

8 February 2010

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 a “Quantitative Risk Assessment” 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 “Quantitative Risk Assessment” 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:

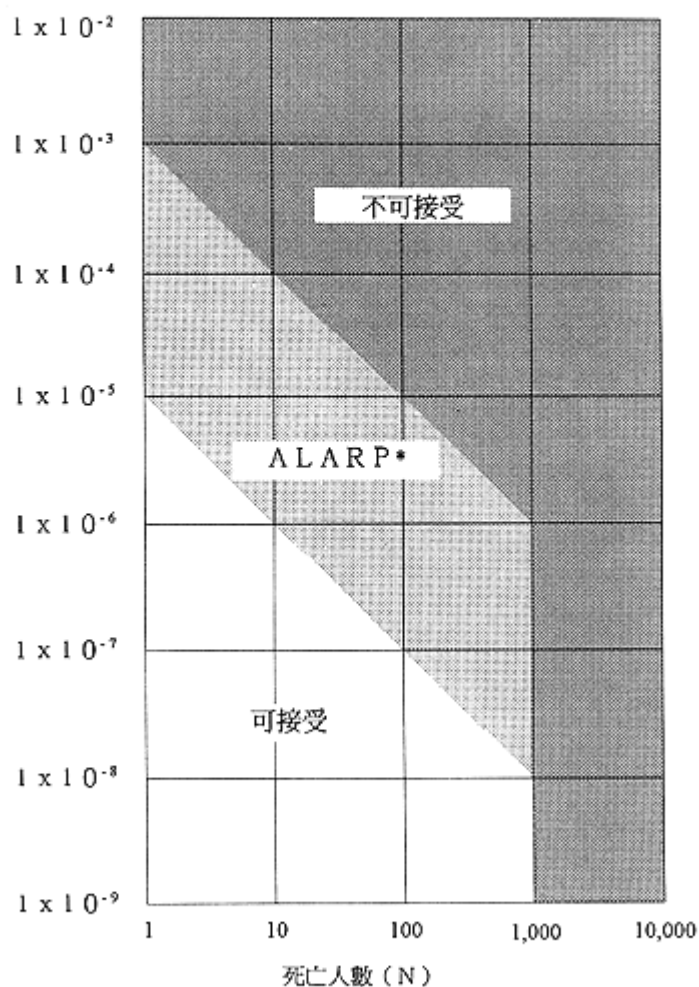
- 1) The MTR Corporation should immediately publicize the Building Conditions Survey and the Building and Structure Impact Assessment to the residents in Tai Kok Tsui.
- 2) The MTR Corporation should take reference to Clause 12 of the Technical Memorandum of the Environmental Impact Assessment procedures and the international best practice, and conduct the “Quantitative Risk Assessment” for the cluster of old buildings in Tai Kok Tsui.
- 3) Before the completion of the “Quantitative Risk Assessment”, 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.

圖 1：風險指引

1. 為可接受風險水平程度所定的個別風險指引
場地外個人風險的最高水平每年不應超過十萬分之一，即 1×10^{-5} / 年。
2. 為可接受風險水平所定的群體風險指引

每年發生 (N) 或以上
死亡人數的意外頻率 (F)



*ALARP指在這範圍內的風險應在合理而實際可行的情況下盡可能緩解到最低。