Area 10b

I have read the attached submission from the
PENINSULA OWNERS COMMITTEE for 10b ,
and I wish to register my **objection** with the TPB accordingly.

Regards,
John Terenzini



The Secretary
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpd@tdpland.gov.hk; fax: 2877 0245 / 2512 8428)

Dear Sir,

Section 12A Application No. Y1-DB 3
Area 10b, Lot 385 RP & Ext. Part in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Peninsular Village Owners Committee (PVOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

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Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

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4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The D.L.O's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and IKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

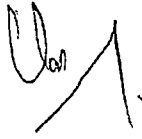
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

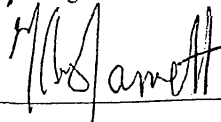
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.


~~Madam Baby Heir~~ T.A. JARRETT
 ON BEHALF OF
 Peninsula Village Owners Committee

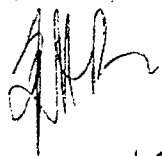

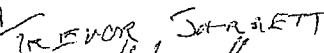


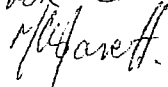
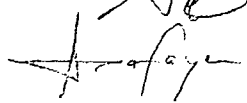
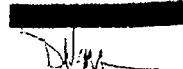
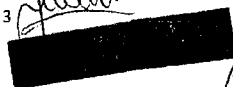
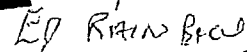
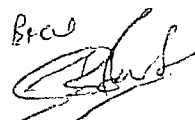
Andrew Nam 

Vance BOWEN 

Signature :  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


 FADH ROON

 ANSIA BURN  JEREMY VELA  SARA JETT
 DENISE NEWMAN   M. JARRETT
    EQ RAIN BROS 

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam Helder~~ do hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NALENZ

Address
[Redacted]

Signature
[Signature]

POTUICHI, VENKATA
Vamsi KRISHNA
Name

Address
[Redacted]

Signature
[Signature]

ANGELA BUON

Address
[Redacted]

Signature
[Signature]

JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

BEE YUNG

Address
[Redacted]

Signature
[Signature]

FRANCISCO A. ROSA

Address
[Redacted]

Signature
[Signature]

ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbpd

寄件者: Smriti Safaya
寄件日期: 09日12月2016年星期五 21:06
收件者: tpbpd@pland.gov.hk
主旨: Re: Application No. Y/I-DB/3 Area 10b; OBJECTION!
附件: Discovery Bay Penninsular Village Owners Committee Objection to 10B (4).pdf

5362

Dear Sir/Madam,

Re: Application No. Y/I-DB/3 Area 10b

I have read the attached submission from the
PENINSULA OWNERS COMMITTEE for 10b,
and I wish to register my **objection** with the TPB accordingly.

Regards,
Smriti Safaya



The Secretary
Town Planning Board
137, North Point Government Offices
333 East Road, North Point
Tel: (852) 291 2245 / 291 2246

Dear Sir,

SECRET 12A APPLICATIO NAY 14DB3

Area 10A, Lot 305 RP & Part of D.D. 351, Discovery Bay

Objection to the Submission of the Application on 27/10/2016

Please note that we are the elected representative of the Village (Area 10A) Committee (VOC) representing the local community of Discovery Bay. We are and also represent concerned Discovery Bay residents, business as well as owners.

We refer to the Response to Comments submitted by the applicant for King King Road (HKR) Macmillan Limited (Macmillan) to address the departmental comments regarding the application on 27/10/2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection to this particular submission are listed as follows:-

1. We object to the claim that in response to Paragraph 4.19 of the comments from the District Lands Office (DLO) that the applicant (HKR) has the absolute right to develop Area 10A.

Macmillan is wrong to assume that ownership of land and shares are equal given the applicant the absolute right to develop Area 10A. The right of the applicant to develop or subdivide any part of the lot is restricted by the Land Grant dated 27 September 1972 by the Master Plan identified as Special Condition 10 of the Land Grant and by the Deed of Mutual Covenant (DMC) dated 27 September 1972.

Upon the execution of the DMC, the lot was divided into 10,000 equal undivided shares. It can be seen that 10,000 of these undivided shares have been assigned by HKR to other parties and to the Manager. The rights and obligations of all owners of undivided shares in the lot are recorded in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

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8. We disagree with the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

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health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

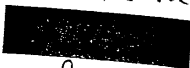
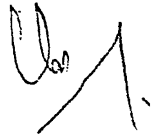

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

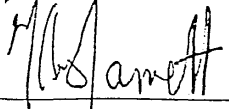
12. The Application has not shown that the relocation of the dangerous goods store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.


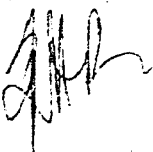


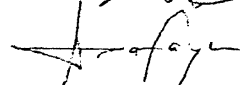


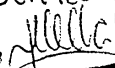

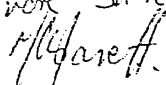

~~Medan Bay Hill~~ T.A. JARRETT
ON BEHALF OF
~~Peninsula~~ Peninsula Village Owners Committee

Andrew Nam 


Vance Bonwell 


Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

 F.A.D.H. ROON
 Anzabuan
 
 
 BOADUN
5 of 3
JEREMY VELA


TREVOR JARRETT
 T.A. JARRETT
ED RAIN BAO


We the undersigned POC members do further to the
letter of 2 December 2014 to ~~the same effect~~
hereby add our support and signatures

Name
Troyer, Edward

Address
[Redacted]

Signature
Troyer, Edward

Name
Richard Nixon

Address
[Redacted]

Signature
Richard Nixon

Name
Donald Trump

Address
[Redacted]

Signature
Donald Trump

Name
Donald Trump
Name
Donald Trump

Address
[Redacted]

Signature
Donald Trump

Name
Michelle Obama

Address
[Redacted]

Signature
Michelle Obama

Name
Jessica Alba

Address
[Redacted]

Signature
Jessica Alba

Name
Surrey Obama

Address
[Redacted]

Signature
Surrey Obama

Name
BCE Tracy

Address
[Redacted]

Signature
BCE Tracy

Name
Elizabeth A. Warren

Address
[Redacted]

Signature
Elizabeth A. Warren

Name
Ely Robinson

Address
[Redacted]

Signature
Ely Robinson

Name

Address

Signature

Name

Address

Signature

tpbd

寄件者:
寄件日期:
收件者:
主题:

Christian Chasset [REDACTED]
09日12月2016年星期五 2:12
tpbd@pland.gov.hk
Application No. Y/I-DB/3 Area 10b

5363

Re: Application No. Y/I-DB/3 Area 10b

Dear Sirs,

I wish to register my objection with the TPB to the above mentioned project in its present form.

Best regards,
Christian Chasset



Christian Chasset



5364

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註

Dominique Chasset
2016年12月12日 星期三 18:49
tqpd@pland.gov.hk
Application No. Y/I-DB/3 Area 10b

5364

Re: Application No. Y/I-DB/3 Area 10b

Dear Sirs,

Please kindly note that I wish to register my objection with the TPB to the above mentioned project in its present form.

Dominique Chasset



Best regards,
Dominique Chasset



收寄者: Andrew Burns
寄件日期: 09日12月2016年星期五 18:45
寄件地址: tpbpd@pland.gov.hk
圖文: dlois@landed.gov.hk; sesis2@landed.gov.hk; esis2@landed.gov.hk
主題: Application No. Y/I-DB/3. Area 10b, Discovery Bay -- Undivided Shares
附件: TPB YI-DB3 Area 10b R3 Undivided Shares.pdf

5365

To: Secretary, Town Planning Board

Date: 9 December, 2016

Dear Sirs,

Re: Application No. Y/I-DB/3. Area 10b, Discovery Bay – Undivided Shares

I take pleasure in forwarding the attached submission to the Town Planning Board in respect of the subject Application.

Yours sincerely,
Andrew Burns

To: Secretary, Town Planning Board
cc: District Lands Office, Islands; LACO
Date: 9 December, 2016

Dear Sirs,

Re: Application No. Y/I-DB/3. Area 10b, Discovery Bay – Undivided Shares

I refer to the "Response to Comments" dated October 2016 on the Section 12A Application No. Y/I-DB/3, submitted by Masterplan Limited on behalf of the Applicant, Hong Kong Resort Company Limited (HKR).

According to the submission, Lands Department stated (Paragraph 9):

The Principal Deed of Mutual Covenant ("PDMC") dated 30.9.1982 has notionally divided the Lot into 250,000 undivided shares. The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

And Masterplan replied:

The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016.

The refusal to release essential information to the Town Planning Board is unacceptable. HKR are making an application to amend the existing Outline Zoning Plan. A proper reckoning of the number of undivided shares still held by HKR for allocation to new developments is basic information. If HKR have insufficient undivided shares in hand to allocate to new developments, there is no point to consider the application further.

As Lands Department correctly highlighted, the lot is held under a Deed of Mutual Covenant (DMC). According to the DMC, undivided shares shall be allocated in sub-DMCs as the lot is developed. A review of all existing sub-DMCs for Discovery Bay shows that HKR has misallocated undivided shares to units at Discovery Bay over many years. A non-comprehensive list of the misallocation of undivided shares at Discovery Bay by HKR is provided at the Appendix.

