

立法會

Legislative Council

LC Paper No. CB(1)1335/09-10
(These minutes have been seen
by the Administration)

Ref: CB1/PS/1/08/1

Panel on Transport

Subcommittee on Matters Relating to Railways

Minutes of special meeting on Friday, 13 November 2009, at 3:00 pm in the Chamber of the Legislative Council Building

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LAU Kong-wah, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Members attending** : Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun
- Member absent** : Hon Abraham SHEK Lai-him, SBS, JP

**Public Officers
attending**

: Agenda item I

Ms Eva CHENG
Secretary for Transport and Housing

Mr Philip YUNG
Deputy Secretary for Transport & Housing

Mr Fletch CHAN
Principal Assistant Secretary for Transport &
Housing (Transport)

Mr WAI Chi-sing
Director of Highways

Mr WAN Man-lung
Principal Government Engineer/Railway Development
Highways Department

Miss Eliza MA
Chief Estate Surveyor (Railway Development
Section/Head Office)
Lands Department

Mr Peter TSANG
Chief Estate Surveyor (Acquisition Section)
Lands Department

Mrs Alice LO
Chief Housing Manager (Applications)
Housing Department

Dr PAU Ka-wai
Senior Agricultural Development Officer
Agriculture, Fisheries and Conservation Department

Mr CHAN Wai-wa
Agricultural Officer (Crop Assessment)
Agriculture, Fisheries and Conservation Department

**Attendance by
invitation**

: Agenda item I

MTR Corporation Limited

Mr Malcolm GIBSON
Head of Project Engineering

Mr Paul LO
General Manager - XRL

Miss Maggie SO
Senior Manager - Projects and Property Communications

Wang Toi Shan Concern Group on Guangzhou-
Shenzhen-Hong Kong Express Rail Link

Mr TANG Wai-ming
Convenor

Individual

Mr CHAN Fei-loy

Concern Group of Tsoi Yuen Tsuen in Shek Kong

Ms KO Chuen-heung
Chairman

Individual

Ms FUNG Yu-chuk

Individual

Mr YIP Shui-lai

Individual

Miss KWONG Wai-fong
Representative of Hing Wong Mansion

Individual

Mr MOK Hon-yee
Member of Chung Hing Building Owners'
Corporation

Tai Kok Tsui Alliance on Guangzhou-Shenzhen-
Hong Kong Express Rail Link

Ms LEUNG Yuet-han

Individual

Ms Carrie LAW
Resident of Wonderland Villas Block 20

Wonderland Villas Focus Group

Miss LAW Yi

Sycamore Street Residents' Concern Group

Miss LO Suet-ying
Property Owner

Concern Group on Cross-boundary Infrastructure

Mr FUNG Ping-tak

Individual

Miss CHAN Hoi-shan

Individual

Mr James WONG

Individual

Mr LEE Kam-wah

Individual

Miss CHO Sung-tai

Individual

Mr LO Ming-kong

Concern Group of The Hong Kong Polytechnic
University

Miss AU Hiu-wai
Representative

Justice and Peace Commission of the HK
Catholic Diocese

Miss YIP Po-lam
Organizer

Individual

Mr KWONG Chun-yu
Yuen Long District Councillor

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Mr Ken WOO
Council Secretary (1)2

Miss Winnie CHENG
Legislative Assistant (1)5

Action

- I The Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link - Special Ex-gratia Rehousing Package**
- (LC Paper No. CB(1)356/09-10(01) — Administration's paper attaching a draft Public Works Subcommittee (PWSC) paper on special ex-gratia payments
- LC Paper No. CB(1)361/09-10(01) — Administration's paper attaching two draft PWSC papers on the construction of the railway works and non-railway works respectively
- LC Paper No. CB(1)356/09-10(02) — Supplementary information on the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) provided by the Administration
- Legislative Council Brief — Legislative Council Brief on the Hong Kong section of XRL: Authorization of Scheme
- Legislative Council Brief — Legislative Council Brief on the Hong Kong section of XRL: Funding Arrangement and Special Rehousing Package
- LC Paper No. CB(1)2582/08-09(02) — Background brief on XRL (Hong Kong Section) prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)400/09-10(01) — Submission from The Hong Kong Institution of Engineers
- LC Paper Nos. CB(1)400/09-10(02) & CB(1)400/09-10(03) — Newsletters from the Administration

LC Paper No. CB(1)400/09-10(04) — Submission from Concern Group of Tsoi Yuen Tsuen in Shek Kong)

