

579TH – Central–Wan Chai Bypass and Island Eastern Corridor Link

**Details of Objections and Administration’s Response
under the Roads (Works, Use and Compensation) Ordinance (Cap. 370)**

Details of the objections to the road scheme gazetted on 27 July 2007 and the Administration’s response are summarized as follows –

- (a) A group of members of an owner’s committee objected to the proposed location of the exhaust vent shaft of the EVB at the eastern breakwater of the CBTS. The objectors were concerned about the environmental impacts, including air quality, noise and visual impacts, of the exhaust vent shaft. They proposed to relocate the exhaust vent shaft to the western end of the north breakwater of the CBTS or the northern end of the west breakwater of the CBTS.

We explained to the objectors that the design and location of the exhaust vent shaft had already taken into account their concern expressed during the public consultation exercises in April 2007. The proposed location of the exhaust vent shaft would be about 310 m away from their property. An electrostatic precipitator system would be incorporated in the tunnel ventilation system to remove about 80% of the generated respirable suspended particulates. The exhaust would only contribute a tiny fraction of the pollution level. It is expected that the Trunk Road will divert 60% of the open road traffic to the proposed tunnel and the air pollution level of the area in 2031 is anticipated to be reduced compared to the scenario without the Trunk Road. We also explained that the exhaust vent shaft is required to be designed with a minimum height to facilitate air dispersion and discharge. We had carried out environmental impacts assessment for the proposed road works in accordance with the EIAO and concluded that the proposed works would not cause unacceptable environmental impacts, including air quality, noise and visual impacts, to the area. We

also advised that the objectors' proposed alternative locations were considered not practically feasible due to technical constraints, including the risk of damaging the cross-harbour gas main and the Cross Harbour Tunnel. Despite our explanation, the objectors did not indicate withdrawal of the objection. The objection thus, is considered unwithdrawn.

- (b) One objector was of the view that the works would seriously affect the major vehicular access road of the Harbour Heights from Watson Road. We explained to the objector that we would carry out temporary diversion of the current vehicular access for the Harbour Heights from Watson Road as appropriate. Noting our explanation, the objector withdrew the objection unconditionally.
- (c) One objector, on behalf of the owners of a commercial building, alleged that the proposed road works, the new land uses and the Phase III extension of the Hong Kong Convention and Exhibition Centre (HKCEC) reported in some press would introduce an unacceptably large volume of additional traffic but there would be inadequate traffic improvement measures in the Wan Chai North area. The objector was of the view that there was a need to reassess the road network so as to reduce the potential flow of traffic into the Wan Chai North area.

We explained that a district traffic study had been carried out concluding that the traffic situation would improve with the implementation of the Trunk Road project because part of the east-west traffic from the Corridor would be diverted to the Trunk Road. The proposed change in the road network should be adequate to cope with the predicted traffic flow of the area. The proposed Phase III extension of the HKCEC was not included in the proposed amendments to the draft WCN OZP gazetted on 27 July 2007. Despite our explanation, the objector maintained the objection.

- (d) One objector, on behalf of the owners of a commercial building, was of the view that the temporary reclamation at the CBTS would adversely affect the flow of sea water to and from the pumping system of its client's property.

We explained to the objector that we would carry out temporary reclamation at the CBTS in stages so that continuous flow of sea water to and from the pumping system could be maintained at all time during construction. We would provide mitigation measures and monitor the water quality to ensure that it would not be adversely affected by the construction works. We would also maintain regular liaison meetings with the objector. The objector agreed to withdraw the objection subject to the above conditions.

- (e) One objector was of the view that the proposed road works would affect its client's lot. The objector requested the Administration –
- (i) to ascertain the ground level stability and user safety of a car park at the lot during excavation in the vicinity of the lot;
 - (ii) to maintain an unobstructed vehicular access to and from the lot at Hung Hing Road during construction;
 - (iii) to implement relevant mitigation measures to minimize noise and water quality impacts during construction;
 - (iv) to arrange reprovisioning of jetties at the temporarily occupied area; and
 - (v) to keep the objector's client informed of the relevant arrangements of the marine works in advance;

We responded to the objector as follows –

- (i) we would install temporary tunnel supports during excavation of the tunnel underneath the area of the car park and would closely monitor its ground level stability and user safety;
- (ii) we would closely monitor the traffic situation

along the at-grade Hung Hing Road during construction;

- (iii) we would implement monitoring and mitigation measures to reduce noise and water quality impacts during construction;
- (iv) we would make temporary arrangement for reprovisioning of the jetties during construction; and
- (v) we would give advance notice prior to commencement of marine works near the lot and liaise closely with the objector's client during the construction stage.

