

立法會
Legislative Council

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Panel on Transport
Subcommittee on Matters Relating to Railways

**Information note on mechanism for handling complaints and compensation
claims concerning construction of new railway lines
for meeting on 23 April 2012**

To facilitate members' discussion of the subject at the special meeting on 23 April 2012, relevant Legislative Council questions raised in the current legislative session and the Administration's replies are attached in **Appendix I**.

2. Press reports on complaints relating to the construction of new railway lines are also attached in **Appendix II** for members' reference.

Council Business Division 1
Legislative Council Secretariat
16 April 2012

Press Releases

LCQ12: Construction works of the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link

Following is a question by the Hon Cheung Hok-ming and a written reply by the Secretary for Transport and Housing, Ms Eva Cheng, in the Legislative Council today (November 30):

Question:

Since the MTR Corporation Limited (MTRCL) commenced the tunnelling works for the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) last year, quite a number of residents in the villages have relayed to me that MTRCL conducts tunnel blasts regardless of night or day in order to meet deadlines, and the villagers are disturbed by the noise nuisance and are unable to sleep at night. Such villagers have also pointed out that because of the vigorous blasting works, vertical cracks appear on the walls of the village houses in the vicinity of the construction sites, gaps are found between the external walls of the houses and the ground, settlement in buildings and falling groundwater tables are detected, and other serious problems also prevail. Regarding the progress and safety issues of the XRL project, will the Government inform this Council:

(a) of the latest progress of the XRL project;

(b) whether it has assessed and measured the intensity of shock generated by the tunnel blasting works concerned in respect of three aspects, namely the extent of damages made to the affected buildings on the ground, changes in topography and people's feelings; if it has, of the details; if not, the reasons for that; and whether it will make public the findings as soon as possible after making the assessment and measurements; and

(c) whether it knows the total number of complaints received since the commencement of the works by the authorities and MTRCL about the problems caused to the buildings and the topography in the vicinity of the construction sites as a result of the impact of the XRL project, the problems concerned and the measures taken to deal with them?

Reply:

President,

My reply to the three parts of the question is as follows:

(a) Construction works for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) commenced in January 2010 and are progressing smoothly. Foundation works for the West Kowloon Terminus are substantially completed, while various related construction works in Yau Tsim Mong, Sham Shui Po, Kwai Tsing, Tsuen Wan and Yuen Long, en-route areas of the railway alignment, have started successively. As the Hong Kong section of the XRL runs in a dedicated tunnel throughout, the tunnels are built mainly by using tunnel boring machines (TBMs) and the drill and blast method. We have briefed the relevant district councils on the construction methods of the tunnels. We also keep liaising with the relevant communities on the works arrangement

in the light of progress of the drilling and blasting works.

On tunnel boring, the first TBM was activated in September 2011 and has bored through 80 metres so far. Separately, tunnel drilling and blasting works in Tsuen Wan commenced in November 2010, while those in Kwai Tsing and Yuen Long began in 2011 gradually.

It is expected that civil works (including tunnel drilling and blasting) for the main tunnel will be completed in 2013 and the Hong Kong section of the XRL will be completed in 2015 as scheduled.

(b) We will do our best to minimise the impact of the works on the public during the construction of the XRL project.

As early as the project design stage, we carried out careful and comprehensive assessments on the geological conditions and structures in the vicinity of the works areas to ensure that the construction works and the methods employed would not affect the structural safety of nearby structures. In addition, we conducted an environmental impact assessment as required under the Environmental Impact Assessment Ordinance on the Hong Kong section of the XRL, in which the environmental impact during the construction and operation of the railway was carefully evaluated and corresponding mitigation measures were proposed.

In the course of the drilling and blasting works, the MTR Corporation Limited (MTRCL) and their contractor will stringently implement various safety measures and codes of practice concerned, and will strictly observe all relevant legislation and requirements, including the mitigation measures specified in the Environmental Permit for alleviating environmental impact. Also, the MTRCL and their contractor have installed monitoring points to oversee the works by checking such relevant data as measurements on noise and vibration, with a view to monitoring the impact of the works on the adjacent environment and structures for enhancing public safety and minimising environmental impact.

