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Objection to application Y/I - DB/2 Area 6f
12/05/2017 11:40

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

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

Dear Sir,

I refer to the captioned application and forward my objection to the captioned application as per my attached letter.

Regards!
Francis Lam
Owner of [REDACTED]



TPB Area 6f Right to Develop Site.docx

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

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

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

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

Reserved Portion

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

I refer to the "Response to Comments" dated October 2016 for Application No. YI/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 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."

Your Truly,

Francis Lam

Owner of [REDACTED]

(這部分不會公開予公眾查閱)

(This part will not be made available for public inspection)

「提意見人」詳細資料
Particulars of "Commenter"

通訊地址 Postal Address _____

電話號碼 Tel No. _____

傳真號碼 Fax No. _____

電郵地址 E-mail address _____

個人資料的聲明 Statement on Personal Data

1. The personal data submitted to the Board in this comment will be used by the Secretary of the Board and Government departments for the following purposes:
 - (a) the processing of this application which includes making available the name of the "commenter" for public inspection when making available this comment for public inspection; and
 - (b) facilitating communication between the "commenter" and the Secretary of the Board/Government departmentsin accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.

委員會就這份意見所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城
市規劃委員會規劃指引的規定作以下用途：

- (a) 處理這宗申請，包括公布這份意見供公眾查閱，同時公布「提意見人」的姓名供公眾查閱；以及
- (b) 方便「提意見人」與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the "commenter" in this comment may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
「提意見人」就這份意見提供的個人資料，或亦會向其他人士披露，以作上述第1段提及的用途。

3. A "commenter" has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong. 根據《個人資料(私隱)條例》(第486章)的規定，「提意見人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道333號北角政府合署15樓。

To Secretary – Town Planning Board

APPLICATION NUMBER Y/1-DB/2 TO AMEND DISCOVERY BAY OUTLINE ZONING PLAN FOR REZONING THE PERMISSIBLE USE FROM STAFF QUARTERS TO RESIDENNAL FLATS AT AREA 6F, DISCOVERY BAY

The Applicant has submitted further but again inadequate particulars in respect of the above Application.

I object to the amendment of the outline Zoning Plan on the following grounds:-

PART 1 - COMMENTS

- The Applicant Hong Kong Resort International Limited (HKR) already has a number of unused development OZP sites in Discovery Bay (DB) which have not yet been developed
- The Development of Area 6/f and if and when resubmitted Area 10(b) would increase the population of DB above 25,000 as planned SWNTDSR upon full development, and notwithstanding the low 2.5 persons per unit used by the Applicant
- The 6f site existing formation was formed for a staff quarters 3 storey building 170m²GFA and only to accommodate a very small number of people (not an 21,600m² GFA and 1196 persons (calculated at 2.5 persons per flat). The 6f site and its access is patently totally unsuitable for a development of this size
- The rezoning of the 6/f staff quarters will set a precedent for the rezoning of 5 No other staff quarter sites under the OZP for DB
- The increase in population above 25,000 will set a precedent for future major expansion and development of DB
- The site formation will require very significant modification of existing slopes directly, impacting the existing 5 No high rise residential blocks in Parkvale Village, and indirectly impacting Midvale Village and the low rise Parkvale Village residential units at Crystal and Coral Court
- The proposed insitu Sewage Treatment plant will be situated in a basement which will likely further impact the amount of work required to the surrounding slopes and terrain
- The development of South Lantau is not included in the Governments Lantau Development Plan as a Strategic Growth Area
- The terrain hazard of the required geotechnical works has again not been addressed, particularly in regard to the access road constraints and the need for cutting of trees on slopes to accommodate the 6/f development

- The TIA totally fails to address the concerns of the impact of the 6/f development on the inadequacy of the existing twisting and narrow access road that is required for 6/f development
- The existing passageway (which is maintained by the residents of Parkvale Village not HKR) area between Parkvale Drive and the start of the walking trail leading to the 6/f site area does not provide a 5m buffer zone between vehicles and the existing 3 No Woods residential buildings
- The present open views to the west for the residents of Crystal, Coral, Woodbury, Woodland and Woodland residential blocks will be directly blocked by the 6/f development
- The present hiking trail starts in the area in which a new access road to 6/f is planned, and for which existing rock slopes will need to be cut, in very close proximity to the 3 No Woods residential buildings and in the area of the hiking trail
- The DB OZP for a population of 25,000 was drawn up to address the need to conserve the natural environment and to provide low-density developments compatible with the surrounding natural setting
- The existing Crystal and Coral Court residential developments are situated immediately below the existing tree covered steep slope on which the 6/f development will impinge, and which will need to be reformed, major retaining walls constructed, and the negative effect further exacerbated by the plan to situate an insitu STP in the basement area to which access will be required and which may also have further impact on the existing terrain and slopes
- The proposed residential development PR of 2.83 does not conform with the approved MP6.0E7h(a)
- The entire question of the Undivided Shares needs to be investigated and addressed in an open and public manner by the Lands Department before any further development or Master Plan revisions are considered
- No information is provided as to the impact on the local environment or additional geotechnical works to slopes, existing roads and adjacent residential buildings by the need to extend sewers, drainage, water, power, gas, CCTV, telephone, services and the like to the 6/f development site, including water from the service reservoir above the 6/f site and a foul sewer from the 6/f site to the sea
- The Commissioner for Transport's comments and the Masterplan Ltd application fails to address the inability of the existing access road to safely or adequately serve the 6/f development comprising 476 No new flats and the huge increase in population passing in some cases within a few centimeters of the existing 3 No Woods residential blocks (comprising an existing 252 flats) (ie. no 5 metre buffer zone) which as

proposed would use the access road and passageway to get to area 6/f

- The use of insitu STPs in DB is surely a backwood step for Discovery Bay, Lantau and Hong Kong residents. It will negatively impact the health of all existing residents and visitors. The emergency plans in the event of a breakdown are a disgrace.
- The statement that the extent of slope cutting is minimized is misleading as proper geotechnical assessment report for the 6/f development has been submitted, merely the reissue of 20 and 30 year old surveys which will not reflect present conditions and water run off (No GPRR)
- The environmental impacts of the discharge of partially treated sewage into the sea at Discovery Bay, in an area adjacent to the beach and the center of DB are negative for all, for a place planned, marketed and advertised as a resort by HKR.
- The quality of a separate water supply would be in doubt, particularly given the existing reservoirs location, and its pesticide exposure to treated water ran off from the golf courses situated above the reservoir
- It is unclear whether the cost of running separate sewage and water supply systems will be borne by HKR or passed onto the existing and/or new residents of DB
- The significant infrastructure required to install separate water and an insitu Sewage Treatment plant will cause major harm to the natural environment of the present wooded hill side
- This development may used as a precedent for further high rise residential creep across the open vegetation covered hillsides in DB and/or the whole of South Lantau. In particular area 2A which has still not been developed and the balance of area 2B
- The 10(b) if resubmitted and permitted development will further disturb the sea bed in Nim Shue Wan bay, further damaging the already poor quality of sea water and its marine life
- Discovery Bay was not developed to provide for, and does not have the infrastructure, to serve a community of more than 25,000 persons
- The 6/f development is purely an opportunistic commercial venture by the applicant, without any regard whatsoever to the original concept for DB under the OZP. The applicant is happy to market DB and its natural environment whilst endeavouring to destroy the very thing it markets by increasing the planned population of DB above 25,000 persons / 10,000 residential units

OBJECTIONS PART 2 – SPECIFIC OBJECTIONS

As 15 Pages attached at Annex A

PART 3 – COMMENTS ON THE APPLICANTS REVISED DISCOVERY BAY OZP
MARSTERPLAN REVISION 70E (REVISION DATE 1 FEB 2017)

PART 3

The applicant has also submitted a revised Masterplan 7.0E Revision 1 dated 1st February 2017 which is not referred at all in the above Application for Area 6f!

I attach a copy of my objections dated 29.3.17 as submitted to the Islands and District Office to the 7.0E Revision 1 Master Plan which I believe to be pertinent and material to the rezoning application Y/1-DB2 for area 6f.

The issue raised are fundamental and must be openly and publically addressed before get another part of Hong Kong is destroyed forever.

As attached at Annex B

ANNEX A

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.

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.

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.

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.

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.

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.

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 GPRR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTL Category 1 (highest consequence-to-life) slope (10SW-B/C 218) directly opposite the 3 Woods high rise residential buildings. HKR and its consultants have only now, at this late stage of the application, revealed their intentions, but not in a way that is clearly stated to the public and Parkvale Village residents. And it is only now revealed by the submission of the GPRR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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".

Comment [M1]: Need to remove ?

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

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."

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.

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.

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.

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.

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.

ANNEX B

Rena Yee Fan Mok

From: jimmy_cy_lam@had.gov.hk
Sent: Wednesday, March 29, 2017 4:42 PM
To: Rena Yee Fan Mok
Subject: [E] LD DLO/I S 98/CLT/61V (M.P.7.0)

Return Receipt

Your LD DLO/I S 98/CLT/61V (M.P.7.0)
document:

was jimmy_cy_lam@had.gov.hk
received
by:

at: 03/29/2017 04:41:44 PM

Rena Yee Fan Mok

From: Rena Yee Fan Mok on behalf of Robert Morland Smith
Sent: Wednesday, March 29, 2017 4:40 PM
To: 'jimmy_cy_lam@had.gov.hk'
Subject: LD DLO/I S 98/CLT/61V (M.P.7.0)
Attachments: 10.1.251.41_Scan_to_Desktop_03-29-2017_16-33-56.pdf

Proposed Discovery Bay Master Plan 7.0E (Revision Date: 1 Feb 2017)
Discovery Bay, Lantau Island, New Territories
Lot No. 385 R.P. in D.D. 352 and the Extensions thereto

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Y/1 - DB/2
12/05/2017 15:51

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

Sent by: Rena Yee Fan Mok
[REDACTED]

From: Robert Morland Smith [REDACTED]
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,
Sent by: Rena Yee Fan Mok [REDACTED]

To: Secretary, Town Planning Board
Fm: Robert Smith

Legal Disclaimer

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Y1-DB2 (12.5.2017).pdf

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

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

By Fax : 2877 0245 or 2522 8426

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

有關的規劃申請編號 The application no. to which the comment relates Y/1 - DB/2

意見詳情 (如有需要，請另頁說明)

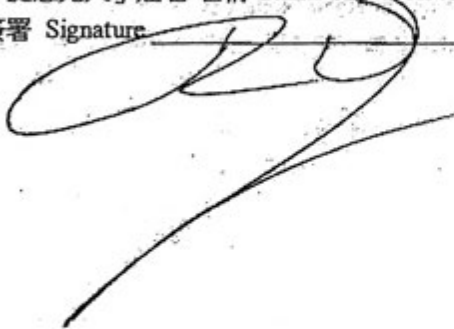
Details of the Comment (use separate sheet if necessary)

AS ATTACHED STAGES 1 - 4 and
ANNEX A and ANNEX B

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

CRM SMITH

簽署 Signature



日期 Date

12.5.2017

Part B

Reply Slip

To : Islands District Office

(Attn: Mr. Jimmy LAM, Fax no.: 2815 2291, Email: jimmy_cy_lam@had.gov.hk)

(LandsD's file reference : LD DLO/IS 98/CLT/61V (M.P.7.0))

Proposed Discovery Bay Master Plan 7.0E (Revision Date: 1 Feb 2017)

Discovery Bay, Lantau Island, New Territories

Lot No. 385 R.P. in D.D. 352 and the Extensions thereto


I / We* support the above proposal.

have no comment on the above proposal.

object to the above proposal and my/our reasons are :

AS ATTACHED PAGES 1-4

* Please tick the appropriate box .

