

Appendix 3.6

Agreement from Lands Department

Agreement from Lands Department

From: Patrick PC FAN/LAO/LANDSD/HKSARG@LANDSD
To: JOHN KAM YING LEUNG/CEDD/HKSARG@CEDD
Cc: Angela SC CHAN/LAO/LANDSD/HKSARG@LANDSD, Niles MK LI/LAO/LANDSD/HKSARG@LANDSD
Date: 13/12/2012 09:07
Subject: Re: EIA submission - noise mitigation with imposition of restrictions in the lease

EDMS No.: Doc. Src. :

Dear John

I refer to the chain of email below and wish to inform that there is no in-principle objection to your proposed noise mitigation measures relating to non-noise sensitive uses, window insulation and air conditioning; and adoption of appropriate clauses as mentioned in your email dated 11.12.2012 @14:05 subject to (i) the approval of the DLC; and (ii) these mitigation measures shall have no adverse impact on the development potential of the sites affected. You are also reminded of my comments dated 6.12.2012.

Regards
P C Fan
SES/SEK
tel : 23001717

JOHN KAM YING LEUNG/CEDD/HKSARG

11/12/2012 14:05

To Patrick PC FAN/LAO/LANDSD/HKSARG@LANDSD
cc Angela SC CHAN/LAO/LANDSD/HKSARG@LANDSD
Niles MK LI/LAO/LANDSD/HKSARG@LANDSD
MARCO HOI YAU TAI/CEDD/HKSARG@CEDD
"Au Yeung, Ho Shun Vincent" <vincent.ayyeung@aecom.com>
Subject Re: EIA submission - noise mitigation with imposition of restrictions in the lease [Link](#)

Dear Patrick,

In the combat of traffic noise from affecting the Commercial Sites 4A2 and 4C1 to 4C5 along Road D3, we have considered direct noise mitigation measures in the first place, including (A) noise barrier and (B) low noise road surfacing.

(A) noise barrier

The current design of the landscaped deck covers only half-width of Road D3 (except at specific locations where the deck also serves other functions) which provides better ventilation and lighting to the carriageway and footpath underneath. If noise-barriers are to be provided to these Commercial Sites, they should be stand-alone type as there is no landscaped above for their attachment to.

As you know, stand-alone vertical noise barriers are not recommended, as this arrangement will violate the urban design principles of Kai Tak Development. Noise barriers can only be adopted if it is horizontally extended and associated with the landscaped deck along Road D3. However, this arrangement, together with the vertical noise barrier associated with the landscaped deck columns adjacent to the residential sites, will create a full enclosure along Road D3. With this full enclosure, there will be additional requirements on ventilation and fire-fighting, and will also have adverse impacts to the underground seawater pump house and southern chillar plant of District Cooling System (currently under construction) as well as the future EFLS along Road D3. In this regard, noise barriers are not adopted.

(B) low noise road surfacing (LNRS)

On the use of LNRS, HyD has very strong view that it does not accept LNRS for new projects, due to its high maintenance cost and low efficiency. LNRS cannot be adopted neither.

Since both of the above direct noise mitigation measures cannot be adopted, we therefore recommend that the layout for these commercial sites with noise sensitive uses should be designed to avoid the noise sensitive uses facing the major traffic noise sources or providing the noise sensitive uses with window insulation and air conditioning. I wish to confirm that we have explored direct noise mitigation measures to the Commercial sites before reverting to the imposition of restrictions in the lease of adjoining developments.

Reference my earlier email of 5.12.2012, together with the Non-noise Sensitive Use proposed to part of the sites 4A1 & 4B1, the above mitigation measures require incorporation of lease conditions to the land sales, and EPD has requested for your agreement on these approaches. I should be grateful for your in-principle no-objection to the proposed mitigation measures by COP tomorrow 12.12.2012 please. The rush is regretted and your urgent return is deeply appreciated.

With best regards,

John Leung
SE/4
Kowloon Development Office, CEDD
Tel : 2301 1454

From: Patrick PC FAN/LAO/LANDSD/HKSARG@LANDSD
To: JOHN KAM YING LEUNG/CEDD/HKSARG@CEDD
Cc: Angela SC CHAN/LAO/LANDSD/HKSARG@LANDSD, Niles MK LI/LAO/LANDSD/HKSARG@LANDSD
Date: 06/12/2012 10:03
Subject: Re: EIA submission - Non-noise Sensitive use of area in sites 4A1 & 4B1 at former runway in KTD

EDMS No.: Doc. Src. :

Dear John

I refer to your preceding email. Before I submit the case to our senior management for consideration, please clarify why the noise problem cannot be addressed "at source" for Sites 4A2 and 4C1 to 4C5. I note that the works agent of the road works is responsible for resolving the noise issue during the design stage without affecting the adjoining development. I have to stress that it is not desirable to impose restriction in the lease of adjoining developments without good reason.

Lastly, I wish to remind that lease conditions of individual sites are approved by DLC. Even though there is in-principle no-objection to certain mitigation measures, there is no guarantee that relevant clauses will subsequently be incorporated in the lease of the sites affected. The final decision is hinged on many factors including the prevailing land policy and the actual situation at the time when the lease conditions are prepared.

Regards
P C Fan
SES/SEK
tel : 23001717

JOHN KAM YING LEUNG/CEDD/HKSARG

05/12/2012 15:08

To Patrick PC FAN/LAO/LANDSD/HKSARG@LANDSD

cc MARCO HOI YAU TAI/CEDD/HKSARG@CEDD

ANTHONY KAM YAN LO/CEDD/HKSARG@CEDD

"Au Yeung, Ho Shun Vincent" <vincent.auyeung@aecom.com>

Subject EIA submission - Non-noise Sensitive use of area in sites 4A1 & 4B1 at former runway in KTD

Dear Patrick

To support the design of Road D3 at the centre of the former Runway, AECOM has submitted on 21.11.2012 the Response- to-Comments and replacement pages on the EIA Study Report. The target is to formally submit the complete EIA report in Dec 2012.

[attachment "Ltr_1867.pdf" deleted by JOHN KAM YING LEUNG/CEDD/HKSARG] [attachment "Clauses 3.8.1.4 and 3.8.2.pdf" deleted by JOHN KAM YING LEUNG/CEDD/HKSARG] [attachment "Fig 3.3a.pdf" deleted by JOHN KAM YING LEUNG/CEDD/HKSARG]

Your kind attention is requested to the proposed mitigation measures on noise impact induced by the traffic flow, in that, Non-noise Sensitive Use are proposed to part of the sites 4A1 & 4B1 (clause 3.8.1.4 and Fig 3.3a) We have discussed earlier in Sep 2012, and we have demonstrated that the development potential of the lots will not be reduced. I think you will not have adverse comments on this mitigation

approach.

Another issue is the mitigation to the Commercial lots along the south-west side of Road D3, ie sites 4A2 and 4C1 to 4C5 . AECOM proposes these buildings to be provided with window insulation and air conditioning (clause 3.8.2), which are virtually essential to these high value commercial buildings.

Since both the above mitigation measures require incorporation of lease conditions to the land sales, EPD requested in below attached email your agreement on these approaches .

We are under a very tight schedule of completing the EIA study by end 2012, I should be grateful for your agreement by COP this Thursday 6.12.2012 please. The rush is regretted and your urgent return is deeply appreciated.

With best regards,

John Leung
SE/4
Kowloon Development Office, CEDD
Tel : 2301 1454