

**立法會**  
***Legislative Council***

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**Panel on Transport**

**Subcommittee on Matters Relating to Railways**  
**Special meeting on 20 May 2011**

**Background brief on the implementation of the Hong Kong section of the  
Guangzhou-Shenzhen-Hong Kong Express Rail Link project**

**Purpose**

This paper provides background information on the Hong Kong section (HKS) of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project. It also summarizes the major views and concerns expressed by Subcommittee members during previous discussion of the Subcommittee on the implementation progress of HKS of the XRL project.

**Background**

2. XRL is an express rail of a total length of about 140 km linking up Hong Kong with Guangzhou via Futian and Longhua in Shenzhen and Humen in Dongguan. Its terminus in Guangzhou will be located at Shibi, the centre of the Guangzhou-Foshan metropolitan area. The Mainland section of XRL will start from Shibi and enter Hong Kong via Huanggang.
3. HKS is approximately 26 km long, which will be an underground railway running from the boundary at Huanggang to West Kowloon Terminus located at the north of the West Kowloon Cultural District, and between the Airport Express Kowloon Station and the West Rail Austin Station.
4. The alignment plans of the Hong Kong section and the Mainland section are at **Appendix I(a) and (b)** respectively.

Funding arrangement of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

5. In order to take forward the project, the Administration submitted the following funding applications to the Finance Committee (FC) for approval -

- (a) the construction of the railway works (at an estimated cost of \$55 billion in money-of-the-day (MOD) prices);
- (b) the construction of the non-railway works (at an estimated cost of 11.8 billion in MOD prices); and
- (c) special ex-gratia payments in relation to HKS of XRL (at an estimated cost of \$86 million).

The funding applications were approved by FC at its meeting on 16 January 2010.

**Mechanism for making progress reports on the project**

6. Following the approval of FC on the funding applications, construction works commenced in late January 2010 for completion in 2015.

7. The Subcommittee has been monitoring the implementation of the Hong Kong section of XRL. In this connection, progress reports at six-month intervals are submitted by the Administration to the Subcommittee. In addition to the progress of the construction works, the progress reports cover pre-construction preparatory work and interface issues, and employment opportunities created by the XRL project.

8. At its meeting on 6 July 2010, the Subcommittee discussed the first report covering the period between 16 January and 30 June 2010. The Subcommittee further received views from the relevant stakeholders including Choi Yuen Tsuen (CYT) villagers and affected urban residents at its meeting on 20 September 2010. The major concerns raised by Subcommittee members at these meetings are summarized in ensuing paragraphs.

Clearance of Choi Yuen Tsuen

9. Subcommittee members were concerned about the assistance available to the affected CYT villagers who had submitted agricultural resite applications.

They also enquired about the progress of the handling of the agricultural resite applications and the clearance of CYT. The Administration advised that about 20 applications for agricultural resite had been received and 10 villagers had been verified as genuine farmers. Heung Yee Kuk, the Lands Department and the Agriculture, Fisheries and Conservation Department would also assist CYT villagers in identifying suitable sites for relocation of farming activities. The Administration advised that the project was implemented on schedule and within budget. It was the Administration's target to complete the clearance of CYT and moving out of villagers from the site by October 2010.

#### Impact on building structure in Tai Kwok Tsui district

10. At the Subcommittee meeting on 6 July 2010, the MTR Corporation Limited advised that it was necessary to conduct condition surveys for the 19 buildings in TKT to record the current conditions of the buildings. Of the 19 buildings affected by strata resumption, condition surveys for common areas of 16 buildings and around 450 (out of some 3 000) units had been completed. The survey reports were being delivered to the respective Incorporated Owners and individual owners. A summary of the building impact assessment report covering the 19 buildings had also been distributed to owners of these buildings, and the full report was made available at the Information Centre in New Kowloon Plaza for inspection. Briefing sessions had been held for residents to help them understand the content of the report with professional advice and assistance rendered by the Hong Kong Institution of Engineers. Some members suggested that TKT residents should be given a choice in the selection of professionals to conduct condition surveys for their own buildings in order to boost their confidence in such surveys. These members also suggested that the procedures for claiming damages under the Railways Ordinance (Cap. 519) should be streamlined to facilitate processing of claims.

#### Employment opportunities for local workers

11. Subcommittee members noted that by end June 2010, about 1 200 construction workers and 250 technical/professional staff members were employed to work on the HKS of XRL project. It was estimated that the figures would increase to 1 870 and 670 by the end of the next reporting period respectively. Subcommittee members stressed the need to accord priority to the employment of local workforce in implementing the project.

#### **Legislative Council questions**

12. Hon LEUNG Kwok-hung asked an urgent question on the land resumption at CYT at the Council meeting 24 November 2010. Hon Abraham

SHEK asked a question on the resite of CYT at the Council meeting on 26 May 2010. Hon Frederick FUNG also asked a question on the compensation and rehousing arrangements for CYT villagers at the Council meeting on 24 February 2010. These questions and the Administration's replies are attached at **Appendix II** for members' reference.