Every time when blasting works are carried out, the airflow and vibration caused will be measured at both ends of the tunnel and nearby monitoring points. Up to now, the data recorded, including those on airflow and vibration, have not exceeded the corresponding statutory ceilings or jeopardised the structural safety of adjacent buildings. The noise generated during the works has not gone beyond the relevant statutory limit either.

During construction, the MTRCL and their contractor will try to minimise the impact of works on the neighbourhood, and maintain close contact and communication throughout with residents concerned by such measures as giving explanation to relevant dwellers, owners' committees / corporations, village representatives, district councillors and local communities and addressing their concerns; organising community liaison group meetings; distributing XRL Newsletters and pamphlets on tunnel drilling and blasting works; and arranging site inspections for district councillors and local personalities to inspect the works and be briefed by engineers on the works procedures and safety measures taken.

(c) We have so far received 80 reports on damage to relevant land lots and buildings suspected to have been caused by the works. Upon receipt of such reports, the MTRCL and their

contractor will visit the damaged lots or buildings within one working day to conduct investigation. If the damage is proved to have been caused by the works, repairs will be carried out as soon as possible; if proved otherwise, the MTRCL will also inform the clients of the investigation results. On some occasions, the MTRCL will, at the request of the clients, refer the cases to notaries public for objective and fair arbitration to safeguard the interests of local residents.

Ends/Wednesday, November 30, 2011
Issued at HKT 12:15

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Press Releases

LCQ6: Blasting works for MTR West Island Line

Following is a question by the Hon Cheung Hok-ming and a reply by the Acting Secretary for Transport and Housing, Mr Yau Shing-mu, in the Legislative Council today (February 22):

Question:

After I raised a question last year concerning the safety of the tunnel blasting works for the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link, I have recently received complaints one after another regarding the structural problems caused to nearby buildings by the underground blasting works for the West Island Line. In this connection, will the Government inform this Council:

(a) whether it knows the total number of complaints received by the MTR Corporation Limited (MTRCL) as at January 30 this year about the problems caused to nearby buildings by the tunnel boring or blasting works for the new lines under construction, with a breakdown by railway line and district; among such complaints, the number of those which were referred to loss adjusters for investigation and the results of such investigations;

(b) as I have learnt that while MTRCL will conduct condition surveys for buildings before the commencement of works, quite a number of residents, building owners and owners' corporations are dissatisfied that MTRCL has neither consulted them before conducting the condition surveys nor disclosed the results after completing the surveys, making it difficult for the affected parties to claim reasonable compensation in the future, whether the authorities will consider urging MTRCL to enhance the transparency of its condition surveys; apart from the referral by MTRCL of complaint cases to the loss adjusters commissioned by MTRCL itself for investigation, whether the authorities will consider assisting the affected parties who have financial difficulties and who are elderly in employing independent surveyors or loss adjusters to conduct objective evaluations and arbitration, or assisting the affected parties to conduct such evaluations through other means (e.g. through the Buildings Department); if not, of the reasons for that; and

(c) whether the authorities and MTRCL have assessed the impact of the airflow and vibration, which are within the relevant statutory limits, generated by tunnel boring or blasting works on older buildings or buildings which are structurally more fragile; if they have, of the details; if not, whether they will consider conducting a comprehensive assessment so as to address public concerns?

Reply:

President,

Over the past 30 years or so, the MTR Corporation Limited (MTRCL) has been building underground railway stations or tunnels by means of boring or blasting in densely-populated and built-up urban areas, accumulating considerable experience in this

field. To comply with international practices and standards, the MTRCL will decide whether to build the tunnels and underground stations by boring or blasting after taking into account such factors as geological conditions, tunnel design and surrounding environment. Many of the existing underground railway stations and tunnels were built by boring or blasting. For instance, Tai Koo Station and North Point Station were built by blasting. The railway tunnel between Fortress Hill Station and Shau Kei Wan Station of the Island Line as well as Tai Lam Tunnel of the West Rail Line were also built by blasting. The Kowloon Southern Link was constructed by boring. It has been proven by experience that these construction methods will not affect the structural safety of nearby buildings.

My reply to the three parts of the question is as follows:

(a) Railway projects currently underway are the West Island Line (WIL), the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), the South Island Line (East) (SIL(E)) and the Kwun Tong Line Extension. Except the tunnel works of the Kwun Tong Line Extension have not commenced, the other three railway projects are undergoing tunnel construction works now.

