



Sr Lau Chun Kong

The controversies surrounding government lease renewal and the Wang Chau incident have attracted a lot of public attention. Two court judgements drew our attention to the protection of private property rights and the need for regulation of building repairs and maintenance activities.

Extension of Leases due to expire in 2047

Confidence needs time to build up, but can be destroyed quickly. It is government policy to extend leases not containing right of renewal upon expiry at its sole discretion for a term of 50 years without payment of additional premium. For properties which government leases are to expire in 2047, very significant portions of their capital values lie in the expected term of extension. The Secretary for Development used “groundlessly claim or randomly speculate” to describe those commentators and even members-elect of the Legislative Council that said the Government would make drastic changes to the existing policy. Property values can reduce drastically when confidence in this government policy is undermined; the economy and existing property owners would be adversely affected. Proper understanding of the lease renewal policy is important to Hong Kong.

Wang Chau incident

The Wang Chau development scheme has attracted various accusations including “官商鄉黑”. The creation of development land has proved to be extremely difficult even though the current government has committed to providing land supply to meet long-term housing targets, both private and public. A review of the “easy” part of the 5.6ha public housing site and related development shows that it would take 13 years from commencement of planning study in 2012 up to completion of housing blocks in 2025. The process involves rezoning from green belt land to private land and the relocation of many existing occupiers living in squatters and temporary structures, which is expected to be difficult. It also involves site formation and infrastructure development, and the construction of the housing blocks. The 27.4ha “difficult” part would involve rezoning of land which has been actively used for open storage and zoned as such. Relocation of the existing occupiers is an issue which the government has taken into consideration, in addition to other constraints like infrastructure development. The growth of Hong Kong relies upon the provision of sufficient land resources and the government needs to have the courage and strength to tackle the many challenges.

Balance of societal benefits and rights of individuals

The Court of Final Appeal decided in the two appeals made by the Hysan Group against the Town Planning Board (TPB) that Articles 6 and 105 of the Basic Law are engaged in relation to planning restrictions imposed by the TPB on the use of land. Both Articles relate to protection of private property rights in accordance with the law. The Court added a step to the process to determine the permissible extent of any restrictions that limit such constitutional rights: “Asking in particular whether pursuit of the societal interest results in an unacceptably harsh burden on the individual.” Whether land economic impact studies to assess such private property rights will become part of the town planning process is yet to be seen.

Building Maintenance and Repairs Authority

The District Court judgement in the Garden Vista Bid Rigging case heightened the need for the regulation of building repairs and maintenance activities. The Institute has been calling for the government to establish a Building Maintenance and Repairs Authority since 2014. It is increasingly important we instill a culture in Hong Kong to preserve existing buildings and to seek for improvement opportunities wherever possible.

Resolutions Passed at EGM

The Extraordinary General Meeting (EGM) was held on 19 September. We were heartened by the participation of over 100 HKIS members in the EGM. More than 680 members casted votes which represented slightly more than 10 per cent of the total corporate membership of the Institute. Six out of the seven resolutions were passed including the proposal for adjustments to annual subscriptions and application fees. The proposal for fee adjustment every two years with reference to the Consumer Price Index change was not passed. The engagement and support from members will continue to fuel the growth momentum of the Institute.

Sr Lau Chun Kong
President

政 府地契續期問題及元朗橫洲事件引起連番爭議，備受社會關注。法庭頒布兩項裁決，喚起公眾關注私人物業權益所獲保障，以及監管樓宇保養維修工程的迫切性。

2047 年地契屆滿續期

信心要年月累積，卻可毀於一旦。根據政府現行政策，一般沒有續期權利的地契，在期滿時可由政府全權酌情決定續期 50 年，毋須補地價。就地契將於 2047 年到期的物業而言，其資本價值有重要部份取決於續約預期。有評論人士，甚至候任立法會議員臆測政府日後會根本地大幅改變現行政策，發展局局長指出這等言論「毫無根據，危言聳聽」。若市民

對續約政策失去信心，物業價值會有大幅下跌的風險，香港經濟和物業業主權益皆會受損。續約政策值得大眾仔細閱讀。

橫洲事件

橫洲發展計劃備受指摘，當中包括「官商鄉黑」勾結。現屆政府承諾供應土地，以配合公私營長期建屋目標，但建立發展用地極其困難。政府以「先易後難」方式發展橫洲：「先易」部分佔地 5.6 公頃，用作興建公屋及相關發展項目。由 2012 年開始規劃研究至 2025 年落成，項目需時 13 年方可完成。有關綠化地帶用地已改劃作住宅用地，現要妥善處置有關寮屋及臨時建築物的住戶，可預計並非輕易。其後才可進行地盤平整工程、興建基本設施以及公屋樓宇。「後難」部分面積為 27.4 公頃，當局須改劃有關用地，有關用地大部分長期用作露天倉儲用途，而先前並規劃作此等用途。政府除了考慮如何搬遷現有用戶，亦要兼顧基建發展等限制。香港持續發展要有充足的土地資源，而政府需具備魄力和執行力方可應對各種挑戰。

社會利益與個人權利的平衡

終審法院裁定希慎興業在兩宗上訴案件勝訴，確認城市規劃委員會對土地使用所施加的規劃限制觸及《基本法》第 6 條及 105 條關於依法保護私有財產權的條文。法院又稱，在釐定某項限制在約束憲法權利上的可容許程度時，應增加一個步驟：「尤其要審視在追求該社會利益時，會否對個別人士造成難以接受的重擔。」往後的城市規劃過程，會否加入規劃限制對私人土地權益的經濟影響評估要求，值得拭目以待。

樓宇維修工程監管局

區域法院在翠湖花園圍標案的判詞中，強調要監管樓宇維修保養工程。香港測量師學會自 2014 年以來，不斷促請政府設立樓宇維修工程監管局。而在香港提倡及推廣保養樓宇及尋找增值機會的文化日趨重要。

特別會員大會通過決議案

學會於 9 月 19 日舉行特別會員大會，獲逾百位會員參與，令我們深感欣慰。有逾 680 位會員投票，數目略高於全體正式會員一成人數。會上提出七項決議案，當中六項獲得通過，包括調整每年會費及入會費的議案，唯每兩年根據消費物價指數變化調整費用的建議未獲通過。會員的踴躍參與和支持，是學會持續發展的動力。

會長
劉振江測量師