

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

參考編號

170508-164954-38249

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

08/05/2017 16:49:54

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Stephen Owens s

Name of person making this comment:

意見詳情

Details of the Comment :

Throughout this long process of three deferments the applicant has consistently failed to answer two important questions raised by me and other commenters;

1. The existing village access road is wholly unsuitable for construction traffic - turning circle, weight etc. Why is the TPB making approval of this project dependent on the applicant constructing a site access road from the nearby and more suitable Discovery Valley Road..

2. This project adds approximately 20% more properties to Parkvale Village thereby diluting owners shares. Nowhere has the applicant addressed this point.

NB As an aside comments from possible employees of the applicant stating "it's good for the economy" are fooling no one. I am not against the development however we would like site access sensibly planned and our village owners protected.

Yours sincerely,

Stephen Owens

5950

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

參考編號

Reference Number:

170510-201348-26194

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

10/05/2017 20:13:48

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Tsang Kai Chu

意見詳情

Details of the Comment :

支持原因:

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

這個項目透過善用土地資源作低密度發展，從而可持續投放資金提升社區的配套設施，新居民亦有助支持區內商店營運，令整個社區受惠。



5951

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

參考編號

170510-214031-18196

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

10/05/2017 21:40:31

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. 曾啟亮

Name of person making this comment:

意見詳情

Details of the Comment:

6F一直已規劃為員工宿舍,證明土地適宜建屋.

這個項目透過善用土地資源,作低密度發展,從而可持續投放資金提升社區的配套設施,新居民亦有助支持區內商店營運,令整個社區受惠.

5952

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

參考編號

Reference Number:

170510-214914-11063

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

10/05/2017 21:49:14

有關的規劃申請編號

The application no. to which the comment relates: Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Alvin Tsang

意見詳情

Details of the Comment :

I agree to the 6f application.  
The piece of land has been proved  
appropriate for building houses.  
Construction should be commenced as  
soon as possible.

5953

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

參考編號

170511-101237-93422

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 10:12:37

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. W Yau

Name of person making this comment:

意見詳情

Details of the Comment :

The supplement has given more details on infrastructure and utility provision for the new development. Such infrastructure and utility as well as the development can offer more opportunities to construction firms and workers to survive. You may aware that a lot of the public works haven't been approved by the pro-democratic legislators in Legislative Council and lack of the works being awarded as scheduled. The application may help to push the expansion of Siu Ho Van water treatment plant and sewage treatment facility which can give a hand to the collapsing construction industry.

I can't see why I don't support the development.

5954

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

參考編號

Reference Number:

170511-135450-56074

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 13:54:50

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. K. Bradley

意見詳情

Details of the Comment :

I object to Application No Y/I-DB/2 as explained below –

The PD stresses the need for a holistic approach to considering developments in DB. This is emphasised in the substantive RNTPC Paper No. Y/I-DB/2C. This is particularly relevant in view of the current DB Masterplan consultation which spells out the future HKR developments in DB. Logically all these developments need to be considered together by the PD in a holistic manner so that the impact on the current infrastructure of DB and North Lantau can be considered and factored into future government plans. In this context all development proposals in DB should be put on hold until the PD has sufficient information to consider the total impact and what to do about it.

5955

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

參考編號 170511-004020-70922  
Reference Number:

提交限期 12/05/2017  
Deadline for submission:

提交日期及時間 11/05/2017 00:40:20  
Date and time of submission:

有關的規劃申請編號 Y/I-DB/2  
The application no. to which the comment relates:

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

意見詳情  
Details of the Comment :

1.  
The current submission remains misleading on population. It completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a).  
The issue is whether the population of DB should be raised above the 25,000 limit currently imposed by the OZP. This has not even been identified as an issue in the submission. As such, the TPB is being deliberately mislead.  
WITH THE 6F PROPOSED DEVELOPMENT , TAKING VARIOUS FACTORS INTO ACCOUNT :  
THE DB POPULATION MAY SURPASS THE LIMIT OF 25.000 .  
LAST NOT LEAST ALSO THE GREAT INFLUX OF VISITORS TO DB TO BE CONSIDERED.
2.  
Another issue is ownership of the site. LandsD points out that their questions about ownership have not been answered. Masterplan says they have, and anyway Masterplan have explained this to the TPB direct. None of this discussion is on the public record -- and this is supposed to be a statutory public consultation. HKR cannot be allowed to turn a public process into a private dialogue.  
TRANSPARENCY: KEEP ALL OWNERS , JOINT BY DMC , INFORMED...THIS MUST BE THE DUTY OF THE GOVERNMENT; WHICH DEPARTMENT HAS THIS FILE ?  
THE TPB SHOULD STOP THE PROCEEDINGS UNTIL ALL OWNERS IN DB ARE INFORMED.
3. Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.  
HAS THE TPB ANY "LEGAL OPINION" ON THAT? IT SHOULD BE NECESSARY AND SHOULD BE MADE PUBLIC .
4.  
THE LATEST SUBMISSION INFORMATION , THE COVER LETTER , ON THE TPB WEBSITE:

A)

"Total length of PRF , hiking trail unchanged "

How about : if so, you should built more hiking trails , longer, more people in DB...what about e  
xtending , lengthening hiking trails ... as to give current owners some "advantage" in exchange f  
or the HKR profitable development ??

B)

STW

lots of drawings about " water supply , fresh water, pumping stations ...

but they again show the position of the proposed STW next to the proposed 6f,

but what about the details of the STW where does the affluents, treated sewage goes ?

Still in our DB-Bay next to the ferry pier and other residential development as well at a  
promenade at La Costa Village and still in a "nullah" ..??

How can it be , this is like HongKong ~100 years ago...

I still remember the stinking notorious Kai Tak Nullah ....which went right into the "Fragrant Ha  
rbour " !!

In the 21st century such arrangement regarding STW and outlets should be strictly forbidden.

Last not least the outlet would be in a part of Discovery Bay which has no water current, it is al  
most still water and beware if there is a typhoon and the winds are pushing the affluent back.

I am still against the development as presented.

Thomas Gebauer

Owner and Resident

Discovery Bay

5956

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Y/I-DB/2 Area 6f  
10/05/2017 10:42

to: tpbpd@pland.gov.hk

From: Antony Bunker  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

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To whom it may concern,

I would like to oppose the planned development of Y/I-DB/2 Area 6f.

Yours faithfully,

Antony Bunker



Peninsula Quorum Antony Bunker.docx

To : [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Objection to: Y/I-DB/2 Area 6f

Dear Sir/Madam,

The two villages most obviously affected (due to their proximity to the 6f development), are PARKVALE ("THE WOODS") and HILLGROVE - however, **the consequences of this development will have far-reaching effects on the future character of the whole of Discovery Bay.**

Simply put, we already feel the pressure on the roads caused by the closure of the transport hub at the Plaza. On an event day, we feel relief when the day trippers go home and DB returns to "normal".

The two proposed, relatively high-density, apartment blocks at the south end of DB will create a permanent and excessive pressure on the roads, even after the (elevated) Plaza transport hub is restored. **The new residents from the additional apartments would never experience the tranquility and balance that is the essence of Discovery Bay**, making it one of the few desirable places to live (and not just a place to shop, eat and sleep).

Increasing the population would have obvious benefits for the developer, however the individual owners (shareholders in the lot), will struggle to feel benefit. Indeed, there are disadvantages:

- Our infrastructure is old and was not designed to go beyond the agreed 25,000 population - to grow further could have costly consequences in terms of maintenance. ☐
- The current developments around the Plaza and near the reservoir, would both provide additional attractions for visitors. Owners have sacrificed the private car in favor of minimum traffic using communal transport, which is what DB is designed for. Owners already feel the negative effects of increased traffic, which includes more communal buses and more DB registered vehicles and the "delivery vehicles". An increased population, especially at the south end of Discovery Bay, would exacerbate the road traffic problems, which has reached its design limit.

**There is a 25,000-population limit imposed by the current OZP. This issue is not addressed in the submission and if not raised with the TPB by the residents of DB, they will have been seriously misdirected and ultimately have negative consequences on our lifestyle.**

Our desire to preserve our lifestyle alone, may not be enough to persuade the Town Planning Board to reject the 6f Application, however, happily, there are a number of elements existing that place restrictions on development and all owners **and residents have every right to complain.**

**The current submission misleads on the question of population:**

**The submission completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a).**

There are other issues:



1. The Lands Department has pointed out that their questions about our ownership of the lot have not been answered and yet the consultant, Masterplan, says that they have explained this to the TPB directly. **None of this discussion, which is fundamental for individual owners (owners of undivided shares), is on the public record.** We have a right to know what has been said, and considered, in a statutory public consultation. ☐

2. Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

Yours faithfully,  
Antony William Matthew Bunker  
Owner: [REDACTED]

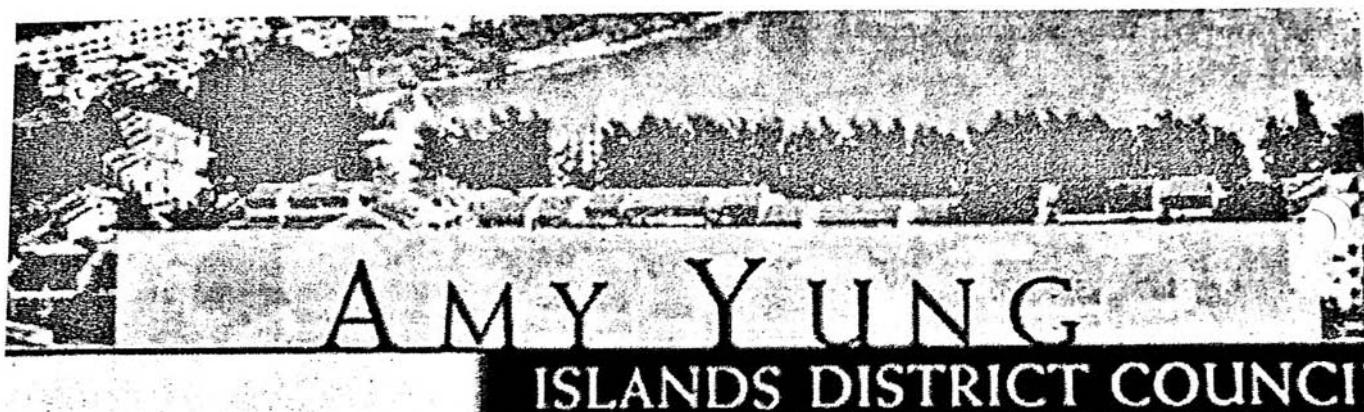
☐ Urgent ☒ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



Re: Application Y/I-DB/2. Area 6f Discovery Bay  
11/05/2017 11:04

to: tpbpd@pland.gov.hk

From: "Amy Yung" [REDACTED]  
To: <tpbpd@pland.gov.hk>



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

**Application Y/I-DB/2. Area 6f. Discovery Bay**

**Objection to secrecy on the Applicant's right and capacity to develop the site.**

Dear Sirs,

I refer to the Response to Comments included with the supplementary information for Application Y/I-DB/2, filed with the Town Planning Board ("TPB") by Masterplan Limited on 7 April, 2017, on behalf of the Applicant, Hong Kong Resort Company Limited ("HKR").

The District Lands Office/Islands ("DLO/Is") stated:

*The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site.*

And the Applicant replied:

*The applicant has had correspondences with Town Planning Board establishing the ownership of the site.*

This is the second time that the DLO/Is has made the same request concerning the Applicant's right and capacity to develop the application site. It is highly regrettable that the Applicant has been allowed to reply to the TPB in secret, and that this fundamental question has not been addressed as part of the public consultation. The TPB should immediately release the relevant correspondence for public comment. If the correspondence cannot be released for reasons of privacy, the TPB

should conclude that there has not been an open consultation and reject the application forthwith.

### **Deed of Mutual Covenant**

The Lot is owned under a Deed of Mutual Covenant ("DMC") dated 30 September, 1982 and held in the Land Registry as Memorial No. IS112018. There are presently over 8,000 co-owners of the Discovery Bay lot.

The other owners of the Lot have had no opportunity to review the arguments put forward by the Applicant to substantiate that it has the right and capacity to develop the application site. This is contrary to the principles of free and open consultation set out in the Town Planning Ordinance.

I draw your attention again to the two extracts from the Response to Comments above. While the DLO/Is refers to the right and capacity of the Applicant to develop the site, the Applicant refers only to establishing ownership.

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC.

To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

### **Reserved Portion**

The original grant of land at Discovery Bay (the "New Grant" dated 10 September, 1976 and lodged in the Land Registry as Memorial No. IS6122) required that the Grantee set aside the "Reserved Portion". This Reserved Portion is for the provision of services that are required by all the owners of the Lot.

I refer to the "Response to Comments" dated October 2016 for Application No. Y/I-DB/2 submitted by Masterplan Limited on behalf of the Applicant.

DLO/Is made the following comment (Paragraph 7):

*Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) 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 the "City Common Areas" 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.*

In response, the Applicant stated, in part:

*Proposed staff quarters in Area 6f have never been built. The subject site is "City Retained Areas" as defined in the PDMC.*

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."

"City" is defined as follows in the DMC:

*"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" ( 愉景灣 ) including all the buildings therein."*

"The Lot" is defined as follows in the DMC:

*"All that piece or parcel of land registered in the District Land Office Island as The Remaining Portion of Lot No.385 in D.D.352 and the Extensions thereto and any further extensions thereto (if any)."*

Thus, the City and the Lot are not identical. The City refers to the development on the Lot to be known as Discovery Bay City. City Retained Areas are part of Discovery Bay City. Furthermore, the City Retained Areas have a defined purpose, as explained below.

#### **All "City Retained Areas" are part of the "Reserved Portion"**

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 "Conditions" is defined as follows in 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."*

Special Condition 10(a) of the New 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..." (emphasis added)*

As such, the Applicant may not assign the Reserved Portion – "These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined" – except as a whole to the Grantee's (HKR's) subsidiary company. Area 6f forms part of the City Retained Area. Therefore, according to the terms of the New Grant, HKR have no right whatsoever to develop Area 6f for residential housing for sale to third parties. Area 6f must remain part of the City Retained Area, and used for the purpose of providing services to the City.

#### **Allocation of Undivided Shares to the Reserved Portion**

The reply to the DLO/Is' comments dated October 2016 continued:

*In our response to comment item 6 above sent to District Lands Office direct, it is clearly demonstrated that the undivided shares of Area 6f are held by the applicant and have never been assigned to any other party. (Full set of all DMC, 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 6f and has absolute right to develop the application site.*

I disagree strongly with the view that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 6f. The rights of the Applicant, including the right to develop any part of the lot, are defined and strictly limited by the New Grant and by the DMC.

Furthermore, it is irrelevant that the Applicant has not assigned the undivided shares of Area 6f to any other party. In truth, HKR have never carried out their obligations under the New Grant to allocate undivided shares to Area 6f.

The above discussion shows that there are reasonable grounds to argue that the Applicant does not have the right and capacity to develop Area 6f for residential housing for commercial rent or sale. To date, the Applicant has persisted in carrying out exchanges concerning ownership of the subject site in secret with Government departments and the TPB, without subjecting these exchanges to public scrutiny. In the interest of upholding the public consultation process under the Town Planning Ordinance, the TPB should reject the application until such time that the Applicant releases the relevant documentation to "substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC."

Yours sincerely,

**Amy Yung**

*Islands District Council Member (Discovery Bay)*

Email Address:



☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



Application No.: Y/I-DB/2 Area 6f  
10/05/2017 22:24

5958

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

From: John Brennan [REDACTED]  
To: tpbpd@pland.gov.hk,

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Dear Sirs,

I object to this application on the following grounds:

1. The Lands Department has pointed out that their questions about our ownership of the lot have not been answered and yet the consultant, Masterplan, says that they have explained this to the TPB directly. None of this discussion, which is fundamental for individual owners (owners of undivided shares), is on the public record. We have a right to know what has been said, and considered, in a statutory public consultation.
2. Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.
3. There is a 25,000 population limit imposed on Discovery Bay by the current OZP, and the submission with this application uses misleading population figures. It completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a).

Unless and until the applicant is able to provide detailed responses to the comments for further review and comment, the application for Area 6f should be withdrawn.

Yours faithfully,

John Brennan

Name: John Brennan

Owner: [REDACTED]

Tel: [REDACTED]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay, Right and Capacity to Develop the Application Site

10/05/2017 22:12

5959

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

From: Andrew Burns [REDACTED]  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

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To: Secretary, Town Planning Board

Date: 10 May, 2017

Dear Sirs,

**Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay, Right and Capacity to Develop the Application Site**

I take pleasure in submitting the attached comment to the Town Planning Board in respect of the subject Application.

Yours sincerely,  
Andrew Burns



TPB Area 6f R5 Ownership and Rights.pdf

To: Town Planning Board

From: Andrew Burns ( [REDACTED] )

Date: 10 May, 2017

Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay  
Right and Capacity to Develop the Application Site

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The other owners of the Lot have had no opportunity to review the arguments put forward by the Applicant to substantiate that it has the right and capacity to develop the application site. This is contrary to the principles of free and open consultation set out in the Town Planning Ordinance.

I draw your attention again to the two extracts from the Response to Comments above. While the DLO/Is refers to the right and capacity of the Applicant to develop the site, the Applicant refers only to establishing ownership.



This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC.

To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

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*"...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 "Conditions" is defined as follows in 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."*

Special Condition 10(a) of the New 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..." (emphasis added)*

As such, the Applicant may not assign the Reserved Portion – "These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined" – except as a whole to the Grantee's (HKR's) subsidiary company.

Area 6f forms part of the City Retained Area and thus is part of the Reserved Portion. Therefore, according to the terms of the New Grant, HKR have no right whatsoever to develop Area 6f for residential housing for sale to third parties. Area 6f must remain part of the City Retained Area, and used for the purpose of providing services to the City.

Allocation of Undivided Shares to the Reserved Portion

The reply to DLO/Is' comments dated October 2016 continued:

*In our response to comment item 6 above sent to District Lands Office direct, it is clearly demonstrated that the undivided shares of Area 6f are held by the applicant and have never been assigned to any other party. (Full set of all DMC, 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 6f and has absolute right to develop the application site.*

I disagree strongly with the view that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 6f. The rights of the Applicant, including the right to develop any part of the lot, are defined and strictly limited by the New Grant and by the DMC.

Furthermore, it is irrelevant that the Applicant has not assigned the undivided shares of Area 6f to any other party. In truth, HKR have never carried out their obligations under the New Grant to allocate undivided shares to Area 6f.

The above discussion shows that there are reasonable grounds to argue that the Applicant does not have the right and capacity to develop Area 6f for residential housing for commercial rent or sale. To date, the Applicant has persisted in carrying out exchanges concerning ownership of the subject site in secret with Government departments and the TPB, without subjecting these exchanges to public scrutiny.

In the interest of upholding the public consultation process under the Town Planning Ordinance, the TPB should reject the application until such time that the Applicant releases the relevant documentation to "substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC."

Yours sincerely,

Andrew Burns

Owner and resident, Discovery Bay

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups

**KFBG's comments on the planning application Y/I-DB/2**

11/05/2017 09:38

eap@kfbg.org to: tpbpd@pland.gov.hk

From: KFBG EAP &lt;eap@kfbg.org&gt;

To: tpbpd@pland.gov.hk,

Dear Sir/ Madam,

Attached please see our comments regarding the captioned.

Best Regards,

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



170511 s12afi DB 2\_Combine.pdf



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)

11th May, 2017.

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)**

1. We refer to the captioned.
2. We have previously made submissions regarding the captioned application (please see Appendix 1).
3. We are highly concerned about the potential ecological impacts that would be caused by the project. We consider that comprehensive ecological impact assessments should be carried out for the project and the results of such studies should be presented to the Town Planning Board. We consider that it is not acceptable to approve this application without the Town Planning Board being provided with such crucial information.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden

cc. Designing Hong Kong  
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)

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





嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

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





嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

surrounding hillside vegetation. According to the AFCD, there are also seagrasses present at Nim Shue Wan<sup>1</sup>. 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

<sup>1</sup>[https://www.afcd.gov.hk/english/conservation/con\\_wet/con\\_wet\\_sea/con\\_wet\\_sea\\_dis/images/ThecurrentdistributionofseagrassesinHongKong201402EngMP.jpg](https://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.



☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



Discovery Bay 6f Development  
11/05/2017 17:51

5961

[REDACTED] to: tpbpd@pland.gov.hk  
From: HY Lee <[REDACTED]>  
To: tpbpd@pland.gov.hk,

Dear Sir/madam,

I object to this application as explained below

Despite Annex C of the October 2016 Further Information stating in paragraph 2.1.1.4 that a key element of the development is the "access road", there is still no specific information provided as to its construction through Parkvale village. There are many issues arising from the unsuitable access to the site such as: the part of Parkvale Drive which is designed as a pedestrian pavement under BD regulations and the effect of additional construction and operational traffic on it; width constraints of Parkvale Drive which limit the ability of larger vehicles, including buses and construction vehicles, to pass one another; potential lack of emergency access to Parkvale Drive in the event of an accident; safety, as the proposed access to the site is a pedestrian area used by residents and the public; and HKR's lack of consideration of alternative access to the site. HKR continues to not submit, in its FI, a Traffic Impact Assessment on Pedestrians which is listed under the Reports to be submitted. Transport Department statements indicate that they have not considered the specific road (i.e. Parkvale Drive) crucial to the access to Area 6f and continue to refer only to DB roads overall and their interface with the remainder of Lantau outside of Discovery Bay which is irrelevant.

Regarding Traffic and Emergency Access the PVOC has in all its four previous submissions pointed out the inadequacy of both the narrow and sharply winding Parkvale Drive and the even narrower private pedestrian passageway behind the existing 3 Woods high rise residential buildings for use as both construction and permanent traffic access to Area 6f. We have pointed out the inability of heavy vehicles or busses to pass on this narrow access, raising the possibility of accidents or conflict between large vehicles blocking the only access to Parkvale Village, the adjacent Midvale Village and to Area 6f and preventing access by emergency vehicles such as ambulances, fire appliance or the police. This is unacceptable from a practical and social perspective.

Information submitted by the Applicant has focused on Area 6f itself and has attempted to draw attention away from the adjacent surroundings saying that they will not be impacted. However, in reality, the surroundings impact on Area 6f, and the FSD in the latest Departmental Comments has now recognized that an adequate EVA within Area 6f will be USELESS unless it connects to an adequate EVA through the adjacent Parkvale Village and Parkvale Drive, which we have pointed out are impractical and inadequate. The Planning and Buildings Departments must demand that HKR provides a detailed documented proposal as to how such adequate access would be provided and as to why they have ignored their earlier proposal to provide alternative access from Discovery Valley Road.

Thank you for your attention.

Yours faithfully,  
Huen Yee LEE  
Resident of Parkvale Village  
Tel: [REDACTED]

5961

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



**Objection to 6 F**  
11/05/2017 14:02

**5962**

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

From: Paula Lepore Burrough [REDACTED]  
To: tpbpd@pland.gov.hk,

---

Please receive this objection letter for 6F.

--  
Paula Burrough



[REDACTED] Object Letter to TPB against Area 6f Development.docx

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

(Via email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk) or fax: 2877 0245 / 2522 8426)

**Application Y/I-DB/2. Area 6f. Discovery Bay**

**Objection to secrecy on the Applicant's right and capacity to develop the site.**

Dear Sirs,

I refer to the Response to Comments included with the supplementary information for Application Y/I-DB/2, filed with the Town Planning Board ("TPB") by Masterplan Limited on 7 April, 2017, on behalf of the Applicant, Hong Kong Resort Company Limited ("HKR").

The District Lands Office/Islands ("DLO/Is") stated:

*The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site.*

And the Applicant replied:

*The applicant has had correspondences with Town Planning Board establishing the ownership of the site.*

This is the second time that the DLO/Is has made the same request concerning the Applicant's right and capacity to develop the application site. It is highly regrettable that the Applicant has been allowed to reply to the TPB in secret, and that this fundamental question has not been addressed as part of the public consultation.

The TPB should immediately release the relevant correspondence for public comment. If the correspondence cannot be released for reasons of privacy, the TPB should conclude that there has not been an open consultation and reject the application forthwith.

**Deed of Mutual Covenant**

The Lot is owned under a Deed of Mutual Covenant ("DMC") dated 30 September, 1982 and held in the Land Registry as Memorial No. IS112018. There are presently over 8,000 co-owners of the Discovery Bay lot.

The other owners of the Lot have had no opportunity to review the arguments put forward by the Applicant to substantiate that it has the right and capacity to develop the application site. This is contrary to the principles of free and open consultation set out in the Town Planning Ordinance.



I draw your attention again to the two extracts from the Response to Comments above. While the DLO/Is refers to the right and capacity of the Applicant to develop the site, the Applicant refers only to establishing ownership.

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC.

To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

### **Reserved Portion**

The original grant of land at Discovery Bay (the "New Grant" dated 10 September, 1976 and lodged in the Land Registry as Memorial No. IS6122) required that the Grantee set aside the "Reserved Portion". This Reserved Portion is for the provision of services that are required by all the owners of the Lot.

I refer to the "Response to Comments" dated October 2016 for Application No. Y/I-DB/2 submitted by Masterplan Limited on behalf of the Applicant.

DLO/Is made the following comment (Paragraph 7):

*Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) 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 the "City Common Areas" 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.*

In response, the Applicant stated, in part:

*Proposed staff quarters in Area 6f have never been built. The subject site is "City Retained Areas" as defined in the PDMC.*

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."

"City" is defined as follows in the DMC:

*"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" ( 愉景灣 ) including all the buildings therein."*

"The Lot" is defined as follows in the DMC:

*"All that piece or parcel of land registered in the District Land Office Island as The Remaining Portion of Lot No.385 in D.D.352 and the Extensions thereto and any further extensions thereto (if any)."*

Thus, the City and the Lot are not identical. The City refers to the development on the Lot to be known as Discovery Bay City. City Retained Areas are part of Discovery Bay City. Furthermore, the City Retained Areas have a defined purpose, as explained below.

**All "City Retained Areas" are part of the "Reserved Portion"**

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 "Conditions" is defined as follows in 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."*

Special Condition 10(a) of the New 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..." (emphasis added)*

As such, the Applicant may not assign the Reserved Portion – "These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined" – except as a whole to the Grantee's (HKR's) subsidiary company.

Area 6f forms part of the City Retained Area. Therefore, according to the terms of the New Grant, HKR have no right whatsoever to develop Area 6f for residential housing for sale to



third parties. Area 6f must remain part of the City Retained Area, and used for the purpose of providing services to the City.

**Allocation of Undivided Shares to the Reserved Portion**

The reply to the DLO/Is' comments dated October 2016 continued:

*In our response to comment item 6 above sent to District Lands Office direct, it is clearly demonstrated that the undivided shares of Area 6f are held by the applicant and have never been assigned to any other party. (Full set of all DMC, 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 6f and has absolute right to develop the application site.*

I disagree strongly with the view that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 6f. The rights of the Applicant, including the right to develop any part of the lot, are defined and strictly limited by the New Grant and by the DMC.

Furthermore, it is irrelevant that the Applicant has not assigned the undivided shares of Area 6f to any other party. In truth, HKR have never carried out their obligations under the New Grant to allocate undivided shares to Area 6f.

The above discussion shows that there are reasonable grounds to argue that the Applicant does not have the right and capacity to develop Area 6f for residential housing for commercial rent or sale. To date, the Applicant has persisted in carrying out exchanges concerning ownership of the subject site in secret with Government departments and the TPB, without subjecting these exchanges to public scrutiny.

In the interest of upholding the public consultation process under the Town Planning Ordinance, the TPB should reject the application until such time that the Applicant releases the relevant documentation to "substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC."

Yours sincerely,

Name:

Address:

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

5963

**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/2 (21.4.2017)(F1)

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

support  
THE PARKVALE VILLAGE OWNERS' COMMITTEE (PVOC) note that the Planning Department does not show a application as explained in the paper submitted to the RNTPC on the 17/2/2017. Attached are the PVOC comments that:-  
(a) explain why the PVOC objects to this application  
(b) support the Planning Department in recommending again to the RNTPC on the 23/6/2017 that the application be rejected.

「提意見人」姓名/名稱 Name of person/company making this comment Mr. K. J. BOOLEY T.P.

簽署 Signature K. J. Booley 日期 Date 11th May 2017

Chairman,  
Parkvale Village Owners Committee (PVOC)  
Discovery Bay,  
Lantau.



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

5963

申請編號  
Application No.

Y/I-DB/2

(就第12A條申請提出意見 Comments on section 12A application)

「提意見人」姓名 / 名稱 ☒ 先生 Mr. ☐ 夫人 Mrs. ☐ 小姐 Miss ☐ 女士 Ms. ☐ 其他 Other  
Name of "Commenter" Mr K Bradley JP  
(必須資料 Required information)

這部分不會公開予公眾查閱。

**This part will not be made available for public inspection.**

聯絡人 Mr K Bradley JP  
Contact Person (只適用於非個人的「提意見人」 Applicable to non-individual "commenter" only)

通訊地址 \*  
Postal Address \*

電話號碼  
Tel. No. (非必須資料 Optional information)

傳真號碼 \*  
Fax No. \*

電郵地址 \*  
E-mail Address \*

\* 為方便聯絡，「提意見人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

\* To facilitate communication, either postal address, fax number or email address must be provided.

意見詳情

Details of Comments

(必須資料 Required information)

不多於8000中文字或英文字母(包括空格)

Not more than 8000 Chinese characters or English characters (including blankspaces)

提交 Submit

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

5964

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-DB/2 (21.4.2017)(F.I.)

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

support  
THE PARKVALE VILLAGE OWNER'S COMMITTEE (PVOC) note that the Planning Department does not ~~reject~~ this application as explained in the paper submitted to the RNTPC on the 17/2/2017. Attached are the PVOC comments that:-  
(a) explain why the PVOC objects to this application  
(b) support the Planning Department in recommending again to the RNTPC on the 23/6/2017 that the application be rejected.

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

簽署 Signature

K. Bradley

日期 Date

Mr. K. J. Bradley J.P.

11th May 2017

Chairman,  
Parkvale Village Owners Committee (PVOC)  
Discovery Bay,  
Lantau.

TOWN PLANNING BOARD

2017 MAY 12 A 9:57

RECEIVED

## **PARKVALE VILLAGE OWNER'S COMMITTEE**

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

### **INTRODUCTION**

We, the Parkvale Village Owner's committee (PVOC), a body of owners in Parkvale Village in Discovery Bay (DB) elected to represent the interests of the owners of the 606 flats in the village, have submitted comments on Hong Kong Resort Company Limited's (HKR) Section 12A Application "To Amend Discovery Bay Outline Zoning Plan for rezoning the permissible use from staff quarters to flats at Area 6f, Discovery Bay" on four previous occasions.

The Planning Department (PD) issued papers on the 17<sup>th</sup> February 2017 not supporting the Area 6f application and recommending deferment of both Discovery Bay Areas 6f and 10b applications so that they could be considered together on the 28<sup>th</sup> April 2017. Subsequently Area 10b application was withdrawn by the applicant who apparently provided no explanation to the PD and of course not to the public! The PVOC considers that the HKR Further Information (FI) needs to be seen in the context of these TPB papers and (just like PD) the need for a holistic approach to all proposed developments in Discovery Bay (DB).

The TPB and relevant departments will see when they review this latest FI that it provides no new and substantial material. But again HKR, in order to cloud the issues of water and sewage, repeats its appeal to government not to forget DB when, at some time in the future, government reviews sewage and water infrastructure for Lantau.

It is highly likely HKR has no intention whatsoever of building a STW and private water supply system for Area 6f and would wait for government infrastructure to be available. It should be noted that at no stage in the history of this application has HKR specified the year of completion for the proposed development of Area 6f! Another likelihood is that the Area 10b withdrawal is not a cancellation, but merely a tactical withdrawal and will reappear in the future.

The PVOC comments on the FI submitted by HKR on 7th April 2017 are as follows:

- A. Executive Summary: Principle Concerns with the Application.
- B. TPB Papers of 17th February 2017 and Withdrawal of Area 10b.
- C. Planning Intention of Discovery Bay including Population and DB Masterplan Exercise.
- D. Ownership and Right of Development in of Discovery Bay.
- E. Response to Departmental Comments.
- F. Public Consultation and Section 12a Applications.
- G. Geotechnical Planning Review.
- H. Traffic and Emergency Access.
- I. The Use of Parkvale Drive.



- J. Sewage Treatment Works and Discharge into the Sea.
- K. Water Supply.
- L. Ecology.

#### **A. EXECUTIVE SUMMARY: PRINCIPLE CONCERNS WITH THE APPLICATION**

Our principal concerns with HKR's proposed development of two 18 storey buildings, including 476 flats, of 21,600 m<sup>2</sup> GFA on a platform created to accommodate a 170m<sup>2</sup> GFA three storey building are:

1. Inadequate and unreliable information has been provided by HKR and a Risk Assessment has not been undertaken.
2. The PD stresses the need for a holistic approach to considering developments in DB. This is emphasised in the substantive RNTPC Paper No. Y/I-DB/2C. This is particularly relevant in view of the current DB Masterplan consultation which spells out the future HKR developments in DB. Logically all these developments need to be considered together by the PD in a holistic manner so that the impact on the current infrastructure of DB and North Lantau can be considered and factored into future government plans. In this context all development proposals in DB should be put on hold until the PD has sufficient information to consider the total impact and what to do about it.
3. Planning controls of DB are ignored in respect of the Master Plan (MP) and Outline Zone Plan (OZP) relationship, the 25,000 population ceiling and the allocation of undivided shares and management units under the Deed of Mutual Covenant (DMC). Furthermore, HKR has a conflict of interest regarding population data, in that current figures are provided by its wholly owned subsidiary, DB Services Management Limited. HKR is knowingly acting in such a way as to be flagrantly disregarding the current ceilings on the total number of flats and population and it would appear that the TPB and the Planning and Lands Departments are ignoring what HKR is doing.
4. Ownership and rights of development in DB involves the final determinant of the ultimate development potential of the Lot (under the Land grant and Master Plan) which is the number of undivided shares remaining for allocation to any new development on the Lot. This is a subject which has been disputed by many owners and this PVOC. In the latest FI the applicant states that it will only provide detailed information on this issue at the meeting of the RNTPC. This attitude is clearly unacceptable in a public consultation exercise and it should not be acceptable to RNTPC members to be only provided with such information on the day of the meeting! And without this information being reviewed by the Department of Justice.
5. Consultation with government departments and bureaux has been inadequate and incomplete with HKR's responses inadequate, evasive and grudgingly provided. (It has taken 6 rounds of Further Information for HKR to provide a geotechnical report). HKR uses comments such as "Noted" and "will be done later" to evade issues and not respond properly to government departments which have to deal with these complicated issues.



6. Public Consultation is inadequate and non-transparent, and, as practiced by HKR, it can in no way be considered as "consultation", but has to be regarded as an information exercise telling the public that this is what we intend to do! And an information exercise that has involved 5 rounds of FI which has literally had to be dragged out of HKR! It cannot be acceptable in a public consultation exercise for the applicant alone to decide what is legally and commercially sensitive (re ownership of Passageway and allocation of undivided shares) and to keep that information from being publicly commented upon. All information provided by the applicant must be placed in the public domain so the public can comment on it. This is a serious matter of public concern and will be referred to the Ombudsman, Department of Justice and District Councillor.
7. Slope safety of both Area 6f and its immediate vicinity is paramount. HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. And disturbingly it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the CTL Category 1 (highest consequences-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been deliberately not explained by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.
8. Linked to (7) above is that, despite Annex C of the October 2016 Further Information stating in paragraph 2.1.1.4 that a key element of the development is the "access road", **there is still no specific information provided as to its construction through Parkvale village.** There are many issues arising from the unsuitable access to the site such as: the part of Parkvale Drive which is designed as a pedestrian pavement under BD regulations and the effect of additional construction and operational traffic on it; width constraints of Parkvale Drive which limit the ability of larger vehicles, including buses and construction vehicles, to pass one another; potential lack of emergency access to Parkvale Drive in the event of an accident; safety, as the proposed access to the site is a pedestrian area used by residents and the public; and HKR's lack of consideration of alternative access to the site. HKR continues to not submit, in its FI, a Traffic Impact Assessment on Pedestrians which is listed under the Reports to be submitted. Transport Department statements indicate that they have not considered the specific road (i.e. Parkvale Drive) crucial to the access to Area 6f and continue to refer only to DB roads overall and their interface with the remainder of Lantau outside of Discovery Bay which is irrelevant.
9. Regarding Traffic and Emergency Access the PVOC has in all its four previous submissions pointed out the inadequacy of both the narrow and sharply winding Parkvale Drive and the even narrower private pedestrian passageway behind the existing 3 Woods high rise residential buildings for use as both construction and permanent traffic access to Area 6f. We have pointed out the inability of heavy vehicles or busses to pass on this narrow access,

raising the possibility of accidents or conflict between large vehicles blocking the only access to Parkvale Village, the adjacent Midvale Village and to Area 6f and preventing access by emergency vehicles such as ambulances, fire appliance or the police. This is unacceptable from a practical and social perspective.

Information submitted by the Applicant has focused on Area 6f itself and has attempted to draw attention away from the adjacent surroundings saying that they will not be impacted. However, in reality, the surroundings impact on Area 6f, and the FSD in the latest Departmental Comments has now recognized that an adequate EVA within Area 6f will be USELESS unless it connects to an adequate EVA through the adjacent Parkvale Village and Parkvale Drive, which we have pointed out are impractical and inadequate. The Planning and Buildings Departments must demand that HKR provides a detailed documented proposal as to how such adequate access would be provided and as to why they have ignored their earlier proposal to provide alternative access from Discovery Valley Road.

10. The use of Parkvale Drive, defined as a "Passageway" in the Parkvale Village Deed of Mutual Covenant, is essential for access to Area 6f. HKR continues to refuse to make public its advice that it has the legal right to use the "Passageway", and both the PVOC and many DB residents have challenged HKR's position. The issue of the "Passageway" has been made more complicated by the revelation that the Emergency Vehicle Access to Area 6f will significantly impact on the "Passageway". Another impact, as revealed in the GPRR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTL Category 1 (highest consequence-to-life) slope (10SW-B/C 218) directly opposite the 3 Woods high rise residential buildings. HKR and its consultants have only now, at this late stage of the application, revealed their intentions, but not in a way that is clearly stated to the public and Parkvale Village residents. And it is only now revealed by the submission of the GPRR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.
11. A sewage treatment works (STW) is to be included in Area 6f with discharge directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. It is clear from HKR's comments that the latter is the intended approach. Also, HKR continues to minimise the pollution impact of discharge of sewage into the sea, whereas it will increase the TIN and TPs which are already above acceptable levels, thereby increasing the probability of, e.g., red tides in DB waters. The emergency arrangements involving a permanent connection to the government sewage system have not been adequately addressed by DSD which naively assume that HKR will turn off the connection after the emergency. **DSD is in effect giving HKR an unapproved permanent connection to government infrastructure which it has emphasised throughout this exercise is not available to HKR.** Not surprisingly HKR's consultants say that the sewage proposal "*is considered not an efficient sewage planning strategy*".

12. HKR is misleading the TPB by continuing to say that there are two options re water supply but, as previously pointed out (since government has confirmed that its facilities at the Siu Ho Wan Water Treatment Works (SHWWTW) and the SHW Fresh Water Pumping Station are **not** available for the foreseeable future), there is only one, which is a potable water supply to be provided by re-opening, after 16 years, the DB water treatment plant and using water from the DB reservoir. In addition there appears to be no backup plan for the provision of fresh water to the Area 6f residents if and when the water quality does not comply with Guidelines for Drinking-water Quality recommended by the World Health Organization, which is the water quality standard currently adopted by the WSD fresh water supply system. It is considered that the proposal to build a private supply system is, in view of its engineering difficulties, cost and management difficulties, an attempt to mislead the TPB since it is almost certain that HKR would wait for the long term development, if any, of government infrastructure. And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporarily withdrawn) and those which are implied in the latest DB Masterplan consultation?
13. No information is provided again regarding the provision of other utilities to Area 6f and how it will affect Parkvale Village, despite the October 2016 Further Information Annex C paragraph 2.1.1.4 stating that a key element of the development is the provision of **utilities**. Furthermore, there is no reference to the DB LPG gas system which has had a recent explosion investigated by EMSD and FSD and is subject to uncertainty as the current contract shortly expires and is subject to scrutiny.
14. Ecology - with regard to the compensatory planting, the proposal is misleading and impractical. As evident on page 88 of the FI, the site conditions simply do not allow for the retention of the trees as stated in the FI.

