

## **Joint Meeting of the LegCo Panel on Housing and Panel on Planning and Lands**

### **Rehousing Arrangements for Occupants of Illegal Rooftop Structures upon Clearance**

#### **PURPOSE**

This paper sets out the rehousing arrangements for occupants of illegal rooftop structures displaced as a result of enforcement action by the Buildings Department.

#### **BACKGROUND**

##### **Rehousing Arrangements for Illegal Rooftop Structure Occupants**

2. It is established Government policy that nobody will be homeless as a result of the Government's clearance operations. Occupants of illegal rooftop structures are offered rehousing in public rental housing or Interim Housing units according to their eligibility. Under these criteria (details at **Annex A**), bona fide households living in illegal rooftop structures since 1 June 1982 and meeting the residence rule<sup>1</sup>, domestic property restriction<sup>2</sup> and the Comprehensive Means Test<sup>3</sup> will be offered public rental housing. Households which do not meet the residence rule will be offered refurbished flats in older estates. Other households which have moved into illegal rooftop structures after 1 June 1982 are offered Interim Housing units available in Kwai Chung, Tuen Mun, Yuen Long or Sha Kok Mei, subject to their meeting the Comprehensive Means Test and the domestic property restriction. Those who cannot prove their residence in the illegal rooftop structures but claim to be homeless will be offered accommodation in Transit Centres if necessary.

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<sup>1</sup> The residence requirement was reviewed and relaxed in 1999. At present, only 50% of household members are required to have lived in Hong Kong for seven years. Children aged under 18 born outside Hong Kong are treated as meeting the requirement if one of their parents has satisfied the seven-year residence rule.

<sup>2</sup> Under the domestic property restriction, clearerees must not have owned any domestic property 24 months prior to the date of the freezing survey until rehousing to public rental housing or Interim Housing.

<sup>3</sup> The Comprehensive Means Test comprises an income test and an asset test. With effect from 1 April 2001, the income and asset limits for a four-person family will be \$16,400 and \$440,000 respectively.

3. These arrangements are consistent with those applicable to squatter clearances. The aims are to :

- (a) ensure that scarce public housing resources are allocated to people in genuine need of such assistance; and
- (b) prevent the proliferation of squatting as a means to by-pass the Waiting List for public rental housing.

4. In practice, within the confines of this eligibility framework, the Housing Department, as Government's clearance agent, has exercised flexibility to meet residents' housing needs as far as practicable. These include:

**(a) *Anticipatory Housing Scheme***

Since 1981, clearances who are only eligible for Interim Housing but have already registered on the Waiting List are offered public rental housing about a year in advance of their normal turn on the Waiting List.

**(b) *Compassionate Cases***

Displaced households in illegal rooftop structures with genuine hardship are offered compassionate rehousing to public rental housing upon the recommendation of the Social Welfare Department. In the past two years, 21 households affected by clearance of illegal rooftop structures have been rehoused on this basis (e.g. old age, health and social reasons).

**(c) *Other Subsidised Housing Benefits***

Households which are ineligible for rehousing on financial grounds are given priority through Green Form status<sup>4</sup> to purchase Home Ownership Scheme flats or take out loans under the Home Purchase Loan Scheme, subject to their meeting the income and asset limits for White Form applicants<sup>5</sup>.

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<sup>4</sup> Green Form status is given to sitting and prospective tenants of public rental housing. A larger number of flats are allocated to Green Form applicants under the Home Ownership Scheme, thereby giving them a higher priority for flat purchase and selection. Under the Home Purchase Loan Scheme, Green Form applicants are also allocated a larger share of the quota.

<sup>5</sup> White Form applicants refer to applicants for Home Ownership Scheme and Home Purchase Loan Scheme who are not sitting or prospective tenants of public rental housing. With effect from 1 April 2001, the income and asset limits for White Form family applicants will be \$25,000 and \$600,000 respectively

Households which are eligible for rehousing to public rental housing or Interim Housing are given Priority Green Form status<sup>6</sup> to apply for these Schemes.

