

Habitat for Humanity Hong Kong appreciates the opportunity to share comment regarding the proposed Amendment of the Land (Compulsory Sale for Redevelopment) Ordinance

There is no doubt that old and dilapidated buildings brought up to construction and safety standards can benefit communities. However, private redevelopments frequently become commercial products that cater to those in the upper socioeconomic range. Residents and tenants evicted from their neighborhoods to make way for redevelopment projects can experience the loss of social heritage, collective memories, livelihood, and social networks. Subdivided flat tenants are at additional risk for tenure insecurity and homelessness. A relaxed compulsory sale law must strive to mitigate such consequences to vulnerable inhabitants.

Lowering the threshold for compulsory sale and other streamlining measures should be balanced by processes to safeguard the rights of owners and tenants, provide them compensation or the option to share benefits of redevelopment in their building, and require private redevelopments be inclusive and affordable to community members of diverse income levels.

1. Rather than relaxing the threshold from 80% to 70% for buildings over 50 years old, consider decreasing the threshold from 80% to no less than 75% with the opportunity to reassess after one year. Likewise, for buildings over 70 years old consider reducing the threshold from 80% to 65% rather than 60%. A softer, progressive approach would better inform a fair and nuanced balance between the need for redevelopment and the property interests of minority owners.
2. With regards to streamlining the litigation process of compulsory sale: this measure risks going too far in narrowing the avenue for owners to voice concerns and report evidence supporting their claims to the Lands Tribunal. We urge the government to decline this change to avoid compromising the right of minority owners to be heard.
3. The government may consider further incentives, for instance in reducing the threshold where the proposed redevelopment site is of substantial size and the developer agrees to engage in public-private partnership in providing Home Ownership Scheme flats (or an equivalent form of it), for the original owners as priority applicants.
4. Over 80% of subdivided flats are located in buildings 50 years-old or above. Residents of subdivided flats in buildings targeted for private redevelopment will become at risk if this amendment becomes policy. The situation requires clarity. How will landlord adherence to contractual obligations, (under the new tenancy control ordinance for SDUs), be monitored and enforced? What recourse will be available to residents of subdivided flats if their tenure is unlawfully disrupted? What about the rights of residents of subdivided flats who do not have a written tenancy agreement? Declining to address these questions in ways that maintain tenants' access to rights and due process would leave tenants wide open to harassment and informal eviction and directly contradicts the aim and intentions of the tenancy control ordinance that came into effect in January 2022. Protection against harassment and forced eviction under secure tenure is an element of the UN's right to adequate housing, and in this context, governments are responsible for protecting people against forced evictions carried out by third parties.

5. Require that private redevelopment projects extend compensation to affected tenants, such as the practice in URA-led redevelopment projects where tenants facing eviction may be eligible to apply for re-housing or a removal allowance.

A relaxed compulsory sale law must be balanced by measures to mitigate unfair consequences to owners and vulnerable tenants and provide mandates to serve the broader public good. Lacking specific direction from the government, redeveloped properties will invariably benefit those at the higher socioeconomic scale. New residents paying higher costs to live in gentrified properties will enjoy building safety and improved living conditions. Meanwhile, the process will systematically move low-income and grassroots people out of urban areas without sharing the benefits of improved housing and safety conditions with those who need it most.