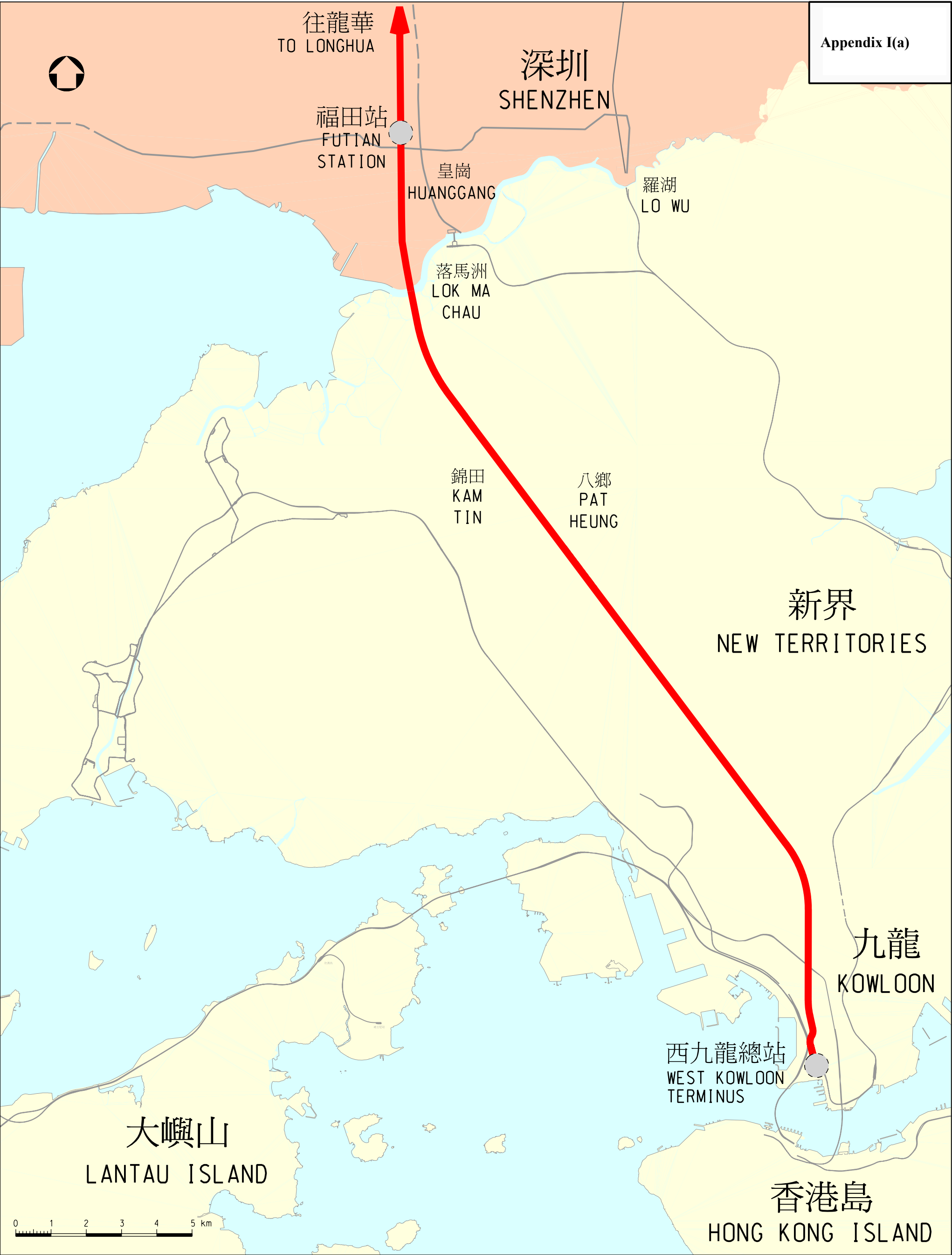
### **Recent developments**

13. The Administration has proposed to submit the second progress report covering the period from 1 July 2010 to 31 December 2010 for discussion by the Subcommittee at its next meeting on 20 May 2011.

