6109

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:16

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

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.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:17

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

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 Only now has a desk top and paper exercise using outdated information been submitted as a so called GPRR.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.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:17

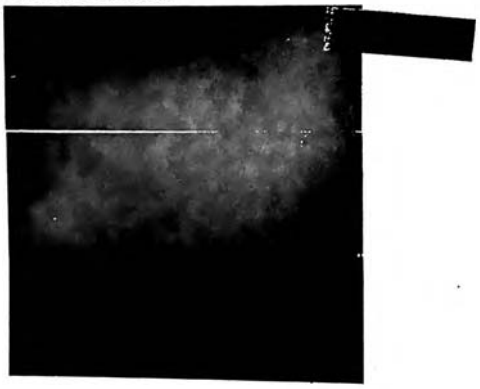
[redacted] to: tpbpd@pland.gov.hk

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application for the reasons set out below.

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.

Morten Lisse



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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

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.

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.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:25

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

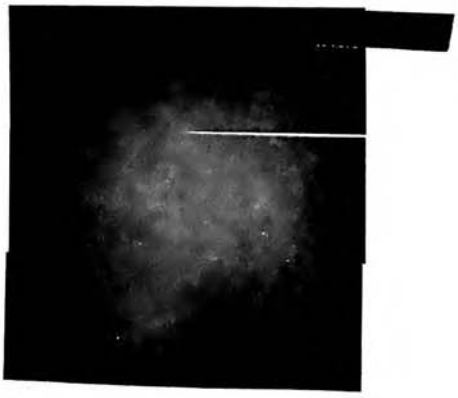
The latest FI continues to be misleading on population. It completely ignores MP 7.0E and pretends that the TPB should be basing its population considerations on MP 6.0E7h(a). The issue is whether the population of DB should be raised above the 25,000 limit currently imposed by the OZP. This has not 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.

Morten Lisse



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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse [redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

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 (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

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.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>;

I object to this explanation as explained below.

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 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.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

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** [M1] **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 "*.

Morten Lisse
[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:18

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

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.

Morten Lisse

[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:26

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

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 17th 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 900,683m2 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 26,789m2, 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."

Morten Lisse

[redacted]

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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:29

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

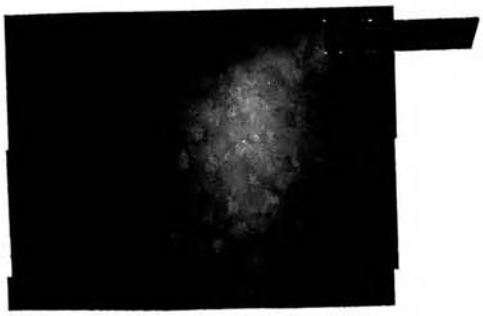
From: . Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

I object to this application as explained below.

Attention is drawn 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. **I 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.

Morten Lisse



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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:29

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

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 3rd 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 17th 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.

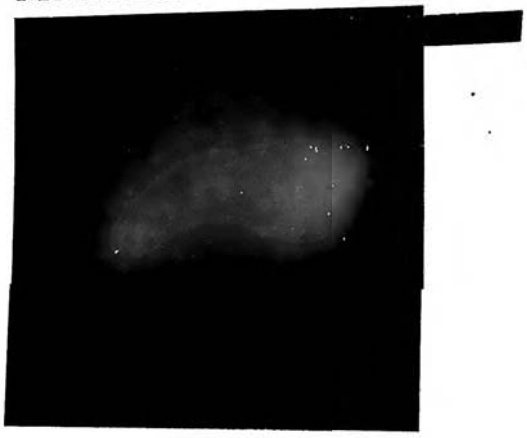
The Principal Deed of Mutual Covenant (PDMC) dated 30th September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

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.

Morten Lisse



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Objecting to Y/I-DB/2 Area 6f
12/05/2017 16:29

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

From: Morten Lisse <[redacted]
To: tpbpd <tpbpd@pland.gov.hk>,

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. 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.

Morten Lisse
[redacted]

6110

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

12/05/2017 17:31

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

From: "Bunker, Brian" <[redacted]

To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

Dear Sir/Madam,

I agree with Parkvale Owners' Committee note (attached) and object to Area 6f DEVELOPMENT PROPOSAL. Please take into account my additional points (also attached).

Yours faithfully,

Tham Moo Cheng

Owner: [redacted]

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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 17th 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 28th 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.

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

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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 m2 GFA on a platform created to accommodate a 170m² 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 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 (temporally 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 17th 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 28th 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 17th 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 900,683m2 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 26,789m2, 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 17th February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that "the proposed residential development with maximum GFA of 21,600m2 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: 1st 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, <u>before</u> 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 3rd 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 17th 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 30th 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 17th 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.

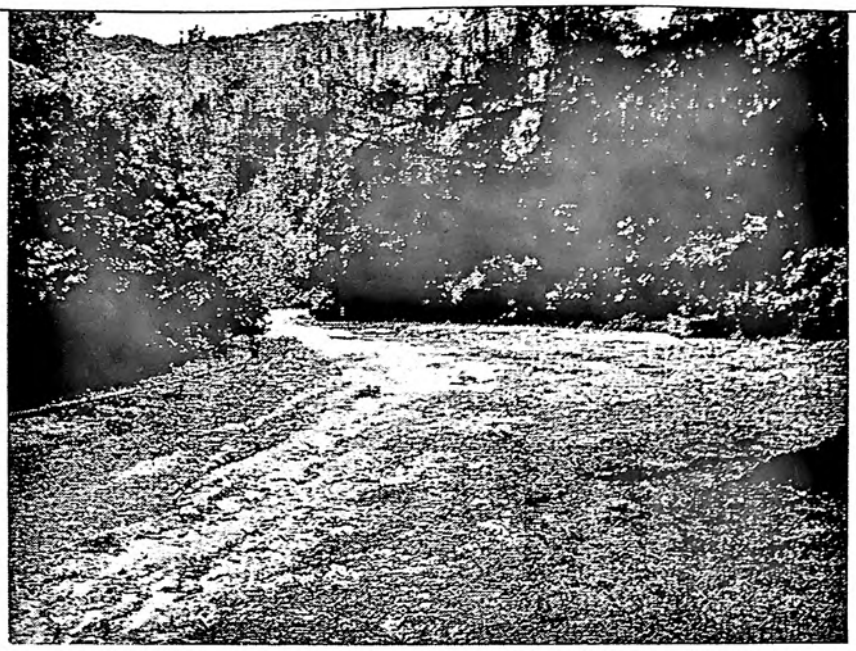
F. PUBLIC CONSULTATION AND SECTION 12A APPLICATIONS

