

政府總部的信頭

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26 May 1999

Clerk to Panel
LegCo Panel on Security
Legislative Council Building
8 Jackson Road
Hong Kong
(Attn: Miss Betty MA)

Dear Miss Ma,

LegCo Panel on Security
Follow-up actions required of the Administration on
Proposals to Improve Fire Safety in Private Buildings

Thank you for your letter of 11 May 1999, in which you asked us to arrange for follow-up actions on, inter alia, the proposals to improve fire safety in private buildings discussed in the meeting held on 30 July 1998.

The required information is provided below:

- (a) Para 9 of the confirmed minutes - the Chairman requested the Administration to provide information on the introduction of relevant legislation on the requirements of emergency vehicular accesses i.e. requiring accessibility of fire engines to more than one principal face of a building

The Buildings Department is still considering the legislative proposal on the requirements of emergency vehicular access. We will provide such information when it is ready.

- (b) Para. 15 of the confirmed minutes - the Chairman requested the Administration to provide further information on the rehousing policy for those who would be displaced as a result of the demolition of unauthorized rooftop structure so as to carry out fire safety works
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The Housing Department will assist to rehouse genuine residents living in unauthorized rooftop structures who are displaced as a result of enforcement actions taken by Buildings Department for the purpose of improving fire safety. Eligible families will be rehoused to public housing (including interim housing) according to their eligibility. They may also apply for other forms of housing such as Home Ownership Scheme, Home Purchase Loan Scheme, and Buy-or-Rent Option Scheme in lieu of rehousing. An information leaflet on the *Housing Department's Policy on Rehousing of Occupants of Unauthorized Rooftop Structures Affected by Buildings Department's Demolition Action* is attached for your reference.

Yours sincerely,

(Ms Miranda YEAP)
for Secretary for Security

with Chinese Translation

c.c. Director of Buildings	(Attn: Mr C K AU)	2868 3248
Secretary for Planning, Environment and Lands		
	(Attn: Mr Kevin CHOI)	2845 3489
Secretary for Housing	(Attn: Miss Ophelia TSANG)	2509 9958
Director of Housing	(Attn: Mr K N CHEUNG)	2768 7846
Director of Fire Services	(Attn: Mr K P HSU)	2723 2197
Director of Electrical and Mechanical Services		
	(Attn: Mr Stephen CHAN)	2895 4929
Secretary for Home Affairs	(Attn: Mr Francis LO)	2591 6002

b.c.c. Internal

DS(S)1

DS(S)2

**Housing Department's Policy on Rehousing of
Occupants of Unauthorized Rooftop Structures affected
by Buildings Department's Demolition Action**

Housing Department

Housing Department's Policy on Rehousing of Occupants of Unauthorized Rooftop Structures affected by Buildings Department's Demolition Action

(Note: This leaflet is intended for general information and guidance only. It must not be construed as conferring any right to rehousing and/or ex-gratia payments on persons affected by clearance of unauthorized rooftop structures.)

(A) The Role of Housing Department

Since 1981, Buildings Department (formerly Buildings and Lands Department) has been fully responsible for the control of illegal structures on rooftops and other parts of tenement buildings. Housing Department (HD) plays an assisting role in rehousing aspect when Buildings Department (BD) takes enforcement action against these illegal structures. When a request for assistance from BD is received, HD will assist to rehouse the eligible households living in the affected unauthorized rooftop structures. Upon BD's serving of a "Statutory Order" by virtue of Section 24(1) of Buildings Ordinance (Cap. 123) to the owner(s) concerned requiring them to demolish the unauthorized rooftop structure(s), HD will carry out a freezing survey to register the genuine occupants living in the structure(s) concerned. After BD has served a Notice of Intention on the owner(s) concerned advising them BD's intention to apply to Court for a Closure Order, HD will commence the screening and rehousing formalities, which will normally take two to four months depending on the scale of BD's action and availability of resources. BD will administer the Closure Order and close the unauthorized structure(s) before demolition.

(B) Rehousing Criteria

On the day when "Statutory Order" is served by BD, HD will carry out freezing survey to register occupants living in the unauthorized rooftop structure(s) affected by BD's enforcement action. Eligible occupants of these unauthorized rooftop structures will be rehoused to public rental housing (PRH) or interim housing (IH) according to their eligibility.

