

立法會
Legislative Council

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

**Minutes of joint meeting
held on Wednesday, 26 February, 2003 at 9:00 am
in the Chamber of the Legislative Council Building**

Members present : Members of Panel on Planning, Lands and Works

- Dr Hon TANG Siu-tong, JP (Chairman)
- * Hon LAU Ping-cheung (Deputy Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- * Hon James TO Kun-sun
- Hon WONG Yung-kan
- Hon Timothy FOK Tsun-ting, SBS, JP
- Hon TAM Yiu-chung, GBS, JP
- * Hon Abraham SHEK Lai-him, JP
- * Hon Albert CHAN Wai-yip
- * Hon WONG Sing-chi

Members of Panel on Housing

Hon CHAN Kam-lam, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon LEE Cheuk-yan
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP

(* Also members of the Panel on Housing)

Members absent : Members of Panel on Planning, Lands and Works

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LAU Wong-fat, GBS, JP

Hon CHOY So-yuk

* Hon IP Kwok-him, JP

Members of Panel on Housing

Hon Fred LI Wah-ming, JP

Hon NG Leung-sing, JP

Hon CHAN Yuen-han, JP

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Dr Hon YEUNG Sum

Dr Hon LO Wing-lok

Hon Frederick FUNG Kin-kee

(* Also members of the Panel on Housing)

Public officers attending : Mr CHEUNG Hau-wai
Director of Buildings

Mr NG Ching-man
Principal Assistant Secretary for Housing,
Planning and Lands

Mr TSANG Cheung-chuen
Assistant Director
Buildings Department

Mr LEE Kang-sum
Chief Housing Manager
Housing Department

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Mrs Queenie YU
Senior Assistant Secretary (1)6

Miss May LEUNG
Legislative Assistant

Action

I. Election of Chairman

Mr CHAN Kam-lam was elected Chairman of the joint meeting.

II. Clearance of illegal rooftop structures and rehousing policy for affected occupants

(Paper for the joint meeting)

LC Paper No. CB(1)943/02-03(01) — Paper provided by the Administration

Paper previously issued to the Panel on Housing

LC Paper No. CB(1)587/02-03 — Information paper on “Rehousing of Clearees of Squatter and Illegal Rooftop Structures” provided by the Administration

Background information

LC Paper No. CB(1)437/02-03(01) — Letter of 20 November 2002 from the Aggrieved Owners of Rooftop Structures in Tsuen Wan District

LC Paper No. CB(1)589/02-03(01) — Letter of 20 December 2002 from the Aggrieved Owners of Rooftop Structures in Tsuen Wan District

LC Paper No. CB(1)943/02-03(02) — Information notes on issues raised by representatives of the Aggrieved Owners of Rooftop Structures in Tsuen Wan District at the meeting with Duty Roster Members’ on 20 November 2002

LC Paper No. CB(1)860/02-03(01) — Information notes on issues raised by Tsuen Wan District Council members at the meeting with LegCo Members on 23 January 2003)

2. The Director of Buildings (DB) and the Chief Housing Manager of Housing Department briefed members on the Administration's response to the issues raised by LegCo Members on the clearance of illegal rooftop structures (IRSs) and rehousing policy for affected occupants as detailed in the paper (LC Paper No. CB(1)943/02-03(01)).

Clearance priority

3. Mr LEE Cheuk-yan appreciated the need to remove IRSs that posed high risk to the public. Referring to the Administration's plan to remove IRSs on all single-staircase buildings by 2007, Mr LEE requested the Administration to take into account the present economic downturn when working out the timetable for the clearance programme so that owners who experienced financial hardship would be given more time to prepare for the clearance. DB advised that according to a survey conducted by the Fire Services Department in 1998, the roofs of about 4 700 single-staircase buildings were covered by IRSs. Among them, the roofs of about 1 300 single-staircase buildings were fully covered by IRSs. BD accorded top priority to these 1 300 single-staircase buildings. So far, good progress had been made and the IRSs on 1 347 single-staircase buildings had already been removed. As regards the IRSs on the remaining some 3 000 single-staircase buildings, BD would remove them systematically with a target of removing the IRSs on 700 single-staircase buildings per year. If necessary, owners or owner-occupiers affected by clearance of IRSs would be referred to the Social Welfare Department and/or Housing Department for appropriate assistance, such as application for the Comprehensive Social Security Assistance (CSSA).

