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by the Chairman)

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LegCo Panel on Housing

**Subcommittee on Rehousing Arrangements for Residents Affected
by Clearance of Squatter Areas**

**Minutes of second meeting
held on Monday, 10 January 2000, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LEE Wing-tat
Hon Fred LI Wah-ming, JP
Hon CHAN Yuen-han
Hon LEUNG Yiu-chung

**Public officers
attending** : **Housing Bureau**

Mr Gary AU, Assistant Secretary

Housing Department

Mr K H LAU, Business Director/Allocation & Marketing

Mr K N CHEUNG, Assistant Director/Operations &
Redevelopment

Clerk in attendance : Mrs Mary TANG, Chief Assistant Secretary (1)6

Staff in attendance : Miss Becky YU, Senior Assistant Secretary (1)3

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Meeting with the Administration

(LC Paper Nos. CB(1) 728/99-00(01) and (02), and CB(1) 766/99-00)

The Business Director/Allocation and Marketing, Housing Department (BD/AM) took members through the Administration's response to the concerns raised by members at the last meeting on 15 December 1999 which was tabled at the meeting (LC Paper No. CB(1) 766/99-00).

2. Members were disappointed at the negative response of the Administration. In its reply, the Administration had declined almost all of the requests made by members at the last meeting, which included the provision of Interim Housing (IH) units in urban areas, the use of unpopular or refurbished units as IH, and the mixed provision of IH and public rental housing (PRH) units within the same block.

Rehousing policy for elderly residents affected by clearance of squatter areas

3. Miss CHAN Yuen-han urged the Administration to give special consideration to the elderly residents affected by clearance of squatter areas. She stressed the need to formulate a rehousing policy for these elderly clearerees, similar to what was provided under the various priority housing schemes to elderly applicants on the Waiting List (WL) and those affected by redevelopment. Mr LEE Wing-tat said that he failed to see why special consideration for urban rehousing could not be given to these elderly clearerees as they only constituted a minority of the applications.

4. BD/AM said that the rehousing of elderly residents affected by the Diamond Hill Squatter Area did not constitute a major problem as only 40 elderly households required IH. These elderly households would be given priority for rehousing in around two years through various Elderly Priority Schemes under WL. Deserving cases were referred to the Social Welfare Department for consideration of compassionate rehousing on individual merits.

Mixed provision of IH and PRH units

5. Responding to Mr LEUNG Yiu-chung's enquiry about the management problems associated with the mixed provision of IH and PRH units within the same block, BD/AM said that since IH and PRH units had different allocation standards, the mixed provision of these units within the same block would give rise to management problems due to different expectation of the occupants. Furthermore, the provision of urban IH to squatter clearerees would only be a temporary relief as these clearerees would ultimately be rehoused to the extended urban areas and the New Territories(NT) when their WL applications mature.

6. Referring to the provision of IH blocks in Kwai Shing Estate and Shek Lei Estate, BD/AM said that these were meant to meet the short-term demands for IH. Now that new purpose-built IH blocks were available, full use should be made of these IH facilities. The urban PRH units should therefore be allocated to WL applicants.

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Provision of IH units in the urban areas

7. Mr LEUNG Yiu-chung insisted that squatter clearerees should be given a choice to be rehoused in the urban areas. His views were shared by Mr LI Wah-ming who said that as WL applicants awaiting rehousing to the extended urban areas and NT could be rehoused to urban units subject to their availability, squatter clearerees should likewise be provided with urban IH units if these were available. He indicated that the affected residents were more concerned about locality rather than the quality and design of IH units and would not wish to move away from the area they were accustomed to. He urged that consideration should be given to providing IH blocks in the urban areas to cater for the needs of affected residents.

8. BD/AM stated that since 1990, new WL applicants could only apply for PRH in the extended urban areas and NT. Subject to their availability, urban PRH units were allocated to eligible elderly households and WL applicants who had waited for six years or more. It would therefore be unfair to WL applicants if clearerees who were ineligible for PRH should be given urban units.

