

Legislative Council Panel on Development

**Proposed Enhancements to the General Ex-gratia
Compensation and Relhousing Arrangements for
Government's Development Clearance Exercises**

Follow-up Issues to the Meeting on 29 May 2018

In response to the request raised at the meeting of the Panel on Development on 29 May 2018, the supplementary information is provided below.

- (a) **Detailed breakdowns of the number of households affected by the Government's development clearance exercises for the Kwu Tong North and Fanling North New Development Areas projects by the types of the affected households, such as occupants of surveyed/licensed domestic/non-domestic structures and unauthorized structures (i.e. other than those tolerated by virtue of the 1982 Squatter Control Survey/licence status), and among them those who were covered/not covered in the freezing survey conducted in 2014, and those who were tenants, etc.**

2. According to the freezing survey conducted by the Lands Department (LandsD) earlier on, it is estimated that some 1 500 households will be affected by the Kwu Tung North and Fanling North (KTN/FLN) New Development Areas (NDAs) Project. Based on the latest available information, it is preliminarily established that among the registered households, about 980 households are residing in surveyed/licensed domestic structures; about 350 households are residing in surveyed/licensed non-domestic structures; and some 170 remaining households are residing in non-surveyed/non-licensed unauthorised structures.

3. Given that the work of land resumption and clearance for KTN/FLN NDAs Project has not yet commenced and the eligibility screening of households has not yet been conducted, the situation of affected households is subject to confirmation.

- (b) **The additional number of affected households and business undertakings expected to be benefited upon the implementation of the proposed enhancements to the general ex-gratia compensation and rehousing arrangements**

4. We have conducted a preliminary review of the upcoming development projects. According to our preliminary rough estimate at this stage, some 8 000 squatter households are estimated to be affected by the clearance exercises in relation to development projects in the short-to-long term. As compared to the existing ex-gratia compensation and rehousing (C&R) arrangements for government development clearance exercises ("the existing arrangements"), it is believed that the proposed enhancements to the ex-gratia compensation and rehousing arrangements

(“the enhancements”) as announced by the Development Bureau on 10 May 2018 will offer assistance of various extent to all affected households registered in the freezing survey.

5. As for business undertakings, the information in relation to the assessment of eligibility for compensation arrangements for business undertakings, such as the length of operation and the exact status of operation, cannot be ascertained until after completion of detailed eligibility screening. Therefore, we have not made any preliminary estimate at this stage. In any case, some eligible business undertakings are already eligible for statutory compensation, while the primary aim of the proposed enhancements to the ex-gratia allowance (EGA) is to provide them with even more convenient EGA options. We expect that the number of business undertakings to be benefitted will increase.

(c) Whether the proposed one-off voluntary registration exercise would help impede eviction of those long-term occupants of the surveyed/licenced non-domestic structures by their landowners prior to the clearance of the site to be developed, so as not to render these occupants ineligible for any compensation

6. As far as the one-off voluntary registration exercise to be implemented by LandsD is concerned, households fulfilling the relevant prescribed registration requirements must be those who have been residing in a surveyed/licensed non-domestic structure continuously for a minimum of two years immediately preceding the announcement date of the voluntary registration exercise (i.e. 10 May 2018) so as to discourage people from moving into such squatters after the Government’s announcement of the enhancements. In other words, those who move into surveyed/licensed non-domestic structures after the Government’s announcement of the enhancements will not fulfil the eligibility requirements of the one-off voluntary registration exercise.

7. When Government conducts development clearance exercises in concerned areas in the future, households already registered in the one-off voluntary registration exercise and fulfilling the relevant registration requirements must still fulfil the applicable eligibility criteria under the prevailing ex-gratia C&R arrangements.

(d) The Administration’s support for and communication with those clearance affectees who could not be benefitted despite implementation of the proposed enhancements to the C&R arrangements

8. As mentioned in paragraph 4 above, as compared to the existing arrangements, it is believed that the enhancements as announced by the Development Bureau on 10 May 2018 will offer assistance of various extent to all affected households registered in the freezing survey, for example, affected households

registered in the freezing survey will at least be offered the Domestic Removal Allowance under the enhancements.

9. Since the Government's announcement of the enhancements at the press conference on 10 May 2018, the Development Bureau, LandsD and relevant departments have started to reach out to local stakeholders and affected households and individuals at different levels by arranging different meetings and briefings to introduce and explain to them the details of the enhancements. In addition, LandsD and the social service teams of NDAs also reach out to affected households at the same time to communicate with them, with a view to understanding their individual needs in a more in-depth manner and answering their questions. We believe that doing so can better assist residents in the areas. We will continue doing such communication work.

