

立法會 CB(1)149/2024(01)號文件

LC Paper No. CB(1)149/2024(01)

《2023年土地(為重新發展而強制售賣)(修訂)條例草案》

Land (Compulsory Sale for Redevelopment) (Amendment) Bill 2023



發展局
Development Bureau

2024年2月5日
5 February 2024

復修和重建並行 Rehabilitation and Redevelopment in Parallel

香港的挑戰 Local Challenges:

人口老化
Ageing population

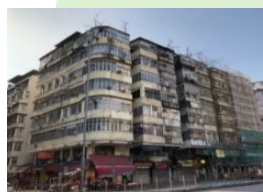
樓宇老化
Ageing building stock

政府解決市區老化的策略 Government's strategy to arrest urban decay:

復修和重建並行 Rehabilitation and Redevelopment in Parallel

● 支援推廣樓宇復修
Support and promote
building rehabilitation

加快市區重建 –
政府、市區重建局(市建局)與私營機構共同努力
Speed up **urban renewal** –
Joint efforts from Government, URA and Private Sector



如老舊樓宇的維修不合乎成本效益
· 重建是相對切實可行的方案

**For aged buildings beyond
economical repairs,
redevelopment is a more
practical option**

- ❖ 加大市建局財務能力
Enhance URA's financial capability
- ❖ 地區規劃研究 (油旺, 深水埗, 荃灣)
District planning studies (Yau Mong, Sham Shui Po, Tsuen Wan)
- ❖ 新規劃工具 (地積比率轉移; 住用和非住用地積比率互換)
New planning tools (transfer of plot ratio; Interchangeability of domestic and non-domestic plot ratios)
- ❖ 研究利用未來交椅洲人工島核心商業區用地以外的部分填海土地, 推動舊區大型重建項目
Study on using part of future reclaimed land outside the central business district of Kau Yi Chau Artificial Islands to facilitate large-scale redevelopment projects in old districts
- ❖ 《2023年土地(為重新發展而強制售賣)(修訂) 條例草案》
Land (Compulsory Sale for Redevelopment) (Amendment) Bill 2023

《條例草案》主要措施 Key Measures of the Bill

4 大方向 Key Directions

1

降低強拍申請門檻
Lowering the
Compulsory Sale
Application
Thresholds

2

便利毗鄰地段的強拍申請
Facilitating Multiple
Adjoining-lot
Compulsory Sale
Application

3

精簡強拍制度的法律程序
Streamlining the Legal
Process of Compulsory
Sale Regime

4

加強支援受影響的小業主
Enhancing Support to
Affected Minority
Owners

立法修訂 Legislative amendments

《條例草案》：第 2 部 第 3-11 條
Bill: Part 2 Clauses 3-11

《土地(為重新發展而強制售賣) 條例》(第 545 章)
Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545)

《條例草案》：第 3 部 第 12-16 條
Bill: Part 3 Clauses 12-16

《土地(為重新發展而強制售賣) (指明較低百分比) 公告》(第 545A 章)
Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice (Cap. 545A)

《條例草案》：第 4 部 第 17-23 條
Bill: Part 4 Clauses 17-23

《土地審裁處規則》(第 17A 章)
Lands Tribunal Rules (Cap. 17A)

《條例草案》主要措施 Key Measures of the Bill

發展商集合業權至法定申請門檻
Developers to consolidate ownership
up to statutory application thresholds

- 樓齡≥ 50年
Aged ≥ 50
- 並非位於工業地帶，
樓齡≥ 30 年的工廈
Industrial buildings
30 and not
located within industrial zone