Undivided Share Regime in Discovery Bay

The following background information will help members of the Town Planning Board to understand the unique nature of the undivided share regime at Discovery Bay.

At Page 7 of the DMC, the lot is notionally divided into 250,000 undivided shares. However, the DMC goes one step further. It immediately allocates these undivided shares to various uses. These uses correspond to the uses permitted under the Discovery Bay Master Plan, which is described at Special Condition 6 of the New Grant for Discovery Bay dated 10 September, 1976 (IS 6122 in the Land Registry).

Referring to Page 7 of the DMC, we see that 56,500 undivided shares were allocated to the Residential Development (as defined in the DMC); 4,850 undivided shares to the Commercial Development; etc. As the lot is developed, it is the intention of the DMC that these defined undivided shares will be allocated to the appropriate units (Residential Development undivided shares allocated to Residential Units, etc).

At Section III of the DMC, it is stated clearly that the undivided shares allocated to a particular use may not be reallocated to other uses, except that any surplus undivided shares not required for a given use may be deemed to be Common Area and Facilities undivided shares.

Therefore, for any extension to the Residential Development, including that proposed under the current application, HKR must show that they have sufficient Residential Development undivided shares to allocate to new Residential Units.

However, a review of the sub-DMCs for Discovery Bay up to and including Neo Horizon Village shows that HKR had allocated all 56,500 Residential Development undivided shares to Residential Units in Discovery Bay upon the completion of Neo Horizon Village in 2000.

As such, the origin of the undivided shares allocated to the Residential Units completed after the year 2000, including those at Siena One, Siena Two B, Chianti and Amafi villages and Siena Two A sub-village, is unclear. The relevant sub-DMCs and sub-sub-DMCs do not shed any light on this matter. While Reserve Undivided Shares may be allocated under certain conditions, there is no record available of the number of Reserve Undivided Shares used or remaining.

Lands Department is not a party to the DMC. Further, Lands Department does not approve the allocation of undivided shares, but only follows the submission of the Authorized Person. It is the co-owners of the lot who suffer the consequences of misallocation of undivided shares.

HKR must "prove" (to use Lands Department's language) that they have not breached / will not breach the undivided share regime under the DMC if they are allowed to proceed with the proposed new developments.

To protect the interests of all existing and future owners of the lot under the DMC, that proof must be available to all owners to allow them to review and comment for consideration by the Town Planning Board before approval of the application, if any.

Yours sincerely,

Andrew Burns
Owner and resident, Discovery Bay

AppendixNon-Exhaustive List of the Misallocation of Undivided Shares at Discovery Bay

Village	Year	Detail
Parkridge	1987	A sub-sub-DMC is issued for Parkland Drive 1-7 (IS 136799), allocating undivided shares from the Parkridge Village Sub-DMC (IS 112092). However, no Residential Development undivided shares remain under the sub-DMC, as all had already been allocated to the Parkridge tower blocks. HKR allocate undivided shares without having any undivided shares to allocate.
Greenvale	1994	A sub-sub-DMC is issued for Greenvale 702 (IS 213300), however, there are insufficient Residential Development undivided shares remaining under the Greenvale Village Sub-DMC (IS 164194) to allocate to all Residential Units in the sub-phase. HKR allocate one less undivided share than management units to all Residential Units.
Peninsula	1996	A sub-sub-DMC is issued for Coastline (IS 231338). However, there are insufficient Residential Development undivided shares remaining under the Peninsula Village Sub-DMC (IS 162615) to allocate to all the Residential Units in the sub-phase. HKR spread the shortfall among all Residential Units and allocate fractional undivided shares to each unit.
Greenvale	2003	A sub-sub-DMC is issued for Siena Two A (IS 314645), allocating undivided shares from the Greenvale Village Sub-DMC (IS 164194). However, insufficient Residential Development undivided shares remain under the sub-DMC, as most had already been allocated to the Greenvale tower blocks. HKR allocate undivided shares without having any undivided shares to allocate.
Post 2000	2000->	HKR exhausted all of their Residential Development undivided shares with the completion of Neo Horizon Village in 2000. While the DMC allows HKR to substitute Reserve Undivided Shares when shares of a given use are depleted, there is no public record of the use of Reserve Undivided Shares or how many HKR still hold.
Post 2000	2000->	A review of the AP Certificates for all developments from 2000 onward shows that undivided shares have been allocated on the basis of Gross Floor Area, which is the net floor area after deductions allowed by the Building Authority. Under the DMC, undivided shares must be allocated on the basis of GBA. GBA is defined in the DMC. It is the floor area before any deductions allowed by the Building Authority. Hence, fewer undivided shares than stipulated by the DMC have been allocated to all Residential Units built since 2000. This has allowed HKR to retain more Undivided Shares than permitted under the DMC.

寄件者: Soshima Safaya [REDACTED]
寄件日期: 09日12月2016年星期五 13:23
收件者: tpbd@pland.gov.hk
主旨: Application No. Y/I-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B (4).pdf

5366

Dear Sir/Madam,

Re: Application No. Y/I-DB/3 Area 10b

I have read the attached submission from the
PENINSULA OWNERS COMMITTEE for 10b ,
and I wish to register my objection with the TPB accordingly.

Regards,

Soshima Safaya
[REDACTED]
[REDACTED]
[REDACTED]



The Secretaries
Town Planning Board
157 South Island Government Offices
333 Tsim Sha Tsui Road, North Point
A fax number: tpb@planning.gov.hk or fax: 2877 0245 / 2522 8426

Dear Sirs,

Section 17A Application No. 111 DM
Area 106, Lot 252 RP & Part of Part of P.O. 252, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

Please note that we are the elected by popular vote, Perimeter Village Owners Committee (PVOC) representing the largest community area of Discovery Bay. We are and also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Marine ("HKM"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:

1. We object the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKM) has the absolute right to develop Area 106.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 106. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 16 September, 1974, by the Master Plan identified at Special Condition #6 of the Land Grant, and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1972.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKM to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKM has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) herof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9.3m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DCO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10/3/1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (SZO 193) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RC' that the existing buses parks in Area 10b open space are "eyesore". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
- 11. We disagree with the applicant's response in item (b) of DD&I. Plaintiff's comment in RIC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Michael Jarrett LA, JARRETT
 ON BEHALF OF
 Peninsula Village Owners Committee

Andrew N...
 [Redacted]
 [Redacted]

Signature: *Michael Jarrett* Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay

[Handwritten signature]
FA De Rosa

[Multiple handwritten signatures and names]
Andrew...
[Redacted]
[Redacted]
[Redacted]
[Redacted]

We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Minister~~ ~~Minister~~ hereby add our support and signatures.

Name
Trevor Jamett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRNE

Address
[Redacted]

Signature
[Signature]

Name
POTUWEMI, VANDANA
Vamsi Krishna

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUW

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. MORALES

Address
[Redacted]

Signature
[Signature]

Name
ED RAINSON

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbpd

寄件者: Suren Safaya [REDACTED]
寄件日期: 09日12月2016年星期五 18:16
收件者: tpbpd@pland.gov.hk
主题: Application No. YI-DB/3 Area 10b
附件: Discovery Bay Peninsular Village Owners Committee Objection to 10B 4.pdf

5367

Dear Sir/Madam,

Re: Application No. YI-DB/3 Area 10b

I have read the attached submission from the
PENINSULA OWNERS COMMITTEE for 10b ,
and I wish to register my objection with the TPB accordingly

Regards,

Suren Safaya
[REDACTED]
[REDACTED]
[REDACTED]

①

The Secretariat
Town Planning Board
15/F, North Point Government Offices
33 Java Road, North Point
(Via email: (pbbpd@pland.gov.hk) or fax: 2822 0245 / 2822 8150)

Dear Sirs,

**Section 12A Application No. V.1 DB.2
Area 10b, Lot 382 RP & EX (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016**

Please note that we are the elected by popular vote, Peninsular Village Owners Committee, (PVOC) representing the largest community area of Discovery Bay. We are also represent concerned Discovery Bay residents interests as well as owners.

We refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that we strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:

1. We reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976, by the Master Plan identified at Special Condition #6 of the Land Grant, and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights

separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. **Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.**

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same

subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-3m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The D.L.O's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S1-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population limit of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

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8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational



health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

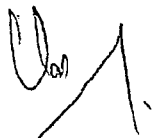
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

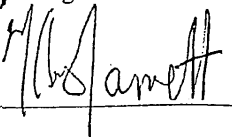
Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

~~Madam Baby Heit~~ T.A. JARRETT
ON BEHALF OF
~~Chair Lady~~ Peninsula Village Owners Committee

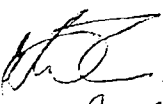
Andrew Nam 

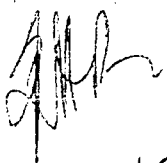

Vance POWELL


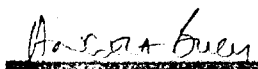


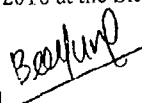
Signature:  Date: _____

Signatures of VOC Members present at the Peninsula Village Owners Committee Meeting on 5th December 2016 at the Sienna Residents Club, Discovery Bay


FADH ROZA



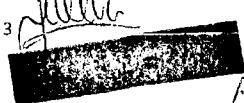

Amanda Breen

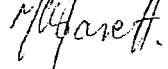

BRADY

JEFFREY VELIA

TRISH WOOD JARRETT

5 of 3
DENISE WATKIN

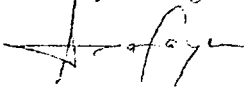


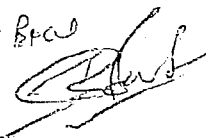

M. Jarrett





ED RAIN BIRD





We the undersigned VOC members do further to the letter of 5 December 2016 from ~~Madam HCH do~~ hereby add our support and signatures.

