

CB(1) 587/02-03

THE HONG KONG HOUSING AUTHORITY

Memorandum for the Rental Housing Committee

**Rehousing of Clearees
of Squatter and Illegal Rooftop Structures**

PURPOSE

To seek Members' endorsement to review the clearees' length of residence in squatter structures or illegal rooftop structures (IRS) as one of the rehousing criteria for public rental housing (PRH).

BACKGROUND

2. Under the current clearance and rehousing policies, affected clearees have to meet the following eligibility criteria before they are eligible for rehousing to PRH -

- (a) in residence in Housing Department (HD)'s 1982 surveyed domestic squatter structures (for squatter area clearances) or in the rooftop structures built on or before 1 June 1982 (for IRS enforcement action);
- (b) covered by HD's 1984/85 Squatter Occupancy Survey (84/85 SOS) (for squatter area clearances) or having proof of residence on or before 1 June 1982 (the 8261 policy) (for IRS enforcement actions); and
- (c) Waiting List (WL) eligibility criteria such as the Residence Rule, no domestic property ownership and Income and Asset Limit.

3. As the current average waiting time for PRH through the WL is about three years, there is a need to review the length of residence requirement for rehousing of squatter clearerees and occupiers of IRSs.

PRESENT POSITION

4. Based on our records in the past three years, about 37% of clearerees in the squatter areas affected by Government clearances were not covered by 84/85 SOS and were, therefore, ineligible for PRH. It should also be noted that some 90% of clearerees affected by IRS enforcement action did not have proof of residence on or before 1 June 1982. They were only eligible for interim housing (IH) in normal circumstances.

5. Indeed, some of the residents living in squatter areas or IRSs would have applied for PRH through WL and would have waited for a certain period of time. If the structures occupied by them were affected by Government clearances or IRS enforcement action, those clearerees holding WL applications would be granted one year advancement in waiting time under the Anticipatory Housing Scheme (AHS) and an offer of one-grade-up in the choices of district from the New Territories to Extended Urban Area and from Extended Urban Area to Urban Area refurbished flats if they chose to be rehoused through the WL. Those without WL applications would normally be rehoused to IH unless they could produce proof of residence in the affected structures on or before 1 June 1982.

RECOMMENDATIONS

6. In line with the current average waiting time of three years for rehousing under the WL and the advancement of one year waiting time under the AHS, we recommend that the criteria in paragraph 2(b) i.e. 84/85 SOS and “the 8261 policy” should be relaxed to **2-year residence** in the affected structures prior to the date of announcement of squatter area clearance or the date of the service of Statutory Order by Building Department (BD) under Section 24 of the Buildings Ordinance. Subject to satisfying the WL eligibility criteria, the affected clearerees will become eligible for PRH.

7. We consider it necessary to maintain the current eligibility in paragraph 2(a) governing the status of the structures. Any relaxation of the baseline for toleration of unauthorized structures would send a wrong message to the public and attract people building or moving into the squatter areas/IRSs as a shortcut to PRH.

IMPLEMENTATION

8. Subject to Members' approval, the revised rehousing eligibility criteria of 2-year residence will apply immediately to clearnees affected by all on-going Government clearances including IRS enforcement action and clearance operations/enforcement action announced on or after the effective date. Clearnees with 2-year residence will be allotted a notional WL application number with a 2-year waiting time. The clearnees holding a notional WL application will then be eligible for PRH under the AHS with the offer of one-grade-up in the choice of district as detailed in paragraph 5 above. To prevent abuse of the relaxed criteria, such relaxation will not apply to any new illegal structures subsequently built after the old structures are demolished or vacated by the former residents. Any new illegal structures will be dealt with by the BD in respect of rooftop cases and HD or Lands Department in respect of squatter area cases respectively according to the prevailing policy.

----- 9. A comparison of the current and proposed rehousing eligibility criteria for PRH is at the **Annex**.

