

April 6, 2016

To: Secretary, Town Planning Board

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

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

BY EMAIL

Dear Sir or Madam,

Re: Hong Kong Resort Co Ltd's Application to Develop Areas 6f (behind Parkvale)

I have the following comments:

(1) The Applications TPB/Y/I-DB/2 and TPB/Y/I-DB/3 seek approval to increase the ultimate population at Discovery Bay from 25,000 under the current Outline Zoning Plan (OZP) to 29,000 under the revised OZP. The Applications include detailed impact statements to show that the increase is well within the capacity limits of the lot. However, the impact statements ignore the essential fact that, under the Land Grant, the Government has no obligation to provide potable water and sewerage services to the Lot.

- Discovery Bay is required to be self-sufficient in water and sewerage services under the Land Grant, and HKR wrote to the City Owners' Committee on 10 July, 1995 stating that the reservoir was built for a maximum population of 25,000. The impact assessments ignore this essential fact.

*I demand that the population cap of 25,000 be preserved, so as not to breach the Land Grant.*

- In spite of the conditions contained in the Land Grant, when the tunnel was built Government agreed to allow potable water and sewerage connections to Shu Ho Wan. However, the agreements are between HKR and the Government, and they remain secret. Now, the Government has refused to provide additional water and sewerage services to cater for a population beyond 25,000.

*I demand that Government release the existing water and sewerage services agreements.*

(2) If the Town Planning Board insists on approving the Applications, I further request that the following issues be addressed.

- Due to Government's to provide potable water and sewerage services beyond a population of 25,000, HKR is proposing to restart the water treatment and waste water treatment plants on the Lot. Under the Deed of Mutual Covenant (DMC), HKR may further develop the lot, provided such development does not impose any new financial obligations on existing owners (Clause 8(b), P. 10).

*I demand that all costs for water and sewerage services to areas 6f and 10b, including operation of all treatment plants, storage facilities and pipelines, be charged to areas 6f and 10b and not to existing villages.*

- Although Government agreed to provide water and sewerage services to DB when the tunnel was built, it refused to pay for and maintain the connections. As a result, the Owners are paying over \$1 million per year to the Government to lease land to run pipelines outside the Lot to connect to Siu Ho Wan. The owners are also paying for all maintenance of the pipelines and pumping systems.

*I demand that Government provide potable water and sewerage connections to the Lot boundary, just like every other residential development in Hong Kong.*

(3) *The Traffic Impact Assessment (TIA) states that the roads both within and outside DB have plenty of spare capacity to cater for a population increase from 25,000 to 29,000. However, the TIA ignores the essential fact that, under the existing OZP, DB is declared to be "primarily a car-free development". As such, road capacity is irrelevant.*

- Golf carts are the primary mode of personal transport, and are capped at the existing number.

*I demand that the Government consider whether it is safe to allow increased traffic in competition with slow-moving golf carts that offer no collision protection to occupants.*

*I demand that Government review the sustainability of capping golf carts at the current level while increasing population. Golf carts are already selling for over HK\$2 million.*

- No provision has been made for vehicle parking (distinct from golf cart parking) on the Lot, and vehicles are currently parked illegally at different locations.

*I demand that Government review vehicle parking before any population increase.*

- (4) HKR claims in the Applications that it is the sole owner of the Lot. This is untrue. There are presently over 8,300 assigns of the developer who co-own the Lot together with HKR.*

*I demand that HKR withdraw the Applications and make revisions to recognise the co-owners.*

- (5) Under the DMC, City Management is supposed to represent the Owners (including HKR) in all matters and dealings with Government or any utility in any way concerning the management of the City. Despite this condition, HKR continues to negotiate direct with Government and utilities, and conclude secret agreements to which the owners have no input or access. The water and sewerage agreements, plus the lease to run the water and sewage pipelines outside the Lot, have already been mentioned, but there are more.*

*I demand that the LPG supply agreement with San Hing be made public.*

*I demand that the proposed bus depot at Area 10b be declared a public bus depot, and ensure that henceforth franchised bus operators have the right to run bus services between Discovery Bay and other places.*

I also have concerns on the following issues:

Given the fact that the only access to Area 6f is through Parkvale Drive which is a Village Passage way of Parkvale Village, HKR should explain the ways to deliver Construction Materials and to dispose Construction Wastes.