Name : ROBERT SMITH Signature : 

Date : _____ Telephone no. : 

E-mail Address : 

Fax to
Attn: Mr Jimmy Lam (for District Officer)
Islands District Office
Harbour Building
20/F, 38 Pier Rd, Central
Hong Kong

**Proposed Discovery Bay Master Plan 7.0E – Revision 1st February 2017
Discovery Bay, Lantau Island, New Territories (Lot No 385 RP in DD and
Extensions thereto)**

I write to object the Proposed Master Plan 7.0E (Revision 1 Dated 1st Feb 2017 on the following grounds:

- 1) The present applications for the rezoning of Areas, 6f and 10b including the further information submitted to date fails to address the fundamental issue in regard to the overall development of Discovery Bay into a community exceeding 10,000 residential units and a maximum population of 25,000 persons upon full development.
- 2) The combined increase in the population of 1600 units and 4,000 and 1600 persons by the 6f and 10b rezoning applications would increase the Discovery Bay population to above 11,600 units and 29,000 persons a fact not mentioned in the submission.

The Master Plan Revision 07E dated 1 Feb 2017 submitted by the Applicant has already increased the population to at least 25,000 (even using the low figure of 2.5 persons per residential unit) and without the area 6f and 10b applications.

- 3) The rezoning to residential areas of Area 6f (marked as staff quarters on the existing Master Plan) and Area 10b (marked as Service Areas Staff, Quarters and various other non residential elements on the existing Master Plan) would appear to contravene the requirements of the Discovery Bay City Deed as these areas are designated as City Common Areas and/or City Retained Areas under the Deed. The proposed 6/f development for a change of use from a 3 storey 170m² Staff Quarters Building to 2 No 21 storey buildings for 1190 persons at 2.5 per unit with limited access is a fundamental change to the original Deed, as is the change of area 10b from a Service Area to a high rise Residential Area with Service Areas
- 4) The matter of Undivided Shares (maximum 250,000) under the Discovery Bay City Deed must be addressed before any Master Plan Revision or future development is considered. The site for the proposed 6f and 10b developments is designated as either Staff Quarter or Service Areas (of various types) which falls under "Common Areas" or City Common Areas in the Discovery Bay City Deed.

There is no public record of any transfer to undivided shares for area 6f or 10b or earlier transfer of Undivided Shares.

As Discovery Bay is owned by a single developer, there can be no justifiable and/or commercial reason why the transfer of Undivided Shares should not be

made public and open to scrutiny by all the owners of properties and the residents of Discovery Bay.

Furthermore, the entire question of the allocation of undivided shares in Discovery Bay also needs to be transparently investigated by the Government and the findings as to the actual present status of Undivided shares and the logic for each transfer must be clarified the results made public before, any further developments or revisions to the Master Plan are even considered.

- 5) The proposed Master Plan Q7E does not align with the current OZP or the present DB village boundaries under the various village sub deeds resulting in many grey areas on the Master Plan. Each and every anomaly/discrepancy must be thoroughly investigated, and the necessary amendments open and publically addressed, again before any further major development is considered. The discrepancies include but are not limited to :
 - i) the white area surrounding the N5(a) and (b), including the responsibility for the maintenance of the area including the major retaining wall
 - ii) white area at area or adjacent to N3, N4(a) and N4(b)
 - iii) the areas adjacent to the Tunnel link to N Lantau
 - iv) the various areas N2 occupied by Siena clubhouse, Wedding Chapel etc
 - v) the Park in area N8
 - vi) the various Marine Areas and Beach(bounded by red lines)
 - vii) the location of the area to be designated as the Transport Interchange Link at the North of DB is not shown
- 6) The proposed number of storeys of the highest residential tower in area 10b is 20 storeys, however at least one of these towers appears to be built on a 20m high podium, therefore I consider that the height of the development including the podium, should if for some reason the 10b development was approved, must be limited to an overall height of approx. 70 metres in keeping with the other buildings in Discovery Bay ie. not 90m high comprising 20 storeys on top of a 20m high podium.
- 7) The 6f and 10b proposed developments fail to address the concerns expressed in regard to construction of insitu sewage treatment plants, the servicing of such plants, the additional cost of running insitu plants and who is carry such extra costs, the negative effect of introducing partially treated sewerage into the already contaminated sea in the vicinity of Discovery Bay or to address the relevant Water Supplies Department concerns in regard to separate water supply systems and its quality, and the additional cost of operating a separate system, these ultimate additional costs likely to be borne by all the residential owners of Discovery Bay.
- 9) The 10b development requires unnecessary marine reclamation work which will further negatively impact the quality of the adjacent marine areas and marine life.

- 10) The reclamation of the 10b stretch of coastline may be used by the applicant as a precedent to try to reclaim and destroy other marine areas surrounding Discovery Bay, with negative consequences for the natural environment and the residents of Discovery Bay and the whole of Hong Kong.
- 11) The general planning intention for South Lantau and Discovery Bay is for the conservation of the natural environment and to provide for low density developments compatible with the surrounding settings. The Master Plan revision appears to totally ignore this basic planning concept.
- 12) No reason is stated for the change in the number of housing units ie. the decrease in Area N1 South of 166 No units and the increase in Area N1 North of 1431 No Units (item B(1) refers). The applicant needs to explain and provide details of why the change in the density of development in areas N1 North and South. Again the height of the proposed towers in Area N1 North are proposed a 25 storeys, again greater than the present height of the high rise buildings in Discovery Bay and this would set a dangerous precedent.
- 13) Similarly in respect of Area N8 what is the reason for the change and what is the difference of the term Open Space to Park (item B (ii) refers). This needs to be clearly explained.
- 14) In respect of item B (iv) Public Recreation Facilities proposed for Area 2a.

The information for the Multi Recreational Centre (13,000m²) does not provide information as to the height, size and configuration of any proposed buildings in this sensitive area which is adjacent to the reservoir and in a high mountainside location where it is not environmentally or aesthetically desirable to situate a large bulky or tall building, and which would not be compatible with the present Discovery Bay OZP planning intention or natural environmental requirements.

The area 2b would be better used by the provision of soccer, rugby and hockey pitches with limited buildings, if a Gym type building is to be provided this would be more appropriate at a more central location eg. possibly in Area 10b.

- 15) The proposed Ice Rink in Area 9a) appears to occupy the whole of the Ground Floor area of the Extension to the Existing Shopping Centre, which would cut off direct access to the western waterfront from the Plaza Area at Ground Level. Further layout details and rationale of the proposed G/F area are required.
- 16) No mention is made as to the proposed use of Area 2b and what is intended to be built in this isolated mountainside area, and what are the proposed access arrangements. Any development of this area will impact the natural environment and a possible creep of residential developments up (possibly high rise) up the mountainside.

Since the applicant is seeking to amend the Master plan we should be told what are their plans for Area 2b.

Generally

It is patently obvious that the Developer has adopted subterfuge in trying to amend the Masterplan with a view to increasing the population of Discovery Bay and hence their profit without regard to the conditions of the existing Deed or OZP, or the public owners and residents of property in Discovery Bay.

No further change of use of areas or development of Discovery Bay should be considered or permitted until a revised Master Plan is produced by the Developer which addresses all aforementioned issues of concern and which also details their long term development plans, sets a limit on the total number of residential units 10,000 No and a total population of Discovery Bay 25,000 and which prevents the future development of any and all land and any and all adjacent marine areas including all present undeveloped land within the boundary of Discovery Bay, Lot No 385 RP in DD 352 and Extensions Thereto.

It would appear that the Developer considers that they can build anything they want anywhere in Discovery Bay for as long as they like, presumably until everywhere is covered in concrete on the Plot. Surely this was not the intention of the original Deed, or the wishes of the owners and residents of Discovery Bay.

Robert Smith



Objection to Application Number Y/I-DB/2 Area 6f
12/05/2017 16:53

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

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

Dear Sirs:

I am writing to you to object to the application to develop Area 6f in Discovery Bay. I have several concerns arising out of the application, but chief among those are:

1. If the plans are approved, the number of residents of Discovery Bay, considering the whole of the Discovery Bay development, would exceed the stipulated 25,000 residents limitation. The application has failed to recognise the existing limitation or provide a sound rationale for exceeding this limitation.
2. The water and sewerage disposal requirements of the new development are not disclosed, or worse, suggest that disposal of sewerage into the stream flowing from the reservoir to the sea is an option and into the sea in front of DBay Plaza. Children play in this stream; hikers use paths along the waterway; residents of both Parkvale and Hillgrove Villages have homes facing the stream. The danger to our children, the foul odours likely to result, and the destruction of an area enjoyed by residents and tourists alike demand that a far more robust, advanced, safe, sanitary, and neighbourhood friendly proposition should be put up. Further pollution of the seawater around Discovery Bay is equally appalling and outrageous.
3. Further developments in Discovery Bay will take a huge toll on the existing infrastructure. Already our roads are showing the wear and tear of the big construction vehicles to accommodate already approved developments. Traffic is becoming a significant issue – the noise, the pollution, and the safety of residents and visitors is increasing. Creating additional high-rise buildings in the 6f Area will only exacerbate these problems.
4. The proposal does not explain the extent of the slope stability work that must be done to protect the existing and new homes. From what I understand extensive slope stability work will need to be carried out, and the scope of that work should be contained in the proposal.

We beg you to reject this application.

Respectfully,

John C. Antweiler, III
Suet Lun Ng

[REDACTED]

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Application No. Y/I-DB/2
12/05/2017 14:11

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

From: "Simon Minshall" <[Redacted]>
To: <tpbpd@pland.gov.hk>

Dear sirs,
Please find attached my comments on HKR's Application No. Y/I-DB/2.

