

LULU Workshop: Siting Problem and Conflict Resolution

Date: 16 June 2007

Time: 8:45 am – 12:30 am

Venue: Rm. 422, Wong Foo Yuan Building, The Chinese University of Hong Kong

Gist of Discussion

1. Guests' views

Prof. Julia Tao - Professor in the Department of Public and Social Administration, Director of the Governance in Asia Research Centre, City University of Hong Kong

General

- The conceptual framework is quite useful to allow people to understand the NIMBY phenomenon in different dimensions: need, impacts, risk perception and assessment, trust, equity and public participation.
- Environmental Impact Assessment (EIA) only focuses on environmental acceptability. More needs to be done on social acceptability through Social Impact Assessment (SIA) in order to strengthen the acceptability of a certain policy or political decision by the general public.
- It is good to see that the impacts described in the framework include not only environmental, but also social, economic, health and safety ones.
- It is agreed that trust, participatory principles and equity are the most important guidelines in the siting process.

Need

- A LULU (locally unwanted land use) may be needed by the whole society but it may not be necessary for the sake of an individual or a local or hosting community.
- In essence, conflicts can arise from the unequal distribution of benefits in the society. For example, a LULU may benefit the whole society while its costs are taken up only by the local or hosting community.
- As such, it is important to align the different dimensions of need, i.e., the whole society and local community. It can be done through changing the mindset, transform or thinking differently about the siting issues.

Risk

- The local community is commonly concerned about unknown or uncontrollable risks. It is thus important to make all risks, controllable and non-controllable, known to the host community clearly.

Equity

- Equity mainly refers both to the procedure and the outcome.
- Procedural equity is concerned with the process itself, for example, whether it is a due process and whether social impact assessment has been included.

- Outcome equity is concerned with the outcome of the process. However, the outcome should be a result from striking the balance of different interests rather than simply a distributional effect.

Public participation

- From the telephone survey about the public perception of LULUs and the siting process, it can be seen that the Hong Kong public do want more participation in the siting process.
- There are three aims of public participation:
 - 1) participation of the public in the policy making process will help to formulate high quality policies;
 - 2) local culture and local value can be enriched through the participatory process; and
 - 3) acceptability of the public policy decision made can be increased as the public have their say and input in the process, and this also helps to build a sense of ownership to the policy/ project during the participatory process.

Commitment

- The proponent, local community and the public need a commitment in the public space. It is also important to build trust among different key players in the public space.
- A recent good example is the Permanent Aviation Fuel Facility (PAFF) for Hong Kong International Airport EIA project. It was recently approved by the EPD with a few conditions, and one of which is the requirement of setting up a Community Liaison Group by the proponent who shall take a proactive approach to disseminate information to the local community for enhancing transparency and risk communication with the public. By doing so, the proponent's commitment to communicate with the public can go beyond the EIA process, and this helps to build a continuous relationship and dialogue with the public.

Trust

- To build trust, one should have a good will to do so by reaching out to the public, not to lose temper, but to listen and truly respond to the stakeholders' concerns.
- The public will know whether you really care about their needs or the corporates' needs indeed.
- It is also important to build a clean and trustworthy track record of yourself or your corporation.

Competence

- Competence can refer to many different characters such as knowledge, expertise, and organization skill and so on.
- It is suggested that a peer-review group could be set up to review the quality of EIA or consultancy reports. In fact, a similar one has been set up in China to review the quality of consultancy reports.

Community Response

- The community response in the framework should not be limited to “acceptable solution” or “conflict resolution” only. They are quite negative in meaning as it seems that the public can either accept or reject the final decision.
- A more positive way to deal with this is to make liability a positive asset and only by doing so would help people develop a good will to discuss in the process.

