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Submission Number:

TPB/R/S/I-DB/5- S3

From: Peter Crush [REDACTED]
Sent: 2024-05-20 星期一 13:16:34
To: tpbpd/PLAND <tpbpd@pland.gov.hk>
Subject: DRAFT DISCOVERY BAY OUTLINE ZONING PLAN NO. S/I-DB/5
Attachment: Covering-Letter-Submission-TPB-20.05.24.docx; Draft Submission to TPB-May-2024-vs.9.docx

Please see the attached document files containing my Representations concerning the above-captioned Outline Zoning Plan for Discovery Bay

P. A. Crush (Mr.)

[name on HKID Card : CRUSH, PETER ALAN]

A hard copy of these documents will also be posted to the Secretary, TPB)

[Redacted] urt

Tel (H) [Redacted]
(M) [Redacted]

20th. May 2024

Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333 Java Road,
North Point,
Hong Kong

DRAFT DISCOVERY BAY OUTLINE ZONING PLAN NO. S/I-DB/5
(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

Dear Sir

I enclose my representations in respect the proposed draft plan S/I-DB/5 and the "NOTES" which form part of the plan.

I oppose some of the wording in several different paragraphs within these NOTES as explained in the attached paper consisting of three pages.

In conformance with the requirement to provide information concerning my identity ,

I herewith declare that I am : CRUSH PETER ALAN holder of HK ID card No [Redacted]
My home address is as above stated but I may also be contacted on email address

[Redacted]

Yours sincerely,



Peter A. Crush (Mr,)

P. S.

A hard copy of this letter and submission will also be sent by post to the Town Planning Board to ensure its receipt.

DRAFT DISCOVERY BAY OUTLINE ZONING PLAN NO. S/I-DB/5

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

I have objections to the some of the text (highlighted in yellow) in the proposed amendments to the “NOTES” (N.B. These form part of the Plan)

1. Paragraph 7 “*The following uses or developments are always permitted on land falling within the boundaries of the Plan*”

(a) *provision, maintenance or repair of plant nursery, amenity planting, open space,*
(b) *rain shelter, refreshment kiosk, road, bus stop or lay-by, cycle track, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;*

I object to the inclusion of “taxi rank” in this paragraph. Since the first Outlining Zoning Plan for Discovery Bay and subsequent amendments were approved, “taxi rank” was previously not included within those uses “*which are always permitted*”. To introduce “taxi rank” in the proposed amended plan is beyond the legal authority of the Town Planning Board. The Road Traffic Ordinance (Cap 374) promulgates legislation concerning Taxi Stands (& Taxi Stopping Places). Specifically, Section 30 of the Road Traffic (Public Service Vehicles) Regulations authorizes only the Commissioner for Transport to designate the road or area within a road which a taxi may ply for hire and the locations where taxi stands or stopping places may be positioned.

Furthermore, under Section 11 of the Road Traffic Ordinance the Commissioner for Transport is granted the power to impose controls on any class of vehicle in respect of which roads they may use or are prohibited from using. In exercise of this authority, the Commissioner has prohibited taxis from using all roads with Discovery with the exception of a specified direct route to a single authorized taxi drop-off point within the vicinity of the Auberge Hotel. The restricted roads and zones for Taxis are promulgated in Government Gazette Notice G.N.6095 of 26 October 2014.

Sections 117 and 118 of the Road Traffic Ordinance specify that all provisions and regulations in the ordinance shall apply private roads with the exception of Section 12. (Note : This section relates to the regulation and control of the parking of vehicles which are the responsibility of the land owner.)

It is, therefore, inappropriate for the inclusion of “taxi rank” within the NOTES to the OZP (including the Town Planning Board’s promulgated “*Standard Master Schedule*”) because the entire zone is designated as primarily car-free. To include wording suggesting that the leaseholder may designate taxis access on prohibited roads or taxi stands, drop-off, pick-up or stopping places is not within the power of the Town Planning Board to grant and the inclusion thereof would be ultra vires. I therefore oppose paragraph 7 (b).

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Paragraph 9 **COMMUNICATIONS**

9.1 Land Transport

9.1.1 The Area enjoys a **generally car-free environment**. Except residents' services buses and goods vehicles serving the Discovery Bay development and village vehicles serving the Trappist Haven Monastery and taxis (other than New Territories taxis) **serving Discovery Bay North**, there is no land transport for the rest of the Area.