**(d) *Cash Allowance***

To enable clearerees who are eligible for rehousing to obtain accommodation of their own choice, the Housing Authority has since 1976 provided an additional option for single persons and two-person households to receive a cash allowance (\$37,330 and \$48,310 at present respectively) in lieu of rehousing. Recipients of the allowance are ineligible for further payment of the allowance or any form of public housing in the subsequent two years.

**Clearance Programme for Illegal Rooftop Structures**

5. In February 2000, the Task Force on Building Safety and Preventive Maintenance of the Planning and Lands Bureau was set up to study ways to improve building management and maintenance. One of the Task Force's recommendations is to clear illegal rooftop structures in some 4 500 single-staircase buildings over the next seven years. In support of this initiative, the Housing Department will assist in rehousing occupants of illegal rooftop structures affected by the clearance operations.

6. The Buildings Department aims to clear illegal rooftop structures in 300 single-staircase buildings in 2000/01, and 700 every year from 2001/02 onwards. A breakdown of the number of target buildings by district is at Annex B. During the first three quarters of 2000/01, the Housing Department has arranged rehousing for occupants of illegal rooftop structures in 342 single-staircase buildings<sup>7</sup> involving 829 households, thus exceeding the target of 300 for the whole year.

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<sup>6</sup> Applicants with Priority Green Form status will enjoy a higher priority than those with ordinary Green Form status in flat selection under the Home Ownership Scheme and application for loans under the Home Purchase Loan Scheme.

<sup>7</sup> The Buildings Department has completed the enforcement actions in 315 out of these 342 buildings.

## **WAY FORWARD**

### **Rehousing through Registration on Waiting List**

7. The most equitable way to allocate scarce public housing resources is through the Waiting List. The current average waiting time for applicants registered on the Waiting List is 4.7 years. The Administration has pledged to further reduce the waiting time to three years by 2003 by increasing public rental flat supply.

### **Proactive Measures to Encourage Occupants of Illegal Rooftop Structures to Register on Waiting List**

8. To properly address the rehousing problems arising from clearance of illegal rooftop structures, the most appropriate arrangement is to encourage those who will be affected to register on the Waiting List for public rental housing as early as possible. Through the Anticipatory Housing Scheme and the shortened waiting time, those registered on the Waiting List will be eligible for rehousing to public rental housing by the time their structures are due for clearance in the next two to three years. The following channels have already been established to achieve this objective:

- (a) six Housing Information Centres in districts with a high concentration of old private buildings to encourage interested households to register on the Waiting List for public rental housing;
- (b) provision of round-the-clock enquiry service on housing matters, including application for public rental housing through the Housing Hotline on telephone 2712 2712; and
- (c) provision of face-to-face enquiry service in the Housing Authority Customer Service Centre for persons who are interested in applying for public rental housing.

9. To encourage more illegal rooftop structures occupants to gain access to public rental housing through the Waiting List, the Housing Department will take the following proactive measures in the coming months:

**(a) *Direct Mailing of Application Forms***

A list of tenement buildings with illegal rooftop structures has already been identified by the Buildings Department for its seven-year enforcement programme. Application forms will be sent to occupants of these illegal rooftop structures inviting them to register on the Waiting List. Rehousing arrangements upon clearance of structures will be explained and the merits of early registration will be emphasised.

**(b) *Publicity Drive***

We will launch a territory-wide registration campaign through the mass media and roving exhibitions in areas featuring a high concentration of old tenement buildings with illegal rooftop structures in order to draw target occupants' attention to the need to register early on the Waiting List.

**(c) *Promotion at Housing Information Centres***

The Housing Department will step up promotion efforts at Housing Information Centres. Occupants of illegal rooftop structures will be encouraged to register at these centres directly.

