

(English translation prepared by the
Legislative Council Secretariat
for Members' reference only)

(Letterhead of the Secretariat of Legislative Councillors of the Democratic Party)

27 November 2000

Chairman
Joint Meeting of the LegCo Panels on Housing
and Planning, Lands and Works
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr Chairman,

**Request for the Government to assume the responsibility for
the unusual settlement in Tseung Kwan O**

Announcing details of the investigation report on the unusual settlement of Tseung Kwan O (TKO) reclamation at a press conference held on the 21st of this month, the Director of Territory Development said that the main cause of the unusual settlement in TKO was attributed to the massive inflow of groundwater into the sewer tunnel being constructed under the Government's Strategic Sewage Disposal Scheme (SSDS) outside the reclaimed area. The Director held the view that as the drawdown of groundwater could not have been foreseen, compensation would not be made to the residents. Residents might seek compensation from the Government in accordance with the normal procedures should they have strong justifications.

Since the unusual settlement was caused by the Government's works carried out under SSDS, the resident groups of the two housing estates seriously affected by the unusual settlement in TKO, namely the Beverly Garden Owners Association and the Tong Ming Court Owners' Corporation, consider that as a responsible Government, it should have the encourage to face the problem, carry out remedial work as early as possible, and provide assistance to the affected residents in a proactive manner instead of putting the onus of proof on the residents. Given that the Administration was at fault in carrying out works at the district level which adversely affected the interests of the local residents, it will be a dereliction of duty for the Administration to ask them to challenge the Government in court.

We consider that the residents concerned have already been greatly disturbed by the problem of unusual settlement. We therefore hope that you and members of the two Panels would deal with our following requests fairly and prudently:

- 1) The Legislative Council should engage an independent expert to assess the damages caused by the unusual settlement to the building blocks and housing estates concerned with a view to working out a reasonable maintenance plan and the costs incurred;
- 2) The Government should provide a minimum 20-year structural maintenance for Beverly Garden and Tong Ming Court;
- 3) The Government should set up a maintenance fund for unusual settlement for inspecting and repairing the damages caused to any building blocks and housing estates by unusual settlement in the past and in the future;
- 4) As unusual settlement is a rare phenomenon, residents of the affected housing estates should be given special treatment. Consideration should be given to extending the buy back period of Tong Ming Court by one year to allow more time for the residents to make their decisions;
- 5) The Housing Department (HD) should closely monitor the inspection and maintenance work of the developer of Beverly Garden, and undertake such work in the event of evasion of responsibilities and deliberate delay on the part of the developer;
- 6) HD should not return the retention money to the developers concerned until the Beverly Garden Owners Association and Tong Ming Court Owners' Corporation have issued a written notice to confirm completion of the required inspection and maintenance work by the developers;
- 7) The residents of Beverly Garden and Tong Ming Court who have sold their flats back to the Housing Authority (HA) at the original price should be allowed to retain their First Priority Green Form, Green Form or White Form status;
- 8) All fees and charges such as application fees, reinstatement charges, etc. incurred from selling their units back to (HA) at the original price should be waived; and
- 9) A joint meeting among the Beverly Garden Owners Association, the Tong Ming Court Owners' Corporation, Members of the Legislative Council and the relevant government departments (including the Finance Bureau, Works Bureau, Territory Development Department, Drainage Services Department, Housing Authority, HD and Buildings Department) should be held to discuss the subject.

This letter is submitted to reflect the views of the residents affected by the unusual settlement. We should be grateful if you would bring up the above matter at today's joint meeting for discussion.

With best regards,

LUK Ping-choi
(Chairman of the Beverly Garden Owners Association)

FAN Kwok-wei
(Chairman of the Tong Ming Court Owners' Corporation)

Joint office of Legislative Councillor Andrew CHENG Kar-foo and
District Board member FAN Kwok-wei