We provided further details of these concerns in our previous submission. Readers of this submission should also read our previous submissions if they have not already done so.

#### **B. TPB PAPERS OF 17TH FEBRUARY AND WITHDRAWAL OF AREA 10b**

The Area 6f application needs to be seen in the context of the two RNTPC Papers dated 17<sup>th</sup> February 2017 for the consideration of the Rural and New Town Planning Committee (RNTPC):

1. Substantive Paper No. Y/I – DB/2C section 12 set out the PD's views which were that, based on the assessment made in section 11 (Planning Considerations and Assessments) and having taken into account the public comments mentioned in section 10, the PD **does not support** the Area 6f application for the following reasons:
  - a. The applicant fails to demonstrate that the proposed rezoning would not generate adverse infrastructural, environmental and geotechnical impacts on the surrounding areas;
  - b. Approval of the application would set an undesirable precedent for other similar rezoning applications, the accumulative impact of which would overstrain the existing and planned infrastructure capacities for the area; and
  - c. There should be a holistic approach to reviewing proposed developments in DB.



2. Paper No. Y/I – DB/2B paragraph 1.6 stated that “given the unique development background and original concept of DB, the possible cumulative impacts on the natural environment of DB and the infrastructure capacities in North Lantau, it is considered that the two development proposals should be considered together holistically by the Committee.

The reasoning behind these two papers is set out below in Section C: Planning Intention of DB including Population and DB Masterplan”.

The RNTPC agreed to defer a decision on Area 6f and that the application should be submitted for its consideration on the 28<sup>th</sup> April 2017 together with application No. Y/I-DB/3 (Area 10b).

Subsequently Area 10b application was withdrawn by the applicant who apparently provided no explanation to the PD and of course not to the public! This withdrawal should be seen within the context of further developments envisaged for DB as explained in the proposed DB Masterplan submitted by HKR to the DLO and described below in Section C.

### **C. PLANNING INTENTION OF DISCOVERY BAY INCLUDING POPULATION AND DB MASTERPLAN EXERCISE**

**Attention is drawn to the fact that the PD does not support the Area 6f application.** This is based on the following assessment (Section 11 of the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017):

#### **1. Planning Intention of DB:**

- a. Section 11.2 states that “In terms of strategic planning context, according to the Revised Lantau Concept Plan 2007, Discovery Bay area was not recommended for further development. Recently the Lantau development Advisory Committee recommends North Lantau Corridor for strategic economic and housing development,..... DB is not recommended as a strategic growth area under planning at this stage.”
- b. “Discovery Bay is intended for a ..... total planned population of 25,000 and a total domestic GFA of 900,683m<sup>2</sup> upon full development”. **“Any further increase in population would have to be considered in the context of the general planning intention for the area and subject to detailed feasibility investigation on infrastructure and environmental capacities.”**
- c. The proposed development “should be justified in the context of the development concept of Discovery Bay which is intended for a holiday resort and residential/commercial development. The current application, if approved, would set an undesirable precedent for similar rezoning applications. Given there are five “OU (Staff Quarters) zones on the OZP (Plan Z-7) with a total area of 26,789m<sup>2</sup>, the accumulative effect of developing those land with increase in population would further depart from the original development concept of DB and overstrain the existing infrastructure capacities.”

## 2. Impact Assessments of the Proposed Scheme:

- a. "The applicant fails to demonstrate the Infrastructural feasibility and environmental acceptability of the proposed development although he has submitted relevant technical assessments in support of the rezoning proposal."
- b. Although the applicant proposes to provide an on-site sewage treatment plant and private water supply system as alternatives, he considers that EPD and WSD should take into account the proposed development in future expansion plan of Shu Ho Wan Sewage and Water Treatment facilities. In this regard DEP advises that ..... the applicant make his own provision for sewage treatment and CE/Dev (2) advises that the existing water supply system is based on a maximum population of 25,000 which is the population ceiling in the Discovery Bay OZP currently in force."

## 3. Public Comments

- a. "While C for T has no comments on the inclusion of the existing access road, the major public concerns on the design population of Discovery Bay and insufficient water and sewage infrastructural capacities amongst others are generally agreed with as indicated in the planning assessments".
- b. "As regards the right under the PDMC to convert the access road for use by the proposed development, DLO/Is, LandsD considers that the applicant should substantiate his right/capacity to develop the Site without prejudicing the provisions in the PDMC."

## Population

The latest FI continues to be misleading on population. It completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a). The issue is whether the population of DB should be raised above the 25,000 limit currently imposed by the OZP. This has not even been identified as an issue in the submission, which in effect means the TPB is being deliberately misled.

The issues raised and discussed by the various government departments do not address the many issues raised by the VOC and others in earlier submissions, particularly in regard to breaching of the 25,000 population limit for DB and do not mention in any way the separate DB Masterplan submission made by HKR.

No further development should be allowed until the fundamental issue of the proposed change in the population of DB together with the issue of the absence of sound and accurate population statistics independent of HKR is fully, openly and publically addressed. There is a major issue of conflict of interest in the preparation and use of population statistics which undermines the public consultation and planning application processes and this will be referred to the Ombudsmen for investigation.

Attention is also drawn to the possibility that the government 2016 bi-census could provide additional information on the current population and persons per unit. This information is expected to be available later in 2017.

## DB Masterplan Exercise

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that “the proposed residential development with maximum GFA of 21,600m<sup>2</sup> and PR of 2.83 does not confirm with approved MP 6.0E7h (a).”

This issue is now made more complicated as a result of the Lands Department commissioning the Islands District Office to conduct local **consultation on the “Proposed Discovery Bay Master Plan 7.0E (Revision date: 1<sup>st</sup> Feb 2017) for Discovery Bay, Lantau Island, New Territories Lot No. 385 R.P. in D.D. 352 and Extensions thereto”**.

The DLO has received this proposed MP from HKR which proposes, inter alia, to increase the total maximum permitted number of housing units in DB from 8,735 to 10,000 in order to increase housing units in DB Area N1 NORTH. **The 10,000 units is the limit under the existing OZP, before counting Areas 10b and 6f which are the subject of Section 12a applications to the TPB.** HKR applications to the TPB for Areas 10b/6f glossed over this fact, pretending that the Areas 10b and 6f flats were on top of the 8,300 odd flats already built and not the 10,000, thereby breaching the 25,000 cap on population.

The current proposed Master Plan 7.0E will bring the total number of units up to 10,000 which is the maximum allowed under the current outline zoning plan. Information on this development was not available during the Area 6f and 10b applications. However, the last round of consultation on Area 10b, and now the one for Area 6f, has provided the PVOC and DB residents with the chance to point out that they do not agree with raising the number of units in DB well above 10,000 and to breaching the 25,000 population ceiling.

It should also be noted that this MP proposal plus the TPB consultation for Area 6f (and previously Area 10b) does not propose to improve the current DB infrastructure. And of course government has no current facilities and development plans for the provision of additional sewage and water treatment facilities at Siu Ho Wan.

The PVOC requests the Directors of Planning and Lands Departments to:

1. **Confirm** that the “Proposed Discovery Bay Master Plan 7.0E (Revision date: 1 Feb 2017) for Discovery Bay, Lantau Island, New Territories Lot No. 385 R.P. in D.D. 352 and Extensions thereto”, which proposes to increase the total maximum permitted number of housing units in DB from 8,735 to 10,000, in order to increase housing units in DB Area N1 NORTH, **means that the 10,000 units is the limit under the existing OZP, before counting Areas 10b and 6f which are the subject of Section 12a applications.**
2. Ask HKR for its infrastructure proposals in respect of the MP proposal.
3. Acknowledge that:
  - a. HKR is knowingly acting in such a way as to be flagrantly disregarding the current ceilings on the total number of flats and population in its inconsistent approaches involved in its DB MP proposal and remaining Section 12A application for Area 6f.
  - b. This MP proposal in its current format is inconsistent with the planning approach of the PD as set out in section 11 of the RNTPC Paper No Y/I – DB/2C dated 17th February 2017 and described in section C above.



4. Based on the foregoing, to request HKR to withdraw both its DB MP proposal and remaining Section 12A application in respect of Area 6f.

#### **D. OWNERSHIP AND RIGHT OF DEVELOPMENT IN DISCOVERY BAY**

Ownership of the site has been an issue from the outset of this application and has been the subject of many public comments. e.g Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

LandsD continues to point out that its questions about ownership remain unanswered. HKR's consultants, Masterplan, say they have answered these questions by explaining direct to the TPB. The Lands Department should reject HKR's request to leave its detailed views on this subject within the "*commercially sensitive information*" contained in HKR's letter to the DLO dated 3<sup>rd</sup> August 2016 and referred to in Section E below.

With none of this is on the public record, HKR has turned a public consultation process into a private dialogue with the TPB which the PD must realise puts it in an invidious position.

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 stated in paragraph 3, "Compliance with the "Owner's Consent/Notification" Requirements", that the applicant is the sole "current land owner" and detailed information would be deposited at the meeting for Members' inspection. From the outset of this application, this HKR view of ownership has been contested by many DB owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant (PDMC) dated 30<sup>th</sup> September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

It is clearly unacceptable in a public consultation exercise that HKR should expect:

1. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting.
2. The public not to have an opportunity to inspect and comment on the information.
3. The Planning Department not to refer the information to relevant bodies such as the Legal Department.

The question of the undivided shares not being publicly addressed is a disgrace.

**Ownership was raised from the outset as the allocation of undivided shares and management units** is covered in comment number 4402 submitted last July to the TPB and the Lands Department has asked HKR to prove that there are sufficient undivided shares retained by it for allocation to the proposed development of Area 6f. **HKR has replied to the Lands Department by requesting the information to be regarded as commercially sensitive; in other words, not to be disclosed in a public consultation exercise. This is inconsistent with the aims of public consultation.**

As a reminder of the issue, note that the final determinant of the ultimate development potential of the Lot (under the Land Grant and Master Plan) is the number of undivided shares remaining for allocation to any new development on the Lot and the following:

1. The Principal Deed of Mutual Covenant (PDMC) contains this unique share regime in which the Lot is notionally divided into 250,000 undivided shares. These undivided shares were immediately allocated to various uses: 56,500 to Residential Development; 4,850 to Commercial development; 2,150 to Clubs and public recreation activities; and 3,550 to hotel use. 55,000 were defined as "Reserve Undivided Shares".
2. Only undivided shares allocated to Residential Development may be sub-allocated to Residential Units and once these have been exhausted the developer may draw from the Reserve Undivided Shares.
3. The problem is there is no record of how many Reserve Undivided Shares remain for allocation to the future development of the Lot.
4. Unfortunately there appears to be no accountable and transparent central register and management of the process of allocating the shares which means that HKR cannot assure the TPB that there are sufficient shares to be allocated to Area 6f and other developments. **Both the Lands and Planning Departments are aware of this situation and should not consider any application until they receive assurance, with supporting and valid documentation and figures, that there are shares available for the developments.**
5. In order to protect the interests of all the current and future assigns of the developer, the TPB should require a full accounting of the allocation of all undivided shares by share type to all Villages, City and the other areas of the Lot, prior to consideration of any proposal to amend the present OZP.

The PVOC considers that:

1. This public consultation exercise should not continue until, for the sake of transparency, there are rules in place covering the allocation of undivided shares. At present, there is no public record of the allocation of undivided shares to the City outside the Villages. This is important as the ultimate development on the lot is determined by the number of undivided shares remaining for allocation and not just through a DB Masterplan consultation exercise.
2. **And that it is unacceptable in a public consultation exercise that HKR should expect:**
  - a. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting and for the public not to have an opportunity to inspect and comment on the information.
  - b. The PD not to refer the information to relevant bodies, such as the Legal department.
  - c. The question of the undivided shares to not be publically addressed.

As with other issues which are relevant to the public consultation exercise, the above will be referred to the Ombudsman.

## **E. RESPONSE TO DEPARTMENTAL COMMENTS**

Comments on the applicant's response to departmental comments are:

1. H (GEO), CEDD:
  - a. After ignoring requests over 15 months, a so called "GPRR" has been submitted. This is clearly a desk top and paper exercise using outdated information, and should be rejected as inadequate.
  - b. The applicant only notes and fails to explain how the building works will comply with the Buildings Ordinance and demonstrate that they would not adversely affect the stability of any adjoining building, structure, land, street or services. This is particularly relevant to the adverse effects on the adjoining Parkvale Village
2. CTP/UD&L, PlanD: the applicant has not prepared a plan for trees that takes into account slope work in respect of e.g. the western slopes which are steep. Again, HKR will not do anything until the building plans preparation stage which is unsatisfactory.
3. DSD:
  - a. HKR says that the Sewage Treatment Works (STW) will have no impact on the existing DB sewerage system. This is incorrect since it is relying, for emergency purposes, on a connection to the DB Sewage Pumping Station (SPS) No 1.
  - b. DSD should not informally give approval to this arrangement as it cannot be controlled by DSD who would in effect be allowing a permanent connection in contradiction to the stated government policy of the government sewerage system not being available to DB.
4. WSD:
  - a. HKR states that it has no preference regarding what it considers to be two options for fresh water supply, which are from the Siu Ho wan Water Treatment Works or Discovery Bay Reservoir. This is misleading and is used to try to persuade government to allow the latter, which it has been told from the outset is not available. Despite the perception claims of HKR, DB residents are accustomed to water from the government system and will consider the use of the reservoir and the building of a private water system for Area 6f as an act of desperation.
  - b. And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?
  - c. The responsibility for managing (and the financial implications) these private water supply systems is not properly explained implying that the whole of DB will bear those consequences. If a private water supply system is built for use by the proposed Area 6f development, its construction and operation costs must be borne by HKR and the Area 6f residents, which is clearly not economic.
  - d. The responses to comments on population are dealt with in section C above, but it is pointed out that the PD, in its 17<sup>th</sup> February 2017 Paper No YI-DB/2C, clearly considers population data. No responsible government department, including WSD, LD and PD, can professionally accept the records of City Management as an independent and accurate source of population data to be used for its parent company's, HKR, own developments.

5. AFCD:

- a. HKR is misleading in saying there is no adverse water quality impact due to the sewage discharge anticipated. Nothing has changed in the latest FI, so there will be more pollution.
- b. It is revealing that HKR says "relevant" fishermen and/or mariculturists will only be consulted subsequent to the approval of this planning application. Why not now as part of this application and by a direct approach, which HKR implies will be done after approval?
- c. Again as part of its campaign to obtain access to the government sewage system, HKR will maintain constant liaison with relevant departments to try to avoid building their own STW!

6. EPD: it has been stated many times before that the sea is already polluted with excessive levels of TIN. So whatever is discharged, despite HKR promises regarding types of nitrogen removal process, will be in addition to the current level of pollution in the sea! And yet again there is the appeal to government for the use of the existing government sewerage system.

7. FSD:

- a. HKR does not provide for public comments any details of the Emergency Vehicular Access (EVA). This should be made available for public comments and for the FSD and Police to comment on the proposal, as well as for the Buildings Department to ensure that the EVA does comply with the relevant Code of Practice.
- b. The public, and in particular Parkvale Village owners/residents, need to see the EVA proposal since it may impact on the slopes and passageways of Parkvale Village. This is something that the PD must insist upon being revealed as part of this application and not left to later stages if the application is approved.

8. LandsD: the hiking trail diversion and its length are inaccurate and imply that whoever wrote this does not know the site!

9. LandsD: in response to the DLO saying:

- a. There is no direct submission from HKR in relation to the subject rezoning application. HKR says that "The separate direct submission refers to HKR's letter to DLO dated 3 August 2016. It is a reply in letter to DLO's query on undivided shares via their letter dated 20 July 2016 [ref (53) in LD/DLO/IS 98/61V (M.P.6) Pt 10]. In spite of not being titled in relation to this rezoning application, the reply in letter should be relevant for consideration."
- b. The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site HKR says that "The applicant has had correspondence with the TPB establishing the ownership of the site".

These two responses to the LandsD, and the handling of them by the Planning and Lands Departments, raise serious concerns as to the proper management and transparency of this Section 12A public consultation exercise in respect of Area 6f. Important documents in



respect of ownership and right to develop, subjects which have been raised in many submissions, have not been made available for public comment and quite likely not been subject to review and advice by e.g. the Department of Justice. Ironically, all the public's comments on these issues, as well as others, are in the public domain whereas the Planning and Lands Departments make decisions to exclude HKR documents from public disclosure. This approach to decision making in respect of public consultation is highly questionable.

The PVOC requests the:

1. PD and all the above departments to respond to and follow up on all our concerns expressed above and elsewhere in our submission.
2. PD to place in the public domain, as part of the "so called" public consultation exercise, all the HKR responses referred to in (9) above and all the other HKR responses to department concerns which have not been published so far.
3. And any refusals to do (2) above to be publicly disclosed to facilitate public scrutiny.
4. The above request will be mentioned to the Ombudsman as part of the referral in respect of the public consultation exercise for the Section 12A application for Area 6f.

#### **F. PUBLIC CONSULTATION AND SECTION 12A APPLICATIONS**

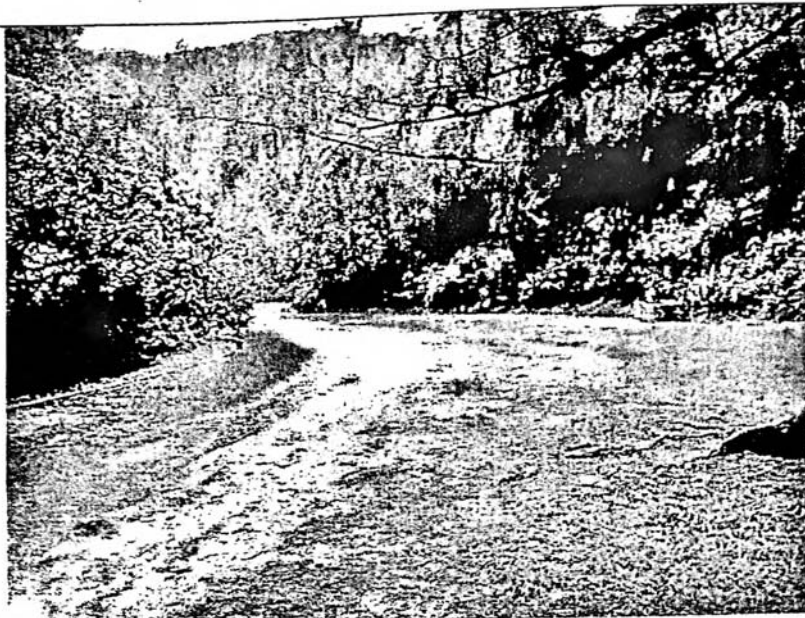
As indicated in several parts of this submission, the PVOC considers that the intention and spirit of "public consultation" has been abused with important information and explanations from the applicant not being made available for public comment and inadequate responses by government departments to valid public concerns. Whereas all public comments are made available for HKR to see! This grossly unequal treatment of the public is not acceptable. Therefore, the PVOC has referred the inadequate public consultation in respect of this Area 6f section 12a application to the Ombudsman.

#### **G. GEOTECHNICAL PLANNING REVIEW**

The applicant did not include a Geotechnical Review report in its original application and has ignored the public's comments on this subject and the requests of CEDD. Such a review is essential in view of the nature of Area 6f and the area within its vicinity.

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

Existing platform in Area 6f.



In creating this much larger level site, the slopes towards Crystal and Coral Courts and towards Discovery Valley Road will be increased significantly. This raises the safety risk of slope failure and increases the slope drainage run-off towards the existing Parkvale Village properties. **HKR should be required to state how it will eliminate these risks.**

In the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, included under Geotechnical in paragraph 9.1.13 H (GEO), CEDD comments:

- a. "The proposed development is overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). It will also affect or be affected by manmade-features. The applicant should submit a GPRR.
- b. Reminded the applicant that the GPRR shall be submitted in support of the application according to the GEO advice note and that the applicant has not submitted a GPRR to assess the geotechnical feasibility of the proposed development.