My address is [Redacted]
Yours faithfully



Simon Minshall Comments on HKR's 6th submission.pdf

12 May 2017

Secretary, Town Planning Board

Application Number Y/I-DB/2

Area 6f, Lot 385 RP & Ext. (Part) in D.D. 352, Discovery Bay - To rezone the application site from "Other Specified Uses" annotated "Staff Quarters (5)" to "Residential (Group C) 12"

I am an owner of a residential flat in Parkvale Village, Discovery Bay, the village adjacent to Area 6f, through which HKR proposes to access Area 6f. I have lived in Discovery Bay for more than 30 years and seen its considerable growth and the benefits which have arisen from this growth. Although I think it is appropriate to further develop Discovery Bay, I believe that HKR's plans to build 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 very ill judged and that the Town Planning Board should reject HKR's application to rezone Area 6f for the following reasons.

1. Holistic Discovery Bay Planning Approach Required

The PD stresses the need for an holistic approach to considering developments in DB in its RNTPC Paper No. Y/I-DB/2C. The potential Area 6f and Area 10b developments, together with those included in the latest proposed changes to the DB Masterplan, 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.

An holistic approach is also required to ensure that the existing population limit of 25,000 currently imposed by the OZP is not breached, or that it is only exceeded after the consequences of doing so have been fully evaluated and agreed upon. As the currently proposed Discovery Bay Master Plan 7.0E includes increasing the total maximum permitted number of housing units in Discovery Bay from 8,735 to 10,000, based on assumption of an average of 2.5 persons per unit, it already envisages reaching the 25,000 limit, without the inclusion of Area 6f.

Furthermore, it is unclear what the existing population of DB is. In its initial application, HKR stated that it is 15,000, even though its own website stated the existing population to be "about 18,000 people". HKR subsequently stated that the population is 19,585, according to the latest record of City Management, the property management company of Discovery Bay and a wholly owned subsidiary of HKR. I believe that this number is based on replies from residents to requests from City Management to provide the number of residents. As I never respond to such requests, as I expect other residents do, I doubt that the 19,585 is a reliable number. As part of the "holistic approach", HKR should be required to have an independent body determine the accurate population of Discovery Bay.

2. Slope Safety

Despite the importance of slope safety of both Area 6f and its immediate vicinity, HKR ignored CEDD's request for a Geotechnical Planning Review Report (GPRR) until including in its latest submission a GPRR which appears to be only a desk top and paper exercise using outdated information. Is this because HKR did not want to reveal to the PD, the residents of Parkvale Village and others the effect on Parkvale Village of the proposed development in Area 6f, particularly given that in its initial application, HKR noted the misleading and inadequate statement that the development of Area 6f would have no adverse impact on surrounding areas?

It appears from the GPRR that the CTL Category 1 (highest consequences-to-life) slope directly opposite the three Woods high rise residential buildings on Parkvale Drive, the only proposed access

to Area 6f, would have to be destroyed and rebuilt and that two more CTL Category 1 slopes above and adjacent to Coral and Crystal Courts will be subject to significant changes. These would be significant consequences of approving the application which would have a significant impact on the residents of Parkvale village, which have not been fully evaluated and which should have been made known to all by HKR in a valid "public consultation" exercise.

The CEDD should reject the GPRR which HKR has submitted in its latest FI and require HKR to complete an acceptable GPRR which fully explains the consequences of the proposed development on the slopes in Area 6f and in Parkvale Village.

3. Proposed Access to Area 6f

I and others have commented previously on the totally inadequate access to Area 6f proposed by HKR. The application should be rejected due to the unsuitable access to Area 6f.

The proposed sole access to Area 6f is along Parkvale Drive, through Parkvale Village. This access is inadequate because: part of Parkvale Drive is designed as a pedestrian pavement under BD regulations and is incapable of sustaining additional construction and operational traffic; the width of Parkvale Drive limits the ability of larger vehicles, including buses and construction vehicles, to pass one another; the potential lack of emergency access to Parkvale Drive in the event of an accident; lack of safety, as the proposed access to the site is a pedestrian area used by residents and the public.

Photographs clearly illustrating these problems have been included in the submissions made by the Chairman of the Parkvale Village Owners' Committee.

Even HKR recognises the limitations of Parkvale Drive as access to Area 6f. Despite it noting in its application that the development of Area 6f would have no adverse impact on surrounding areas, it sent an e-mail to the Chairman of the Parkvale Village Owners' Committee 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.

The FSD has at last recognized that an adequate emergency vehicular access (EVA) within Area 6f will be USELESS unless it connects to an adequate EVA through the adjacent Parkvale Village and Parkvale Drive. As a 5m gap between buildings and the road is required for the EVA to meet the regulations and as there is no gap at all between Woodbury Court and Parkvale Drive, the proposed sole access does not meet EVA requirements.

Furthermore, the ownership of, and the right of HKR to use as access to Area 6f, the part of Parkvale Drive from its junction with Middle Lane and the entrance to Area 6f, referred to as a "Passageway" in the deed of mutual covenant, is disputed. The application should not be approved until independent legal counsel has advised on the ownership and right to use this "Passageway".

4. Ownership and rights of development

The Discovery Bay Principal Deed of Mutual Covenant (PDMC) is a document which cannot be changed as changing it would require the agreement of all owners in DB. It notionally divides DB into 250,000 equal undivided shares and allocates these shares to a number of different uses. The number of undivided shares remaining for allocation to any new development on the Lot is therefore the final determinant of the extent of further development of Discovery Bay. However, the number of remaining undivided shares has not been made publicly available and HKR has stated that it will only be made available at the meeting of the RNTPC.

A record of how the undivided shares have been allocated and of those remaining for further development must be made available for public inspection, or at least by the owners of units in Discovery Bay, as they have an interest in ensuring that the limits imposed by the Discovery Bay Principal Deed of Mutual Covenant, to which they are parties, are not exceeded.

Furthermore, not disclosing this critical information 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. Sewage Treatment

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: 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, although it is clear from HKR's comments that the latter is the intended approach; and, 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.

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 red tides in DB waters. The EPD has stated 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"*.

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"*?

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

Given that the approximately 19,000 current residents of Discovery Bay enjoy sewage disposal facilities provided by the government and the government's considerable efforts to improve sewage disposal in Hong Kong over recent years, building a standalone STP to serve the 1,190 potential residents of the proposed development seems a retrograde step and I am very concerned and surprised that neither the DEP or the DSD have rejected the proposal to build one. Furthermore, how can building and operating a STP for such a small number of residents be economic, given that the residents of a development in Area 6f will have to pay the cost of doing so?

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) and 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).

6. Water Supply

As it has been informed it cannot provide potable water to Area 6f from Sui Wan Ho, which provides potable water to all other residents in Discovery Bay, HKR intends to re-open, after 16 years, the DB reservoir, build a new private water treatment works, a new pumping station, a new service

reservoir and new water main down Discovery Valley Road, and back up Parkvale Drive to Crystal Court and Coral Court, then up the slope to Area 6f.

However, one of the primary reasons for connecting to the government water supply 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.

7. Planning Department Does Not Support The Application

In its RNTPC Paper No. Y/I – DB/2C dated 17th February 2017, the Planning department stated that it does not support the application because: (a) the applicant fails to demonstrate that the proposed rezoning would not generate adverse infrastructural, environmental and geotechnical impacts on the surrounding areas; and (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.

Simon Minshall

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Development at Discovery Bay
12/05/2017 14:48

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

From: Frank Stewart [REDACTED]
To: tpbpd@pland.gov.hk,
Cc: Hiroko Stewart [REDACTED]

It has been over 16 years since my wife and I bought a flat in Discovery Bay (DB). We had just moved to Hong Kong from the USA so that my wife and I could start building careers here. We are still here and we love Hong Kong and DB. One of the critical considerations in order to make this move was the maintenance of our life style and housing. We are middle class people that supported ourselves to make this move, the opportunity we found here justified the risk. We are not rich!

What has made our move a success is the housing and environment we found in DB. We have a life style here is as good or better than what we left behind in the USA. If the development of DB is allowed to proceed as the Resort plans we will see a down grade to our home, and I am also concerned about a financial loss.

We live in Verdant Court, our view is wonderful, it is not crowded, the air is clean, noise is low, it is safe to walk day or night, transportation is good, services are good.....we do not want these things to change, because this is our home! I am VERY CONCERNED THAT WE MAY LOSE OR DEGRADE OUR LIFE STYLE. We all strive to improve our lives, and hope we never must accept less! The plans that I have seen from the Resort for our area is a step down for us.

Thank you,
Frank Stewart

[REDACTED]

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Objection to the Application Y/I-DB/2. Area 6f. Discovery Bay
12/05/2017 16:01

to: tpbpd@pland.gov.hk

From: Kristy Yeo
To: 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."

4.

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

6125

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



**Comments on Application No. Y/I-DB/2: Area 6f, Lot 385 RP & Ext (Part) in D.D.
352, Discovery Bay
12/05/2017 16:10**

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

From: Len Büchi [Redacted]
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>,
Cc: AMY YUNG [Redacted]
Please respond to Len Büchi [Redacted]

Dear Sirs,
Please find my objection to the captioned Application in the attached letter.
Sincerely,



Lienhard BUECHI 12.5.17 To Town Planning Board on Area 6f Application.pdf

their earlier proposal to provide alternative access from Discovery Valley Road.

Your Sincerely,
Kristy Yeo
Midvale Village

To: Secretary, Town Planning Board

(Via email: tpbpd@pland.gov.hk)

Application No.: TPB/Y/I-DB/2

Dear Sirs,

Comments on Application No. Y/I-DB/2: Area 6f, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

I am an owner and resident of Discovery Bay, Lantau. While I currently do not reside in the vicinity of Area 6f, the proposed development will have a significant negative impact on the quality of life for all residents of Discovery Bay, as well as on the ownership and investment for all of us as joint owner of the Lot.

I am of the opinion that the captioned Application should **not be approved** for the reasons stated below.

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.** 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). 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
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! This is a serious matter of public concern and will be referred to the Ombudsman, Department of Justice and District Councillor.

7. 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. 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.

8. 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.

Sincerely,

LNBuechi

Lienhard BUECHI.

[Redacted signature block]

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Application Y/I-DB/2. Area 6f. Discovery Bay Objection to the Applicant's right and capacity to develop the site
12/05/2017 13:05

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

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

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

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

Dear Sirs,

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

1. 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.

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.

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 6.0E7b(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7b(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 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."

