

# **EX-GRATIA ALLOWANCES PAYABLE FOR LAND RESUMPTIONS AND CLEARANCES**

**INFORMATION FOR OWNERS, TENANTS AND OCCUPIERS**



**Lands Department**

**(This pamphlet is for general information only. It is not a legal document and has no legal effect, and must not be construed as such. Any Government policy stated herein may be subject to change.)**

**April 2006**

1. **Introduction**

This pamphlet outlines the various types of ex-gratia allowances (EGAs) and land compensation payable by the Government. It also sets out the eligibility criteria of payment of the EGAs relating to land resumptions and clearances in the territory. EGAs are non-statutory payment to the people affected by acquisition projects and are intended to help minimize their hardship arising from land resumption and clearances. With a view to enabling speedy payment of land compensation, the Government would offer to affected eligible landowners an ex-gratia land compensation, which serves as an alternative to statutory claims under the respective Ordinances.

2. **Administration of Ex-gratia Allowances and Land Compensation**

The various EGAs listed in paragraph 4 are administered by the Lands Department (Lands D). Staff of the Lands D would carry out survey, determine the eligibility of the affected people, assess the amount payable and arrange payment as appropriate.

3. **Submission of Claim/ EGA Application**

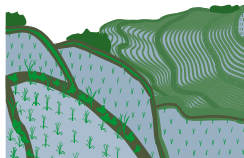


People affected by land resumption and clearance projects who consider themselves eligible for any type of EGAs may approach the respective District Lands Offices of the Lands D or the respective Clearance Offices of Lands D for enquiry. The contact telephones of the offices are listed hereunder:-




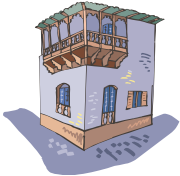

| <u>District Lands Offices of Lands D</u> | <u>Telephone</u> |
|--|------------------|
| Hong Kong East                           | 2835 1684        |
| Hong Kong West & South                   | 2835 1711        |
| Kowloon East                             | 2300 1764        |
| Kowloon West                             | 2300 1764        |
| Islands                                  | 2852 4265        |
| North                                    | 2675 1809        |
| Sai Kung                                 | 2791 7019        |
| Sha Tin                                  | 2158 4700        |
| Tai Po                                   | 2654 1263        |
| Tsuen Wan and Kwai Tsing                 | 2402 1164        |
| Tuen Mun                                 | 2451 1176        |
| Yuen Long                                | 2443 3573        |




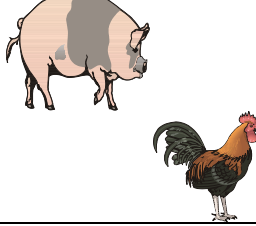

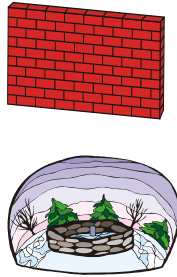






| <u>Clearance Office of Lands D</u>          | <u>Administrating District</u>    | <u>Telephone</u> |
|---|-----------------------------------|------------------|
| Clearance (1) Office (Kowloon Sub-office)   | Kowloon and Sai Kung              | 2715 1057        |
| Clearance (1) Office (Hong Kong Sub-office) | Hong Kong and Islands             | 2577 2525        |
| Clearance (1) Office (Tsuen Wan Sub-office) | Tsuen Wan, Kwai Tsing and Sha Tin | 2425 3821        |
| Clearance (2) Office (Tai Po Sub-office)    | Tai Po, North and Yuen Long       | 2664 5141        |
| Clearance (2) Office (Tuen Mun Sub-office)  | Tuen Mun                          | 2462 3221        |

