

For Information

13 November 2009

**Legislative Council Panel on Transport
Subcommittee on Matters Relating to Railways**

**The Hong Kong Section of
the Guangzhou-Shenzhen-Hong Kong Express Rail Link**

Supplementary Information

At the meeting of the Legislative Council Panel on Transport Subcommittee on Matters Relating to Railways on 22 October 2009, the Administration briefed the Members on the project of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). Supplementary information in response to some of Members' queries is provided as follows: –

Compensation for Land Resumption

2. Resumption of private land is inevitable for implementation of public works projects. Landowners, whose land will be resumed, will be offered compensation. For land resumption in the New Territories, the Administration has adopted an ex-gratia compensation system since 1985. Under this system, the New Territories is divided into four compensation zones. The rate of each zone is set at a different percentage of the basic rates¹. The current definition of compensation zones A to D and their respective ex-gratia compensation rates are set out below –

¹ The current basic rates of ex-gratia compensation for the resumption of agricultural and building land are \$439 per square foot (from 1 October 2009) and \$867.5 per square foot (from October 2009) respectively. The rates of ex-gratia compensation are revised twice a year, and the revised rates take effect on 1 April and 1 October respectively.

Zone	Definition	Compensation
A	New Town Development Area (namely areas within the New Town boundaries as shown on gazetted outline zoning plans for new towns) and those areas that are affected by essential projects with territory-wide significance.	120% of basic rate for agricultural land. Valuation + 120% of basic rate for building land.
B	Areas which may be brought under urban development in the near future, either by extension to the adjoining layout areas due to their proximity to such areas or by reason of their known potential for urban development.	75% of basic rate for agricultural land. Valuation + 75% of basic rate for building land.
C	Areas in which no urban development is planned and which are unlikely to be affected by later extension to layout areas, but where resumption is required sometimes for purposes directly connected with urban layout developments and sometimes for local improvement schemes.	50% of basic rate for agricultural land. Valuation + 50% of basic rate for building land.
D	Areas not included in other zones	30% of basic rate for agricultural land. Valuation + 30% of basic rate for building land.

3. The Committee on Planning and Land Development (CPLD) is an internal committee of the Government, chaired by the Secretary for Development and comprising representatives from the relevant bureaux

and departments. One of its functions is to consider and review policies on production, acquisition, use and disposal of land. Choi Yuen Tsuen (CYT) in Shek Kong will fall within Zone C if only its location is taken into account. In June 2009, CPLD agreed to upgrade the ex-gratia compensation for private land required under the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) from Zone C rates to Zone A rates, in recognition that the project is an essential project with territory-wide significance. The Zone A compensation rates are therefore applicable to private land (including those at CYT) to be resumed for implementing the Hong Kong section of the XRL project.

Profile of the affected CYT villagers

4. The railway scheme of the Hong Kong section of the XRL (including the proposed land and strata to be resumed) were gazetted on 11 November and 5 December 2008; and the amendments to the scheme were gazetted on 30 April and 8 May 2009. The Chief Executive-in-Council has authorized the Hong Kong Section of the XRL scheme, and the notices of authorization were gazetted on 30 October and 6 November 2009.

5. As regards the land to be resumed, the major clearance will be in CYT of Shek Kong, which involves resumption of about 17 hectares of private land (mainly agricultural land) and clearance of about 10 hectares of government land, to make way for construction of an emergency rescue station and stabling sidings, which are essential for the operation of the Hong Kong section of the XRL. Till now, around 80% of villagers have already registered; and relevant Government departments are verifying their data.

6. In gist, we could broadly categorize the affected households into three groups, of which each accounts for roughly one-third of all the households: –

- ◇ Villagers with land and houses – they are owner of land (a vast majority being agricultural land) and have built houses

on their own agricultural land or building land for living. Villagers in this category generally have been living in CYT for decades;

- ◇ Villagers with houses but not land – they built their houses on land rented from other individuals or “Tso Tong” of indigenous villagers. Similarly, most villagers in this category have been living in CYT for a very long period of time;
- ◇ Villagers without land and house (i.e. tenants) – they rent houses from CYT villagers. They do not own land or houses. They have generally been living in CYT for not more than a few years. Many of the houses in which they are living were converted from agricultural structures and are relatively primitive.

7. Apart from a few houses built on private building land, most houses of CYT villagers were erected on private agricultural land or unleased Government land. Under the existing policy, these houses are temporary in nature, including –

- ◇ domestic structures covered by a licence, modification of tenancy, or other similar form of Government permission issued by the Lands Department (to be demolished by the occupants upon serving of a notice by Lands Department); or
- ◇ structures covered by the 1982 Squatter Structure Survey (unauthorized squatters being tolerated by the Government pending clearance if and when such squatters are affected by a public project or if there are environmental or safety concerns over their continued existence).