Despite our explanation, the objector maintained the objection.

- (f) An organization was of the view that the proposed works including temporary reclamation and ancillary works would fundamentally affect the Victoria Harbour. It alleged that the Administration had failed to demonstrate that the proposed works comply with the requirements of the PHO and requested the Administration to review the Plans and Scheme in accordance with the requirements of the PHO and the CFA Judgment.

The objector lodged a judicial review in respect of the proposed temporary reclamation as described in paragraph 17 and footnote 7 of the main text. The Administration's responses regarding the findings on the need for the temporary reclamation for the construction of the Trunk Road tunnel and the proposed amendment to the road scheme to delete the temporary breakwater are described in paragraphs 17 to 18 of the main text. In a letter dated 23 October 2008, the objector supported that the Trunk road should be built as soon as possible, but without excessive reclamation, and considered that the deletion of the temporary breakwater to be proper and in compliance with the law.

We updated the objector on 5 December 2008 on the latest findings on the need for the temporary reclamation for the construction of the Trunk Road tunnel, and the proposed amendment and invited his last representation. As the objector did not reply by the specified deadline, the objection, thus, is considered unwithdrawn.

- (g) One objector, on behalf of the owner of two lots in North Point, alleged that the proposed works would result in loss of income from, and reduction in use, value and redevelopment potential of its client's lots.

We explained to the objector that the concerned lots would be required for constructing the connection of the Trunk Road to the IEC in order to minimize the extent of reclamation for compliance with the PHO. We also explained the relevant procedures of claim for compensation under the Ordinance. Despite our explanation, the objector maintained its objection. The objection, thus, is considered unwithdrawn.

- (h) One objector objected to the adoption of the Tunnel Option for the Trunk Road leading to resumption and temporary occupation of its lots at North Point. The objector alleged that the Flyover Option for the construction of the Trunk Road should be adopted. The objector also claimed that his rights and interests would be affected by the proposed road works due to resumption and temporary occupation of land and the likely environmental impacts arising from the construction works. The proposed resumption of its lots would lead to non-compliance of conditions under the lease modification for its lots. The objector also requested the Administration to consider its Objection Statement submitted to the TPB in relation to his further objection/representation to the relevant draft outline zoning plans (OZPs).

We referred the objector to the CCM Report as mentioned in paragraph 14 of the main text and highlighted that the proposed design of the Trunk Road had complied with the PHO, the CFA Judgment and the Administration's internal circular. We explained the relevant procedures of claims for compensation under the Ordinance and advised that the Administration would consider proposals for modification of the existing lease conditions in accordance with the prevailing policy. We also

informed the objector that its objection/representation to the relevant draft OZPs would be processed separately under the TPO. Nevertheless, we had responded to the key issues in the Objection Statement as highlighted by the objector. Despite our explanation, the objector did not indicate withdrawal of the objection. The objection, thus, is considered unwithdrawn.

- (i) One objector was the tenant of one of the concerned lots mentioned in paragraph 1(g) above. The objector alleged that the resumption of the concerned lot would seriously affect its business operation. The objector also enquired about the programme of the proposed works and the arrangements for relocation and compensation.

We responded that the resumption of the lot is required to minimize the extent of reclamation for compliance with the PHO. We also provided the programme of the works and explained the relevant procedures of claim for compensation under the Ordinance. Despite our explanation, the objector maintained the objection. The objection, thus, is considered unwithdrawn.

- (j) One objector objected to the proposed resumption and temporary occupation of its lot. The objector was of the view that the proposed works would be subject to amendments during the statutory objection period of the relevant OZPs, and it would be premature for the Administration to commence resumption and temporary occupation of any land at this stage. While the objector had submitted application to the TPB for the proposed development at its lot, the area to be temporarily occupied under the Trunk Road project would encroach upon the proposed emergency vehicular access (EVA). The objector was concerned about the interface issues and impact on its application of occupation permit.