(a) Eligibility Criteria for Public Rental Housing (PRH)

- (i) Occupants must prove that they have been living in the affected unauthorized rooftop structures since and before 1 June 1982;
- (ii) The majority of family members must have lived in Hong Kong for at least 7 years. For this purpose, all children who were born in Hong Kong are deemed to have been residents in Hong Kong for 7 years provided that at least one of the parents fulfills the 7-year residence rule;
- (iii) Within 24 months prior to the freezing survey until the date of intake, the applicant or his/her family members must not own any domestic property or have entered into any agreement to purchase domestic property;
- (iv) Apart from the above, occupants affected by BD's "Statutory Order" issued on or after 11 September 1998 are required to undergo an income-cum-asset test before they are rehoused to PRH. The income-cum-asset limits and the declarable assets are shown at the **Annex**. Those who fail the test will not be eligible for PRH. If they have a temporary need for rehousing, they will be offered IH. However, their stay in IH will be restricted to one year only and they will be required to pay licence fee at

market level. [Note : During the restricted one-year-stay period in IH, they will be given priority for the purchase of Home Ownership Scheme (HOS) flats or the grant of loan under the Home Purchase Loan Scheme (HPLS) subject to their meeting the normal eligibility criteria as if they were white form applicants]; and

- (v) Families of at least two persons satisfying rules (B)(a)(i), (iii), and (iv) but not (ii) may be offered refurbished flats in older rental estates.

(b) Eligibility Criteria for Interim Housing (IH)

Genuine occupants of unauthorized rooftop structures who are covered by the freezing survey and fail to fulfill rules (B)(a)(i) and (B)(a)(ii) but (B)(a)(iii) will be rehoused to IH. Households affected by BD's "Statutory Order" issued on or after 15 April 1999 are subject to an income-cum-asset test. They will only be eligible for IH if their total family income and assets do not exceed the maximum income-cum-asset limits as laid down in the Annex in addition to fulfilling all other criteria for IH mentioned above. If their income or asset exceeds the limits, they will only be allowed to stay in IH for one year and to pay licence fee at market level. [Note : During the restricted one-year-stay period in IH, they will be given priority for the purchase of HOS flats or the grant of HPLS loan subject to meeting the normal eligibility criteria as if they were white form applicants.]

(c) Eligibility Criteria for Home Ownership Scheme (HOS)

Families of at least two persons who are closely related to one another and have satisfied the rules (B)(a)(i) - (iv) above are eligible to apply for HOS flats with a **priority** "green form" status. Families who are only eligible for IH may apply for HOS flats as **ordinary** "green form" applicants provided the following criteria are met: -

- (i) The occupants must be genuinely living in the affected unauthorized rooftop structures which must have been in existence since and before 1 June 1982;
- (ii) The applicant and one other household member have been residing in Hong Kong for at least seven years;
- (iii) There are at least two closely related members in the household;
- (iv) The applicant must be at least 18 years of age; and
- (v) All family members must not in the past 24 months own any domestic property or have entered into any agreement to purchase domestic property.

(d) Eligibility Criteria for Home Purchase Loan Scheme (HPLS)

Families who are eligible for HOS may apply for HPLS loan/payment subsidy in lieu of rehousing. Details of the scheme may be obtained from any Clearance Unit on request.

(e) Eligibility Criteria for Buy-or-Rent Option Scheme (BRO)

Families whose PRH eligibility has been established may apply for purchase of public housing flats under the BRO. However, the BRO is only applicable to those

affected rooftop occupants who can fend for themselves if the intake date of the flats so purchased is beyond the clearance date.

(f) *Single Persons*

Single persons aged 50 or above who have lived in Hong Kong for at least 7 years and comply with rules (B)(a)(i), (iii), and (iv) may be considered for allocation of PRH. Young (below the age of 50) and able-bodied single persons, irrespective of length of residence in Hong Kong, are eligible for IH only. Single person who is willing to share a PRH flat with another single clearee on a voluntary basis, would be eligible for PRH irrespective of their age, subject to their fulfilling the PRH eligibility as mentioned in paragraph (B)(a) above.

