

For discussion
on 23 March 2021

Subcommittee on Issues Relating to Transitional Housing and Subdivided Units

Policies and Facilities for Rehousing of Persons Affected by Government's Enforcement Actions

Purpose

This paper briefs Members of the rehousing arrangements for persons affected by Government's enforcement actions.

Background

2. Under the prevailing Government's policy, no person should be rendered homeless as a result of Government's enforcement operations or natural disasters. In gist, any person affected by Government's actions (such as clearance of squatters/unauthorized structures, Court Bailiff's execution orders to repossess flats in private buildings, etc.) or natural disasters, rehousing/temporary accommodation arrangements will be offered as appropriate if he/she meets the relevant criteria.

Rehousing Arrangements for persons affected by Government's Enforcement Actions

3. For clearances affected by squatter clearances, those meeting specific requirements can be rehoused to the Hong Kong Housing Authority (HA)'s public rental housing (PRH), Interim Housing (IH), or given a non-means tested rehousing option at dedicated rehousing estates (DRE) as appropriate¹. For

¹ (I) For squatter clearances who are (a) genuine residents of a licensed domestic structure/a 1982-surveyed domestic structure, (b) covered by the 1984/85 Squatter Occupancy Survey (SOS), (c) registered in the pre-clearance survey (PCS), and who (d) fulfil eligibility for PRH (i.e. income and asset test, no domestic property rule, residence rule [i.e. at least half of the persons in the household have lived in Hong Kong for 7 years or more], etc.), they are eligible to be rehoused to PRH. For those who cannot fulfil (b), an alternative is that if they have proof of a 2-year residence in the licensed domestic structure/a 1982-surveyed domestic structure immediately preceding the PCS, they will be given a notional PRH application number; and if the notional PRH application number will reach flat allocation stage within 12 months, the processing of their PRH application will be advanced ("(b)-alternative").

(II) For squatter clearances who are genuine residents of a licensed domestic structure/ a 1982-surveyed domestic structure (i.e. (a) above), and are registered in the PCS (i.e. (c) above), but who are not covered by the 1984/85 SOS (i.e. cannot fulfill (b) above) and cannot fulfil (b)-alternative above, or who do not meet the residence rule for PRH (i.e. fulfil some but not all PRH eligibility criteria in (d) above) they will be provided with IH.

those who do not meet the relevant requirements for the above mentioned rehousing arrangements, HA will, upon Lands Department's referral, provide them with temporary accommodation at Transit Center (TC) (see paragraph 8 below).

4. For persons living in illegal rooftop structures (IRS) on residential buildings erected on or before 1 June 1982 who are to be displaced by Buildings Department (BD)'s enforcement actions, they will be rehoused to HA's PRH or IH as appropriate, subject to relevant criteria². For those who do not meet the relevant criteria, HA will, upon BD's referral, provide them with temporary accommodation in its TC (see paragraph 8 below).

5. For other cases where domestic occupants in private buildings need to move out because of BD's enforcement actions (e.g. illegal domestic premises in industrial buildings, unauthorized building structures in residential buildings other than IRS on residential buildings erected on or before 1 June 1982), they would need to find their own alternative accommodation. However, pursuant to the Government's policy as set out in paragraph 2 above, HA will, upon BD's referral, provide them with temporary accommodation at TC (see paragraph 8 below). Similarly, where court bailiff executes court orders to repossess private building units pursuant to private landlords' applications which leads to displacement of domestic tenants, affected households with temporary accommodation need will be accommodated in TC (see paragraph 8 below).

6. It needs to be pointed out that for those who have imminent and long term housing needs on medical or social grounds but have no other feasible means to resolve their housing problems, the Social Welfare Department (SWD) may make recommendation to HA for early allocation of PRH through Compassionate Rehousing. Separately, SWD's Comprehensive Social Security Assistance,

(III) A non-means tested rehousing option is offered to the households under (I) and (II) above, in the form of rental and subsidized sale flat (SSF) units in DRE to be developed and managed by Hong Kong Housing Society (HKHS). Furthermore, this non-means tested rehousing option is also extended to domestic occupants of both surveyed/licensed domestic and non-domestic structures, subject to their meeting the relevant criteria, including at least seven years' residence in the structure immediately preceding the PCS, no domestic property and other eligibility criteria set by HKHS.