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 8,300m2 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 170m² 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 17th 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 GPPR 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 GPPR 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:

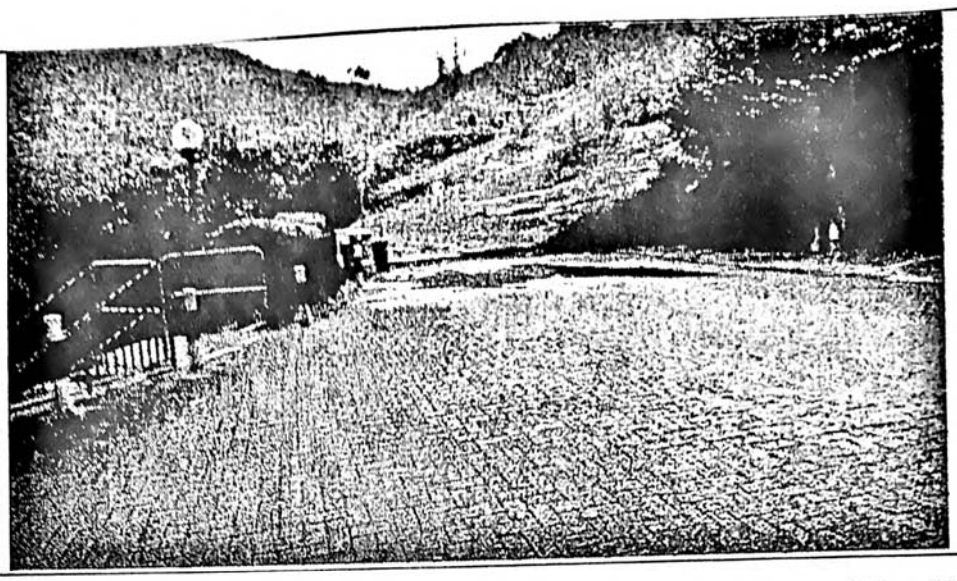
1. Government departments generally have not questioned the suitability of Parkvale Drive as the only means of access to Area 6f and HKR has not addressed our concerns in its Further Information.
2. Serious concern that the additional heavy construction and operational traffic will cause serious damage, 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.**

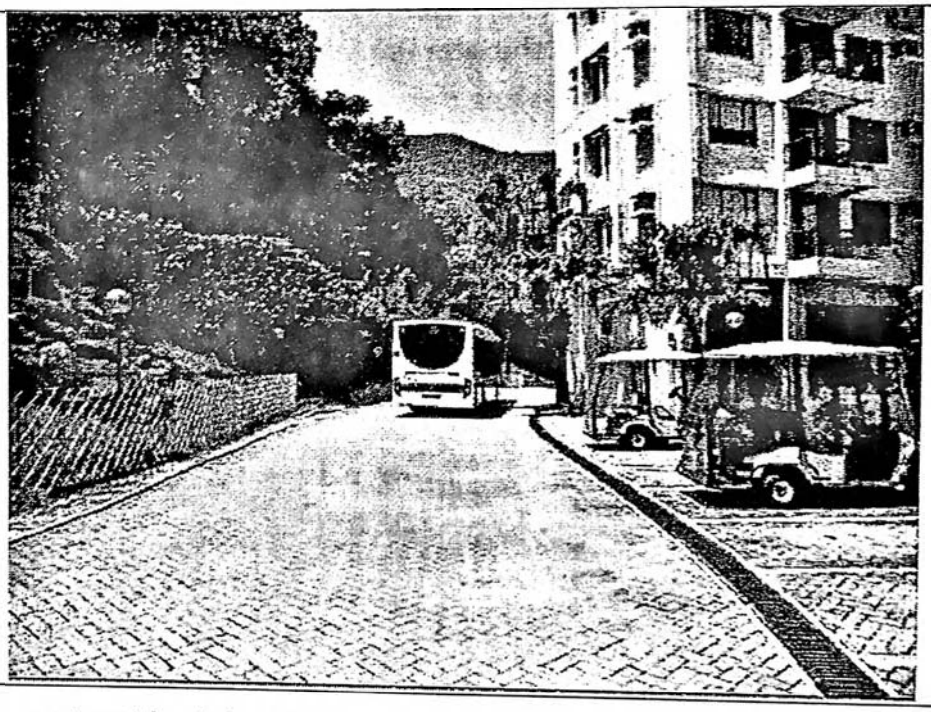
The issue of the passageways has now become more complicated in view of:

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 17th 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 17th February 2017.

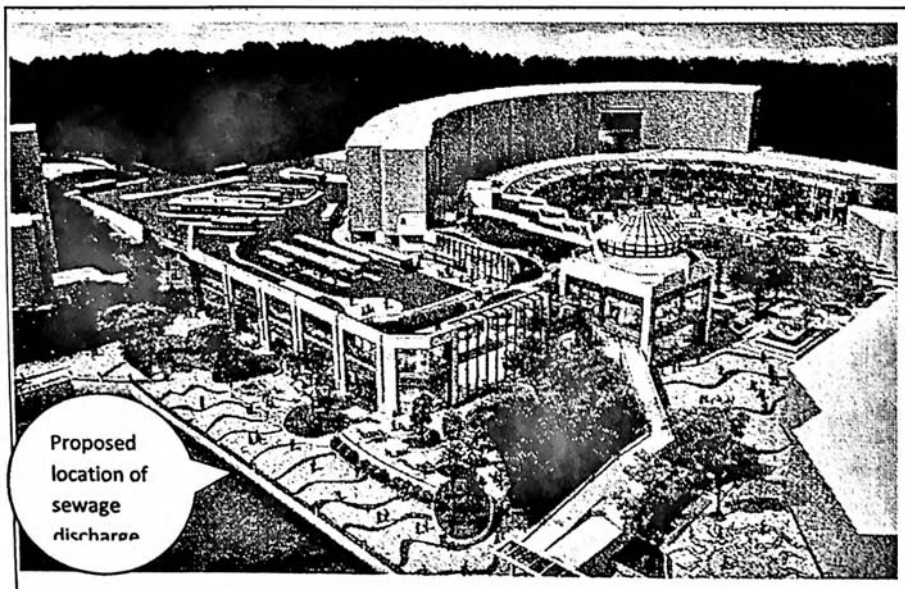
It is clearly unacceptable in a public consultation exercise that HKR should expect:

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.

