

# 為受政府發展清拆行動影響的 業務經營者而設的特惠津貼

## Ex-gratia Allowance for Business Undertakings Affected by Government's Development Clearance Exercises

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# 為受政府發展清拆行動影響的業務經營者提供的補償安排

## Compensation Arrangement for Business Undertakings Affected by Government's Development Clearance Exercises

### 法定補償 Statutory Compensation

- 合資格業務經營者有權根據適用法例提出騷擾補償金的法定申索  
Eligible business operators have the right to make statutory claims for disturbance payments under applicable ordinances

### 特惠津貼 Ex-gratia Allowances

- 合資格業務經營者亦可考慮接納為受政府發展清拆行動影響的業務經營者而提供的特惠津貼  
Eligible business operators may also consider accepting ex-gratia allowances (EGAs) offered for business undertakings affected by the Government's development clearance exercises

## 現行業務經營者特惠津貼的涵蓋範圍

### Coverage of Existing EGA for Business Undertakings

涵蓋 Cover ...	但不涵蓋 But do not cover ...
<ul style="list-style-type: none"><li>● 在寮屋管制政策下獲許可或暫准存在的合資格構築物內經營的業務運作 <b>Business operations from qualified structures that are permitted or tolerated under the squatter control policy</b></li></ul>	<ul style="list-style-type: none"><li>● 沒有違契情況的戶外／露天業務運作 <b>Outdoor/Open-air Business operations not in breach of the lease</b></li><li>● 獲地政總署發出的短期土地文書批准及沒有違反相關條件的業務運作 <b>Business operations permitted under short-term land instruments issued by the Lands Department (LandsD) not in breach of the relevant conditions</b></li></ul>

## 建議目的 Purpose of the Proposal

- 旨在理順目前為業務經營者而設的特惠津貼安排

**To rationalise the current EGA arrangement for business undertakings**

有部份業務經營者違反地契條款，在暫准存在的違契構築物運作，可能仍符合資格申領特惠津貼；相反，有業務經營者從事沒有違反地契條款的戶外／露天運作，或獲短期土地文書批准的運作，卻不合資格申領特惠津貼

**Some business undertakings with operations in unauthorised but tolerated structures in breach of lease conditions may be eligible for the EGA; whereas those with outdoor/open-air operations that are not disallowed under the leases or operations permitted by short-term land instruments are not eligible for any EGA**

- 旨在提供另一選擇予業務經營者，免卻複雜和漫長的法定申索程序

**To provide eligible business undertakings with an alternative to the elaborate and time-consuming process of statutory claims**

## 法定補償／特惠津貼的資格

### Eligibility for Statutory Compensation/EGA

業務運作 Business Operations	法定補償 Statutory Compensation	現行 特惠津貼 Current EGA	建議 Proposal
(1) 1982年寮屋管制政策下獲許可或暫准存在的構築物 Structures permitted or tolerated under the 1982 squatter control policy	x	✓	不適用 N/A
(2) 在私人農地上沒有違契情況的戶外／露天運作 Outdoor/Open-air operations on private agricultural land not in breach of the lease	✓	x	✓ (須在緊接清拆前登記的日期前營運最少達十年 Subject to at least ten years of operation immediately preceding the date of Pre-clearance Survey)
(3) 在私人農地上獲短期土地文書核准及沒有違反相關條件的運作 Operations on private agricultural land permitted by short-term land instruments not in breach of the relevant conditions	x	x	
(4) 在政府土地上以短期租約核准及沒有違反相關條件的運作 Operations on government land permitted by short term tenancies (STTs) not in breach of the relevant conditions	x	x	

## 建議的主要詳情 Key Details of the Proposal

- **(1) 露天場地適用的特惠津貼額 Applicable EGA rate for open area**

特惠津貼額 (註) 每平方米390 元  
EGA rate (Note): \$390 per m<sup>2</sup>

最低合資格面積 20 平方米  
Minimum qualifying area: 20m<sup>2</sup>

最高津貼額的面積上限 5 000 平方米  
Maximum payment ceiling: 5 000m<sup>2</sup>

- **(2) 有蓋場地適用的特惠津貼額 Applicable EGA rate for covered area**

特惠津貼額 (註) 起始5至25平方米發放115,500元，其後每平方米2 310元  
EGA rate (Note): \$115,500 for the first 5 to 25m<sup>2</sup> and \$2,310 per m<sup>2</sup> thereafter

最低合資格面積 5 平方米  
Minimum qualifying area: 5m<sup>2</sup>

(註) 特惠津貼額會根據現行相同機制按年更新

(Note) EGA rates are subject to annual updates in accordance with the same established practice

## 建議的主要詳情 Key Details of the Proposal

- 建議計算特惠津貼時，只計算戶外／露天所佔地方，即不以有違契構築物為理由而拒絕發放特惠津貼予業務經營者

**Propose to count just the outdoor/open-air portion for the purpose of offering the EGA, i.e. existence of unauthorised structures would not render the business undertakings ineligible for the EGA**

完  
Ends