

Agricultural resite policy allows farmers to live in clusters

A Government spokesman today (February 22) said that the Administration was willing to discuss with Choi Yuen Tsuen villagers on how villagers affected by the Express Rail Link project might continue to farm through the existing agricultural resite policy.

"The existing agricultural resite policy allows interested villagers to continue farming collectively. In fact, some registered villagers who were granted ex-gratia cash allowance and verified as genuine farmers are planning to live in clusters and farm together by virtue of the agricultural resite policy.

"The Administration has been following their cases closely and is prepared to provide assistance to them within the framework of the existing policy and the ex-gratia rehousing package. We will do our best to assist other affected villagers in the same manner," said the spokesman.

The purpose of the agricultural resite policy was to assist genuine farmers affected by clearance to erect structures for domestic purpose in the vicinity of their farmland. Eligible persons would be issued Short Term Waivers to erect domestic structures on the farmland.

Eligible villagers, who also owned farm land would be offered ex-gratia land compensation, in addition to the ex-gratia cash allowance under the special ex-gratia rehousing package. The Administration was assessing agricultural products and facilities with a view to offering the allowance soonest possible to facilitate villagers to make relocation arrangements.

In addition, any genuine farmers or persons who intend to devote to farming production might apply for loan fund from the Agriculture, Fisheries and Conservation Department.

On procedures, the Government had already made the most flexible arrangements for the affected villagers. For instance, in general an agricultural resite applicant needed to be verified as a genuine farmer and, at the same time, submitted a feasible farming plan providing information such as the location of the replacement agricultural site.

The Administration understood that the affected villagers might not be able to find replacement sites in a short period of time to continue farming and submit their farming plans to the relevant department for examining their feasibility. Therefore, the application procedures were divided into two parts. The applicant might locate a private agricultural site and submit a farming plan to the authorities concerned for approval after he or she was verified as a genuine farmer.

The Administration also understood that some villagers needed cash to pay for the deposit for their new homes or replacement farming sites. Villagers who were granted the ex-gratia cash allowance might contact the Lands Department at any time to arrange for early collection of the cash allowance, so that they could sign the sale and purchase agreement immediately.

"Any affected villagers planning to apply for the Special Assistance should register with the Lands Department by February 28, 2010 so that the Government can verify their eligibility. If villagers intend to continue farming, we suggest that they should apply for agricultural resite at the same time," the spokesman stressed.

The spokesman also said the Government visited villagers many times to explain to them different options of rehousing and compensation arrangements under the special ex-gratia rehousing package and existing policy. To make it more convenient for villagers to register and enquire, a one-stop information centre was also set up in Choi Yuen Tsuen. The Government also distributed newsletters to the residents to explain the details of the special ex-gratia rehousing package, set out frequently asked questions and answers, and present sample cases in which the ex-gratia cash allowance was granted (please see the annex).

As at February 20, over 140 households in Choi Yuen Tsuen, a majority of the households, had registered with the Lands Department. Applications from about 30 households had been processed. Two of them had collected the ex-gratia cash allowance before the Chinese New Year, while other villagers who were granted the ex-gratia cash allowance might contact the Lands Department at any time to arrange for collection of the cash allowance. The remaining applications were being processed, and villagers would be notified of the results of their applications in due course.

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Annex

“Qualified Households” meeting prescribed eligibility criteria will be offered an ex-gratia cash allowance of \$600,000, or an allowance of \$500,000 and priority to purchase surplus flats under the Home Ownership Scheme (HOS) in the New Territories.

The basic principle of “Ex-gratia Rehousing Package” is to offer one ex-gratia assistance to one Qualified Household residing in the same eligible structure. If there are more than one Qualified Household residing in an eligible structure, they will be treated as one Qualified Household for the Special Assistance. A core family (consists of parents and dependent children) residing in more than one eligible structure will also be treated as one Qualified Household for Special Assistance.

The Government is processing the applications from Choi Yuen Tsuen residents. Some of the applications have already been approved and ex-gratia cash allowances have been granted. Sample cases below explicate, depending on actual circumstances, how more than one application from members of the same family will be handled:

Approved Case I

A three-generation family composes of parents, son, daughter-in-law and two grandchildren, counted as two core families and submitted two applications separately. The parent’s family and the son’s family resided in two separate domestic structures which both were registered in the 1982 Squatter Structure Survey. These two core families were also registered in the 1984/85 Squatter Occupancy Survey and fulfilled the relevant criteria. These two applications were approved and Special Assistance was offered to both applications.

Approved Case II

Two brothers residing in the same domestic structure, which was registered in the 1982 Squatter Structure Survey, submitted two applications separately. Both brothers

could provide proof of residing in the structure for 23 years and fulfilled the relevant criteria. Since the two applicants shared the same structure, only one ex-gratia allowance could be given.

Approved Case III

A mother and a daughter's family submitted two applications separately. Two applicants were registered in the 1984/85 Squatter Occupancy Survey. The daughter and her husband were residing in a 1982 registered domestic structure, but the mother was residing in a 1982 registered non-domestic structure. Two applications fulfilled the relevant criteria. The application from the daughter and husband was approved. Although the mother's structure was not fully qualified, she was offered discretionary ex-gratia allowance after considered by the Secretary for Transport and Housing (STH).

Cases failing to meet all prescribed requirements may apply for discretionary handling, such cases will be submitted to the Inter-departmental Advisory Panel comprising of representatives from the departments concerned for consideration. STH will decide on the cases based on the justifications provided in the applications and the advice given by the advisory panel. The purpose of discretionary handling is to allow STH to exercise greater flexibility in assisting residents in need but fail to meet all the relevant criteria. In principle, STH will handle these cases with greatest flexibility as far as possible to provide necessary assistance to households. Villagers may make reference to the following cases:

Discretionary Offer Case I

A single elderly household residing in a 1982 surveyed non-domestic structure fulfilled relevant criteria but the structure was not fully qualified. Ex-gratia cash allowance was still offered after considered by STH.

Discretionary Offer Case II

A household with parents and three dependent children residing in a 1982 surveyed non-domestic structure, but could only provide proof of living for 10 years. Ex-gratia cash allowance was still offered after considered by STH.