



香港建築師學會

The Hong Kong Institute of Architects

Comments on Application Threshold under The Land (Compulsory Sale for Redevelopment) Ordinance

The Hong Kong Institute of Architects opines that we should strike a balance between facilitating redevelopment and the citizen's rights including private ownership as well as upholding societal aspiration about sustainability and heritage preservation. Our comments include the following aspects:

1. Balanced Considerations

Adopting building age alone would not be sufficient in determining the redevelopment need of the building. Buildings with age of 40 years or above may not be in poor conditions that have imminent need for redevelopment, old buildings can also be rehabilitated and upgraded to meet today's needs rather than demolished for redevelopment. The historical/cultural significance of the building, the existing building's role in maintaining a cohesive neighborhood and its contribution to the livelihood of existing occupiers, in addition to building age, should be considered as they would be the appropriate criteria for a balanced consideration for compulsory land sale application.

Lowering the percentage from 90% to 80% mentioned in subsection (1) so a person can apply to the Tribunal for an order to sell all the undivided shares in the lot for the purposes of redevelopment can facilitate justified redevelopment. HKIA supports lowering such percentage in principle subject to the above balanced considerations and the redevelopment application has demonstrated public gains as suggested below.

The government needs to consider redevelopment in district scale, not only facilitating redevelopment of single buildings but ensuring the redevelopment will serve as a catalyst for urban renewal and neighborhood rejuvenation. To ensure the redevelopment via the application of compulsory sale is not purely serving private financial gain but also benefiting public interests which gives justification to the forced abolishment of private property right, impact assessments and urban design concept scheme would be required for compulsory sale application.

2. Composition of the Lands Tribunal

Given the change in the aspirations of the society, the government would need to review if the Lands Tribunal would be an appropriate authority to handle compulsory sale for redevelopment application. Or the membership of the Tribunal would be enlarged to include planning/design experts and community representatives for handling compulsory sale for redevelopment application. Professionals with knowledge of architectural/urban design such as qualified architects should be appointed to the Tribunal responsible for handling compulsory sale for redevelopment application so comprehensive and balanced considerations could be given.

3. Heritage / Urban Design Aspects

Incentives should also be allowed in the relevant legislations to preserve those private buildings with divided ownership but with heritage/urban design value from demolition. The Government should develop mechanism to promote proper maintenance and longevity of existing buildings, for cultivating both socio-cultural and environmental sustainability. The current Antiquities and Monuments Ordinance is considered not adequate to address the above concerns.