

Focus Group Meetings on How to Enhance Public Engagement in Transport Infrastructure Development, 13 May 2010
Comments from the Chartered Institute of Logistics and Transport in Hong Kong, based on XRL consultation experience

Overview

- Need to develop trust with people, on policy and on projects, in particular community and stakeholders;
- This can be best achieved by involving them in an ongoing way on policy and from the very early stages of a project, facilitating participation and developing ownership;

Detail

- Importance of comprehensive, accessible and timely information
 - The information on the XRL project, even at the late stage, was not that clear, nor that readily available;
 - Major assumptions for report findings should also be readily available;
 - Information to counter alternative views (of the Professional Commons) was not readily available.
- Changing circumstances/Warning signs
 - Where a project has been under preparation for many years, its public acceptability should be reassessed as it is clear that public responses to major infrastructure projects do change;
 - Consultation through the normal channels may not be adequate where emotional issues gather momentum;
 - The sheer scale of the XRL project, with estimates doubling from HKD\$30+ Billion to HKD\$69 Billion, was enormous, and accordingly it would require more effort to sell it;
 - There was no competition on the XRL proposal, following the MTRC/KCRC merger;
 - The nature/scale of the XRL project touched on many non-transport issues, including Government spending priorities, perceived collusion with big business, and perceived problems with the development of democratic government; as well as the more human issues of moving people to make way for the project.
- The consultation needs to be genuine, a two way process
 - Consultation should actively reach out to known stakeholders;
 - Participants in the XRL and other consultation exercises feel that there is no real exchange – feedback is not addressed, the “consultation” exercise appears to be a “one-way communication exercise” to sell the project;
 - As a start, MTRCL should publish the feedback received in this series of focus group sessions, and their comments thereon;
 - Consultation should take place from the earliest stages and be an ongoing process as the project develops;

- CILT was consulted on XRL very late in the game, and only when Government/MTRC wanted to line up support for the project.
- Possible new framework for formalizing final stages of consultation
 - Some tentative ideas on a new statutory framework for major transport projects are set out in the Annex;
 - These are conceptual, and if considered appropriate may be further developed in the light of detailed study of such practices elsewhere.

Possible new framework for formalizing final stages of consultation

Establish a new statutory framework for major projects (to be defined):

- Final Feasibility Report
- Public Consultation
- Public Enquiry

- Final Feasibility Report
 - A Final Feasibility Report would be required prior to Government seeking funds for the project;
 - The Report would contain, inter alia, capital and operating costs, financial analysis, economic analysis, environmental and social assessments, major assumptions, etc;
 - The Report would also set out in layman's language
 - The objectives of the project and / or the problems it is designed to solve;
 - The alternative ways considered to solve the problems/ achieve the objectives and the reasons why these approaches were not followed;
 - Summaries highlighting the major benefits of the project and the major disbenefits, the people or groups who benefit and those who disbenefit, and the mitigation measures proposed to minimise the disbenefits.

- Public Consultation
 - The Report would be made public in full for public consultation with a statutory minimum time between publication and the Government seeking funding approval;
 - The public consultation exercise would ensure that voices on all sides can be heard;
 - Where there are dissenting views, Government/MTRC must work with those involved and try to mitigate to the greatest possible extent the disbenefits of the project to them;
 - At the end of the day however, their objections may need to be overruled and dealt with as compassionately as possible according to the law.

- Public Enquiry
 - An independent agency should be established to review the outcome of the Public Consultation;
 - If dissenting voices make a convincing case against the entire project - or at least the project in its current form – then the agency may decide that a Public Enquiry should be held.

- Some funding may be made available to dissenting persons or organisations to enable them to prepare more detailed objections / alternative solutions to the project rather than simply opposing or disputing the content of the Feasibility Study.
- A Public Enquiry would make recommendations to the Government on the way ahead.