80%

- 樓齡少於50年
Aged < 50

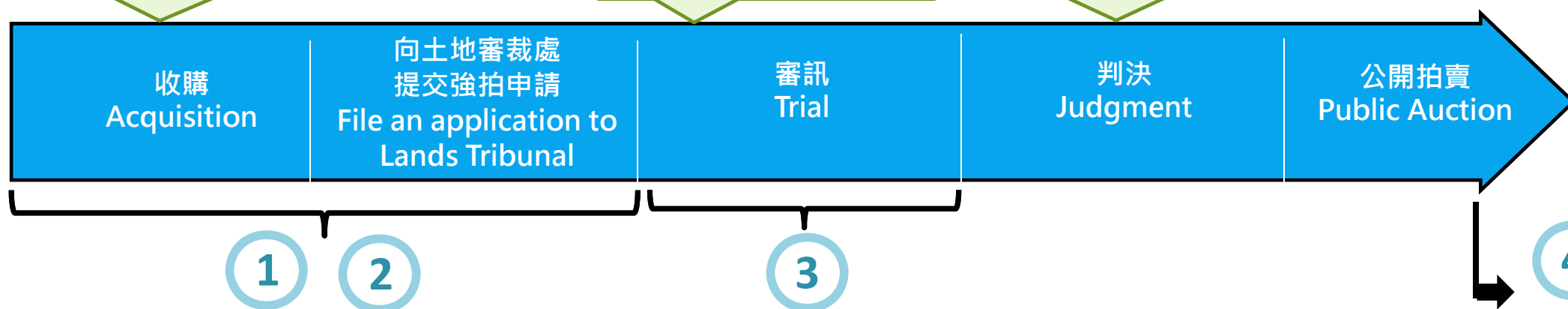
90%

土地審裁處考慮 –
Lands Tribunal to consider -

- 齡期 / 維修狀況
Age / state of repair
- 已採取合理步驟作收購
Reasonable steps to
acquire
- 估值報告
Valuation reports

如發出強拍令，土地審裁處裁決 -
If Lands Tribunal grants an order for
sale, it will determine -

- 拍賣底價
Reserve price
- 訟費命令
Costs Order



主要立法建議 Key Legislative Proposals

(A) 降低強拍申請門檻 Lowering the Compulsory Sale Application Thresholds

1. 樓齡
Building age

2. 地區的重建需要
Redevelopment need of districts

樓齡越高，門檻越低

The older the buildings, the lower the thresholds

位於有較迫切重建需要地區的樓宇，門檻會更低

Lower thresholds for buildings in areas with pressing redevelopment needs

地段類別 Class of Lot		現行門檻 Existing Thresholds	2022年11月提出的 建議門檻 Original Thresholds Proposed in Nov 2022	《條例草案》的建議門檻 Thresholds Proposed in the Bill	
樓宇類別 Building Type	樓齡 Age			指定地區 Designated Areas	非指定地區 Non-designated Areas
私人樓宇 Private buildings	< 50	90%	90% (維持不變 same)	90% (維持不變 same) (不論地區 regardless of location)	
	但 ≥ 50 but < 60	80%	70%	70%	80% (維持不變 same)
	但 ≥ 60 but < 70			65%	70%
	≥ 70		60%	65% (不論地區 regardless of location)	
位於非工業地帶的工廈 Industrial buildings not located within industrial zone	≥ 30	80%	70%	70% (非工業地帶 non-industrial zone)	

主要立法建議 Key Legislative Proposals

(A) 降低強拍申請門檻 (續) Lowering the Compulsory Sale Application Thresholds (Cont'd)

根據分區計劃大綱圖覆蓋的地區，首批「指定地區」：

Based on areas covered by Outline Zoning Plans (OZPs), the first batch of “Designated Areas” :

- (1) 長沙灣(亦覆蓋深水埗)
Cheung Sha Wan (encompassing Sham Shui Po)
- (2) 馬頭角(覆蓋九龍城和土瓜灣)
Ma Tau Kok (encompassing Kowloon City and To Kwa Wan)
- (3) 旺角 Mong Kok
- (4) 西營盤及上環(受同一大綱圖覆蓋)
Sai Ying Pun & Sheung Wan (covered by the same OZP)
- (5) 荃灣 Tsuen Wan
- (6) 灣仔 Wan Chai
- (7) 油麻地 Yau Ma Tei