We responded to the objector that it was the Administration's intention to submit the road scheme to the CE in Council for consideration no earlier than the submission of the amendments to the relevant OZP. We envisaged that the impact of construction activities of the Trunk Road on the operation of the proposed EVA would be minimal and would request the contractor to maintain access for the EVA. We would also endeavour to avoid any impact on its application of occupation

permit. After noting our explanation, the objector withdrew the objection unconditionally.

2. Details of the objections to the amendment scheme gazetted on 5 December 2008 and the Administration's response are summarized as follows –

- (a) One objector¹ alleged that the whole of its concerned lots should be resumed as the development potential of the remaining part of the lots would be limited, rendering such remaining part useless. It also enquired about the assessment of compensation.

We responded that the portion of the concerned lots to be resumed was the minimum area required to be permanently resumed for the purposes of or incidental to the works or the use for the Trunk Road. We would not resume more land than that required for the purposes of the road works or the use. As regards the assessment of compensation, we advised the objector that it could submit claims for compensation after the authorization of the road scheme and the compensation would be assessed according to the general principles set out in the Lands Resumption Ordinance (Cap. 124). Despite our explanation, the objector maintained its objection. The objection, thus, is considered unwithdrawn.

- (b) An organization alleged that there was not enough park facility for dog owners and objected to the closure of the “dog garden” which was known as Wan Chai Waterfront Promenade (the Promenade) along Hung Hing Road.

We responded that the proposed amendments did not involve the Promenade area and thus the objection was irrelevant to the proposed amendments. We also advised that the temporary nature of the Promenade and its eventual closure for construction of the Trunk Road had been clearly pointed out to the Wan Chai District Council and the HEC which supported the arrangement. We also advised that there were ten existing pet gardens under the management of the Leisure and Cultural Services Department and eight under planning. There would be three new pet gardens on Hong Kong Island in future which

¹ This objector is the same objector mentioned in paragraph 1(g) above.

could replace the Promenade for public use. Despite our explanation, the objector maintained his objection. The objection, thus, is considered unwithdrawn.

- (c) An organization alleged that the gazetted works failed to limit the amount and duration of (temporary) reclamation and the (temporary) reduction in sheltered water. The objector also alleged that it would be unreasonable to proceed with the Trunk Road project and the SCL independently and without sufficient effort to combine the relevant works and to minimize the (temporary) reclamation required. The objector was also of the view that by failing to replace the existing northern breakwater of the CBTS with a new breakwater positioned further north, the available sheltered water would be reduced. The objector opined that sheltered water was already limited and sheltered water would be required to protect and enhance the value of the Victoria Harbour and enable the (safe) enjoyment of the harbour by commercial and leisure users.

We responded that the extent and duration of temporary reclamation for construction of the Trunk Road tunnel identified were the minimum to meet the Overriding Public Need Test. We were actively coordinating the design and construction of the SCL with the Trunk Road scheme inside the CBTS and would not rule out the possibility of carrying out protection works within the Trunk Road project if this would help reduce the amount of temporary reclamation required for the SCL project and the overall construction programme. As regards the construction of temporary breakwater, there was no overriding public need for the originally proposed temporary breakwater to the north of the CBTS.

As regards the effect of the temporary reduction of sheltered water within the CBTS on the enjoyment of the Victoria Harbour by commercial and leisure users, we replied that the affected pleasure boats would mostly be reprovisioned to the Aberdeen South Typhoon Shelter. The concerned commercial vessels would be reprovisioned to the basin of the ex-PCWA near the CBTS. The pleasure boats and commercial vessels could continue to navigate and operate in the Victoria Harbour. The sheltered water within the CBTS would be reinstated after completion of the Trunk Road project.

As regards the availability of sheltered space within the harbour to cope with the increasing demand of pleasure vessels, Marine Department (MD) responded that the current supply of typhoon shelter/sheltered anchorage space within Hong Kong waters had the ability to meet the future demand during the forecasting horizon. Furthermore, MD also pointed out that during typhoons over the past few years, the overall capacity of the typhoon shelters and sheltered water within the harbour was sufficient to cater for most of the locally licensed vessels, including pleasure vessels with their main base of business operations in the harbour. MD would regularly review the demand for a new typhoon shelter and liaise with relevant stakeholders.

Despite our explanation, the objector maintained his objection. The objection, thus, is considered unwithdrawn.