

LC Urgent Question: Land resumption at Choi Yuen Tsuen

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.

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