Dr. C. N. Ng - Associate Professor, Department of Geography, The University of Hong Kong; Member of Advisory Council on the Environment; Member of Town Planning Board

Hong Kong Development Scenario

- Hong Kong is a small, densely populated and developed city. It has a varied topography and a long coastline. Urbanized areas account for a total of 22-23% of the land area in Hong Kong whereas about 40% of the land area is preserved as country parks.
- In other words, in addition to very limited land resource, siting of LULUs is severely constrained. As a matter of fact, Hong Kong faces not only the conflicts from nature conservation and city development but also those from siting LULUs and public opposition.
- Some suggest siting the LULUs in China, but this is not feasible under the one-country-two-systems policy. Moreover, Hong Kong should tackle its own siting problem within the Hong Kong boundary if we want to develop in a sustainable manner.
- In the geographical setting, Hong Kong has a number of sensitive areas like country and marine parks, sensitive airsheds and water quality constraint areas. It is advisable not to put development in these sensitive areas so as to avoid unacceptable impacts.
- Another interesting fact is that Hong Kong has an easterly or slightly easterly wind direction most of the time. Thus, it is more sensible to locate the LULUs in the western side of Hong Kong rather than the eastern side to minimize the potential air pollution impacts to the inner city areas.
- In short, it is apparent from the the geographic and space context that finding a site for a LULU will be increasingly difficult. It is a daunting task to find a site which is both environmentally acceptable and away from people. This is especially true for finding a suitable coastal site which has some basic infrastructure but away from the people.

How to Face More and More NIMBY Problem? Can the EIA Process Help?

- Hong Kong's EIA system only looks at environmental impacts but not social impacts.
- For example, the East Rail Extension Project EIA recommended hoardings be built around the railway extension works area in Tsim Sha Tsui to minimize noise impacts.

However, such a mitigation measure did cause significant social impacts – as pedestrian movement was significantly hindered, and visibility to the shops substantially was obstructed. Business of the local shops was affected due to the hoarding which was erected right in front of their shops.

Some Overseas Examples (Incinerators in Tokyo, Japan)

- 20 incinerators have been built in Tokyo. How have Japanese municipalities obtained public acceptance for solid waste treatment plant? They took a series of steps to get the public support in building the waste treatment plant including:
 - 1) general understanding of the views, concerns and needs of the public;
 - 2) plant design that it is harmonious with the local area and won't give negative impression to the local people;
 - 3) introduction of the best and safe technology so as to avoid or minimize potential impacts to the local residents; and
 - 4) benefits for residents such as providing facilities like swimming pools, spa, education centre and so on to the local people and employing the local people.
- In short, the Japanese municipalities are able to show that the incinerator is environmentally acceptable and beneficial to the local people.

Another example –

- A sewage treatment plant in Paris. It is a clean and tidy and looks like a space station, symbolizing high technology. The facility also displays artworks inside the facility.
- An incinerator in Paris. It has a good blending with the surrounding areas, and the chimney cannot be easily seen as it is hidden in the valley.
- E.g., A sewage treatment plant in Oslo. It is built inside a cave.
- Hong Kong should learn from these overseas examples especially in terms of innovative design that can blend in the LULU with the landscape. Other possible benefits that can be offered to the local people can take the form of:
 - Tariff and rate discounts
 - Better amenities and local facilities
 - Direct/ indirect compensation

Are these foreign solutions applicable to Hong Kong?

- Apart from the NIMBY problem, Hong Kong also has the NIMTO (not in my term of office) phenomenon. Besides, the fragmentation of different bureaus/departments makes it even harder and less flexible to deal with the siting of LULUs.
- One possible way forward is to first plan the locations for LULUs from a more macroscopic way (e.g., western side is more preferable than eastern side of Hong Kong for siting LULUs). Secondly, consult the public and make the consultation process transparent. Thirdly, properly deal with the NIMBY problem.

Dr. W. K. Yau - Chairman, Tai Po Environmental Association; Advisor of Heung Yee Kuk; Member of Advisory Council on the Environment

It is highly importance of dealing with human feeling or perception

- Two common human characters:
 - 1) perception based on smell and visual observation, etc.; and
 - 2) concern those matters which really get close to their lives or affect their daily living.
- One example is the objection to the Tolo Highway noise barriers several years ago. The public had initially little objection to the installation of the noise barriers during the consultation stage. However, they subsequently raised strong objections when the noise barriers were actually installed. In a survey done by Dr. Yau, 99% of the respondents who passed by Tolo Highway every day objected to the noise barriers as they did not want the barriers to obstruct their views of the sea and blue sky which they enjoyed very much.