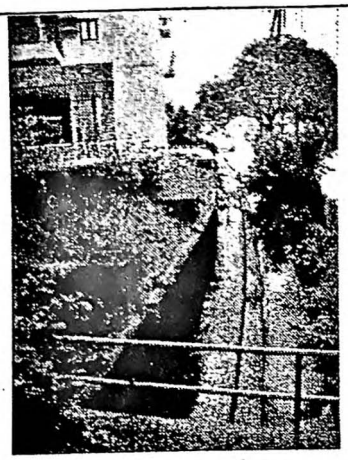
J. SEWAGE TREATMENT WORKS (STW) AND DISCHARGE INTO SEA

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.

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 6/f!

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 17th 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 23rd June 2017 that the application be rejected.

Signed on behalf of the PVOC: *Date:*

11th May 2017

Mr. Kenneth J. Bradley J.P.

Parkvale Village Owners Committee Chairman

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.

Tham Moo Cheng

Owner: [redacted]

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.

Tham Moo Cheng

Owner: [redacted]

I object to this application for the reasons set out below.

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.

Tham Moo Cheng

Owner: [redacted]

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.

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

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.

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

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.

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.

Tham Moo Cheng

Owner: [redacted]

I object to this explanation as explained below.

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 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.

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

- 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"*.

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

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 (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

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 17th 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 900,683m2 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 26,789m2, 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."

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

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.

Tham Moo Cheng

Owner: [redacted]

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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 3rd 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 17th 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 30th 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.

Tham Moo Cheng

Owner: [redacted]

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. 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.

Tham Moo Cheng

Owner: [redacted]

I object to this application as explained below.

Attention is drawn 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. **I 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.

Tham Moo Cheng

Owner: [redacted]

6111

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

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

12/05/2017 17:21

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

Cc: [redacted]

From: "Bunker, Brian" <[redacted]

To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

Cc: [redacted],

Dear Sir/Madam,

I agree with Parkvale Owners' Committee note (attached) and object to Area 6f DEVELOPMENT PROPOSAL. Please take into account my additional points (also attached).

Yours faithfully,

Brian John Bunker

Owner: [redacted]

Brian Bunker

Partner

Riverside Asia Partners Ltd

T: [redacted]

M: [redacted]

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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 17th 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 28th 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 m2 GFA on a platform created to accommodate a 170m² 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 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 (temporally 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 17th 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 28th 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 17th 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 900,683m2 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 26,789m2, 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 17th February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that "the proposed residential development with maximum GFA of 21,600m2 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: 1st 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, <u>before</u> 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 3rd 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 17th 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 30th 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 17th 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 8,300m2 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 170m² 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 17th 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 GPPR 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.

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:

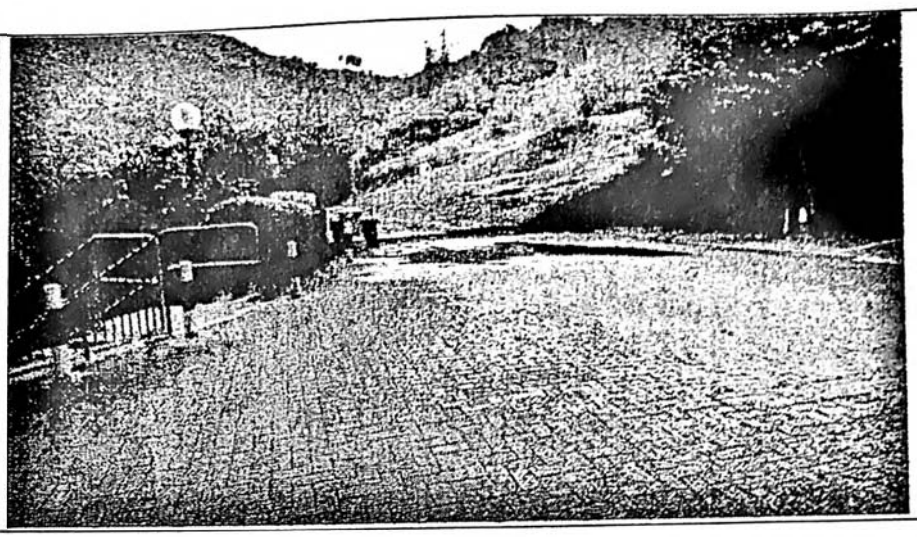
1. Government departments generally have not questioned the suitability of Parkvale Drive as the only means of access to Area 6f and HKR has not addressed our concerns in its Further Information.
2. Serious concern that the additional heavy construction and operational traffic will cause serious damage, 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.**

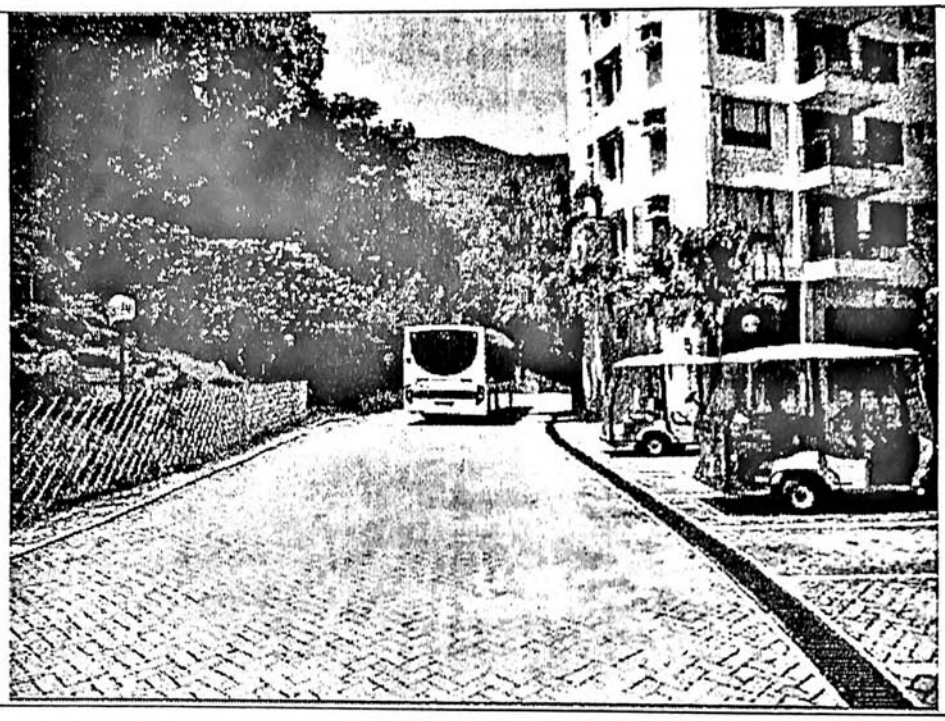
The issue of the passageways has now become more complicated in view of:

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 17th 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 17th February 2017.