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee received views from 20 deputations on the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). The deputations expressed the following major concerns and requests -

- (a) representatives who were Choi Yuen Tsuen (CYT) villagers attending the meeting expressed strong opposition to the land resumption and clearance at CYT. They invited the Subcommittee to take note of the five fundamental principles on protecting CYT as stated in their submission (LC Paper No. CB(1)400/09-10(04)). They requested the Administration to take into account the five principles in working out a feasible option of the way forward for consideration by the affected villagers;
- (b) residents of Tai Kok Tsui expressed concerns on the impact on their property as a result of the resumption or temporary occupation of underground strata along the alignment for the construction of the railway tunnel. They requested that the Urban Renewal Authority should consider undertaking an integrated redevelopment exercise for the district; and
- (c) residents of Wonderland Villas also expressed grave concern about the impact of the construction works and the future operation of the express link on the structural safety of buildings. They expressed strong dissatisfaction with the lack of any information provided by the Administration on compensation regarding the strata resumption affecting two blocks of Wonderland Villas.

Admin 3. While members had no strong views on the special ex-gratia rehousing package, members urged the Administration to provide necessary assistance to CYT villagers as far as possible to help them maintain their established community neighbourhood network and their lifestyle of "living merged with farming" (耕住合一). Some members including Mr KAM Nai-wai and Mr LEE Wing-tat requested the Administration to find suitable agricultural sites for those affected villagers who wished to continue to farm after the clearance of CYT.

4. The Administration explained that the proposed arrangement would have the implication of acknowledging the status of existing temporary domestic squatter structures, which would be inconsistent with the current squatter control policy and have far-reaching implications to the community. The Administration explained that the ex-gratia cash allowance of \$600,000 for each qualified household would enable these households to continue to farm and re-establish homes on suitable agricultural land elsewhere if they wished to. In addition, the Administration would work together with Heung Yee Kuk in providing appropriate necessary assistance to CYT farmers.

5. Mr Albert CHAN said that while he was opposed to the proposed project, he noted that the current special ex-gratia rehousing package offered better compensation options to affected households than those available under existing mechanism.

Scheduling of further meetings for discussion on the XRL project

6. Members noted that the Administration had submitted a paper attaching three draft Public Works Subcommittee (PWSC) papers on special ex-gratia payments, the construction of the railway works and non-railway works respectively to the Subcommittee on the previous day. The Chairman said that the Administration intended to submit the papers to PWSC for consideration on 2 December 2009. She sought members' views on the need for the Subcommittee to hold additional meetings for discussion of the draft PWSC papers. Members agreed and the Chairman further proposed to hold meetings on the following dates -

- (a) 10:45 am on 16 November 2009;
- (b) 2:30 pm on 17 November 2009; and
- (c) 9:00 am – 12:00 pm on 21 November 2009 (if necessary).

Members agreed to schedule the above meetings. As such, members noted that the next meeting would be held on 16 November 2009 at 10:45 am to discuss the three draft PWSC papers.

(Post-meeting note: Pursuant to members' decision at the meeting on 16 November 2009, the meeting scheduled for 17 November 2009 was advanced to start at 1:30 pm.)

II Any other business

7. There being no other business, the meeting ended at 5:15 pm.

Council Business Division 1
Legislative Council Secretariat
10 March 2010

Panel on Transport

Subcommittee on Matters Relating to Railways

**Proceedings of the special meeting
on Friday, 13 November 2009, at 3:00 pm
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|---|--|--|------------------------|
| 000000 – 002433 | Chairman Ms Audrey EU Mr LAU Kong-wah Mrs Regina IP Ir Dr Raymond HO Mr Ronny TONG Mr WONG Kwok-hing Mr Jeffrey LAM Mr IP Wai-ming Mr CHEUNG Hok-ming | Chairman's opening remarks Discussion on holding special meetings to discuss the draft papers for the Public Works Subcommittee on the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). | |
| <i>Agenda item 1 – The Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link - Special Ex-gratia Reshousing Package</i> | | | |
| 002434 – 002533 | Miss KWONG Wai-fong | Request for appropriate consultation be made to Tai Kok Tsui residents being affected by the Hong Kong section of XRL project. | |
| 002534 – 002628 | Mr MOK Hon-ye | Suggestion for the Urban Renewal Authority (URA) be responsible for the redevelopment exercise to best protect the redevelopment interest of the affected Tai Kok Tsui residents. | |
| 002629 – 002749 | Ms LEUNG Yuet-han, Tai Kok Tsui Alliance on Guangzhou-Shenzhen- Hong Kong Express Rail Link | Request for appropriate consultation and the URA be responsible for the redevelopment exercise. | |
| 002750 – 003102 | Ms Carrie LAW | Expression on the inadequate consultation and the underutilization of the Airport Express Line. | |
| 003103 – 003343 | Miss LAW Yi, Wonderland Villas Focus Group | Expression of concern on compensation matters and impact of the future vibrations to be caused by railway operations. | |
| 003344 – 003643 | Miss LO Suet-ying, Sycamore Street Residents' Concern Group | Expression of grave concerns on the health hazards to residents by the electric sub-station at the Sycamore Street, which would likely be involved in supporting the operation of the Hong Kong section of XRL. | |
| 003644 – 004000 | Mr FUNG Ping-tak, Concern Group on Cross-boundary Infrastructure | Request for an in-depth social impact assessment be conducted for the Hong Kong section of XRL project and that all parties being affected should be consulted. | |