Public's diverse views

- Public may have diverse views but usually objectors' views usually catch the greatest attention. It would be easy for community groups to object to a project as there is much to win and nothing to lose. Even if their objection is not successful, they would also win as they can say that they have done something for the public.
- However, supporters may not be out coming in Hong Kong, and it is important to let supporters participate and voice out their views so as to get a more balanced rather than biased view.
- With reference to the government's proposal to install a noise barrier near a housing estate in Tai Po recently, it was reported that that residents had different views regarding the proposed noise barrier to be installed underneath their building. Residents who lived at higher floors supported the project as they wanted quiet living environment. However, residents who lived at lower floors objected to the project as they thought the barriers would obstruct their views and affect air ventilation.

What affects public views?

- Some people may make their decision based on "herd instinct", i.e., they don't have their own views but would think and act like what others do.
- For instance, EPD received over 16,000 public objections against the LNG Terminal Project in Soko Islands recently. However, most might not really get a good grasp of the information of the project and might not hear the views of the supporters. They might simply think they were doing something and sent out the standard objection letter.

Importance of early public consultation

- Public consultation should be done early rather than late and the authority should get the views of the affected residents as well as the people living in the community.

- Taking the recent proposal of noise barrier installation in Tai Po Centre as an example, the barriers looking like a “tunnel” had been built before public consultation. In fact, such a massive noise barrier installation works would not only affect the nearby residents but also the whole living environment in Tai Po as most people like to take a stroll near Tai Po riverside.

Talk to the Community Leaders

- In the New Territories, village heads are trusted by the local people. The local villagers usually rely on the village heads to make decisions on matters related to the development and welfare of the village. If you can talk to the village heads and seek their agreement on the proposed project, it may be much easier to get the consent of other villagers as they would follow their village head’s views and decision.
- Similarly, if we can communicate with the figure heads in our society (e.g., in villages, buildings, housing estates, community, etc.) who are trusted by the public and can truly represent the views of the general public, it may be easier to understand the views of the public on the project.

Learn to Give and Take

- A project or LULU may have its “give & take” to the society. It is necessary and important to provide benefits to the local community through incentives or sweeteners to compensate their “losses”.

2. Group Discussion

Group A: Understanding Community Opposition to Locally Unwanted Facilities

Facilitator: Dr. Joanna Lee, Centre of Environmental Policy and Resource Management, The Chinese University of Hong Kong

Summary:

The following factors are found to cause public opposition to LULUs:

- **Impacts**
LULUs may impose a wide range of impacts, such as environmental, health & safety, smell, visual or other impacts, etc.
- **Spatial and temporal change**
LULUs might have already existed when people move in the district (e.g., the case of Tsing Yi) but then gradually people do not like them for reasons like visual or economic impacts. Some LULUs may also be acceptable by the public in the past but now people are more concerned about environmental and health impacts, they may no longer like such LULUs to be sited near their home.
- **Improper or inequitable participatory process**
People may be upset by the consultation approach and process. They may think the public are just informed but not consulted as their views are hardly being considered by the authority. Insufficient information, inadequate or belated communication and non-transparent process would not help the public get hold of the full information and situation, and they may have doubts or objection to the proposed siting. The

outcome is the authority cannot make a good policy decision because of strong public concern or objection.