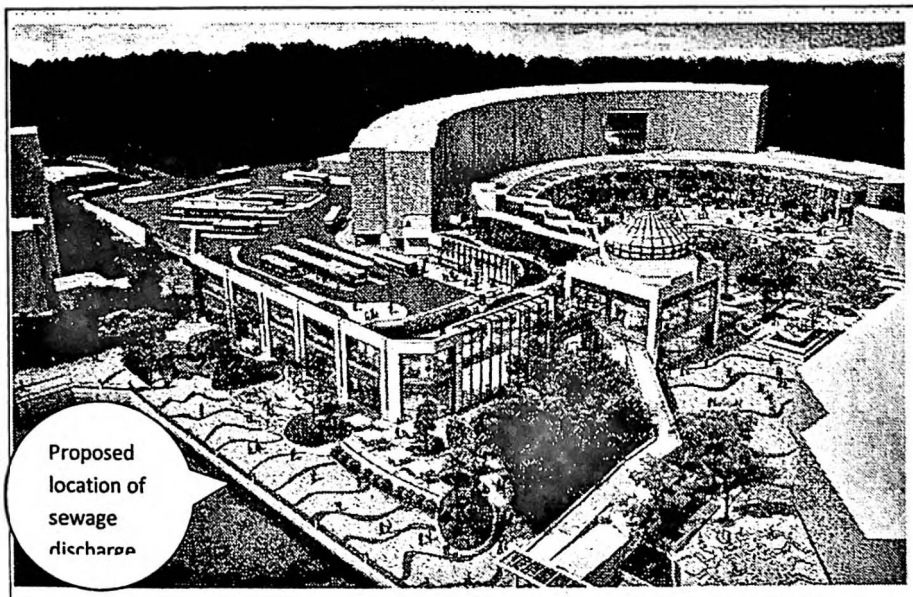
It is clearly unacceptable in a public consultation exercise that HKR should expect:

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.

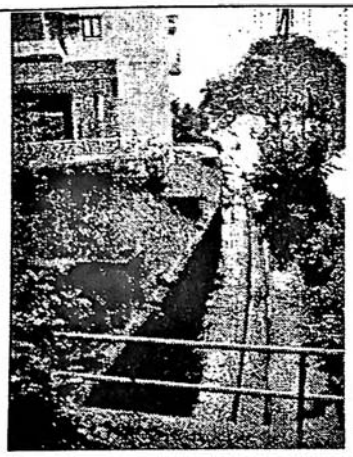
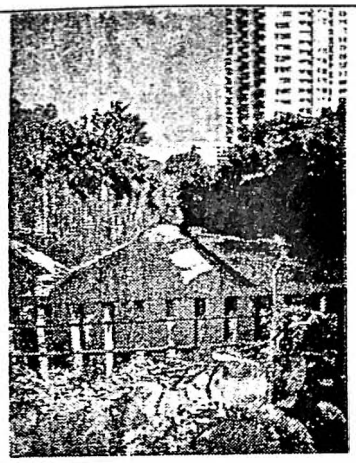
J. SEWAGE TREATMENT WORKS (STW) AND DISCHARGE INTO SEA

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.

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 6/f!

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 17th 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 23rd June 2017 that the application be rejected.

Signed on behalf of the PVOC: *Date:*

11th May 2017

Mr. Kenneth J. Bradley J.P.

Parkvale Village Owners Committee Chairman

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.

Brian John Bunker

Owner: [redacted]

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.

Brian John Bunker

Owner: [redacted]

I object to this application for the reasons set out below.

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.

Brian John Bunker

Owner: [redacted]

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.

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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.

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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.

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.

Brian John Bunker

Owner: [redacted]

I object to this explanation as explained below.

The use of Parkvale Drive, defined as a "Passageway" in the Parkvale Village Deed of Mutua Covenant, is essential for access to Area 6f. HKR continues to refuse to make public it: advice that it has the legal right to use the "Passageway", and both the PVOC and many DE 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 wil 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 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.

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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"*.

註解 [M1]:

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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 (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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 17th 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 900,683m2 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 26,789m2, 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."

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

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.

Brian John Bunker

Owner: [redacted]

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 3rd 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 17th 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 30th 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.

Brian John Bunker

Owner: [redacted]

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. 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.

Brian John Bunker

Owner: [redacted]

I object to this application as explained below.

Attention is drawn 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. **I 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.

Brian John Bunker

Owner: [redacted]

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

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

12/05/2017 17:41

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

From: james william <[redacted]

To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

Dear Sir/Madam,

I agree with Parkvale Owners' Committee note (attached) and object to Area 6f DEVELOPMENT PROPOSAL. Please take into account my additional points (also attached).

Yours faithfully,

James William Anthony Bunker

Area 6f 1.docx Area 6f 2.docx Area 6f 3.docx Area 6f 4.docx

Area 6f 5.docx Area 6f 7.docx Area 6f 8.docx Area 6f 9.docx Area 6f 10 .docx Area 6f 11.docx

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May 2017 PVOC submission_final (1) (1).pdf

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.

James William Anthony Bunker

Owner: [redacted]

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.

James William Anthony Bunker

Owner: [redacted]

I object to this application for the reasons set out below.

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.

James William Anthony Bunker

Owner: [redacted]

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.

James William Anthony Bunker

Owner: [redacted]

I object to this application as explained below.

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.

James William Anthony Bunker

Owner: [redacted].

bject to this application as explained below.

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"*.

注解 [M1]:

mes William Anthony Bunker

vner: [redacted]

I object to this application as explained below.

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 (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

James William Anthony Bunker

Owner: [redacted]

I object to this application as explained below.

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 17th 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 900,683m2 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 26,789m2, 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."

James William Anthony Bunker

Owner: [redacted]

I object to this explanation as explained below.

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 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.

James William Anthony Bunker

Owner: [redacted]

I object to this application as explained below.

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.

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.

James William Anthony Bunker

Owner: [redacted]

I object to this application as explained below.