Name
Trevor Jarrett

Address
[Redacted]

Signature
[Signature]

Name
Andrew Nam

Address
[Redacted]

Signature
[Signature]

Name
DOUGLAS NAIRN

Address
[Redacted]

Signature
[Signature]

Name
POTIYICHI, VEERAKATA
Vamsi KRISHNA

Address
[Redacted]

Signature
[Signature]

Name
ANGELA BUON

Address
[Redacted]

Signature
[Signature]

Name
JEFFREY VELLA

Address
[Redacted]

Signature
[Signature]

Name
SUREN SAFAYA

Address
[Redacted]

Signature
[Signature]

Name
BEE YUNG

Address
[Redacted]

Signature
[Signature]

Name
FRANCISCO A. MAROZA

Address
[Redacted]

Signature
[Signature]

Name
ED RAINBOW

Address
[Redacted]

Signature
[Signature]

Name

Address

Signature

Name

Address

Signature

tpbd

寄件者: Andrew Chan (WWF-HK) [cmchan@wwf.org.hk]
寄件日期: 09日12月2016年 星期五 18:07
收件者: tpbd@pland.gov.hk
主旨: s12afi_Y_1-DB_3_2_Discovery Bay_2016 12(Dec)_WWF
附件: s12afi_Y_1-DB_3_2_Discovery Bay_2016 12(Dec)_WWF.pdf

5368

Dear Sir/Madam,

Please find attached our submission on the captioned development.

Thank you for your attention.

Yours faithfully,

Andrew Chan
Conservation Officer, Local Biodiversity
WWF-Hong Kong 世界自然基金會香港分會
E-mail: cmchan@wwf.org.hk

together possible 

Find out more and get involved at wwf.org.hk

Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會 (Incorporated in Hong Kong with limited liability by guarantee 於香港註冊成立的擔保有限公司)





世界自然基金會
香港分會

WWF-Hong Kong

香港新界葵涌葵昌路8號
萬泰中心15樓
15/F, Manhattan Centre
8 Kwai Cheong Road
Kwai Chung, N.T., Hong Kong

電話 Tel: +852 2526 1011
傳真 Fax: +852 2845 2764
wwf@wwf.org.hk
wwf.org.hk

Our Ref.: SHK/LDD 5(i)/16
9 December 2016

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Rezoning the application site from "Other Specified Uses" annotated "Staff Quarters (1)", to "Other Specified Uses" annotated "Dangerous Goods Store/Liquefied Petroleum Gas Store", "Other Specified Uses" annotated "Pier (3)", "Other Specified Uses" annotated "Petrol Filling Station", "Other Specified Uses" annotated "Marina" and "Government, Institution or Community" to "Residential (Group C) 13", "Government, Institution or Community", "Other Specified Uses" annotated "Residential Above Service Area" and "Other Specified Uses" annotated "Promenade" and to extend the Outline Zoning Plan boundary beyond the existing seawall and zone it as "Residential (Group C) 13" and "Other Specified Uses" annotated "Promenade" in Discovery Bay, Lantau (Y/I-DB/3)

WWF would like to lodge objection to the captioned.

According to the information from the Agriculture, Fisheries and Conservation Department (AFCD), a seagrass bed can be found at Nim Shue Wan (Fig. 1). The seagrass bed composes of the seagrass species *Halophila ovalis* and covers an area of about 1400m².¹ Seagrass bed is ecologically important because it can stabilize the coastlines and provide feeding grounds and food sources for marine wildlife. Therefore, any disturbance to seagrass bed will impose adverse impacts on the associated marine ecology. However, no ecological survey and ecological impact assessment for the proposed reclamation and the development were submitted by the Applicant. We are of grave concern that the proposed reclamation and engineering works will cause negative impacts to the seagrass bed and the associated marine ecosystem. As such, we opine that the captioned Application should be rejected.

together possible™

¹ https://www.afcd.gov.hk/english/publications/publications_con/files/hkbonewletter8.pdf

贊助人：香港特別行政區行政長官
史諾英先生, GBS, GBS, JP
主席：何俊仁先生
行政總裁：江俊傑先生

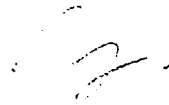
商務總裁：香港立信德業會計師事務所有限公司
商務公司總裁：萬國城市服務有限公司
商務總裁：瑞士打拉銀行
商務副總裁：匯豐銀行
社區發展部

Patron: The Honourable CY Leung, GBS, GBS, JP
Chief Executive of the HKSAR
Chairman: Mr Edward M. Ho
CEO: Mr Peter Cornhill

Honorary Auditors: BDO Limited
Honorary Company Secretary:
McCabe Secretariat Services Limited
Honorary Secretaries: Mayer Brown JSM
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

We hope our concern and objection will be duly considered by the Town Planning Board.

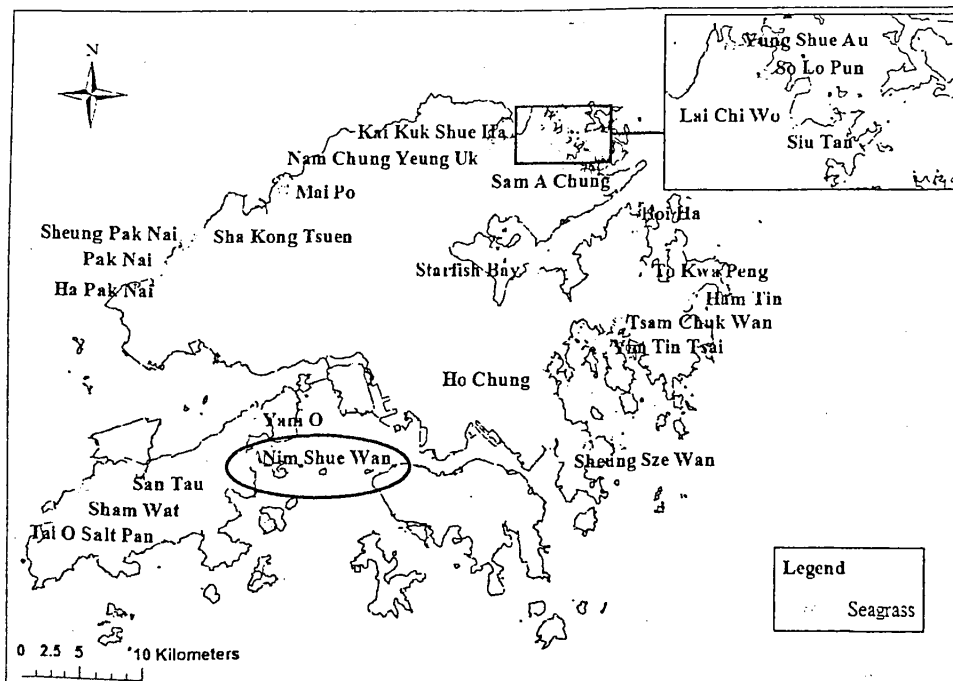
Sincerely yours,



Andrew Chan
Conservation Officer, Local Biodiversity

cc. Peninsula Village Owners Committee

Fig 1 Location of the seagrass bed at Nim Shue Wan according to AFCD²



tpbpd

寄件者: Xenia Rensinghoff [REDACTED]
寄件日期: 09月12月2016年 星期五 17:43
收件者: tpbpd@pland.gov.hk
主题: Application No. Y/I-DB/3 Area 10b
附件: Application No.Y_I-DB_3 Area 10b.pdf

5369

Dear Sirs,

please open and pay attention to the attachment below.

best regards,

Xenia Rensinghoff

[REDACTED]



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I'm writing to you to refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to comment on the captioned application 27.10.2016.

Please note that I **strongly object** to the submission regarding the proposed development. My main reason of objection are explained below:

1. The felling of 168 fully grown trees will cause a huge environmental impact in this area and would be an ecological disaster.
2. the pollution, nuisance and disruption by the construction could cause health issues to the residents and owners.
3. DB was originally planned with an infrastructure of maximum 25,000 people. The increase of population as proposed will have an impact of all DB owners and occupiers for lack of roads, maintenance and related utilities, which will relate to disruption of all DB residents.
4. the removal of the helipad for emergency is not wanted. It is an absolute necessity for such a huge population for health and safety reasons.
5. originally the area 10b was assigned in the PDMC as "service area" and part of the "city common areas". This will not be possible with the building of private houses and roads. HKR should respect original city rules.
6. If you do as proposed the area would change from a service into a residential area, which is NOT in the interest of the existing residents and owners.
7. the proposed closed podium structure to the bus stop, the repair workshop, the dangerous goods stores including the petrol filling station and the RCP are

not thought through properly and is unsatisfactory. It will be a safety hazard to the health of the workers and the residents living close to it.

8. land reclamation and construction of over sea decking with a width of 9-34m poses an environmental hazard to the immediate rural natural environment. This will lead to possible sea pollution issues and will have an impact on the sea bed and sea shore.


