

**Legislative Council
Panel on Planning, Lands and Works
and Panel on Housing**

**Clearance of Illegal Rooftop Structures (IRSs) and
Rehousing Policy for Affected Occupants**

INTRODUCTION

On 20 November 2002, Legislative Council (LegCo) Duty Roster Members had a meeting with the representatives of the “Aggrieved Owners of Rooftop Structures in Tsuen Wan District” (the deputation). Some LegCo members also had a meeting with members of the Tsuen Wan District Council on 23 January 2003. After the meetings, LegCo members referred certain issues on the clearance of illegal rooftop structures (IRSs) and rehousing of IRS clearerees to the Panel on Planning, Lands and Works and Panel on Housing for follow up action.

2. As requested by the two Panels, this paper provides the Administration’s response to the issues raised, including the IRS clearance programme, assistance to owners who are required to demolish their IRS and relaxation of the requirements of IRS clearerees for public rental housing.

CLEARANCE OF ILLEGAL ROOFTOP STRUCTURE (IRS)

LegCo members’ concern : whether a mechanism has been put in place by the Administration to check if the procedures adopted by owners of IRS in demolishing IRS are proper and in compliance with safety standards.

3. Before the commencement of building works for the removal of IRS, BD staff will contact the owner and advise him on the safety and protective measures to be adopted in the demolition of the IRS. A booklet entitled “Guidelines for the Removal of Typical Unauthorized Building

Works and General Maintenance of External Walls” is provided for the owner at the same time when the demolition order is served. BD will also provide a list of registered contractors interested in undertaking the works specified in the order so that the owner may choose competent contractors from the list for carrying out the demolition works and, at the same time, for making a cost comparison.

4. BD also carries out audit checks to ensure that the procedures adopted by owners in demolishing their IRSs are proper and in compliance with safety standards. Verbal advice is given as appropriate and written warnings are issued to non-compliant parties. Where necessary, BD serves cease work orders or prosecutes owners or contractors who violate safety requirements.

LegCo members’ concern : how the Administration sets the priority for the clearance of these IRSs.

5. The roofs of single-staircase buildings may need to be used as the refuge area of occupants in case of fire. By obstructing the possible escape route of occupants, IRSs on single-staircase buildings pose a serious fire risk. The Government, therefore, intends to remove all IRSs on all single-staircase buildings by 2007. In the clearance programme, BD accords top priority to the removal of IRSs on some 1,300 single-staircase buildings. According to a survey conducted by the Fire Service Department (FSD) in 1998¹, the roofs of these buildings are fully covered by IRSs. At the same time, to contain the proliferation of IRS, newly erected IRSs on all types of building are subject to immediate enforcement actions. Moreover, when BD launches a large scale operation, such as ‘Blitz’ operation or Coordinated Maintenance of Building Scheme, on a single-staircase building, the IRS erected on the target building will be removed in parallel with other unauthorized building works (UBWs). As regards the remainder, BD will remove them systematically. BD’s target is to remove IRSs on 700 single staircase buildings per year.

¹ In early 1998, FSD carried out a territory-wide survey on the fire safety condition of private buildings. About 4,700 single-staircase buildings were found to be covered with IRS. Among them, about 1,300 were found to be fully covered by IRS.

LegCo members' concern : whether owners who experience genuine hardship (e.g. those with financial difficulty) will be handled on a discretionary basis.

6. In general, IRSs are constructed of metal, wood and bricks on solid roof slabs. The removal works of a typical IRS should not be too complicated or costly. Building owners should normally be able to afford the cost. If the owner lacks cash in hand to finance the required works, he may consider applying for a low-interest loan under the Building Safety Loan Scheme administered by BD². He can then repay the principal and interest of the loan by 36 monthly instalments.

7. In addition, owners meeting certain criteria are eligible for interest-free loans³. The repayment of the loan may be extended to 72 monthly instalments or indefinitely⁴. Should any owner affected by the removal of IRSs encounter genuine hardship, he could approach the Home Affairs Department (HAD) and Social Welfare Department (SWD) for assistance.

