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Replies to initial questions raised by Legislative Council Members in examining the Estimates of Expenditure 2024-25

Controlling Officer : Director of Lands

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CONTROLLING OFFICER'S REPLY

DEVB(PL)097

(Question Serial No. 1580)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

Unlawful Occupation of Land and Law Enforcement

According to news reports, a considerable number of Tso/Tong land, agricultural land and government land in the New Territories is under unlawful occupation, and unauthorised operations or even converting the land to partitioned flats for letting is seen. In this connection, will the Government inform this Committee of the following:

- 1 Does the Government have any figures on cases of unlawful occupation of land in the New Territories in the past year, along with a profile of the sources of such land and their respective percentages?
- 2 It is understood that some Tso/Tong land is held by Mainland villages due to historical reasons. If the matter in question involves the occupation of Tso/Tong land held by Mainland villages, what is the general mechanism for handling such cases?
- 3 At present, the Special Duties Task Force set up by the Lands Department in 2019 is responsible for enforcement and control. Is it necessary to allocate additional resources to step up cross-departmental efforts in enforcement and control, such as collaborating with the Water Supplies Department to suspend water supply to unlawful occupiers of government land, so as to directly combat unauthorised operations?
- 4 There are views that the penalties imposed by the Government are far lower than the revenue generated from unlawful occupation, thus failing to achieve sufficient deterrent effect. Will consideration be given to reviewing the penalties under the existing legislation and adjusting the levels of fines in line with the revenue generated?

Asked by: Hon CHAN Yuet-ming (LegCo internal reference no.: 4)

Reply:

- 1 In 2023, the Lands Department (LandsD) identified about 5 180 cases involving unlawful occupation of government land in the New Territories. LandsD has no readily available information on the private land in the New Territories being occupied by a third party without permission of the landowner as it is the responsibility of landowners to safeguard their rights on their land and manage their land properly.
- 2 While private landowners are responsible for taking appropriate actions to reclaim ownership of land occupied by a third party against their wish, they still have to comply with the conditions stipulated in their land leases. Any breach of lease conditions, if confirmed, will result in lease enforcement actions by LandsD in its capacity as the landlord, which does not involve prosecution. LandsD will take appropriate lease enforcement actions against unauthorised structures on private agricultural land, which is in breach of the lease condition, including issuing warning letters to the owners requiring them to rectify the breach. If the breach is not rectified within a specified period, LandsD will register warning letters in the Land Registry (LR), commonly known as “imposing an encumbrance”, and when necessary, proceed with re-entry of the land under the lease and in accordance with the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126). The land will become government land after registration of the instrument of re-entry in LR. The above enforcement arrangements are applicable irrespective of the identity of the landowner.
- 3 In view of the large number (more than ten thousand cases a year) and varied nature of cases of unlawful occupation of government land, LandsD adopts a pragmatic “risk-based” approach to prioritise its enforcement actions, with priority given to cases of larger scale, more serious contraventions, or cases involving safety or environmental hygiene risks. To enhance the efficiency of enforcement work, LandsD has been collaborating with relevant government departments such as the Buildings Department and Planning Department to step up enforcement against targeted cases with unlawful occupation of government land involving safety risks and/or serious lease breaches involving private agricultural land. When suspected contraventions are identified under other regimes, LandsD will refer to the relevant departments for follow-up as appropriate.
- 4 To enhance the deterrent effect against unlawful occupation of government land, the Government amended the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the Ordinance) in 2015 to significantly increase the penalties and introduce a progressive system of maximum fines for repeated offenders as well as a system of daily fine against such unlawful acts. Upon conviction, an offender is liable to a maximum penalty of a fine of \$500,000 and imprisonment for six months on the first occasion (the maximum penalty was a fine of \$10,000 and imprisonment for six months before the amendment), and to a further daily fine of \$50,000 for non-compliance with a statutory notice (new penalty). The offender, if convicted on each subsequent occasion, is liable to a fine of up to \$1 million (new penalty) and imprisonment for six months (new penalty), and to a further daily fine of \$100,000 for non-compliance with the statutory notice (new penalty). Besides, a heavier penalty amounting to a fine of \$2.5 million and imprisonment for one year has been introduced against erection of structures on unleased land for the gain of the offender or another (gainful purpose).

After the legislative amendments came into effect in 2015, the penalties imposed by the court increased accordingly. In the past three years, one case was fined at \$137,000 and in another three cases, the court imposed suspended imprisonment sentences. As the level of maximum fines that can be imposed by the court under the law is already significantly higher than the fines actually imposed by the court in recent years, further raising the penalties allowable under the law at this stage may not be an effective way to strengthen deterrence.

The Development Bureau and LandsD will continue to monitor the implementation situation of the Ordinance and whether unlawful occupation of government land has deteriorated. Depending on the situation, we may consider ways to enhance deterrence where necessary, including streamlining the process of prosecution (e.g. by introducing other easier means for prosecution of such offences.)