9. the additional 4m wide waterfront promenade will cause major issues such as: a disturbance to Peninsula Residence as their view will be interrupted and the noise level is higher. The existing path is well used by walkers with a natural view on stones, the dam and the tides to be watched.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, I strongly believe that the application for Area 10b should be withdrawn.

X. Renshoff

9.12.2016

Name of Discovery Bay Owner / Resident: Xenia Rensinghoff, owner

Address: 

tpbpd

寄件者: Chiu Kitty [REDACTED]
寄件日期: 09/11/2016年星期五 17:17
收件者: tpbpd@pland.gov.hk
主题: Application No. Y/I-DB/3 Area 10b

5370

Dear Sirs,

I have read the attached submission from the PENINSULA OWNERS COMMITTEE for 10b (PARKVALE OWNERS COMMITTEE for 6f) and I wish to register my objection with the TPB accordingly.

Kitty Chiu



tbpxd

寄件者:
寄件日期:
收件者:
主旨:

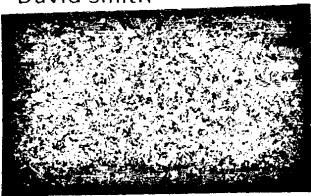
David Smith
09日12月2016年星期五 17:17
tbpxd@pland.gov.hk
Application No YI-DB/3 OBJECTION

5371

Regarding an application to build two towers in Area 6A of Discovery Bay (application number YI-DB/3), I object most strenuously as a person living immediately below this site in Parkvale Village for more than 12 years.

- 1) The developer, HKR, is building all around Discovery Bay and appears to have lost control of managing the overall environment and providing facilities for the present population. HKR should not be allowed to start any new projects until it has finished all that it is doing and resolved the mess and mitigated at least in part for some of the shocking environmental destruction (loss of natural features including streams and trees). The rate of destruction appears have gained speed in recent years.
- 2) Among other losses in overall quality of life, further development of Parkvale Village would in particular put an impossible load on the present transportation services. Buses are already dangerously overloaded. More buses will mean more hazards in a restricted area. And if the two blocks rightly known in the area as the Monster Towers go forward then additional access will be required. More trees lost.
- 3) Among the various shambles in DB right now are drainage/sewer works going on in many locations. This development would mean even more.
- 4) That HRI is controlled wholly by an entity that operates for the advancement of the Chinese Government/Chinese Communist Party makes it vital that authorities in Hong Kong rein in the people who appear to be undermining President Xi's efforts to fight the excessive greed that is undermining the nation.

David Smith



December 9, 2016



寄件者:
寄件日期:
收件者:
主旨:

NH Lau [REDACTED]
09日12月2016年, 星期五 17:07
tpbpd@pland.gov.hk

5372

Section 12A Application No. Y/I-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay Objection to the Submission by the Applicant on 27.10.2016

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point (Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b. Masterplan is wrong to assume that ownership of undivided shares ipso facto gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant.

Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company."

As such, the applicant may not assign the Reserved Portion – which includes the Service / a defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the

proper 'reclamation' "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the

claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.

9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.

11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.

12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Sincerely yours,
KH Lau

[Redacted signature block]

5372

19

tpod

发件者
发件日期
收件者
主题:
附件:

Adam Alon [REDACTED]
06/20/2010 10:51:00 AM
tpod@plaid.galax
Objection to Application No. TPEB 10 020
Objection to Application No. TPEB 10 020 per ATTORNEY

5373

Dear sirs,

Please find a letter of objection attached

Yours,

To: Secretary, Town Planning Board
(Via email: tpbpd@pland.gov.hk)
Application No.: TPB/Y/I-DB/3

8 December, 2016

Dear Sirs,

Re: Hong Kong Resort Co Ltd's Revised Application to Develop Area 10b (Waterfront near Peninsula Village) ("the Application")

I am a tenant resident in Peninsula Village, Discovery Bay.

I object to the Application generally as I believe it is an inappropriate extension of the Discovery Bay development, and specifically on the following grounds:

1) The proposed development substantially detracts from the low-density character of the area and if accepted would result in a material increase in population density in the most sensitive waterside zone.

The current Outline Zoning Plan No. S/I-DB/4 (the "OZP") reflects a height restriction of 9m for much of the area comprised in the Application and generally contemplates population increase

"mainly from the future phases of the Discovery Bay development in Yi Pak" (Para 6.2 of the Explanatory Statement).

Moreover

"The general planning intention of the Area is for conservation of the natural environment and to provide for low-density developments compatible with the surrounding natural setting" (Para 7.1).

It also provides that

"the unique sub-urban low-density ... of the development should be maintained" (Para 7.2).

Any relaxation of the general planning intention would open the way to greater density in this and future planning applications and profoundly alter the intended nature of the development as previously established and the planning intention enunciated in the OZP.

2) The planning principle of a stepped approach and low-rise development on coastal lowland is ignored.

The OZP notes that

"a stepped height approach with low-rise on the headland and coastal lowland and high-rise further inland is adopted" (Para 7.3).

Both M1 and M2 are higher above principal datum than Twilight Court, and also the adjacent high-rise buildings at Capevale Drive. Moreover they are situated on the coastal lowland area. This important principle is therefore completely disregarded by the proposal.

In fact M2 extends several meters higher than both Verdant Court and Haven Court, the most closely adjacent buildings, despite these being situated uphill from M2. Similarly M1 is significantly higher than Twilight Court.

In their Responses to Comments dated 26 October 2016, in response to the UD&L's urban design comment 4(a) regarding the general design concept of a stepped height approach with low-rise on the headland, the Applicant responds partially on the question of bulk in regard to M2 (though egregiously refers to it as a "mid-rise"), but totally fails to deal with the question of a stepped approach, and again completely disregards this important principle.

Approval of the Application would constitute a major change to the OZP in this respect and challenge the legitimate expectation of existing owners that the principles set out in the existing OZP would be applied fully and consistently, and not treated as a voluntary or infinitely variable guideline to be disregarded or amended to suit the developer to the detriment of the residential environment.

3) The total population of Discovery Bay was set at 25,000, but together with existing approvals this would increase to 29,000 if this Application were approved, placing an unsupportable burden on existing water and sewerage infrastructure, and contravening the Land Grant.

Under the Land Grant Discovery Bay is required to be self-sufficient in water and sewerage services. However the reservoir was built for a maximum population of 25,000. The Government has declined to provide services to cater for a population above this number.

Nevertheless in their Responses to Comments dated 26 October 2016, in response to the Water Services Department's comment on the sufficiency of supply capacity for an extended population the Applicant can seemingly do no more than respond that they intend to go back to pre-2000 infrastructure and hope that the Government will provide facilities which have already been declined. In other words this application is based on hope more than on prudent planning.

The total population of 25,000 should not be increased as a result of this Application.

4) The proposed development appears to exceed building height restrictions

Para 8.1.3 of the OZP states that

"To preserve the existing amenity and character, and to avoid excessive development overburdening the infrastructure provisions and external transport capacity of the Area, on land under this zoning,

no new development or addition, alteration and/or modification to or redevelopment of an existing building (including structure) shall result in a total development or redevelopment in excess of the gross floor area (GFA) and building height restrictions set out in the Notes of the Plan."

The two main high-rise blocks M1 and M2 appear to exceed these building height restrictions at 86m and 79m above principal datum respectively.

5) The Environmental Impact Assessment ("EIA") is potentially misleading in regard to the marine light diesel ("MLD") refueling facility

Para 4.2.4.6 of the further revised EIA states that *"ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator"* but is non-specific about its location.

Para. 4.2.4.7 states that

"There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment."

In their Responses to Comments dated 26 October 2016, the Applicant stated that *"No MLD filling activities are presented"*, and that *"The operators have confirmed the route [to the MLD facility] will be outside 500m assessment area"*. However figure 4.3 of the original EIA (which has apparently been removed) evinced a clear intention to locate the facility within Nim Shue Wan, only a few meters from the revised sea wall, and therefore well within the 500m Assessment Area. This would be contrary to the assertion that there would be no travelling or refueling within the Assessment Area.

Further clarification of the intention of the Applicant in regard to the relocation of the MLD facility is required as any ferries based in Tsoi Yuen Wan and travelling to the proposed refueling facility would of necessity travel through the Assessment Area, and refueling would take place within that area.

6) Any fuel barge situated in Nim Shue Wan – which is not included in the Application but would be a direct consequence of its approval - would be unsightly and a potential source of pollution.

Moreover it would be inconsistent with the stated *"general planning intention of the Area ... for conservation of the natural environment"* (OZP para 7.1) and would detract from the general amenity of the bay.

7) The Application photo-montage B.7 is misleading as to the visual impact

Annex B.7 is misleading, even allowing for exaggerated perspective caused by the wide-angle nature of the photograph. A line drawn from the top of Twilight Court through the top points of Jovial Court and Verdant Court (all of

which are 17 floors in height) and extended to M.2, implies that M.2 (which is proposed to be 18 floors) is the same height, which is manifestly incorrect.

8) Current small boat moorings in Nim Shue Wan along the existing sea-wall leading to the Kai-to pier (outside the current boundary of the Discovery Bay Development) will be lost to the encroachment.