兩個客觀指標以選定「指定地區」 -

- 有關地區內樓齡達50年或以上的樓宇數目；及
- 有關地區內接獲強制驗樓通知的樓宇數目

Two objective criteria to identify “Designated Areas”

—

- the number of buildings aged ≥ 50 in the area; and
- the number of buildings in the area issued with notices under the Mandatory Building Inspection Scheme (MBIS)

首批「指定地區」內50%的樓宇達50年或以上(全港比例為22%)；另38%的樓宇接獲強制驗樓通知(全港比例為14%)

50% of the buildings in the 1st batch of “Designated Areas” are aged 50 or above (22% territory-wide); 38% issued with MBIS notices (14% territory-wide)



主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 Facilitating Multiple Adjoining-lot Compulsory Sale Application

- 現行的制度基本上是以「地段」為基礎，即在同一宗強拍申請中，申請人須符合每一個地段的申請門檻。
The current regime basically operates on a “**lot**” **basis** meaning an applicant has to fulfil the application thresholds for each and every lot under the same compulsory sale application.
- 唯一的例外情況是如地段上的建築物有一條共用樓梯連接，申請人可合併計算其在有關地段擁有的不分割份數的平均百分比，以符合申請門檻。
The only **exception** is where the buildings erected on the lots are **connected by a common staircase** in which case the applicant may take average of the acquired undivided shares in the concerned lots for meeting the application threshold.
- 單一地段的重建發展誘因不大，並不符合乎經濟效益，或僅可重建成低效益的「牙籤樓」，從土地規劃或使用效率方面未必最理想。
Little incentive to redevelop a single lot, and is not economically viable or may only result in the redevelopment of inefficient “pencil-like buildings”, which **may not be the most desirable in terms of land use planning or utilisation efficiency**.
- 小業主未能受惠於合併相連地段令發展面積增加而提高的重新發展價值（即發展面積較大的「合併價值」）。
Minority owners are not able to benefit from the increase in redevelopment value due to the increase in development area as a result of the amalgamation of adjoining lots (i.e. the “merged value” of a larger development area).

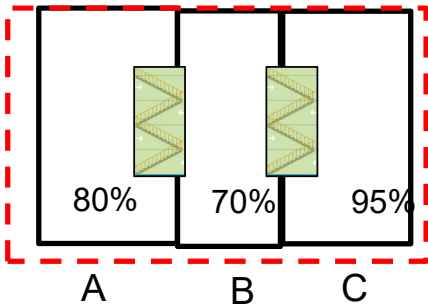
主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)

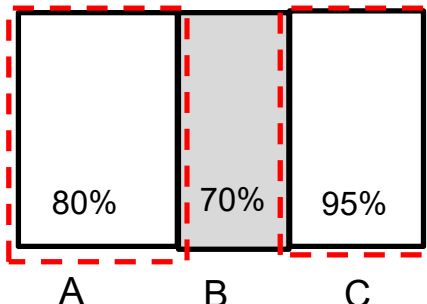
重建多個地段的現行安排 Existing arrangement for multiple-lot redevelopment



樓梯連接地段
Staircase-connected lots



非樓梯連接地段
Non-staircase-connected lots



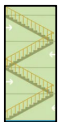
容許簡單平均
Simple average allowed
 $\frac{80\% + 70\% + 95\%}{3} = 81.7\%$

假設申請門檻為80%
Assuming 80% application threshold

圖例 Legend:

地段 Lot

申請 Application

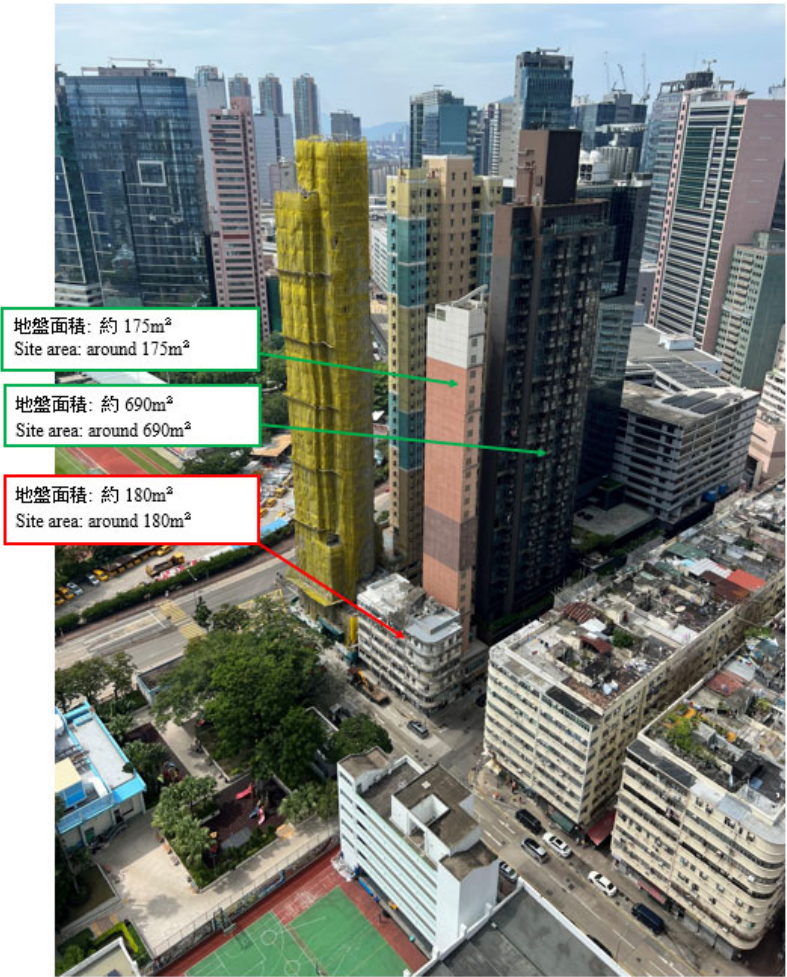


共用樓梯
Common staircase

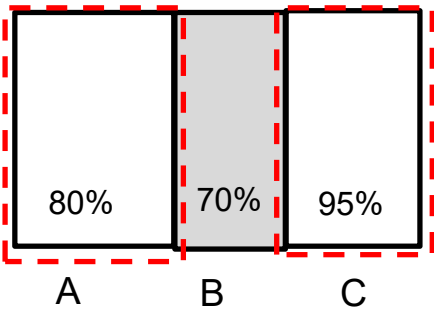
每個地段均需符合80% 門檻，因此只有地段 A 和 C 可以單獨重建 (而非地段 A + B + C 一併重建)
Each lot has to meet the 80% threshold, hence **only lots A and C to be redeveloped individually**, but not lots A + B + C redeveloped jointly.

主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)



非樓梯連接地段 Non-staircase-connected lots



每個地段均需符合80% 門檻，因此只有地段 **A 和 C** 可以單獨重建 (而非地段 A + B + C 一併重建)

Each lot has to meet the 80% threshold, hence **only lots A and C** to be redeveloped **individually**, but not lots A + B + C redeveloped jointly.

