

## Legislative Council Panel on Planning, Lands and Works

### 112CD – Drainage improvement in Northern New Territories – package A

#### Supplementary Information Note

#### PURPOSE

This paper provides supplementary information on the 12 unresolved objections received under the Roads (Works, Use and Compensation) Ordinance due to the implementation of project 112CD “Drainage improvement in Northern New Territories – package A”, in response to member’s request at the Panel meeting held on 25 July 2006. The Panel would like to know more details about the unresolved objections, how the Administration would handle these objections and whether the programme of the drainage works would be affected by the objections.

#### DETAILS ABOUT THE UNRESOLVED OBJECTIONS

2. In general, the objectors of these 12 unresolved objections out of the 40 objections requested the Government to reduce the scale of the proposed works, realign the proposed drainage works so as to avoid land resumption or clearance of their squatter structures and/or pay them monetary compensation for the demolition of their squatter structures. The 12 unresolved objections are classified into four groups as follows-

**Group A (2 objections)** – the objectors live in squatter structures that fall within the site boundary and will thus have to be cleared.

**Group B (8 objections)** – part of the land upon which the objectors are residing or on which their ancillary squatter structures are located is within the site boundary and will thus have to be cleared or resumed, although the objectors’ squatter structures in which they live will continue to be habitable after the clearance/resumption.

**Group C (1 objection)** – the objector owns vacant land that either partly or wholly falls within the site boundary and will thus have to be resumed.

**Group D (1 objection)** – the objector lives in squatter structures outside the site boundary.

The objectors of Groups A and B also requested for another piece of Government land or license for rebuilding their squatter structures as compensation. The objectors of Group B expressed concerns that their squatter structures and the living

conditions would be adversely affected by the proposed works.

### **HANDLING OF THE UNRESOLVED OBJECTIONS**

3. A number of meetings were held with the objectors and the representatives from Drainage Services Department (DSD), Lands Department, Housing Department and Tai Po District Office from February 2005 to April 2005 to address their concerns and to clarify the need for the proposed works. We followed up with written responses which are summarised follows-

- a) to alleviate the flood risk in the area, there is a need to widen the existing river channels and to carry out the proposed works in such a scale in order to achieve the required flood protection standard, thus necessitating resumption of private land and clearance of squatter structures. Every effort has been made in the design to choose an alignment to minimise resumption of private land and clearance of squatter structures;
- b) Government will pay compensation to registered land owners for resumption of the private land but not for clearance of temporary squatter structures on unleased Government land. However, ex-gratia allowance (EGA) may be granted to those affected in respect of clearance of agricultural structures on private land, subject to their fulfillment of certain requirements;
- c) under the current policy, Government will not accede to the request for granting of a new licence on Government land for rebuilding of cleared squatter structures. The objectors have been advised that Government will not rebuild the ancillary squatter structures which are considered as tolerable structures, irrespective of their purposes or uses. However, the objectors will be allowed to relocate their affected facilities inside their existing unaffected squatter structures by themselves; and
- d) DSD shall implement necessary monitoring and preventive measures to safeguard the squatter structures from damage during construction of the Project. The contractor will make good any damage confirmed to have been caused by the proposed works.

4. 6 objectors out of 12 unresolved objections maintained their objections while the other 6 objectors did not respond to DSD on whether they would maintain or withdraw their objections.

5. According to section 11 of the Roads (Works, Use and Compensation) Ordinance (the Ordinance) and after the discussions and meetings with the objectors, we submitted to the Chief Executive in Council for consideration all the unresolved objections lodged by objectors. After considering the objections, the Chief Executive in Council authorized the road works in the project under section 11(2)(b) of the Ordinance on 9 May 2006.

6. We subsequently informed the objectors of the above authorization and published the notices on the Government Gazette in two successive issues commencing on 2 June 2006.

7. Besides, Lands Department, Housing Department and Tai Po District Office will follow up the cases and assist those eligible objectors to apply for any rehousing, compensation or ex-gratia allowance applicable to them under the prevailing policy. We shall closely liaise with these departments to address all upcoming concerns and/or requests raised from the objectors.

## **PROGRAMME OF THE DRAINAGE WORKS**

8. Additional time has been taken to deal with objections and land resumption issue. However, having critically reviewed the programme, we are trying our best to recover the time loss by streamlining and compressing some administrative procedures and activities to target commencing construction by early 2007.

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Environment, Transport and Works Bureau  
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