

立法會
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**Joint meeting of LegCo Panel on Housing
and LegCo Panel on Planning, Lands and Works**

**Minutes of meeting held on
Tuesday, 27 February 2001, at 2:00 pm
in the Chamber of the Legislative Council Building**

Members present : Members of the LegCo Panel on Housing

Hon CHAN Kam-lam (Chairman)

Hon LEE Cheuk-yan

Hon Fred LI Wah-ming, JP

Hon NG Leung-sing

*Hon James TO Kun-sun

Hon CHAN Yuen-han

Hon Andrew WONG Wang-fat, JP

Hon Howard YOUNG, JP

Hon Andrew CHENG Kar-foo

Hon SZETO Wah

*Hon Abraham SHEK Lai-him, JP

Hon Frederick FUNG Kin-kee

*Hon IP Kwok-him, JP

*Hon LAU Ping-cheung

Members of the LegCo Panel on Planning, Lands and Works

Dr Hon TANG Siu-tong, JP (Chairman)

Hon LAU Ping-cheung (Deputy Chairman)

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LAU Wong-fat, GBS, JP

Hon TAM Yiu-chung, GBS, JP

Members absent : Members of the LegCo Panel on Housing

Hon Albert HO Chun-yan (Deputy Chairman)

Hon David CHU Yu-lin

Hon LEUNG Yiu-chung

Dr Hon YEUNG Sum

*Hon Albert CHAN Wai-yip

Dr Hon LO Wing-lok

Members of the LegCo Panel on Planning, Lands and Works

Hon WONG Yung-kan

Hon Timothy FOK Tsun-ting, SBS, JP

(* Also members of the LegCo Panel on Planning, Lands and Works)

Public officers attending : Planning and Lands Bureau

Mrs Helen YU

Head, Task Force on Building Safety and Preventive Maintenance

Mr Kelvin CHOI

Member, Task Force on Building Safety and Preventive Maintenance

Buildings Department

Mr C C TSANG

Assistant Director/Existing Buildings 2

Housing Bureau

Miss Joey LAM

Principal Assistant Secretary (2)

Housing Department

Mr K H LAU

Business Director/Allocation and Marketing

Mr K S LEE

Ag. Assistant Director/Operations and Redevelopment

Attendance by invitation : Alliance of Victims of Rooftop and Illegal Building Structures in Hong Kong

Mr WONG Chi-hung
Representative

Ms WONG Pik-ying
Representative

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Ms Erin TSANG
Senior Assistant Secretary (1)3

I Election of Chairman

In the absence of Mr CHAN Kam-lam at the beginning of the meeting, Dr TANG Siu-tong took the chair for the joint meeting.

II Rehousing arrangements for occupants of illegal rooftop structures upon clearance

Meeting with the Alliance of Victims of Rooftop and Illegal Building Structures in Hong Kong
(LC Paper No. CB(1) 679/00-01)

2. Mr WONG Chi-hung highlighted the salient points in the submission from the Alliance of Victims of Rooftop and Illegal Building Structures in Hong Kong tabled at the meeting. Given that illegal rooftop structures (IRS) were not covered under the freezing survey on squatter structures conducted by the Housing Department (HD) in 1982, Mr WONG considered it unfair that the prevailing eligibility criteria for public rental housing (PRH) applied to squatters should be extended to IRS occupants. Moreover, as some IRS occupants were required to pay rates, this had in some ways reflected the legitimacy of their existence. Therefore, it would only be fair for the Administration to clear IRS if proper rehousing was provided to the occupants concerned. Instead of conducting piecemeal freezing surveys on targeted IRS, consideration should be given to carrying out a territory-wide survey on IRS population as recommended by the Ombudsman in 1995. This would enable the Administration to draw up a comprehensive rehousing policy for IRS clearers. It should also improve the inter-departmental co-ordination between the Buildings

Department (BD) and HD in the clearance of IRS to ensure that sufficient resources were available for rehousing the occupants concerned before the issuance of closure orders by BD. Since IRS occupants were mostly low-income earners, efforts should be made to rehouse them within the same district in order not to increase their financial burden.

(Post-meeting note: The submission was subsequently circulated to members vide LC Paper No. CB(1) 697/00-01.)

Meeting with the Administration

(LC Paper No. CB(1) 653/00-01(01))

3. Before commencing discussion, the Head, Task Force on Building Safety and Preventive Maintenance (H, TFBSPM) took the opportunity to respond to some of the points raised by the deputation. While acknowledging that occupants had to live in IRS because they could not afford alternative private accommodation, IRS had to be cleared as these had not only posed sanitary and environmental nuisances but risk to fire safety, particularly those which blocked the fire exits. To this end, TFBSPM was set up in February 2000 to study ways to improve building management and maintenance. One of the TFBSPM's recommendation was to clear IRS in some 4,500 single-staircase buildings as a matter of priority. She nevertheless assured members that no one would be rendered homeless as a result of Government clearance operations, and that the Housing Authority (HA) and HD would endeavour to rehouse IRS clearers to public housing according to their eligibility. Clearers who had genuine difficulties might be offered compassionate rehousing upon recommendation by the Social Welfare Department. Noting that the majority of IRS were situated in the urban area, H,TFBSPM advised that it might not be feasible to rehouse IRS clearers within the same district having regard to the scarcity of rehousing resources in the urban area. Besides, it would be unfair to applicants on the Waiting List (WL) if IRS occupants could be directly rehoused to PRH by virtue of clearance.