How will HKR minimize the disturbance to existing residents and hikers during construction and operation periods?

Spaces for parking and loading/unloading facilities are not provided in the proposal.

Existing open area at Woodland Court, Woodgreen Court and Woodbury Court is already very tight. Any new residential developments must take into account present-day requirements under the Planning Standards and Guidelines.

If Staff Quarter is no longer required in DB, the vacant sites for such uses should consider to release for enjoyment of the existing residents so as to enhance the livability of the area.

The Master Plan for Discovery Bay is an integral part of the Land Grant (J56122 in the Land Registry). The Land Grant requires that no development or redevelopment may take place on the lot until an approved Master Plan showing the development is in place. The current Master Plan is dated 28 February, 2000. It is not compatible with either the current outline zoning plan or the current development on the lot. In order to protect the interests of the current 8,300+ assigns of the developer, it is essential that the existing Master Plan and OZP are aligned with the existing development on the lot before consideration of any proposal to amend the OZP. Otherwise there is simply too much risk that the rights of the other owners of the lot will be interfered with. Problems that need to be addressed include incursion on Government land; recognition of the Existing Public Recreational Facilities; size and surrounding area of the land designated GI/C on the current OZP; configuration of the Area N2 at the inclined lift, etc.

Unless and until my demands are acceded to and my concerns are addressed I object to the above-mentioned development application.

Yours sincerely,

  
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主题: section 12A Application No. Y/I-DB/2-Area 6f, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

Dear Sir,

Section 12A Application No. Y/I-DB/2  
Area 6f, Lot 385 RP & Ext (Part) in D.D. 352, Discovery Bay

**Objection to the Submission by the Applicant:**

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

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

1. HKR claims that they are the sole land owner of Area 6f is in doubt, as the lot is now held under the Principal Deed of Mutual Covenant ("PDMC") dated 20.9.1982. Area 6f forms part of either the "City Common Areas" or the "City Retained Areas" as defined in the PDMC. Pursuant to Clause 7 under Section I of the PDMC, every Owner (as defined in the PDMC) has the right and liberty to go pass and repass over and along and use Area 6f for all purposes connected with the proper use and enjoyment of the same subject to the City Rules (as defined in the PDMC). The applicant has failed to consult or seek proper consent from the co-owners of the Lot prior to this unilateral application. The property rights of the existing co-owners, i.e. all property owners of the Lot, should be considered, secured and respected.
2. The disruption, pollution and nuisance caused by the construction to the immediate residents and property owners nearby are substantial, and the submission has not been addressed.
3. There is major change to the development concept of the Lot and a fundamental deviation to the land use of the original approved Master Plans or the approved Outline Zoning Plan in the application, i.e. from staff quarters into residential area, and approval of it would be an undesirable precedent case from environmental perspective and against the interest of all property owners of the district.
4. The original stipulated DB population of 25,000 should be fully respected as the underlying infrastructure capacity could not afford such substantial increase in population by the submission, and all DB property owners would have to suffer and pay for the cost out of this submission in upgrading the surrounding infrastructure so as to provide adequate supply or support to the proposed development; e.g. all required road network and related utilities improvement works arising out of this submission etc. The proponent should consult and liaise with all property owners being affected and undertake the cost and expense of all infrastructure out of this development. Its disruption during construction to other property owners in the vicinity should be properly mitigated and addressed in the submission.
5. The proposed felling of 118 nos. mature trees in Area 6f is an ecological disaster, and poses a substantial environmental impact to the immediate natural setting. The proposal is unacceptable and the proposed tree preservation plan or the tree compensatory proposal are unsatisfactory.
6. The revision of development as indicated in the Revised Concept Plan of Annex A is still unsatisfactory in term of its proposed height, massing and disposition in this revision. The two towers are still sitting too close to each other which may create a wall-effect to the existing rural natural setting, and would pose an undesirable visual impact to the immediate surrounding, especially to those existing towers in the vicinity.

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

[REDACTED]  
I.W. Johnston