

香港社會服務聯會的信頭
Letterhead of THE HONG KONG COUNCIL OF SOCIAL SERVICE

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PATRON
The Chief Executive the
Honourable TUNG Chee Hwa

贊助人
行政長官董建華先生

DIRECTOR
YE HUI OBE JP

總幹事
許賢發

Your Ref.

Our Ref.

Mr. Hon Edward Ho Sing-tin
Chairman of Bills Committee
on Urban Renewal Authority Bill
Legislative Council
3/F, Citibank Tower
Central
Hong Kong

By Fax & by mail

Dear

March 31, 2000

Comment on the Urban Renewal Authority Bill

The Hong Kong Council of Social Service, established at 1947, has been working in concert with social welfare NGOs, community groups and individuals over the development and promotion of voluntary welfare activities and in meeting the overall service needs of Hong Kong.

Our Resource Group on Town Planning - Working Group on Urban Renewal Authority, having taken into consideration views from relevant components of the Council, has formulated our comments on the Urban Renewal Authority Bill, as listed in the attached paper. It is our earnest wish that our comments could be considered seriously.

Should you have any queries or require further information, please feel free to contact me at 2864-2902 or my colleague, Mr. Tony PANG, Senior Project Officer at 2864-2961.

Thank you for your kind attention.

Yours sincerely,

Kay KU (Ms)
Assistant Director (Development)

THE HONG KONG COUNCIL OF SOCIAL SERVICE
COMMENTS ON
URBAN RENEWAL AUTHORITY BILL

1. Introduction

The Hong Kong Council of Social Service (“the Council”) supports the Government’s intention to expedite the process of urban redevelopment and rehabilitation. It is also welcomed that the Council has been afforded another opportunity to comment on the Urban Renewal Authority Bill after the public consultation exercise late last year. The Council, however, notes with regret that its views have not been accepted by the Administration. They are, therefore, reiterated in the succeeding paragraphs for the further consideration by the Bills Committee.

2. Establishment of Board of Authority [Section 4]

No explanation has been given how the public accountability of the Chairman of the Authority could be enhanced by making him the executive Chairman. On the contrary, we are concerned that there is a lack of check and balance in the proposed organizational structure.

3. Purposes of Authority [Section 5]

The Council is disappointed that no attention has been given to the human or social aspects of the urban renewal process. It should be stressed that the well-being of the affected people should be the ultimate goal of the whole exercise. The problem would not have been solved if the existing buildings are pulled down and replaced with new ones, and the existing residents are relocated to other places where they may have to pay higher rents and lose their neighbours and friends. Section 5 should be amended to the effect that satisfying the social/community needs of the affected areas be included as one of the purposes.

4. Public Accountability [Part III]

We fail to understand how the public accountability of the Authority could be enhanced simply by requiring the Board directors to declare interests.

5. Publication of Project [Section 20]

The publication period of a project is 1 month, which is too short for the affected people to understand the project and lodge an objection against it. Moreover, it would be contrary to the rules of natural justice in that the objector would not be given an impartial

hearing if the unwithdrawn objection will be considered by the Secretary without any hearing.

It would be unfair to the public that they are not entitled to object when the development scheme is published. At the time when the project is published, the public is only provided with the following information:

- (a) a description of the general nature and effects of the project;
- (b) whether the project shall be implemented by way of a development scheme or by way of a development project; and
- (c) a plan delineating the boundaries of the project.

It is only when the development scheme is published then the public is able to know the contents or the so-called zonings of the plan. But then the public has no right to object. It is plainly unfair to the affected people.

It should be pointed out that an area to be redeveloped is invariably a comparatively old and well-established community. Although physically the conditions of living may be less than satisfactory by modern standards, the local residents may be enjoying strong social ties and neighbourliness. They may be paying low rents and are living close to their work place. Unless information on these conditions is known and the social needs of the residents are taken care of in the redevelopment process, the social fabric of the area would be disrupted and the residents would suffer added difficulties in the relocation. A social impact assessment on the affected people in the area is essential in identifying the social needs of the people and formulating ways and means to mitigate the potential problems.

It is noted that assessment will be carried out by the Authority to study the “likely effect of the implementation of the development scheme including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development scheme”. There is concern that the assessment is confined to the issue of rehousing. There is serious doubt that “the assessment” referred to in clause 22 (3)(c) will include a social impact assessment. If it does cover social impact assessment, we would strongly urge that this intention be expressly spelled out in the legislation to avoid any ambiguity.

6. Resumption of Land

We note with serious concern that the Government seems to have over-emphasized the need for speedy process in resumption. The Bill provides that, instead of requiring the Authority to first negotiate and acquire the land needed for an urban renewal project, the Authority is empowered under the Bill to apply for direct resumption of the land required. Such procedure, efficient though it may be, appears to be quite high-handed.

7. Proposals

- (a) The goal of the whole process should be the well-being of the people not simply the replacement of old buildings with the new ones. This should be reflected in the Bill such as by including a sub-section in Section 5 to the effect that one of the purposes is to satisfy the social needs of the affected people.
- (b) A check and balance mechanism should exist between the Chairman and the Chief Executive Officer of the Authority.
- (c) On the point of public accountability, declaration of interests by the Board directors does not seem to be sufficient. As the work of the Authority would affect the property rights and livelihood of many people, it should be somehow subject to the scrutiny of the Legislative Council.
- (d) The public should be afforded reasonable opportunity to participate in the process:
 - (i) the publication period should be lengthened to 2 months;
 - (ii) the objector should be given an impartial hearing; and
 - (iii) the public should be given an opportunity to object to the development scheme.
- (e) The social impact on the people affected by the development scheme should be assessed and taken into in the preparation of the development scheme and the implementation of the scheme.
- (f) In the resumption of land, there should be a reasonable process where a right balance should be struck between efficiency and fairness.
- (g) In order to provide assistance to the needy people, it is proposed that a multidisciplinary supportive agency be set up in the district where there are urban renewal (or regeneration) projects.
- (h) Finally, the Government should also consider setting up a committee under the District Council to monitor the development and progress of the urban renewal/regeneration projects within its jurisdiction.

8. Conclusion

Whilst we appreciate the Government's effort to speed up the process of urban renewal, we urge that the Government should not do that at the expense of the interests of the affected people, especially those who are old, disabled and helpless. We also urge that the Government should not only improve the physical environment, but also address the social needs of the affected people. Express provisions should be made in the legislation to ensure that sufficient attention be given to the social aspects.