FINANCIAL AND STAFFING IMPLICATIONS

10. The additional rehousing work arising from the proposal will be absorbed by the existing staff. The estimated increase in demand for PRH is around 1,000 flats each year, 600 for squatter area clearances and 400 for IRS enforcement actions. As these clearnees will be eligible for allocation of PRH in due course, the proposal will only shift the IH demand to PRH demand. We will continue to let the IH to WL applicants not yet due for allocation as earlier approved by Members. We will also ensure an adequate supply of subsidized housing opportunities to sustain the average waiting time at three years for WL applicants.

PUBLIC REACTION AND PUBLICITY

11. The revised rehousing eligibility criteria of 2-year residence requirement prior to the announcement of Government clearances including BD's enforcement action would be welcomed by the residents living in the squatter structures and IRSs. The public at large will also support the proposal which will facilitate the clearance of squatter areas for public development and BD's enforcement action against IRSs so as to eliminate fire hazards on rooftops.

DECLASSIFICATION OF PAPER

12. This paper will be declassified after the approval of the recommendations by Members. The paper will be made available to the public at the Housing Authority Homepage, the Department's Library and through the Departmental Access to Information Officer when it is declassified.

ADVICE SOUGHT

13. At the next meeting of the Rental Housing Committee to be held on 19 December 2002, Members will be requested to approve -

- (a) proof of 2-year residence by a clearee in a HD 1982 surveyed domestic structure prior to the date of announcement of squatter area clearances will be accepted as eligible for PRH subject to satisfying other WL eligibility criteria;
- (b) proof of 2-year residence by a clearee in a rooftop structure built on or before 1 June 1982 prior to the date of service of Statutory Order by BD under Section 24 of the Buildings Ordinance will be accepted as eligible for PRH subject to satisfying other WL eligibility criteria;
- (c) the implementation arrangements as proposed in paragraph 8; and
- (d) declassification of the paper (paragraph 12).

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Rehousing Eligibility Criteria for PRH

Category	Current Rehousing Eligibility Criteria	Proposed Rehousing Eligibility Criteria	Remarks
(a) Squatter area clearances	<ul style="list-style-type: none"> (i) In residence in a 1982 surveyed squatter structures (ii) To be covered by the 1984/85 Squatter Occupancy Survey (iii) 7-year residence rule (iv) No domestic property restriction (v) Comprehensive Means Test covering both income and net asset 	<ul style="list-style-type: none"> (i) Maintain the criteria (ii) <i>Proof of 2-year residence in the affected structure prior to the date of announcement of squatter area clearance</i> (iii) Maintain the criteria (iv) Maintain the criteria (v) Maintain the criteria 	
(b) Illegal Rooftop Structures enforcement actions	<ul style="list-style-type: none"> (i) Proof of residence in the affected IRS on or before 1.6.1982 (ii) 7-year residence rule (iii) No domestic property restriction (iv) Comprehensive Means Test covering both income and net asset 	<ul style="list-style-type: none"> (i) <i>Proof of 2-year residence in the affected IRS which is in existence on or before 1.6.1982</i> (ii) Maintain the criteria (iii) Maintain the criteria (iv) Maintain the criteria 	

<p>(c) WL applicants residing in the squatter areas or IRS affected by clearance or BD's enforcement action</p>	<p>(i) Waiting list criteria</p> <p>(ii) Advancement of 1-year waiting time under the Anticipatory Housing Scheme (AHS)</p> <p>(iii) One-grade-up allocation arrangement of upgrading the choices of district from the New Territories to Extended Urban Area and from Extended Urban Area to Urban Area flats.</p>	<p>(i) Maintain the criteria</p> <p>(ii) Maintain the criteria</p> <p>(iii) Maintain the criteria</p>	<p>The WL applicants may also opt for rehousing to PRH under the proposed rehousing eligibility criteria at (a) and (b) above subject to proof of 2-year residence in the affected structures</p>
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