### **Relevant papers**

14. A list of relevant papers is at **Appendix III**.

Council Business Division 1  
Legislative Council Secretariat  
13 May 2011

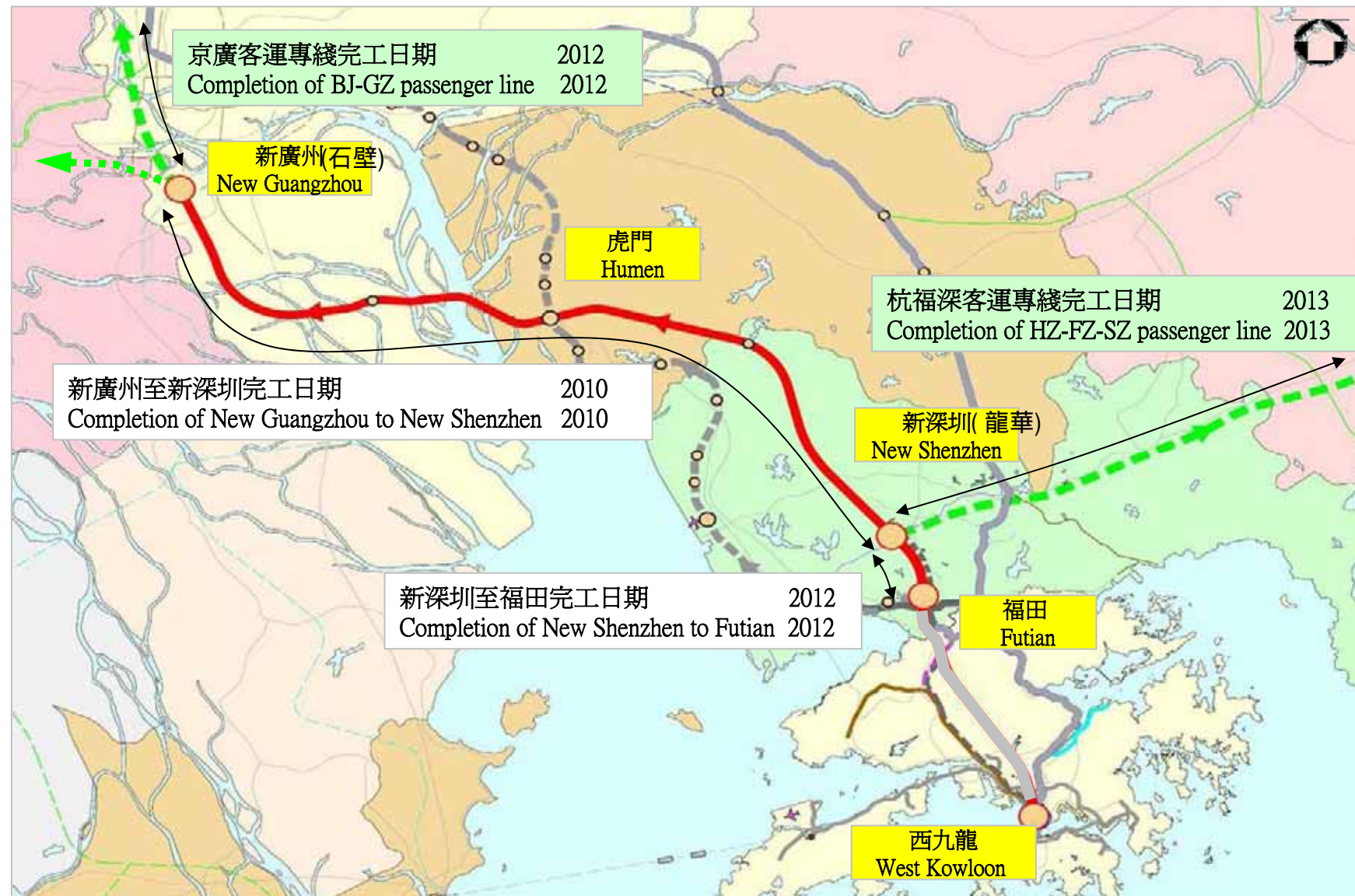


圖則名稱 drawing title

廣深港高速鐵路香港段中線方案  
CENTRAL ALIGNMENT SCHEME FOR HONG KONG SECTION OF XRL

# 高鐵路工程進度(內地段)

## Express Rail Link Work Progress (Mainland Section)





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LC Urgent Question: Land resumption at Choi Yuen Tsuen  
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Following is a question by the Hon Leung Kwok-hung and a reply by the Secretary for Transport and Housing, Ms Eva Cheng, in the Legislative Council today (November 24):

Question:

On November 19 this year, the Government once again sent officials to carry out land resumption at Choi Yuen Tsuen, causing a certain degree of nuisance; the operation was also obstructed by petitioners and could not be carried out. On the same day, the Government immediately issued a press release saying that it had decided to suspend that day's operation so as to prevent accidents which might cause injuries to the protesters and site workers, and it would extend the grace period to the end of November. The villagers have indicated that if the Government carries out land resumption by force, they will "defend their village with their lives" and fight till the end. The Government has also stated repeatedly that the clearance of Choi Yuen Tsuen would be "handled in a humane manner". In this connection, will the Government inform this Council:

(a) given that the residents of Choi Yuen Tsuen have vowed to "defend their village with their lives" and fight against land resumption by the Government till the end, what measures the Government will put in place to avoid confrontation with the residents so as to prevent accidents and avoid people from being injured when it resumes land resumption after the expiry of the grace period; of the specific meaning of "handled in a humane manner", given that the Government has undertaken that the clearance of Choi Yuen Tsuen would be "handled in a humane manner";

(b) given that the Government has stated that land resumption and clearance operation at the village will be carried out in phases, and such work is expected to continue over a period of time, how the Government will meet with the residents as soon as possible to discuss the timetable of the clearance operation, so as to alleviate their concerns and worries, and of the timetable for the Government's meeting with the residents as well as details of the clearance operation; and

(c) given that at present, the Government has not finished calculating the amount of crop ex-gratia allowances for the residents of the village and the specific arrangements for relocation, whether it can postpone land resumption by six months to give the residents sufficient time for preparation; if not, of the reasons for that?

Reply:

President,

Throughout the land resumption exercise at Choi Yuen Tsuen (CYT) from the formulation of the special ex-gratia rehousing package, vetting of applications for various allowances and agricultural resite to the current site clearance and land resumption, we have been handling the issue in a humane manner. We have done our best in helping the villagers and catering for their needs, so that the construction of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) will proceed and the CYT villagers will have resources and opportunities to choose rehousing options that meet their individual needs and wishes.

My reply to the three parts of the question is as follows:

(a) The Government has stated repeatedly that it will handle the clearance of CYT in a humane manner, that is, phased land resumption. The Administration will firstly take over structures and land for various purposes vacated or handed over voluntarily by the villagers, and commence site formation and preparation for other works. This is a win-win solution as we can buy time to reduce the impact on the progress of the works of the XRL project, while villagers who are not yet prepared may have more time to carry out their moving plans.