(g) *Cash Allowance for Single Persons/Two-person Families*

Eligible single persons and two-person families may, in lieu of rehousing, opt for cash allowance of which the current rates may be obtained from any Clearance Unit on request. Such rates are subject to change without prior notice. Recipients of this allowance are ineligible for further payments of the allowance or for any form of public housing for the subsequent 2 years.

(h) *Persons already Registered on the Waiting List (WL)*

Clearees who satisfy the WL eligibility criteria and their WL applications are mature for allocation within 12 months may be offered advanced rehousing under the Anticipatory Housing Scheme.

(i) *Notes*

- (i) Occupants of unauthorized rooftop structures are not eligible for ex-gratia domestic removal allowance because such structures were illegally erected on private tenement buildings.
- (ii) HD encourages all residents of unauthorized rooftop structures to register on the General Waiting List for public rental housing.
- (iii) Persons who are not registered in HD's freezing survey and those who take residence in the affected structures **after** the freezing survey are not eligible for rehousing.

(C) *Remarks*

The above only gives a brief account of the existing rehousing policy of HD in the course of BD's enforcement action against unauthorized rooftop structures. The policy may be revised from time to time without prior notice. Staff of HD will be pleased to answer queries on any aspects of this policy.

Clearance Units of Housing Department

Region	Clearance Unit	Address	Telephone No.
Hong Kong & Islands	Hong Kong (1) & Islands	Rear of Hong Kong Stadium, So Kon Po, Causeway Bay, Hong Kong.	2577 2525
	Hong Kong (2) & Special Duties	Units 224-231, Wah Ching House, Wah Fu (I) Estate, Hong Kong.	2715 8494
Kowloon & Sai Kung	Kowloon & Sai Kung (1)	Upper Carpark Level, Chun Man Court, 66 Chung Hau Street, Kowloon.	2715 4277
	Kowloon & Sai Kung (2)	Upper Carpark Level, Chun Man Court, 66 Chung Hau Street, Kowloon.	2715 1057
New Territories (East)	New Territories (East)	Units 301-314, 3/F., Tai Wing House, Tai Yuen Estate, Tai Po, New Territories.	2664 5141
New Territories (West)	New Territories West (Tsuen Wan)	Units 119-134, G/F., Block 3, Kwai Shing West Estate, Kwai Chung, New Territories.	2425 3821
	New Territories West (Tuen Wan)	Units 28-29 & 31-33, G/F., Hing Tai House, Tai Hing Estate, Tuen Mun, New Territories.	2462 3221
Yuen Long	Yuen Long	Units 1-3 & 5-8, G/F., San Shui House, Shui Pin Wai Estate, Yuen Long, New Territories.	2479 4123

Explanatory Notes on Income and Asset Limits

(A) Income and Asset Limits

Family Size (person)	Income Limit (per month *)	Asset Limit
1	\$6,600	\$220,000
2	\$11,900	\$330,000
3	\$14,800	\$390,000
4	\$17,700	\$470,000
5	\$19,200	\$530,000
6	\$20,700	\$600,000
7	\$23,500	\$660,000
8	\$26,200	\$700,000
9	\$28,700	\$700,000
10+	\$30,700	\$700,000

* With effect from 11.9.1998

(B) Declarable Asset Items

The declarable assets include the following: -

- (1) cash in hand, bank savings and fixed deposits;
- (2) landed properties, including both domestic and non-domestic properties in respect of which sale and purchase agreements have been concluded;
- (3) land, including lease agreements and Letters A or B entitlements;
- (4) vehicles, including private and commercial vehicles etc.;
- (5) transferable vehicle licences, including taxi and public light bus licences etc.;
- (6) other investment assets, including mutual funds, unit trust funds, listed shares, deposits with brokers, commodities futures, paper gold, certificates of deposits and bonds; and
- (7) for those engaged in business, all categories of asset owned by the companies will need to be declared.

Apart from local assets, overseas assets and assets in the Mainland of China are also required to be declared. However, outstanding mortgage loans, personal loans, overdrafts from approved financial institutions, compensation or ex-gratia allowance for industrial or traffic accidents, etc. are excluded.

(C) Elderly Households

The asset limit for small nuclear households of three persons or less whose members are all aged over 60 are raised to the same level as that of a 4-person household.