Strata Resumption

8. The Terminus of the Hong Kong section of the XRL is located north of the West Kowloon Cultural District, between the Kowloon Station of the Airport Express and the Austin Station of the West Rail. It is a 26-kilometre long tunnel to be constructed deep underground. The urban section of the tunnel will run by the side of Lin Cheung Road, passing Hoi Wang Road, Tai Kwok Tsui district and Sham Mong Road, before entering Kam Shan via Lai Chi Kok Interchange. As for the northern section in the New Territories, the tunnel will connect to the Mainland section, taking the most direct route of passing various districts in central New Territories, such as Kam Shan, Tai Mo Shan, Kai Kung Leng, Mai Po. The Hong Kong section of the XRL runs in tunnel, and hence resumption or temporary occupation of underground strata along the alignment will be required for the construction of the railway tunnel.

Alignment of the Hong Kong section of the XRL in the urban area

9. The entire West Kowloon has been fully developed, and hence the major consideration in alignment selection for the urban section is to minimize impacts of the construction and operation on the local communities, traffic, and existing infrastructure and buildings, as well as to minimize the extent of private land and strata resumption. In this connection, the tunnel alignment of the Hong Kong section of the XRL tunnel alignment will pass through the underground space of two sections of existing roads (Sham Mong Road and Hong Wang Road) to reduce the disturbance to the local communities during construction. To link up these two sections of tunnels, the Hong Kong section of the XRL has to pass through the rock strata deep below the ex-coastline of Tai Kok Tsui.

10. At the feasibility stage of the Hong Kong section of the XRL project, the Administration has investigated an alternative tunnel alignment which passes through Sham Shui Po district. However, detailed site investigation reveals that there are underground faults in Sham Shui Po. The geological condition is complicated with fractured rocks and loose soil. Construction of tunnel in such ground condition

will therefore be very difficult. Such alignment will also affect more private lots. As such, we consider that the alignment running through Sham Shui Po is not technically advisable.

11. Subsequently, the Administration has reviewed the alignment options of running the Hong Kong section of the XRL tunnel west of the Hoi Wan Road near the waterfront and running underneath the Lin Chueng Road. However, the alignment options were found to be incompatible with existing infrastructure (including the Tung Chung Line, the Airport Express, the West Rail, the West Kowloon Highway, approach to the Western Harbour Crossing and drainage channel in West Kowloon, etc.). Adopting these options would require demolition and reprovisioning of the affected infrastructures, of which the impact posed on West Kowloon and the cross-district traffic would be immense, causing greater disturbance to the local communities and environment. As such, the Administration has adopted the current alignment running through Tai Kok Tsui district

Tai Kok Tsui

No impact to the structural safety of buildings nearby

12. The Hong Kong section of the XRL tunnel will run through the rock layer deep underground along the original coastline in the Tai Kok Tsui district, with the tunnel crown at around 30 meters below ground (Please refer to the **Annex**); and the strata to be resumed will be around 25 – 50 meters below ground. According to the design of the Hong Kong section of the XRL, vast majority of the Hong Kong section of the XRL tunnel will run through the hard rock strata and the buildings along the tunnel alignment are around seven to fifteen storey high. The MTR Corporation Limited (MTRCL) is experienced in constructing tunnels in urban districts. The tunnel will be constructed by underground boring methods, and adequate clearance between the tunnel boring machine and the building foundations will be maintained. As such, the construction of the Hong Kong section of the XRL will not pose any adverse impact on the structural safety of the buildings along the alignment.

Examination before construction

13. To safeguard public safety and the structural integrity of the buildings, the MTRCL has, at the design stage, appointed qualified and experienced professionals to prepare the relevant drawings, carrying out the geological risk assessment and develop the monitoring plans before submitting the relevant design and drawings to Highways Department and other relevant Government departments for vetting. Relevant departments, including Highways Department and Geotechnical Engineering Office of the Civil Engineering and Development Department will, according to technical requirements under relevant ordinances, scrutinize the plans in accordance with their purview (such as construction, structural and geotechnical works), to ensure all the design comply with relevant statutory standards and other safety requirements.

14. In addition, the MTRCL is conducting building impact assessments of the buildings above or adjacent to the Hong Kong section of the XRL tunnel, so as to formulate the most effective construction method and appropriate protective procedures during the construction period. The MTRCL has employed a separate group of experts to review the assessments. The review has concluded that the proposed construction method of the Hong Kong section of the XRL is similarly adopted in the usual international practice. These assessments will be submitted to Highways Department and other departments for approval.