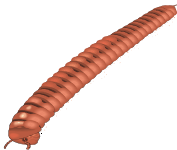

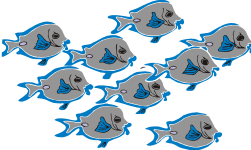


#### 4. **Types of Ex-gratia Allowances and Land Compensation**



| <b>Type of EGA/land compensation</b>  | <b>Item No.</b> | <b>Sub-Category</b>  | <b>Eligibility</b>  | <b>Administer-ing Department</b> |
|---|-----------------|--|---|----------------------------------|
| i) Ex-gratia compensation for private land in the New Territories (NT) and urban area | 1               | Private land in the NT<br><br><br><br> | <p>The NT is divided into four compensation zones. The compensation rates for different zones are expressed in terms of varying percentages of the basic rates for agricultural and building land. The ex-gratia compensation zones are shown on a Zonal Plan for Calculation of Compensation Rates which is available for inspection at all NT District Lands Offices.</p> <p>i) For owners of agricultural land, compensation may be offered based on the relevant ex-gratia compensation rates in final settlement of all statutory claims under the relevant resumption ordinance.</p> <p>ii) For owners of building land, compensation offers may be made based on professional valuation plus an ex-gratia compensation at the relevant zonal rate.</p> <p>If owners are dissatisfied with the ex-gratia compensation offered by Government, they may opt for statutory compensation.</p> | Lands D                          |
|   | 2               | Old scheduled lots resumed in New Kowloon and on Hong Kong Island<br><br>   | <p>Owners of old scheduled agricultural lots in New Kowloon and Hong Kong Island affected by resumption are eligible for compensation at the same rate as agricultural land in New Town Development Areas in the NT. Ex-gratia compensation for old scheduled building land is based on a rate representing the value of building land in the vicinity of the resumed land.</p>   |                                  |

|   |   |  |   |         |
|---|---|--|---|---------|
| ii)EGA for occupiers of legal/permitted domestic properties | 3 | <p>Legal occupiers of domestic properties</p>   | <p>This EGA is payable to legal occupiers of domestic properties resumed by Government. It takes into account rental for the period required for fitting-out, removal costs, basic fitting-out (decoration) costs as well as fees payable to agents for finding alternative premises, legal fees and stamp duty. The rates of allowance vary according to the location of the resumed properties. The EGA, if accepted by the legal occupiers, will be deemed to be in lieu of their right to claim disturbance compensation.</p>   | Lands D |
|   | 4 | <p>Home purchase allowance (HPA)/Supplementary allowance (SA)</p>   | <p>HPA is payable to owner-occupiers of domestic properties affected by resumption to enable them to purchase a replacement flat of about seven years age of a similar size in the locality of the resumed flat. Owners of tenanted/vacant flat or tenanted area may be entitled to SA which is a supplement to the open market value of the resumed flat.</p>  | Lands D |
|   | 5 | <p>Domestic removal allowance</p>    | <p>Eligible clearerees of domestic structures surveyed for dwelling purpose in the 1982 Housing Department's Squatter Structure Survey (the 1982 Survey), who are genuinely affected by Government clearance operations, are eligible for this EGA to help them meet the initial cost of moving.</p>  | Lands D |
|   | 6 | <p>Permitted occupiers of licensed domestic structures and surveyed domestic squatter structures</p>   | <p>The following groups of clearerees, who are affected by compulsory clearance, are eligible for this EGA which should be offered as an alternative to interim housing.</p> <ul style="list-style-type: none"> <li>(i) Permitted occupiers of a licensed domestic structure on private agricultural land or unleased Government land affected by clearance who are not provided with public rental housing (PRH); and</li> <li>(ii) Permitted occupiers of a domestic squatter structure on unleased Government land, i.e. where the structure was covered by the 1982 Survey and the occupiers were registered in the 1984/85 Squatter Occupancy Survey of HD, but who are ineligible for PRH.</li> </ul> <p>Domestic property owners who are ineligible for any form of rehousing will be ineligible for this kind of EGA.</p> <p>Clearerees receiving this EGA will not be eligible for any other EGAs (including Domestic Removal Allowance) in respect of the structure and they will be ineligible to apply for any form of public housing or this kind of EGA for the next two years.</p> | Lands D |