The villagers have started to move out and hand over their land and structures voluntarily since mid-October when land resumption commenced. On November 4, our colleagues visited all households, to find out the progress of their moving plans. For villagers who had moved out, we would take over the structures immediately. If the villagers indicated at that time that they needed more time for preparation, we offered a grace period and assistance, taking into account their situation and needs. This experience has demonstrated that such a pragmatic and humane approach can cater for the moving plans of individual villagers as far as possible and avoid unnecessary conflicts.

We have kept in view the moving plans and progress of different villagers since November 4. For example, for villagers who opt for the collective agricultural resite plan, we learnt that the negotiation over the land transaction had reached its final stage. Many villagers have carried out their moving plans and were ready to hand over their land and structures. However, when our colleagues were about to take possession of such land and structures and to understand the progress of the moving plans of other villagers on November 19, they met resistance from protesters.

In fact, among the 230 odd registered households with a total population of over 400, only some 50 households opt for the collective agricultural resite plan, while the remaining 100 or so households have other plans. Handling the land resumption in a humane manner means allowing as far as possible the villagers to move out from CYT in batches and phases according to their needs without affecting the progress of the works of the XRL project. It does not involve any acts of "intimidating and forcing the villagers to leave".

Actually, apart from the current land resumption exercise, we have adopted a humane approach in processing compensation and rehousing cases. Where discretion was permitted under the law and policies, we appropriately exercised such discretion in a humane and sympathetic manner to cater for the needs and circumstances of the villagers as far as possible. Of course, where discretion was not so permitted, the Government has to, naturally, abide by the regulations.

For example, we approved more than 140 applications for special ex-gratia rehousing allowances, of which about 60 were from fully eligible villagers. In addition, I exercised my discretion in approving over 80 applications from villagers who were not fully eligible. As a result, many villagers who lived in converted pigsties or chicken sheds also benefitted. Likewise, we were sympathetic to the needs of the affected villagers and handled these applications in a humane manner as far as possible, such as taking a compassionate approach in handling cases involving the elderly, singleton elders, the chronic illness, single-parent families and those suffering from domestic calamity.

We have adopted the same compassionate approach in processing applications for public rental housing (PRH) from families with special needs. For example, they have been allocated with PRH flats in urban areas to facilitate mutual care with their relatives.



In dealing with applications for agricultural resite, we have tried to help villagers recover evidence through various channels to prove their eligibility. Some villagers stated that they had lost their farming records due to flooding and other reasons. The Agriculture, Fisheries and Conservation Department (AFCD) and the Environmental Protection Department rendered assistance by checking files of the past decade or so and visiting vegetable stations and the Kadoorie Farm in search of relevant records. Some villages stated that they did not keep any record of crop sale. The AFCD inspected the sale outlets with them to collect relevant evidence.

Therefore, it can be seen that every aspect of the entire land resumption exercise at CYT reflects our humane way of handling the clearance exercise. This owes much to the concerted and dedicated efforts of the frontline staff of the relevant departments and organisations including the Lands Department, the AFCD, the Housing Department and the Mass Transit Railway Corporation Limited. They processed applications for compensation and rehousing in a fair, square and patient manner, taking into account the needs of villagers.

(b) We have communicated and liaised with every household to better understand their specific needs and the progress of their moving plans, and to provide assistance as far as possible. Since more than a hundred households in CYT do not opt for the collective agricultural resite plan, we consider that this is the best way to understand and meet the needs of individual households, and to protect the privacy of individual villagers.

As for the 50 odd households who opt for the collective agricultural resite plan, we have met with them on many occasions and provided technical support. We, together with Heung Yee Kuk, discussed and co-ordinated with other villagers on issues related to land and access road rights. We have repeatedly indicated to their representatives that if they complete the land transaction shortly, we will explore feasible arrangements that will facilitate their house building plans in the coming months as far as possible while at the same time will not affect the progress of the XRL project.

(c) A total of \$250 million including land compensation (\$160 million) and various types of ex-gratia cash allowances (\$72 million) has been offered to the CYT villagers. Most villagers have collected the payments.

The above compensation was granted to the villagers and farmers of CYT while excluding landowners who did not live in CYT. With a registered population of some 400 villagers, on average over \$500,000 has been granted to each CYT villager. Some larger families even received total compensation more than ten million dollars. In addition, more than 30 households have purchased Home Ownership Scheme (HOS) flats with the comprehensive means test waived.

There are still some villagers who are dissatisfied with the amount of crop ex-gratia allowances. In fact, about \$13 million of crop ex-gratia allowances have been approved, involving some 160 applicants with more than \$80,000 granted for each case on average. Most cases involved small-scale planting in front of the villagers' structures for self-use. The crops grown were mainly for private consumption. More than 30 farmers, who were still actively engaged in agricultural activities, were offered hundreds of thousand dollars of crops allowances each, with the highest offer amounting to over \$1 million. Apart from the allowances, the farmers may sell their harvested crops before land resumption so as to earn additional income.

The crop allowance rates are applicable to all land resumption exercises in the territory. At the request of the villagers, the AFCD has reviewed all the crop allowance rates

and applications of all the farmers. The AFCD is of the view that apart from edible aloe vera and organic crops, the allowance rates for all the crops have already reflected the market values and hence no adjustments will be made. The allowance rates for edible aloe vera and organic crops have been adjusted. The new rates will be applicable to all farmers growing these two types of crops.

As such, the mechanism of crop ex-gratia allowance as a whole has provided the farmers with reasonable compensation. We believe that the AFCD has handled the crop allowances in a fair and reasonable manner. They reviewed the crop allowances and adjusted the allowance rates for certain crops, taking into consideration the villagers' views. If individual farmers can prove that the losses they suffer exceed the crop ex-gratia allowances, they may claim further compensation in accordance with the law.