There is no indication of any plan to relocate these or provide alternative facilities.

Yours sincerely,

Adam White



tpbpd

寄件者:
寄件日期:
收件者:
主旨:

Pushkin Sane [REDACTED]
09/11/2016 年 星期五 16:21
tpbkd@pland.gov.hk
Section 12A Application No. Y/I-DB/3 Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

5374

The Secretariat

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,



Section 12A Application No. Y/I-DB/3

Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

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Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

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Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

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The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August 2016, for public comment, the Board should reject the application outright.



4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.

5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by

7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.

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12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Regard

Pushkar Vijay Sane

Discovery Bay

Hong Kong

5374

lrbnd

收件者: Lindsey, Eric
寄件日期: 01/12/2016 10:54 am
收件者: "prop@pland.com"
主题: Application No. TP&T 110260
附件: Application Comments 12 Dec 15.pdf

5375

Please see attached.

Yours sincerely,
Lindsey Ford

To: Secretary, Town Planning Board
(Via email: tpbpd@pland.gov.hk)
Application No.: TPB/Y/I-DB/3

8 December, 2016

Dear Sirs,

Re: Hong Kong Resort Co Ltd's Revised Application to Develop Area 10b (Waterfront near Peninsula Village) ("the Application")

I am a tenant resident in Peninsula Village, Discovery Bay.

I object to the Application generally as I believe it is an inappropriate extension of the Discovery Bay development, and specifically on the following grounds:

1) *The proposed development substantially detracts from the low-density character of the area and if accepted would result in a material increase in population density in the most sensitive waterside zone.*

The current Outline Zoning Plan No. S/I-DB/4 (the "OZP") reflects a height restriction of 9m for much of the area comprised in the Application and generally contemplates population increase

"mainly from the future phases of the Discovery Bay development in Yi Pak" (Para 6.2 of the Explanatory Statement).

Moreover

"The general planning intention of the Area is for conservation of the natural environment and to provide for low-density developments compatible with the surrounding natural setting" (Para 7.1).

It also provides that

"the unique sub-urban low-density ... of the development should be maintained" (Para 7.2).

Any relaxation of the general planning intention would open the way to greater density in this and future planning applications and profoundly alter the intended nature of the development as previously established and the planning intention enunciated in the OZP.

2) *The planning principle of a stepped approach and low-rise development on coastal lowland is ignored.*

The OZP notes that

"a stepped height approach with low-rise on the headland and coastal lowland and high-rise further inland is adopted" (Para 7.3).

Both M1 and M2 are higher above principal datum than Twilight Court, and also the adjacent high-rise buildings at Capevale Drive. Moreover they are situated on the coastal lowland area. This important principle is therefore completely disregarded by the proposal.

In fact M2 extends several meters higher than both Verdant Court and Haven Court, the most closely adjacent buildings, despite these being situated uphill from M2. Similarly M1 is significantly higher than Twilight Court.

In their Responses to Comments dated 26 October 2016, in response to the UD&L's urban design comment 4(a) regarding the general design concept of a stepped height approach with low-rise on the headland, the Applicant responds partially on the question of bulk in regard to M2 (though egregiously refers to it as a "mid-rise"), but totally fails to deal with the question of a stepped approach, and again completely disregards this important principle.

Approval of the Application would constitute a major change to the OZP in this respect and challenge the legitimate expectation of existing owners that the principles set out in the existing OZP would be applied fully and consistently, and not treated as a voluntary or infinitely variable guideline to be disregarded or amended to suit the developer to the detriment of the residential environment.

3) The total population of Discovery Bay was set at 25,000, but together with existing approvals this would increase to 29,000 if this Application were approved, placing an unsupportable burden on existing water and sewerage infrastructure, and contravening the Land Grant.

Under the Land Grant Discovery Bay is required to be self-sufficient in water and sewerage services. However the reservoir was built for a maximum population of 25,000. The Government has declined to provide services to cater for a population above this number.

Nevertheless in their Responses to Comments dated 26 October 2016, in response to the Water Services Department's comment on the sufficiency of supply capacity for an extended population the Applicant can seemingly do no more than respond that they intend to go back to pre-2000 infrastructure and hope that the Government will provide facilities which have already been declined. In other words this application is based on hope more than on prudent planning.

The total population of 25,000 should not be increased as a result of this Application.

4) The proposed development appears to exceed building height restrictions

Para 8.1.3 of the OZP states that

"To preserve the existing amenity and character, and to avoid excessive development overburdening the infrastructure provisions and external transport capacity of the Area, on land under this zoning,

no new development or addition, alteration and/or modification to or redevelopment of an existing building (including structure) shall result in a total development or redevelopment in excess of the gross floor area (GFA) and building height restrictions set out in the Notes of the Plan."

The two main high-rise blocks M1 and M2 appear to exceed these building height restrictions at 86m and 79m above principal datum respectively.

5) *The Environmental Impact Assessment ("EIA") is potentially misleading in regard to the marine light diesel ("MLD") refueling facility*

Para 4.2.4.6 of the further revised EIA states that *"ferry diesel refilling will be conducted on marine based filling station outside Discovery Bay as advised by the operator"* but is non-specific about its location.

Para. 4.2.4.7 states that

"There will be no emission from the ferries during MLD refilling, and no traveling between the ferry pier at Tsoi Yuen Wan and the refilling facility within the assessment area in the future. Hence, marine emission due to the refilling activity would not be included in this assessment."

In their Responses to Comments dated 26 October 2016, the Applicant stated that *"No MLD filling activities are presented"*, and that *"The operators have confirmed the route [to the MLD facility] will be outside 500m assessment area"*. However figure 4.3 of the original EIA (which has apparently been removed) evinced a clear intention to locate the facility within Nim Shue Wan, only a few meters from the revised sea wall, and therefore well within the 500m Assessment Area. This would be contrary to the assertion that there would be no travelling or refueling within the Assessment Area.

Further clarification of the intention of the Applicant in regard to the relocation of the MLD facility is required as any ferries based in Tsoi Yuen Wan and travelling to the proposed refueling facility would of necessity travel through the Assessment Area, and refueling would take place within that area.

6) *Any fuel barge situated in Nim Shue Wan – which is not included in the Application but would be a direct consequence of its approval - would be unsightly and a potential source of pollution.*

Moreover it would be inconsistent with the stated *"general planning intention of the Area ... for conservation of the natural environment"* (OZP para 7.1) and would detract from the general amenity of the bay.

7) *The Application photo-montage B.7 is misleading as to the visual impact*

Annex B.7 is misleading, even allowing for exaggerated perspective caused by the wide-angle nature of the photograph. A line drawn from the top of Twilight Court through the top points of Jovial Court and Verdant Court (all of

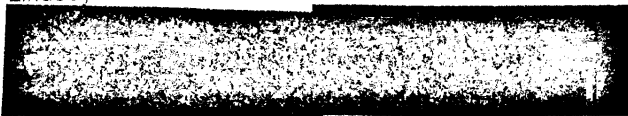
which are 17 floors in height) and extended to M.2, implies that M.2 (which is proposed to be 18 floors) is the same height, which is manifestly incorrect.

8) Current small boat moorings in Nim Shue Wan along the existing sea-wall leading to the Kai-to pier (outside the current boundary of the Discovery Bay Development) will be lost to the encroachment.

There is no indication of any plan to relocate these or provide alternative facilities.

Yours sincerely,

Lindsey Ford



tpbpd

寄件者: Ekrimoa [REDACTED]
寄件日期: 09日12月2016年 星期五 14:18
收件者: tpbpd@pland.gov.hk
主旨: Area 10b, Lot 385 RP & Ext. (Part) in D.D 352, Discovery Bay

5376

Dear Sirs,

I would like to repeat the same comments as previously submitted. My concerns are the infrastructures such as water, sewage, gaz, transportation for potentially 3 or 4000 people, also the impacts on the environment. I believe this project is much too big for such a small stretch of land.

Best regards,

Baby HEFTI

Peninsula

Sent from my iPhone



5377

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

9th December, 2016.

By email only

Dear Sir/ Madam,

To rezone the application site from "Other Specified Uses" annotated
"Staff Quarters (5)" to "Residential (Group C) 12"
(Y/I-DB/2)

&

To rezone the application site from "Other Specified Uses" annotated "Staff Quarters
(1)", "Other Specified Uses" annotated "Service Area", "Other Specified Uses"
annotated "Dangerous Goods Store/Liquefied Petroleum Gas Store", "Other Specified
Uses" annotated "Pier (3)", "Other Specified Uses" annotated "Petrol Filling Station",
"Other Specified Uses" annotated "Marina" and "Government, Institution or
Community" to "Residential (Group C) 13", "Government, Institution or Community",
"Other Specified Uses" annotated "Residential Above Service Area" and "Other
Specified Uses" annotated "Promenade" and to extend the Outline Zoning Plan
boundary beyond the existing seawall and zone it as "Residential (Group C) 13" and
"Other Specified Uses" annotated "Promenade"

(Y/I-DB/3)

1. We refer to the captioned.
2. We consider that the comments made in our previous submission are still valid; please refer to Appendix 1.
3. In addition, we would like to provide our views regarding some recent responses made by the applicant to the comments of the authorities.
4. We would like to make clear that impact on fisheries does not only cover impacts on Fish Culture Zones (FCZs). Impacts on capture fisheries and fisheries resources (e.g., spawning

grounds, nursery grounds) should also be considered as specified in the Technical Memorandum on Environmental Impact Assessment Process. The impact assessment regarding these sensitive receivers and other marine ecological sensitive receivers (like the seagrass beds at Nim Shue Wan and corals) largely depends on the results of the marine water quality impact assessment.