(e) Whether an option of village resite would be offered to the affected non-indigenous villagers

10. Under the existing policy, where land resumption is required to implement public works, affected indigenous villagers who own building lots or affected non-indigenous villagers who have been owning building lots since pre-war (prior to 25 December 1941) or who own building lots by succession may be provided with village resite when their building lots are resumed.

11. Accordingly, persons eligible for village resite are limited to eligible landowners of building lots. Landowners of any agricultural land or occupiers of squatters on agricultural land will not be eligible for village resite, regardless of whether they are indigenous villagers or not.

(f) The arrangement for resettling the household pets and other domestic animals kept in the local community affected by land resumption and clearance exercises; and

12. At present, the Hong Kong Housing Authority (HKHA) upholds the ban on dogs in public housing estates, but permits its tenants in public housing estates to keep small household pets that do not pose any health hazards and do not cause any nuisance. "Small household pets" generally refer to those kept in cages, display cases, aquaria or other containers so designed, with examples being desexed cats, birds (except pigeons), hamsters, chinchillas, guinea-pigs, rabbits, tortoises, aquatic life, etc.. While prior registration with the Housing Department is not required for keeping such small household pets, these pets must be properly taken care of by the tenants to avoid causing nuisance to the public, or else the permission will be withdrawn. Apart from small household pets mentioned above, service dogs serving the visually or hearing impaired and those in need of mental support, keeping of other animals including wild lives/exotic species, domesticated farm animals such as snakes, pigs, chickens, ducks and monkeys are strictly prohibited in public housing

estates. Tenants who keep dogs or prohibited animals inside the leased premises without prior written consent of HKHA will be allotted penalty points under the “Marking Scheme for Estate Management Enforcement in Public Housing Estates”.

13. As for rental units of the Hong Kong Housing Society (HKHS), it is specified in the tenancy agreement between HKHS and tenants that the keeping of poultry or animals in such rental units is prohibited. Keeping of dogs may affect the environment and cause nuisance in densely populated public housing estates. Therefore, HKHS will specifically remind their tenants that keeping of dogs is prohibited when they enter into a tenancy agreement with HKHS. HKHS may also, subject to the actual circumstances, give approval for keeping service dogs for tenants with visual disabilities, but they must make the relevant applications at their respective estate offices.

14. In government development clearance exercises, the Agriculture, Fisheries and Conservation Department (AFCD) will, on a need basis, request the dispatch of its dog control team to assist in catching stray dogs. In the process, if there are dog owners surrendering their dogs, the dog control team will immediately receive those dogs to prevent problems arising from dog abandonment, such as various animal welfare problems or dog nuisance problems. The general public may also call the Government hotline 1823 to enquire about the relevant arrangements of Government receiving dogs. Separately, we have been encouraging the general public to adopt stray animals. Generally speaking, for dogs received that are considered suitable for rehoming, AFCD will transfer them to animal welfare organisations (AWOs) for adoption by members of the public. The AWOs will assess the suitability of a prospective adopter, in order to ensure that the adopter will take proper care of the animals in the future. To enhance the effectiveness of the adoption scheme, AFCD has strengthened publicity since 2010 to assist organisations to promote adoption services.

15. AFCD will also plan ahead by maintaining close liaison with LandsD, in order for clearances to report to AFCD should there be any surrendering of dogs.

(g) Whether the Administration would consider reviewing the calculation basis of the prevailing ex-gratia compensation for farmers affected by land resumption and clearance, with a view to providing them with adequate amounts of compensation for pursuing agricultural rehabilitation

16. Under the existing mechanism, farmers affected by government development clearance exercises may, upon assessment and verification of their eligibility, be offered relevant EGAs, which include EGA for crops; disturbance allowance for cultivators; allowance for pig and poultry farmers; EGA for pond fish farmers rearing edible fish and fish fry; allowance for qualified farm structures on private land; allowance for miscellaneous permanent improvements to farms; and rehabilitation allowance, etc..

17. Generally, the amounts of various EGAs payable are assessed taking into account the market value at the time of assessment less necessary depreciation (if applicable). For the EGA rates for crops, the market value so reflected is calculated based on price data collected from wholesale markets, territory-wide farms and market surveys. We also have an established mechanism to review the various EGA rates timely.

Development Bureau
Food and Health Bureau
Lands Department
Agriculture, Fisheries and Conservation Department
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