

立法會
Legislative Council

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Tel : 2869 9205

Date : 19 November 2010

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 1 December 2010

Motion on
“Reviewing the operation of
the Land (Compulsory Sale for Redevelopment) Ordinance”

Hon Mrs Regina IP LAU Suk-yea has given notice to move the attached motion on “Reviewing the operation of the Land (Compulsory Sale for Redevelopment) Ordinance” at the Council meeting of 1 December 2010. The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on
“Reviewing the operation of
the Land (Compulsory Sale for Redevelopment) Ordinance”
to be moved by Hon Mrs Regina IP LAU Suk-ye
at the Legislative Council meeting
of Wednesday, 1 December 2010**

Wording of the Motion

That the Administration, by publication of the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice in the Gazette in January this year, specified that with effect from 1 April this year, in respect of three classes of land lot, the application threshold for compulsory sale shall be lowered from 90% to 80%; although the lowering of the threshold can help facilitate urban renewal, the existing old building acquisition mechanism lacks transparency, and owners of old buildings are unable to negotiate with developers on a more equal footing; in the half year since the implementation of the new legislation, the acquisition of old buildings for private redevelopment has mostly occurred in prime land lots or even the Mid-levels, while no one is interested in the dilapidated communities that are in great need of redevelopment, indicating that the legislation has failed to fully fulfil its objectives; in this connection, this Council urges the Administration to review the Land (Compulsory Sale for Redevelopment) Ordinance (‘the Ordinance’), including:

- (a) to examine the operational problems in old building acquisition: when dealing with experienced developers or agents, individual flat owners often cope with very great mental stress, and many of them are even subject to harassment suspected to be acquisition-related, which causes anxiety and seriously affects the life of individual flat owners;
- (b) to review the compensation mechanism for old building acquisition: flat owners at present have to fight lone battles against developers or agents who are financially powerful and influential in sale price negotiations and, given their lack of help and support, the sale prices often fail to reach the price levels of similar properties they look for in nearby places of the same districts and even fall far short of many flat owners’ expectation of ‘flat for flat, shop for shop’ for urban renewal; and

- (c) to conduct an overall review of the Ordinance: given that compulsory sale involves deprivation of private property rights and the Ordinance currently has various deficiencies, it is necessary to conduct an overall review of the Ordinance (including the administrative arrangements therein), in order to enhance the protection of the rights of flat owners.