

NOTE FOR LEGISLATIVE COUNCIL PANEL ON TRANSPORT

Supplementary Information on West Rail – Essential Public Infrastructure Works for Kam Tin Section Proposed Road to Kam Sheung Road Station

INTRODUCTION

Members considered the paper “West Rail (Phase I) – Essential Public Infrastructure Works for Kam Tin Section – proposed road to Kam Sheung Road Station” at the meeting of the Panel on Transport on 7 May 2001. In response to Members’ request, the Administration undertook to provide details on –

- (a) the prevailing land resumption policy,
- (b) the prevailing re-housing policy for persons affected by land resumption; and
- (c) the re-housing arrangements for persons affected by the proposed road to Kam Sheung Road Station.

This note sets out the relevant details which are provided by the Bureaux and Departments concerned.

THE ADMINISTRATION’S RESPONSE

Land Resumption Policy

2. The resumption of private land and the creation of easements and other rights over private land for public projects or railways is carried out in accordance with the relevant Ordinances. Land resumption will commence after the schemes of the projects have been authorized by the authorities under the relevant Ordinances. The general policy for resumption of private land is as follows -

- (a) land should only be resumed for public purpose in accordance with the relevant Ordinances; and
- (b) only land located within an authorized project scheme boundary would be resumed. The extent of resumption depends on the engineering and related requirements of the project. In general, Government will only resume the minimum land required for a project.

3. There may be situations where, after a portion of a private lot has been resumed by Government, the remaining portion of that lot is rendered incapable of reasonable beneficial use, for example, by reason of its small size and odd shape. The landowner concerned may

apply for the residual area to be resumed as well. As the nature and extent of each case vary, applications will be considered on individual merits.

4. Regarding the objection case in which an objector requested Government to resume the remaining portion of his land not affected by the proposed road to Kam Sheung Road station, we had explained to the objector that the proposed road alignment was the most desirable alignment having regard to various factors including road safety requirements, engineering consideration and site constraints. The area of the remaining portion of the objector's lot after land resumption was about 1,800 m², comprising two pieces of land of about 900 m² on each side of the proposed road. As the remaining portion is not in odd shape and can be of reasonable beneficial use to the owner, we had not acceded to the objector's request to resume the remaining portion of his lot.

Re-housing Policy for Persons Affected by Land Resumption

5. In clearing or resuming land for a road project, Government seeks to ensure that all affected persons are rehoused in accordance with their individual eligibility and that no one is rendered homeless as a result of such an exercise. Housing Department is the Government's clearance agent and will arrange rehousing for affected persons to either public rental housing or Interim Housing according to the eligibility criteria set out at **Annex**.

6. Genuine occupants residing in structures covered by the 1982 Squatter Survey and registered under the 1984/85 Squatter Occupancy Survey will be re-housed to public rental housing upon clearance, subject to meeting eligibility criteria including the length of residence, the Domestic Property Rule and income and asset levels. Occupants not covered by the Squatter Occupancy Survey will be re-housed to Interim Housing.

7. In line with the spirit of rational allocation of public rehousing resources to people in genuine need, as enshrined in the Long Term Housing Strategy published in January 1997, persons affected by land resumption or clearance announced on or after 11 September 1998 are subject to the Comprehensive Means Test. Those who cannot pass the Comprehensive Means Test are given priority to purchase Home Ownership Scheme flats or apply for the Home Purchase Loan Scheme with Green Form status, subject to their meeting the White Form eligibility criteria.

8. To minimize dislocation, clearerees eligible for public rental housing will be rehoused within the same or adjacent district as far as practicable, subject to availability of resources.

Re-housing Arrangement for Persons Affected by the Proposed Road Works

9. The pre-clearance survey revealed that 18 families involving 72 persons would be affected by the clearance of the proposed road to Kam Sheung Road station. Following authorization of the road scheme by the Chief Executive in Council, Housing Department is conducting screening exercise whereby eligible occupants of domestic structures will be rehoused to public housing at Tin Shui Wai district or Po Tin Interim Housing at Tuen Mun according to their eligibility. We estimate that 7 families comprising 28 persons may be

eligible for public rental housing subject to meeting the Comprehensive Means Test and Domestic Property Rule. The remaining 11 families comprising 44 persons may be eligible for interim housing.

Transport Bureau
31 May 2001

Policy on Rehousing of Occupants of Squatter Structures Affected by Government's Clearance Operations

(A) Occupants of Domestic Structures

Eligible occupants of domestic structures in squatter areas who are affected by Government clearance operations will be rehoused to public housing (including interim housing) according to their eligibility.

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

- (i) Persons must be genuine residents in a 1982 surveyed domestic structure and covered by the pre-clearance survey;
- (ii) Persons must be covered by the 1984/85 Squatter Occupancy Survey;
- (iii) At least half of the family members (including the head of household) must have lived in Hong Kong for 7 years. For this purpose, all children under the age of 18 who are residing in Hong Kong and without any conditions of stay, regardless of their places of birth, are deemed as having satisfied the 7-year residence provided that one of their parents has lived in Hong Kong for seven years (see Note 1);
- (iv) Within 24 months prior to the pre-clearance survey until the date of intake, the applicant or his/her family members must not,
 - own or co-own any domestic property;
 - have disposed of any domestic property;
 - have entered into any agreement to purchase domestic property; or
 - own more than 50% share in a company which owns domestic property.
 (Domestic property includes any post-war domestic property; uncompleted private domestic property, uncontrolled or self-occupied pre-war domestic property, roof top structure approved by the Buildings Authority, building lots and Small House Grants.) ; and
- (v) Applicant and his/her family members must satisfy a comprehensive means test covering both income and net asset (see Note 2). The income-cum-asset limits as well as the declarable assets are shown on the **Attachment**. *(This criterion is applicable to persons affected by clearance operations announced on or after 11 September 1998.)*