**Only now, after 15 months, has HKR submitted a GPRR which is considered to be inadequate for the purpose.**

PVOC comments are as follows:

1. The report is based on dated papers and out of date information extracted from data sources. There is no clear statement that in compiling this report how many, if any, real time site visits and investigations have been carried out within the actual Area 6f and in the vicinity around Area 6f. And the report includes no record of such visits/site investigations. The desk top and cut/paste approach has produced findings which cannot be regarded as good enough to be considered even as preliminary findings.
2. The February 2017 GPRR is not signed by WSP / Parsons Brinckerhoff (Asia) Limited and is based on a review of ground conditions assessed way back in 1984. As many of the HOKLAS test requirements have been amended since then, the review is not up to current standards.



3. There are 4 registered slope features and 4 natural terrains that fall partly/wholly within the site and 7 registered slope features located in the vicinity of the site. The basic information of these features has been extracted from the Geotechnical Engineering Office (GEO) of CEDD Slope Information System (SIS). Unfortunately this basic information is from an inspection carried out 20 years ago, so the slope information being used in this report is out of date and needs to be at least revisited.
4. The report states that there is "no record of previous ground investigation works in the vicinity of the subject site from the Geotechnical Information Unit (GIU) of the GEO" so the report relies on a 1985 geotechnical report for proposed residential building at DB Development Area 6b, which has been found in the Buildings Department (BD). This report prepared by LG Mouchel & Partners states that 31 drill holes were sunk in the associated area of 6b. No location plan has been found in respect of those drilling holes. Note that this report has involved no boreholes within the actual Area 6f.
5. The submitted Ground Investigation Report is now 33 years old. This was prior to any significant development in Discovery Bay and does not contain adequate information on the latest ground water conditions.
6. No records of previous groundwater monitoring have been obtained from the GIU of the GEO.
7. There is no intention to do the required Natural Terrain Hazard Study (NTHS), which identifies the hazards and mitigation measures, until after the application is approved and prior to the commencement of work at the site. And two of the NTH features are located within the site and have been identified as not satisfying the "In-principle Objection Criteria".
8. It is stated that there is a need for additional ground investigation works to be carried out for detailed stability assessment on 9 features (9 slopes) and 2 features of natural terrain but this work would not be done until after the application is approved and prior to commencement of work at the site.
9. The slope stability assessment section of the report confirms that 11 slope/terrain features will be affected by the proposed development. The report states that, based on the information used in compiling this report, **all the adjacent slopes require a factor of safety above the prevailing standard.** These slopes include the slopes directly facing the 3 Woods high rise residential buildings and the slopes overlooking both Coral and Crystal Courts.
10. The CTL Category 1 (highest-consequence-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This situation has never been disclosed in the original application and in the subsequent rounds of further information provided by HKR. And without the comments of the public demanding a GPRR, only now being grudgingly provided by HKR, this situation would not have been revealed for public comment.
11. It is also noted that the GPRR fails to mention the economic consequences of the CTL Category slopes which should be corrected.

12. It is apparent from the report that the foundation design requirements are presently totally unknown based on a guess estimate of the presumed bedrock profile, until further site investigator is carried out. The report ignores the fact that the proposed site was formed for a very small 3 storey building.
13. The exact foundation system to be adopted is not known and therefore not made available for public comment. Typically this is left until after the application is approved when the system to be adopted will be subject to detailed design on the loading of the proposed residential buildings, the future ground investigation works and laboratory testing results.
14. As mentioned on all previous reviews, the ground profile indicated on Section A-A is incorrect and misleading.
15. Regarding site formation, paragraph 4.2 of the GPRR states very simplistically that **"to facilitate the construction of access road connecting to Parkvale Drive, local cutting with soil nails is anticipated to be carried out on Feature No. 10SW-B/C218", which is directly opposite the 3 Woods high rise residential buildings.** As is obvious from the inter-relationship of the issues of passageways, slopes and EVA, as explained elsewhere in the PVOC's comments, that the access to Area 6f is much more complicated and legally challenging than presented by HKR.
16. The clouded compensatory planting is inaccurate and does not reflect the construction methodology previously highlighted in the submission. The highlighted trees cannot be retained with the open-cut approach for the pile cap construction and the requirement for a large retaining wall.
17. The report recommends that geotechnical monitoring should be carried out on all adjoining features, ground and structures. i.e. Parkvale Village. This is despite making the absurd statement that "there is no adverse impact to the nearby features", when this is quite clear from the statements regarding probable work to all the relevant slopes and natural features.
18. No reference is made to much major noisy, dusty and dirty construction works on the site and adjacent slopes will be required adjacent to existing building at the 3 Woods high rise residential buildings and 2 Crystal / Coral high rise residential buildings.

This report has all the features of a simplistic desk top and paper exercise using old reports and dated information to provide a minimalistic response to a serious aspect of the proposed development. This is a token response to CEDD's request and public comments and needs to be rejected for what it is. The constant theme of leaving everything until after the application is approved and "it will be right on the day", is an insult to the public consultation process and government departments' requests for information and clarification.

Slope safety of both Area 6f and its immediate vicinity is paramount. HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. Disturbingly, it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the **Category 1 slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt.** And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral

and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been ignored by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

What is needed now for public consultation is for a full and proper assessment of the slopes relevant to Area 6f, and not to wait, as the report states, until after approval of the application and subsequent to site works starting, for a detailed stability analysis to be carried out involving the completion of site specific ground investigation works and laboratory testing.

The GEO should reject this inadequate and unsound "GPRR" and request HKR to prepare one with full details and to inform the public about the full findings prior to submitting the report to the TPB. This is essential since HKR has for 15 months ignored this key aspect and the need for proper public consultation.

#### **H. TRAFFIC AND EMERGENCY ACCESS**

Our previous four responses objecting to the application have consistently challenged the lack of adequate or any clarification on the critical issue of access to Area 6f and the serious issues relating to traffic, emergency access and personal safety which these imply.

The most obvious omission from the Applicant's Responses relate to areas surrounding the Area 6f site which are ignored or dismissed out of hand, starting with the misleading and inadequate statement in the original submission that the development of Area 6f would have no adverse impact on surrounding areas. This is patently untrue, and the impact on, and the resultant unsatisfactory, traffic and emergency access due to the existing physical constraints in Parkvale Village's adjacent Woodland Court, Woodgreen Court and Woodbury Court clearly demonstrate that this surrounding adjacent development is a seriously detrimental, if not insurmountable, obstacle to any reasonable high rise development on Area 6f in the manner currently proposed.

**We therefore challenge the Applicants proposed access from Parkvale Drive to Area 6f under the specific headings of:**

- 1. Inadequate and Unsatisfactory External Access to Area 6f.**
- 2. Restricted Emergency Access to Parkvale and Midvale Villages and to Area 6f.**
- 3. Safety of Persons.**

All of these issues have been elucidated in detail in our four previous Submissions and the salient arguments arising from these are:

1. Government departments generally have not questioned the suitability of Parkvale Drive as the only means of access to Area 6f and HKR has not addressed our concerns in its Further Information.
2. Serious concern that the additional heavy construction and operational traffic will cause serious damage, creating a dangerous road surface and ongoing increased maintenance costs to the owners in Parkvale Village.

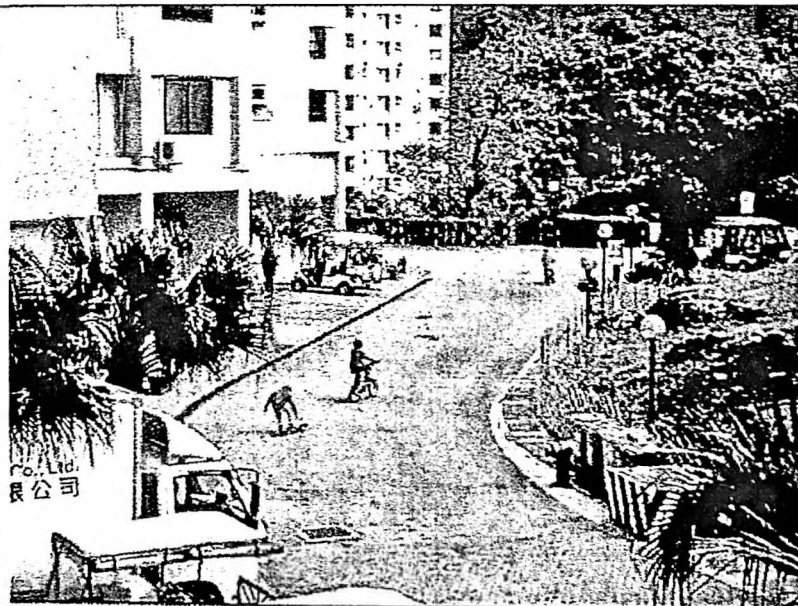


*Settlement cracking evident in asphalt surface on Section 1 of Parkvale Drive*



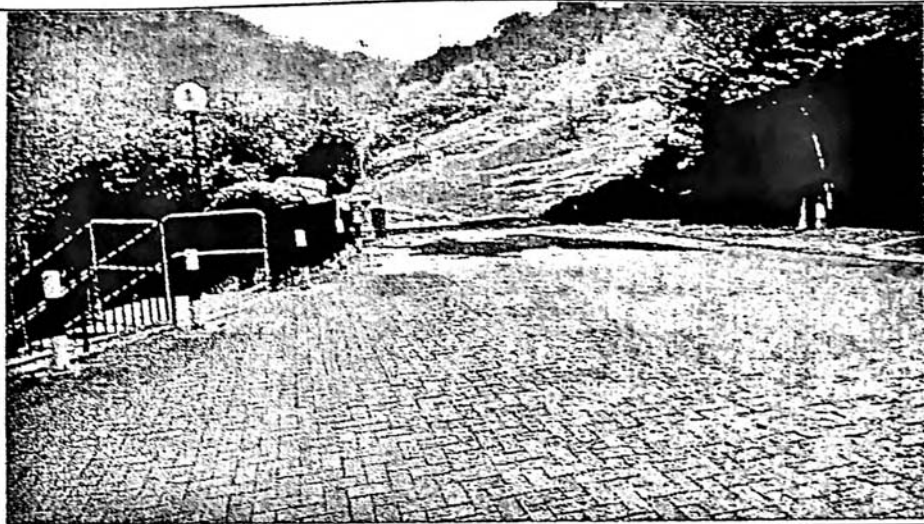
3. Failure to provide adequate emergency access to the affected occupied residential buildings, as well as to the construction site, which should have the acceptance and approval of the Police and the Fire Services Department, as well as the Transport Department, before these roads and driveways were proposed for construction site access. This issue may also create implications under the Construction Sites Safety Ordinance.
4. The Parkvale Drive private pedestrian "Passageway" is wholly unsuitable for heavy traffic flow and poses a very real risk of residents, including children and the elderly, being hurt or killed by the heavy traffic.

*Section 3 of Parkvale Drive – "The Passageway". The far end of the pedestrian pavement is from where the proposed extension of Parkvale Drive will start.*



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

*Section 3 of Parkvale Drive – "The Passageway". Settlement evident to 20 tonne rated paving resulting from current traffic loading at start of proposed extension of Parkvale Drive to Area 6f.*



6. In the early stages of this application, HKR sent an e-mail to the Chairman of the PVOC which stated **"We (the Applicant) are aware of the potential traffic impact on the neighborhood. As such, HKR is favorably considering to build either a temporary or permanent haul road from Discovery Valley Road."** Despite its comment, HKR has not mentioned either the potential traffic impact or the possibility of an alternative access from Discovery Valley Road in either its Application or its Further Information. HKR should be required to explain why this issue has at best not been dealt with transparently or at worst concealed as this is a matter of considerable significance and public concern.
7. Apart from the demonstrated inadequacy of the proposed single access via upper Parkvale Drive, the Application has nowhere recognized that on completion of the proposed two residential tower blocks on Area 6f, which between them will house double the population of the existing 3 Woods high rise residential buildings, the residential population relying on access through the constricted Parkvale Drive private passageway will be treble the current numbers, with the relative increase in the requirement for public transport and services and the frequency of emergency calls. Blockage of this private passageway, either by an accident by two large vehicles in conflict or collapse or washout of the narrow slope below Woodbury, would sever access both general and in emergencies to a significant population, which is an unrealistic proposition from a safety and amenity perspective and is socially unacceptable.

The foregoing comments demonstrate that, apart from the desirability, if not an absolute need, for a separate construction vehicle access, the triple population of the proposed enlarged community in upper Parkvale requires alternative access on a permanent basis, both to facilitate the safe passage of passenger transport, and also to provide guaranteed access for emergency vehicles should one access be blocked.

We strongly urge that both practical and safety considerations demand that this Application be rejected unless the requirement for alternative primary access be provided to Area 6f before the commencement of construction on the Area 6f site and be maintained as a City road for permanent access in the future.

We also draw attention to the **Comments from Fire Services Department**. Acknowledging the continued public objections and a letter to the DFS from the Chairman of the PVOC, FSD has issued two paragraphs of comments which are contained in the "Responses to Government Departments":

1. In its first paragraph, the FSD requires HKR to clarify that an access in the form of a statutory EVA would be provided between Parkvale Drive and the EVA within Area 6f. This is the first recognition of serious issues to be addressed OUTSIDE the Area 6f boundary.
2. Its second paragraph says that even if the EVA within Area 6f complies with Buildings Department requirements, it will be "USELESS" without a conforming further EVA link to Parkvale Drive.
3. HKR's response simply says that such an EVA access will be provided without clarifying how. We believe that the Buildings Department should now require HKR to provide detailed evidence as to how it intends to provide this statutory EVA externally, as access to Area 6f from Parkvale Drive, as a condition precedent to approval of the Application given the proximity of the buildings, the storm water drainage provision and the immediately encroaching terrain.
4. It is a basic civil right and social responsibility that any new development is provided with unhindered access at all times for emergency vehicles, including fire appliances, ambulances, police vehicles and also for other emergency services including City Management Security Officers and electricity and gas utility staff and their vehicles in case of emergency.

**We believe that the foregoing, and in particular the unanswered concerns of FSD, as well as of the PVOC are good enough reasons for the application to be rejected.**

#### **I. THE USE OF PARKVALE DRIVE**

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

The Principal Deed of Mutual Covenant for Discovery Bay and the Sub-Deed of Mutual Covenant for Parkvale Village are complicated documents and are difficult for a lay person to understand, especially in regard to Passageways, Village Retained Areas and Village Common Areas and the rights of the Registered Owner and of owners of undivided shares in the Lot thereto. Given this, and given that the owners of the undivided shares in Parkvale Village have been responsible for the costs of maintaining this "Passageway" for the past 28 years, we believe that HKR should present counsels' independent legal opinions supporting its contention that **it has the legal right to use the passageway as access to Area 6f**.

The issue of the passageways has now become more complicated in view of:

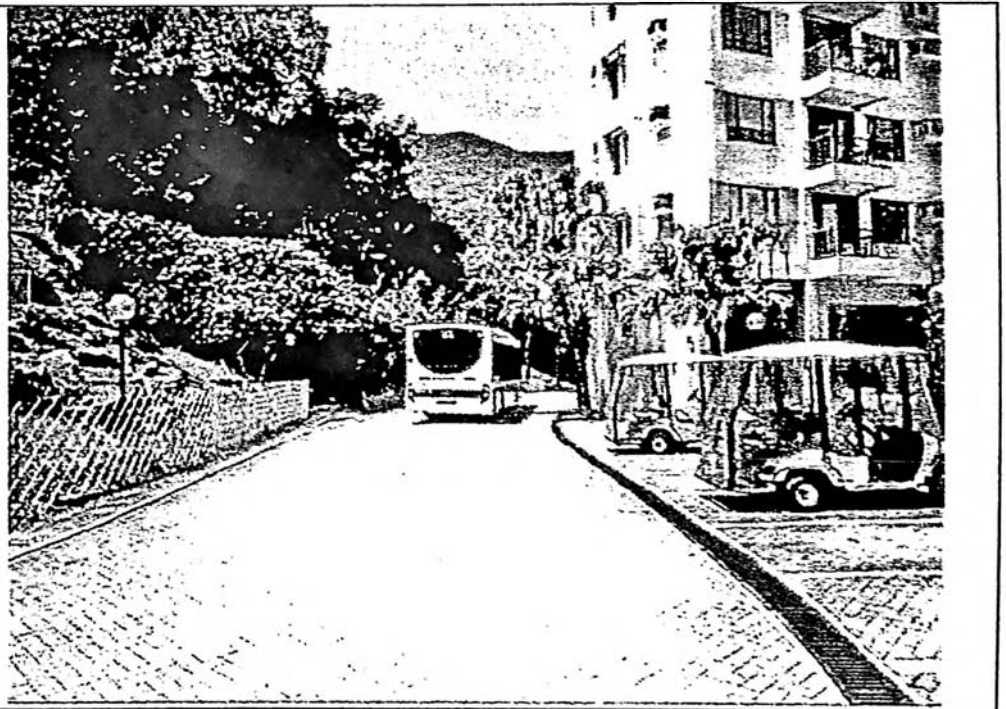
1. Disturbingly, it would appear from references in the GPRR to future slope stability work and subsequent site formation work for the access road to Area 6f that the Category 1 slope



(10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. This MAJOR aspect of the proposed development has been ignored by HKR and its consultants in order not to alert and alarm the PD, Parkvale residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

2. The EVA connection will involve rock breaking / slope stabilization work adjacent to the 3 Woods high rise residential buildings. The existing Parkvale Drive road and the "Passageway" at the 3 Woods high rise residential buildings are patently insufficient to properly or safely serve the construction of and the additional development when occupied by 476 Flats of 2.5 or 2.8 persons per flat. The existing 3 Woods high rise residential buildings are within 5m of the existing road carriageway in the passageway section, which is also the pedestrian access way to the entrances of the 3 buildings. Consequently, the proposed EVA will not comply with the requirements of the relevant Code of Practice issued and administered by the Buildings Department unless the existing road carriageway is widened so that there is at least 5m between the building and the road. This will require the removal of the slope currently opposite the building.

*Section 3 of Parkvale Drive – "The Passageway". View of the rear of Woodbury Court, illustrating the narrowness of the pedestrian pavement, its lack of a carriageway to separate vehicles from pedestrians and the inability of vehicles to pass one another.*



3. However, HKR continues to mislead the PD over the ownership of passageways as reflected in the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, paragraph 2(k), which states that "with reference to the Sub-DMC for Parkvale Village, the applicant clarifies that the section of Parkvale Drive at the pocket of Parkvale Village is identified as "Passageways". It is not part of Village Retained Areas or designated as "Village Common Areas". From the outset of this application this HKR view has been contested by many DB owners in numerous submissions to the TPB at all stages of Further Information. These are referred to in paragraph 10.4(e) of the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017.

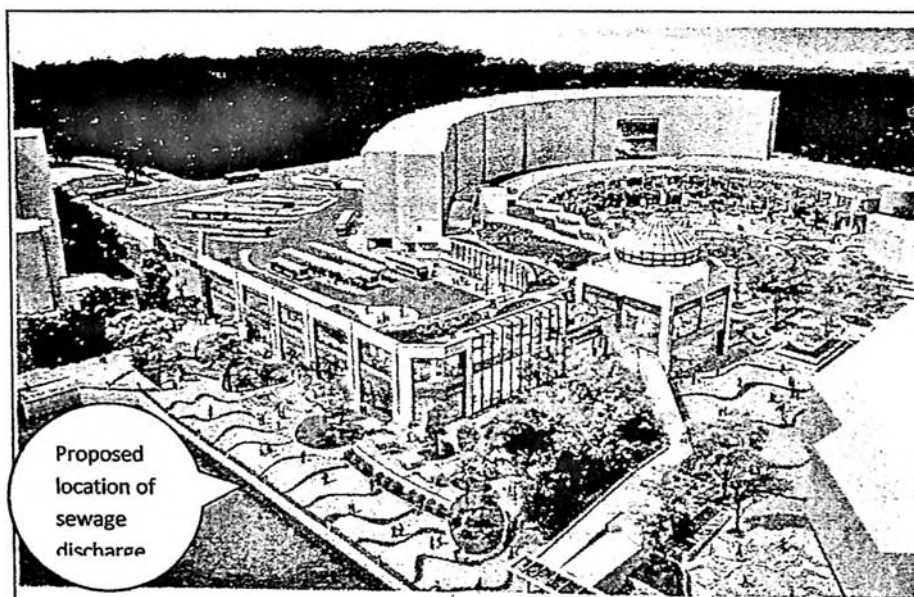
It is clearly unacceptable in a public consultation exercise that HKR should expect:

1. RNTPC members and Planning department officials to accept the one sided view of HKR in respect of "Passageways" which has not been published.
2. The public not to have an opportunity to inspect and comment on HKR's views on "Passageways".
3. The Planning Department not to refer the information to relevant bodies such as the Department of Justice for a detailed legal review which is then made available for public comment.