圖例 Legend:

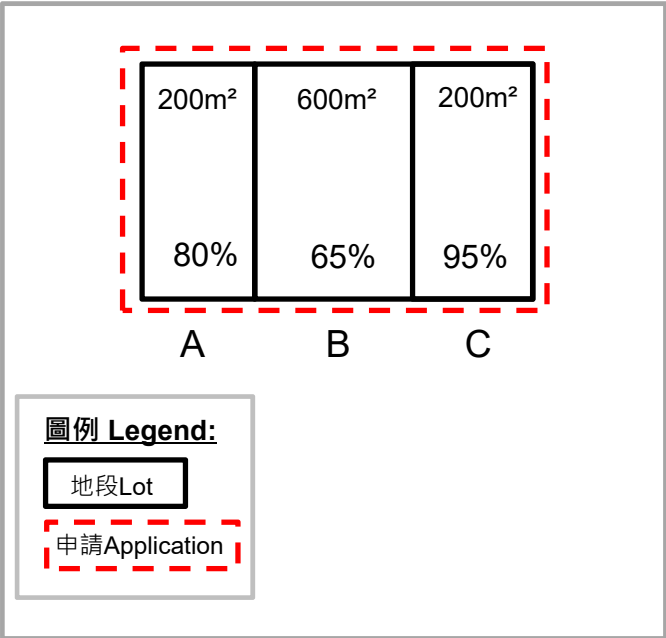
地段 Lot

申請 Application

主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)

1 無樓梯連接的毗鄰地段 Adjoining lots with no connecting staircase



- 1 無樓梯連接的毗鄰地段 Adjoining lots with no connecting staircase
 - ❖ 沿**共同界線**鄰接
Adjoins along a **common boundary**
- 2 每個地段的**最低門檻**為**65%**及樓齡為**50年或以上**
Minimum threshold of **65%** and **minimum age of ≥ 50** for each lot
- 3 **加權平均 Weighted average**
(以**地段面積**計算 based on **lot area**)


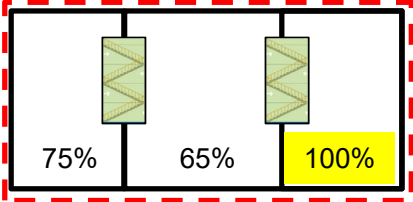

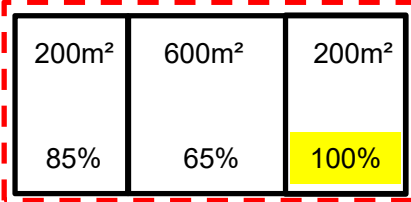
註：樓齡少於50年的樓宇，門檻維持90%，亦不能納入加權平均計算。
Note: For buildings aged < 50, remains at 90% threshold and ineligible for calculation of weighted average.

主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)

2 容許把已擁有全部業權的地段納入申請 Allow Inclusion of Wholly-owned Lots

示例：
Illustration:

樓梯連接地段 Staircase-connected lots	毗鄰地段 Adjoining lots
<div></div> <div></div> <div><div>A</div><div>B</div><div>C</div></div> <div>(簡單平均 simple avg.: 80%)</div>	<div></div> <div></div> <div><div>A</div><div>B</div><div>C</div></div> <div>(加權平均 weighted avg.: 76%)</div>

100%

主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)

3

共同重新發展的要求 Joint Redevelopment Requirement

共同重新發展 Joint redevelopment

強拍令涵蓋的所有地段必須包含在同一份 / 一套建築圖則內
(《建築物條例》第14(1)條)

all lots sold under an order for sale must be covered by
a plan / a set of plans (s.14(1) of Buildings Ordinance)



主要立法建議 Key Legislative Proposals

(B) 便利毗鄰地段的強拍申請 (續) Facilitating Multiple Adjoining-lot Compulsory Sale Application (Cont'd)

4

底價 Reserve Price



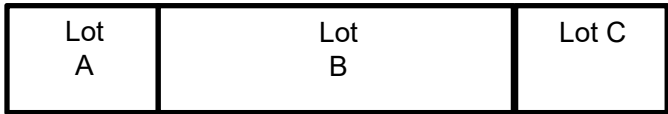
涉及兩個或以上地段的強拍令，底價需考慮該強拍令涵蓋的所有地段合併作共同重新發展的潛力。

For an order for sale covering 2 or more lots, reserve price shall take into account the joint redevelopment potential of the merged site combining all the lots covered in a single order for sale.