9. Miss CHAN Yuen-han was of the view that squatter clearerees should not be dealt with in the same manner as WL applicants. She stressed that unlike WL applicants who opted to await their turn for PRH units, squatter residents were forced out of their homes due to Government clearance. Therefore, the Government should have the responsibility to rehouse them according to their needs. In response, BD/AM explained that squatters were illegal structures which were built on Government land. In order to achieve an overall environmental improvement, these would need to be replaced. New purpose-built IH units were provided to rehouse squatter clearerees. These IH units were much improved than the Temporary Housing Areas (THAs) and would provide better living conditions for the affected residents. It was Government's policy not to render anyone homeless as a result of its clearance operations. Genuine residents affected by clearance operations would be given a variety of rehousing options. IH would be one of the options available for residents who are ineligible for PRH and who were awaiting their turn on the WL.

10. Despite the Administration's explanation, members were persistent in their request for the provision of urban IH units. They pointed out that the social impact on the affected clearerees who were forced to move away from the environment they were accustomed to would need to be carefully assessed. They considered that there might be a need to hold discussion of the subject at a higher level.

Diamond Hill Squatter Area Clearance

11. Members said that they were aware that residents affected by the Diamond Hill Squatter Area Clearance were reluctant to move to the IH units made available to them. They would prefer rehousing within the same district as they were used to the environment there. BD/AM however pointed out that the current progress of IH allocation for residents affected by the Diamond Hill Squatter Area Clearance had been progressing smoothly. Allocation was made through balloting. Residents had indicated preference

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for IH units in Shek Lei Estate and Kwai Shing Estate, rather than IH units in Tuen Mun. A mobile office was set up in the Diamond Hill Squatter Area to assist the affected residents in their rehousing arrangements.

Block 23 of Tung Tau Estate

12. Miss CHAN Yuen-han urged the Administration to reconsider the provision of Block 23 of Tung Tau Estate as IH, as this would resolve the rehousing problem of South East Kowloon. She said that her request had had the support from the community as well as district officers. Mr LI Wah-ming also expressed support for the retention of Block 23 of Tung Tau Estate for IH purposes, since such provision would be no different from what was currently provided in the IH blocks in Shek Lei Estate and Kwai Shing Estate.

13. BD/AM said that Block 23 of Tung Tau Estate was scheduled for redevelopment under the Comprehensive Redevelopment Programme (CRP) and would be demolished in mid-2001 for public housing development. It would not be possible to retain the Block for IH purposes as this would disrupt CRP. He informed that the Administration had held meetings with District Council members regarding the use of Block 23 of Tung Tau Estate for IH purposes and had explained to them that any delay in the demolition of the Block would affect the overall CRP.

Trawling exercise

14. Referring to the results of the trawling exercise for eligible households living in IH blocks in Kwai Shing Estate and Shek Lei Estate as set out in paragraph (d) of the Administration's response, Mr LEE Wing-tat said that more proactive steps should be taken to encourage eligible households to accept offers for PRH units. This would yield a greater number of IH blocks for use by squatter clearers. The Assistant Director/Operations and Redevelopment (AD/OR) said that subject to available resources, HD would continue its efforts in trawling more IH units for use by squatter clearers.

The 1984/85 Squatter Occupancy Survey (SOS) and the 923 Policy

15. BD/AM explained that in 1982, the Housing Department (HD) conducted a territory-wide Squatter Structure Survey (SSS) on unleased and undeveloped Government land and leased agricultural land for squatter control purposes. Squatter structures registered in SSS were tolerated but any illegal structures built after 1 June 1982 were subject to enforcement and demolition action once it was discovered. To contain the growth of squatter population, HD conducted in 1984/85 a SOS by way of registering the personal particulars of the occupants of the structures surveyed in 1982. When a squatter area was to be cleared, genuine occupants of surveyed structures at the time of clearance who were covered by the 1984/85 SOS would be eligible for PRH, subject to satisfying other eligibility criteria for squatter clearers. Those not covered by the 1984/85 SOS but fulfilling other eligibility criteria would only be rehoused to IH. The policy on SOS had been widely publicised and well known among the squatters.