Rehousing arrangements

4. Miss CHAN Yuen-han remarked that the existence of IRS had been a complex and long-standing social problem. She pointed out that some occupants, such as those in Yue Man Square of Kwun Tong, who had been residing in IRS for over 30 years should have been allocated PRH had they been told to register on WL by the Administration. Expressing similar concern, the Chairman asked if special considerations would be given to rehousing these IRS clearers to PRH.

5. In response, the Business Director/Allocation and Marketing (BD/A&M) opined that unawareness should not be regarded as an excuse for not registering on WL. Notwithstanding, proactive measures would be taken to encourage IRS occupants to register on WL for PRH. These included direct mailing of application forms to IRS occupants, launching of a territory-wide registration campaign and stepping up of promotion efforts at Housing Information Centres. HD would liaise with BD in scheduling clearance operations to ensure that rehousing resources were

available for IRS clearerees. Moreover, flexibility which included compassionate rehousing would be accorded to cases which merited special considerations. Given that the average waiting time for PRH would be reduced to three years by 2003, and that clearerees who were eligible for interim housing (IH) but had already registered on WL would be offered PRH about a year in advance of their normal turn on WL under the Anticipatory Housing Scheme, IRS occupants who registered on WL now would be eligible for PRH when their structures were due for clearance in two years' time.

6. In reply to Mr LEE Cheuk-yan's question, BD/A&M confirmed that apart from direct mailing of application forms, home visits would also be arranged to help IRS occupants register on WL. H,TFBSPM added that TFBSPM had also recommended the deployment of outreaching teams to encourage IRS occupants to register on WL for PRH.

7. Mr LAU Ping-cheung agreed with the deputation that the collection of rates from IRS occupants had in some ways reflected the legitimacy of their existence. To this end, consideration should be given to suspending the collection of rates from IRS occupants as an incentive to encourage them to register on WL. H,TFBSPM advised that TFBSPM had already looked into the matter with the Rating and Valuation Department (RVD). However, RVD was not allowed under the current law to cease collecting rates from existing payers. Notwithstanding, RVD had taken aboard TFBSPM's suggestion of not collecting rates from new IRS occupants to avoid misunderstanding.

8. Mr James TO remarked that the Administration should appreciate the existence of IRS which had in fact alleviated the demand for PRH over the past years. He held the view that WL applicants should not have objection to rehousing IRS occupants to PRH upon clearance since the latter would have been allocated PRH if they had registered on WL at the outset. While acknowledging that IRS had helped to address the temporary housing needs of occupants, BD/A&M stressed that this should not constitute a cause for early access to PRH, and that offer of PRH should be strictly made through WL to ensure rational allocation of the scarce public housing resources.

9. Mr IP Kwok-him considered it unfair that occupants who had been residing in IRS for a long time but had failed to register on WL were deprived of the opportunity for rehousing to PRH while those who had a shorter period of residence in IRS but had registered on WL would be allocated PRH upon clearance. He urged that flexibility should be given to rehousing those occupants who were able to produce documentary evidence of their stay in IRS for a period of say 10 years to PRH. This would help reduce resistance from IRS occupants which would in turn expedite clearances of IRS.

10. In reply, BD/A&M emphasized that the 1982 survey was the baseline for assessing the eligibility of both squatters and IRS occupants for PRH. Having regard to the large number of 200,000 squatters in the New Territories, any proposal to relax the baseline would inevitably incur insurmountable rehousing problems and would encourage illegal squatting activities. As regards the rehousing programme, BD/A&M advised that HD had already arranged rehousing for IRS occupants in some

300 single-staircase buildings this year. He was confident that with better co-ordination between HD and BD in scheduling clearance operations, vigorous efforts to promote registration on WL and flexibility in rehousing arrangements within the existing eligibility framework, future IRS clearances would be carried out smoothly.

11. Referring to Annex B to the information paper, Mr Frederick FUNG noted that there were only about 10,000 households living in IRS in the urban area. In view of the limited number of IRS households, he urged the Administration to consider rehousing those who had been residing in IRS since 1 April 1996 and who had registered on WL to PRH in urban area upon clearance. BD/A&M advised that under the prevailing policy, applicants registered on WL after 31 March 1996 could not apply for PRH in urban districts. Therefore, it would not be fair to WL applicants if IRS occupants could be rehoused to urban PRH by virtue of clearance. Besides, the proposed relaxation would encourage queue-jumping by erection of IRS which was at variance with the Administration's commitment to clear IRS.