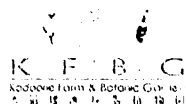
5. We would like the Board to clarify with the relevant authorities and the applicant as to whether proper water quality modeling analyses have been conducted to assess the potential marine water quality impacts that would be caused by the proposed project (i.e., Y/I-DB/3). We hope that such modeling analysis has been carried out and the results are acceptable to the relevant authorities. If no such modeling analysis has been undertaken, we would like the Board to request for the rationale and explanations for such an omission from the assessment process.

6. We are highly concerned about the potential ecological impacts that would be caused by these projects. We consider that comprehensive ecological impact assessments should be carried out for both projects and the results of such studies presented to the Board. We consider that it is not acceptable to approve these applications without the Board being provided with such information.

7. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

cc. Hong Kong Bird Watching Society
WWF-HK



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

12th July, 2016.

By email only

Dear Sir/ Madam,

To rezone the application site from "Other Specified Uses" annotated
"Staff Quarters (5)" to "Residential (Group C) 12"

(Y/I-DB/2)

&

To rezone the application site from "Other Specified Uses" annotated "Staff Quarters
(1)", "Other Specified Uses" annotated "Service Area", "Other Specified Uses"
annotated "Dangerous Goods Store/Liquefied Petroleum Gas Store", "Other Specified
Uses" annotated "Pier (3)", "Other Specified Uses" annotated "Petrol Filling Station",
"Other Specified Uses" annotated "Marina" and "Government, Institution or
Community" to "Residential (Group C) 13", "Government, Institution or Community",
"Other Specified Uses" annotated "Residential Above Service Area" and "Other
Specified Uses" annotated "Promenade" and to extend the Outline Zoning Plan
boundary beyond the existing seawall and zone it as "Residential (Group C) 13" and
"Other Specified Uses" annotated "Promenade"

(Y/I-DB/3)

1. We refer to the captioned.
2. We are highly concerned about the potential ecological impacts that would be caused by these projects. We consider that proper ecological impact assessments should be carried out for both projects and the results of such studies presented to the Board. We would consider that it is not acceptable to approve these applications without the Board being provided with this information.
3. As can be seen from an aerial photograph taken in 2016 (Figure 1), the site for the first application (Y/I-DB/2) is quite well-vegetated and would be ecologically linked with the

surrounding hillside vegetation. According to the AFCD, there are also seagrasses present at Nim Shue Wan¹. In addition, we would like the Board to clarify with the applicant as to whether reclamation of the foreshore is required for the second application (Y/I-DB/3). If the answer is 'Yes', we are highly concerned that the seagrass beds will be seriously affected by the future scale of engineering works associated with this application.

4. We urge the Board to clarify with the applicant and the relevant authorities as to whether ecological impact assessments have been carried out to identify and evaluate the ecological value of the application sites and their surroundings as well as the potential ecological impacts of the proposals. If not yet done, we urge the Board to consult with the Conservation Authority and request for such assessments for these applications. Relevant mitigation measures should also be clearly articulated if ecological impacts are identified for these sites and their surroundings.

5. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹https://www.afcd.gov.hk/english/conservation/con_wet/con_wet_sea/con_wet_sea_dis/images/ThecurrentdistributionofseagrassesinHongKong201402EngMP.jpg

Figure 1. The application site (Y/I-DB/2) approximately marked by the red circle.



tpbd

寄件者: Sameer Satay
寄件日期: 10月12月2016年 星期一 10:41
收件者: tpbd@pland.gov.hk
主题: Objection to HKR's plans to continue eroding our quality of life in DB with these illegal and corrupt plans
附件: Area 10b Objection.docx; Area 6f Resident Objection.docx

N/A-DB,3

5378

Dear TPB,

I just want to make it clear, that HKR abuses its power at every level, engaging in coercion, intimidation and downright illegal methods to develop as it pleases. THESE MUST STOP. We have democratically always opposed their non-inclusive planning approaches. Its very top down, and NEVER with consent of residents. All they do is hold village meetings, and make their own decisions anyway after having "ceremoniously informed" us the residents. There is no due diligence, no representation and we have the feeling its just corruption at every level of government that authorises all these re-zoning issues for example. Kindly see my rejection of their absurd, detrimental plans for any further developments in Discover Bay, thank you.

Kind regards,

Sameer - a long time resident in DB and HK since 1992.

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. The HKR claim that they are the sole land owner of Area 10b is in doubt. The lot is now held under the Principal Deed of Mutual Covenant (PDMC) dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be maintained, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This the submission has not addressed.
3. The Proposal is major change to the development concept of the Lot and a fundamental deviation of the land use from the original approved Master Layout Plans and the approved Outline Zoning Plan in the application, i.e. a change

from service into residential area. Approval of it would be an undesirable precedent case from environmental perspective and against the interests of all resident and owners of the district.

4. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surrounding. There are possible sea pollution issues posed by the proposed reclamation. This is a violation of the lease conditions, in contravention of the Foreshore and Sea-bed (Reclamation) Ordinance together with encroachment on Government Land, along with other transgressions. The submission has not satisfactorily addressed these issues and has been completed without any proper consultation with the co-owners.
5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot stand up under such a substantial increase in population implied by the submission. All DB property owners and occupiers would have to suffer and pay the cost of the necessary upgrading of infrastructure to provide adequate supply or support to the proposed development. For one example the required road networks and related utilities capacity works arising out of this submission. The proponent should consult and liaise with all property owners being affected. At minimum undertake the cost and expense of all infrastructure of any modified development subsequently agreed to. Disruption to all residents in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
7. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those

polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to satisfaction of all property owners of Discovery Bay.
10. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of the development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and we agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...."

and by Planning Department that :

"...towers closer to the coast should be reduced in height to minimize the overbearing impact on the coast" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps...." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : Sameer Safaya Date: 9/12/2016

Name of Discovery Bay Owner / Resident: Sameer Safaya

Address: [REDACTED]

mbpd

发件者:
收件日期:
收件者:
主题:
附件:

Ling Yi Zou [REDACTED]
09月12月2016-星期五 13:26
tphpd@pland.gov.hk
Objections to 10B & 6F HKD application
10b JB.pdf; 6f JB.pdf

Y/1-DB.3

5379

Hi,

Please see my comments attached.

Regards,
Jerker Berthou

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. V/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the response to comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas

as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

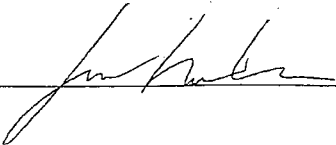
4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the

claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 2016-12-09

Name of Discovery Bay Owner / Resident: Jerker Berman

Address: 

trbpd

寄件者:
寄件日期:
收件者:
主题:

Billy Chi Ho Wong
09/12/2016 年 12 月 09 日
Billy Chi Ho Wong, trbpd@pland.gov.hk
Objection to the submission by the applicant on 27/10/2016

5380

Dear Sir / Madam,

I am a Discovery Bay resident and I attached my objection letters for the Section 12A Application No. Y/1-DB/2 Area 9 and Area 10b, Lot 385 RP & Ext. (Part) in D.D.352, Discovery Bay respectively for your record.

Thanks and Regards,
Chi Ho Wong

Y/1-DB/3

The Secretariat
Town Planning Board
15 North Point Government Offices
151A North Point Road, North Point
(Via email: stphpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort (HKR) Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly, please, note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into

area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.


4. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure capacity could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption during construction to other property owners in the vicinity should be properly mitigated and addressed in the submission.
5. The proposed felling of 118 nos. mature trees in Area 6f is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
6. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory in term of its proposed height, massing and disposition in this revision. The two towers are still sitting too close to each other which may create a wall-effect to the existing rural natural setting, and would pose an undesirable visual impact to the immediate surrounding, especially to those existing towers in the vicinity.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 100^{6f} should be withdrawn.