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16. Regarding the proposed removal of SOS, BD/AM said that this could not be agreed upon because SOS was meant to be a freezing survey to deter the growth of squatter population. The proposed removal of SOS would result in a number of undesirable consequences. Firstly, this would encourage people to move to squatter areas and result in queue jumping for PRH over other prospective tenants including WL applicants. Secondly, a change of the long established baseline would encourage new squatting as people might have an illusion that new structures would be tolerated and new squatters living therein would also be rehoused to PRH. Thirdly, the possible influx of squatter population into the squatter areas would further aggravate the poor living environment. The buying and selling of squatter structures could become rampant. In short, once the baseline was changed, the original purpose of conducting the freezing survey would be defeated and would create a lot of unnecessary disputes and unjustified claims. BD/AM further explained that before September 1995, squatter clearances not eligible for PRH were rehoused to THAs upon clearance, provided that they satisfied the rehousing eligibility criteria. Upon clearance of the THA, they would become eligible for rehousing to PRH.

17. As regards the 923 policy, BD/AM said that this was meant to eliminate the possibility of queue-jumping by squatting and to ensure rational allocation of public housing resources. The Management and Operations Committee (MOC) of the Housing Authority approved on 23 September 1995 that all residents rehoused to THA/IH after 23 September 1995 (except those affected by clearance operations announced before that date and subsequently rehoused to THA) had to register on WL. Clearances rehoused in THA/IH would only be allocated PRH when their WL applications matured and they satisfied the WL eligibility criteria. In other words, THA/IH licensees will not be automatically rehoused to PRH upon clearance after 23 September 1995. The 923 policy had achieved its intended purpose since its implementation and was well received by the public.

18. Miss CHAN Yuen-han was of the view that the Administration should be more open-minded about the possible measures to address the rehousing needs of squatter clearances rather than adhering rigidly to SOS and the 923 policy, since the number of clearances which were not covered by SOS was not too great. She further pointed out that a number of registered clearances had been residing in the squatters for a long time but were not aware of the need to register on WL and were thus rendered ineligible as a result of implementation of the 923 policy. She urged that the baseline for SOS should be adjusted to take account of the needs of the clearances.

19. BD/AM reiterated that the removal of SOS or the changing of the baseline would defeat the original purpose of conducting the freezing survey. It would inevitably create unnecessary disputes and unjustified claims and encourage new squatting. Furthermore, the setting of a new baseline would need to be accompanied by the conduct of a freezing survey. It would be difficult, if not impossible, to verify the length of stay in each and every claim.

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20. On members' enquiry about the number of squatter clearances, AD/OR informed that there were about 220,000 remaining squatter residents who were covered under the SOS. Of these, about 20,700 resided in the urban areas while 208,000 resided in NT. Amongst these, about 100,000 were occupying Government land while the remaining were occupying leased agricultural land.

The comprehensive means test

21. Members were of the view that the Administration had been taking progressive steps in tightening the eligibility criteria for PRH in respect of squatter clearances. The SOS had frozen the number of clearances eligible for PRH. The further implementation of the 923 policy and the introduction of the comprehensive means test in September 1998 had rendered a number of squatter clearances ineligible for PRH. As a result of the changes in housing policy, some squatter clearances who had been tolerating unacceptable living conditions for years in the hope of rehousing to PRH would find themselves ineligible because they were not able to pass the comprehensive means test. Members considered that the comprehensive means test had actually encouraged applicants on WL to spend and dispose of their savings in an attempt to regain their eligibility for PRH.

22. BD/AM said in response that the use of the comprehensive means test as one of the rehousing criteria was part of the Long Term Housing Strategy. It was introduced in September 1998 after a period of public consultation. As the comprehensive means test was applicable to all WL applicants, there was no reason why squatter clearances should be exempted. The Assistant Secretary for Housing added that the purpose of introducing the comprehensive means test was to ensure that housing assistance was provided to those with genuine housing needs. There were other available housing options for those who failed the means test.

23. Members noted that affected residents of the Diamond Hill Squatter Area Clearance were exempted from the comprehensive means test because the announcement of the said clearance was made before its implementation.

24. In response to members, BD/AM agreed to review the existing policy on the rehousing criteria for squatter clearances, in particular the comprehensive means test, and to provide a paper on the subject for members' reference at the next meeting scheduled for 15 February 2000 at 4:30 pm.

25. There being no other business, the meeting ended at 6:30 pm.

Legislative Council Secretariat

21 September 2000