Protection during construction

15. Prior to commencement of construction, the MTRCL will undertake pre-construction condition surveys for the buildings and structures along the tunnel alignment. Settlement monitoring points will be installed at the buildings and road surface nearby, such that any settlement of buildings or roads if occurs during the construction stage, remedial measures could be taken immediately.

16. During the construction period, together with relevant Government departments, the Highways Department as the co-ordinating

department of the Hong Kong Section of the XRL project, will conduct site monitoring and inspections from time to time. This is to ensure that the registered contractors will implement the project in accordance with the approved plans, as well as deploying suitable professionals and technical staff to be the site safety and quality control supervisors, so as to safeguard public safety and structural integrity of the nearby buildings.

17. To strengthen the protection for the buildings and structures nearby, before the commencement of tunnel boring, the MTRCL will, according to ground conditions and engineering needs, consider undertaking additional ground strengthening works for strata apart from rock strata. Real-time monitoring system will also be implemented throughout the tunnel boring operation.

No impact to the environment and buildings nearby where XRL operates underground

18. The XRL trains, serving as an environmentally friendly mode of transport, will be powered by electricity. Similar to other underground railway system, the trains running deep underground will have minimal impact to the households and nearby buildings.

Claims arising strata resumption or temporary occupation

19. Resumption or temporary occupation of some underground strata of private land along the alignment is unavoidable for the construction of the Hong Kong section of the XRL. The Railways Ordinance (Cap 519) allows any person, who has a compensatable interest in the land/strata to be resumed or temporarily occupied, to claim for damage arising from such resumption or temporary occupation. He may serve written claims on the Secretary of Transport and Housing before the expiration of one year from the date of such resumption or temporary occupation.

Claims regarding redevelopment potential

20. Any property owner, claiming that he has suffered loss in property redevelopment as a result of the subject land being included into the railway protection zone, may in accordance with Item 9 in Part II of the Schedule to the Railways Ordinance, serve written claim on the Secretary of Transport and Housing within one year from the completion of the redevelopment work concerned. The grounds for the claims will be the fact that the Building Authority, in order to avoid incompatibility between the works for the construction of the Hong Kong section of the XRL and the future redevelopment of lots affected by railway protection zone, requires the amendment of the plans relating to the redevelopment works or imposes conditions on the giving of approval to plans relating to the redevelopment works or on the giving of consent to commence the works.

21. Nonetheless, whether or not the redevelopment potential will be affected cannot be easily generalized and should be considered based on the circumstances of individual cases. The considerations include ground condition, the redevelopment schemes and design and area of the subject land, as well as the position and depth of the railway tunnel on the subject land. If the gross floor area of the property concerned has already been developed to the maximum plot ratio allowable for the subject lot, redevelopment will not increase its plot ratio. In addition, the redevelopment potential may also be affected by land grant conditions imposed by the Government, town planning considerations, Building (Planning) Regulations, distribution of property ownership and other economic factors, etc

Public Consultation

22. On 26 June and 28 August 2008, the Administration briefed the Yau Tsim Mong District Council (YTMDC) on the construction of the Hong Kong section of the XRL. The Traffic and Transport Committee of the YTMDC was also briefed on 9 October 2008. The District Council has been regularly updated on the latest

development. Two public fora were held in the West Kowloon area on 16 and 20 January 2009. Residents in Tai Kok Tsui were informed of these fora through letters distributed to their respective management offices on 14 January 2009.