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)098

(Question Serial No. 1601)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

Government Legal Instruments Involved in the Redevelopment of Small Houses

The Lands Department has stated that the redevelopment of small houses requires the drafting of relevant legal instruments by the Department of Justice (DoJ). In this connection, will the Government inform this Committee of the following:

- 1 What was the number of small house redevelopment cases with instruments processed by the DoJ in 2023? How many cases are pending processing at present?
- 2 Regarding legal instruments for small house redevelopment, to provide predictability for applicants, will the Government set a time limit for processing a case and a ceiling on extension of processing time?

Asked by: Hon CHAN Yuet-ming (LegCo internal reference no.: 25)

Reply:

The Lands Department (LandsD) is responsible for processing applications for redevelopment of New Territories Exempted Houses (NTEHs) (including small houses), including preparation of the necessary legal instruments after consulting its Legal Advisory and Conveyancing Office where necessary. In 2023, LandsD completed the processing of legal documentations of 300 NTEH redevelopment cases. As at the end of December 2023, there were 365 NTEH redevelopment cases pending completion of the legal instruments.

LandsD implemented new guidelines for processing applications for redevelopment of NTEHs in October 2021 and January 2023 respectively with a view to streamlining the application process and approval procedures. The legal documentation procedures involve scrutinising legal instruments, checking land titles and ascertaining whether the requirements/conditions imposed by other regulatory authorities, etc. are in order. As the complexity of each redevelopment case varies considerably and legal documentation work is

only part of the application process, the processing time for handling the relevant legal documentation work alone will vary according to the specific issues of each redevelopment case. Nevertheless, LandsD will continue to review the overall processing procedures and consider the need for further streamlining as necessary.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)099

(Question Serial No. 1558)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

In respect of sites under the management of the Lands Department which are available for community, institutional or non-profit-making uses on a short-term basis, will the Government inform this Committee of the following:

1. the average time required for processing a case from the receipt of an application to the grant of a tenancy by either tender or direct grant;
2. the current number of applications under processing;
3. it is reported that there have been cases in which the land was left vacant for a long time and the committed works project did not commence after the grant of a tenancy. Regarding the afore-mentioned situation, will the Government conduct a review so as to ensure the effective use of valuable land resources? If yes, what are the details; if no, what are the reasons?

Asked by: Hon CHU Kwok-keung (LegCo internal reference no.: 19)

Reply:

1. To optimise the use of land pending long-term disposal/development, Lands Department (LandsD) makes available vacant government sites (VGSs) (including sites of vacant school premises) that are suitable for short-term uses for application by non-governmental organisations or social enterprises for community, institutional or non-profit-making purposes. The list of such sites available for application is published on the Government's GeoInfo Map web page (https://www.map.gov.hk/gm/map/search/faci/_VGS?!g=en). If policy support from the relevant policy bureaux can be secured for the application, LandsD will let out the VGS by way of direct grant short-term tenancy (STT) to the applicant.

Since the nature of the applications varies and some of the sites may be subject to technical issues to be resolved, the processing time of such applications by LandsD varies depending on the specific circumstances of each case. From January 2019 to December 2023, LandsD approved a total of 84 applications for this type of STTs, and the average processing time upon receipt of a valid application till approval is about 14 months.

2. As at end-December 2023, a total of 34 STT applications for use of VGSs for community, institutional or non-profit-making purposes were being processed by LandsD.
3. The tenancy terms of an STT usually contain, inter alia, a provision to require the tenant to commence operation on the site within a specified period (normally ranging from six months to two years upon commencement of tenancy based on the advice of the relevant supporting policy bureaux having regard to the scale of project and the extent of works required to make the site/premises fit for the use, etc.) and continue to operate on a scale to the satisfaction of the Government. LandsD may, as the landlord, terminate the STT and repossess the site if the tenant fails to comply with this requirement. LandsD may only consider extending the deadline if there are reasonable justifications from the STT tenant and policy support from the relevant bureaux. We consider that the existing mechanism works well to ensure that the land is put to gainful use in a timely manner. We will continue to keep the situation under review.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)100

(Question Serial No. 0969)

Head: (91) Lands Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Land Administration

Controlling Officer: Director of Lands (Andrew LAI)

Director of Bureau: Secretary for Development

Question:

On matters relating to squatter structures and agricultural structures, please provide this Committee with the following information:

- (a) the respective total numbers of surveyed squatter structures on (i) private agricultural land and (ii) government land throughout the territory in each of the past five years (2019-20 to 2023-24), with a breakdown in table form by the Squatter Control Office (SCO) responsible and the use of such squatter structures (i.e. domestic use, agricultural use and other uses);
- (b) the respective numbers of applications for undertaking repair works for surveyed squatter structures on (a) private agricultural land and (b) government land which the Lands Department (LandsD) (i) received, (ii) approved and (iii) rejected in each of the past five years (2019-20 to 2023-24), with a breakdown by the SCO responsible and the use of such squatter structures; if there were rejected applications, the reasons for that;
- (c) the respective numbers of applications for issuance of Letter of Approval for Agricultural Structures received, approved and rejected by the LandsD in each of the past five years (2019-20 to 2023-24); if there were rejected applications, the reasons for that;
- (d) the average and longest processing time for these applications in the past five years (2019-20 to 2023-24); and the reasons for that;
- (e) the respective numbers of non-compliant surveyed (i) domestic and (ii) non-domestic squatter structures which were demolished and cancelled by the Government in each of the past five years (2019-20 to 2023-24), with a breakdown in table form by the SCO responsible;
- (f) the respective numbers of squatter structures which were cancelled or demolished due to new development areas or other land use planning with a breakdown in table form by

the SCO responsible, and the respective numbers of agricultural structures which were cancelled or demolished for the same reasons mentioned above with a breakdown by district, in each of the past five years (2019-20 to 2023-24).