On public complaints concerning railway works affecting building structures, we have, as at January 30, 2012, received 119 complaints about the WIL project, 81 complaints about the Hong Kong section of the XRL project (complaints received involve locations in Yuen Long, Tsuen Wan, Sham Shui Po and Yau Tsim Mong areas), and two complaints about the SIL(E) project (all complaints involve locations in Southern District). As for the Kwun Tong Line Extension project, no complaint has been received so far. Among these complaints, 68 cases concerning the WIL and 41 cases concerning the Hong Kong section of the XRL were referred to loss adjusters. The loss adjusters have completed the investigation of these 109 cases, and have confirmed that the damages identified does not affect building safety.

(b) To safeguard the interests of the owners and occupiers and for formulating the most suitable construction method and preventive procedures for implementation during the works, the MTRCL will engage professional surveyors to carry out "pre-construction building condition surveys" for nearby buildings and structures before the commencement of the works so as to record the conditions of the buildings in the vicinity of the works area. To conduct such surveys within the building boundary, the MTRCL has to obtain the prior consent of relevant owners and occupiers. The MTRCL will try its best to have the surveys conducted on the dates and at the times proposed by the occupiers.

As the survey reports contain the interior details of the flats involved, the MTRCL will pass the reports directly to the owners of the relevant flats upon their requests so as to protect their interests and privacy.

When complaints from residents on damages of their buildings are received, the MTRCL's staff members will first conduct a preliminary check with the residents. Depending on the complexity of individual cases, the MTRCL may refer the cases to a loss adjuster for assessment. The loss adjuster, employed by an insurance company acting as a third party instead of engaging by the MTRCL, will assess the compensation claims independently in a professional and open manner. This well-established practice is commonly adopted locally and abroad for dealing with

compensation claims on building damages. The loss adjuster will arrange to conduct site inspections with the relevant owners, the MTRCL and its contractors. If it is indicated in the assessment done by the independent loss adjuster that the damages identified are caused by the railway works, the MTRCL and its contractors will promptly discuss the repair arrangements with the relevant owners. The residents need not employ surveyors on their own for verification.

Alternatively, the residents can lodge their complaints to the Buildings Department (BD). As the case may require, the BD will send its officers to conduct observation and detailed analysis for assessing the overall structural safety of the buildings concerned.

(c) According to the Dangerous Goods Ordinance, the MTRCL need to obtain a licence for the use of explosives before carrying out blasting works. The MTRCL has to submit a "blasting assessment report" to the Mines Division of the Civil Engineering and Development Department for approval. The report covers, inter alia, the noise and vibration generated during blasting. The assessment on the impact of the works to nearby buildings and public facilities also forms part of the report so as to ensure structural safety of the buildings in the proximity. The MTRCL has in place a set of stringently controlled works procedures to be implemented during the construction period by eligible professionals engaged to ensure compliance with the requirements set out in the Buildings Ordinance and other relevant legislations.

The BD will also request the MTRCL to install sufficient monitoring points around the works site before the construction to monitor the airflow and vibration generated by the works. If nearby buildings are found to have been affected by the works, the MTRCL will have to take immediate and appropriate actions to prevent aggravation of the problems concerned. If necessary, the MTRCL will have to cease the relevant works and submit a report including proposed mitigation measures to the BD for approval.

The MTRCL and its contractors will minimise the impact of the works to nearby communities as far as possible. The Highways Department, the MTRCL and its contractors have all along maintained close contact and communication with the residents concerned through such means as giving explanations to the residents, owners' committees, incorporated owners and local communities regarding their concerns and co-ordinating actions required; holding regular meetings of community liaison groups; publishing pamphlets on construction methods; and arranging site visit with relevant stakeholders to inspect the tunnel works and providing briefings of the works procedures and relevant safety measures by engineers.

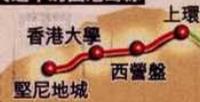
Thank you.

