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24 February 2015

Clerk to Public Works Subcommittee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Sharon Chung)

Dear Ms Chung,

PWSC(2014-15)52

Block Allocation under the Capital Works Reserve Fund for 2015-16

During the discussion of the above item at the Public Works Subcommittee (PWSC) meeting on 10 February 2015, the Hon. WU Chi-wai requested the Administration to provide details and progress of the compensation and rehousing arrangements for the non-indigenous villagers affected by the Liantang/Heung Yuen Wai Boundary Control Point Project. We would like to provide the Government's responses below.

Progress of Land Clearance

The clearance of the land required for implementing the Liantang/Heung Yuen Wai BCP Project (the BCP Project) has commenced by phases since April 2013. The site clearance progress has been generally smooth thus far. A total of 214 households were affected by the BCP Project, of which 137 households have already moved out. Clearance of Chuk Yuen Village and its surrounding areas where the future BCP facilities are being built has been completed in September 2014. The Lands Department (LandsD) will continue with the remaining land clearance required for implementing the BCP Project.

Compensation and Rehousing Arrangement

Villagers affected by the land clearance for implementing the BCP Project are offered the special compensation and rehousing arrangements (the special arrangements) approved by the Finance Committee of the Legislative Council (FC) on 13 July 2012 (PWSC(2012-13)27). They may also be offered the general compensation and rehousing arrangements (the general arrangements) applicable to land clearance for public works projects in general if they do not qualify for or choose not to receive the special arrangements. The general arrangements were last revised and approved by FC on 6 December 2013 (FCR(2013-14)33).

Land compensation applicable to land owners (under the general arrangements) and ex-gratia allowances applicable to affected clearerees (under both the general and special arrangements) do not differentiate between indigenous villagers (IVs) and non-indigenous villagers (non-IVs). All recipients have to meet the relevant eligibility criteria to obtain the compensation and/or ex-gratia allowances.

The special ex-gratia allowance applicable to the villagers (both IVs and non-IVs) affected by the BCP Project was offered in view of the strategic importance of the Project and comprises the following components -

- (a) *Special Ex-gratia Cash Allowance (SEGCA) for Qualified Households*: qualified households affected by the clearance exercise for the BCP Project are offered SEGCA at a maximum amount of \$600,000, subject to meeting the eligibility criteria (as set out in PWSC(2012-13)27), to meet their special rehousing needs; and
- (b) *Domestic Removal Allowance (DRA) for All Affected Households*: all households affected by the BCP Project and covered by the pre-clearance surveys are offered DRA ranging approximately from \$3,000 to \$14,000, depending mainly on the size of the family, to help them meet the initial cost of moving.

Households which choose to accept the SEGCA are not eligible for and are required to forgo their entitlement to other forms of rehousing under the prevailing policy. They will also be subject to debarment from applying for subsidised housing or related benefits for a period of three

years from the date of receipt of the SEGCA.

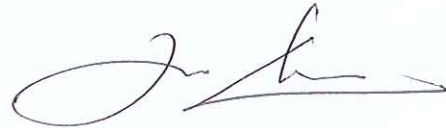
Both IVs and non-IVs affected by the BCP Project are eligible for general rehousing arrangements including rehousing to public housing. However, the Government recognises that Chuk Yuen Village is a pre-1898 recognised village located within the Frontier Closed Area, and it is to be cleared for construction of the BCP. The non-IVs of the village had been living with the IVs there together for a long time and had expressed a strong wish to continue living together after relocation of the village. In view of these unique special circumstances, and with a view to preserving the closely knitted community of the IVs and non-IVs located in the remote Frontier Closed Area, the non-IVs residing within the village environs of Chuk Yuen Village and in Chuk Yuen South are offered a "Cottage House Option" (CHO), as an alternative to satisfying their rehousing needs under the prevailing policy, so that they could have the option of continuing to live alongside the IVs. Under the CHO, eligible non-IVs may, on a structure-for-structure basis, purchase suitable agricultural land adjoining the Chuk Yuen Village Resite Area and apply to LandsD for building a 2-storey domestic structure (not exceeding 19 feet) with a maximum roofed-over area of 500 square feet by way of an in-situ land exchange, subject to their paying full market value premium.

As at 31 January 2015, claimants of about 64% of the agricultural land compensation cases affected by the BCP Project had reached agreement with the Government on compensation payment for which about \$2,596 million were paid. The remaining 36% of the cases are being processed. Although the land in question has already been resumed and reverted to the Government, LandsD is still handling some outstanding compensation cases, e.g. there are cases where the amount of compensation has yet to be agreed between the claimants and LandsD, some pending appointment of Managers of Tso/Tong (for receipt of compensation) and some with LandsD yet to successfully contact the ex-land owners concerned.

As for the special ex-gratia allowances, payment has already been released for 88% of the cases eligible for SEGCA and 80% of the cases eligible for DRA. As at 31 Jan 2015, the amount of special ex-gratia allowances (including SEGCA and DRA) paid were about \$30 million.

Regarding the latest position on the rehousing arrangements for eligible villagers specifically the progress of the building of the cottage houses under CHO, we would need more time to contact and obtain from the villagers their up-to-date positions. We will revert to the PWSC with the information as soon as practicable. As mentioned above, clearance of Chuk Yuen Village was completed in September 2014. The villagers of Chuk Yuen Village whose cottage houses have been approved by LandsD are being provided with assistance by various government departments to facilitate the construction of their cottage houses. In this regard, a representative of 24 non-IV households of Chuk Yuen Village wrote to the Secretary for Development and other officials in end 2014 expressing their gratitude for the assistance rendered to them.

Yours sincerely,



(Michael Chan)

for Secretary for Development

c.c.

SFST (Attn : Ms Jasmine Choi)

D of Lands (Attn : Ms Joyce Ng)