Signature: 

Date: 7th December 2016

Name of Discovery Bay Owner / Resident: CHI HO WONG

Address: 

tbpd

寄件者:
寄件日期:
收件者:
主题:
附件:

ton.chan. [REDACTED]
09/12/2019年 星期五 15:55

tbpd@pland.gov.hk

Discovery Bay Area 10b and 6F - Objection Letter to TFB

M_Area 10b (Peninsula) - Objection Letter to TFB 3.pdf; M_Area 6F - Behind Park Lane - Objection Letter to TFB 3.pdf

YH-DSG

5391

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

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1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas

as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the

claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns. D
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b. (1)
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

- 10.! The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
- 11.! We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
- 12.! The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature :  Date: 9-12-2016

Name of Discovery Bay Owner / Resident: Chan Siu Kong

Address: 

tblpd

收件者:
寄件日期:
收件者:
主题:
附件:

Date: [redacted] 2008-03-23
Subject: [redacted]
To: [redacted]
From: [redacted]
Subject: [redacted]

7-020

5392

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

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as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

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Signature :  Date: 9-12-2016

Name of Discovery Bay Owner / Resident: Chan Siu Kong

Address: 

to: [redacted]

寄件者:
寄件日期:
收件者:
主旨:
附件:

Chan Tom [redacted]
09日12月2009年
to: [redacted] 11-DS.3
Discovery Bay Area [redacted] and 6F - Objection Letter to TPE
D_Area 6f (Behind Parkvale) - Objection Letter to TPE.pdf
D_Area 6f (Behind Parkvale) - Objection Letter to TPE.pdf

5383

The Secretariat
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15/F, North Point Government Offices
333 Java Road, North Point
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Signature :  _____ Date: 9-12-2016

Name of Discovery Bay Owner / Resident: Chan Suk Ching _____

Address:  _____

robod

5854

寄件者: [Redacted]
寄件日期: [Redacted]
收件者: [Redacted]
主题: Discovery Bay Area, [Redacted] - [Redacted] Letter to TBE
[Redacted] Area of [Redacted] Parkways, [Redacted] Letter to TBE, [Redacted] Area, [Redacted] [Redacted] Letter to TBE

The Secretariat
Town Planning Board
15 F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

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Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas

as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the

claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 9-12-2016

Name of Discovery Bay Owner / Resident: Chan Wai Chung

Address: 

0000

2014
2014
2014
111
2014

Lau Tak Chi
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

5385

Y/1/12/13

Objections to HKR's two applications to the Town Planning Board (TPB) to develop Areas of (Behind Parkvale) and (100) Service Area at the waterfront of Peninsula Village in Discovery Bay
Area of (Behind Parkvale) - Objection Letter to TPB docx, Area 10b (Peninsula) - Objection Letter to TPB docx

Dear Sir,

In response to the applications by HKR to the Town Planning Board for the development of the areas cited in the Subject heading above, please note that I strongly object to such kinds of developments. Full arguments against the same are attached.

Grateful if you would pay due attention to the reasons and reject the applicant's submissions.

Thank you,

Lau Tak Chi

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sirs,

Section 12A Application No. Y/T-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposed development of the lot. My main reasons of objection on this particular submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

"...such part or parts of the Service Area as shall be used for the benefit of the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

- (i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be*

carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, it is moot whether HKR is actually the "sole land owner" of Area 10b. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should reject the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.
3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is far from clear and must be reviewed carefully. At page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

HKR has provided no account of the source of the undivided shares allocated to all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).
6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational

health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of DB.
11. We disagree with the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature : _____ Date: 9th Dec 2016

Name of Discovery Bay Owner / Resident: Lau Tak Chi

Address: _____

寄件者:
寄件日期:
收件者:
主题:

catherine.mackinnon
09/11/2016年 星期五 15:04
tphed@pland.gov.hk
Objection to 2 new Discovery Bay proposed developments - Area 10E and Area 6F

Y/1-DB/3

5386

Dear Sir/Madam

I wish to register my strong objection to the above 2 developments in my home town of Discovery Bay. I am a permanent resident of Hong Kong, having lived here for over 15 years now. I chose to live in Discovery Bay because of the relatively low density population, hence lower levels of pollution and the access to nature and currently own 3 properties in Discovery Bay. I am very concerned about the proposed developments as it is my belief that, with the large increase in population, they will alter Discovery Bay beyond recognition. Neither do I believe that DB has the infrastructure to support such a large increase in population. What about sewerage, buses, rubbish collection, schools, leisure facilities, medical facilities, water etc etc? - the proposed plans do not adequately explain how this can possibly work. As a resident, I also worry about the noise levels during renovation and the disruption to resident's every day lives during the very long renovation period for a project on such a large scale.

To summarize, I wish to object to applications Y/1-DB/3 and Y/1-DB/2. Such an enormous increase in population is simply not feasible in Discovery Bay and will cause widespread upset.

Yours faithfully
Catherine Mackinnon
R132153(5)

tpbpd

寄件者: Lee Yeung [REDACTED]
寄件日期: 09/11/2016 星期五 14:55
收件者: tpbpd@pland.gov.hk
主旨: Objection to the Submission by the Applicant on 27.10.2016 related to Section 12A Application No. Y/I-DE/2 and 3
附件: Area 6f Objection (2016.12.8).pdf; ATT00031.txt; Area 10f Objection (2016.12.8).pdf

5387

Dear Secretariat of Town Planning Board,

Y/I-DB/3

Please find objection letters related to subject above attached.

Many thanks,
Ms YEUNG

>>>>

>>>



The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: mbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

Dear Sir,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.



Kindly please note that I strongly object to the submission regarding the proposed development of the Lot. My main reasons of objection on this particular submission are listed as follows:-

1. HKR claims that they are the sole land owner of Area 10b is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 10b forms part of the "Service Area" as defined in the PDMC. Area 10b also forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Layout Plans or the approved Outline Zoning Plan in the application, i.e. from service area into residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.
4. The proposed reclamation and construction of a decking with a width of 9-34m pose environmental hazard to the immediate rural natural surrounding. There are possible sea pollution by the proposed reclamation, violation of the lease conditions, contravention of the Foreshore and Sea-bed (Reclamation) Ordinance, and encroachment on Government Lands etc. The submission has not satisfactorily addressed these issues and without any proper consultation with the co-owners.

5. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development, e.g. all required road network and related utilities improvement works arised out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption to other property owners in the vicinity should be properly mitigated and addressed in the submission.
6. The proposed felling of 168 nos. mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
7. I disagree the applicant's statement in item E.6 of RtC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to
8. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops, the dangerous goods stores including petrol filling station and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
9. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of Discovery Bay.
10. I disagree the applicant's response in item (b) of UD&L, PlanD's comment in RtC that the proposed 4m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
11. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory and I agree that the comments made by Architectural Services Department that "...The podium of the building blocks nos. L7 to L14 is about 250m in length that is too long and monotonous. Together with the continuous layouts of the medium-rise residential blocks behind, the development may have a wall-effect and pose considerable visual impact to its vicinity...." and by Planning Department that "...towers closer to the coast should

be reduced in height to minimize the overbearing impact on the coast;" and that "...Public viewers from the southwest would experience a long continuous building mass abutting the coast. Efforts should be made to break down the building mass with wider building gaps..." are still valid after this revision.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 8/12/2016
Name of Discovery Bay Owner / Resident: YOUNG USE
Address: 

tbpcd

寄件者: Ebba Lo [REDACTED] 5388
寄件日期: 09/11/2016年星期五 14:27
收件者: tbpcd@pland.gov.hk
主题: Re Objection: Area 10b and area 6f, Discovery Bay
附件: image1.JPG; ATT00013.txt; image2.JPG; ATT00016.txt; image3.JPG; ATT00019.txt; image4.JPG; ATT00022.txt

To whom it may concern,

Pls see attached objections related to:

- Area 10b, Lo 385, RP & Ext (Part) in D.D. 352, Discovery Bay ✓

Y/1-DB/3

- Area 6f, Lot 385, RP & Ext (Part) in D.D. 352, Discovery Bay

BR Ebba Lo



- 10. Section 17
- 11. Section 18
- 12. Section 19
- 13. Section 20
- 14. Section 21
- 15. Section 22
- 16. Section 23
- 17. Section 24
- 18. Section 25
- 19. Section 26
- 20. Section 27
- 21. Section 28
- 22. Section 29
- 23. Section 30
- 24. Section 31
- 25. Section 32
- 26. Section 33
- 27. Section 34
- 28. Section 35
- 29. Section 36
- 30. Section 37
- 31. Section 38
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- 70. Section 77
- 71. Section 78
- 72. Section 79
- 73. Section 80
- 74. Section 81
- 75. Section 82
- 76. Section 83
- 77. Section 84
- 78. Section 85
- 79. Section 86
- 80. Section 87
- 81. Section 88
- 82. Section 89
- 83. Section 90
- 84. Section 91
- 85. Section 92
- 86. Section 93
- 87. Section 94
- 88. Section 95
- 89. Section 96
- 90. Section 97
- 91. Section 98
- 92. Section 99
- 93. Section 100

16. Notes:

Section 17A Application No. Y 1-DB13

Area 10b, Lot 185 R.F.S. Ltd (Part) in D.D. 352, Districts, B.C.

Objection to the Submission by the Applicant on 27.10.2016

1. The "Final Response to Comments" was submitted by the consultant for Hong Kong
 2. of HKR to Masterplan Limited ("Masterplan") in addition to the departmental
 3. comments regarding the application applicants on 27.10.2016.

4. Kindly please note that I strongly object to the submission received by the
 5. proposed development of the lot. My main reasons of objection for this particular
 6. submission are listed as follows:

7. I reject the claim made in response to Paragraph #10 in the comments from the
 8. District Lands Office ("DLO") that the applicant (HKR) has the absolute right to
 9. develop Area 10b.

10. Masterplan is wrong to assume that ownership of undivided shares (*pro facto*)
 11. gives the applicant the absolute right to develop Area 10b. The right of the
 12. applicant to develop or redevelop any part of the lot is restricted by the Land
 13. Grant dated 10 September, 1976; by the Master Plan identified at Special
 14. Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC")
 15. dated 30 September, 1982.