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.

James William Anthony Bunker

Owner: [redacted]

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 3rd 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 17th 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 30th 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.

James William Anthony Bunker

Owner: [redacted]

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. 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.

James William Anthony Bunker

Owner: [redacted]

I object to this application as explained below.

Attention is drawn 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. **I 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.

James William Anthony Bunker

Owner: [redacted]

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 17th 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 28th 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 m2 GFA on a platform created to accommodate a 170m² 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 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 (temporally 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 17th 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 28th 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 17th 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 900,683m2 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 26,789m2, 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 17th February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that "the proposed residential development with maximum GFA of 21,600m2 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: 1st 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, <u>before</u> 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 3rd 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 17th 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 30th 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 17th 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.

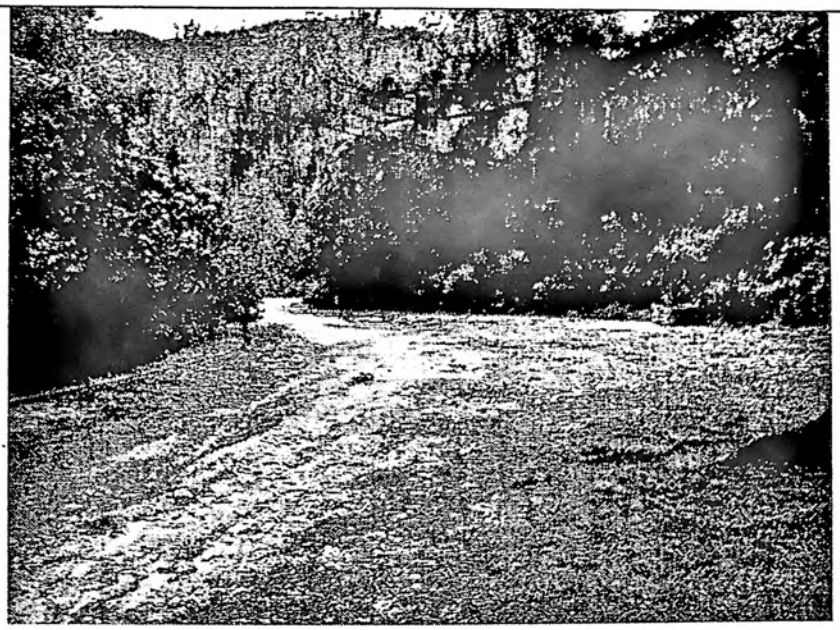
F. PUBLIC CONSULTATION AND SECTION 12A APPLICATIONS

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 8,300m2 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 170m² 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 17th 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 GPPR 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 GPPR 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.

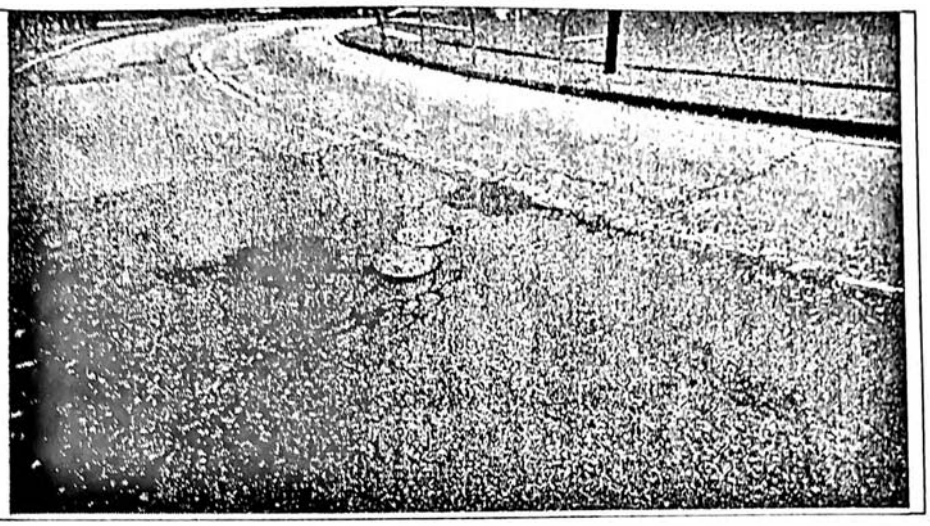
The most obvious omission from the Applicant's Responses relate to areas surrounding the Area 6f site which are ignored or dismissed out of hand, starting with the misleading and inadequate statement in the original submission that the development of Area 6f would have no adverse impact on surrounding 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.

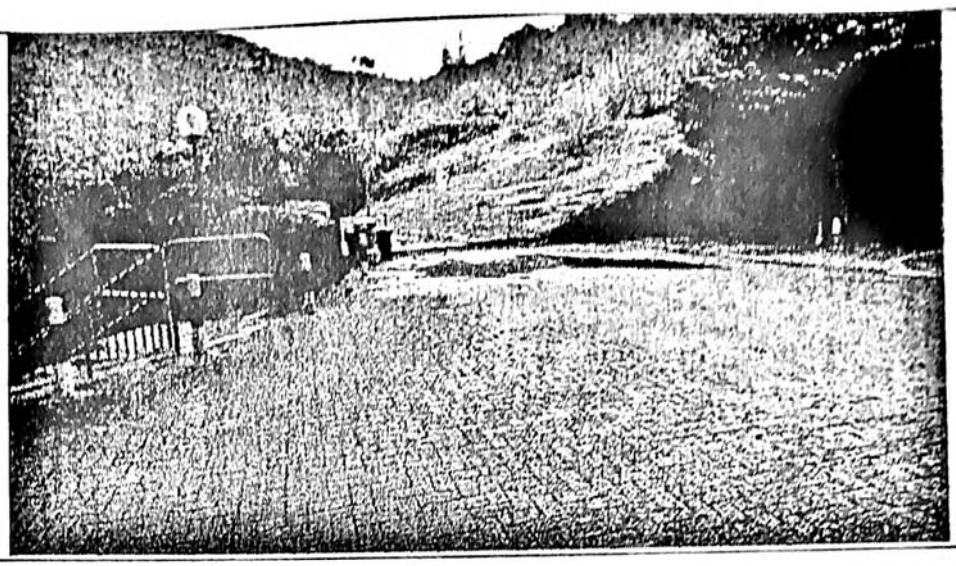
Settlement cracking evident in asphalt surface on Section 1 of Parkvale Drive	