Ends/Wednesday, February 22, 2012
Issued at HKT 15:52

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有關新鐵路線工程的投訴的新聞報導

**Relevant press reports on complaints relating to the
construction of new railway lines**



西港島線

70宗爆裂投訴

港鐵不認賬 業主追討難

【本報訊】港鐵西港島線地底爆破工程震破舊樓密佈的西區，至今整項工程只進行了一半，已有 70 宗投訴，有大樓的裂縫闊到插得入兩個十元硬幣、橫樑爆開、石屎爆裂剝落。但港鐵全部否認責任，有專業人士看過照片後說，「批盪、油漆都未甩晒，應該係一年半載之內嘅裂痕。」

記者：林偉聰

西營盤山道將設有香港大學出入口，隧道早前以爆破工程開通。出入口旁新安大廈分高低兩座，高座狀況完好，但離地盤較近的低座，每層梯間牆壁都有清楚可見的裂縫，部份伸延幾呎，部份在橫樑，甚至伸展至地上，裂縫插得入兩個十元硬幣，全幢裂痕肯定逾 20 條。

大廈法團成員施先生指，大廈 08 年花 600 多萬維修，梯間牆身都已修補，當時屋宇署亦有驗收，並未出現裂痕。爆破工程在 09 年 7 月展開，大半年後法團巡樓始發現裂痕。

專家判斷是新裂痕

法團向港鐵投訴，港鐵派人視察後，出示一份據稱工程前進行的勘察報告，並指當中的照片顯示部份裂痕在工程前已存在，故與工程無關。「嗰相我都有見過，佢幾時影、影邊度我都唔知！」施先生表示港鐵並無知會法團工程前作勘察，報告亦未包括所有現有裂痕，質疑其可信性。協助新安大廈的區議員黃堅成批評港鐵的勘察欠透明：「我哋一直要求港鐵做勘察要同居民溝通，做完報告副本要畀法團同業主，但係佢就話係私隱唔肯。啱家有裂痕先話影咗相，係打死狗講價！」

山道地盤另一邊的曉山閣，近月有低層單位外牆石屎剝落，窗框更有鋼筋外露。港鐵為建造運輸泥石的隧道，爆破工程穿過卑路乍街三匯大廈旁邊的地底，廿樓居民同樣發現家中橫樑爆裂。

測量師學會建築測量組主席何鉅業看過裂縫照片後說，新安大廈部份裂痕是新的，「見到批盪、油漆都未甩晒，應該係一年半載之內嘅裂痕。」新安大廈樓齡逾四十年，估計大廈本身有一定程度老化，但爆破工程有影響，建議港鐵與業主協商維修。

港鐵回覆至今收到 70 宗大廈裂痕個案，轉交公證行調查後，結論全部都與工程無關。區議員黃堅成指西區居民不少是長者和基層市民，難以另聘測量師證明港鐵的責任，追討極困難。

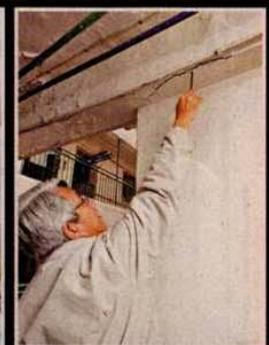


■新安大廈在港鐵爆破工程展開後，發現逾 20 處裂痕。何柏佳攝

■西港島線香港大學站地盤旁的新安大廈，疑受爆破工程震盪，梯間出現的大裂痕可放入兩個十元硬幣。



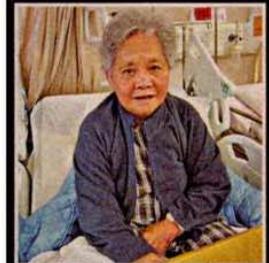
■西園與港鐵地盤僅數米之隔，居民何小姐飽受困擾。梁鑑宇攝



■橫樑上長長的裂痕，長遠會損害大廈結構。



■測量師學會建築測量組主席何鉅業估計，工程震盪將加劇大廈老化。



■家住西園一樓的陸婆婆，為避地盤的噪音和灰塵每日早出晚歸。林偉聰攝

蘋果日報
12/02/2012

港鐵工程損樓宇結構 近百投訴須跟進

【明報專訊】港鐵未來將興建5條新鐵路，部分工程在人口稠密鬧市進行，有沿線居民投訴住所受隧道鑽探工程影響。運輸及房屋局證實，已確認至少近百宗投訴受工程影響，另109宗投訴轉交公證行處理後確定損毀與港鐵工程無關。