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| 004001 – 004340 | Mr TANG Wai-ming, Wang Toi Shan Concern Group on Guangzhou- Shenzhen-Hong Kong Express Rail Link | Request for the Administration to give undertakings in respect of the reprovisioning, remedial and improvement works in Wan Toi Shan. | |
| 004341 – 004807 | Ms KO Chuen-heung, Concern Group of Tsoi Yuen Tsuen in Shek Kong | Expression of views as set out in LC Paper No. CB(1)400/09-10(04) that appealed for respect to Choi Yuen Tsuen (CYT) villagers on their "no clearance and no removal" stance. | |
| 004808 – 005135 | Mr CHAN Fei-loy | Expression of strong objection to clearance of the CYT. | |
| 005136 – 005529 | Ms FUNG Yu-chuk | Reiteration of "no clearance and no removal" and expression of objection to the Hong Kong section of XRL project. | |
| 005530 – 005859 | Mr LO Ming-kong | Appeal for protecting the CYT and request for reconsideration of alternative alignment options for the Hong Kong section of XRL. | |
| 005900 – 010233 | Mr YIP Shui-lai | Expression of worries on the elderly of CYT in adapting to city lifestyle. | |
| 010234 – 010502 | Miss CHAN Hoi-shan | Expression of worries on the elderly of CYT in adapting to city lifestyle and raising objection to the Hong Kong section of XRL project. | |
| 010503 – 010813 | Mr James WONG | Expression of worries on the elderly of CYT in adapting to city lifestyle. | |
| 010814 – 011153 | Mr LEE Kam-wah | Expression of strong objection to clearance of the CYT and call for objection to the Hong Kong section of XRL project. | |
| 011154 – 011313 | Miss CHO Sung-tai | Expression of worries on the elderly of CYT in adapting to city lifestyle and raising objection to the Hong Kong section of XRL project. | |
| 011314 – 011636 | Mr KWONG Chun-yu, Yuen Long District Councillor | Expression of objection on the clearance of CYT. | |
| 011637 – 011839 | Miss AU Hiu-wai, Concern Group of The Hong Kong Polytechnic University | Appeal for saving CYT and objection to the Hong Kong section of XRL project. | |
| 011840 – 012226 | Miss YIP Po-lam, Justice and Peace Commission of the HK Catholic Diocese | Expression of views - (a) the Administration had not properly addressed the needs of all parties being affected by the Hong Kong section of XRL project; and (b) the community farm site and the proposed arrangements were impractical and failed to meet the needs of CYT villagers who wished to continue to farm. | |

