

立法會
Legislative Council

LC Paper No. CB(1) 2126/99-00
(These minutes have been seen
by the Chairman and cleared by the
Chairman)

Ref: CB1/HS/1/99/1

**Subcommittee to study
the Urban Renewal Authority White Bill**

**Minutes of meeting held on
Thursday, 25 January 2000, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Edward HO Sing-tin, SBS, JP (Chairman)
Hon HO Sai-chu, SBS, JP
Hon NG Leung-sing
Hon James TO Kun-sun
Hon CHAN Yuen-han
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
- Members absent** : Hon Gary CHENG Kai-nam, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon Ronald ARCULLI, JP
Hon Christine LOH
Dr Hon LEONG Che-hung, JP
Hon WONG Yung-kan
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
- Public officers attending** : Mr Stephen FISHER
Deputy Secretary for Planning and Lands
(Urban Renewal and Buildings)
- Ms Olivia NIP
Principal Assistant Secretary for Planning and Lands
(Urban Renewal)

Mr T K LEE
Assistant Director/Urban Renewal (Ag)
Planning Department

Mr J D SCOTT
Senior Assistant Law Draftsman

Clerk in attendance : Miss Odelia LEUNG
Chief Assistant Secretary (1)1

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Becky YU
Senior Assistant Secretary (1)3

I Meeting with the Administration

Before commencing discussion, the Chairman enquired about the legislative timetable for the Urban Renewal Authority Blue Bill. The Deputy Secretary for Planning and Lands (DS/PL) advised that as the deadline for tabling the Bills to be considered in the current legislative session was 21 February 2000, the Administration was refining the Blue Bill taking into account views collected during the public consultation exercise on the White Bill. In view of the imminent introduction of the Blue Bill, members agreed that there was no need to examine the White Bill clause by clause.

Discussion on the Administration's response to concerns raised by members at previous meetings

Meeting on 11 January 2000

(LC Paper No. CB(1) 828/99-00(01) and 863/99-00(01))

2. On preliminary agreement with the Housing Society (HS), DS/PL undertook to provide information on the prevailing eligibility criteria for public rental housing (PRH) set by HS. As regards the estimated number of tenants affected by redevelopment projects of the Urban Renewal Authority (URA) who could not meet the criteria, DS/PL advised that an estimate was not available since according to the past experience of the Land Development Corporation (LDC), most tenants chose cash compensation in lieu of rehousing. He nevertheless anticipated that the majority of affected tenants would be able to meet the eligibility criteria. Mr NG Leung-sing however pointed out that tenants might be reluctant to accept rehousing if the reception units were located in remote areas. Given that rehousing to PRH was the long-term solution to improve the living conditions of tenants in old urban areas, DS/PL assured members that efforts would be made to

encourage tenants to opt for rehousing upon redevelopment. In addition to the use of casual vacancies provided by HS, sites in urban areas would be granted to HS for the construction of rehousing blocks for affected tenants. For example, a site in the West Kowloon Reclamation had been earmarked for such a purpose. In reply to Mr NG's further question, DS/PL confirmed that apart from providing PRH flats, HS might also consider offering other schemes such as home purchase loan schemes to affected tenants as an option.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1) 954/99-00.)

3. Mr James TO remarked that the offer of rehousing flats to affected tenants was a new approach to urban renewal. DS/PL advised that due to the shortage of rehousing flats, LDC had to offer cash compensation to tenants affected by urban renewal in the past. The current arrangement was however subject to abuse since some tenants might, after receiving the cash compensation, move to other old urban areas with a view to acquiring another cash compensation upon redevelopment of the areas. This had also defeated the purpose of improving the quality of living of tenants through urban renewal. To tackle the problem, consideration was being given to restricting the eligibility for cash compensation so that any person who had received cash compensation in a resumption exercise should not be eligible for another cash compensation for a period of five years. As the proposed arrangement was at variance with the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (LTCO) under which a landlord or private developer would be required to compensate the tenants for repossession of the premises for redevelopment, Mr TO asked if the Administration would need to amend LTCO accordingly. DS/PL clarified that the provision of LTCO did not apply to land resumed by the Government.