Even if a farmer intends to claim further compensation, it is not necessary to retain the crops on the land. It is because the crop ex-gratia allowance is calculated on the basis of the species, quantity and quality of the crops on the date of assessment, not land resumption or clearance. The AFCD have kept a complete record of the crops on the date of assessment for all the applications. It can serve as the basis of claims for further compensation in future. Therefore, farmers who are dissatisfied with the amount of ex-gratia compensation may move out before claiming further compensation. They should not use this as an excuse to defer moving out.

The construction works at CYT is a key part of the XRL project and involves the diversion of the rivercourse. The schedule is very tight as some of the works has to be completed in the dry season. Therefore, we have to carry out the clearance operation and land resumption on time. The land resumption cannot be delayed.

To conclude, we have devoted much effort to the land resumption exercise at CYT. We hope to achieve a win-win situation for the XRL project and the rehousing arrangements for the affected villagers. On land compensation, we have upgraded the compensation rate from zone C to zone A so as to provide villagers with additional resources to find new homes. We have developed the special ex-gratia rehousing package which provides cash allowance to villagers who have lived in temporary structures on government or agricultural land for a long time. Eligible villagers are allowed to purchase an HOS flat without being subject to the comprehensive means test. This provides them with more rehousing options. We considered agricultural resite applications on the basis of family farms. This allows more members of a farming household to live together and share the farming work. We hope that the public and villagers will appreciate our good will and efforts. That said, as a responsible government, we must ensure that the XRL project will be completed on time and within budget, so that it will fulfill its strategic role.

Ends/Wednesday, November 24, 2010  
Issued at HKT 19:30

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LCQ12: Resite of Choi Yuen Tsuen  
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Following is a question by the Hon Abraham Shek Lai-him and a written reply by the Acting Secretary for Transport and Housing, Mr Yau Shing-mu, at the Legislative Council meeting today (May 26):

Question:

Some villagers of Choi Yuen Tsuen (CYT) in Shek Kong have relayed to me that because of the works of the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link, they have to move out of the village but they hope to resite the whole village. They have pointed out that apart from identifying sites for resiting, another major problem connected with the resiting of CYT is the huge expenses involved, such as the expenses on construction materials, engineering, surveying and construction, etc., as well as professional technical support. In this connection, will the Government inform this Council:

(a) apart from the special ex-gratia rehousing package approved by the Finance Committee of this Council and the allowance granted by the Agriculture, Fisheries and Conservation Department under the agricultural resite policy, whether other resources are available to assist CYT villagers in resiting the village; if so, of the details; if not, the reasons for that;

(b) regarding the support offered to CYT villagers for resiting the whole village, whether the authorities will provide them with professional technical support, including support in such areas such as engineering, surveying and construction, etc.; if so, of the details; if not, the reasons for that; and

(c) of the commitments of the authorities in providing the infrastructural facilities involved in resiting CYT, such as water and electricity supply, public lighting systems, public roads and other public facilities?

Reply:

President,

Most of the CYT households affected by land resumption for the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) live in squatters or structures converted from squatters erected on private agricultural land. They are temporary in nature under the existing policy. The Administration has offered a special ex-gratia rehousing package (the Package) to CYT villagers and other parties affected by the land resumption and clearance related to the Hong Kong section of the XRL. The Package together with the compensation and rehousing arrangements available under the existing policy will provide suitable and flexible assistance to villagers affected. Depending on whether the relevant eligibility criteria are met, villagers who live by farming may choose to continue farming and erect structure for domestic purpose on agricultural land. Other villagers may choose to purchase Home Ownership Scheme (HOS) flats without being subject to Comprehensive Means Test, or to rent or purchase low-density private accommodations in the rural area using the ex-gratia cash allowance offered. Eligible villagers will be offered Public Rental Housing (PRH) units with priority.

The agricultural resite policy does not provide any arrangement for resiting a village. Rather it assists genuine farmers affected by land clearance so that they may continue to

earn their living by farming elsewhere. A genuine farmer verified by the Agriculture, Fisheries and Conservation Department (AFCD) may apply for a short term waiver so that he or she can erect on private agricultural land a temporary domestic structure with a maximum area of 400 square feet and a maximum height of 17 feet. The purpose is to facilitate farmers to take care of their farmland. Applicants should provide sufficient information to enable AFCD to verify their farmer status. Applicants who have non-agricultural occupation or participate in holiday/leisure farming are not considered as genuine farmers.

My reply to the three parts of the question is as follows:

(a) We believe that the Package and the compensation and rehousing arrangements available under the existing policy have provided villagers affected with sufficient assistance to meet their rehousing needs:

(i) the population of the CYT is about 450. Villagers have submitted about 190 applications for the Special Assistance under the Package. All the applications have been processed. The ex-gratia cash allowance granted in all the approved cases adds up to about \$72 million. More than half of the applicants were offered an ex-gratia cash allowance of \$500,000 or above. About 40 applications for purchasing HOS units were approved;

(ii) ex-gratia compensation for resuming private land owned by villagers residing in CYT amounts to about \$160 million;

(iii) the Administration will assess and release ex-gratia cash allowance in respect of agricultural vegetation (including fruit trees and crops, etc) or permanent improvements to farms (such as water tanks or catch pits, etc) in accordance with prevailing ex-gratia compensation policy; and


(iv) we will assist villagers ineligible for the Special Assistance with housing need by rehousing them to PRH or Interim Housing if they meet the relevant criteria.