**Better Inter-departmental Co-ordination**

10. Notwithstanding the above, registration on the Waiting List may not fully address the rehousing needs arising from clearance operations in the next few years. In scheduling clearance operations, the Buildings Department and Housing Department will take into account, among other factors, the likelihood of occupants' acceptance of rehousing arrangements. For example, occupants of structures located in Tsuen Wan may be more amenable to offers of Interim Housing in Kwai Chung and Tuen Mun. Structures in the urban districts will be cleared in the latter phase when most clearerees who have registered on the Waiting List through our vigorous campaign will become eligible for public rental housing.

## **CONCLUSION**

11. We have rehoused 420 families involving 1 200 persons upon the clearance of some 1 500 illegal rooftop structures in 500 buildings in the past two years. With the above rehousing arrangements and proposed proactive measures in encouraging illegal rooftop structure occupants to gain early access to public rental housing through the Waiting List, we hope to provide satisfactory rehousing to people affected by clearance operations without prejudicing the prospect of better housing for some 100 000 applicants currently on the Waiting List for public rental housing.

Housing Department  
February 2001

**Eligibility Criteria for Rehousing Occupants of Illegal Rooftop Structures  
Affected by Buildings Department's Enforcement Action**

**(A) Eligibility Criteria for Public Rental Housing**

- (1) Genuine residents in the illegal rooftop structures since 1 June 1982 and covered by Housing Department's freezing survey<sup>Note 1</sup>;
- (2) At least half of the family members have lived in Hong Kong for seven years<sup>Note 2</sup>;
- (3) They must not, during the period of 24 months prior to the date of the freezing survey until the date of intake, own domestic property; and
- (4) They must satisfy the Comprehensive Means Test for Waiting List applicants<sup>Note 3</sup>.

**(B) Eligibility Criteria for Interim Housing**

- (1) Genuine residents who have moved into the illegal rooftop structures after 1 June 1982 and covered by Housing Department's freezing survey;
- (2) They must not, during the period of 24 months prior to the date of the freezing survey until the date of intake, own domestic property; and
- (3) They must satisfy the Comprehensive Means Test for Waiting List applicants<sup>Note 3</sup>.

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Note 1 When Buildings Department posts statutory orders at illegal rooftop structures for enforcement action, Housing Department carries out a freezing survey to register occupants of these structures to prevent imposters from taking advantage of the clearance.

Note 2 Households who do not meet this criterion only will be offered refurbished vacant flats in older rental estates.

Note 3 Households who fail the Comprehensive Means Test will be offered Interim Housing if they have temporary housing need. However, their stay in Interim Housing will be restricted to one year only and they will be required to pay licence fee at market rent. During the one-year stay, they will be given "2<sup>nd</sup> priority green form" status to apply for Home Ownership Scheme/Private Sector Participation Scheme or Home Purchase Loan Scheme, subject to their meeting the eligibility criteria for white form applicants.

**Annex B****Target Single-staircase Buildings for Clearance by  
the Buildings Department from 2000-01 to 2006-07**

	<b>District</b>	<b>No. of target single staircase buildings</b>	<b>No. of buildings already cleared</b>	<b>No. of buildings to be cleared</b>
Hong Kong	Central & Western	863	65	798
	Wan Chai	393	33	360
	Eastern	155	16	139
	Southern	59	7	52
Kowloon	Kowloon City	609	31	578
	Kwun Tong	66	19	47
	Mong Kok	438	47	391
	Yau Tsim	377	29	348
	Sham Shui Po	436	37	399
	Wong Tai Sin	181	14	167
New Territories	Island	5	0	5
	North	358	1	357
	Sai Kung	31	0	31
	Sha Tin	28	0	28
	Tai Po	122	5	117
	Tuen Mun	39	0	39
	Yuen Long	247	3	244
	Tsuen Wan	225	8	217
	Kwai Tsing	39	0	39
	<b>Total</b>	<b>4 671</b>	<b>315</b>	<b>4 356</b>