

《土地(為重新發展而強制售賣)條例》(第545章)

Chapter 545 LAND (COMPULSORY SALE FOR REDEVELOPMENT) ORDINANCE

旨在使在地段的不分割份數中擁有達到一個指明多數的份數的人可向土地審裁處提出申請，要求作出一項為重新發展該地段而強制售賣該地段所有不分割份數的命令，並使土地審裁處可在若干指明條件已符合的情況下作出該項命令，以及就附帶事宜或相關事宜訂定條文。

(1999年6月7日) 1999年第104號 法律公告

An Ordinance to enable persons who own a specified majority of the undivided shares in a lot to make an application to the Tribunal for an order for the sale of all of the undivided shares in the lot for the purposes of the redevelopment of the lots; to enable the Tribunal to make such an order if specified criteria are met; and for matters incidental thereto or connected therewith.

(7 June 1999) L.N. 104 of 1999

一般情況下：
Under general situation

- 擁有某地段的不分割份數中不少於90%的不分割份數
Not less than 90% of the undivided shares in a lot may make an application
- 信納基於在該地段上的現有發展的齡期或其維修狀況該地段應重新發展
Satisfied that the redevelopment of the lot is justified due to the age or state of repair of the existing development on the lot

右面三個類別的地段可採用80%的較低門檻
Lower entry ticket of 80 % shares is applicable to the following 3 types of lots on the right :
(2010年4月1日之後分契的單位只視作1個單位計算)
(Units further sub-divided after 1st April 2010 will be regarded as 1 unit only)

- 1 該地段上各單位佔不可分割份數10%或以上
Each of the unit erected thereabove the lot has an amount of undivided shares of at least 10%
- 2 該地段上樓宇樓齡達五十年或以上
Age of the building erected thereabove the lot at least 50 years
- 3 坐落於非工業地帶、樓齡30年或以上的工廈
An industrial building of at least 30 years located at a non-industrial zone

重建價值能否超越所有單位的總現價的主要考慮因素

Major Factors Affecting whether Redevelopment Value shall exceed the total existing value of each units

- 目前樓宇總建築面積與不需補地價下的可重建面積之差別
The difference in area of the existing total gross floor area and the gross floor area to be built, without the needs to pay premium, after redevelopment
- 高度限制及較高樓層的景觀
Height Restriction and the views of the upper floors
- 與毗鄰地段合併機會及得益
Chance and potential gain to merge with adjoining lot(s)
- 商舖(若有)的現有價值與未來價值
The difference of existing value and potential value after redevelopment of the ground floor retail spaces (if applicable)

舊樓業主應： Owner(s) of aging block should:

- 確定業權妥當
Ensure the completeness of the property title
- 考慮租約內容配合重建的可能
Add a redevelopment clause in the tenancy agreement
- 留意大廈公共地方是否存在疑似逆權佔情況
Beware of potential adverse possession cases in common area
- 成立/確定業主立案法團有效處理樓宇(包括斜坡等)維修
Form / Ensure the owners' corporation to manage well the repair and maintenance of the building properly (including retaining wall, etc.)

發展商作出收購的主要考慮： Major factors affecting developer's decision to acquire your building:

- 能完成收購的時間：若未能集合所有業權，是否能符合申請《土地(為重新發展而強制售賣)條例》？
Time period to complete the acquisition : If all the undivided share of the lot cannot be obtained, whether Chapter 545 is applicable?
- 能完成重建的時間：地契是否需要修改
Time period to complete the redevelopment : Any need time to apply lease modification?
- 地段發展潛力：出價能符合雙方期望？
Redevelopment potential: Can the offers meet the owners' expectation?

業主考慮聯合出售的流程 Flow Chart for Owners to Consider Joint Disposal of Units



Stage 1: Self-Assessment 第一階段：自我評估

- Lot Ownership status : any missing owner(s)?
- Relationship between Tenant(s) / Occupier (s) and registered owners : agreement with termination clause?
- Potential adverse possession case(s)
- Outstanding responsibility on slope maintenance, building orders etc
- Intention to participate in joint disposal
- 土地業權情況：是否有業主失聯？
- 業主與租客/佔用人關係：有終止關係的合約條文？
- 潛在逆權侵佔情況
- 未處理好的責任問題 如斜坡/護土牆維修，屋宇署發出之命令
- 對聯合出售的意慾程度

Stage 2: Seek Preliminary Professional Advices 第二階段：徵詢初步專業意見

- Town planning zoning and land lease analysis
- Preliminary assessment on “total existing use value of each unit” vs “redevelopment value (site value)”
- Preliminary price assessment of each unit on redevelopment basis
- Preliminary assessment on state of repair and likely renovation cost
- 城市規劃及地契分析
- 樓宇各單位現有用途價值與土地重建價值(地塊價值)之初步比較
- 以土地重建角度評估各單位的初步價值
- 對樓宇目前維修狀況及修葺費用的初步評估

Stage 3: Decision on Joint Disposal Arrangement 第三階段：聯合出售的決議

- Assessment on “existing use value” and “redevelopment value”
- Agreement on distribution ratio after disposal of the property among participated owners
- Agreement on joint disposal arrangement
- 現有用途價值及重建價值的具體評估
- 對出售物業後各業主應攤分比例安排
- 對聯合出售的各項安排

Stage 4: Commencing Joint Disposal 第四階段：進入聯合出售

- Ownerships / Title documents examination
- Sales and marketing
- Sale by public auction / tender or private treaty
- 業權核實
- 推廣銷售工作
- 以公開拍賣 / 招標或私人協商放售

Scope of Services 服務範疇

Real Estate Valuation for

- Cap. 545 Compulsory Sale for Redevelopment
- Rates, Government Rent and Stamp Duty Appeal
- Compensation Claims for Land Resumption/ Acquisition
- Litigation/Court Submission purpose
 - Divorce
 - Probate
- Mesne Profit Assessment for Adverse Possession
- Migration Purpose
- Tenancy Rent Review

Expert Witness for

- Rental Claim
- Capital Loss

為以下因由提供房地產評估

- Cap. 545為重建而強制售賣
- 差餉，地租及印花稅上訴
- 收回土地索償/收購作價
- 訴訟/提交法院審決
 - 離婚
 - 遺囑
 - 逆權侵佔的中間收益評估

為以下因由提供專家證人服務

- 租金追討
- 價值損失

Land & Planning Matters

- Application for
 - Waiver/No Objection Letter
 - Short Term Tenancy
 - Easement/Right of way
 - Land Exchange/Lease Modification
 - Premium/Waiver Fee/Rental Assessment
 - S.12 A Planning Application
 - S.16 of Chapter 131

Research Study & Assessment

- Market Research & Analysis
- Feasibility & Sensitivity Analysis
- Financial and Economic Assessment

土地及規劃申請

- 轄免/不反對通知書
- 短期租約
- 地役權/路權
- 換地/契約修訂
- 地價/豁免費/租金評估
- 修改規劃大綱圖
- 第131章16條規劃申請

調查評核

- 市場研究與分析
- 可行性及敏感度分析
- 財務及經濟評核

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