- **Lack of benefits to hosting community**
In Hong Kong, the siting of LULUs is concentrated at a few districts (e.g., Tuen Mun). Communities in these areas think they bear the externalities or costs of the LULUs of the whole Hong Kong but they receive no benefits from the siting. Moreover, it seems that the Government does not proactively respond to their long-term requests regarding local improvements.
- **Mismatches in planning**
If an area has already been chosen for a LULU (SENT landfill and its proposed extension in Tseung Kwan O), the authority should not put in more people to live in the surrounding areas (e.g., Dream of the City 將軍澳夢幻之城) in the first place. Unless people who would like to live nearby a landfill are fully informed and aware of the possible impacts before they choose to live there, they would certainly complain about the impacts (e.g., smell) from the landfill after they move in. To avoid such conflict, the planning authority should avoid putting two incompatible land uses (e.g., landfill and residential area) close to each other.
- **Lack of mediation**
In Hong Kong, there does not seem to be a person or an organization that can help mediate siting conflicts. The role of a mediator can help collate the different sources of information, mediate between different parties who have different interests in the siting issue, and hopefully resolve the siting conflict.

Group B: How to achieve effective risk communication and management?

Facilitator: Dr. Lai Pong Wai, Centre of Environmental Policy and Resource Management, The Chinese University of Hong Kong

Impacts that are most concerned by the public

- From the public perspective, they are more concerned about impacts that can affect their health or daily life such as air pollution impacts, health and safety impacts.
- One pre-requisite for successful risk management is to formulate objective standards for risk assessment. However, public may not agree with the proposed standard. To increase the acceptability and reliability, the standard needs to be reviewed regularly.
- Moreover, the public should be invited in the process to discuss risk acceptability and the process itself needs to be open and transparent. The most important point is to let the public know their role and what or how they can contribute to the decision making process.

Barriers to risk communication and management

- The public may not agree with the proposed or adopted standard (e.g., 70dB noise level). They may not understand or misunderstand the meaning of some risk assessment information which may be too scientific and technical. To achieve an

effective risk communication, it is essential to communicate with the public by using laymen terms rather than jargons.

- If the authority has a poor track record that has already damaged her credibility in delivering a good governance, public may not easily trust the authority in making a reliable risk assessment or be able to deal with the hazards or accidents arising from the LULUs.
- As the public are composed of many different individuals, each one of them has his or her feeling and perception on risk. It is rather difficult to formulate a standard that would be acceptable to all.

Recommendations for improving risk communication and management

- Involvement of an independent third party, who may be a university professor or an independent organization, to participate in the risk assessment and communication process. This may help increase the public's confidence in risk assessment or the decision made to manage/mitigate the risks.
- Compensate the affected residents by providing community facilities or other sweeteners.
- Make available all operation data, e.g., emission data in an open and transparent way to the public.
- Make locally unwanted facilities easily accessible by the public, e.g., public are welcome to use the ancillary facilities associated with the LULUs so that the public may fear less about its existence.
- Apply soft landscape treatment for the facility so that it can blend in well with the surrounding environment.

Group C: How to effectively resolve the siting conflict in Hong Kong?

Facilitator: Prof. Fung Tung, Centre of Environmental Policy and Resource Management, The Chinese University of Hong Kong

Some key recommendations that may help resolve the conflict of siting LULUs in Hong Kong are summarized below:

- **Integration**
In Hong Kong, different bureaus and departments have their own portfolios. However, not all policy matters can be so well demarcated that only one policy bureau or is involved. In many cases, coordination among different bureaus or departments is also not very smooth or efficient. Very often, it needs the integration of different bureaus and departments when handling the social issues and public policies.

If fragmentation among government bureaus and departments prevails, the public may feel that the responsible authority or the government is not competent or is not willing to care for their needs. The end result would be three-folds: public objection to the

proposed project or policy, policy implementation would be delayed or halted, and the social harmony would be affected.

More integration is needed to deliver a good and effective governance. Integration can take place among government bureaus and departments and among social, economic and environmental arena. The outcome of the above would be the integration of institution, process, decision making and delivery to the public. After all, how or what to integrate is largely guided by public opinions. Thus, it is important to engage the public throughout the whole policy making process.

- Transformation of public consultation process

The existing public consultation process needs to be transformed in the following aspects:

- 1) Role of public officer

The role of public officer should no longer be a regulator or policy advocator. It needs to be transformed from a policy maker to a facilitator with the goal of helping each lay person including the public, the district councilors, and legislators to understand the complex or technical issue so that they would be able to get involved and participate. New design tools such as 3-dimensional visualization of noise impacts can be used to enhance public's basic understanding of the complex and technical information.