Financial assistance to owners

4. Mr TAM Yiu-chung pointed out that some owners could not afford the cost for the removal of IRSs, in particular the high cost for the removal of IRSs containing asbestos. Some owners were also unable to repay the low-interest loan. Mr TAM therefore requested the Administration to consider providing the owners with other forms of financial assistance. DB advised that the removal of IRSs containing asbestos normally involved an additional cost of about \$5,000, which was covered by the Building Safety Loan Scheme (BSLS). Owners who had successfully applied for the loan could repay the principal and interest of the loan by 36 monthly instalments. In addition, an owner might apply for an interest-free loan if he was a recipient of CSSA; or a recipient of the Normal Old Age Allowance; or an applicant with earning income and possessing assets within the limits set for the low income category. Elderly and/or disabled persons aged 60 and above eligible for the interest-free loan might apply for an extension of the repayment period.

5. Responding to Mr James TIEN Pei-chun, DB advised that normally, there were three to four IRSs on the roof of a building and the average cost for clearing an IRS was about \$40,000. Given the budget deficit problem, Mr TIEN considered that

the Administration should examine the cost-effectiveness of its clearance programme. In particular, he suggested the Administration to consider whether it would be more cost-effective for it to use its own resources to clear all IRSs on the remaining some 3 000 single-staircase buildings than using its resources to take enforcement actions and administer the loan scheme. DB pointed out that it was the owners' responsibility to remove the IRSs and that it was not appropriate to use public moneys to pay for the clearance of IRSs.

6. Mr Albert CHAN Wai-yip opined that Mr James TIEN's suggestion merited further consideration. He supported that the Administration should remove the IRSs for owners who experienced financial hardship. This would enable early clearance of IRSs and reduce the cost incurred for taking enforcement actions. The Principal Assistant Secretary for Housing, Planning and Lands (PASHPL) advised that it was a matter of principle that the Administration should not pay for the removal of illegal structures. Mr CHAN however pointed out that the Administration removed unauthorized advertisement boards on behalf of the owners concerned. DB clarified that similar to the approach adopted for the removal of IRSs, BD issued removal orders to the owners of advertisement signboards that posed immediate danger to the public. If the owners did not comply with the removal orders, the Administration would carry out the removal works and recover the cost from the owners. DB also pointed out that in planning for clearance operations on IRSs, the Administration needed to take into account a number of factors other than cost, such as rehousing arrangement for the occupiers. The Chairman considered that the Administration should not pay for the removal of IRSs, as it would give a wrong message to the public.

7. Mr Albert CHAN considered that apart from BSLS, the Government should assist the affected owners and occupiers through other measures. As occupiers of surveyed domestic squatter structures affected by clearance were provided with ex-gratia allowance (EGA), Mr CHAN considered that IRS clearers should also be provided with EGA. PASHPL pointed out that the two types of cases were not comparable and that it was not appropriate for the Administration to use public moneys to compensate IRS clearers. Mr CHAN considered that while IRS clearers did not have a legal claim for compensation, they should be granted EGA on compassionate grounds to alleviate their financial hardship. As far as he knew, EGA for occupiers of surveyed domestic squatter structures affected by clearance was also granted on compassionate grounds. He urged the Administration to consider providing EGA to IRS clearers. PASHPL considered that the prevailing financial assistance in the form of loan provided for affected IRS clearers was a suitable arrangement. In fact, over \$10 million of loan had been approved for owners under BSLS. DB added that 2 830 items of loan had been approved in 2002.

Appointment of qualified contractors for the demolition works

8. Mr Albert CHAN was concerned that owners who experienced financial hardship might not afford the cost of appointing qualified contractors to carry out the demolition works. DB advised that before the commencement of building works for the removal of IRSs, BD would contact the owners concerned and advise them on the safety and protective measures to be adopted in the demolition of the IRSs. BD would also provide the owners concerned with a copy of the “Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls” and a list of registered contractors interested in undertaking the demolition works. To ensure that procedures adopted by owners in demolishing IRSs were proper and in compliance with safety standards, BD would carry out audit checks. BD would issue verbal or written warnings to non-compliant parties as appropriate. Where necessary, BD would serve cease work orders or prosecute the owners or contractors who violated safety requirements.