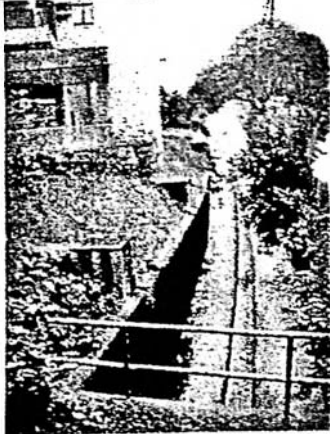
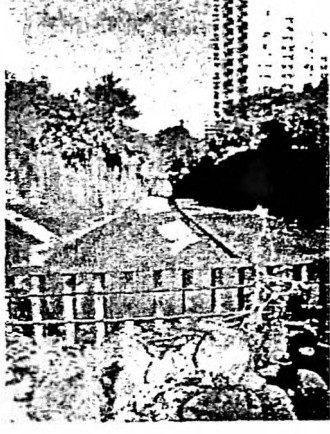
#### **J. SEWAGE TREATMENT WORKS (STW) AND DISCHARGE INTO SEA**

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

1. Discharge the treated sewage directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. However, it is clear from HKR's comments that the latter is the intended approach; and
2. In the event of the STP breaking down, divert the treated sewage to the SHWSTW, despite the DEP stating that the SHWSTW does not have the capacity to receive the sewage from the proposed development.



Picture of the redevelopment of the DB bus station published by HKR with the location of the sewage discharge outlet added.

	<p>View of the open nullah looking upstream past Hillgrove Village.</p>		<p>View of the open nullah looking downstream towards Hillgrove Village.</p>
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The FI indicates that a larger deodorizing unit will be provided. This is an interesting response as it clearly acknowledges that there will be an odour issue for adjacent residents and the many users of the local hiking trail. The topography and the enclosed nature of the site, surrounded by the tower blocks, means that there is likely to be issues with wind tunnelling, confined airflow and possible micro-climate conditions. No study to this effect has been carried out.

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

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

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

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

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



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

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

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

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

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

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

#### **K. WATER SUPPLY**

The laying of a major new water main required to enable the DB existing reservoir supply to be utilised to provide potable water will further disturb the natural environment, with much rock breaking from the proposed new private water treatment works, pumping station and service reservoir, down Discovery Valley Road, and back up Parkvale Drive to Crystal Court and Coral Court, then up the slope to the Area 6/f site (option 2) or from Discovery Valley Road across the hillside to Area 6f (option 1). The reservoir is a recipient of water run-off from the golf course i.e. presumably with the usual pesticides. It also appears that the original plan, presumably (if

Area 10B is eventually resubmitted) will be to locate a helicopter landing pad in an adjacent area to Area 6f!

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

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

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

And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporarily withdrawn) and those which are implied in the latest DB Masterplan consultation?

#### **L. ECOLOGY OF AREA 6f**

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

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

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

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

#### **CONCLUSION**

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

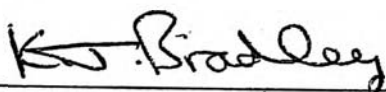


we note that the Planning Department does not support the application for reasons explained in the paper submitted to the RNTPC on the 17<sup>th</sup> February 2017 and which clearly remain unchanged.

So, we the PVOC, request that the Planning Department maintains its position regarding this section 12a application for Area 6f and recommends again to the RNTPC on the 23<sup>rd</sup> June 2017 that the application be rejected.

*Signed on behalf of the PVOC:*

*Date:*



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11<sup>th</sup> May 2017

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

Parkvale Village Owners Committee Chairman

5965

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



**Fw: Section 12A Application No Y/1-DB/2 Area 6f, Lot 385 RP & Ext ( Part ) in  
D.D. 352, Discovery Bay  
11/05/2017 20:15**

to: tpbpd@pland.gov.hk

From: Mike McDonagh <[REDACTED]>  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,  
Please respond to Mike McDonagh <[REDACTED]>

---

Dear Sir ,  
Please find enclosed (ref pdf's ) my objections on the above application.  
Yours sincerely ,  
M C McDonagh  
On Thursday, 8 December 2016, 16:17, Mike McDonagh <[REDACTED]>

Dear Sir ,  
Please find enclosed ( ref pdf ) my comments on the above application.  
Yours sincerely ,  
M C McDonagh



Area 6f Selina 16b Woodland Court.pdf Area 6f 14.docx

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/2**  
**Area 6f, 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 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.
5. The proposed felling of 118 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 surroundings, 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 10b should be withdrawn.

Signature: S Low Date: 8th December, 2016  
Name of Discovery Bay Owner / Resident: SELINA KWONG SIU-NGAN  
Address: 

I object to this application as explained below.

Ownership of the site has been an issue from the outset of this application and has been the subject of many public comments. e.g Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

LandsD continues to point out that its questions about ownership remain unanswered. HKR's consultants, Masterplan, say they have answered these questions by explaining direct to the TPB. The Lands Department should reject HKR's request to leave its detailed views on this subject within the "*commercially sensitive information*" contained in HKR's letter to the DLO dated 3<sup>rd</sup> August 2016 and referred to in Section E below.

With none of this is on the public record, HKR has turned a public consultation process into a private dialogue with the TPB which the PD must realise puts it in an invidious position.

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 stated in paragraph 3, "Compliance with the "Owner's Consent/Notification" Requirements", that the applicant is the sole "current land owner" and detailed information would be deposited at the meeting for Members' inspection. From the outset of this application, this HKR view of ownership has been contested by many DB owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant (PDMC) dated 30<sup>th</sup> September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

It is clearly unacceptable in a public consultation exercise that HKR should expect:

1. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting.
2. The public not to have an opportunity to inspect and comment on the information.
3. The Planning Department not to refer the information to relevant bodies such as the Legal Department.

The question of the undivided shares not being publicly addressed is a disgrace.



5966

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**Fw: Section 12A Application No Y/1-DB/2 Area 6f, Lot 385 RP & Ext ( Part ) in  
D.D. 352, Discovery Bay  
11/05/2017 20:25**

[REDACTED] to: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

From: Mike McDonagh [REDACTED]  
To: "tpbpd@pland.gov.hk" <[tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)>,  
Please respond to Mike McDonagh [REDACTED]

---

Dear Sir ,  
Please find enclosed ( ref pdf's ) my objections on the above application.  
Yours sincerely ,  
Selina Kwong



Area 6f Selina 16c Woodland Court.pdf Area 6f 14.docx

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/2**  
**Area 6f, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay**

**Objection to the Submission by the Applicant on 27.10.2016**

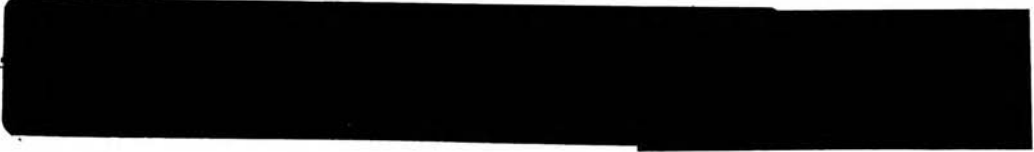
I refer to the Response to Comments submitted by the consultant of Hong Kong Resort ("HKR"), Masterplan Limited, to address the departmental comments regarding the captioned application on 27.10.2016.

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 residents and owners of the district.
4. 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.
5. The proposed felling of 118 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 surroundings, 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 10b should be withdrawn.

Signature: S / [Signature] Date: 8th December, 2016  
Name of Discovery Bay Owner / Resident: SELINA KWONG SIU-NGAN  
Address: 

I object to this application as explained below.

Ownership of the site has been an issue from the outset of this application and has been the subject of many public comments. e.g Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

LandsD continues to point out that its questions about ownership remain unanswered. HKR's consultants, Masterplan, say they have answered these questions by explaining direct to the TPB. The Lands Department should reject HKR's request to leave its detailed views on this subject within the "*commercially sensitive information*" contained in HKR's letter to the DLO dated 3<sup>rd</sup> August 2016 and referred to in Section E below.

With none of this is on the public record, HKR has turned a public consultation process into a private dialogue with the TPB which the PD must realise puts it in an invidious position.

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 stated in paragraph 3, "Compliance with the "Owner's Consent/Notification" Requirements", that the applicant is the sole "current land owner" and detailed information would be deposited at the meeting for Members' inspection. From the outset of this application, this HKR view of ownership has been contested by many DB owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant (PDMC) dated 30<sup>th</sup> September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

It is clearly unacceptable in a public consultation exercise that HKR should expect:

1. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting.
2. The public not to have an opportunity to inspect and comment on the information.
3. The Planning Department not to refer the information to relevant bodies such as the Legal Department.

The question of the undivided shares not being publicly addressed is a disgrace.

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

Yasmin Jiwa <[REDACTED]>

"tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

Sirs,

ect to this application on the following grounds:

e Lands Department has pointed out that their questions about our  
ship of the lot have not been answered and yet the consultant,  
rplan, says that they have explained this to the TPB directly.  
of this discussion, which is fundamental for individual owners  
rs of undivided shares), is on the public record. We have a right  
ow what has been said, and considered, in a statutory public  
tation.

ea 6f is part of the "Reserved Portion" under the New Grant and  
oes not have unfettered ownership of the area. The New Grant  
es restrictions on the Reserved Portion.

ere is a 25,000 population limit imposed on Discovery Bay by the  
at OZP, and the submission with this application uses misleading  
tion figures. It completely ignores MP 7.0E and pretends that  
PB should be basing its population considerations on MP  
n(a).

s and until the applicant is able to provide detailed responses  
e comments for further review and comment, the application for  
5f should be withdrawn.

faithfully,

n Jiwa

Yasmin Jiwa

: [REDACTED]  
[REDACTED]  
from my iPhone



[REDACTED] to: undisclosed-recipients;;

"Joel Hurewitz (INSTINET PACIFIC SER)" [REDACTED]

undisclosed-recipients;;

Please respond to "Joel Hurewitz" [REDACTED]

to this application as explained below.

controls of DB are ignored in respect of the Master Plan (MP) and the Zone Plan (OZP) relationship, the 25,000 population and the allocation of undivided shares and management units in the Deed of Mutual Covenant (DMC). Furthermore, HKR has a significant interest regarding population data, in that current data are provided by its wholly owned subsidiary, DB Services Limited. HKR is knowingly acting in such a way as to be in violation of the current ceilings on the total number of population. Please do not ignore what HKR is doing in our neighborhood.

very much.

[REDACTED]

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refer to the following link for important disclosures and disclosures that apply to this message:  
[instinet.com/docs/legal/le\\_disclaimers.html](http://instinet.com/docs/legal/le_disclaimers.html)

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Object to : Y/I-DB/2 Area 6f Development

11/05/2017 22:05

5969

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

From: Catherine Tsai <[REDACTED]>

To: tpbpd@pland.gov.hk

Name: Tsai Siu Kit Yee Catherine

Owner: [REDACTED]

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**Objection to Y/I-DB/2 Area 6f**

12/05/2017 00:08

5970

to: tpbpd@pland.gov.hk

From: "Wolf Duehring" <[REDACTED]>  
To: <tpbpd@pland.gov.hk>,  
Cc: <[REDACTED]>

---

To whom it may concern I object to this application for the following reasons  
I strongly object to HKR using the current access road past Woodgreen, Woodbury and Woodland Court for the heavy construction traffic. The road is NOT designed to take this kind of load over years. The very quiet road is frequented by residents, families and [laying kids at a;; times. If they must build 6F, they need to establish a different access road

Moreover, I am also very worried about the slope safety around Area 6f and its immediate vicinity. The CEDD's request for a Geotechnical Planning Review Report (GPRR) has been obviously ignored by HKR.

Only now they have submitted a desk top and paper exercise using outdated information as a so called GPRR. And disturbingly it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the CTL Category 1 (highest consequences-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been deliberately not explained by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

Wolf Duehring  
[REDACTED]

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Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay. Lifting of 25,000 population cap under Discovery Bay Outline Zoning Plan.  
12/05/2017 06:58

5971

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

From: Andrew Burns [Redacted]  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

---

To: Secretary, Town Planning Board

Date: 12 May, 2017

Dear Sirs,

**Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay.**  
**Lifting of 25,000 population cap under Discovery Bay Outline Zoning Plan.**

I take pleasure in submitting the attached comment to the Town Planning Board in respect of the subject Application.

Yours sincerely,  
Andrew Burns



TPB Area 6f R5 Population.pdf

To: Town Planning Board

From: Andrew Burns (andrew@syymba.com)

Date: 12 May, 2017

Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay  
Lifting of 25,000 population cap under Discovery Bay Outline Zoning Plan.

Paragraph 5.4 of the Explanatory Statement for the approved Discovery Bay Outline Zoning Plan S/I-DB/4 ("OZP") states:

*The Discovery Bay development is a self-contained sub-urban residential development comprising mainly low-density private housing planned for a total population of about 25,000 with supporting retail, commercial and community facilities and recreational uses.*

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

On 1 February, 2017, HKR submitted draft Master Plan 7.0E ("MP 7.0E") to the District Lands Office/Islands ("DLO/Is") proposing to increase the number of residential flats at Discovery Bay to 10,000, from 8,735 under approved Master Plan 6.0E7h(a). According to the submission, this would enable development at Discovery Bay up to the limit under the approved OZP (ie, the existing OZP prior to any amendments proposed under Y/I-DB/2).

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9, not 2.5.

It is evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit. At no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

Hence, prior to considering Application No. Y/I-DB/2, the Town Planning Board should require that the Applicant justify an increase in population beyond the current limit permitted under the OZP. Furthermore, government departments and the public should be consulted.

Yours sincerely,  
Andrew Burns  
Owner and resident, Discovery Bay



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Further comments on Y/I-DB/2 Area 6f  
11/05/2017 23:30

5972

[Redacted] to: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)  
Cc: [Redacted]  
From: Sally Conti [Redacted]  
To: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk),  
Cc: Conti Conti Sally [Redacted]

---

Dear Sirs,

I wish to continue to object to this application as explained below:

Despite Annex C of the October 2016 Further Information stating in paragraph 2.1.1.4 that a key element of the development is the "access road", **there is still no specific information provided as to its construction through Parkvale village.** There are many issues arising from the unsuitable access to the site such as: the part of Parkvale Drive which is designed as a pedestrian pavement under BD regulations and the effect of additional construction and operational traffic on it; width constraints of Parkvale Drive which limit the ability of larger vehicles, including buses and construction vehicles, to pass one another; potential lack of emergency access to Parkvale Drive in the event of an accident; safety, as the proposed access to the site is a pedestrian area used by residents and the public; and HKR's lack of consideration of alternative access to the site. HKR continues to not submit, in its FI, a Traffic Impact Assessment on Pedestrians which is listed under the Reports to be submitted. Transport Department statements indicate that they have not considered the specific road (i.e. Parkvale Drive) crucial to the access to Area 6f and continue to refer only to DB roads overall and their interface with the remainder of Lantau outside of Discovery Bay which is irrelevant.

Regarding Traffic and Emergency Access the PVOC has in all its four previous submissions pointed out the inadequacy of both the narrow and sharply winding Parkvale Drive and the even narrower private pedestrian passageway behind the existing 3 Woods high rise residential buildings for use as both construction and permanent traffic access to Area 6f. We have pointed out the inability of heavy vehicles or busses to pass on this narrow access, raising the possibility of accidents or conflict between large vehicles blocking the only access to Parkvale Village, the adjacent Midvale Village and to Area 6f and preventing access by emergency vehicles such as ambulances, fire appliance or the police. This is unacceptable from a practical and social perspective.

See photos below ....

Information submitted by the Applicant has focused on Area 6f itself and has attempted to draw attention away from the adjacent surroundings saying that they will not be impacted. However, in reality, the surroundings impact on Area 6f, and the FSD in the latest Departmental Comments has now recognized that an adequate EVA within Area 6f will be USELESS unless it connects to an adequate EVA through the adjacent Parkvale Village and Parkvale Drive, which we have pointed out are impractical and inadequate. The Planning and Buildings Departments must

demand that HKR provides a detailed documented proposal as to how such adequate access would be provided and as to why they have ignored their earlier proposal to provide alternative access from Discovery Valley Road.

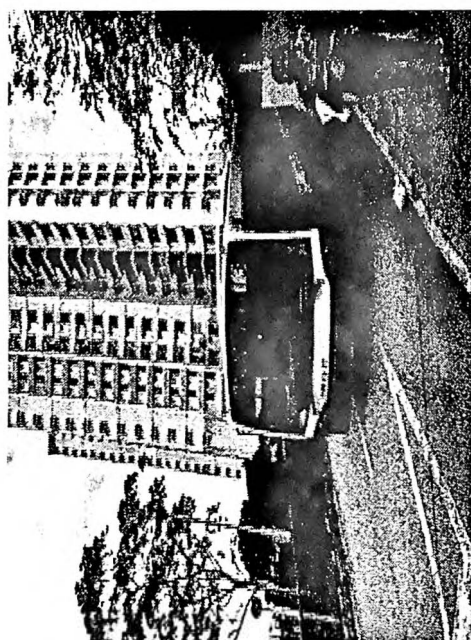
***Slope safety of both Area 6f and its immediate vicinity is paramount.*** HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. Disturbingly, it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the **Category 1 slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt.** And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been ignored by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

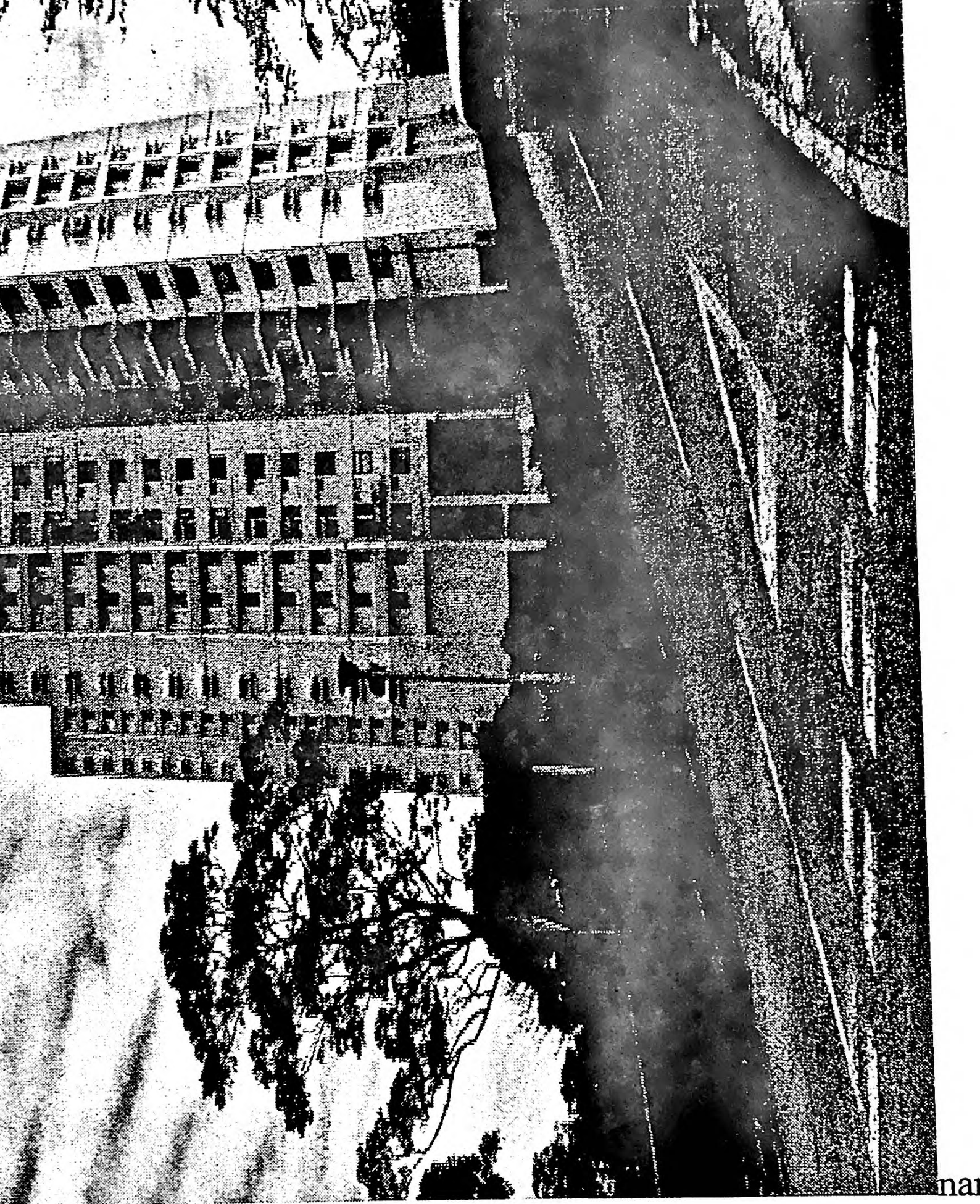
Unless the above issues in addition to many other issues are resolved, we do not think Area 6f development should go ahead.

