

Noise Mitigation Measures for Housing Sites No. 6 and 10 at West Kowloon Reclamation

I. Existing and future noise impact on Housing Sites No. 6 and 10 from Airport Railway

The two existing tracks of the Airport Railway (AR) at West Kowloon Reclamation are serving both the Airport Express and the Tung Chung Lines of the Mass Transit Railway Corporation Limited (MTRCL). At present, the noise at the housing sites from the existing rail operation will reach 68dB(A). When the dedicated tracks for the Tung Chung Line are in place, the operation of the two AR Lines will continue and the four tracks will accommodate a more frequent train service. In the worst scenario, the maximum noise level will be increased by 3dB(A) to 71dB(A). The existing and future noise levels will both exceed the statutory noise limit of 60dB(A).

II. Legal opinion on the responsibility for the erection and maintenance of proposed noise barriers

The legal opinion is mainly based on -

- (i) Agreement for the Design, Construction, Financing and Operation of the Airport Railway (Airport Railway Agreement) signed between the Government and the then Mass Transit Railway Corporation on 5 July 1995;
- (ii) Mass Transit Railway Ordinance (Cap 556);
- (iii) Noise Control Ordinance (Cap 400); and
- (iv) Environmental Impact Assessment Ordinance (Cap 499).

2. The legal opinion is-

Airport Railway Agreement

- (a) MTRCL has carried out all the environmental studies required under the Airport Railway Agreement and identified necessary environmental protection measures. The measures do not include the provision of the noise barriers as the situation is not one which has all been engendered by the project¹ bringing the railway into existence. On the contrary, the situation has been brought about entirely by the Government which wishes to change the planning use of the subject land.

Mass Transit Railway Ordinance

- (b) The Government may give a direction to MTRCL under section 13 of the Mass Transit Railway Ordinance to implement any noise mitigation measures for the protection of any new or future developments. However, the Government is liable to pay compensation to MTRCL for the implementation of the additional noise mitigation measures (both the erection and maintenance of the noise barriers in this case).

Noise Control Ordinance

- (c) The railway noise now emanating does not exceed any noise control limits at any noise sensitive receiver, and accordingly it is not possible to issue a noise abatement notice to MTRCL. This is despite that if the noise barriers are not provided now, the noise from the operation of AR may exceed the noise control limits affecting the noise sensitive receivers at the residential development to be carried out at the two Housing Sites No. 6 and 10 (this may not occur as, according to the conditions of planning approval for the layout plan of the residential site, no population intake should be allowed prior to the provision of the noise barriers.)

¹ This refers to the Lantau and Airport Railway project (including Tung Chung Line)

Environmental Impact Assessment (EIA) Ordinance

- (d) The EIA Ordinance came into operation on 1 April 1998, after the completion of the EIA for the project in early 1990s. The EIA recommended various noise mitigation measures at different locations along the railway line to protect both the existing and planned sensitive receivers from adverse train noise impacts. As the Housing Sites No. 6 and 10 were zoned “industrial” at the time of the EIA study, no mitigation measures for those sites were required. The relevant EIA report is kept in the register maintained under section 15 of the EIA Ordinance, and is open for inspection by the public.
- (e) Section 9(1) of the EIA Ordinance prohibits the construction or operation of a designated project without an environmental permit. Although the project is a designated project, it commenced construction before the commencement of the EIA Ordinance and therefore by virtue of section 9(2), the project is exempt from the provisions of the EIA Ordinance so far as the construction and operation of the project is concerned. Therefore, further EIA or environmental permit under the EIA Ordinance may not be required for AR (including Tung Chung Line) if it is to be completed in accordance with the EIA kept in statutory register.

III. Assessment of possible future similar cases along the Airport Railway lines

We have examined the planned land use of sites adjoining AR (both Airport Express and Tung Chung Lines).

