

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

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31 December 2003

Public Accounts Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn: Mr Colin Chui)
[Fax: 2537 1204]

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

We refer to your letter of 17 December 2003 and provide below the information that you are seeking on behalf of the Public Accounts Committee –

- (a) The details of the Administration's policy and guidelines on the provision of noise mitigation measures before the implementation of the EIAO, under which a developer could be required to provide noise mitigation measures at his own expense.

The Hong Kong Planning Standards and Guidelines (HKPSG), which was already in place before the commencement of the Environmental Impact Assessment (EIA) Ordinance in 1998, provides guidance on the environmental issues that should be considered in the planning of both public and private development projects. It prescribes road traffic noise standards for different types of noise sensitive receivers and

provides guidelines on noise mitigation measures that could be adopted at the noise emitter and the noise sensitive receiver's ends in cases where an adequate buffer distance between the two cannot be provided. Those noise mitigation measures include noise barriers at the noise emitter's end, self-protecting building design and integrated building and noise source design.

Under the administrative EIA system that was in operation before the EIA Ordinance commenced and the statutory EIA system was introduced, for public development projects which might have adverse impacts on the environment or which would locate sensitive receivers near a source of noise pollution (for example, road projects and housing projects near major roads), the project proponent would be required to notify the Environmental Protection Department (EPD) and, if required by EPD, carry out an EIA study for the project. If an EIA study was conducted, the project proponent would be required to implement the noise mitigation measures recommended in the EIA study to ensure that the noise impact of the public development project on the noise sensitive receivers would be contained within an acceptable level.

As regards private sector residential development projects, upon the advice of EPD, the District Lands Conference would examine and decide whether a lease condition should be imposed to require the purchaser or grantee to propose and implement measures to mitigate environmental problems including road traffic noise impact identified by EPD. For private residential development projects at sites involving change in land use or those that required the approval of the Town Planning Board, the Town Planning Board could include similar requirements as approval conditions where appropriate. In cases where the lease, or other conditions, stated that mitigation measures had to be implemented by the developer to address environmental problems of the land lot concerned, EPD would provide their advice to the relevant authorities and help to ensure that mitigation measures to minimize the noise impact were incorporated into the residential development plan as far as practicable. Those mitigation measures had to be implemented by the developer at his own expense and could form the basis for the issue of the certificate of compliance.

- (b) As the Government, being the proponent of public road projects, is required to provide noise mitigation measures under the EIAO, whether the EIAO has the effect of relieving private developers of their responsibility of providing noise mitigation measures for their developments along these road projects?

At the time when the EIA Bill was processed through the Legislative Council around 1996, there was a strong demand from private sector developers and some Members of the Legislative Council that the onus to mitigate road traffic noise should be placed on the proponent of the road project rather than the developer. The statutory EIA system, as it currently stands, requires the proponent of the road project to propose and implement noise mitigation measures on the road as far as practicable to protect the existing and planned noise sensitive receivers. If additional noise mitigation measures are required at the planned sensitive receivers to address the residual noise impact after the adoption by the proponent of the road project of all practicable direct mitigation measures on the road, the EIA process will evaluate and confirm practicability of those additional measures. The agreed environmental requirements on the planned noise sensitive receivers and any development constraints identified by EIA will be taken into account when assessing the development potential of the site, and will be incorporated into the land lease or land grant as conditions and made known to potential developers.

Yours sincerely,



(Thomas Chow)
for Secretary for

the Environment, Transport and Works

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