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. 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. Which is totally unacceptable to the current residents in these affected areas.

4. 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 on a already busy and day to day basis; 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 which is totally incredible 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. The residents have pointed out the inability of heavy vehicles or buses 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 merely 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.

5. Consultation with government departments and bureaus 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 residents & public that this is what they 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 should be referred to the Ombudsman, Department of Justice and District Councillor.

6. 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 minimize 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 emphasized 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".

7. 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.

8. HKR is misleading the TPB by continuing to say that there are two options re water supply

but, as previously pointed out (since government has confirmed that its facilities at the Siu Ho Wan Water Treatment Works (SHWWTW) and the SHW Fresh Water Pumping Station

are not available for the foreseeable future), there is only one, which is a potable water supply

to be provided by re-opening, after 16 years, the DB water treatment plant and using water

from the
DB reservoir.

In addition there appears to be no backup plan for the provision of fresh water to the Area 6f

Residents if and when the water quality does not comply with Guidelines for
Drinking-water Quality

recommended by the World Health Organization, which is the water quality standard
currently adopted

by the WSD fresh water supply system. It is considered that the proposal to build a private
supply

system is, in view of its engineering difficulties, cost and management difficulties, an
attempt to

mislead the TPB since it is almost certain that HKR would wait for the long term
development,

if any, of government infrastructure. And will private water systems be constructed for
further HKR

development projects which are implied by the Area 10b application (temporarily
withdrawn)

and those which are implied in the latest DB Masterplan consultation?

9. No further development should be allowed until the fundamental issue of the proposed
change

in the population of DB beyond the maximum level of 25,000 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.

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.

10. 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.

Thank you for your kind attention.

Yours sincerely,

Name: Li Ho Ching Carmen

Address: [REDACTED]

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Application Y/I-DB/2. Area 6f. Discovery Bay
12/05/2017 11:53

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

From: Iris Lun <[REDACTED]>
To: tpbpd@pland.gov.hk,

Dear Town Planning Board,

Re: Objection to the Applicant's right and capacity to develop the site in the captioned subject

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").

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 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

Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Objection to application no: Y/I - DB/2 Area 6f
12/05/2017 11:59

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

From: che chung francis lam <[Redacted]>

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

Dear sir,

I refer to the captioned application and wish to raise my concern that the captioned development will increase the total population in DB and exceed the approved 25,000 persons capacity (please refer to the attached letter for more details).

Therefore before the population issue is attended with proper consultation to the various Government Departments, DB residents, and the public, this application **shall be rejected**

Regards!

Francis Lam



Owner of [Redacted] TPB Area 6f R5 Population.docx

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,

Iris Lun

Owner and Occupant


Urgent Return receipt Sign Encrypt Mark Subject Restricted Expand groups



Objection to application no: Y/I - DB/2 Area 6f

12/05/2017 11:59

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

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

Dear sir,

I refer to the captioned application and wish to raise my concern that the captioned development will increase the total population in DB and exceed the approved 25,000 persons capacity (please refer to the attached letter for more details).

Therefore before the population issue is attended with proper consultation to the various Government Departments, DB residents, and the public, this application **shall be rejected**

Regards!

Francis Lam



Owner of [REDACTED], TPB Area 6f R5 Population.docx

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

170511-150400-36914

Reference Number:**提交限期**

12/05/2017

Deadline for submission:**提交日期及時間**

11/05/2017 15:04:00

Date and time of submission:**有關的規劃申請編號**

Y/I-DB/2

The application no. to which the comment relates:**「提意見人」姓名/名稱**

先生 Mr. Mr K Bradley

Name of person making this comment:**意見詳情****Details of the Comment :**

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.

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

參考編號 170511-145942-06427

Reference Number:

提交限期 12/05/2017

Deadline for submission:

提交日期及時間 11/05/2017 14:59:42

Date and time of submission:

有關的規劃申請編號 Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱 先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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 GPPR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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

參考編號

170511-145757-82846

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 14:57:57

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號
Reference Number: 170511-150228-06354

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

提交日期及時間
Date and time of submission: 11/05/2017 15:02:28

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

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

意見詳情
Details of the Comment :

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.

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

參考編號

170511-150112-22227

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 15:01:12

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170511-145623-52337

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 14:56:23

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

參考編號

170511-141809-25432

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 14:18:09

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號
Reference Number: 170511-160330-51354

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

提交日期及時間
Date and time of submission: 11/05/2017 16:03:30

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

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

意見詳情
Details of the Comment :

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 Department s":

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.

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

參考編號 Reference Number: 170511-160138-82033

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

提交日期及時間 Date and time of submission: 11/05/2017 16:01:38

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

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

意見詳情 Details of the Comment :

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.

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

參考編號

170511-155953-95785

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 15:59:53

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號
Reference Number: 170511-155830-77613

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

提交日期及時間
Date and time of submission: 11/05/2017 15:58:30

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

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

意見詳情
Details of the Comment :

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.

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

參考編號

170511-155712-56468

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 15:57:12

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號

170511-151005-26278

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 15:10:05

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr K Bradley

Name of person making this comment:

意見詳情

Details of the Comment :

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.

6129

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

參考編號

Reference Number:

170511-150539-83963

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 15:05:39

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Mr K Bradley

意見詳情

Details of the Comment :

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, Parkville 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.

6130

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

參考編號

170511-204135-05014

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:41:35

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號 170511-204024-21643
Reference Number:

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

提交日期及時間 11/05/2017 20:40:24
Date and time of submission:

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

「提意見人」姓名/名稱 女士 Ms. Jan Campbell
Name of person making this comment:

意見詳情
Details of the Comment :

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.

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

參考編號

170511-203633-84858

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:36:33

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號

170511-203528-70678

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:35:28

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

參考編號 170511-203414-83930
Reference Number:

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

提交日期及時間 11/05/2017 20:34:14
Date and time of submission:

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

「提意見人」姓名/名稱 女士 Ms. Jan Campbell
Name of person making this comment:

意見詳情
Details of the Comment :

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".

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

參考編號

170511-202859-48201

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:28:59

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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, Parkville 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.

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

參考編號 170511-202706-54650
Reference Number:

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

提交日期及時間 11/05/2017 20:27:06
Date and time of submission:

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

「提意見人」姓名/名稱 女士 Ms. Jan Campbell
Name of person making this comment:

意見詳情
Details of the Comment :

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.

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

參考編號 170511-203905-80977

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:39:05

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號 170511-203740-06566
Reference Number:

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

提交日期及時間 11/05/2017 20:37:40
Date and time of submission:

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

「提意見人」姓名/名稱 女士 Ms. Jan Campbell
Name of person making this comment:

意見詳情
Details of the Comment :

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.

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

參考編號
Reference Number: 170511-203301-92700

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

提交日期及時間
Date and time of submission: 11/05/2017 20:33:01

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

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情
Details of the Comment :

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.

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

170511-203141-76069

Reference Number:**提交限期**

12/05/2017

Deadline for submission:**提交日期及時間**

11/05/2017 20:31:41

Date and time of submission:**有關的規劃申請編號**

Y/I-DB/2

The application no. to which the comment relates:**「提意見人」姓名/名稱**

女士 Ms. Jan Campbell

Name of person making this comment:**意見詳情****Details of the Comment :**

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.

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

參考編號

170511-203016-56901

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 20:30:16

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

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

170511-202519-15890

Reference Number:**提交限期**

12/05/2017

Deadline for submission:**提交日期及時間**

11/05/2017 20:25:19

Date and time of submission:**有關的規劃申請編號**

Y/I-DB/2

The application no. to which the comment relates:**「提意見人」姓名/名稱**

女士 Ms. Jan Campbell

Name of person making this comment:**意見詳情****Details of the Comment :**

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.

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

參考編號
Reference Number: 170511-202352-54584

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

提交日期及時間
Date and time of submission: 11/05/2017 20:23:52

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

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情
Details of the Comment :

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.

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

參考編號

170512-125444-29992

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 12:54:44

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170512-125209-13846

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 12:52:09

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號
Reference Number: 170512-125035-80349

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

提交日期及時間
Date and time of submission: 12/05/2017 12:50:35

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

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情
Details of the Comment :

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.

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

參考編號 170512-124855-00394

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 12:48:55

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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 (10 SW-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, Parkville 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.

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

參考編號

170512-124731-98707

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 12:47:31

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

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

參考編號

170512-124403-80655

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 12:44:03

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Jan Campbell

Name of person making this comment:

意見詳情

Details of the Comment :

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

參考編號 Reference Number: 170512-124552-84348

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

提交日期及時間 Date and time of submission: 12/05/2017 12:45:52

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

「提意見人」姓名/名稱 Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情 Details of the Comment :

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

Dear Sirs,
I refer to the Response to Comments included with the supplementary information for Application Y/I-DB/2, filed with the Town Planning Board ("TPB") by Masterplan Limited on 7 April, 2017, on behalf of the Applicant, Hong Kong Resort Company Limited ("HKR").
The District Lands Office/Islands ("DLO/Is") stated:
The applicant is required to substantiate its right and capacity under the Town Planning Ordinance to develop the site.
And the Applicant replied:
The applicant has had correspondences with Town Planning Board establishing the ownership of the site.
This is the second time that the DLO/Is has made the same request concerning the Applicant's right and capacity to develop the application site. It is highly regrettable that the Applicant has been allowed to reply to the TPB in secret, and that this fundamental question has not been addressed as part of the public consultation.
The TPB should immediately release the relevant correspondence for public comment. If the correspondence cannot be released for reasons of privacy, the TPB should conclude that there has not been an open consultation and reject the application forthwith.

Deed of Mutual Covenant
The Lot is owned under a Deed of Mutual Covenant ("DMC") dated 30 September, 1982 and held in the Land Registry as Memorial No. IS112018. There are presently over 8,000 co-owners of the Discovery Bay lot.
The other owners of the Lot have had no opportunity to review the arguments put forward by the Applicant to substantiate that it has the right and capacity to develop the application site. This is contrary to the principles of free and open consultation set out in the Town Planning Ordinance. I draw your attention again to the two extracts from the Response to Comments above. While the DLO/Is refers to the right and capacity of the Applicant to develop the site, the Applicant refers only to establishing ownership.
This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC. To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

Reserved Portion

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

I refer to the "Response to Comments" dated October 2016 for Application No. Y/L-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 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 colle

ctively 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.”

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

參考編號
Reference Number: 170512-125921-52890

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

提交日期及時間
Date and time of submission: 12/05/2017 12:59:21

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

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情
Details of the Comment :

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".