未交代賠償金額維修費

署理運輸及房屋局長邱誠武昨回應議員質詢，稱當局截至上月底共接獲202宗居民投訴鐵路工程影響樓宇結構，其中西港島線佔119宗，高鐵香港段佔81宗，另有2宗關於南港島線（東段）工程，投訴

分佈元朗、荃灣、深水埗、油尖旺區、港島南區。其中93宗已獲確認與港鐵工程有關，港鐵與業主商討後已解決，但他未有交代賠償金額和港鐵付出的維修費用。

至於餘下109宗有爭議的投訴，轉交公證行調查後確定損毀與港鐵工程無關，並不涉及樓宇安全，港鐵毋須賠償和修繕。

邱誠武強調，港鐵於工程展開前會委任專業人士，勘察附近受影響樓宇及建築物，而港鐵亦會派員進入受影響單位勘察，記錄樓宇內部狀況，若日後有爭議，可憑紀錄向公證行商討。

港鐵工程投訴 上月202宗

【新報訊】當局表示，截至上月底共收到202宗有關港鐵工程導致樓宇結構出現問題的投訴，當中超過一半經公正行調查後，確定損毀與港鐵工程無關，不涉及樓宇安全，餘下案件則經溝通後已解決。

調查指不涉樓宇安全

在立法會會議上，議員張學明表示，近日陸續收到西港島線地底爆破工程，引致附近樓宇結構出現問題的相關投訴。

署理運輸及房屋局局長邱誠武表示，截至今年1月底，共收到202宗有關港鐵工程導致樓宇結構出現問題的投訴，當中119宗關於西港島線工程的投訴；81宗關於高鐵香港段工程投訴，以及兩宗南港島線東段工程的投訴。

他說，港鐵已把其中109宗投訴，轉交公證行處理，完成調查後，確定損毀同港鐵工程無關，不用做維修，也不涉及樓宇安全，餘下93宗，經溝通後已解決。他續指，港鐵會因應地質及隧道設計，而決定採用爆破或鑽挖方式，爆破聲響有如「樓上搬傢俬」，震盪的感覺則如有貨車經過，不會對居民造成大滋擾。

政府會監察爆破工程

邱誠武重申，港鐵在工程展開前，會委任專業測量師，為附近受影響樓宇及建築物，進行施工前勘察，如果

收到居民有關樓宇受損的投訴，港鐵會首先與居民作初步檢查，視乎複雜程度，或會把個案交公證行評估，審核申索個案，居民不用自行聘請測量師驗證。

政府多個部門會監察港鐵的爆破工程，有關工程要由土木工程署審批，屋宇署亦要求港鐵監測工程所產生的氣流及震動。



■截至今年1月底，當局收到202宗有關港鐵工程導致樓宇結構出現問題的投訴。

太陽報
23/02/2012

爆破挖隧道擾民 港鐵收200投訴

【本報訊】港鐵現時進行中的四大工程，包括港島西線及廣深港高鐵香港段等，經常需要以鑽挖及爆破方式建造隧道及車站，工程被揭發擾民不堪。署理運輸及房屋局局長邱誠武透露，截至上月底一共收到超過二百宗投訴，一百一十九宗關於西港島線，八十一宗涉及高鐵香港段。當局承認只有約一百宗投訴成功轉至公證行處理，其餘個案至今仍在跟進中，未能透露賠償金額。

民建聯張學明昨日於立法會提出質詢，指近日收到不少市民投訴，港鐵西港島線的爆破工程，影響當區樓宇結構，要求當局提交施工期間的影響數字。邱誠武表示，港鐵至今共收二百多宗投訴，百多宗屬西港島線，八十一宗屬高鐵個案，兩宗屬港島南線，至於觀塘線延線工程，則未收到任何投訴。但邱誠武指出，二百多宗投訴，政府只確定了一百零九宗，不涉及損毀樓宇安全，但被問到其餘個案有否嚴重影響樓宇結構安全，邱誠武未有交代。

民主黨甘乃威追問，究竟港鐵有否向受影響的居民作出賠償，以及賠償金額多少。邱誠武則稱，由於樓宇勘察報告涉及業主私隱，為保障市民權益，只會將賠償報告交回業主，並不會對外公布。