

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

發展局(規劃地政科)

香港花園道美利大廈九樓



Development Bureau
(Planning & Lands Branch)

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本局檔號 Our Ref. DEVB(PL-CR) 1/10/52 Pt 8

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27 January 2010

Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Fax: 2877 5029)
(Attn: Mr Kelvin Lee)

Dear Mr Lee,

**Land (Compulsory Sale for Redevelopment)
(Specification of Lower Percentage) Notice (L.N. 6 of 2010)**

Thank you for your letter dated 26 January on the captioned.

Pursuant to section 4(1)(a) of the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice (the Notice), the majority owner(s) of not less than 80% of the undivided shares of a lot with a building having units each accounting for more than 10% of the undivided shares of the lot can proceed to apply to the Lands Tribunal for compulsory sale. This will not be possible before the lowering of compulsory sale percentage to 80% under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545) (the Ordinance) by virtue of the specification notice, as the compulsory sale threshold specified under section 3(1) of the Ordinance is not less than 90%. The notice will help resolve deadlock situations in compulsory sale of the above referred lots where the majority owner(s) have acquired all units in the lot except one where the one un-acquired unit accounts for more than 10% of the undivided shares of the lot.

It is true that if each of the units in a lot represents less than 10% of all the undivided shares in the lot, except for one particular unit, the lot does not fall under the first class of lot under the Notice. Accordingly, the majority owner(s) of the lot who have acquired all units but one in the lot where the one un-acquired unit accounts for more than 10% of the undivided shares in the lot cannot proceed to apply for compulsory sale under the lowered threshold. However, that the notice may not help to facilitate resolving the deadlock situation for lots cited in your example does not detract from the fact that the notice will help resolve the deadlock situation with lots described under section 4(1)(a) of the Notice, that is, paragraph 11 of the LegCo Brief (File Ref: DEVB(PL-UR)70/41/85).

Yours sincerely,



(Ruth Lee)

for Secretary for Development

c.c. DoJ (Attn: Miss Francoise Lam)