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.**

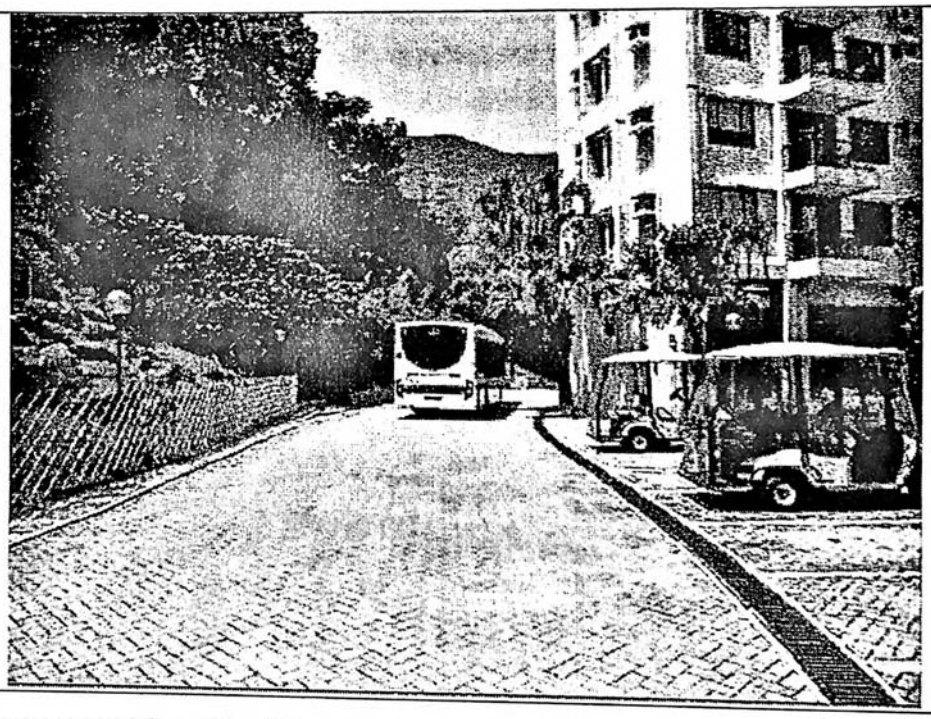
The issue of the passageways has now become more complicated in view of:

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 17th 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 17th February 2017.

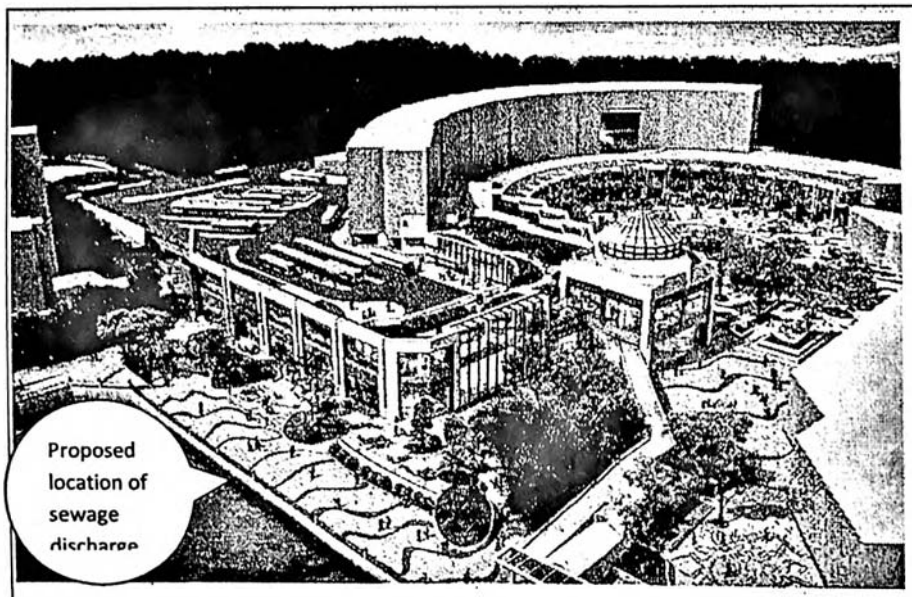
It is clearly unacceptable in a public consultation exercise that HKR should expect:

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.

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 6/f!

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 17th 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 23rd June 2017 that the application be rejected.

Signed on behalf of the PVOC: *Date:*

11th May 2017

Mr. Kenneth J. Bradley J.P.

Parkvale Village Owners Committee Chairman

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

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

12/05/2017 17:44

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

From: Antony Bunker [redacted]

To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

Dear Sir/Madam,

I agree with Parkvale Owners' Committee note (attached) and object to Area 6f DEVELOPMENT PROPOSAL. Please take into account my additional points (also attached).

Yours faithfully,

Antony William Matthew Bunker

Owner: [redacted]

May 2017 PVOC submission_final (1) (1).pdf Area 6f 1.docx Area 6f 2.docx Area 6f 3.docx

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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 17th 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 28th 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 m2 GFA on a platform created to accommodate a 170m² 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 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. HKF is misleading the PH in 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 Sai Ku Mun Water Treatment Works (SHWWTW) and the SHWA 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 15 years, the DB water treatment plant and using water from the DB reservoir. In addition there appears to be no ready plan for the provision of fresh water to the Area 16 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 PH since it is almost certain that HKF would wait for the long term development, if any, of government infrastructure. Not will private water systems be considered for further HKF development projects which are located by the Area 16c application (temporarily withdrawn) and those which are located in the area DB Wasteland consultation?

13. No information is provided again regarding the provision of other utilities to Area 16 and how it will affect Pakoe Village, despite the December 2016 Further Information Annex C paragraph 2.11.4 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 EWSD and FSD and is subject to uncertainty as the current contract shortly expires and is subject to scrutiny.

14. Energy – 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. THE PAPERS OF 10TH FEBRUARY AND WITHDRAWAL OF AREA 16c

The Area 16 application needs to be seen in the context of the two RNPC papers dated 10th February 2017 for the consideration of the Rural and New Town Planning Committee (RNPC):

1. Substantive Paper No. W/—DB/7, section 12 set out the PD's views which were that, based on the assessment made in section 11 Planning Considerations and Assessments and taking into account the public comments mentioned in section 10, the PD does not support the Area 16 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 28th 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 17th 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 900,683m2 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 26,789m2, 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 17th February 2017 included a statement in paragraph 9.1.1(c) from the Lands Department that "the proposed residential development with maximum GFA of 21,600m2 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: 1st 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, <u>before</u> 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 3rd 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 17th 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 30th 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 17th 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 8,300m2 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^2 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 17th 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 GPPR 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 GPPR 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.