(b) Eligibility Criteria for Interim Housing (IH)

(i)	Persons must be genuine residents of a 1982 surveyed domestic structure and covered by the pre-clearance survey;
(ii)	Persons must not be covered by the 1984/85 Squatter Occupancy Survey;
(iii)	They must fulfill the 'No Domestic Property' criterion as detailed in sub-paragraph (A)(a)(iv) above; and
(iv)	Applicant and his/her family members must satisfy a comprehensive means test covering both income and net asset (see Note 2). The income-cum-asset limits as well as the declarable assets are shown on the Attachment . <i>(This criterion is applicable to persons affected by clearance operations announced on or after 15 April 1999.)</i>

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

Persons having satisfied rules (A)(a)(i) - (v) above are eligible to apply for HOS flats with “**2nd priority green form**” status. Persons who are only eligible for PRH under rules A(a)(i),(ii),(iv) and (v) but not (iii) or eligible for IH may apply for HOS flats as “**ordinary green form**” applicants provided the following criteria are met :-

- (i) The applicant and his family members are genuine residents of a 1982 surveyed domestic structure;
- (ii) The applicant has been residing in Hong Kong for at least seven years without any conditions for stay;
- (iii) The applicant must be at least 18 years of age; and
- (iv) The applicant and his family members must not in the past 24 months own any domestic property or have entered into any agreement to purchase domestic property.

Those who are not eligible for PRH/IH because of their failing the income-cum-asset test only but refuse to accept IH offers of staying in IH for one year during which they have to pay licence fee at market level may be given “ordinary green form” status in applying for HOS flats subject to their meeting the normal eligibility criteria required for the white form applicants.

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

Families who are eligible for HOS may use “green form” to 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 (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 clearerees who can fend for themselves if the intake date of the flats so purchased is beyond the clearance date.

(f) Domestic Removal Allowance

All those who satisfy the eligibility criteria and are genuinely affected by clearances may be eligible to receive an ex-gratia domestic removal allowance, the rates of which are calculated with reference to family size and the type of housing offered and are regularly reviewed by the Government. Details of up-to-date rates may be obtained from any Clearance Unit on request.

(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)

Clearerees who are eligible for rehousing and satisfy the WL eligibility criteria and their WL applications are due for allocation within 12 months may be offered advanced rehousing under the Anticipatory Housing Scheme.
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(i) Attention

- (i) Persons who are not registered in Housing Department’s (HD) pre-clearance survey or those who take residence in the affected structures after the pre-clearance survey are not eligible for rehousing.
- (ii) Where negotiation is taking place between the Government and a landlord on the surrender of any private land within a clearance area, the clearerees affected, apart from satisfying the eligibility criteria for public rental housing and interim housing (rules (A)(a) and (A)(b) above), must prove that they have been living in the area since and before the pre-clearance survey or the date of negotiation whichever is the earlier.
- (iii) Eligible persons are allocated PRH or IH units for their own occupation. It is a breach of tenancy/licence conditions to sublet, or assign these units to other people, and upon discovery of such a breach, the units in question will be recovered by the Housing Department and all unauthorized occupants will be evicted accordingly.

(B) Shops, Workshops, Schools, Godowns, Pigsties and Poultry Farms

Business operators conducting a business at the time of the pre-clearance survey, in a structure registered for that purpose in the 1982 squatter structure survey may be eligible for an ex-gratia allowance, the amount of which varies according to the type and size (area of structure as recorded in the 1982 squatter structure survey or the pre-clearance survey, whichever is the smaller) of the business involved. However, business operators of structures covered by Short Term Tenancy or Short Term Waiver granted on vacant Government land or vacant leased agricultural land are not eligible for ex-gratia allowance.

The current rates of the allowances, which are subject to change without prior notice, may be obtained from any Clearance Unit on request.

(C) Remarks

Note 1 : Families having satisfied rules (A) (a) (i), (ii), (iv) and (v) but not (iii) could be offered refurbished flats in older rental estates.

Note 2 : Those who fail the comprehensive means test will be offered interim housing (IH) if they have a temporary housing need. However, their stay in the IH will be restricted to one year only and they will be required to pay licence fee at market level. During the restricted one-year-stay period in IH, they will be given "2nd priority green form" status for the purchase of Home Ownership Scheme (HOS) flats or "green form" status to apply for the grant of Home Purchase Loan Scheme (HPLS) loan, subject to meeting the normal eligibility criteria as if they were white form applicants. The application for HOS/HPLS will be processed by the respective IH management offices.

The above only gives a brief account of the existing squatter clearance policy. The policy may be changed/revised from time to time without prior notice. Staff of HD will be pleased to answer queries on any aspects of this policy.

*Housing Department
January 2000*

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 Mun)	Units 28-29 & 31-33, G/F., Hing Tai House, Tai Hing Estate, Tuen Mun, New Territories.	2462 3221
Yuen Long	Yuen Long	Units 215-220, Podium., Ying 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.