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

參考編號
Reference Number: 170512-125713-68398

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

提交日期及時間
Date and time of submission: 12/05/2017 12:57:13

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

「提意見人」姓名/名稱
Name of person making this comment: 女士 Ms. Jan Campbell

意見詳情
Details of the Comment :

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 GPPR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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

參考編號

170512-144322-53458

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:43:22

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRI

Name of person making this comment:

NG

意見詳情

Details of the Comment :

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.

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

參考編號
Reference Number: 170512-144212-79298

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

提交日期及時間
Date and time of submission: 12/05/2017 14:42:12

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

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

意見詳情
Details of the Comment :

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.

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

參考編號
Reference Number: 170512-143545-04915

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

提交日期及時間
Date and time of submission: 12/05/2017 14:35:45

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

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

意見詳情
Details of the Comment :

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 Masterplans 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.

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

參考編號

170512-143446-16895

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:34:46

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRIN
G

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170512-144054-42082

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:40:54

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRI

Name of person making this comment:

NG

意見詳情

Details of the Comment :

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.

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

參考編號 170512-143953-14454
Reference Number:

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

提交日期及時間 12/05/2017 14:39:53
Date and time of submission:

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

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

意見詳情
Details of the Comment :

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 GPPR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

UP

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

參考編號

170512-143856-87971

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:38:56

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRI

Name of person making this comment:

NG

意見詳情

Details of the Comment :

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".

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

參考編號 170512-143744-20466

Reference Number:

提交限期 12/05/2017

Deadline for submission:

提交日期及時間 12/05/2017 14:37:44

Date and time of submission:

有關的規劃申請編號 Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱 先生 Mr. WOLF DUEHRI

Name of person making this comment: NG

意見詳情

Details of the Comment :

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

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

參考編號 Reference Number: 170512-143642-28654

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

提交日期及時間 Date and time of submission: 12/05/2017 14:36:42

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

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

意見詳情 Details of the Comment :

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".

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

參考編號

170512-143338-27407

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:33:38

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRI
NG**Name of person making this comment:**

意見詳情

Details of the Comment :

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.

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

參考編號

Reference Number:

170512-143226-77519

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 14:32:26

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. WOLF DUEHRI
NG

意見詳情

Details of the Comment :

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

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC. To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

Reserved Portion

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

I refer to the "Response to Comments" dated October 2016 for Application No. Y/1-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 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 colle

ctively 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.”

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

參考編號 Reference Number: 170512-143048-73078

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

提交日期及時間 Date and time of submission: 12/05/2017 14:30:48

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

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

意見詳情 Details of the Comment :

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

參考編號

170512-142922-47425

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:29:22

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRIN

Name of person making this comment:

G

意見詳情

Details of the Comment :

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 Department s":

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.

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

參考編號

170512-144537-36724

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:45:37

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. WOLF DUEHRI

Name of person making this comment:

NG

意見詳情

Details of the Comment :

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.

6132

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

參考編號
Reference Number: 170512-123502-94800

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

提交日期及時間
Date and time of submission: 12/05/2017 12:35:02

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

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

意見詳情
Details of the Comment :

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

參考編號 170512-123306-82734
Reference Number:

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

提交日期及時間 12/05/2017 12:33:06
Date and time of submission:

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

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

意見詳情
Details of the Comment :

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC. To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

Reserved Portion

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

I refer to the "Response to Comments" dated October 2016 for Application No. Y/1-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 colle

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ctively 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.”

6133

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

參考編號

170512-104017-54843

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 10:40:17

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. M. SMITH

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170512-103840-43012

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 10:38:40

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. M. SMITH

Name of person making this comment:

意見詳情

Details of the Comment :

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 GPPR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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

參考編號 Reference Number: 170512-103451-95183

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

提交日期及時間 Date and time of submission: 12/05/2017 10:34:51

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

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

意見詳情
Details of the Comment :

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

[This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC. To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

Reserved Portion

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

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

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

Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use the "City Common Areas" for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The Applicant is required to substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC.

In response, the Applicant stated, in part:

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

The following is the definition of City Retained Areas from the DMC:

"The piers, the breakwaters and other marine structures, public gardens, lawns, transport terminal, children's playground, public beaches, estate management offices, aviary/botanical garden, non-membership golf course (if any), cable-car system (if any), the heliport and the other part or parts of the Service Area and all open areas and spaces in the City other than the City Common Areas."

"City" is defined as follows in the DMC:

"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" (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 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 colle

ctively 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.”

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

參考編號

170512-103648-97336

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 10:36:48

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. M. SMITH

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號

170512-145426-66909

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:54:26

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170512-145220-34188

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:52:20

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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 (10 SW-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.

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

參考編號 Reference Number: 170512-145323-66920

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

提交日期及時間 Date and time of submission: 12/05/2017 14:53:23

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

「提意見人」姓名/名稱 Name of person making this comment: 夫人 Mrs. M. LEE

意見詳情 Details of the Comment :

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

Under the DMC, all of the land of the Lot is held in common through ownership of undivided shares in the entire Lot. The Applicant is one of the owners. However, we must at all times remember that no one owner has unrestricted right to treat the Lot as private property to develop as they please. The rights and obligations of all owners are governed by the DMC. To understand the right and capacity of any owner to develop any part of the Discovery Bay Lot, we must have a thorough understanding of the Discovery Bay DMC and the terms of the original grant of land from the Government.

Reserved Portion

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

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

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

Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use the "City Common Areas" for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The Applicant is required to substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC.

In response, the Applicant stated, in part:

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

The following is the definition of City Retained Areas from the DMC:

"The piers, the breakwaters and other marine structures, public gardens, lawns, transport terminal, children's playground, public beaches, estate management offices, aviary/botanical garden, non-membership golf course (if any), cable-car system (if any), the heliport and the other part or parts of the Service Area and all open areas and spaces in the City other than the City Common Areas."

"City" is defined as follows in the DMC:

D

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

參考編號

170512-145114-19169

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:51:14

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

參考編號

170512-145000-82951

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:50:00

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

6135

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

參考編號

170512-115924-61211

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 11:59:24

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. J Chau

Name of person making this comment:

意見詳情

Details of the Comment :

I call for the rejection of the application based on the following:

(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.

(C) the existing hiking trail would be affected by the proposal; and the proposed new access road connecting to Parkvale Drive would cut and extinguish part of the existing hiking trail.

(D) 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, North-eastern Lantau Node for leisure, entertainment and tourism development and East Lantau Metropolis as a long-term strategic growth area. Discovery Bay is not recommended as a strategic growth area under planning at this stage.

(E) Based on the applicant's latest submission, Director of Environment expresses reservation on the acceptability of the proposed development under the subject rezoning application from water quality assessment perspective as the applicant has not demonstrated that all practicable mitigation measures reducing the pollution loading on Total Inorganic Nitrogen (TIN) level to the surrounding receiving water body are exhausted.

(F) Apparently^ the applicant has adopted a figure of 2.5 persons per flat. Nevertheless, according to DLO's letter dated 11.9.2014 to the applicant commenting on the proposed Discovery Bay MP7.0B, it was stated that "based on the latest information of 2011 Census, the average household size is 2.7 in Discovery Bay". The applicant should justify the assumption of 2.5 persons per flat in this case. This issue needs to be addressed, as the household size affects the population figure and thus the estimation of demands on infrastructure. If the average household size is 2.7, even the 10,000 flats previously proposed in the draft Discovery Bay MP7.0E will mean a population of 27,000, which will already exceed the maximum population of 25,000 in the Discovery Bay

y OZP. Based on the applicant's proposals, it is obvious that the applicant's intention is to exceed the 25,000 population by an addition of 4,003 persons (1,190 in the subject application + 2,813 in Application No. Y/I-DB/3), and the water demand by an addition of 1,722 cu.m./day (512 in the subject application + 1,210 in Application No. Y/I-DB/3).

(G) There are some 124,000m² domestic GFA allowed in the "R(C)2" zone (Plan Z-1a) of the Discovery Bay OZP which have not been incorporated in the prevailing MP and yet to be implemented under the lease. In other words, there is scope for further residential development within the planned residential area without resorting to rezone the Site.

6136

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

參考編號

Reference Number:

170512-140617-94167

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 14:06:17

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Peter A. Crush

意見詳情

Details of the Comment :

I object to the proposal. I have submitted three previous proposals giving details of my objections.

Most important are the concerns about the adverse traffic impact the development would have on the existing Parkvale Village. (See my comment ref #1109 submitted 04. April 2016)

Also none of the concerns raised by the small owners of Discovery Bay in respect of their rights under the Deed of Mutual Covenant have been addressed. Notably the intention of the developer to make use of a private "PASSAGEWAY" as means of access for heavy construction vehicles and later as a means of access for new residents .

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

參考編號

170511-235540-80549

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:55:40

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Wong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

170511-235236-64835

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:52:36

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. David Chan

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6139

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

參考編號

170511-235134-02393

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:51:34

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. Ho

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6140

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

參考編號

170511-235017-99263

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:50:17

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Wayne Wong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

170511-234907-88008

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:49:07

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Nick Wong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6142

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

參考編號

Reference Number:

170511-234614-01643

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 23:46:14

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Ho

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

Reference Number:

170511-234430-64028

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 23:44:30

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Hon

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6144

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

參考編號

170511-234237-32408

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:42:37

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Wong Hon Chong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

Reference Number:

170511-234115-09663

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 23:41:15

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. HC Wong

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

170511-233832-84736

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:38:32

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Galen Wong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

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

參考編號

170512-091045-40913

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 09:10:45

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. Anna Putina

Name of person making this comment:

意見詳情

Details of the Comment :

To the Town Planning Board

Objection against the rezoning of Area 6f in Parkvale area, Discovery Bay

The application must be rejected.

The project is not feasible and comes at high costs to environment and citizens that will have to be born by the public, not the applicant. This is not acceptable. The applicant HKR, in the resubmission, is ignoring all valuable comments made by the public and concerned citizens.

The sewage from this development will spill into the South plaza bay located behind the Ferry area which is approx. ONLY 270 meters to the BEACH and Boardwalk Restaurants (with this additional sewage will the water quality remain safe?)

HKR has ignored all traffic safety concerns for all of DB, possible traffic blockages to Midvale and Parkvale, as well as that fact that there will be limited emergency access in these areas.

The proposed construction site access via Parkvale village is violating incorporate owner rights. furthermore the road is not suitable for the additional traffic load. HKR has failed to propose alternative site access and construction waste management plan.

It is clear from the latest submission and new masterplan that the population will breach 25,000 residents.

Finally, all currently ongoing construction projects in DB are poorly managed with frequent noise complaints, fire hazards, delays and traffic accidents. HKR is not capable of managing such large scale projects without significant risks to the people and environment: The application must be rejected.