- 2) Consultation process

The public consultation process needs to start early and should mobilize people to participate and get involved. The public officers need to be more proactive to reach out to the public and provide information, explain or analyze different scenarios (e.g., with or without the installation of noise barriers with the use of computer visualization technology). It is not a one-off exercise but a continuous process to communicate with the public and debate rationally.

In some cases, it may be easy to get the consensus from the majority of the public to implement a project or policy. For others which may be more controversial, it may not be easy to get the public consensus but the public would at least get a more clear understanding of the proposed project or policy. At the end after the consultation, the public officer should respect the public opinions.

The most important thing in the process is to let the public understand that the policy or project is closely related to them and their views and opinions are important to shape future policy and final decision. The outcome of the public consultation is to get the genuine views (which may be diverse sometimes) from the public for consideration in policy making. In fact, public consultation exercise can be regarded as a way of idea and information exchange or indeed a chance of education for both the government and the public on the local issue. A society can learn and grow by itself through such a continuous information-exchange process.

- 3) Attitudes

The attitude of public officer also needs to be transformed from a "salesman" of a project or policy to the one who explains and analyzes the advantages and disadvantages of different options including the "no-go" option or any other possible options. In this way, the public would not think they are forced to accept something that they do not want because they are the ones to decide which option is the most

suitable for them. The conflict between the public and the public officer would be much lessened as well and there would be more room for conflict resolution.

4) Mentality

The mentality of public officer also needs to be transformed. At present, the public is regarded as consultees or objectors during the public consultation process. A more positive way of thinking is to view them as contributors as their views may contribute to the decision making process. This encourages the public officer to approach the public and listen to their views. This also helps to build trust between the public officer and the public as they see each other differently – partnership rather than confrontational relationship between each other.

Currently, public officer may think their role is to react to public requests or respond to ad hoc social problems. However, they should think they are now contesting with other groups or media to get the support of public on their policy or decision. They need to have a strategy and improved PR technique to approach the public, especially on how to get the supporting voice from the society.

They also need to provide incentives to the public for an early, timely and engagement. Otherwise, if only negative, biased or self-centered voices are heard, our society will finally suffer as this is not a healthy development in the long run.

- Political Institution

Hong Kong's political institution has limitations which hinder the resolution of conflict between the public and the government. In foreign democratic countries, they have the Local Council to make the decision for the public. The Council members are representatives of the public who are trustworthy, capable of negotiating with the authority on behalf of the community on local issues and have the credibility to bargain the "give and take" for the public.

In Hong Kong, it seems that we have no such an effective mechanism to facilitate the negotiation process. For example, District Council is advisory in nature and they are not fully elected by the public. It cannot take this role as District Councils are too localised and consideration of territory-wide issues are beyond their own district boundary. Town Planning Board also lacks the credibility to make the decision for the public as the Chairman and Members are appointed by the Chief Executive. The Town Planning Board is also not a proper platform for negotiation or bargaining between the public and the authority as they have no remit on making deals on compensation and it is also difficult for the Board to integrate political discussion. Unlike foreign places which have institutional mechanism (e.g., Local Council) to deal with public dispute, Hong Kong needs to spend more efforts to resolve similar dispute on facility siting.

Constrained by the political institution, more needs to be done to engage the public, facilitate the public to be more knowledgeable, and empower them to get involved in the process so that they would be able to contribute in a constructive manner. In short, we need to do more in: information disclosure, engagement, process design, facilitation and resolution. It is also suggested that the government should consider

setting up a new division in the Development Bureau to oversee the strategy to undertake effective public consultation programme in Hong Kong.

- Social and Economic Impact Assessment/ True Costs and Benefits Analysis

The government should consider doing a social and economic impact assessment or costs and benefits analysis for a LULU project so that the public would know the possible social and economic impacts or pros and cons due to the siting of the LULU in their district. This can help them think about the “give & take” and make a better decision on LULU siting.