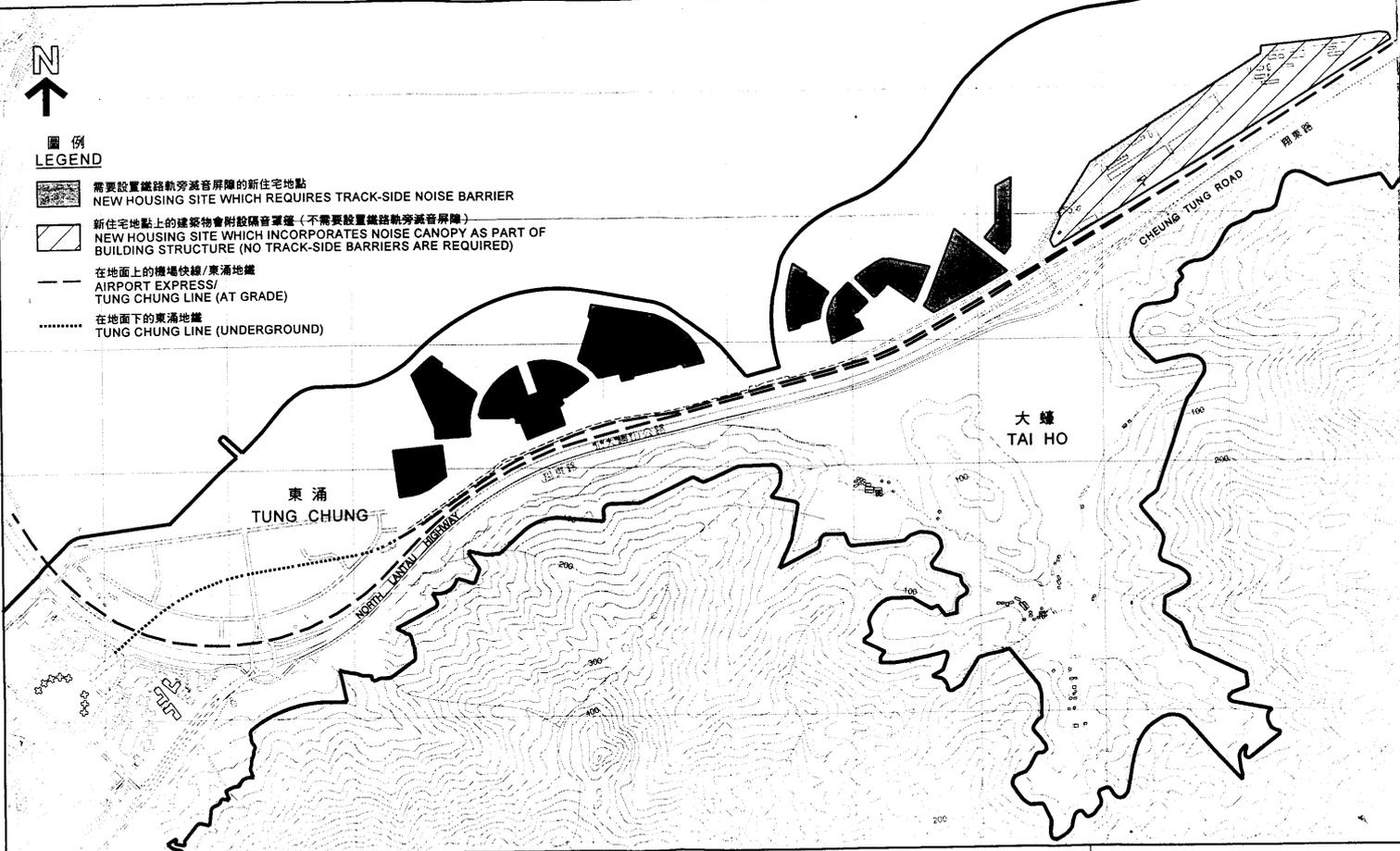
2. For the section from West Kowloon to Kwai Tsing, there are about 40 major sites but only two housing sites No. 6 and No. 10 at West Kowloon Reclamation (involving public housing flats) will require Government funding for the provision of track-side noise barriers (this is the subject of funding application to the PWSC on 6 December).

3. For the section in North Lantau, we plan to have about ten housing sites to be formed by reclamation adjoining AR (Please refer to Annex A). The details of these sites including housing types have not yet been finalised. According to the Airport Railway Agreement MTRCL will provide four rows of track-side noise barriers comprising two rows of 900m long 1.4m high noise barriers and another two rows of 1,400m long 3.8m high noise barriers at Tai Ho. The design of barriers is under review and additional noise barriers may be required for the development of the above housing sites.



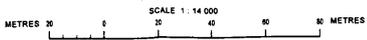
圖例
LEGEND

-  需要設置鐵路旁減音屏障的新住宅地點
NEW HOUSING SITE WHICH REQUIRES TRACK-SIDE NOISE BARRIER
-  新住宅地點上的建築物會附設隔音罩(不需要設置鐵路旁減音屏障)
NEW HOUSING SITE WHICH INCORPORATES NOISE CANOPY AS PART OF BUILDING STRUCTURE (NO TRACK-SIDE BARRIERS ARE REQUIRED)
-  在地面上的機場快線/東涌地鐵
AIRPORT EXPRESS/TUNG CHUNG LINE (AT GRADE)
-  在地面下的東涌地鐵
TUNG CHUNG LINE (UNDERGROUND)



東涌及大蠔受鐵路噪音影響的新住宅地點
NEW HOUSING SITES AFFECTED BY RAIL NOISE AT TUNG CHUNG AND TAI HO

VERSION 3E
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附件 A
ANNEX A