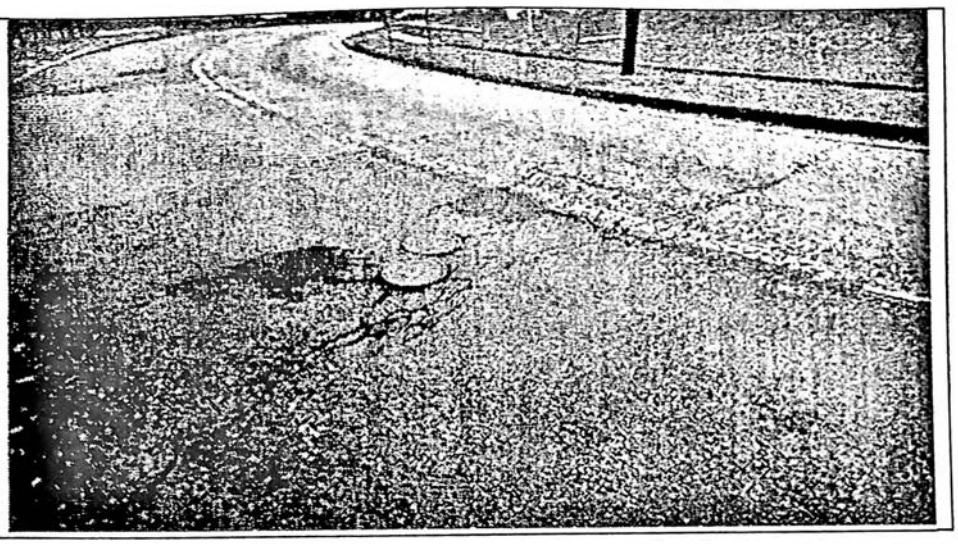
The most obvious omission from the Applicant's Responses relate to areas surrounding the Area 6f site which are ignored or dismissed out of hand, starting with the misleading and inadequate statement in the original submission that the development of Area 6f would have no adverse impact on surrounding 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:

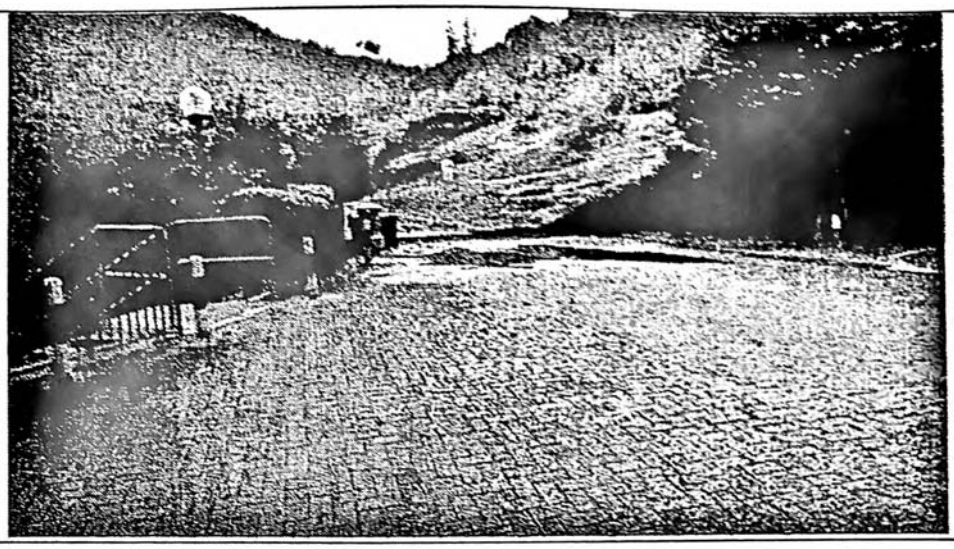
1. Government departments generally have not questioned the suitability of Parkvale Drive as the only means of access to Area 6f and HKR has not addressed our concerns in its Further Information.
2. Serious concern that the additional heavy construction and operational traffic will cause serious damage, 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.**

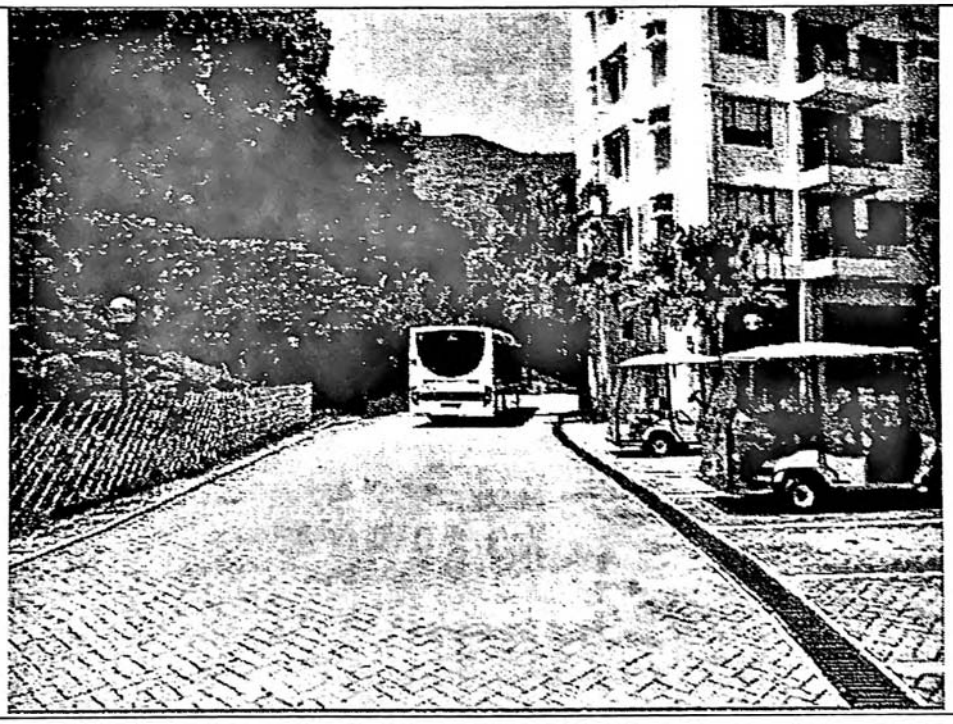
The issue of the passageways has now become more complicated in view of:

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 17th 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 17th February 2017.