|                              |    |  |   |   |
|------------------------------|----|--|---|---|
| iii) EGA for genuine farmers | 7  | Rehabilitation allowance<br>                        | This EGA may be payable to genuine farmers who are affected by clearance in the New Territories and are eligible for public housing but opt to continue farming elsewhere and give up their priority to public housing. The EGA payable is based on a standard rate calculated with reference to removal expenses and construction costs of a replacement temporary building.   | Lands D                                     |
|                              | 8  | Crop compensation<br>                               | This ex-gratia compensation may be payable to the affected cultivators for the loss of crops. The EGA payable is assessed on the basis of the market values of the crops under cultivation.   | Lands D<br>(assisted by AFCD in assessment) |
|                              | 9  | Disturbance allowance for cultivators<br>          | This EGA may be payable to eligible cultivators who are cleared from government land or from land resumed for public purposes so as to assist them to re-establish elsewhere.   | Lands D<br>(assisted by AFCD in assessment) |
|                              | 10 | Pig and poultry farmers<br>                       | This EGA may be payable to affected pig and poultry farmers whose farm structures are registered for that purpose in the 1982 Survey or to farmers whose farm structures are not covered by the 1982 Survey but are legitimately operating on private agricultural land (i.e. with all necessary Government permissions).   | Lands D                                     |
|                              | 11 | Qualified farm structures on private land<br>     | Farmers who own farm structures on private land affected by resumption may be eligible for this EGA. The EGA payable is assessed at standard rates with reference to the type and total floor area of the affected farm structures less depreciation value which makes reference to the condition of the affected farm structures.  | Lands D                                     |
|                              | 12 | Miscellaneous permanent improvements to farms<br> | This EGA may be payable to cultivators and farmers, upon resumption and clearance, for losses relating to farm installations and fixtures such as water ponds, wells, fences, irrigation pipes/ditches, boundary walls, gates, bunds and other minor annexures to land which are used principally for agricultural purposes. The EGA payable is assessed at standard rates which are based on the standard replacement rates of the items affected by resumption and clearance, less their depreciated value. | Lands D                                     |

|   |    |   |   |   |
|---|----|---|---|---|
| iv) EGA for village house removals in the New Territories | 13 | <p>Village building land in the NT</p>                       | <p>Indigenous villagers in the New Territories or non-indigenous villagers who owned building lot since before World War II or by succession may be provided with alternative sites or houses and/or EGA when their building lots are resumed.</p>  | Lands D                                     |
| v) EGA for legal commercial properties                    | 14 | <p>Legal owners / occupiers of commercial properties</p>     | <p>Owners of legal commercial properties resumed by Government will be offered the open market value of their properties and the following groups of owners/occupiers of the resumed legal commercial properties are eligible for this EGA.</p> <p>(i) Owner-occupiers will be offered an EGA equivalent to four times the amount of rateable value of the resumed properties. This EGA, if accepted by the owner-occupiers, will be deemed to be in lieu of their right to claim disturbance compensation;</p> <p>(ii) Owners of tenanted or vacant commercial properties will be offered an EGA of the amount of the rateable value of the resumed properties; and</p> <p>(iii) Tenants will be offered an EGA equivalent to three times the amount of rateable value of the resumed properties. This EGA, if accepted by the tenants, will be deemed to be in lieu of their right to claim disturbance compensation.</p> | Lands D                                     |
| vi) EGA for legal industrial properties                   | 15 | <p>Legal occupiers of industrial properties</p>            | <p>This EGA is payable to legal occupiers of industrial properties resumed by Government. It takes into account rental for the period required for fitting-out, removal costs, basic fitting-out (decoration) costs as well as fees payable to agents for finding alternative premises, legal fees and stamp duty. The EGA payable will be assessed in accordance with the floor areas of the resumed properties. The EGA, if accepted by the legal occupiers, will be deemed to be in lieu of their right to claim disturbance compensation.</p>   | Lands D                                     |
| vii) EGA for fishery undertakings                         | 16 | <p>Pond fish farmers rearing edible fish and fish fry</p>  | <p>This EGA may be payable to pond fish farmers rearing edible fish and fish fry affected by resumption and clearance subject to their eligibility. The EGA payable is assessed according to standard rates which include notional loss of income and related costs arising from the resumption and clearance.</p>  | Lands D<br>(assisted by AFCD in assessment) |

