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新聞稿

專家組就高鐵對大角咀舊樓影響 及風險評估的建議

鑑於馬頭圍道塌 樓慘劇及大角咀橡樹街舊樓裂縫事件發生後，市民大眾對舊樓安全焦慮日增，公共專業聯盟「新高鐵專家組」就高鐵項目對大角咀舊樓的影響進行了初步分析，並特別參考了環評條例技術備忘錄內的條款及終審庭 2005 年「紹榮鋼鐵」對「環保署及機管局」的判例，結論如下：

一、儘管港鐵公司已基本完成了高鐵的詳細設計，但向大角咀居民發放的資料十分有限，未能釋除居民對舊樓安全的憂慮。判定一項工程設計是否達標，不但包括客觀安全標準，更同時包括使用者的主觀「舒適度」。因此，港鐵公司作為項目管理者，對於釋除居民疑慮，責無旁貸。

二、事實上，按照正常項目進度，由於港鐵公司已基本完成了高鐵的詳細設計，港鐵已經對受影響的每一棟樓宇，完成了「樓宇現狀測量」(Building conditions survey) 及「建築物影響評估」(Building and Structure Impact Assessment)。

三、根據《環境影響評估條例》內的環境影響評估程序的技術備忘錄，工程項目的環境影響應該盡可能採用「定量環境影響評價」(4.3.1(c))。由於公眾對舊樓安全危害生命的關注，參照技術備忘錄第 12 條的規定，制定「定量危險評估」是最切合時宜的安排。附件 4 圖 1 的風險指引，可以作為安全風險是否達標的參考。

四、根據終審庭 2005 年「紹榮鋼鐵」對「環保署及機管局」的判例，「定量危險評估」對於一項可能危及生命的環境影響，是必不可少的步驟。正因為項目倡議人當時未有進行「定量危險評估」，終審庭判定「環保署及機管局」敗訴的主因，以致項目環境許可證被法庭撤銷。

因此，公共專業聯盟「新高鐵專家組」提出以下建議：

一、港鐵公司應向大角咀居民馬上公佈已完成的「樓宇現狀測量」報告 (Building conditions survey) 及「建築物影響評估」報告 (Building and Structure Impact Assessment)。

二、港鐵公司應參照環境影響評估程序的技術備忘錄第 12 條的規定或國際最佳守則，馬上開展對大角咀舊樓羣進行「定量危險評估」。

三、在未完成「定量危險評估」前，港鐵公司應推延相關隧道段落工程的合同簽約時間，避免因為將來一旦需要修改走線設計時蒙受損失。

四、政府應參照「昂坪 360」工程項目的做法，由獨立團體主動邀請大角咀居民和持份者代表，與港鐵代表一起組成「聯合監察小組」(Sustainability Advisory Panel)，讓居民持續監察項目進展及提供意見。

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Press Release

Recommendations from the XRL Expert Group Regarding the Effects on the Old Residential Blocks in Tai Kok Tsui from the XRL and on the Risk Evaluations

In view of the disaster over the collapse of the building in Ma Tau Wai Road and on the cracks found in the building in Oak Street in Tai Kok Tsui, the concerns on the safety of the old flats from the general public has increased, the “XRL Expert Group” of The Professional Commons has conducted a preliminary analysis of the effects of the Express Rail link (hereafter the XRL) project to the old buildings in Tai Kok Tsui, and take reference to the Technical Memorandum stipulated in the Environment Impact Assessment Ordinance and the judgement by the Court of Final Appeal of “Shui Wing Steel vs Environmental Protection Department and the Airport Authority” in 2005. The conclusions are as follows:

- 1) Although the MTR Corporation has basically completed the detailed design of the XRL, the information it has been distributed to the residents in Tai Kok Tsui is very limited, it failed to address the concerns of the residents towards the safety of old buildings. When judging whether a project design has reached the standards, not only it should include a common safety standard, it should also include the “level of comfort” as assessed by the user. Hence, as the project manager, the MTR Corporation should shoulder responsibilities on relieving the concerns of the general public.

- 2) In fact, in accordance with the normal operational speed, as the MTR Corporation has basically completed the detailed design of the XRL. The MTR Corporation has completed the “Building Conditions Survey” and the “Building and Structure Impact Assessment” in each of the affected building.

- 3) According to the Technical Memorandum regarding the procedures of the environmental impact assessment under the “Environment Impact Assessment Ordinance”, the environmental impact of projects should adopt the “assessment of effects in quantitative terms” (4.3.1 (c)). In view of the concerns over the public safety of old buildings, it would be most appropriate arrangements should an “assessment of effects in quantitative terms” in accordance with Clause 12 of the Technical Memorandum takes place. The risk guidelines at Graph 1 in Attachment 4 could act as a reference on whether the safety risks standards can be reached.

- 4) According to the Court of Final Appeal judgement of “Shui Wing Steel vs Environmental Protection Department and the Hong Kong Airport Authority” in 2005, the “assessments of effects in quantitative terms” is an indispensable procedure for an environmental impact assessment affecting lives. The reason in which the “Environment Protection Department and the Airport Authority” lost the judgement and the order for withdrawal of the Environmental Permit from the Court of Final Appeal are due to the fact that the project proponents have not conducted the “assessments of effects in quantitative terms” at that moment.

Hence, The “XRL Expert group” of The Professional Commons proposed the following recommendations:

- 1) The MTR Corporation should immediately publicize the Building Conditions Survey and the Building and Structure Impact Assessment to the residents in Tai Kok Tsui.

- 2) The MTR Corporation should take reference to Clause 12 of the Technical Memorandum of the Environmental Impact Assessment procedures and the international best practice, and conduct the “assessment of risks in quantitative terms” for the cluster of old buildings in Tai Kok Tsui.

- 3) Before the completion of the “assessment of risks in quantitative terms”, the MTR Corporation should postpone the time of the signing of the contracts regarding the tender procedure of the relevant tunneling section works, so as to avoid the monetary loss incurred as a result of the changes in the design of the alignment.

- 4) The Government should take reference to the practice conducted from the “Ngong Ping 360” engineering project, in which a “Joint Supervisory Panel” should be set up by an independent organization, and it should proactively invites the residents in Tai Kok Tsui and representatives from other stakeholders. The Panel should allow the residents to continue to supervise the progress of the projects and provide opinions on the projects concerned.

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