9.1.2 Internally, the Discovery Bay development is served by residents' services buses and other vehicles subject to advance bookings. An interchange for residents' services buses is located near the existing ferry pier, providing easy access to the housing at the upland area. Externally, Discovery Bay is linked to Cheung Tung Road in North Lantau via Discovery Bay Tunnel. This tunnel is restricted to public and private buses (such as residents' services buses connecting Tung Chung, Sunny Bay and the airport), private light buses, **goods vehicles**, government vehicles, emergency vehicles, special purpose vehicles and taxis (other than New Territories taxis).

I have the following objections to the highlighted text :-

Re : 9.1.1 "The area enjoys a generally car free environment".

In Chapter 6 of the Audit Commissions Report dated 23.10.2004 under the title "Land Grant for Discovery Bay and Yi Long Wan" Paragraph 2.24 (c) states that the planning intention is to maintain a **car-free** environment.

In the "**Explanatory Statement**" forming part of the draft OZP S/I-DB/5 , paragraph 5.4 states : "It is primarily a car-free development evolved from the original concept of a holiday resort approved in 1973. This intention is still maintained....", However, Paragraph 9. sub-paragraph 9.1.1 states "the area is "**generally car-free**" amounting to a small but subtle change in meaning which conflicts with paragraph 5.4's reference to a "primarily a car-free development". This is terminology mission creep, slowly eroding the original "car-free" concept which was the reason that thousands of residents of Discovery Bay deliberately chose to buy their homes for the enjoyment of the quiet and peaceful environment with little or no traffic noise or vehicle exhausts fumes polluting the atmosphere.

The developer attempts repeatedly to erode this car-free concept to benefit profit-driven commercial interests including encouraging as many vehicle movements as possible through the Discovery Bay Tunnel Link. The developer has also recently applied for extended taxi access to the restricted roads within Discovery Bay which would further undermine the stated intention of maintaining the car-free principle. It is recommended that the Notes to the draft OZP S/I-DB/5 should retain the existing words "primarily car free" and remove conflicting references to "generally car-free

Re :9.1.1 (continued) "and taxis (other than New Territories taxis) serving Discovery Bay North"

/ continued on page 3

The term "Discovery Bay North" is undefined in any legislation or authorized plan of the leased area. This could give rise to a false misunderstanding concerning which areas and roads that taxis are permitted to enter. There is only one authorized taxi stand and drop-off/pick-up point and also the route which must be followed by taxi drivers to enter or leave this location has been specified by the Commissioner for Transport. This is the taxi stand in the vicinity of the Auberge Hotel. To avoid any misunderstandings the words "*serving the authorized Taxi Stand in the vicinity of the Auberge Hotel*" should replace the proposed words "*Discovery Bay North*". I therefore oppose paragraph 9.1.1.

Re: 9.1.2 "*Externally, Discovery Bay is linked to Cheung Tung Road in North Lantau via Discovery Bay Tunnel. This tunnel is restricted to public and private buses (such as residents' services buses connecting Tung Chung, Sunny Bay and the airport), private light buses, goods vehicles, government vehicles, emergency vehicles, special purpose vehicles and taxis (other than New Territories taxis).*"

Under the Discovery Bay Tunnel Link Ordinance (Cap 520) the '**Specification of Vehicles**' (Government Gazette Notice GN 6093 of 26.10.2014) lists the class of vehicles which may make use of the tunnel but limits these to specific purposes and circumstances. Paragraph (d) includes various categories of Goods Vehicle but the use of such vehicles is confined to only those engaged in the delivery of goods and provision of service functions such as maintenance, construction and facility improvements etc. The use of Goods Vehicles primarily for the carriage of passengers in and out of Discovery Bay is an abuse and contravention of the specified circumstances under which these vehicles may use the tunnel. Hundreds of cases have, however, been witnessed in recent years where the drivers of Goods Vehicles (commonly known as 'Go-Go' vans) are permitted access into Discovery Bay providing de facto taxi services for passengers and not for the carriage of cargo or goods. There is little evidence to suggest that the tunnel company or the Discovery Bay vehicle permit control office is making any serious attempt to stop this abuse.

It is, therefore, inappropriate that only the words "goods vehicles" are listed in paragraph 9.1.2 without qualifying this with the additional words "limited to the uses specified by the Commissioner for Transport in Gazette Notice GN 6093". I therefore oppose paragraph 9.1.2.