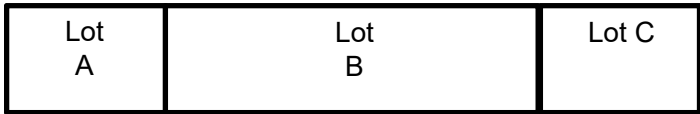
高於個別地段重新發展價值總和

Higher than the summation of redevelopment value of individual lots



共同重新發展 Joint Redevelopment

地段A, B及C的共同重新發展價值
RDV for joint redevelopment of Lots A, B and C
= \$1,200M



RDV^A (\$100M) RDV^B (\$600M) RDV^C (\$300M)

地段A, B及C個別重新發展價值的總和
Total RDV of Lots A, B and C redeveloped separately
= RDV^A + RDV^B + RDV^C = \$1,000M

主要立法建議 Key Legislative Proposals

(C) 精簡強拍制度的法律程序 Streamlining the Legal Process of Compulsory Sale Regime

免除申請人基於「齡期」或「維修狀況」證明地段理應重新發展的要求
Dispense with the requirement for the applicant to
justify redevelopment of the lot due to “age” or “state of repair”

❖ 地段上所有樓宇的樓齡均**50年或以上**
All buildings on the lot aged ≥ 50 years

❖ **所有**小業主已被**尋回**
All minority owners have been identified

❖ 每位小業主透過其律師向土地審裁處提交**不反對通知書**，表示不反對土地審裁處無須考慮地段是否因其上建築物的「齡期」或「維修狀況」而理應重新發展
Each minority owner has given a **Notice of No Objection** to the Lands Tribunal through his legal representative, indicating that he has no objection that the Lands Tribunal is not required to consider if redevelopment of the lot is justified due to “age” or “state of repair” of the building erected thereon



主要立法建議 Key Legislative Proposals

(D) 加強支援受影響的小業主 Enhancing Support to Affected Minority Owners

(i) 立法措施 Legislative measure

自住業主 Owner-occupiers

- ❖ 容許自住業主可在地段售出後，繼續居住在其物業內不多於**六個月**
Allow minority owners who are owner-occupiers to continue to occupy the property up to a period of **6 months** after the sale of the lot
- ❖ 需向地段購買者支付某款額
Subject to payment to the purchaser of the lot



(D) 加強支援受影響的小業主 (續) Enhancing Support to Affected Minority Owners (Cont'd)

(ii) 行政措施 Administrative measures

專責辦事處 Dedicated Office

- 在不同強拍階段為受影響的小業主提供一站式的加強支援服務
Provide one-stop enhanced support services to affected minority owners at different stages of compulsory sale
 - ❖ 小業主法律權益和其他一般查詢服務 Enquiry on legal rights and general matters
 - ❖ 獨立物業估值服務 Independent property valuation
 - ❖ 調解 Mediation
 - ❖ 初步專業諮詢服務 Preliminary professional advisory service
 - ❖ 法律和其他專業服務轉介 Referral for legal and other professional services
 - ❖ 情緒輔導及遷離支援 Counselling and relocation support



政府擔保貸款專項計劃 Dedicated Loan Scheme with Government Guarantee

- ❖ 協助合資格小業主取得貸款，應付處理強拍訴訟時流動資金不足的問題
Provide eligible minority owners with access to loan to tide over liquidity gap in handling the compulsory sale litigation



土地審裁處的資源 Resources for Lands Tribunal

- ❖ 增加土地審裁處的司法人手資源，包括向立法會申請在土地審裁處開設2個首長級常額職位
To increase the judicial manpower resources for the Lands Tribunal, including seeking approval from the Legislative Council to create two permanent directorate posts for the Lands Tribunal



- 謝謝 -

- Thank You -



發展局
Development Bureau