Sincerely,

Anna Putina

6148

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

參考編號

170512-090907-35857

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 09:09:07

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Andreas Oberecker

Name of person making this comment:

意見詳情

Details of the Comment :

To the Town Planning Board

Objection against the rezoning of Area 6f in Parkvale area, Discovery Bay

The application must be rejected.

The project is not feasible and comes at high costs to environment and citizens that will have to be born by the public, not the applicant. This is not acceptable. The applicant HKR, in the resubmission, is ignoring all valuable comments made by the public and concerned citizens.

The sewage from this development will spill into the South plaza bay located behind the Ferry area which is approx. ONLY 270 meters to the BEACH and Boardwalk Restaurants (with this additional sewage will the water quality remain safe?)

HKR has ignored all traffic safety concerns for all of DB, possible traffic blockages to Midvale and Parkvale, as well as that fact that there will be limited emergency access in these areas.

The proposed construction site access via Parkvale village is violating incorporate owner rights. furthermore the road is not suitable for the additional traffic load. HKR has failed to propose alternative site access and construction waste management plan.

It is clear from the latest submission and new masterplan that the population will breach 25,000 residents.

Finally, all currently ongoing construction projects in DB are poorly managed with frequent noise complaints, fire hazards, delays and traffic accidents. HKR is not capable of managing such large scale projects without significant risks to the people and environment: The application must be rejected.

Best regards,

Andreas Oberecker

6149

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

參考編號

Reference Number:

170511-234744-91365

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

11/05/2017 23:47:44

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

小姐 Miss Ho

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6150

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

參考編號

170512-113848-76613

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 11:38:48

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Yau Wing

Name of person making this comment:

意見詳情

Details of the Comment :

The proposed new development area was classified as for staff quarter. The site has been idled for 30 years and as explained by the developer, the desire for staff quarter has gone because of the availability of better, various and more frequent public transport now. The area is ugliness if looking out from Parkvale and Hillgrove as well as down from the look out point up the hill behind. Why do we continue to let the site idling, particular when residential sites are under provided in HK? From the development submission and supplement information, there will have a beautified landscaped deck beside two buildings and the local community can enjoy therein. It is good and the environment will be prettily improved. I therefore support the development definitely.

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

參考編號

170511-235423-90928

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

11/05/2017 23:54:23

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Wong

Name of person making this comment:

意見詳情

Details of the Comment :

6f 一直已規劃為員工宿舍用途，證明土地適宜建屋。

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

6152

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

參考編號

170512-144428-70436

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:44:28

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. W

Name of person making this comment:

意見詳情

Details of the Comment :

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, Parkville 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.

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

參考編號 170512-120053-17755

Reference Number:

提交限期 12/05/2017

Deadline for submission:

提交日期及時間 12/05/2017 12:00:53

Date and time of submission:

有關的規劃申請編號 Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. W Wong

Name of person making this comment:

意見詳情

Details of the Comment :

I do not support and call for the rejection of the application on the following grounds

- (a) the applicant fails to demonstrate that the proposed rezoning would not generate adverse infrastructure, environmental and geotechnical impacts on the surrounding areas; and
- (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.

6154

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

參考編號

170512-134632-47278

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 13:46:32

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Mr. MY

Name of person making this comment:

意見詳情

Details of the Comment :

support, more residential units made

寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:00
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

6155

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.

Ed Rainbow



寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:02
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

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

Ed Rainbow



tpbpd

寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:04
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

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.

Ed Rainbow



[Faint, illegible text, likely bleed-through from the reverse side of the page]

tpbpd

寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:08
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

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.

Ed Rainbow
[REDACTED]

寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:10
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

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.

Ed Rainbow



寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:12
收件者: Town Planning Board
主旨: Application No Y/I-DB/2 - 6F OBJECTION

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.

Ed Rainbow



寄件者: Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:13
收件者: Town Planning Board
主旨: Fwd: Application No Y/I-DB/2 - 6F OBJECTION

6155

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 GPRR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTI 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 CTI Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

Ed Rainbow



tpbpd

寄件者: james william <[REDACTED]>
寄件日期: 12日05月2017年星期五 18:44
收件者: tpbpd@pland.gov.hk
主旨: Y/I-DB/2 Area 6f
附件: Peninsula Quorum.docx

6156

To whom it may concern,
I would like to oppose the planned development of Y/I-DB/2 Area 6f.
Yours faithfully,
James William Anthony Bunker

To : tpbpd@pland.gov.hk

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

Dear Sir/Madam,

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

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

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

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

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

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

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


The current submission misleads on the question of population:

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

There are other issues:

1. The Lands Department has pointed out that their questions about our ownership of the lot have not been answered and yet the consultant, Masterplan, says that they have explained this to the TPB directly. **None of this discussion, which is fundamental for individual owners (owners of undivided shares), is on the public record.** We have a right to know what has been said, and considered, in a statutory public consultation. ☐
2. Area 6f is part of the "Reserved Portion" under the New Grant and HKR does not have unfettered ownership of the area. The New Grant imposes restrictions on the Reserved Portion.

Yours faithfully,
James William Anthony Bunker

Owner: 

寄件者: edwin.rainbow@gmail.com 代理 Edwin Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 18:46
收件者: Town Planning Board
主旨: Fwd: Application No. Y/I-DB/2 Area 6f - OBJECTION FROM HILLGROVE VILLAGE OWNERS
附件: TPB Area 6f Right to Develop Site (1).docx; TPB Area 6f R5 Population.docx

6157

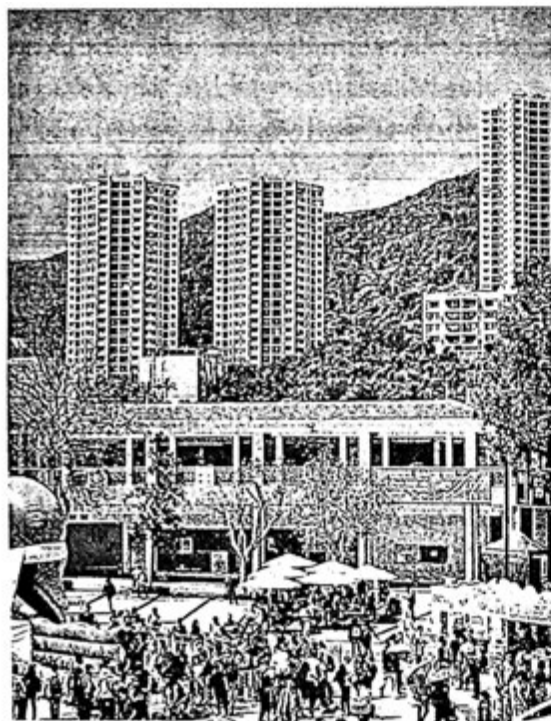
resend

From: Edwin Rainbow <[REDACTED]>
Date: 12 May 2017 at 18:43
Subject: Re: Application No. Y/I-DB/2 Area 6f - OBJECTION FROM HILLGROVE VILLAGE OWNERS
To: Town Planning Board <tpbpd@pland.gov.hk>
Cc: Alice Li <[REDACTED]>, Dominic Ho at Yahoo <[REDACTED]>, Edwin Tam <[REDACTED]>, Janice Fung <[REDACTED]>, JOHN ANTWEILER & SHIRLEY NG <[REDACTED]>, KIMBERLEY KENG <[REDACTED]>, "LAU M.K." <[REDACTED]>, Martyn Keen <[REDACTED]>, MICHAEL McGUIRE <[REDACTED]>, "Mr. Edmund Fan" <[REDACTED]>, "Mr. Lam Wai Man" <[REDACTED]>, "Ms. Umehara Yukiko" <[REDACTED]>, Nicola Wepener <[REDACTED]>, NIGEL REID <[REDACTED]>

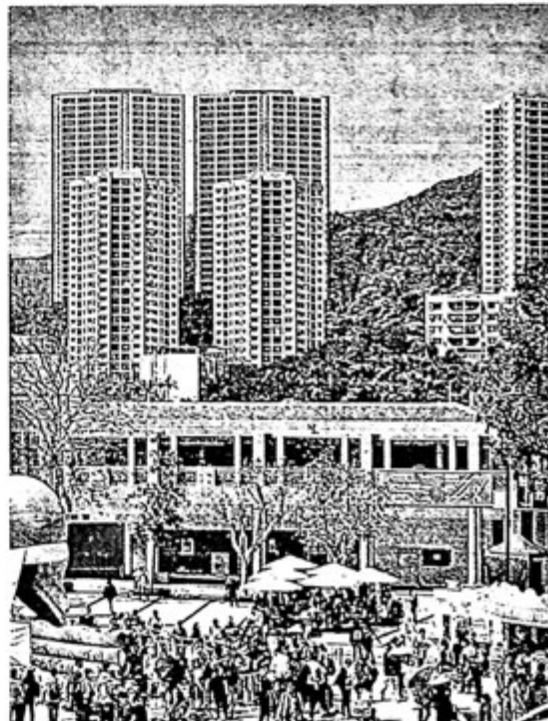
Attn. Town Planning Board

(copied to Hillgrove Village Owners Committee members)

PLAZA VIEW



BEFORE



AFTER

Along with Parkvale Village, Hillgrove Village is the village that would be most directly, if the 6f development were to go ahead.

As I look at how things would look (from the above picture), I already see what is going to happen. Our villages would become more like normal Hong Kong housing estates. The proposed buildings tower above the Parkvale Village buildings like a monstrous UBW completely destroying the character of Discovery Bay "Old Town".

The original Discovery Bay dwellings were always clustered in villages and each retains its special "village identity" to this day. As new villages came along, they never overpowered the earlier villages nearby. The effect on serenity, tranquility was minimal and any visual impact proportional. For the benefit of Hong Kong the planning board should strive to preserve this balance in "Old DB".

A

All members of the Hillgrove VOC, and the owners I have had contact with (around 25%), have received all the documents I have referred to and none has asked me not to include them in this collective objection. They are of course free to object or approve individually, but I am confident that the TPB will receive very few, if any, Hillgrove resident owners, offering a reason to approve the above application.

From the beginning Discovery Bay was different from anywhere else in Hong Kong, it remains unique to this day and should not be allowed to lose its unique character as long as there are : legal; regulatory; administrative constraints; and, above all, owner's rights, to be respected. I would add to this the need for good town planning to offer optional lifestyles within Hong Kong - **the DB lifestyle should be preserved. It has proved itself.**

I have included, herewith, two of the attachments received by many owners:

One of the attachments talks about "our" co-ownership of the lot, together with HKR.*

There is a distinction between HKR's "ownership" and their right to "develop". Also, discussions with Government appear to have been held in secret and we have been excluded from these discussions. The exchange of information must be made public.