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| 012227 – 012423 | Chairman Mr LEE Wing-tat Ms Carrie LAW | Mr LEE Wing-tat's question raised to residents of Wonderland Villas. Ms Carrie LAW's response that residents were worried about the structural integrity of the slope where the ventilation shaft would be located as landslip had occurred there before. | |
| 012424 – 012826 | Mr KAM Nai-wai Mr MOK Hon-yeo Ms KO Chuen-heung | <p>Mr KAM Nai-wai's expression of views that the URA should carry out an integrated redevelopment exercise and further assistance was required to be provided by the Administration for CYT farmers.</p> <p>Mr MOK Hon-yeo's response that redevelopment by the URA was seen as the only choice for residents being affected for fear of the diminished redevelopment value of the buildings concerned.</p> <p>Ms KO Chuen-heung's making reference to her submission on the five fundamental principles raised by CYT villagers and her request for the Administration to work out concrete details of a feasible option for CYT villagers' consideration.</p> | |
| 012827 – 013555 | Mr Albert CHAN Mr LO Ming-kong Ms KO Chuen-heung | <p>Mr Albert CHAN's enquiry about whether CYT villagers would accept the currently proposed special ex-gratia compensation package.</p> <p>Mr LO Ming-kong's reiteration of CYT villagers' position on "no clearance and no removal" and Ms KO Chuen-heung's emphasis on the five principles on protecting the CYT village.</p> | |
| 013556 – 014157 | Mr Jeffrey LAM Mr MOK Hon-yeo Miss LAW Yi | <p>Mr Jeffrey LAM's questions raised to residents of Tai Kok Tsui and Wonderland Villas. Mr MOK Hon-yeo's expression of worries on the possible impact on their property and request for URA to undertake an integrated redevelopment exercise.</p> <p>Miss LAW Yi's request for moving the alignment 30 metres away from the Wonderland Villas.</p> | |
| 014158 – 014455 | Mr WONG Sing-chi Ms KO Chuen-heung | Mr WONG Sing-chi's question to CYT villagers and Ms KO Chuen-heung's elaboration of the five principles on protecting CYT and request for the Administration to take follow up action to address their demands. | |
| 014456 – 014628 | Chairman Mr Albert CHAN | Departure of deputations | |
| 014629 – 015045 | Dr Priscilla LEUNG Administration | <p>Dr Priscilla LEUNG's enquiries on the special ex-gratia rehousing package and the Administration's handling of the concerns raised by the affected Tai Kok Tsui residents.</p> <p>The Administration's response -</p> <p>(a) the ex-gratia compensation for owners of land to be resumed for the XRL project was upgraded on grounds that the project had territory-wide significance; and</p> | |

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| | | (b) detailed investigation had revealed that the alignment would not pose problem to the structural integrity of the relevant buildings in Tai Kok Tsui. | |
| 015046 – 015515 | Mr CHEUNG Hok-ming Administration | Mr CHEUNG Hok-ming's suggestion of making use of the community farm site to provide facilities to allow the CYT villagers to maintain social contacts amongst themselves so that their community network could be upheld. The Administration's agreement to consider the suggestion. Mr CHEUNG's enquiry about the definition of qualified households under the proposed package and the Administration's explanation of the relevant proof of genuine practising farmers. | |
| 015516 – 015920 | Mr WONG Sing-chi Administration | Mr WONG Sing-chi's expression of view that active assistance in finding suitable agricultural land should be provided by the Administration in fulfilling the demands (i.e. the five fundamental principles) of the CYT villagers. The Administration's response that qualified households who wished to continue to farm could apply for a short term waiver to build a domestic structure on an agricultural land purchased or rented on their own. Besides, the ex-gratia cash allowance of \$600,000 would assist qualified households to meet the relevant necessary costs. | |
| 015921 – 020334 | Mr LEE Wing-tat Administration | Mr LEE Wing-tat's expression of view that the case of CYT deserved special consideration given their unique circumstances and the importance of the XRL project. The Administration's reiteration on the prevailing squatter control policy and its assurance that assistance would be made available for those in need. | |
| 020335 – 020836 | Mr KAM Nai-wai Administration | Mr KAM Nai-wai's expression of support for the five fundamental principles raised by Ms KO Chuen-heung. His reiteration of the need to identify suitable sites for CYT villagers to re-establish their homes, and his enquiry on the possibility for the URA to undertake integrated redevelopment exercise in Tai Kok Tsui. The Administration's response and explanation that the URA had full autonomy in its pursuit of urban renewal strategy. | |
| 020837 – 021312 | Mr LAU Kong-wah Administration | Mr LAU Kong-wah's enquiries about the ex-gratia compensation and the number of registrations received, and the relevant supporting community services for the elder villagers. The Administration's response - (a) around 80% of CYT villagers had registered and their eligibility for the ex-gratia compensations was being assessed; and (b) a group of social workers had been providing supporting services to CYT villagers. | |

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| 021313 – 021629 | Mr Albert CHAN Administration | Mr Albert CHAN's enquiry of whether the Administration would undertake that it would assist the CYT villagers in finding suitable sites to continue to farm. The Administration's response that it would work together with the Heung Yee Kuk in providing appropriate assistance to CYT farmers. | |
| 021630 – 021656 | Chairman | Closing remarks | |

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