8. The clearance programme of IRSs on single staircase buildings is being implemented in the interest of both the occupants of the buildings and the general public at large in view of the potential fire risks and public safety concerns caused by these IRSs. Implementation of this programme cannot be delayed.

² The amount of the loan is subject to a ceiling of \$1 million per unit of accommodation for building-cum-fire safety improvement works. The improvement works include, among others, the removal of UBWs and IRSs.

³ An owner may apply for an interest-free loan if he is (i) a recipient of the Comprehensive Social Security Assistance; or (ii) a recipient of the Normal Old Age Allowance; or (iii) an applicant with earning income and possessing assets within the limits set for the low income category.

⁴ Elderly and/or disabled singletons/couples aged 60 and above eligible for the grant of an interest-free loan may apply for an extension of the repayment period.

REHOUSING POLICY FOR IRS CLEAREES

LegCo members' concern : IRS occupiers are reluctant to move out as rehousing will not be offered in the absence of statutory orders.

9. Owners have the responsibility to maintain their buildings in a safe and healthy condition and to ensure that their buildings are free from UBWs, including IRSs.

10. All IRS occupiers, if they meet the eligibility criteria, may apply for public rental housing through the Waiting List. We see no justification in offering IRS occupiers rehousing out of their normal turn if the IRSs are not the subject of a clearance operation.

LegCo members' concern : whether the Administration will consider suitably relaxing the rehousing criteria for public rental housing so that more clearees affected by the clearance of IRS can be rehoused in public housing units.

11. The Government's policy is that no one will be rendered homeless in an IRS clearance. Affected IRS clearees in genuine need of subsidized accommodation are rehoused to public rental housing in accordance with the eligibility criteria set out as follows -

- (a) The IRSs which these clearees are occupying were built before 1982. This criterion is aimed at containing the proliferation of IRS.
- (b) The requisite residence requirement is met. Until recently, the requirement was for residence in the IRSs on or before 1982. This criterion was aimed at preventing imposters from taking advantage of the enforcement actions to obtain public housing allocation out of normal turn. In view of the good progress in shortening the average waiting time for public rental housing to three years, there is little incentive now for families to move into IRSs for expedited allocation of public rental housing. Therefore, on 19 December 2002, the Housing Authority approved the relaxation of this requirement. Under the new arrangements, families who have resided in the affected structures for two years or more prior to the date of the service

of a statutory order by BD will be deemed to have applied for public rental housing through the Waiting List for two years. With one-year advancement of waiting time and upgrading in the choice of district under the Anticipatory Housing Scheme⁵ designed for families affected by clearances, these families will be rehoused to public rental flats upon clearance. Affected households with less than two years' residence and in need of accommodation will be rehoused to Interim Housing to wait for their turn for public rental housing through the Waiting List.

- (c) These clearances' income and assets meet the prescribed limits for the Waiting List. This criterion is aimed at ensuring that scarce public housing resources are allocated only to those who cannot afford private sector accommodation.
- (d) At least half of the family members have resided in Hong Kong for seven years⁶.

12. The criteria set out in paragraph 11 are necessary to prevent the erection of new IRSs and to ensure that subsidized rental housing is only provided to those who are in genuine need. Families not meeting these criteria will be given priority to apply for the Home Assistance Loan Scheme, or rehoused to Interim Housing to meet their temporary housing needs. Singleton and doubleton families, in addition to the above, may opt for a cash allowance⁷ in lieu of rehousing. In addition, families with special social or medical reasons, including elderly households, will be given compassionate rehousing upon the Social Welfare Department's recommendation.

Housing, Planning and Lands Bureau
February 2003

⁵ Under the Anticipatory Housing Scheme, families affected by clearances will be granted one-year advancement in public housing waiting time, and an offer of one-grade-up in the choices of district, i.e. from the New Territories to Extended Urban Area and from Extended Urban Area to Urban Area.

⁶ Children with either parent having resided in Hong Kong for seven years will be deemed to have resided in Hong Kong for seven years also.

⁷ The amounts of cash allowances for singleton and doubleton families are \$37,330 and \$48,310 respectively.