The other attachment tells us that our DB population should be limited to 25,000 and that the 6f proposal will take us beyond that.

There are several uncertainties in the Application by HKR.

It may even be possible for HKR to show that the population of Discovery Bay will not exceed 25,000 if 6f at the time it would be approved, **but** highly unlikely, if not impossible, that the 25,000 population limit would be respected after the previously approved, but as yet unbuilt developments, at the north end are included.

Owners deserve to have complete clarity on the true potential population after the north end and 6f have both been fully developed.

I have not included the work done by our neighbours at Parkvale. *PVOC Comments on Application Number DB/2 submitted by Kenneth J. Bradley J.P. - Parkvale Village Owners Committee Chairman, submitted on 11th May 2017.* We take note that Parkvale Village has identified at least 16, very good reasons for the TPB not to approve the 6f Application.

I confidently state that I am representing Hillgrove Village and place my trust in the Government departments concerned and that the TPB will reject the Y/I-DB/2 Area 6f Application after due consideration of the many reasons referred to herewith.

(on behalf of the Hillgrove VOC)

Ed Rainbow.
[REDACTED]

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

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

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

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

Reserved Portion

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

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

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

Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use the "City Common Areas" for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The Applicant is required to substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC.

In response, the Applicant stated, in part:

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

The following is the definition of City Retained Areas from the DMC:

"The piers, the breakwaters and other marine structures, public gardens, lawns, transport terminal, children's playground, public beaches, estate management offices, aviary/botanical garden, non-membership golf course (if any), cable-car system (if any), the heliport and the other part or parts of the Service Area and all open areas and spaces in the City other than the City Common Areas."

"City" is defined as follows in the DMC:

"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" (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 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."

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

寄件者: Iza M.Rainbow
寄件日期: 12日05月2017年星期五 19:21
收件者: Town Planning Board
主旨: Application No. Y/1-DB/2-6f OBJECTION

6158

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"*.

Iza Rainbow



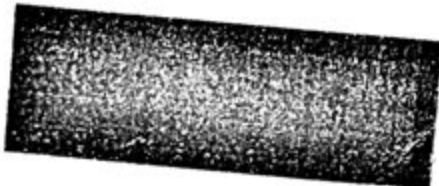
sh

寄件者: Iza M.Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:29
收件者: Town Planning Board
主旨: Application No. Y/1-DB/2-6f OBJECTION

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?

Iza Rainbow



寄件者: Iza M.Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:32
收件者: Town Planning Board
主旨: Application No. Y/I-DB/2-6f OBJECTION

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 detail 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."

寄件者: Iza M.Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:35
收件者: Town Planning Board
主旨: Application No. Y/1-DB/2-6f OBJECTION

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.

Iza Rainbow



寄件者: Iza M.Rainbow
寄件日期: 12日05月2017年星期五 19:38
收件者: Town Planning Board
主旨: Application No. Y/I-DB/2-6f OBJECTION

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.

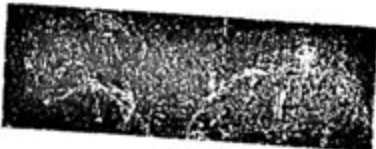
The Principal Deed of Mutual Covenant (PDMC) dated 30th September 1982 has notionally divided the Lot into 250,000 undivided shares and the Lands Department requires the applicant to prove that there are sufficient undivided shares retained by them for allocation to the proposed development.

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.

Iza Rainbow



寄件者: Iza M.Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:40
收件者: Town Planning Board
主旨: Fwd: Application No. Y/1-DB/2-6f OBJECTION

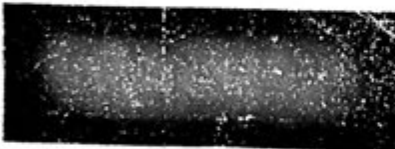
I object to this application as explained below.

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.

Iza Rainbow



寄件者: Iza M.Rainbow <[REDACTED]>
寄件日期: 12日05月2017年星期五 19:43
收件者: Town Planning Board
主旨: Application No. Y/1-DB/2-6f OBJECTION

6158

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.

Iza Rainbow



tpbpd

寄件者: Andrew Burns <[REDACTED]>
寄件日期: 12日05月2017年星期五 22:19
收件者: tpbpd@pland.gov.hk
主旨: Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay. Public Open Space
附件: TPB Area 6f R5 Public Open Space.pdf

6159

To: Secretary, Town Planning Board

Date: 12 May, 2017

Dear Sirs,

Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay. Public Open Space.

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

Yours sincerely,
Andrew Burns

op

To: Town Planning Board

From: Andrew Burns [REDACTED]

Date: 12 May, 2017

**Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay
New proposal to provide Public Open Space at Area 6f**

In the latest gist of further information for Application No Y/I-DB/2, received by the Town Planning Board on 10 April, 2017, the Applicant states that 1,190 sq.m. of Public Open Space will be provided at Area 6f. This is in addition to at least 1,190 sq.m. of Private Open Space.

The previous gist of further information, received on 29 November, 2016, had made no mention of Public Open Space. The Applicant has not provided any explanation for the addition of Public Open Space in the latest submission, nor do the plans identify the location of the Public Open Space.

The total site area of Area 6f is given as 7,623 sq.m. Adding the Public and Private Open Space together (a minimum of 2,380 sq.m.), the Applicant is proposing to devote over 31% of the site area to Open Space. Given the constraints including the steep slopes and the need to provide for the building footprint, emergency vehicular access and the sewage treatment works, it is not clear how such a large area of Public and Private Open Space can be provided on the site.

The New Grant dated 10 September, 1976 (IS6122 in the Land Registry) makes no specific mention of the requirement to provide Public Open Space within Area 6f. In addition, there is no mention of the requirement to provide Public Open Space in the Discovery Bay Deed of Mutual Covenant dated 30 September, 1982.

Therefore, the Applicant should be required to clarify the location and purpose of the proposed Public Open Space and Private Open Space, and provide the reference to the documents lodged with the Land Registry that specify the requirement to provide Public Open Space at Area 6f. Responsibility for management and maintenance of the Public Open Space should also be clarified.

The proposal to provide Public Open Space at Area 6f represents a significant change to the original submission by the Applicant, and should be subject to further public consultation once the above clarification has been submitted to the Town Planning Board.

Yours sincerely,
Andrew Burns

[REDACTED]

tpbpd

寄件者: Andrew Burns <[REDACTED]>
寄件日期: 12日05月2017年星期五 22:52
收件者: tpbpd@pland.gov.hk
主旨: Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay. Supply of Potable Water
附件: TPB Area 6f R5 Water Supply.pdf

To: Secretary, Town Planning Board

Date: 12 May, 2017

Dear Sirs,

Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay. Supply of Potable Water.

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

Yours sincerely,
Andrew Burns

To: Town Planning Board

From: Andrew Burns (a [REDACTED])

Date: 12 May, 2017

Re: Application No. Y/I-DB/2. Area 6f, Discovery Bay
Supply of Potable Water

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

In response to comments raised by Water Supplies Dept ("WSD"), the Applicant provided sketches outlining two water supply options, one from the Government water system (option 1) and one from the Discovery Bay reservoir (option 2). The reply further stated:

Please be confirmed that the applicant has no preference, and can adopt either water supply option 1 or option 2 for the Area 6f development.

It is difficult to take this comment at face value.

In a letter dated 10 July, 1995, Mr. Jeremy Marriott, Executive Director of Hong Kong Resort Company Limited ("HKR") wrote to the City Owners' Committee ("COC") to seek the COC's agreement to close the Discovery Bay water treatment works and switch to the Government water supply.

In support of the proposal, Mr Marriott wrote:

Flood pumping and saltwater flushing would add about \$2 m. to CM waterworks' annual overheads which are currently about \$8 million. Some 75% of total overheads are attributable to the water treatment works, which will become more expensive to operate as the plant ages and because of anticipated stricter Government requirements; for example with regard to chlorine storage.

Thus, in 1995 the annual running cost of the water treatment works was 75% of about \$8 million, or about \$6 million. Accounting for inflation, this is equivalent to about \$9.5 million in current dollars – before factoring in the higher government standards referred to by Mr. Marriott.

The Discovery Bay Deed of Mutual Covenant ("DMC") explicitly forbids charging existing owners for expenses that are solely attributable to new developments. As such, the cost of running the dedicated treatment works will be borne by the owners of the Area 6f development alone.

According to the proposal, there will be 476 flats in the new development. Hence, these 476 owners will each pay almost HK\$20,000 per annum solely for the provision of potable water. Like all other owners at Discovery Bay, the Area 6f owners will also share the costs of maintaining the existing Discovery Bay-wide water distribution system. Other expenses, including the cost of running the private sewage treatment works for Area 6f, will only add to the financial burden faced by the future owners of Area 6f flats.

The significant extra charges involved are likely to impact the sales price of flats in the development. This is why it is difficult to believe the statement that the Applicant has no preference as to the source of water supply for Area 6f.

WSD has stated on numerous occasions that there is no additional capacity at the Sai Wan Ho water treatment works to supply the Area 6f development. The New Grant for Discovery Bay explicitly states that the Government does not undertake to supply potable water to the lot.

Should the Town Planning Board approve the Area 6f development, it should make explicit the requirement that potable water to Area 6f shall be provided from the Discovery Bay reservoir (ie, Option 2), so as to preclude future disputes between the Applicant and WSD and ensure that there is no disruption to the supply of potable water to the existing users in Discovery Bay.

Yours sincerely,
Andrew Burns
12 May, 2017

寄件者: Deborah Wan <[redacted]>
 寄件日期: 12日05月2017年星期五 23:26
 收件者: tpbpd@pland.gov.hk
 主旨: Application Y/I-DB/2, Area 6f, Discovery Bay
 附件: TPB Area 6f R5 Population.docx; TPB Area 6f Right to Develop Site.docx

6160

Dear Sir,

I raised my objection to the above application at Area 6f, Discovery Bay for mainly 2 reasons, one is the objection to the secrecy of the applicant's right and capacity to develop the site and secondly the government departments have not been consulted on the lifting of the population cap of 25000 under Discovery Bay Outline Zoning Plan. I enclose the letters of objection for your consideration,

Deborah Wan

[redacted signature block]

Application No. Y/I-DB/2. Area 6f, Discovery Bay

Government departments have not been consulted on lifting the population cap of 25,000 under the Discovery Bay Outline Zoning Plan.

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

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

On 25 February, 2016, the Applicant, Hong Kong Resort Company Limited ("HKR"), submitted the Section 12a Application No. Y/I-DB/2, proposing to amend the Discovery Bay OZP to allow the construction of two residential towers at Area 6f comprising a total of 476 flats.

