

**Extract of the minutes of Meeting between
Legislative Council Members and
North District Council Members
held on 22 February 2001**

Compensation and rehousing issues arising from land resumption in North District

32. Mr HAU Kam-lam said that the rehousing issues arising from the land resumption in North District mainly involved two aspects. Firstly, residents affected by the clearance were required to undergo the means and assets test. In this regard, he opined that the Administration should adopt more relaxed criteria in dealing with their resettlement in public housing since they were forced to move away from their places of residence as a result of the land resumption. They did not submit any applications for public housing on their own initiative. Secondly, he considered that local rehousing should be offered to the affected clearances and sufficient schools should be provided in the vicinity for their children. He further commented that the Government lacked comprehensive planning for the land resumption exercise in North District. Very often, it only resumed a portion of a piece of farmland, factory site or commercial premises or the middle part of a lot, thus seriously affecting the original usage of land. The landowners and the occupants concerned were not offered reasonable compensation. He therefore urged LegCo Members to assist the residents of North District in seeking reasonable rehousing and compensation.

33. On the issue of local rehousing, Mr LAU Kong-wah pointed out that, according to the information provided by the Housing Department (HD) to the LegCo Secretariat, eligible residents would be rehoused within the same or adjacent district as far as practicable, subject to availability of resources. HD also indicated that 57 families among those affected by the Spur Line Clearance for Sheung Shui to Lok Ma Chau East Rail Extension had been rehoused to public rental housing (PRH) flats in Yung Shing Court, Fanling. He enquired about the rehousing arrangements for the remaining residents affected by the relevant land resumption and clearance.

34. Mr WONG Sing-chi advised that despite the suspension of the above clearance programme pending the outcome of the appeal against the environmental impact assessment report on the Extension, HD had made special arrangements for rehousing eligible residents affected by the programme prior to the land resumption exercise. As for the development projects in Kwu Tung North and Fanling North, the relevant land resumption exercise had yet to commence. But it was estimated that about 6 700 families would be affected. They all demanded for local rehousing within North District. If they were required to move to other districts due to unavailability of local housing at the moment, they should be given priority in the allocation of PRH flats in North District upon their completion in future. He said that Mr HAU Kam-lam was concerned that proper planning and arrangements should be in place when the Government carried out the land resumption exercise in North District. At the same time, consideration should be given to the wishes of the affected clearances as far as rehousing and compensation were concerned, in particular elderly people who had difficulty in adapting to a new environment. There had been cases in the past where elderly people committed suicide due to their inability to adapt to the new environment after moving to other districts.

35. Mr PANG Hang-yin, Chairman of NDC, advised that most of the people affected by the land resumption and clearance programme for Kwu Tung North and Fanling North lived in the district for more than two decades. They might have personal assets valued at several hundred thousand dollars. They were forced to move away from their homes to the PRH flats for which they had not applied on their own initiative. HD should reserve vacant PRH flats in North District for rehousing them locally. A lot of the affected clearerees were not required to pay rent at present, but they would have to do so upon moving into the PRH flats, which was an extra burden to them. In fact, the number of people affected by the development project only constituted a very small portion of the future population of the site which was estimated to be more than 100 000. Their rights and interests should not be sacrificed for the benefits of the majority. They should enjoy more favourable treatment and be exempted from the means and assets test.

36. Mr LIU Chiu-wa said that he had received letters from the persons affected by the land resumption and clearance in North District. They expressed concern that the means and assets test might affect their eligibility for public housing, and they might have to pay market rent even if they were allocated PRH flats eventually. These people were in the middle age. They lived in squatter areas and were not required to pay rent. Presently engaging in agricultural work, they might have to change for other jobs after the removal. They worried that they might not be able to earn a living and pay for the rent and other expenses. He urged LegCo Members to take account of the above situation in their discussions on the relevant issues with the Administration.

37. Mr LAU Hou-ting said that though the residents of Kwu Tung North and Fanling North were not indigenous habitants, they had been living there for a few generations. Unlike the cases of other squatter areas such as Tai Hom Village, the places at which they lived were private land purchased from the landowners and not those illegally occupied government land. He hoped that the Government would take these special factors into consideration in dealing with the compensation and rehousing issues arising from the land resumption.

38. At Miss Emily LAU's suggestion, LegCo Members present agreed to follow up on the concerns of NDC by holding a case conference with the Administration on the compensation and rehousing issues arising from the land resumption in North District and inform NDC of the outcome of the case conference.

LegCo
Secretariat

39. Mr Ambrose LAU Hon-chuen, the Convenor, thanked NDC members for attending the meeting. He said that the LegCo Secretariat would make arrangements for separate case conferences to be held between LegCo Members and the Administration for discussions on the shortage of school places in North District and the compensation and rehousing issues arising from the land resumption in the district.

Action

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40. The meeting ended at 12:45 pm, followed by a luncheon joined by LegCo Members and NDC members at the Dining Hall.

**Rehousing Eligibility Criteria for Residents Affected by
Land Resumption and Clearance**

I. SQUATTER CLEAREES

A. Eligibility criteria for Public Rental Housing

To be eligible for public housing, the affected squatters must satisfy the following eligibility criteria -

- (1) Genuine residents of domestic structures covered by the 1982 Squatter Structure Survey at the time of pre-clearance survey;
- (2) Covered by the 1984/85 Squatter Occupancy Survey;
- (3) At least half of the family members must have lived in Hong Kong for seven years. For this purpose, all children under the age of 18 who are residing in Hong Kong without any condition of stay, regardless of their place of birth, are deemed as having satisfied the seven-year residence rule provided that one of their parents has lived in Hong Kong for seven years.
- (4) Not owning any domestic property within 24 months prior to the pre-clearance survey until the date of intake; and
- (5) Satisfy a comprehensive means test covering both income and net asset of the applicants and their family members. [This criterion is applicable to squatters affected by clearance operations announced on or after 11 September 1998 only.]

Note: Clearees not satisfying criterion A(3) above but all other criteria may be rehoused to refurbished flats in older estates.

B. Eligibility criteria for interim housing

- (1) Genuine residents of domestic structures covered by the 1982 Squatter Structure Survey at the time of pre-clearance survey;
- (2) Not owning any domestic property within 24 months prior to the pre-clearance survey until the date of intake; and
- (3) Satisfy a comprehensive means test covering both income and net asset of the applicants and their family members. [This criterion is applicable to squatters affected by clearance operations announced on or after 15 April 1999 only.]

II. OCCUPANTS OF PRIVATE BUILDINGS AFFECTED BY LAND RESUMPTION

A. Eligibility criteria for public rental housing

To be eligible for public rental housing upon land resumption, the occupants must satisfy the following eligibility criteria -

- (1) Genuine residents of private building before the date of negotiation, date of gazette or whichever date the resumption is first known to the public.
- (2) At least half of the family members must have lived in Hong Kong for seven years. For this purpose, all children under the age of 18 who are residing in Hong Kong without any condition of stay, regardless of their place of birth, are deemed as having satisfied the seven-year residence rule provided that one of their parents has lived in Hong Kong for seven years.
- (3) Not owning any domestic property within 24 months prior to the pre-clearance survey until date of intake; and
- (4) Satisfy a comprehensive means test covering both income and net asset of the applicants and their family members. [This criterion is applicable to occupants of tenement buildings affected by land resumption announced on or after 11 September 1998 only.]

Note:

- (1) Occupants not satisfying criterion (2) above but the other criteria may be rehoused to refurbished flats in older estates.
- (2) Owner-occupiers may not be eligible for rehousing due to non-compliance with criteria (3) & (4) above. They are however eligible for statutory compensation.