

Section A

Chapter 2: Rehousing of Occupants upon Clearance

Responsibility of the Housing Department

Following the transfer of squatter control and clearance duties from the Housing Department (HD) to the Lands Department (LandsD) on 1 April 2006, the role of HD is confined to providing rehousing assistance to eligible clearerees affected by government actions on land clearance for development or other purposes (affected squatter clearerees), and to victims of natural disasters and other emergency incidents.

In addition, HD provides assistance in rehousing the occupants of illegal rooftop structures (IRS) displaced by the Buildings Department (BD)'s enforcement actions (affected IRS occupants) in accordance with the prevailing housing policies.

Eligibility Criteria for Public Rental Housing (PRH)

1. Affected squatter clearerees

- (a) Affected squatter clearerees must be genuine residents of a licensed domestic structure/a 1982 surveyed domestic structure and covered by the 1984/85 Squatter Occupancy Survey and registered in the pre-clearance survey subject to their fulfillment of the eligibility criteria for PRH (including 7-year residence rule, no domestic property in Hong Kong (HK), satisfy the income and asset test, etc.); or
- (b) Households who are not covered by the 1984/85 Squatter Occupancy Survey but have proof of 2-year residence in the affected 1982 surveyed domestic structure/licensed domestic structure immediately preceding the date of announcement of clearance subject to their fulfillment of the eligibility criteria for PRH, they would be allotted a notional PRH application number with 2-year waiting time. Under the policy of Anticipatory Housing Scheme (AHS), if they will soon be allotted with PRH flat within 12 months' time, their application will be handled in advance.

2. Affected IRS Occupants

- (a) Affected IRS occupants must prove that they have been living in the affected IRS since or before 1 June 1982 and fulfilling other eligibility criteria for PRH application (including 7-year residence rule, no domestic property in HK, satisfy the income and asset test, etc.); or ;
- (b) Households with proof of 2-year residence in a rooftop structure built on or before 1 June 1982 immediately preceding the date of service of Statutory Order (SO) by BD under Section 24 of the Buildings Ordinance, subject to

their fulfillment of the eligibility criteria for PRH, they would be allotted a notional PRH application number with 2-year waiting time. Under the policy of AHS, if they will soon be allotted with PRH flat within 12 months' time, their application will be handled in advance.

3. Apart from satisfying the above mentioned criteria, affected squatter clearerees or affected IRS occupants must also satisfy the eligibility criteria for PRH application and please draw particular attention to the following criteria:

- (a) At least half of the family members must have lived in HK without any conditions of stay for seven years and are still living in HK. Children under the age of 18 who are residing in HK with established HK birth status regardless of their length of residence in HK and their parents' residence status, or those under the age of 18 who are residing in HK regardless of their place of birth if one of their parents has lived in HK without any conditions of stay for seven years, are deemed to have satisfied the seven-year residence rule;
- (b) During the period from the date of pre-clearance survey of Squatter Structure or the date of service of SO by BD up to the date of signing the tenancy agreement of the PRH flat allocated in consequence of the application, the applicant or his / her family members must not
 - (i) own or co-own or have an interest in any domestic property in HK; or
 - (ii) have entered into an agreement (including provisional agreement) to purchase any domestic property in HK; or
 - (iii) hold more than 50% of shares in a company which owns, directly or through its subsidiaries, any domestic property in HK. Domestic property includes any domestic property, uncompleted private domestic property, rooftop structure approved by the Building Authority, domestic building lots and Small House Grants approved by the Lands Department in the HK; and
- (c) Affected squatter clearerees and affected IRS occupants are subject to income and asset test, and their total family monthly income and total net asset value must not exceed the income and total net asset limits laid down by the Housing Authority.

Eligibility Criteria for Interim Housing (IH)

Affected squatter clearerees must be genuine residence of a licensed domestic structure/a 1982 surveyed domestic structure or IRS occupants can prove that they have been living in the affected IRS which was built on or before 1.6.1982; registered in the pre-clearance survey; have no domestic property in HK; and satisfy the income and asset test for PRH, but:

- (1) fail the 7-year residence rule; or

- (2) fail to have proof of a 2-year residence in the affected 1982 surveyed domestic structure/licensed domestic structure immediately preceding the date of announcement of clearance/ affected IRS which was built on or before 1.6.1982 immediately preceding the service of SO by BD which are ineligible for allotment of a notional PRH application number with 2-year waiting time; or
- (3) who have proof of a 2-year residence in affected squatter structure/ IRS and allotted a notional PRH application number with 2-year waiting time. However, the application cannot be handled in advance by HD as their notional PRH application will not reach the allocation stage within 12 months' time.