(b) We are aware that some villagers wish to continue to reside in clusters and to earn their living by farming after leaving CYT. While the existing agricultural resite policy allows villagers to live in clusters, individual applicants must meet the relevant eligibility criteria, including the genuine farmer status, committing to farming in the future and submitting feasible farming plans. If several applicants individually satisfy the eligibility criteria of agricultural resite policy, they are allowed to farm and live in vicinity. However, this is not a village resite arrangement. We are pleased to learn that Heung Yee Kuk is assisting villagers to find alternative farmland and providing professional advice to them.

(c) Villagers in the rural area may make their requests in respect of infrastructural facilities in accordance with the existing policies or mechanisms. The relevant departments or institutions will process their applications in line with established procedures. The Administration has been urging villagers for early submission of agricultural resite applications, so that the Administration would understand their needs for infrastructural facilities. We will process their applications speedily to tie in with the timetable that CYT villagers should vacate the site in mid-October.

Ends/Wednesday, May 26, 2010  
Issued at HKT 17:06

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### ATTACHMENTS

■ Annex

LCQ15: Compensation and rehousing arrangements for Choi Yuen Tsuen villagers

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Following is a question by the Hon Frederick Fung and a written reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (February 24):

Question:

It has been learnt that some concern groups pointed out that although the funding proposals for the project of the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link ("the XRL project") had been approved by the Finance Committee of this Council amid controversies, some villagers of Choi Yuen Tsuen ("CYT") in Shek Kong, who are affected by land resumption and clearance of sites required under the XRL project, have still expressed their dissatisfaction over the arrangements for compensation for land resumption and clearance of sites, rehousing and continuing farming activities, etc. proposed by the authorities, and some villagers even maintain their objection to land resumption and clearance. In this connection, will the Government inform this Council:

(a) of the latest progress of the negotiation between the authorities and CYT villagers affected by the XRL project on the aforesaid compensation and rehousing arrangements, etc.; of the current number of households which have formally registered with the Government for accepting the compensation package, and the percentage of such number in the total number of households in CYT; and

(b) whether it has estimated the number of households which would still refuse to accept the compensation package upon the expiry of the registration period at the end of February this year; what solutions the authorities have regarding the households' refusal to accept the compensation package, whether the authorities will introduce more flexible arrangements for rehousing and continuing farming activities, etc., so as to meet the requests of the villagers; and whether the Government has formulated measures to avoid any conflict that may arise from land resumption and prevent the villagers from sustaining any injury?

Reply:

President,

To ensure passenger safety of the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) and to meet its operational needs, we have to resume land at Choi Yuen Tsuen (CYT), Shek Kong and its vicinity for the construction of an emergency rescue station and stabling sidings. In designing the alignment for the Hong Kong section of the XRL within the New Territories, the MTR Corporation Limited has examined in detail various site proposals and confirmed that the site selected will affect the smallest number of residents and achieve the most satisfactory effect in rescue and evacuation operations.

The Administration has offered a special ex-gratia rehousing package (the Package) to help CYT households meet their special rehousing needs. Under the Package, qualified households affected by land clearance for the Hong Kong section of the XRL may choose one of the following special assistance options:

(i) an ex-gratia cash allowance (EGCA) of \$600,000; or

(ii) an EGCA of \$500,000 and the opportunity to purchase a surplus Home Ownership Scheme flat without being subject to the Comprehensive Means Test.

To enhance the flexibility of the Package in providing assistance to households which have special rehousing needs but do not fully comply with the relevant eligibility criteria, the Secretary for Transport and Housing (STH) has been authorised to decide, at her discretion, whether such households can be entitled to the Special Assistance under the Package as if it is a qualified households, and whether or to what extent the amount of EGCA to be offered to the households should be reduced.

The Package and the compensation and rehousing arrangements available under existing policy will provide assistance to villagers affected in an appropriate and flexible manner. If villagers meet the relevant eligibility criteria, they may choose between agricultural resite to build houses for domestic purpose in vicinity to the farm land, purchasing Home Ownership Scheme flats without being subject to Comprehensive Means Test, renting or purchasing low rise private accommodations in the rural area, or rehousing to Public Rental Housing with priority, etc.

My reply to the two parts of the question is as follows:

(a) As at February 20, over 140 households in CYT, a majority of the households, have registered with the Lands Department (Lands D). Applications from about 30 households have been processed. Two of them have collected the EGCA, while other villagers who are granted the EGCA may contact the Lands D at any time to arrange for collection of the cash allowance. The remaining applications are being processed, and villagers will be notified of the results of their applications progressively.

(b) The registration period for applications for special assistance under the Package will expire by end of February. All affected villagers must register with the Administration so that we can process their applications and verify their eligibility promptly.

We have convened several resident forums in CYT to explain the Package in detail to villagers. We have visited individual households on a number of occasions to explain to them and in person the specific details of the Package, understand their needs and help them register. We have also operated a one-stop information centre in CYT to make it more convenient for villagers to register. We understand that the Heung Yee Kuk and relevant village representatives have been in close touch, especially on the discussion on how to assist villagers in identifying land for agricultural resite. In addition, we have published six issues of newsletter for CYT residents to explain the Package, provide frequently asked questions and answers, and set out some sample cases in which the EGCA was granted (please see the ninth issue of the newsletter at Annex).