Thank you for your attention,

Regards

Sally Conti





na







uitable for heavy cement mixer or cranks

Narrow road





Steep Slope

5973

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**Objection to Application Y/I-DB/2. Area 6f. Discovery Bay**  
11/05/2017 20:29

to: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

From: Ross Burrough <[\[redacted\]](mailto:tpbpd@pland.gov.hk)>  
To: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk),

---

To whom it may concern,  
Please find attached my objection to the application Y/I-DB/2. Area 6f. Discovery Bay.  
Kind regards,



Ross Burrough Object Letter to TPB against Area 6f Development.docx

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

(Via email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk) or fax: 2877 0245 / 2522 8426)

## **Application Y/I-DB/2. Area 6f. Discovery Bay**

### **Objection to secrecy on the Applicant's right and capacity to develop the site.**

Dear Sirs,

I refer to the Response to Comments included with the supplementary information for Application Y/I-DB/2, filed with the Town Planning Board ("TPB") by Masterplan Limited on 7 April, 2017, on behalf of the Applicant, Hong Kong Resort Company Limited ("HKR").

The District Lands Office/Islands ("DLO/Is") stated:

*The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site.*

And the Applicant replied:

*The applicant has had correspondences with Town Planning Board establishing the ownership of the site.*

This is the second time that the DLO/Is has made the same request concerning the Applicant's right and capacity to develop the application site. It is highly regrettable that the Applicant has been allowed to reply to the TPB in secret, and that this fundamental question has not been addressed as part of the public consultation.

The TPB should immediately release the relevant correspondence for public comment. If the correspondence cannot be released for reasons of privacy, the TPB should conclude that there has not been an open consultation and reject the application forthwith.

### **Deed of Mutual Covenant**

The Lot is owned under a Deed of Mutual Covenant ("DMC") dated 30 September, 1982 and held in the Land Registry as Memorial No. IS112018. There are presently over 8,000 co-owners of the Discovery Bay lot.

The other owners of the Lot have had no opportunity to review the arguments put forward by the Applicant to substantiate that it has the right and capacity to develop the application site. This is contrary to the principles of free and open consultation set out in the Town Planning Ordinance.

I draw your attention again to the two extracts from the Response to Comments above. While the DLO/Is refers to the right and capacity of the Applicant to develop the site, the Applicant refers only to establishing ownership.

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC.

To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

### **Reserved Portion**

The original grant of land at Discovery Bay (the "New Grant" dated 10 September, 1976 and lodged in the Land Registry as Memorial No. IS6122) required that the Grantee set aside the "Reserved Portion". This Reserved Portion is for the provision of services that are required by all the owners of the Lot.

I refer to the "Response to Comments" dated October 2016 for Application No. Y/I-DB/2 submitted by Masterplan Limited on behalf of the Applicant.

DLO/Is made the following comment (Paragraph 7):

*Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) 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 the "City Common Areas" 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.*

In response, the Applicant stated, in part:

*Proposed staff quarters in Area 6f have never been built. The subject site is "City Retained Areas" as defined in the PDMC.*

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."

"City" is defined as follows in the DMC:

*"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" ( 俞 景灣) including all the buildings therein."*

"The Lot" is defined as follows in the DMC:

*"All that piece or parcel of land registered in the District Land Office Island as The Remaining Portion of Lot No.385 in D.D.352 and the Extensions thereto and any further extensions thereto (if any)."*

Thus, the City and the Lot are not identical. The City refers to the development on the Lot to be known as Discovery Bay City. City Retained Areas are part of Discovery Bay City. Furthermore, the City Retained Areas have a defined purpose, as explained below.

**All "City Retained Areas" are part of the "Reserved Portion"**

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 "Conditions" is defined as follows in 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."*

Special Condition 10(a) of the New 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..." (emphasis added)*

As such, the Applicant may not assign the Reserved Portion – "These City Common Areas together with those City Retained Areas as defined and these City Common Facilities as defined" – except as a whole to the Grantee's (HKR's) subsidiary company.

Area 6f forms part of the City Retained Area. Therefore, according to the terms of the New Grant, HKR have no right whatsoever to develop Area 6f for residential housing for sale to



third parties. Area 6f must remain part of the City Retained Area, and used for the purpose of providing services to the City.

**Allocation of Undivided Shares to the Reserved Portion**

The reply to the DLO/Is' comments dated October 2016 continued:

*In our response to comment item 6 above sent to District Lands Office direct, it is clearly demonstrated that the undivided shares of Area 6f are held by the applicant and have never been assigned to any other party. (Full set of all DMC, 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 6f and has absolute right to develop the application site.*

I disagree strongly with the view that ownership of undivided shares *ipso facto* gives the Applicant the absolute right to develop Area 6f. The rights of the Applicant, including the right to develop any part of the lot, are defined and strictly limited by the New Grant and by the DMC.

Furthermore, it is irrelevant that the Applicant has not assigned the undivided shares of Area 6f to any other party. In truth, HKR have never carried out their obligations under the New Grant to allocate undivided shares to Area 6f.

The above discussion shows that there are reasonable grounds to argue that the Applicant does not have the right and capacity to develop Area 6f for residential housing for commercial rent or sale. To date, the Applicant has persisted in carrying out exchanges concerning ownership of the subject site in secret with Government departments and the TPB, without subjecting these exchanges to public scrutiny.

In the interest of upholding the public consultation process under the Town Planning Ordinance, the TPB should reject the application until such time that the Applicant releases the relevant documentation to "substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC."

Yours sincerely,

Name: Ross Burrough [REDACTED]

Address: [REDACTED]

5974

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**Objection to application Y/I-DB/2 Area 6f**

12/05/2017 11:23

to: tpbpd@pland.gov.hk

From: che chung francis lam <[REDACTED]>  
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,  
Please respond to che chung francis lam [REDACTED]

Dear Sirs,

I refer to the captioned submission / application regarding the new development at Discovery Bay, and the objection letter submitted by Parkvale Village Owner Committee (signed by Committee Chairman, Mr. Kenneth J. Bradley). I totally agree to the points / concerns raised in their letter, and consider that the captioned application shall be rejected.

Thank you for your attention!

Regards!

Francis Lam

Owner of [REDACTED]



May 2017 PVOC submission\_final (1) (1).pdf

## **PARKVALE VILLAGE OWNER'S COMMITTEE**

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

### **INTRODUCTION**

We, the Parkvale Village Owner's committee (PVOC), a body of owners in Parkvale Village in Discovery Bay (DB) elected to represent the interests of the owners of the 606 flats in the village, have submitted comments on Hong Kong Resort Company Limited's (HKR) Section 12A Application "To Amend Discovery Bay Outline Zoning Plan for rezoning the permissible use from staff quarters to flats at Area 6f, Discovery Bay" on four previous occasions.

The Planning Department (PD) issued papers on the 17<sup>th</sup> February 2017 not supporting the Area 6f application and recommending deferment of both Discovery Bay Areas 6f and 10b applications so that they could be considered together on the 28<sup>th</sup> April 2017. Subsequently Area 10b application was withdrawn by the applicant who apparently provided no explanation to the PD and of course not to the public! The PVOC considers that the HKR Further Information (FI) needs to be seen in the context of these TPB papers and (just like PD) the need for a holistic approach to all proposed developments in Discovery Bay (DB).

The TPB and relevant departments will see when they review this latest FI that it provides no new and substantial material. But again HKR, in order to cloud the issues of water and sewage, repeats its appeal to government not to forget DB when, at some time in the future, government reviews sewage and water infrastructure for Lantau.

It is highly likely HKR has no intention whatsoever of building a STW and private water supply system for Area 6f and would wait for government infrastructure to be available. It should be noted that at no stage in the history of this application has HKR specified the year of completion for the proposed development of Area 6f! Another likelihood is that the Area 10b withdrawal is not a cancellation, but merely a tactical withdrawal and will reappear in the future.

The PVOC comments on the FI submitted by HKR on 7th April 2017 are as follows:

- A. Executive Summary: Principle Concerns with the Application.
- B. TPB Papers of 17th February 2017 and Withdrawal of Area 10b.
- C. Planning Intention of Discovery Bay including Population and DB Masterplan Exercise.
- D. Ownership and Right of Development in of Discovery Bay:
- E. Response to Departmental Comments.
- F. Public Consultation and Section 12a Applications.
- G. Geotechnical Planning Review.
- H. Traffic and Emergency Access.
- I. The Use of Parkvale Drive.

- J. Sewage Treatment Works and Discharge into the Sea.
- K. Water Supply.
- L. Ecology.

**A. EXECUTIVE SUMMARY: PRINCIPLE CONCERNS WITH THE APPLICATION**

Our principal concerns with HKR's proposed development of two 18 storey buildings, including 476 flats, of 21,600 m<sup>2</sup> GFA on a platform created to accommodate a 170m<sup>2</sup> GFA three storey building are:

1. Inadequate and unreliable information has been provided by HKR and a Risk Assessment has not been undertaken.
2. The PD stresses the need for a holistic approach to considering developments in DB. This is emphasised in the substantive RNTPC Paper No. Y/I-DB/2C. This is particularly relevant in view of the current DB Masterplan consultation which spells out the future HKR developments in DB. Logically all these developments need to be considered together by the PD in a holistic manner so that the impact on the current infrastructure of DB and North Lantau can be considered and factored into future government plans. In this context all development proposals in DB should be put on hold until the PD has sufficient information to consider the total impact and what to do about it.
3. Planning controls of DB are ignored in respect of the Master Plan (MP) and Outline Zone Plan (OZP) relationship, the 25,000 population ceiling and the allocation of undivided shares and management units under the Deed of Mutual Covenant (DMC). Furthermore, HKR has a conflict of interest regarding population data, in that current figures are provided by its wholly owned subsidiary, DB Services Management Limited. HKR is knowingly acting in such a way as to be flagrantly disregarding the current ceilings on the total number of flats and population and it would appear that the TPB and the Planning and Lands Departments are ignoring what HKR is doing.
4. Ownership and rights of development in DB involves the final determinant of the ultimate development potential of the Lot (under the Land grant and Master Plan) which is the number of undivided shares remaining for allocation to any new development on the Lot. This is a subject which has been disputed by many owners and this PVOC. In the latest FI the applicant states that it will only provide detailed information on this issue at the meeting of the RNTPC. This attitude is clearly unacceptable in a public consultation exercise and it should not be acceptable to RNTPC members to be only provided with such information on the day of the meeting! And without this information being reviewed by the Department of Justice.
5. Consultation with government departments and bureaux has been inadequate and incomplete with HKR's responses inadequate, evasive and grudgingly provided. (It has taken 6 rounds of Further Information for HKR to provide a geotechnical report). HKR uses comments such as "Noted" and "will be done later" to evade issues and not respond properly to government departments which have to deal with these complicated issues.



6. Public Consultation is inadequate and non-transparent, and, as practiced by HKR, it can in no way be considered as "consultation", but has to be regarded as an information exercise telling the public that this is what we intend to do! And an information exercise that has involved 5 rounds of FI which has literally had to be dragged out of HKR! It cannot be acceptable in a public consultation exercise for the applicant alone to decide what is legally and commercially sensitive (re ownership of Passageway and allocation of undivided shares) and to keep that information from being publicly commented upon. All information provided by the applicant must be placed in the public domain so the public can comment on it. This is a serious matter of public concern and will be referred to the Ombudsman, Department of Justice and District Councillor.
7. Slope safety of both Area 6f and its immediate vicinity is paramount. HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. And disturbingly it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the CTL Category 1 (highest consequences-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been deliberately not explained by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.
8. Linked to (7) above is that, despite Annex C of the October 2016 Further Information stating in paragraph 2.1.1.4 that a key element of the development is the "access road", **there is still no specific information provided as to its construction through Parkvale village.** There are many issues arising from the unsuitable access to the site such as: the part of Parkvale Drive which is designed as a pedestrian pavement under BD regulations and the effect of additional construction and operational traffic on it; width constraints of Parkvale Drive which limit the ability of larger vehicles, including buses and construction vehicles, to pass one another; potential lack of emergency access to Parkvale Drive in the event of an accident; safety, as the proposed access to the site is a pedestrian area used by residents and the public; and HKR's lack of consideration of alternative access to the site. HKR continues to not submit, in its FI, a Traffic Impact Assessment on Pedestrians which is listed under the Reports to be submitted. Transport Department statements indicate that they have not considered the specific road (i.e. Parkvale Drive) crucial to the access to Area 6f and continue to refer only to DB roads overall and their interface with the remainder of Lantau outside of Discovery Bay which is irrelevant.
9. Regarding Traffic and Emergency Access the PVOC has in all its four previous submissions pointed out the inadequacy of both the narrow and sharply winding Parkvale Drive and the even narrower private pedestrian passageway behind the existing 3 Woods high rise residential buildings for use as both construction and permanent traffic access to Area 6f. We have pointed out the inability of heavy vehicles or busses to pass on this narrow access,



raising the possibility of accidents or conflict between large vehicles blocking the only access to Parkvale Village, the adjacent Midvale Village and to Area 6f and preventing access by emergency vehicles such as ambulances, fire appliance or the police. This is unacceptable from a practical and social perspective.

Information submitted by the Applicant has focused on Area 6f itself and has attempted to draw attention away from the adjacent surroundings saying that they will not be impacted. However, in reality, the surroundings impact on Area 6f, and the FSD in the latest Departmental Comments has now recognized that an adequate EVA within Area 6f will be USELESS unless it connects to an adequate EVA through the adjacent Parkvale Village and Parkvale Drive, which we have pointed out are impractical and inadequate. The Planning and Buildings Departments must demand that HKR provides a detailed documented proposal as to how such adequate access would be provided and as to why they have ignored their earlier proposal to provide alternative access from Discovery Valley Road.

10. The use of Parkvale Drive, defined as a "Passageway" in the Parkvale Village Deed of Mutual Covenant, is essential for access to Area 6f. HKR continues to refuse to make public its advice that it has the legal right to use the "Passageway", and both the PVOC and many DB residents have challenged HKR's position. The issue of the "Passageway" has been made more complicated by the revelation that the Emergency Vehicle Access to Area 6f will significantly impact on the "Passageway". Another impact, as revealed in the GPPR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTL Category 1 (highest consequence-to-life) slope (10SW-B/C 218) directly opposite the 3 Woods high rise residential buildings. HKR and its consultants have only now, at this late stage of the application, revealed their intentions, but not in a way that is clearly stated to the public and Parkvale Village residents. And it is only now revealed by the submission of the GPPR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

11. A sewage treatment works (STW) is to be included in Area 6f with discharge directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. It is clear from HKR's comments that the latter is the intended approach. Also, HKR continues to minimise the pollution impact of discharge of sewage into the sea, whereas it will increase the TIN and TPs which are already above acceptable levels, thereby increasing the probability of, e.g., red tides in DB waters. The emergency arrangements involving a permanent connection to the government sewage system have not been adequately addressed by DSD which naively assume that HKR will turn off the connection after the emergency. **DSD is in effect giving HKR an unapproved permanent connection to government infrastructure which it has emphasised throughout this exercise is not available to HKR.** Not surprisingly HKR's consultants say that the sewage proposal "*is considered not an efficient sewage planning strategy*".

12. HKR is misleading the TPB by continuing to say that there are two options re water supply but, as previously pointed out (since government has confirmed that its facilities at the Siu Ho Wan Water Treatment Works (SHWWTW) and the SHW Fresh Water Pumping Station are **not** available for the foreseeable future), there is only one, which is a potable water supply to be provided by re-opening, after 16 years, the DB water treatment plant and using water from the DB reservoir. In addition there appears to be no backup plan for the provision of fresh water to the Area 6f residents if and when the water quality does not comply with Guidelines for Drinking-water Quality recommended by the World Health Organization, which is the water quality standard currently adopted by the WSD fresh water supply system. It is considered that the proposal to build a private supply system is, in view of its engineering difficulties, cost and management difficulties, an attempt to mislead the TPB since it is almost certain that HKR would wait for the long term development, if any, of government infrastructure. And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporarily withdrawn) and those which are implied in the latest DB Masterplan consultation?
13. No information is provided again regarding the provision of other utilities to Area 6f and how it will affect Parkvale Village, despite the October 2016 Further Information Annex C paragraph 2.1.1.4 stating that a key element of the development is the provision of utilities. Furthermore, there is no reference to the DB LPG gas system which has had a recent explosion investigated by EMSD and FSD and is subject to uncertainty as the current contract shortly expires and is subject to scrutiny.
14. Ecology - with regard to the compensatory planting, the proposal is misleading and impractical. As evident on page 88 of the FI, the site conditions simply do not allow for the retention of the trees as stated in the FI.

We provided further details of these concerns in our previous submission. Readers of this submission should also read our previous submissions if they have not already done so.

## **B. TPB PAPERS OF 17TH FEBRUARY AND WITHDRAWAL OF AREA 10b**

The Area 6f application needs to be seen in the context of the two RNTPC Papers dated 17<sup>th</sup> February 2017 for the consideration of the Rural and New Town Planning Committee (RNTPC):

1. Substantive Paper No. Y/I – DB/2C section 12 set out the PD's views which were that, based on the assessment made in section 11 (Planning Considerations and Assessments) and having taken into account the public comments mentioned in section 10, the PD **does not support** the Area 6f application for the following reasons:
  - a. The applicant fails to demonstrate that the proposed rezoning would not generate adverse infrastructural, environmental and geotechnical impacts on the surrounding areas;
  - b. Approval of the application would set an undesirable precedent for other similar rezoning applications, the accumulative impact of which would overstrain the existing and planned infrastructure capacities for the area; and
  - c. There should be a holistic approach to reviewing proposed developments in DB.

2. Paper No. Y/I – DB/2B paragraph 1.6 stated that “given the unique development background and original concept of DB, the possible cumulative impacts on the natural environment of DB and the infrastructure capacities in North Lantau, it is considered that the two development proposals should be considered together holistically by the Committee.

The reasoning behind these two papers is set out below in Section C: Planning Intention of DB including Population and DB Masterplan”.

The RNTPC agreed to defer a decision on Area 6f and that the application should be submitted for its consideration on the 28<sup>th</sup> April 2017 together with application No. Y/I-DB/3 (Area 10b).

Subsequently Area 10b application was withdrawn by the applicant who apparently provided no explanation to the PD and of course not to the public! This withdrawal should be seen within the context of further developments envisaged for DB as explained in the proposed DB Masterplan submitted by HKR to the DLO and described below in Section C.