9. Mr James TIEN was concerned whether the number of contractors on the “list of registered contractors interested in undertaking the demolition works” would be sufficient for owners to choose competent contractors at reasonable cost. DB advised that BD had contacted all the registered contractors under the Buildings Ordinance (Cap. 123) and over 160 of them had confirmed that they were interested in undertaking demolition works for IRSs. DB assured members that all contractors on the list of registered contractors were well qualified for both construction and demolition works. Responding further to Mr TIEN, DB advised that construction workers engaged in the demolition works for IRSs would be required to register under the proposed Construction Workers Registration System. Moreover, training course on demolition works would be arranged for workers by the Administration together with the Vocational Training Council to enhance workers’ knowledge of the safety requirements.

Procedures for taking enforcement action

10. Responding to Mr WONG Sing-chi, DB advised that owners were required to remove the IRSs within the period specified on demolition orders. If an owner failed to comply with the demolition order by the due date, BD would issue a warning letter to him. If the owner ignored the warning letter, BD would arrange a contractor to carry out the demolition works and then recover the cost from the owner. At the request of the Chairman, DB undertook to provide a paper setting out the detailed procedures adopted by BD in the demolition of IRSs from the issue of demolition order to the completion of demolition works, including the following information-

- (a) The period stated in the demolition order in which owners were required to demolish the IRSs concerned; and
- (b) Procedures for BD to demolish the IRS concerned due to non-compliance of the demolition order by the owner, and to recover the cost from the owner.

Toleration fee

11. Citing some complaint cases against demolition orders for rooftop structures in Tai Po areas, Mr Andrew WONG Wang-fat sought clarification from the Administration on whether it had previously received any “toleration fee (容忍費)” from owners of rooftop structures for tolerating the structures; if it had, whether any of the rooftop structures concerned were subsequently identified as IRSs for demolition. DB said that as far as he knew, BD had not received any “toleration fee (容忍費)” for illegal structures. Nevertheless, he undertook to check with the authority responsible for lease enforcement and provide the information after the meeting.

Mechanism to prevent re-erection of IRSs

12. Responding to Mr WONG Sing-chi and Mr LAU Ping-cheung, DB advised that a number of measures had been put in place to prevent erection of new IRSs and re-erection of IRSs on the same site. First, BD would conduct audit checks on a regular basis. Secondly, relevant departments would, upon receipt of applications for water or electricity supply on rooftop structures, alert BD for inspection. Thirdly, BD would, upon receipt of complaints, stop the erection of IRSs by serving cease work orders.

Publicity programme

13. The Chairman considered that the Administration should step up its publicity programme to enhance public awareness of the fact that IRSs were illegal structures and that they would pose a serious fire risk. Mr Abraham SHEK Lai-him shared the Chairman’s view. As far as he knew, a number of immigrants who had purchased IRSs were not aware that the rooftop structures were illegal. DB pointed out that in the past three years, BD had stepped up publicity through the display of information at the Mass Transit Railway stations and bus stops. Moreover, BD was preparing publicity booklets for distribution and labels for display on notice boards in private buildings.

Property transactions involving IRSs

14. Mr Albert CHAN recalled that following an agreement made between the Administration and the Hong Kong Law Society (HKLS) in the 1980s that property transactions involving IRSs should not be allowed, HKLS had issued guidelines to its members advising them not to handle such property transactions. However, the agreement had been effective only for a short period and such property transactions had become active again since the 1990s. At the request of Mr CHAN, PASHPL undertook to advise HKLS of this concern.

(Post-meeting note: Subsequent to the meeting, the Administration wrote to HKLS conveying to the latter the above concern raised at the meeting. The information provided by the Administration mentioned in paragraphs 10 and 11 was also issued to members vide LC Paper No. CB(1)1404/02-03(01) on 11 April 2003.)

III. Any other business

15. There being no other business, the meeting ended at 10:20 am.

Council Business Division 1
Legislative Council Secretariat
3 June 2003