To help rehouse the affected villagers, we provide them with the Package. Together with the compensation and rehousing arrangements available under existing policy, villagers are provided with different choices.

On procedures, we will process the cases of affected villagers in a highly flexible way. For instance, under normal circumstances, an agricultural resite applicant has to be certified as a genuine farmer and submit a feasible farming plan providing information such as the location of the replacement agricultural site. The Government understands that the affected villagers may not be able to find replacement sites to continue farming within a short period of time and submit their farming plans to the relevant department for examining their feasibility. We will, therefore, adopt a two-step approach in processing the applications. The applicant may locate a private agricultural site and submit a farming plan to the




Administration for approval after the applicant is certified as a genuine farmer.

We also understand that some villagers need cash to pay for the deposit for their new homes. Villagers who are granted the EGCA may contact the Lands D at any time to arrange for early collection of the cash allowance, so that they can sign the sale and purchase agreement immediately after identifying suitable accommodation. Moreover, when collecting their EGCA, we allow villagers to fix with the Government a convenient date for moving out since we know it will take time for the villagers to, among other things, go through the formalities of home purchase and have their new homes renovated. Generally speaking, the earlier the villagers register, the sooner the approval procedures can be completed, and the villagers can have more time to prepare for removal.

We will stay in close touch with the CYT residents, take note of their needs and do our best under the framework of the Package and existing policy to help them overcome difficulties in removal.

Ends/Wednesday, February 24, 2010  
Issued at HKT 17:23

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# 菜園村居民通訊



Issue 9

## Preface

Since the announcement of the “Ex-gratia Rehousing Package” which is exclusively applicable to villagers affected by land resumption and clearance under the XRL project, **the Government has approved some of the applications and has been informing the villagers of the results in batches. Some villagers have already received the ex-gratia cash allowance. For those who have been approved for the ex-gratia cash allowance may contact the Railway Development Section of the Lands Department for collection of the allowance. We set out several approved cases as samples in this issue for easy reference.**

**In February and May 2010, land owners will receive a proposal from the Government for ex-gratia land compensation calculated on the basis of the existing ex-gratia land compensation rate for Zone A.** The existing agricultural land compensation is \$526.8 per sq. ft while that for building land is \$1,041 per sq. ft plus professional valuation; the compensation rates will be reviewed in April 2010. The final compensation rate will be calculated based on whichever is higher.

Resumption notice has been posted in all districts affected by the resumption in the New Territories on 28 January 2010, and has been gazetted on 29 January 2010. The rights of ownership of all concerned land will be expired on 29 April 2010.

Having regard to the existing Squatter Control Policy, **the Government will not relocate Choi Yuen Tsuen.** The “Ex-gratia Rehousing Package” approved by the Executive Council and the Legislative Council did not provide for such an option, **and there is no room for the Government to negotiate on this subject.** The Government will implement the compensation and rehousing package as announced earlier and it would not be changed.

**The construction of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) has commenced,** and the land resumption and clearance for the XRL has been gradually arranging. Villagers who would like to apply for the “Ex-gratia Rehousing Package” should register with the Lands Department **on or before 28 February 2010.** The Government will continue to visit the affected households and provide assistance if necessary, while villagers are also welcomed to contact us directly.

Highways Department  
12 February 2010

## Crop Survey Begins

**The crop assessment and evaluation is underway, farmers who would like to have assessment on crops and permanent improvements of agricultural facilities (such as wells or water pipes), please contact Mr. Kam (Tel: 2683 9176) or Mr. Tam (2683 9179) of the Lands Department to arrange an inspection as soon as possible.**



At the agreed time, staff from the Lands Department will verify and register the identification of farmers, validate and mark the land resumption area, as well as record the location and size of the agricultural land. Field Officer from the Agriculture, Fisheries and Conservation Department will have a field inspection with the farmer to record information such as species, amount and condition of the plants, as well as field management, etc. A copy of these records will be given to the farmer right after the field inspection.

The Agriculture, Fisheries and Conservation Department will notify farmers of the completion of crop survey by mail. Afterwards, the farmers are free to handle the crops by all means.

## **“Ex-gratia Rehousing Package” Cases**

Qualified Households meeting prescribed eligibility criteria will be offered an ex-gratia cash allowance of \$600,000, or an allowance of \$500,000 and priority to purchase surplus Home Ownership Scheme (HOS) flats in the New Territories that will be put up for sale in due course.

The basic principle of “Ex-gratia Rehousing Package” is to offer ex-gratia assistance to a qualified household residing in a qualified structure. If there are more than a household residing in a qualified structure, they will be treated as one unit for the purpose of the Special Assistance. A core family (consists of parent and dependent children) residing in more than one qualified structures will still be treated as one household for the purpose of the Special Assistance.

The Government is processing the applications from Choi Yuen Tsuen residents, some of the applications have already been approved and the ex-gratia allowance collected by the applicant. Sample cases are set out below to show, depending on actual circumstances, how more than one application from members of the same family will be handled:

### **Approved Case I**

A three-generation family composes of parents, son, daughter-in-law and two grandchildren, counted as two core families and submitted two applications separately. The parent’s family and the son’s family residing in two separate domestic structures which both were registered in the 1982 Squatter Structure Survey. These two core families are also registered in the 1984/85 Squatter Occupancy Survey and fulfilled the relevant criteria. These two applications were approved and two ex-gratia cash allowances were given.