12. Miss CHAN Yuen-han noted that the Director of Audit had criticized HD for delay in clearance operations. As delay was mainly attributed to the reluctance of clearerees to move out of their existing accommodation due to unsatisfactory rehousing arrangements as in the case of the Diamond Hill Squatter Clearance, Miss CHAN opined that the Administration should review the prevailing rehousing policy to prevent further delay which would result in waste of public money.

13. The Principal Assistant Secretary for Housing (2) replied that while the Administration was mindful of and sympathetic towards residents affected by Government clearances, it had to ensure rational allocation of the scarce public housing resources. The objective of the 1982 survey was to prevent queue-jumping by virtue of clearance which was not fair to WL applicants. Any change to the baseline would create false hope for clearerees and encourage erection of illegal structures. She nevertheless assured members that the Administration would exercise flexibility within the eligibility framework to meet the housing needs of clearerees as far as practicable.

14. Mr Howard YOUNG asked how occupants could prove their stay in IRS since 1 June 1982. As there were no specific requirements on the types of documents to be produced, BD/A&M advised that correspondence, rental receipts and public utility bills would be accepted as evidence.

15. Noting that IRS clearerees not eligible for PRH would be rehoused to Po Tin IH in Tuen Mun, Miss CHAN Yuen-han and Mr LEE Cheuk-yan expressed concern that this would not only cause undue disruption to their daily routine but also increase their financial burden, particularly in respect of travelling expenses, in view of the remote location of Po Tin IH. Mr Frederick FUNG echoed that strong opposition from IRS clearerees would be expected if they had to be rehoused to Tuen Mun. Consideration should be given to converting old PRH blocks due for redevelopment in extended urban areas such as Sha Tin and Tsuen Wan into IH to rehouse IRS clearerees. This would help reduce their resistance against clearance operations.

16. BD/A&M reiterated that Tuen Mun was not as remote as generally perceived having regard to the current transport network. To facilitate a better understanding of the living conditions of IH, the Administration had arranged a series of visits to the Po Tin IH by interested parties concerned, including LegCo Members, who were generally impressed by the facilities therein. He stressed that IH was aimed at providing temporary accommodation to clearers pending allocation of PRH. It was therefore not desirable to use old PRH blocks pending redevelopment for rehousing clearers as this would inevitably delay the redevelopment programme. Besides, priority should be given to using available resources to build PRH with a view to further reducing the average waiting time for PRH. BD/A&M nevertheless assured members that in scheduling clearance operations, BD and HD would take into account, among other factors, the likelihood of IRS occupants' acceptance of rehousing arrangements. By way of illustration, occupants of IRS located in Tsuen Wan might be more amenable to offers of IH in Kwai Chung and Tuen Mun. IRS in the urban districts however would be cleared in the latter phase when most clearers who had registered on WL would become eligible for PRH.

17. As clearers of the Diamond Hill Squatter Area might have taken up all IH units in Kwai Chung, Mr LEE Cheuk-yan cautioned that there would not be any IH units left for rehousing occupants affected by clearance of IRS in Tsuen Wan. While acknowledging Mr LEE's concern, BD/A&M said that efforts would be made to meet the housing needs of IRS clearers concerned as far as possible and trawling exercise could be arranged to create suitable vacancies.

Enforcement

18. In reply to Mr CHAN Kam-lam's question, BD/A&M confirmed that IRS would be demolished upon vacation to ensure that these would not be taken up by other dwellers. H,TFBSPM noted that as some people, particularly those new immigrants from the Mainland, might not be aware of the illegitimacy of IRS, information pamphlets to advise against the erection and occupation of IRS had been prepared for distribution to new immigrants upon their arrival to Hong Kong. In addition to educational programme, TFBSPM had recommended the introduction of legislative amendments to facilitate prompt removal of IRS once these were identified and to ban the sale of IRS. BD would also deploy special patrol teams to clear newly built IRS before the supply of water and electricity could be made.

19. In view of the serious risk of fire posed by IRS, particularly those in the 4,500 single-staircase buildings identified by TFBSPM, Mr Abraham SHEK was not convinced that it should take seven years to clear these structures. He considered it necessary for the Administration to expedite the clearance programme. In reply, H,TFBSPM emphasized that IRS clearances had to tie in with the rehousing programme.

Way Forward

20. While acknowledging the need to clear IRS, members considered that the Administration should adopt a lenient approach in rehousing IRS clearnees to ensure smooth implementation of the clearance programme. Consideration should also be given to providing more IH units in urban and extended urban areas to meet the housing needs of clearnees.

21. There being no other business, the meeting ended at 3:20 pm.

Legislative Council Secretariat

1 June 2001