4. At members' request, DS/PL undertook to provide information on cash compensation currently offered by LDC to tenants affected by its redevelopment projects. Mr TO cautioned about the possible confrontation if the cash compensation to be offered by URA was incomparable to that offered by LDC, particularly when many affected tenants, such as those new immigrants from the Mainland, might not be able to meet the eligibility for rehousing.

Meeting on 20 January 2000

(LC Paper Nos. CB(1) 875/99-00(02) and (03))

5. On compensation for owners, Miss CHAN Yuen-han asked if the Administration would consider enhancing the Home Purchase Allowance (HPA) using a five-year instead of a ten-year-old flat as the basis for calculating the cost of a replacement flat as in the case of LDC. DS/PL explained that the current HPA was endorsed by the Finance Committee of the Legislative Council in April 1997 and should apply to all resumption under the Lands Resumption Ordinance (Cap. 124). He clarified that the use of a five-year-old flat as the basis for calculating HPA by LDC only applied to projects implemented before April 1997.

6. While acknowledging the Assistant Legal Adviser 1 (ALA 1)'s remarks that the Administration was prepared to amend clause 32 of the Bill to put URA under the purview of the Ombudsman, Mr James TO remained of the view that the best way to protect owners' interest was for the Administration to set out in the Bill the principles for compensating owners whose properties were resumed for the redevelopment projects of URA. ALA 1 however pointed out that it was not provided under the Bill for URA to compensate residents affected by urban renewal. Besides, it was the responsibility of the Lands Department rather than URA to negotiate with landowners on resumption of land for redevelopment. On the suggestion of establishing an appeal channel for HPA, DS/PL advised that the Administration was still considering the feasibility of such a proposal.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1) 954/99-00.)

7. At the invitation of the Chairman, ALA 1 briefed members on her paper (LC Paper No. LS 68/99-00) tabled at the meeting comparing the manner of handling objections to the administration of land and related matters in existing ordinances.

8. Noting that under the Town Planning Ordinance (Cap. 131), the Foreshore and Seabed (Reclamations) Ordinance (Cap. 127), Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the Railways Ordinance (Cap. 519), the relevant authorities had to submit all objections to the Chief Executive in Council (CE in C) for consideration, Miss CHAN Yuen-han remained of the view that there should be an appeal mechanism against the Secretary for Planning and Land (SPL)'s decision on objections against proposed development projects. Mr James TO echoed that this would ensure the prudence of SPL's decisions. The Assistant Director/Urban Renewal (Acting), Planning Department clarified that the decision of SPL in this regard was confined to whether URA should proceed with a development project. Approval from CE in C had to be sought in the event of resumption of land for redevelopment. DS/PL added that under the existing Land Development Corporation Ordinance (Cap. 15), there was no formal procedure for lodging objections against a development project which required no amendment to the zoning of the project site on the relevant outline zoning plan. The objection procedure under clause 21 of the Bill for any person who considered that he would be affected by a development project to raise objections was an improvement over the present system. He cautioned that an additional mechanism against SPL's determination on objections against an URA development project would significantly prolong the planning procedures and delay the implementation of the project, thereby exacerbating the anxiety of affected residents. He nevertheless undertook to reconsider members' views.

(Post-meeting note: The Administration's response was circulated vide LC Paper No. CB(1) 954/99-00.)

9. Following the closing of the public consultation exercise on the White Bill on 31 December 1999, members requested and the Administration undertook to provide a summary of concerns and views collected during the consultation exercise. The Administration was also requested to provide a written response to the submission (LC Paper No. CB(1) 875/99-00(01)) from the Hong Kong YWCA Urban Renewal Social Service Team on the White Bill.

(Post-meeting note: The Administration's response was circulated vide LC Paper No. CB(1) 954/99-00.)

10. As members had concluded deliberations on the White Bill, the Chairman advised that a report of the Subcommittee would be submitted to the House Committee for consideration.

(Post-meeting note: The report was submitted to the House Committee on 11 February 2000.)

II Any other business

11. There being no other business, the meeting ended at 6:05 pm.

Legislative Council Secretariat
21 November 2000