### **Approved Case II**

Two brothers reside in a domestic structure which was registered in the 1982 Squatter Structure Survey, submitted two applications separately. Both brothers could provide proof of residing in the structure for 23 years and fulfilled the relevant criteria. However, two applicants were sharing one structure and could only be given one ex-gratia allowance.

### **Approved Case III**

A mother and a daughter's family submitted two applications separately. Two applicants were registered in the 1984/85 Squatter Occupancy Survey. The daughter and her husband are residing in a 1982 registered domestic structure, but the mother is residing in a 1982 registered non-domestic structure. Two applications fulfilled the relevant criteria. The application from the daughter and husband was approved; although the mother’s structure was not fully qualified, she was offered certain amount of discretionary ex-gratia allowance after considered by the Secretary for Transport and Housing (STH).

**Household failing to meet prescribed requirements may apply for discretionary handling**, such cases, with written representation if necessary, will be submitted to the Inter-departmental Advisory Panel (the Panel) comprising of representatives from the departments concerned for consideration. STH will decide on the cases based on the merits of individual applications and the advice given by the Panel. The purpose of discretion is to allow STH a greater flexibility in assisting residents who are in need but fail to meet relevant criteria. In principle, STH will handle these cases with greatest flexibility to provide necessary assistance to households as far as possible. Villagers may make reference to the following cases:

### **Discretionary Offer Case I**

A singleton elderly household residing in a 1982 surveyed non-domestic structure fulfilled relevant criteria but the structure is not fully qualified. Certain amount of ex-gratia cash allowance was still offered after consideration by STH.

### **Discretionary Offer Case I**

A household with parents and three dependent children residing in a 1982 surveyed non-domestic structure, but could only provide proof of living for 10 years. Certain amount of ex-gratia cash allowance was still offered after consideration by STH.

Please refer to previous issues for the compensation and rehousing package details, newsletters can be obtained from Choi Yuen Tsuen Service Centre, Tang Kwai Yau District Councilor’s Office or the following Government Departments.

## **Enquiries and Meeting Arrangement:**

Residents may also contact the staff of the following government departments by phone during office hour, or to arrange meetings:-

<b>General Enquiries:</b>	<b>Specific Enquiries:</b>
<b>Clearance Team, Lands Department</b> Mr. MAN Yuk Wa (Tel: 2664 5141) <b>Railway Development Section, Lands Department</b> Mr. KAN Ping Kwong (Tel: 2683 9176) <b>Railways Development Office, Highways Department</b> Mr. LEUNG Yuen Sing (Tel: 2762 3536)	<b>Housing Department</b> Mrs. YU POON Mei Kum (Tel: 2794 5225) <b>Agriculture, Fisheries and Conservation Department</b> Mr. SIU Kim Kwong (Tel: 2476 9662) <b>Social Welfare Department</b> Ms. WEI Wai Lin (Tel: 2478 1432)

## Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

## List of relevant papers

Date of meeting	Committee	Minutes/Paper	LC Paper No.
2.12.2009 3.12.2009	Public Works Subcommittee	Administration's paper on Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link - construction of railway works	PWSC(2009-10)68  <a href="http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/p09-68e.pdf">http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/p09-68e.pdf</a>
		Administration's paper on Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link - construction of non-railway works	PWSC(2009-10)69  <a href="http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/p09-69e.pdf">http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/p09-69e.pdf</a>
		Minutes of meeting	PWSC32/09-10  <a href="http://www.legco.gov.hk/yr09-10/english/fc/pwsc/minutes/pwsc20091202.pdf">http://www.legco.gov.hk/yr09-10/english/fc/pwsc/minutes/pwsc20091202.pdf</a>  PWSC33/09-10  <a href="http://www.legco.gov.hk/yr09-10/english/fc/pwsc/minutes/pwsc20091203.pdf">http://www.legco.gov.hk/yr09-10/english/fc/pwsc/minutes/pwsc20091203.pdf</a>
18.12.2009 8.1.2010 15.1.2010 16.1.2010	Finance Committee	Recommendations of the Public Works Subcommittee made on 2 and 3 December 2009	FCR(2009-10)44  <a href="http://www.legco.gov.hk/yr09-10/english/fc/fc/papers/f09-44e.pdf">http://www.legco.gov.hk/yr09-10/english/fc/fc/papers/f09-44e.pdf</a>
16.4.2010	Subcommittee on Matters Relating to Railways	Administration's paper on government's monitoring and reporting on the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link	CB(1)1573/09-10(04)  <a href="http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/papers/tp_rdp_0416cb1-1573-4-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/papers/tp_rdp_0416cb1-1573-4-e.pdf</a>
		Minutes of meeting	CB(1)2071/09-10  <a href="http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/minutes/rdp20100416.pdf">http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/minutes/rdp20100416.pdf</a>

Date of meeting	Committee	Minutes/Paper	LC Paper No.
6.7.2010	Subcommittee on Matters Relating to Railways	Administration's paper on progress and financial situation of the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (1st half-yearly report for the period ending 30 June 2010)	CB(1)2290/09-10(01) <a href="http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/papers/tp_rdp0706cb1-2290-1-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/papers/tp_rdp0706cb1-2290-1-e.pdf</a>
20.9.2010	Subcommittee on Matters Relating to Railways	Minutes of meeting	CB(1)757/10-11 <a href="http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/minutes/rdp20100920.pdf">http://www.legco.gov.hk/yr09-10/english/panels/tp/tp_rdp/minutes/rdp20100920.pdf</a>

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