16. Upon the execution of the DMC, the lot was notionally divided into 250,000
 17. equal undivided shares. To date, more than 100,000 of these undivided shares
 18. have been assigned by HKR to other owners and to the Manager. The rights and
 19. obligations of all owners of undivided shares in the lot are specified in the DMC.
 20. HKR has no rights separate from other owners except as specified in the DMC.

21. Area 10b forms the "Service Area", as defined in the DMC and shown on the
 22. Master Plan. As per the DMC, the definition of City Common Areas includes the
 23. following:

24. "... such part or parts of the Service Area as shall be used for the benefit of

safety hazard of the workers within the fully enclosed structure and in possible suitable mitigation measures to minimize their effects to the workers and the residents nearby.

10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the nearest hospital, due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning proposal by the applicant to the satisfaction of all property owners of 10b.
11. We disagree with the applicant's response in item 10 of UDAW1 Panel's comment in R17 that the proposed 3m wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters is unsatisfactory in view of its rural and natural setting.
12. The Application has not shown that the relocation of the dangerous goods store to another part of the lot is viable. Any proposal to remove the existing dangerous goods store to another part of the lot should be accompanied by a full study and plan showing that the relocation is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature: _____

Date: _____

Name of Discovery Bay Owner / Resident: _____

EREA 10 & LOYU HUNEY

Address: _____



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

參考編號

161209-222145-68781

Reference Number:

提交限期

30/12/2016

Deadline for submission:

提交日期及時間

09/12/2016 22:21:45

Date and time of submission:

有關的規劃申請編號

Y/I-DB/3

The application no. to which the comment relates:

「提意見人」姓名/名稱

小姐 Miss Kung Wing Chi

Name of person making this comment:

意見詳情

Details of the Comment :

希望可盡快開展工程，增加就業以及美化環境

The Secretariat
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
(Via email: tpbpd@pland.gov.hk or fax: 2877 0245 / 2522 8426)

5390

Dear Sirs,

Section 12A Application No. Y/I-DB/3
Area 10b, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay
Objection to the Submission by the Applicant on 27.10.2016

I refer to the Response to Comments submitted by the consultant for Hong Kong Resort ("HKR"), Masterplan Limited ("Masterplan"), to address the departmental comments regarding the captioned application on 27.10.2016.

Kindly please note that I strongly object to the submission regarding the proposal development of the captioned submission are listed as follows:-

1. I reject the claim made in response to Paragraph #10 in the comments from the District Lands Office ("DLO") that the applicant (HKR) has the absolute right to develop Area 10b.

Masterplan is wrong to assume that ownership of undivided shares *ipso facto* gives the applicant the absolute right to develop Area 10b. The right of the applicant to develop or redevelop any part of the lot is restricted by the Land Grant dated 10 September, 1976; by the Master Plan identified at Special Condition #6 of the Land Grant; and by the Deed of Mutual Covenant ("DMC") dated 30 September, 1982.

Upon the execution of the DMC, the lot was notionally divided into 250,000 equal undivided shares. To date, more than 100,000 of these undivided shares have been assigned by HKR to other owners and to the Manager. The rights and obligations of all owners of undivided shares in the lot are specified in the DMC. HKR has no rights separate from other owners except as specified in the DMC.

Area 10b forms the "Service Area", as defined in the DMC and shown on the Master Plan. As per the DMC, the definition of City Common Areas includes the following:

...such part or parts of the Service Area as shall be used for the benefit of

the City. These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined form the entire "Reserved Portion" and "Minimum Associated Facilities" mentioned in the Conditions."

Special Condition 10(a) of the Land Grant states that HKR may not dispose of any part of the lot or the buildings thereon unless they have entered into a Deed of Mutual Covenant. Furthermore, Special Condition 10(c) states:

"(c) In the Deed of Mutual Covenant referred to in (a) hereof, the Grantee shall:

(i) Allocate to the Reserved Portion an appropriate number of undivided shares in the lot or, as the case may be, cause the same to be carved out from the lot, which Reserved Portion the Grantee shall not assign, except as a whole to the Grantee's subsidiary company..."

As such, the applicant may not assign the Reserved Portion – which includes the Service Area defined in the DMC and shown on the Master Plan – except as a whole to the Grantee's (HKR's) subsidiary company. Thus, HKR has no right whatsoever to develop the Service Area (Area 10b) for residential housing for sale to third parties.

It will also be noted from the foregoing that HKR may either allocate an appropriate number of undivided shares to the Reserved Portion, or carve same out from the lot. According to the DMC (Section III, Clause 6), HKR shall allocate Reserve Undivided Shares to the Service Area. However, there is no evidence in the Land Registry that HKR has allocated any Reserve Undivided Shares to the Service Area. Thus, whether HKR is actually the "sole land owner" of Area 10b is in doubt. The entire proposal to develop Area 10b for sale or lease to third parties is unsound. The Town Planning Board should turn down the application forthwith.

2. Pursuant to Clause 7 under Section I of the DMC, every Owner (as defined in the DMC) has the right and liberty to go pass and repass over and along and use Area 10b for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the DMC). This has effectively granted over time an easement that cannot be extinguished. The Applicant has failed to consult or seek proper consent from the co-owners of the lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the lot, should be maintained, secured and respected.

3. In response to DLO's comment #9, which advised "The Applicant shall prove that there are sufficient undivided shares retained by them for allocation to the proposed development", Masterplan stated "The applicant has responded to District Lands Office directly via HKR's letter to DLO dated 3 Aug 2016."

As the lot is under a DMC, it is unsound for HKR to communicate in secret to the DLO and withhold information on the allocation of undivided shares from the other owners. The other owners have a direct interest in the allocation, as any misallocation will directly affect their property rights.

The existing allocation of undivided shares is unclear and must be reviewed carefully. On page 7 of the DMC, only 56,500 undivided shares were allocated to the Residential Development. With the completion of Neo Horizon Village in the year 2000, HKR exhausted all of the 56,500 Residential Development undivided shares that it held under the DMC.

all developments since 2000. In the case of the Siena Two A development, it appears from the Greenvale Sub-DMC and Siena Two A Sub-Sub DMC that Retained Area Undivided Shares were improperly allocated to the Siena Two A development. As such, the owners of Siena Two A do not have proper title to their units under the DMC.

The Town Planning Board cannot allow HKR to hide behind claims of "commercial sensitivity" and keep details of the allocation of undivided shares secret. If the applicant is unwilling to release its letter to the DLO dated 3 August, 2016, for public comment, the Board should reject the application outright.

4. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby is and will be substantial. This submission has not addressed this point.
5. The proposed land reclamation and construction of over sea decking with a width of 9-34m poses environmental hazard to the immediate rural natural surroundings. There are possible sea pollution issues posed by the proposed reclamation. The DLO's comment #5 advised that the proposed reclamation "partly falls within the water previously gazetted vide G.N. 593 on 10.3.1978 for ferry pier and submarine outfall." As such, the area has not been gazetted for reclamation, contrary to the claims made in the Application that all proposed reclamation had previously been approved. The Town Planning Board should

reject the Application unless and until this error is corrected. The Town Planning Board should further specify the need for a full Environmental Impact Assessment as required under the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127).

6. The Town Planning Board should note that the development approved under the existing Outline Zoning Plan (S/I-DB/4) would already see the population of DB rise to 25,000 or more. The current application would increase the population to over 30,000. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure cannot support the substantial increase in population implied by the submission. Water Supplies Department and the Environmental Protection Department have raised substantive questions on the viability of the proposals on fresh water supply and sewage disposal contained in the Application, and HKR has not responded adequately to their concerns.
7. The proposed felling of 168 mature trees in Area 10b is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposals are totally unsatisfactory.
8. We disagree with the applicant's statement in item E.6 of RfC that the existing buses parks in Area 10b open space are "eyesores". We respect that Area 10b has been the backyard of Peninsula Village for years and are satisfied with the existing use and operation modes of Area 10b, and would prefer there will be no change to the existing land use or operational modes of Area 10b.
9. The proposed extensive fully enclosed podium structure to house the bus depot, the repair workshops and RCP are unsatisfactory and would cause operational health and safety hazard to the workers within a fully enclosed structure, especially in view of those polluted air and volatile gases emitted and the potential noise generated within the compounds. The proponent should carry out a satisfactory environmental impact assessment to the operational health and safety hazard of the workers within the fully enclosed structure and propose suitable mitigation measures to minimize their effects to the workers and the residents nearby.
10. The proposed removal of helipad for emergency use from Area 10b is undesirable in view of its possible urgent use for rescue and transportation of the patients to the acute hospitals due to the rural and remote setting of Discovery Bay. This proposal should not be accepted without a proper re-provisioning

proposal by the applicant to the satisfaction of all property owners of DB.

- 11. We disagree with the applicant's response in item (b) of UD&L, Plan D's comment in R&C that the proposed 4M wide waterfront promenade is an improvement to the existing situation of Area 10b. The proposed narrow promenade lacking of adequate landscaping or shelters are unsatisfactory in view of its rural and natural setting.
- 12. The Application has not shown that the relocation of the dangerous good store to another part of the lot is viable and there is no full study and plan have been done to justify that to remove the existing dangerous goods store to another part of the lot is viable.

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 10b should be withdrawn.

Signature:  Date: 09/12/2016

Name of Discovery Bay Owner Resident: MARGARET LI.

Address: 