



拓展署
Territory Development
Department, Hong Kong

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Public Accounts Committee
Legislative Council Secretariat
No. 8 Jackson Road
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(Attn : Mr Colin Chui)

Dear Mr Chui

**The Director of Audit's Report on the
results of value for money audits (Report No. 41)
Chapter 5 : Provision of noise barriers for mitigating road traffic noise**

I refer to your letter of 17 December 2003 and provide additional information as follows: -

- (a) The reasons for spending the public funds to build the noise barriers and for the absence of such negotiation

The noise barriers along Trunk Road T7 are not constructed in lieu of the noise barriers to be provided by the developer within his lot boundary. Under the Environmental Impact Assessment (EIA) Ordinance, the road project proponent is required to protect all noise sensitive receivers in compliance with the noise standards set out in the Technical Memorandum. The on-site noise barriers proposed by the developer could only protect 72% of the residential units. Regardless of whether those on-site noise barriers were put up by the developer, direct noise mitigation

measures were still required on Trunk Road T7 to provide 100% protection to the residents as far as practicable under the EIA Ordinance. In addition, the EIA for Trunk Road T7 recommended, on visual and noise reduction effectiveness considerations, the provision of continuous roadside noise barrier at the road section fronting the lot. The semi-enclosures put up by TDD under the Road T7 project were therefore needed in order to fulfill the requirements of the EIA Ordinance.

Regarding the land premium implications, EPD had drawn the Lands Department's attention to the EIA Study Management Group's decision in February 1998. We noted that Director of Lands has already explained the situation to the PAC via his letter dated 22 December 2003.

- (b) If the Government considers that there was no mechanism for negotiating with the developer in such circumstances, details of the mechanism that should be put in place to enable the Government to conduct such negotiations with developer

In paragraph 4.18 (c) of Audit Report, Audit has recommended that "The Administration should issue guidelines to ensure that provisions will be incorporated into a land grant such that the Government is empowered to ask the grantee to contribute to the Government's cost of provisioning environmental mitigation measures which, by the conditions of land grant, is the grantee's responsibility."

In paragraph 4.20 of the Audit Report, the Director of Lands has replied that it is possible to draft land grant conditions to meet the requirement as recommended in paragraph 4.18 (c). We noted that the Director of Lands has issued Technical Circular No. 734 – Clause allowing Government to provide Environmental



Mitigation Measures in place of the Grantee/Purchaser on 8 December 2003. Government would conduct negotiations in accordance with the technical circular if similar cases occur in future.

Yours sincerely



(John S V Chai)

Director of Territory Development

c.c. Secretary for the Environment, Transport & Works
Director of Lands
Director of Environmental Protection
Director of Audit

JC/jl