### **C. PLANNING INTENTION OF DISCOVERY BAY INCLUDING POPULATION AND DB MASTERPLAN EXERCISE**

**Attention is drawn to the fact that the PD does not support the Area 6f application.** This is based on the following assessment (Section 11 of the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017):

#### **1. Planning Intention of DB:**

- a. Section 11.2 states that “In terms of strategic planning context, according to the Revised Lantau Concept Plan 2007, Discovery Bay area was not recommended for further development. Recently the Lantau development Advisory Committee recommends North Lantau Corridor for strategic economic and housing development,..... DB is not recommended as a strategic growth area under planning at this stage.”
- b. “Discovery Bay is intended for a ..... total planned population of 25,000 and a total domestic GFA of 900,683m<sup>2</sup> upon full development”. **“Any further increase in population would have to be considered in the context of the general planning intention for the area and subject to detailed feasibility investigation on infrastructure and environmental capacities.”**
- c. The proposed development “should be justified in the context of the development concept of Discovery Bay which is intended for a holiday resort and residential/commercial development. The current application, if approved, would set an undesirable precedent for similar rezoning applications. Given there are five “OU (Staff Quarters) zones on the OZP (Plan Z-7) with a total area of 26,789m<sup>2</sup>, the accumulative effect of developing those land with increase in population would further depart from the original development concept of DB and overstrain the existing infrastructure capacities.”



## 2. Impact Assessments of the Proposed Scheme:

- a. "The applicant fails to demonstrate the infrastructural feasibility and environmental acceptability of the proposed development although he has submitted relevant technical assessments in support of the rezoning proposal."
- b. Although the applicant proposes to provide an on-site sewage treatment plant and private water supply system as alternatives, he considers that EPD and WSD should take into account the proposed development in future expansion plan of Siu Ho Wan Sewage and Water Treatment facilities. In this regard DEP advises that ..... the applicant make his own provision for sewage treatment and CE/Dev (2) advises that the existing water supply system is based on a maximum population of 25,000 which is the population ceiling in the Discovery Bay OZP currently in force."

## 3. Public Comments

- a. "While C for T has no comments on the inclusion of the existing access road, the major public concerns on the design population of Discovery Bay and insufficient water and sewage infrastructural capacities amongst others are generally agreed with as indicated in the planning assessments".
- b. "As regards the right under the PDMC to convert the access road for use by the proposed development, DLO/Is, LandsD considers that the applicant should substantiate his right/capacity to develop the Site without prejudicing the provisions in the PDMC."

## Population

The latest FI continues to be misleading on population. It completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a). The issue is whether the population of DB should be raised above the 25,000 limit currently imposed by the OZP. This has not even been identified as an issue in the submission, which in effect means the TPB is being deliberately misled.

The issues raised and discussed by the various government departments do not address the many issues raised by the VOC and others in earlier submissions, particularly in regard to breaching of the 25,000 population limit for DB and do not mention in any way the separate DB Masterplan submission made by HKR.

No further development should be allowed until the fundamental issue of the proposed change in the population of DB together with the issue of the absence of sound and accurate population statistics independent of HKR is fully, openly and publically addressed. There is a major issue of conflict of interest in the preparation and use of population statistics which undermines the public consultation and planning application processes and this will be referred to the Ombudsmen for investigation.

Attention is also drawn to the possibility that the government 2016 bi-census could provide additional information on the current population and persons per unit. This information is expected to be available later in 2017.

### DB Masterplan Exercise

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that “the proposed residential development with maximum GFA of 21,600m<sup>2</sup> and PR of 2.83 does not conform with approved MP 6.0E7h (a).”

This issue is now made more complicated as a result of the Lands Department commissioning the Islands District Office to conduct local **consultation on the “Proposed Discovery Bay Master Plan 7.0E (Revision date: 1<sup>st</sup> Feb 2017) for Discovery Bay, Lantau Island, New Territories Lot No. 385 R.P. in D.D. 352 and Extensions thereto”**.

The DLO has received this proposed MP from HKR which proposes, inter alia, to increase the total maximum permitted number of housing units in DB from 8,735 to 10,000 in order to increase housing units in DB Area N1 NORTH. **The 10,000 units is the limit under the existing OZP, before counting Areas 10b and 6f which are the subject of Section 12a applications to the TPB.** HKR applications to the TPB for Areas 10b/6f glossed over this fact, pretending that the Areas 10b and 6f flats were on top of the 8,300 odd flats already built and not the 10,000, thereby breaching the 25,000 cap on population.

The current proposed Master Plan 7.0E will bring the total number of units up to 10,000 which is the maximum allowed under the current outline zoning plan. Information on this development was not available during the Area 6f and 10b applications. However, the last round of consultation on Area 10b, and now the one for Area 6f, has provided the PVOC and DB residents with the chance to point out that they do not agree with raising the number of units in DB well above 10,000 and to breaching the 25,000 population ceiling.

It should also be noted that this MP proposal plus the TPB consultation for Area 6f (and previously Area 10b) does not propose to improve the current DB infrastructure. And of course government has no current facilities and development plans for the provision of additional sewage and water treatment facilities at Siu Ho Wan.

The PVOC requests the Directors of Planning and Lands Departments to:

1. **Confirm** that the “Proposed Discovery Bay Master Plan 7.0E (Revision date: 1 Feb 2017) for Discovery Bay, Lantau Island, New Territories Lot No. 385 R.P. in D.D. 352 and Extensions thereto”, which proposes to increase the total maximum permitted number of housing units in DB from 8,735 to 10,000, in order to increase housing units in DB Area N1 NORTH, **means that the 10,000 units is the limit under the existing OZP, before counting Areas 10b and 6f which are the subject of Section 12a applications.**
2. Ask HKR for its infrastructure proposals in respect of the MP proposal.
3. Acknowledge that:
  - a. HKR is knowingly acting in such a way as to be flagrantly disregarding the current ceilings on the total number of flats and population in its inconsistent approaches involved in its DB MP proposal and remaining Section 12A application for Area 6f.
  - b. This MP proposal in its current format is inconsistent with the planning approach of the PD as set out in section 11 of the RNTPC Paper No Y/I – DB/2C dated 17th February 2017 and described in section C above.



4. Based on the foregoing, to request HKR to withdraw both its DB MP proposal and remaining Section 12A application in respect of Area 6f.

#### **D. OWNERSHIP AND RIGHT OF DEVELOPMENT IN DISCOVERY BAY**

Ownership of the site has been an issue from the outset of this application and has been the subject of many public comments. e.g Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

LandsD continues to point out that its questions about ownership remain unanswered. HKR's consultants, Masterplan, say they have answered these questions by explaining direct to the TPB. The Lands Department should reject HKR's request to leave its detailed views on this subject within the "*commercially sensitive information*" contained in HKR's letter to the DLO dated 3<sup>rd</sup> August 2016 and referred to in Section E below.

With none of this is on the public record, HKR has turned a public consultation process into a private dialogue with the TPB which the PD must realise puts it in an invidious position.

The RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017 stated in paragraph 3, "Compliance with the "Owner's Consent/Notification" Requirements", that the applicant is the sole "current land owner" and detailed information would be deposited at the meeting for Members' inspection. From the outset of this application, this HKR view of ownership has been contested by many DB owners in numerous submissions to the TPB at all stages of FI.

The Principal Deed of Mutual Covenant (PDMC) dated 30<sup>th</sup> September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

It is clearly unacceptable in a public consultation exercise that HKR should expect:

1. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting.
2. The public not to have an opportunity to inspect and comment on the information.
3. The Planning Department not to refer the information to relevant bodies such as the Legal Department.

The question of the undivided shares not being publicly addressed is a disgrace.

**Ownership was raised from the outset as the allocation of undivided shares and management units** is covered in comment number 4402 submitted last July to the TPB and the Lands Department has asked HKR to prove that there are sufficient undivided shares retained by it for allocation to the proposed development of Area 6f. **HKR has replied to the Lands Department by requesting the information to be regarded as commercially sensitive; in other words, not to be disclosed in a public consultation exercise. This is inconsistent with the aims of public consultation.**

As a reminder of the issue, note that the final determinant **of the ultimate development potential of the Lot** (under the Land Grant and Master Plan) is the number of undivided shares remaining for allocation to any new development on the Lot and the following:

1. The Principal Deed of Mutual Covenant (PDMC) contains this unique share regime in which the Lot is notionally divided into 250,000 undivided shares. These undivided shares were immediately allocated to various uses: 56,500 to Residential Development; 4,850 to Commercial development; 2,150 to Clubs and public recreation activities; and 3,550 to hotel use. 55,000 were defined as "Reserve Undivided Shares".
2. Only undivided shares allocated to Residential Development may be sub-allocated to Residential Units and once these have been exhausted the developer may draw from the Reserve Undivided Shares.
3. The problem is there is no record of how many Reserve Undivided Shares remain for allocation to the future development of the Lot.
4. Unfortunately there appears to be no accountable and transparent central register and management of the process of allocating the shares which means that HKR cannot assure the TPB that there are sufficient shares to be allocated to Area 6f and other developments. **Both the Lands and Planning Departments are aware of this situation and should not consider any application until they receive assurance, with supporting and valid documentation and figures, that there are shares available for the developments.**
5. In order to protect the interests of all the current and future assigns of the developer, the TPB should require a full accounting of the allocation of all undivided shares by share type to all Villages, City and the other areas of the Lot, prior to consideration of any proposal to amend the present OZP.

The PVOC considers that:

1. This public consultation exercise should not continue until, for the sake of transparency, there are rules in place covering the allocation of undivided shares. At present, there is no public record of the allocation of undivided shares to the City outside the Villages. This is important as the ultimate development on the lot is determined by the number of undivided shares remaining for allocation and not just through a DB Masterplan consultation exercise.
2. **And that it is unacceptable in a public consultation exercise that HKR should expect:**
  - a. RNTPC members and Planning Department officials to see for the first time and inspect detailed information deposited at the meeting and for the public not to have an opportunity to inspect and comment on the information.
  - b. The PD not to refer the information to relevant bodies, such as the Legal department.
  - c. The question of the undivided shares to not be publically addressed.

As with other issues which are relevant to the public consultation exercise, the above will be referred to the Ombudsman.

## E. RESPONSE TO DEPARTMENTAL COMMENTS

Comments on the applicant's response to departmental comments are:

1. H (GEO), CEDD:
  - a. After ignoring requests over 15 months, a so called "GPRR" has been submitted. This is clearly a desk top and paper exercise using outdated information, and should be rejected as inadequate.
  - b. The applicant only notes and fails to explain how the building works will comply with the Buildings Ordinance and demonstrate that they would not adversely affect the stability of any adjoining building, structure, land, street or services. This is particularly relevant to the adverse effects on the adjoining Parkvale Village
2. CTP/UD&L, PlanD: the applicant has not prepared a plan for trees that takes into account slope work in respect of e.g. the western slopes which are steep. Again, HKR will not do anything until the building plans preparation stage which is unsatisfactory.
3. DSD:
  - a. HKR says that the Sewage Treatment Works (STW) will have no impact on the existing DB sewerage system. This is incorrect since it is relying, for emergency purposes, on a connection to the DB Sewage Pumping Station (SPS) No 1.
  - b. DSD should not informally give approval to this arrangement as it cannot be controlled by DSD who would in effect be allowing a permanent connection in contradiction to the stated government policy of the government sewerage system not being available to DB.
4. WSD:
  - a. HKR states that it has no preference regarding what it considers to be two options for fresh water supply, which are from the Siu Ho wan Water Treatment Works or Discovery Bay Reservoir. This is misleading and is used to try to persuade government to allow the latter, which it has been told from the outset is not available. Despite the perception claims of HKR, DB residents are accustomed to water from the government system and will consider the use of the reservoir and the building of a private water system for Area 6f as an act of desperation.
  - b. And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?
  - c. The responsibility for managing (and the financial implications) these private water supply systems is not properly explained implying that the whole of DB will bear those consequences. If a private water supply system is built for use by the proposed Area 6f development, its construction and operation costs must be borne by HKR and the Area 6f residents, which is clearly not economic.
  - d. The responses to comments on population are dealt with in section C above, but it is pointed out that the PD, in its 17<sup>th</sup> February 2017 Paper No YI-DB/2C, clearly considers population data. No responsible government department, including WSD, LD and PD, can professionally accept the records of City Management as an independent and accurate source of population data to be used for its parent company's, HKR, own developments.

5. AFCD:

- a. HKR is misleading in saying there is no adverse water quality impact due to the sewage discharge anticipated. Nothing has changed in the latest FI, so there will be more pollution.
- b. It is revealing that HKR says "relevant" fishermen and/or mariculturists will only be consulted **subsequent** to the approval of this planning application. Why not now as part of this application and by a direct approach, which HKR implies will be done after approval?
- c. Again as part of its campaign to obtain access to the government sewage system, HKR will maintain constant liaison with relevant departments to try to avoid building their own STW!

6. EPD: it has been stated many times before that the sea is already polluted with excessive levels of TIN. So whatever is discharged, despite HKR promises regarding types of nitrogen removal process, will be in addition to the current level of pollution in the sea! And yet again there is the appeal to government for the use of the existing government sewerage system.

7. FSD:

- a. HKR does not provide for public comments any details of the Emergency Vehicular Access (EVA). This should be made available for public comments and for the FSD and Police to comment on the proposal, as well as for the Buildings Department to ensure that the EVA does comply with the relevant Code of Practice.
- b. The public, and in particular Parkvale Village owners/residents, need to see the EVA proposal since it may impact on the slopes and passageways of Parkvale Village. This is something that the PD must insist upon being revealed as part of this application and not left to later stages if the application is approved.

8. LandsD: the hiking trail diversion and its length are inaccurate and imply that whoever wrote this does not know the site!

9. LandsD: in response to the DLO saying:

- a. There is no direct submission from HKR in relation to the subject rezoning application. HKR says that "The separate direct submission refers to HKR's letter to DLO dated 3 August 2016. It is a reply in letter to DLO's query on undivided shares via their letter dated 20 July 2016 [ref (53) in LD/DLO/IS 98/61V (M.P.6) Pt 10]. In spite of not being titled in relation to this rezoning application, the reply in letter should be relevant for consideration."
- b. The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site HKR says that "The applicant has had correspondence with the TPB establishing the ownership of the site".

These two responses to the LandsD, and the handling of them by the Planning and Lands Departments, raise serious concerns as to the proper management and transparency of this Section 12A public consultation exercise in respect of Area 6f. Important documents in



respect of ownership and right to develop, subjects which have been raised in many submissions, have not been made available for public comment and quite likely not been subject to review and advice by e.g. the Department of Justice. Ironically, all the public's comments on these issues, as well as others, are in the public domain whereas the Planning and Lands Departments make decisions to exclude HKR documents from public disclosure. This approach to decision making in respect of public consultation is highly questionable.

The PVOC requests the:

1. PD and all the above departments to respond to and follow up on all our concerns expressed above and elsewhere in our submission.
2. PD to place in the public domain, as part of the "so called" public consultation exercise, all the HKR responses referred to in (9) above and all the other HKR responses to department concerns which have not been published so far.
3. And any refusals to do (2) above to be publicly disclosed to facilitate public scrutiny.
4. The above request will be mentioned to the Ombudsman as part of the referral in respect of the public consultation exercise for the Section 12A application for Area 6f.

#### **F. PUBLIC CONSULTATION AND SECTION 12A APPLICATIONS**

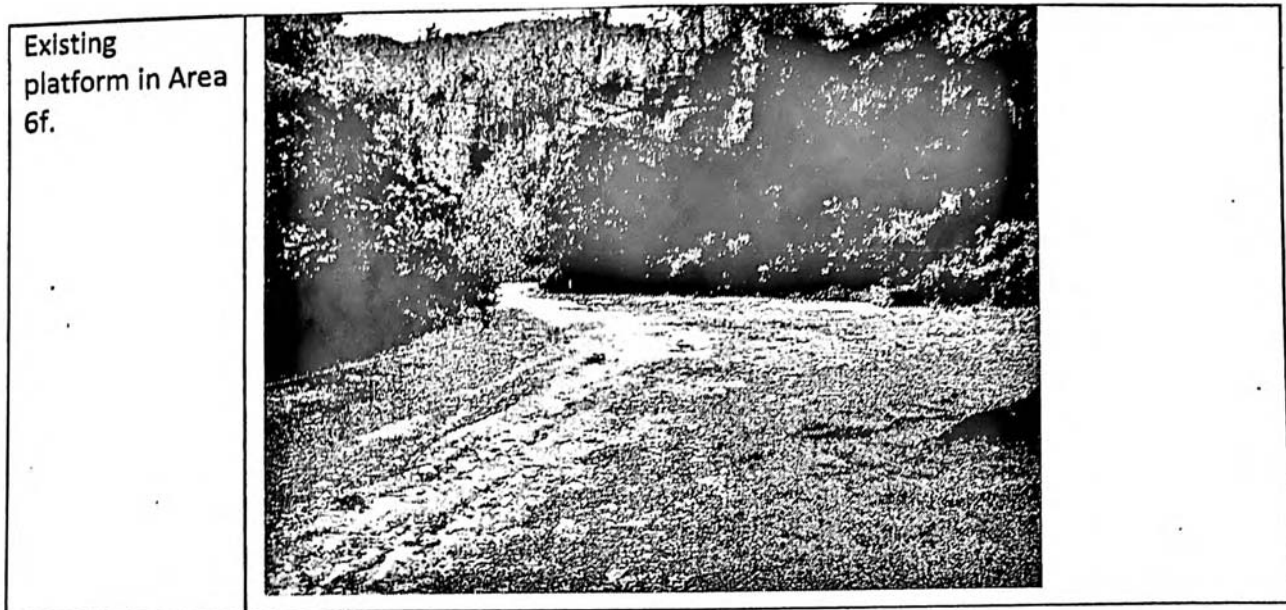
As indicated in several parts of this submission, the PVOC considers that the intention and spirit of "public consultation" has been abused with important information and explanations from the applicant not being made available for public comment and inadequate responses by government departments to valid public concerns. Whereas all public comments are made available for HKR to see! This grossly unequal treatment of the public is not acceptable. Therefore, the PVOC has referred the inadequate public consultation in respect of this Area 6f section 12a application to the Ombudsman.

#### **G. GEOTECHNICAL PLANNING REVIEW**

The applicant did not include a Geotechnical Review report in its original application and has ignored the public's comments on this subject and the requests of CEDD. Such a review is essential in view of the nature of Area 6f and the area within its vicinity.

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





In creating this much larger level site, the slopes towards Crystal and Coral Courts and towards Discovery Valley Road will be increased significantly. This raises the safety risk of slope failure and increases the slope drainage run-off towards the existing Parkvale Village properties. **HKR should be required to state how it will eliminate these risks.**

In the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, included under Geotechnical in paragraph 9.1.13 H (GEO), CEDD comments:

- a. "The proposed development is overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). It will also affect or be affected by manmade-features. The applicant should submit a GPRR.
- b. Reminded the applicant that the GPRR shall be submitted in support of the application according to the GEO advice note and that the applicant has not submitted a GPRR to assess the geotechnical feasibility of the proposed development.

**Only now, after 15 months, has HKR submitted a GPRR which is considered to be inadequate for the purpose.**

PVOC comments are as follows:

1. The report is based on dated papers and out of date information extracted from data sources. There is no clear statement that in compiling this report how many, if any, real time site visits and investigations have been carried out within the actual Area 6f and in the vicinity around Area 6f. And the report includes no record of such visits/site investigations. The desk top and cut/paste approach has produced findings which cannot be regarded as good enough to be considered even as preliminary findings.
2. The February 2017 GPRR is not signed by WSP / Parsons Brinckerhoff (Asia) Limited and is based on a review of ground conditions assessed way back in 1984. As many of the HOKLAS test requirements have been amended since then, the review is not up to current standards.