3. Open Floor Discussion

The following points related to LULU siting are raised:

- Beware of political complexities
In the early stage of public consultation, the public may not be aware of the issues involved and may not pay attention to the consultation. Later on, media and the politicians with different interests may get involved and may exaggerate the facts, give negative opinions only or provide false information. All these will only confuse the public and complicate the whole consultation intention and process.
- Integrating LULU with the life of community
The use of LULU should not be limited to its original function (e.g., incineration) but can be expanded to suit other uses (e.g., education centre, community hall, swimming pool, etc.) that are needed by the community.
- Early planning, continuous consultation and more discussion space
The earlier we tackle a problem, the more scope the problem may be resolved. For example, mismatches in planning can be avoided if we do an integrative planning and the public is consulted at the early planning stage. We may also see the need to change the existing planning standards and guidelines if we have to integrate the use of LULUs with other community amenities. All these would be made possible if we start our planning early and consult the public early so that there are more room for discussion and amendment.
- Pilot Scheme
The public is concerned about LULUs being sited in their district often because they have no personal experience or there is no precedent in Hong Kong. As such, a role model can be set up to win public confidence and support for the siting of LULUs.
- Risk communication
Most members of the public do not understand the risk assessment information. It is important to find effective ways to inform the public so as to avoid any misunderstanding. Using analogies is one way, e.g., dioxin level from cigarette is “X” times higher than that emitted from the chemical waste treatment plant. Besides providing information, it is also important to understand people’s feelings which may be more psychological rather than concerning the hard science facts.
- Transformation of mindset: dilemma or opportunity?

The case of Tin Shui Wai Development in 1994-1995 provides an example. The Tin Shui Wai development was essential for Hong Kong as it would provide housing for about 100,000 people. Yet, it would incur loss of ecologically sensitive wetland in the North West New Territories region. It may seem that this project was contentious as the green groups would certainly raise objection. However, the mindset has been transformed in the process and we see opportunities for mitigating the wetland and then further explore the opportunity to transform it to an international wetland park that now becomes a tourism spot in Hong Kong. Finally, the project was approved and appreciated by most people in Hong Kong. It is an example of how integration among government departments (including Housing Bureau, the then Territory Development Department and Environmental Protection Department) and among social (housing development in Tin Shui Wai), economic (tourism) and environmental (wetland conservation) aspects can really take place.

From this example, it can be seen that if the mindset is kept open, we will see more solution space and it is more likely to achieve a win-win-win solution for the proponent, local community and the society.

- Three key elements - mindset, institution and model effect
It is important to transform the mindset, transform institution so that it is really possible do the things that are suggested and set a model to demonstrate the effects to the public.

4. Conclusion

Three Ps:

Perspective: mindset which affects how you see other people and things

Process: engage the public and make LULU a community place

Public: try to see how the public views project and keep in mind that if public is not part of the solution, they will be part of the problem

Appendix: Participant List

(Chinese Version)

姓名	組別	機構
吳祖南	A	香港大學/環境諮詢委員會委員/城市規劃委員會委員
馬雅燕	A	香港城市大學亞洲管治研究中心
李耀斌	A	大埔區議員/ 郊野及海岸公園管理委員會委員
陳英儂	A	環境保護署(環境基建)
林錦慰	A	茂盛環境管理顧問有限公司
黃麗嫦	A	屯門區議會議員
鄭睦奇	B	綠色力量
黃耀錦	B	環境保護署(環保法規管理)
梁浩賢	B	九廣鐵路公司
廖超華	B	北區區議會議員
唐偉強	B	屯門區議會議員(黃麗嫦)地區幹事
陳竟明	B	香港中文大學生物化學系
鄒桂昌	C	香港中文大學/郊野及海岸公園管理委員會主席
陶黎寶華	C	香港城市大學公共及社會行政學系/香港城市大學亞洲管治研究中心
邱榮光	C	大埔環保會/鄉議局委員/環境諮詢委員會委員
區偉光	C	環境保護署(環境評估)
梁焯輝	C	規劃署/全港及次區域
范國威	C	西貢區議會議員
陳嘉豪	C	屯門居民/ 中大學生