² For occupants of IRS on residential buildings affected by BD's enforcement actions who (a) are genuine occupants of IRS on residential buildings erected on or before 1 June 1982, (b) have been living in the affected IRS since 1 June 1982 and who (c) fulfil eligibility for PRH (i.e. income and asset test, no domestic property rule, residence rule, etc.), they will be rehoused to PRH. For those who cannot fulfil (b), an alternative is that if they have proof of a 2-year residence in the affected IRS immediately preceding the date of service of Statutory Order by BD under Section 24 of the Buildings Ordinance, they will be given a notional PRH application number; and if the notional PRH application number will reach flat allocation stage within 12 months, the processing of their PRH application will be advanced ("(b)-alternative").

For occupants of IRS on residential buildings affected by BD's enforcement actions, who are genuine occupants of IRS on residential buildings erected on or before 1 June 1982 (i.e. (a) above), but who cannot fulfil (b) and (b)-alternative above, or the residence rule for PRH (i.e. fulfil some but not all PRH eligibility criteria in (c) above), they will be provided with IH.

which includes rent allowance, aims at assisting the financially needy in renting accommodation.

TC and IH

7. PRH is scarce and valuable housing resources. The Government needs to be cautious and fair in allocating the resources to persons in need. With the long PRH waiting list, it would not be appropriate to provide PRH to all persons affected by natural disasters and Government's enforcement actions. A triage system in the form of TC and IH is needed.

8. As set out in paragraphs 3 to 5 above, TC is for those who claim to be homeless as a result of natural disasters or Government's enforcement actions but are not eligible for PRH or IH. TC is a basic shelter provided free of charge for a short period of time, during which the sheltered persons may continue to look for alternative accommodation or wait for PRH eligibility vetting. If these persons have stayed in TC for three months and pass the homeless test which prove that they have no alternative accommodation, and if they meet the criteria for applying for PRH, Housing Department (HD) will arrange for them to be admitted to IH and to apply for PRH.

9. IH provides accommodation to carees affected by Government's operations as set out in paragraphs 3 to 4 above, as well as homeless households transferred from TC as set out in paragraph 8, while waiting for PRH³.

Lung Tin TC (LTTC), Po Tin Transit Centre (PTTC) and Po Tin Interim Housing (PTIH)

10. HA currently provides LTTC in Tai O and PTTC in Tuen Mun. The TCs provide temporary accommodation to male singletons, female singletons and families. They are equipped with various facilities including bunk beds, independent lockers, communal kitchens, toilets, shower compartments, etc. For privacy protection, areas for accommodating families and female occupants are provided with partitions and folding doors in addition to independent lockers. There are 76 bed spaces in LTTC, and 340 bed spaces in PTTC. The facilities in TCs are considered to be adequate to serve the basic need of a transitional and temporary accommodation.

³ HA also provides IH to ex-PRH tenants who would otherwise become homeless due to the need to be removed from the PRH for various reasons such as divorce and estate tenancy enforcement actions (e.g. rent arrears).

11. HA does not lose sight of the importance of management and maintenance of the TCs. HA conducts daily inspection and provides regular cleansing service to the TCs. At present, the common areas of the TCs are cleansed a number of times per day, while the internal spaces of partitioned suits are cleansed weekly and pest control is conducted monthly. HA also carries out repair or replacement works for the facilities inside the TCs on need basis.

12. PTTC is situated in Po Tin Estate of Tuen Mun. Facilities in the estate there include one shopping centre, one wet market, one mobile library, two kindergartens, one primary school, etc. The recreational facilities are comprehensive, such as table tennis tables, badminton courts, basketball courts, children playgrounds and elderly facilities. All sorts of retail, educational and recreational facilities are provided to the residents. There are one taxi stand, seven bus routes and two mini-bus routes in Po Tin public transport interchange. The buses and mini-buses travel to and from, or pass through Po Tin Estate to all other districts in Kowloon and Hong Kong Island. The LRT Tin King Station is within a five-minute walk from Po Tin Estate.

13. There is one IH under HA, the PTIH⁴. At present, about 4 700 units of the flats in Po Tin Estates are PRH flats, while the remaining about 4 000 units are used as IH. The management and maintenance of the IH units are no different from the PRH units.

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⁴ HA announced on 8 December 2020 that Shek Lei IH (SLIH) would be redeveloped for public housing development. The target clearance date for SLIH is December 2022.