3. There are 4 registered slope features and 4 natural terrains that fall partly/wholly within the site and 7 registered slope features located in the vicinity of the site. The basic information of these features has been extracted from the Geotechnical Engineering Office (GEO) of CEDD Slope Information System (SIS). Unfortunately this basic information is from an inspection carried out 20 years ago, so the slope information being used in this report is out of date and needs to be at least revisited.
4. The report states that there is "no record of previous ground investigation works in the vicinity of the subject site from the Geotechnical Information Unit (GIU) of the GEO" so the report relies on a 1985 geotechnical report for proposed residential building at DB Development Area 6b, which has been found in the Buildings Department (BD). This report prepared by LG Mouchel & Partners states that 31 drill holes were sunk in the associated area of 6b. No location plan has been found in respect of those drilling holes. Note that this report has involved no boreholes within the actual Area 6f.
5. The submitted Ground Investigation Report is now 33 years old. This was prior to any significant development in Discovery Bay and does not contain adequate information on the latest ground water conditions.
6. No records of previous groundwater monitoring have been obtained from the GIU of the GEO.
7. There is no intention to do the required Natural Terrain Hazard Study (NTHS), which identifies the hazards and mitigation measures, until after the application is approved and prior to the commencement of work at the site. And two of the NTH features are located within the site and have been identified as not satisfying the "In-principle Objection Criteria".
8. It is stated that there is a need for additional ground investigation works to be carried out for detailed stability assessment on 9 features (9 slopes) and 2 features of natural terrain but this work would not be done until after the application is approved and prior to commencement of work at the site.
9. The slope stability assessment section of the report confirms that 11 slope/terrain features will be affected by the proposed development. The report states that, based on the information used in compiling this report, **all the adjacent slopes require a factor of safety above the prevailing standard**. These slopes include the slopes directly facing the 3 Woods high rise residential buildings and the slopes overlooking both Coral and Crystal Courts.
10. The CTL Category 1 (highest-consequence-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This situation has never been disclosed in the original application and in the subsequent rounds of further information provided by HKR. And without the comments of the public demanding a GPRR, only now being grudgingly provided by HKR, this situation would not have been revealed for public comment.
11. It is also noted that the GPRR fails to mention the economic consequences of the CTL Category slopes which should be corrected.

12. It is apparent from the report that the foundation design requirements are presently totally unknown based on a guess estimate of the presumed bedrock profile, until further site investigator is carried out. The report ignores the fact that the proposed site was formed for a very small 3 storey building.
13. The exact foundation system to be adopted is not known and therefore not made available for public comment. Typically this is left until after the application is approved when the system to be adopted will be subject to detailed design on the loading of the proposed residential buildings, the future ground investigation works and laboratory testing results.
14. As mentioned on all previous reviews, the ground profile indicated on Section A-A is incorrect and misleading.
15. Regarding site formation, paragraph 4.2 of the GPRR states very simplistically that **"to facilitate the construction of access road connecting to Parkvale Drive, local cutting with soil nails is anticipated to be carried out on Feature No. 10SW-B/C218", which is directly opposite the 3 Woods high rise residential buildings.** As is obvious from the inter-relationship of the issues of passageways, slopes and EVA, as explained elsewhere in the PVOC's comments, that the access to Area 6f is much more complicated and legally challenging than presented by HKR.
16. The clouded compensatory planting is inaccurate and does not reflect the construction methodology previously highlighted in the submission. The highlighted trees cannot be retained with the open-cut approach for the pile cap construction and the requirement for a large retaining wall.
17. The report recommends that geotechnical monitoring should be carried out on all adjoining features, ground and structures. i.e. Parkvale Village. This is despite making the absurd statement that "there is no adverse impact to the nearby features", when this is quite clear from the statements regarding probable work to all the relevant slopes and natural features.
18. No reference is made to much major noisy, dusty and dirty construction works on the site and adjacent slopes will be required adjacent to existing building at the 3 Woods high rise residential buildings and 2 Crystal / Coral high rise residential buildings.

This report has all the features of a simplistic desk top and paper exercise using old reports and dated information to provide a minimalistic response to a serious aspect of the proposed development. This is a token response to CEDD's request and public comments and needs to be rejected for what it is. The constant theme of leaving everything until after the application is approved and "it will be right on the day", is an insult to the public consultation process and government departments' requests for information and clarification.

Slope safety of both Area 6f and its immediate vicinity is paramount. HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. Disturbingly, it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the **Category 1 slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt.** And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral



and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been ignored by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

What is needed now for public consultation is for a full and proper assessment of the slopes relevant to Area 6f, and not to wait, as the report states, until after approval of the application and subsequent to site works starting, for a detailed stability analysis to be carried out involving the completion of site specific ground investigation works and laboratory testing.

The GEO should reject this inadequate and unsound "GPRR" and request HKR to prepare one with full details and to inform the public about the full findings prior to submitting the report to the TPB. This is essential since HKR has for 15 months ignored this key aspect and the need for proper public consultation.

## **H. TRAFFIC AND EMERGENCY ACCESS**

Our previous four responses objecting to the application have consistently challenged the lack of adequate or any clarification on the critical issue of access to Area 6f and the serious issues relating to traffic, emergency access and personal safety which these imply.

The most obvious omission from the Applicant's Responses relate to areas surrounding the Area 6f site which are ignored or dismissed out of hand, starting with the misleading and inadequate statement in the original submission that the development of Area 6f would have no adverse impact on surrounding areas. This is patently untrue, and the impact on, and the resultant unsatisfactory, traffic and emergency access due to the existing physical constraints in Parkvale Village's adjacent Woodland Court, Woodgreen Court and Woodbury Court clearly demonstrate that this surrounding adjacent development is a seriously detrimental, if not insurmountable, obstacle to any reasonable high rise development on Area 6f in the manner currently proposed.

**We therefore challenge the Applicants proposed access from Parkvale Drive to Area 6f under the specific headings of:**

- 1. Inadequate and Unsatisfactory External Access to Area 6f.**
- 2. Restricted Emergency Access to Parkvale and Midvale Villages and to Area 6f.**
- 3. Safety of Persons.**

All of these issues have been elucidated in detail in our four previous Submissions and the salient arguments arising from these are:

1. Government departments generally have not questioned the suitability of Parkvale Drive as the only means of access to Area 6f and HKR has not addressed our concerns in its Further Information.
2. Serious concern that the additional heavy construction and operational traffic will cause serious damage, creating a dangerous road surface and ongoing increased maintenance costs to the owners in Parkvale Village.

*Settlement cracking evident in asphalt surface on Section 1 of Parkvale Drive*



3. Failure to provide adequate emergency access to the affected occupied residential buildings, as well as to the construction site, which should have the acceptance and approval of the Police and the Fire Services Department, as well as the Transport Department, before these roads and driveways were proposed for construction site access. This issue may also create implications under the Construction Sites Safety Ordinance.
4. The Parkvale Drive private pedestrian "Passageway" is wholly unsuitable for heavy traffic flow and poses a very real risk of residents, including children and the elderly, being hurt or killed by the heavy traffic.

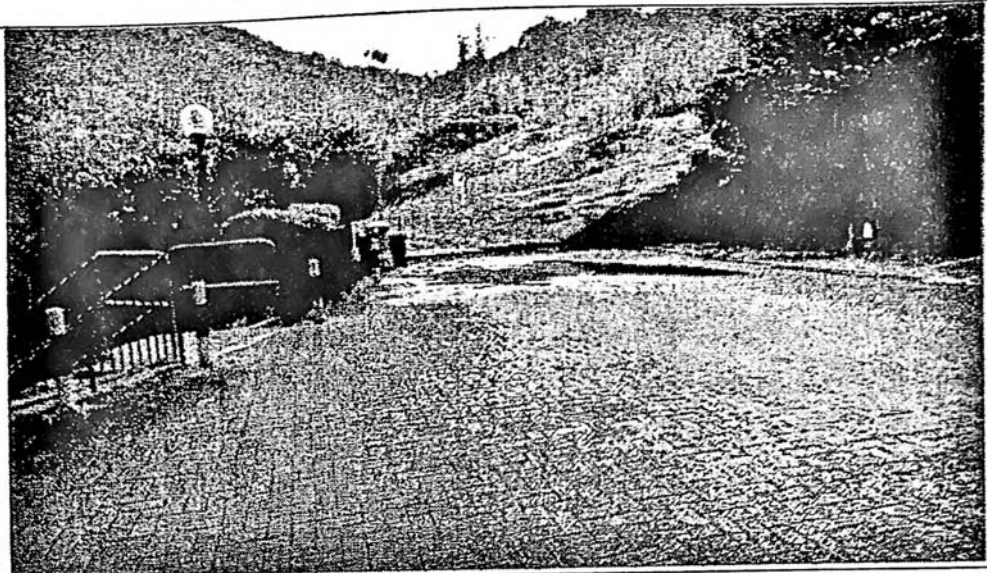
*Section 3 of Parkvale Drive – "The Passageway". The far end of the pedestrian pavement is from where the proposed extension of Parkvale Drive will start.*



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



Section 3 of Parkvale Drive – “The Passageway”. Settlement evident to 20 tonne rated paving resulting from current traffic loading at start of proposed extension of Parkvale Drive to Area 6f.



6. In the early stages of this application, HKR sent an e-mail to the Chairman of the PVOC which stated **"We (the Applicant) are aware of the potential traffic impact on the neighborhood. As such, HKR is favorably considering to build either a temporary or permanent haul road from Discovery Valley Road."** Despite its comment, HKR has not mentioned either the potential traffic impact or the possibility of an alternative access from Discovery Valley Road in either its Application or its Further Information. HKR should be required to explain why this issue has at best not been dealt with transparently or at worst concealed as this is a matter of considerable significance and public concern.
7. Apart from the demonstrated inadequacy of the proposed single access via upper Parkvale Drive, the Application has nowhere recognized that on completion of the proposed two residential tower blocks on Area 6f, which between them will house double the population of the existing 3 Woods high rise residential buildings, the residential population relying on access through the constricted Parkvale Drive private passageway will be treble the current numbers, with the relative increase in the requirement for public transport and services and the frequency of emergency calls. Blockage of this private passageway, either by an accident by two large vehicles in conflict or collapse or washout of the narrow slope below Woodbury, would sever access both general and in emergencies to a significant population, which is an unrealistic proposition from a safety and amenity perspective and is socially unacceptable.

The foregoing comments demonstrate that, apart from the desirability, if not an absolute need, for a separate construction vehicle access, the triple population of the proposed enlarged community in upper Parkvale requires alternative access on a permanent basis, both to facilitate the safe passage of passenger transport, and also to provide guaranteed access for emergency vehicles should one access be blocked.

We strongly urge that both practical and safety considerations demand that this Application be rejected unless the requirement for alternative primary access be provided to Area 6f before the commencement of construction on the Area 6f site and be maintained as a City road for permanent access in the future.

We also draw attention to the **Comments from Fire Services Department**. Acknowledging the continued public objections and a letter to the DFS from the Chairman of the PVOC, FSD has issued two paragraphs of comments which are contained in the "Responses to Government Departments":

1. In its first paragraph, the FSD requires HKR to clarify that an access in the form of a statutory EVA would be provided between Parkvale Drive and the EVA within Area 6f. This is the first recognition of serious issues to be addressed OUTSIDE the Area 6f boundary.
2. Its second paragraph says that even if the EVA within Area 6f complies with Buildings Department requirements, it will be "USELESS" without a conforming further EVA link to Parkvale Drive.
3. HKR's response simply says that such an EVA access will be provided without clarifying how. We believe that the Buildings Department should now require HKR to provide detailed evidence as to how it intends to provide this statutory EVA externally, as access to Area 6f from Parkvale Drive, as a condition precedent to approval of the Application given the proximity of the buildings, the storm water drainage provision and the immediately encroaching terrain.
4. It is a basic civil right and social responsibility that any new development is provided with unhindered access at all times for emergency vehicles, including fire appliances, ambulances, police vehicles and also for other emergency services including City Management Security Officers and electricity and gas utility staff and their vehicles in case of emergency.

**We believe that the foregoing, and in particular the unanswered concerns of FSD, as well as of the PVOC are good enough reasons for the application to be rejected.**

#### **I. THE USE OF PARKVALE DRIVE**

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

The Principal Deed of Mutual Covenant for Discovery Bay and the Sub-Deed of Mutual Covenant for Parkvale Village are complicated documents and are difficult for a lay person to understand, especially in regard to Passageways, Village Retained Areas and Village Common Areas and the rights of the Registered Owner and of owners of undivided shares in the Lot thereto. Given this, and given that the owners of the undivided shares in Parkvale Village have been responsible for the costs of maintaining this "Passageway" for the past 28 years, we believe that HKR should present counsels' independent legal opinions supporting its contention that **it has the legal right to use the passageway as access to Area 6f.**

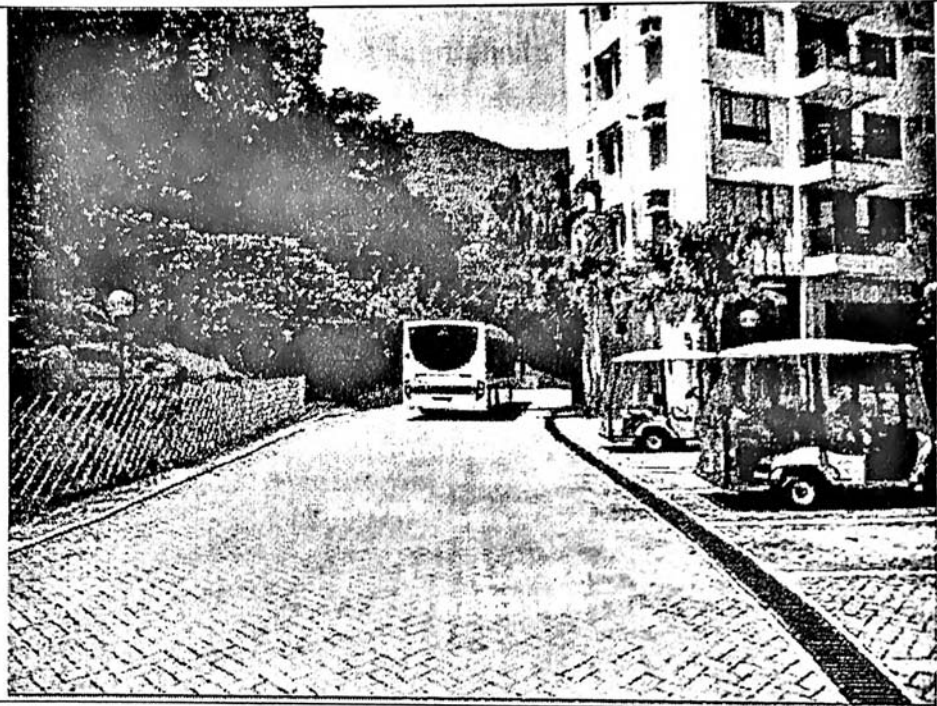
The issue of the passageways has now become more complicated in view of:

1. Disturbingly, it would appear from references in the GPRR to future slope stability work and subsequent site formation work for the access road to Area 6f that the Category 1 slope

(10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. This MAJOR aspect of the proposed development has been ignored by HKR and its consultants in order not to alert and alarm the PD, Parkvale residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

2. The EVA connection will involve rock breaking / slope stabilization work adjacent to the 3 Woods high rise residential buildings. The existing Parkvale Drive road and the "Passageway" at the 3 Woods high rise residential buildings are patently insufficient to properly or safely serve the construction of and the additional development when occupied by 476 Flats of 2.5 or 2.8 persons per flat. The existing 3 Woods high rise residential buildings are within 5m of the existing road carriageway in the passageway section, which is also the pedestrian access way to the entrances of the 3 buildings. Consequently, the proposed EVA will not comply with the requirements of the relevant Code of Practice issued and administered by the Buildings Department unless the existing road carriageway is widened so that there is at least 5m between the building and the road. This will require the removal of the slope currently opposite the building.

*Section 3 of Parkvale Drive – "The Passageway". View of the rear of Woodbury Court, illustrating the narrowness of the pedestrian pavement, its lack of a carriageway to separate vehicles from pedestrians and the inability of vehicles to pass one another.*



3. However, HKR continues to mislead the PD over the ownership of passageways as reflected in the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017, paragraph 2(k), which states that "with reference to the Sub-DMC for Parkvale Village, the applicant clarifies that the section of Parkvale Drive at the pocket of Parkvale Village is identified as "Passageways". It is not part of Village Retained Areas or designated as "Village Common Areas". From the outset of this application this HKR view has been contested by many DB owners in numerous submissions to the TPB at all stages of Further Information. These are referred to in paragraph 10.4(e) of the RNTPC Paper No. Y/I – DB/2C dated 17<sup>th</sup> February 2017.

It is clearly unacceptable in a public consultation exercise that HKR should expect:



1. RNTPC members and Planning department officials to accept the one sided view of HKR in respect of "Passageways" which has not been published.
2. The public not to have an opportunity to inspect and comment on HKR's views on "Passageways".
3. The Planning Department not to refer the information to relevant bodies such as the Department of Justice for a detailed legal review which is then made available for public comment.



#### **J. SEWAGE TREATMENT WORKS (STW) AND DISCHARGE INTO SEA**

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

1. Discharge the treated sewage directly into the sea next to the ferry pier using either a gravity pipe or the open nullah, which is adjacent to Hillgrove Village. However, it is clear from HKR's comments that the latter is the intended approach; and
2. In the event of the STP breaking down, divert the treated sewage to the SHWSTW, despite the DEP stating that the SHWSTW does not have the capacity to receive the sewage from the proposed development.



Picture of the redevelopment of the DB bus station published by HKR with the location of the sewage discharge outlet added.

	View of the open nullah looking upstream past Hillgrove Village.		View of the open nullah looking downstream towards Hillgrove Village.
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The FI indicates that a larger deodorizing unit will be provided. This is an interesting response as it clearly acknowledges that there will be an odour issue for adjacent residents and the many users of the local hiking trail. The topography and the enclosed nature of the site, surrounded by the tower blocks, means that there is likely to be issues with wind tunnelling, confined airflow and possible micro-climate conditions. No study to this effect has been carried out.

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

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

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

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

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



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

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

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

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

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

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

## **K. WATER SUPPLY**

The laying of a major new water main required to enable the DB existing reservoir supply to be utilised to provide potable water will further disturb the natural environment, with much rock breaking from the proposed new private water treatment works, pumping station and service reservoir, down Discovery Valley Road, and back up Parkvale Drive to Crystal Court and Coral Court, then up the slope to the Area 6/f site (option 2) or from Discovery Valley Road across the hillside to Area 6f (option 1). The reservoir is a recipient of water run-off from the golf course i.e. presumably with the usual pesticides. It also appears that the original plan, presumably (if

Area 10B is eventually resubmitted) will be to locate a helicopter landing pad in an adjacent area to Area 6f!

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

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

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

And will private water systems be constructed for further HKR development projects which are implied by the Area 10b application (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

#### **L. ECOLOGY OF AREA 6f**

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

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

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

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

#### **CONCLUSION**

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

we note that the Planning Department does not support the application for reasons explained in the paper submitted to the RNTPC on the 17<sup>th</sup> February 2017 and which clearly remain unchanged.

So, we the PVOC, request that the Planning Department maintains its position regarding this section 12a application for Area 6f and recommends again to the RNTPC on the 23<sup>rd</sup> June 2017 that the application be rejected.

*Signed on behalf of the PVOC:*

*Date:*

11<sup>th</sup> May 2017

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

Parkvale Village Owners Committee Chairman

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand groups



**Re: Object Letter to HKR Area 6F Development Application**

12/05/2017 10:06

to: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

From: "Ken Obyrne" [<tpbpd@pland.gov.hk>](mailto:tpbpd@pland.gov.hk),  
To: [<tpbpd@pland.gov.hk>](mailto:tpbpd@pland.gov.hk),

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To whom it may concern,

I object to this application as explained below

Slope safety of both Area 6f and its immediate vicinity is paramount. HKR has ignored CEDD's request for a Geotechnical Planning Review Report (GPRR). Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR. And disturbingly it would appear from the GPRR that references to future slope stability work and subsequent site formation work for the access road to Area 6f that the CTL Category 1 (highest consequences-to-life) slope (10SW-B/C218) directly opposite the 3 Woods high rise residential buildings would have to be destroyed and rebuilt. And it is also revealed that two more CTL Category 1 slopes (10SW-B/C 194 above Coral and Crystal Courts and 10SW-B/C 205 adjacent to Coral Court) will be subject to significant changes. This MAJOR aspect of the proposed development has been deliberately not explained by HKR and its consultants in order not to alert and alarm the PD, Parkvale Village residents and the general public to an issue which should be at the centre of a valid "public consultation" exercise. This is a serious omission from the public consultation exercise.

Yours Sincerely

Ken O'Byrne  
Discovery Bay Resident



Objection Letter HKR Area 6F Development.pdf



To whom it may concern,

5975

I object to this application as explained below

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Yours Sincerely

Ken O'Byrne

Discovery Bay Resident