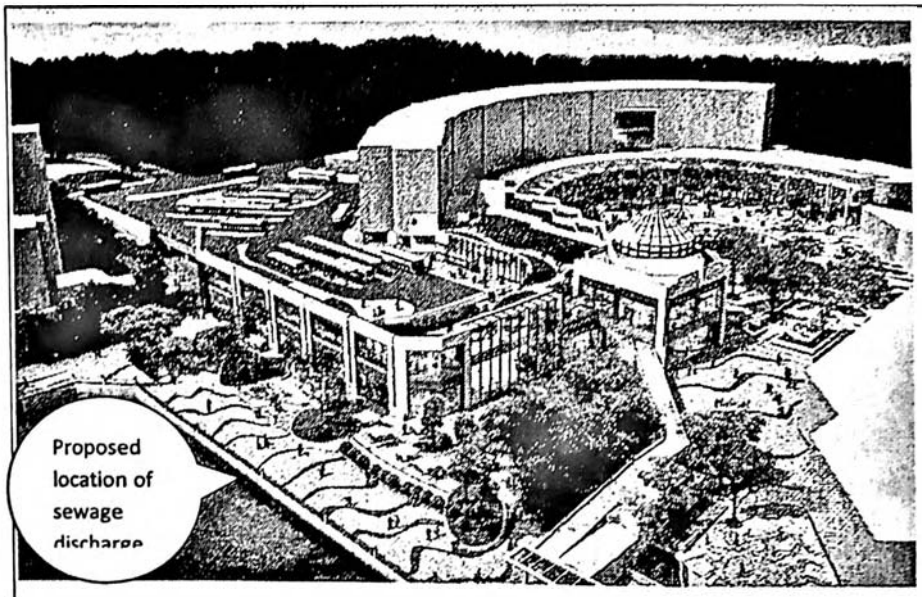
It is clearly unacceptable in a public consultation exercise that HKR should expect:

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.

upstream past Hillgrove Village.

Hillgro Village

ates that a larger deodorizing unit will be provided. This is an interesting resp
cknowledges that there will be an odour issue for adjacent residents and th
e local hiking trail. The topography and the enclosed nature of the site, sur
er blocks, means that there is likely to be issues with wind tunnelling, c
possible micro-climate conditions. No study to this effect has been carried o

as expressed reservation on the acceptability of the proposed development
quality assessment perspective and has advised that there are various t
ies/deficiencies in the submitted Environmental Study. In HKR's Apr
, it quotes the EPD as stating that "*Not until the applicant has demonstrated*
mitigation measures are exhausted, we have reservation on the acceptabilit
evelopment from water quality assessment point of view".

clusion that the quality of the sea water will conform to standards is ba
measurements 270 metres from the sewage discharge point. Woul
s have been the same if it had modelled measurements at the sewage di
cent to a pedestrian walkway, residential buildings and a shopping centre wh
build?

he DEP has no adverse comment on the air quality planning point of view,
that the DEP has not taken into account the potential smells arising from dis
l sewage into the open nullah. Even HKR's own consultants note that a lo
"*an offensive smell and is health hazard*" (HKR's application, Appendix A, pa

ingly HKR's consultants say that the sewage proposal "*is considered not an*
nning strategy" (October Further Information, Annex 6 "*Revised Study on D*
l Water Supply", paragraph 5.6.1.4).

l 2017 submission, HKR stated that it is familiar and experienced in ope
STW, as it operated its own sewage treatment works in Discovery Bay pri

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 6/f!

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 17th 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 23rd June 2017 that the application be rejected.

Signed on behalf of the PVOC: *Date:*

11th May 2017

Mr. Kenneth J. Bradley J.P.

Parkvale Village Owners Committee Chairman

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.

Antony William Matthew Bunker

Owner: [redacted]

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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this application for the reasons set out below.

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.

Antony William Matthew Bunker

Owner: [redacted]

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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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.

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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this explanation as explained below.

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 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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this explanation as explained below.

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 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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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"*.

注解 [M1]:

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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 (temporally withdrawn) and those which are implied in the latest DB Masterplan consultation?

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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 17th 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 900,683m2 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 26,789m2, 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."

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

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.

Antony William Matthew Bunker

Owner: [redacted]

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 3rd 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 17th 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 30th 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.

Antony William Matthew Bunker

Owner: [redacted]

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. 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.

Antony William Matthew Bunker

Owner: [redacted]

I object to this application as explained below.

Attention is drawn 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. **I 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.

Antony William Matthew Bunker

Owner: [redacted]

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

Application Y/I-DB/2. Area 6f. Discovery Bay - Objection to secrecy on the Applicant's right and capacity to develop the site
12/05/2017 12:52

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

From: "Leung Pik Ki" [redacted]
To: <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/Madams,
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" (偷景灣) 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

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

OBJECTION YO 6F DEVELOPMENT IN DISCOVERY BAY
12/05/2017 12:55

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

From: charlie estcourt <[redacted]
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

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

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.

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,
LEUNG Pik Ki
Resident of Discovery Bay, Lantau Island

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.

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.

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Yours sincerely,

Name: Charlie Ko
Address: [redacted]

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Objection letter (6f area discovery bay).pdf
12/05/2017 09:52

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

From: Songshixing <[redacted]
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,

Dear sir or madam

Please face the people's voice. Thank you

Objection letter (6f area discovery bay).pdf

发自我的 iPhone

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

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

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

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

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Deed of Mutual Covenant

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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.

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: 宋時雄 SONG SHI XING

Address: [redacted]

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

Comments for application Y/I-DB/2 (Area 6F Discovery Bay)
12/05/2017 10:32

[redacted] to: tpbpd@pland.gov.hk
Sent by: [redacted]

From: Pam Hui [redacted]
To: tpbpd@pland.gov.hk,
Sent by: [redacted]

6F2.docx

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

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

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.

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Yours sincerely,

Name: Hui Sau Ying

Address: [redacted]

6118

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

Comments for application Y/I-DB/2 (Area 6F Discovery Bay)
12/05/2017 10:19

[redacted] to: tpbpd@pland.gov.hk
Sent by: [redacted]

From: Andy Wong <[redacted]
To: tpbpd@pland.gov.hk,
Sent by: [redacted]

Attached is my comments regarding the planning application Y/I-DB/2 in Area 6F Discovery Bay.

Andy Wong

email: [redacted]

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

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

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

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