



香港工程師學會

THE HONG KONG INSTITUTION OF ENGINEERS

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By mail and by fax at 2869 6794

13 July 2009

Clerk to Panel
Panel on Development
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

(Attn: Mr WONG Siu-ye)

Dear Mr Wong,

**LegCo Panel on Development -
Views on the proposals to facilitate redevelopment by the private sector: application
threshold under the Land (Compulsory Sale for Redevelopment) Ordinance**

Thank you for your letter of 25 June 2009 inviting the Institution to put forth our views on the captioned proposals.

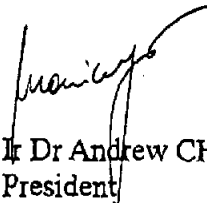
The Hong Kong Institution of Engineers (HKIE) concurs with the objective of the proposals to improve the living environment and benefit the community by redeveloping buildings which are poorly dilapidated and not well maintained. Noted that the latest proposals as delineated in the Paper CB(1)1947/08-09(05) has taken into account the results of the previous consultation, discussions of the LegCo's Development Panel and further analyses made by the Development Bureau, the HKIE is pleased to endorse the proposed way forward to designate in a Gazette notice a lower application threshold of not less than 80% for the three classes of lots.

Our previous views on the proposals submitted to the Panel last March (copy re-enclosed), albeit not fully accepted by the Administration, emphasised the importance of maintaining social responsibility to protect the right of private owners, in particular the poor whom the society should care much for. With this in mind, we hope the subsidiary legislation could be drafted in a comprehensive manner that could benefit the public as a whole and most importantly, to ensure that no hardship is imposed on the minority with genuine difficulties.

Please be informed that the HKIE will not have any representative in attending the Panel meeting to be held this Thursday, 16 July 2009.

Thank you.

Yours sincerely,


Ir Dr Andrew CHAN,
President

Encl

Enclosure



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3 March 2008

Clerk to Panel
Panel on Development
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

(Attn: Mr WONG Siu Yee)

Dear Mr Wong,

**LegCo Panel on Development –
Views on the proposal to facilitate private redevelopment**

Thank you for your letter of 30 January 2008 inviting the Institution to put forth our views on the captioned subject.

We have received expert views from our members and are pleased to provide herewith our submission for consideration and discussion at the Panel meeting.

Thank you.

Yours sincerely,

Ir Dr LO Wai Kwok MH JP
President

Encl

Enclosure

**Legislative Council – Panel on Development
Views from the Hong Kong Institution of Engineers
on proposal to facilitate private development**

General

1. The Hong Kong Institution of Engineers (HKIE) refers to the Government's proposal to lower the compulsory land sale threshold under the Land (Compulsory Sale for Redevelopment) Ordinance (LCSRO) from 90% to 80% for a lot with "all units but one" acquired; or a lot with all building(s) aged 40 or above.
2. The Institution concurs the general objective of the proposal to provide a better living environment in the community. We agree that buildings which are poorly dilapidated (usually over 40 years) and not well maintained, especially those without sanitary facilities, should be considered to be redeveloped, which would improve the living environment and benefit the community.
3. Nevertheless, in view of the environmentally unfriendliness of redevelopment due to demolition and reconstruction works, we recommend Government to consider sustainable and viable engineering option of refurbishing, repairing and revitalisation of old buildings which are still in admissible condition.

Social Security

4. We opine that social security must be of top priority to protect the right of private owners. We suggest the Administration to provide proper re-housing measures for the poor and would like to emphasise that no hardship should be imposed onto the poor who are affected by the scheme.
5. With the proposed lowering of land sale threshold from 90% to 80%, we doubt the existing legal provision cannot protect individual property rights. In this light, sufficient public hearing, tribunal and appeal mechanism, and other effective legal provisions should be put in place to safeguard the rights of all individual owners.

Proposed Classes of Lots

(i) A Lot with "All Units But One" Acquired

6. In striking a careful and fine balance between facilitating private efforts and protecting individual property, we suggest the threshold to be remained at 90%, except buildings which are severely dilapidated.
7. We appreciate the proposal in providing enough protection to the last flat owner by offering reasonable compensation. However, we are of the view that we should not compel the minorities to sell their houses and force them to move out if the building is in good condition and well maintained. We are of the view that by lowering the compulsory

landsale application threshold of this type of building would easily benefit the developers and create greater pressure and more hardship to the poor whom society should care for.

(ii) A Lot with All Buildings(s) that are Aged 40 or Above

8. We share the view that a lot falling under this class may enjoy the lower application threshold of 80% as recommended in the proposal so as to facilitate redevelopment of buildings aged 40 years or above in particular those pre-war buildings which fail to provide the most basic hygienic amenity.