|   |    |  |   |   |
|---|----|--|---|---|
| vii) EGA for fishery undertakings                     | 17 | Red worm pond operators<br>   | This EGA may be payable to red worm pond operators affected by resumption and clearance subject to their eligibility. The EGA payable is assessed with reference to the notional loss of income and related costs arising from the resumption and clearance.  | Lands D (assisted by AFCD in assessment)                        |
|   | 18 | Oyster farmers at Deep Bay<br>  | This EGA may be payable to operators of oyster beds upon clearance subject to their eligibility. The EGA payable is assessed according to standard rates which include notional loss of income and related costs arising from clearance.  | Lands D (assisted by AFCD in assessment)                        |
|   | 19 | Mariculturists affected by public marine works project /clearance in Hong Kong waters<br> | Mariculturists affected by public marine works may be eligible for an EGA subject to certain prescribed proximity or water quality criteria. Eligible mariculturists are required to decide to continue, suspend or cease their operation and the EGA is assessed according to standard rates which include notional loss of income and related costs. As for mariculturists who are affected by clearance, they may decide to terminate the operation or move the operation to another fish culture zone. The EGA payable is assessed based on standard rates which include notional loss of income and related costs for termination or the costs of relocation of the operation. | Lands D as advised by the Interdepartmental Working Group (IWG) |
|   | 20 | Fishermen affected by public marine works projects in Hong Kong waters<br>                | Recognizing that affected fishermen may suffer a reduction of income as a result of loss of fishing grounds and may incur extra expenses in relocating their activities to fishing grounds elsewhere, they may be granted an EGA subject to certain eligibility criteria. The total EGA amount payable to all eligible fishermen is assessed according to notional values of fish catch in the affected area.   | Lands D as advised by the IWG                                   |
| viii) EGA for removal of graves, Kam Taps and shrines | 21 |   | This EGA may be payable upon the clearance of graves and Kam Taps belonging to indigenous villagers and locally-based fishermen in the NT. It may also be payable for clearance of shrines built and worshipped by the villagers of a pre-1898 village as a whole. The EGA payable is assessed at standard rates with reference to the types, size and materials of the affected graves and shrines.  | Lands D   |

|  |    |   |   |         |
|--|----|---|---|---------|
| ix) EGA for 'Tun Fu' payment   | 22 |  | This EGA may be payable to pre-1898 indigenous villages in the NT affected by public works projects to facilitate the villagers' performance of 'Tun Fu' ceremonies. The EGA payable is based on the approved itemized costs of the ceremonies to be performed.   | Lands D |
| x) EGAs for shops, workshops, godowns, slipways, schools and churches, and ornamental fish breeding undertakings | 23 |  | Businesses, schools and churches conducting their activities at the time of the pre-clearance survey in a structure registered for that purpose in the 1982 Survey may be eligible for this EGA. The amount of the EGA varies according to the type of the activity and the area of the structure involved. For the purpose of calculation, the area of structure is based on the area recorded in the 1982 Survey or that recorded in the pre-clearance survey, whichever is the smaller. However, structures covered by Short Term Tenancy or Short Term Wavier but not covered by the 1982 Survey are ineligible for this EGA. | Lands D |

5. **Revision of Rates**

The rates of the above EGAs are revised by Government from time to time, where appropriate.



6. **Payment of Ex-gratia Allowance and Land Compensation**

For those EGAs administered by Lands D, the current rates of the allowances may be obtained from the respective District Lands Offices of Lands D (DLOs) upon request. It should be noted that EGAs would only be released to genuine affectees upon satisfactory proof of their eligibility. Submission of false claims may lead to prosecution. If the claimant cannot be identified on site, persons affected are required to submit claims for payment of EGAs to respective DLOs. Upon satisfactory proof of their eligibility for the respective EGAs, they are required to approach the respective DLOs to sign an indemnity form to indemnify Government from and against all claims in connection with those items to be cleared as a result of land resumption and clearance before the EGA is released. Payment of ex-gratia land compensation is conditional upon satisfactory proof of the legal interest in land to be resumed and execution of an Agreement as to Compensation and Indemnity in respect of such payment.



With effect from 1 April 2006, the four EGAs previously administered by HD as listed out in item nos. 5, 6, 10 and 23 in paragraph 4 of this pamphlet have been administered by Lands D. The current rates of the allowances may be obtained from the respective Clearances Offices of Lands D upon request.

7. **Enquiries** 

The above information intends to give a brief description of the different types of EGAs and land compensation payable to eligible persons affected by resumptions and clearances. If you have further enquiries concerning the above, you may obtain advice from the respective offices mentioned in paragraph 3 or alternatively, you may also make enquiry to :-

**Lands Department**

Acquisition Section / Clearance (HQ) Office  
19/F, North Point Govt. Offices,  
333, Java Road, North Point, H.K.  
Tel: 2231 3628



**Lands Department**

**April 2006**