They will be rehoused to IH while awaiting PRH through PRH application.

Families failing the income and asset test are ineligible for PRH or IH. They can apply to stay in IH for one year, during which they are required to pay licence fee equivalent to market rent.

Subsidised Sale Flats Schemes

Affected squatter clearerees/affected IRS occupants, who are eligible for rehousing to PRH, may apply Green Form Certificate (in ordinary green form status) in lieu of allocation of PRH flat to purchase flats under Home Ownership Scheme (HOS), Green Form Subsidised Home Ownership Scheme (GSH) or Secondary Market Scheme, provided that they meet the eligibility for the purchase of the HOS flats, GSH flats or the HOS secondary market and the HOS/GSH sale scheme is available for application.

Cash Allowance for Single Person and Two-person Families

Single and two-person families of affected squatter clearerees /affected IRS occupants, having satisfied eligibility for PRH or IH may opt for cash allowance in lieu of rehousing to PRH or IH. Recipients of this allowance are ineligible for further payments of the allowance or for any form of public housing in the subsequent two years.

Occupants Already Registered in the PRH Application

Affected squatter clearerees/affected IRS occupants fulfilled the eligibility for rehousing to PRH or IH, if they have already registered for PRH and their PRH application is expected to reach the allocation stage within 12 months, advance action will be taken to handle their PRH application under the AHS.

Ex-beneficiaries of various Subsidized Housing Schemes

Owners or ex-owners of various Subsidized Home Ownership Schemes, Ex-Loan / Subsidy Recipients under the Home Assistance Loan Scheme or the Home Purchase Loan Scheme, and Recipients of Home Ownership Scheme-based Compensation in Kowloon Walled City Clearance and their spouses are debarred from rehousing to PRH. However, their other family members approved to be deleted from the relevant records are not bound by this restriction.

Rehousing for Families Living in Private Tenement Affected by Clearance Exercise

Where negotiation is taking place between the government and a landlord on the surrender of any private tenement within a clearance area, the clearerees affected, apart from satisfying the eligibility criteria for PRH and IH as stated above, must produce evidence that they have been living in the affected private tenement since and before the date of announcement of clearance or the date of negotiation, whichever is the earlier.

Rehousing for Victims of Fires and Natural Disasters

In the event of fire and natural disaster in squatter areas, transit centres will be arranged for those registered victims in need, pending eventual rehousing in accordance with the prevailing rehousing policy.

Squatter fire victims who are eligible for PRH or IH will be rehoused to public rental flats or IH in the New Territories.

Permitted occupiers of surveyed domestic squatters affected by landslips or natural disasters will normally be accorded local rehousing, with the proviso that these victims may be allocated housing units in the extended urban area (which includes Tung Chung, Shatin, Ma On Shan, Tseng Kwan O, Tsuen Wan, Kwai Chung and Tsing Yi) if no urban units are available.

Attention

Under the AHS, a one-grade-up allocation in the choice of district from the New Territories to Extended Urban Area or from Extended Urban Area to Urban Area can be offered to those eligible applicants. Upon upgrading, only refurbished flats will be offered.

Those who are not genuine residents of a clearance area at the time of a pre-clearance survey or take residence in the affected structures after the service of the SO by the BD under Section 24(1) of the Buildings Ordinance are ineligible for rehousing.

Dedicated Estates developed by Hong Kong Housing Society

Under the Government's enhanced ex-gratia Compensation and Rehousing package announced on 10 May 2018, a non-means-tested rehousing option will be offered to eligible households in the form of rental and subsidised sale flat (SSF) units in Dedicated Estates (DEs) to be developed and managed by the Hong Kong Housing Society (HS).

As a one-off arrangement, HS and HA will provide rental units as a transitional arrangement to eligible households before the intake date of the respective DEs. Such households will be given the option (instead of being mandated) to relocate to the DEs

when the DEs are ready for intake. Those opting to continue residing in HA's PRH or HS's rental units would continue to be subject to the prevailing HA/HS's policies on well-off tenants.