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

Throughout the Y/I-DB/2 consultation process, the Applicant has generally used 2.5 persons per flat as the basis for calculating population. Thus, using the Applicant's own figures, the proposal for 10,000 flats under MP 7.0E would result in a population of 25,000. Members should also note that, according to the official 2016 government by-census, the average number of persons per flat for Islands District as a whole is 2.9.

It is therefore evident that Application No. Y/I-DB/2 would lift the population at Discovery Bay beyond the current permitted limit.

Members shall note that at no time during the consultation has the Applicant made any request to amend the population limit of 25,000 set out in the OZP. Neither has any government department been consulted whether the population limit should be raised.

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

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

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

Dear Sirs,

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

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

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

And the Applicant replied:

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

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

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

Deed of Mutual Covenant

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

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

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

This distinction is important.

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

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

Reserved Portion

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

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

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

Area 6f is designated for staff quarters under the Section "Public Works" in the approved MP 6.0E7h(a). The Applicant is required to clarify if "staff quarters" in the approved MP 6.0E7h(a) forms part of either the "City Common Areas" or the "City Retained Areas" in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use the "City Common Areas" for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The Applicant is required to substantiate its right / capacity to develop the application site without prejudicing the provisions in the PDMC.

In response, the Applicant stated, in part:

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

The following is the definition of City Retained Areas from the DMC:

"The piers, the breakwaters and other marine structures, public gardens, lawns, transport terminal, children's playground, public beaches, estate management offices, aviary/botanical garden, non-membership golf course (if any), cable-car system (if any), the heliport and the other part or parts of the Service Area and all open areas and spaces in the City other than the City Common Areas."

"City" is defined as follows in the DMC:

"The whole of the development on the Lot to be known as "DISCOVERY BAY CITY" (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 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/ls' 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."

Deborah Wan



寄件者: Susan Ho
寄件日期: 12日05月2017年星期五 23:27
收件者: tpbpd@pland.gov.hk
主旨: Application relating to 6F Discovery Bay

6161

Find below my objection to the Application for development

Sent from Mail for Windows 10

Dear Sir

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

Objection to secrecy on the applicants right and capacity to develop the site

I note that in the Response to comments the Applicant has advised that the applicant has had correspondence with the Town Planning Board in substantiating its right and capacity under the Town Planning Ordinance to develop the site. There should be total transparency in this regard and the correspondence should be released.

I am an owner in Discovery Bay. Discovery Bay does not give any one owner the rights to develop the land.

Others more learned than me can attest to the Deed of Mutual Covenant, the Reserved Portion, City Retained Areas and the Allocation of Undivided Shares to the Reserved Portion.

I would refer you to the details in the above regard in detailed letters provided by other Objectors to the scheme. For the avoidance of doubt I object to the proposed development.

Susan Ho

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

參考編號 170512-150232-24248
Reference Number:

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

提交日期及時間 12/05/2017.15:02:32
Date and time of submission:

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

「提意見人」姓名/名稱 夫人 Mrs. M. LEE
Name of person making this comment:

意見詳情
Details of the Comment :

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.

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

參考編號 170512-145724-18809

Reference Number:

提交限期 12/05/2017

Deadline for submission:

提交日期及時間 12/05/2017 14:57:24

Date and time of submission:

有關的規劃申請編號 Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱 夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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".

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

參考編號 170512-145833-78594
Reference Number:

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

提交日期及時間 12/05/2017 14:58:33
Date and time of submission:

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

「提意見人」姓名/名稱 夫人 Mrs. M. LEE
Name of person making this comment:

意見詳情
Details of the Comment :

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

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

參考編號
Reference Number: 170512-145627-90017

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

提交日期及時間
Date and time of submission: 12/05/2017 14:56:27

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

「提意見人」姓名/名稱
Name of person making this comment: 夫人 Mrs. M. LEE

意見詳情
Details of the Comment :

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.

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

參考編號 170512-150128-51255

Reference Number:

提交限期 12/05/2017

Deadline for submission:

提交日期及時間 12/05/2017 15:01:28

Date and time of submission:

有關的規劃申請編號 Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱 夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號
Reference Number: 170512-150030-50028

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

提交日期及時間
Date and time of submission: 12/05/2017 15:00:30

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

「提意見人」姓名/名稱
Name of person making this comment: 夫人 Mrs. M. LEE

意見詳情
Details of the Comment :

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 GPRR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTL Category 1 (highest consequence-to-life) slope (10SW-B/C 218) directly opposite the 3 Woods high rise residential buildings. HKR and its consultants have only now, at this late stage of the application, revealed their intentions, but not in a way that is clearly stated to the public and Parkvale Village residents. And it is only now revealed by the submission of the GPRR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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

參考編號 170512-150030-50028
Reference Number:

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

提交日期及時間 12/05/2017 15:00:30
Date and time of submission:

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

「提意見人」姓名/名稱 夫人 Mrs. M. LEE
Name of person making this comment:

意見詳情
Details of the Comment :

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 GPRR (as explained above and in section G below), is that HKR, for geotechnical reasons, will have to demolish and rebuild the CTL Category 1 (highest consequence-to-life) slope (10SW-B/C 218) directly opposite the 3 Woods high rise residential buildings. HKR and its consultants have only now, at this late stage of the application, revealed their intentions, but not in a way that is clearly stated to the public and Parkvale Village residents. And it is only now revealed by the submission of the GPRR which HKR has consistently refused to provide! Therefore this application should be rejected, as the intention of HKR to rebuild Parkvale Drive, including the "Passageway", the ownership of which is disputed by many DB residents and the PVOC, and to demolish/rebuild a CTL Category 1 slope has not been properly explained, in a manner befitting its importance, to the PD, relevant government departments and the public.

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

參考編號 170512-145932-66393
Reference Number:

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

提交日期及時間 12/05/2017 14:59:32
Date and time of submission:

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

「提意見人」姓名/名稱 夫人 Mrs. M. LEE
Name of person making this comment:

意見詳情
Details of the Comment :

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".

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

參考編號

170512-145525-68473

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 14:55:25

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

夫人 Mrs. M. LEE

Name of person making this comment:

意見詳情

Details of the Comment :

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.

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

參考編號

170512-173927-86679

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 17:39:27

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Margaret O'Donoghue

Name of person making this comment:

意見詳情

Details of the Comment :

I object to Application No Y/I-DB/2 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.

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

A sewage treatment works (STW) is to be included in Area 6f with discharge directly into the se

a 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".

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."

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.

6163

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.

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

參考編號

170512-173540-81315

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 17:35:40

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Neil Russell

Name of person making this comment:

意見詳情

Details of the Comment :

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

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

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.

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.

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.

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.

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

參考編號

Reference Number:

170512-210314-06228

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 21:03:14

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

女士 Ms. Sil Preusser

意見詳情

Details of the Comment :

As a resident and owner in DB I am strongly objecting to the plans of HKR and/or affiliates to build new apartment blocks behind Parkvale. DB facilities are already insufficient, starting from busses over schools to sewage, road and supermarkets. Residents already suffer from 3 major construction sites (noise, traffic, workers) at the golf course, the plaza and the reservoir. The environmental impact will be heavy: barking deer, bats and rare reptils and insects live in these hills and the natural stream going down there, and a detailed survey should be done on the impact on natural habitats of valuable wild species.

6166

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

參考編號

Reference Number:

170512-230413-99082

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 23:04:13

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. G H Koo

意見詳情

Details of the Comment :

It's good to utilize potential of the land that accommodates the need of the community.

6167

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

參考編號

170512-233502-45659

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 23:35:02

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Niall Greenan

Name of person making this comment:

意見詳情

Details of the Comment :

I object to the proposal on the basis of the limited access to the site both during and after construction and the negative impact on the surroundings and natural habitats.

6188

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

參考編號

Reference Number:

170512-153226-54667

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 15:32:26

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Chan Yun Yum

意見詳情

Details of the Comment :

I support the application as we need extra housing units for the whole of Hong Kong community.

Having been working and living in DB over 20 years, the site is big enough with adequate facilities to cater for this extra housing units.

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

參考編號

Reference Number:

170512-151754-87039

提交限期

Deadline for submission:

12/05/2017

提交日期及時間

Date and time of submission:

12/05/2017 15:17:54

有關的規劃申請編號

The application no. to which the comment relates:

Y/I-DB/2

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. F.K.Wong

意見詳情

Details of the Comment :

Support the development

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

參考編號

170512-161208-36756

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 16:12:08

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. Alexander Atepol
ikkhin

Name of person making this comment:

意見詳情

Details of the Comment :

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".

Thank you for considering my comments,

Alexander Atepolikhine

6171

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

參考編號

170512-160956-67804

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 16:09:56

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

小姐 Miss JENNIFER AT
EPOLIKHINE

Name of person making this comment:

意見詳情

Details of the Comment :

I object to this application as explained below

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

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

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

Thank you, Jennifer

6172

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

參考編號

170512-164145-30825

Reference Number:

提交限期

12/05/2017

Deadline for submission:

提交日期及時間

12/05/2017 16:41:45

Date and time of submission:

有關的規劃申請編號

Y/I-DB/2

The application no. to which the comment relates:

「提意見人」姓名/名稱

女士 Ms. Sophia Lau-Duehrin

Name of person making this comment:

g

意見詳情

Details of the Comment :

The part of Parkvale Drive is designed as a pedestrian pavement under BD regulations and the effect of additional construction and operational traffic on it, will limit the ability of larger vehicles to pass each other, potential lack of emergency access to Parkvale Drive in the event of accidents; safety, as the site is used by residents .

To : tpbpd@pland.gov.hk

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

Dear Sir/Madam,

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

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

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

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

- Our infrastructure is old and was not designed to go beyond the agreed 25,000 population - to grow further could have costly consequences in terms of maintenance.

- The current developments around the Plaza and near the reservoir, would both provide additional attractions for visitors. Owners have sacrificed the private car in favor of minimum traffic using communal transport, which is what DB is designed for. Owners already feel the negative effects of increased traffic, which includes more communal buses and more DB registered vehicles and the "delivery vehicles". An increased population, especially at the south end of Discovery Bay, would exacerbate the road traffic problems, which has reached its design limit. **There is a 25,000-population limit imposed by the current OZP. This issue is not addressed in the submission and if not raised with the TPB by the residents of DB, they will have been seriously misdirected and ultimately have negative consequences on our lifestyle.**

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

The current submission misleads on the question of population:

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

There are other issues:

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

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

Yours faithfully,
Tham Moo Cheng

Owner: [REDACTED]
[REDACTED]