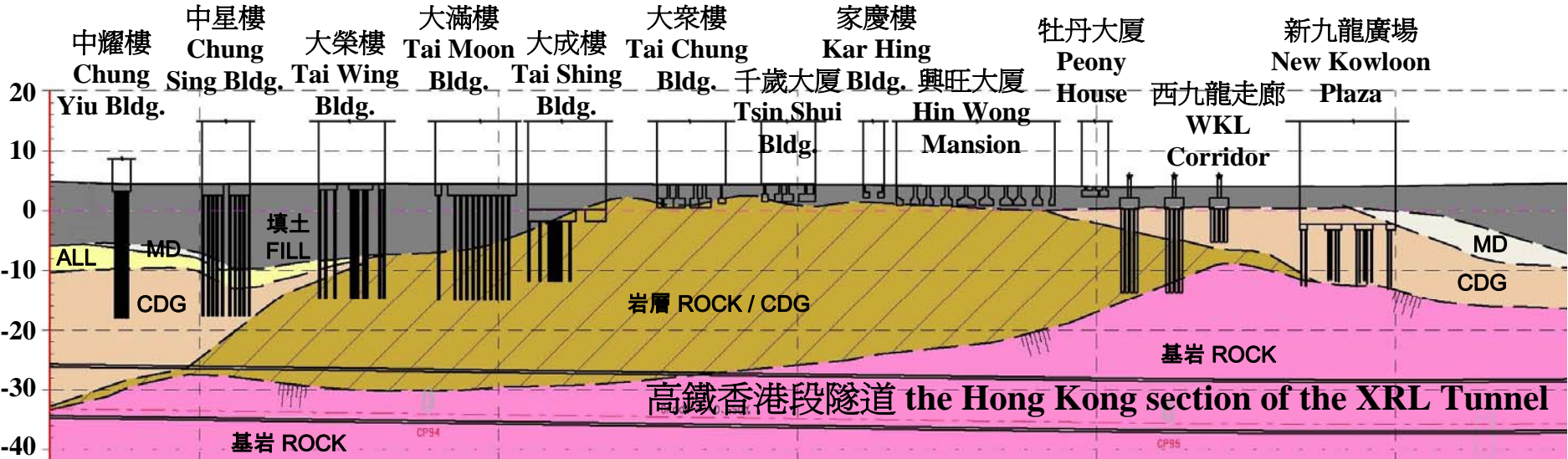
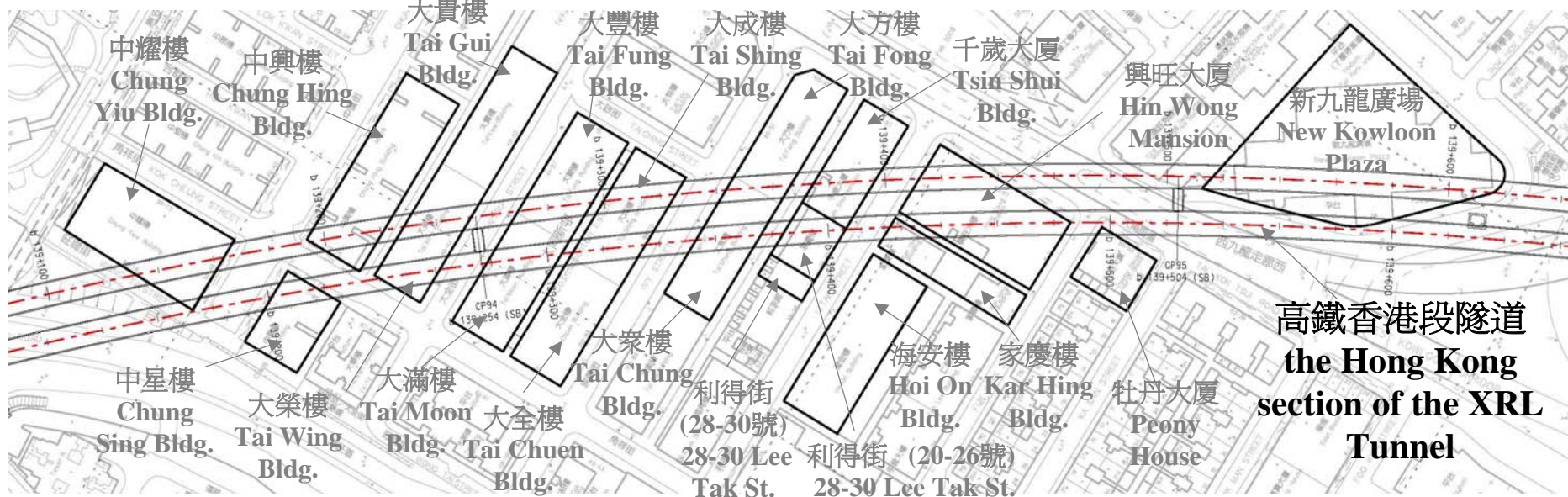
23. Further discussions with the residents took place on 28 and 29 October 2009 and 10 and 11 November 2009. An Information Centre at West Kowloon has been set up starting from 11 November to provide advice and information to residents and building owners on the project and the possible impacts. Consultation with affected persons will be continued to ensure that residents and building owners fully understand the process and their rights under the various legal and administrative arrangements.

**Transport and Housing Bureau
November 2009**

大角咀內受高鐵香港段項目收回地層影響的大角咀區內樓宇* Buildings affected by strata resumption required for the Hong Kong section of the XRL project*

*本附件所載圖表(包括岩層斷面圖)為示意圖，並非精確的工程製圖。

*Drawing (including the rock profile) presented in this Annex is indicative only, NOT a precise engineering drawing.



註釋: ALL – 沖積土 Alluvium; CDG – 全風化花崗岩 Completely Decomposed Granite; MD – 海洋沉積物 Marine Deposits