Asked by: Hon HO Chun-yin, Steven (LegCo internal reference no.: 22)

Reply:

- (a) From 2019 to 2020, there were seven regional Squatter Control Offices (SCOs) undertaking squatter control duties in the Lands Department (LandsD), i.e. (i) Hong Kong and Lei Yue Mun (HK & LYM) Office, (ii) Kowloon, Tsuen Wan and Kwai Tsing (K, TW & KT) Office, (iii) Islands (Is) Office, (iv) New Territories East(1) (NTE1) Office, (v) New Territories East(2) (NTE2) Office, (vi) New Territories West(1) (NTW1) Office and (vii) New Territories West(2) (NTW2) Office.

Starting from 2021, all SCOs were progressively subsumed into 12 District Lands Offices (DLOs) according to the latter's geographical boundaries with a view to enhancing land control work of LandsD. Squatter control duties in the districts had thereby been taken up by the newly formed Squatter Control Teams (SCTs) of the DLOs. With effect from 3 April 2023, Land Control Teams (LCTs), Lease Enforcement Teams and SCTs in the New Territories DLOs have been merged to form a new Land Enforcement Team (LDET) while LCTs and SCTs in the Urban DLOs were combined to form a new Land Control Team (LDCT) so as to further enhance the efficiency and effectiveness of land control work of LandsD.

Owing to this organisational restructuring, the figures required are provided through two sets of tables for the above two respective periods, i.e. "From 2019 to 2020" and "From 2021 to 2023", as shown below –

From 2019 to 2020

The respective numbers of surveyed squatter structures for domestic use on private agricultural land (PAL) and government land (GL) under the seven SCOs are set out below –

		Number of surveyed domestic squatter structures			
Year		2019		2020	
SCO		PAL	GL	PAL	GL
HK & LYM		781	2 624	781	2 617
K, TW & KT		2 112	3 159	2 099	3 156
Is		1 672	5 162	1 658	5 150
NTE1		4 881	7 742	4 878	7 736
NTE2		16 132	6 721	16 108	6 721
NTW1		8 391	5 053	8 372	5 045
NTW2		17 094	1 709	17 020	1 677
Total		51 063	32 170	50 916	32 102

The respective numbers of surveyed squatter structures for non-domestic use on PAL and GL under the seven SCOs are set out below –

		Number of surveyed non-domestic squatter structures			
Year		2019		2020	
		PAL	GL	PAL	GL
SCO					
HK & LYM		341	1 830	341	1 830
K, TW & KT		2 930	2 600	2 919	2 598
Is		2 888	13 179	2 864	13 143
NTE1		15 405	28 061	15 365	28 034
NTE2		62 351	23 201	62 231	23 190
NTW1		34 208	16 839	34 136	16 824
NTW2		89 216	6 651	88 808	6 467
Total		207 339	92 361	206 664	92 086

From 2021 to 2023

The respective numbers of surveyed squatter structures for domestic use on PAL and GL by respective DLOs are set out below –

		Number of surveyed domestic squatter structures					
Year		2021		2022		2023	
		PAL	GL	PAL	GL	PAL	GL
DLO							
Hong Kong East (HKE)		3	82	3	80	3	79
Hong Kong West and South (HKW&S)		625	1 939	625	1 929	614	1 927
Kowloon East (KE)		254	1 103	252	1 097	252	1 097
Kowloon West (KW)		0	2	0	2	0	2
Islands (Is)		1 603	5 116	1 559	5 107	1 553	5 092
North (N)		13 747	5 172	13 732	5 167	13 712	5 149
Sai Kung (SK)		1 279	2 023	1 277	1 997	1 262	1 975
Sha Tin (ST)		1 045	1 669	1 042	1 669	1 042	1 664
Tai Po (TP)		2 431	3 833	2 393	3 825	2 381	3 819
Tsuen Wan and Kwai Tsing (TW&KT)		1 990	2 627	1 984	2 585	1 979	2 554
Tuen Mun (TM)		5 108	3 069	4 981	3 052	4 972	3 047
Yuen Long (YL)		22 650	5 317	22 445	5 261	22 405	5 250
Total		50 735	31 952	50 293	31 771	50 175	31 655

The respective numbers of surveyed squatter structures for non-domestic use on PAL and GL by respective DLOs are set out below –

DLO \ Year	Number of surveyed non-domestic squatter structures					
	2021		2022		2023	
	PAL	GL	PAL	GL	PAL	GL
HKE	11	115	11	115	11	114
HKW&S	242	1 373	242	1 368	238	1 366
KE	187	473	187	470	183	469
KW	0	26	0	26	0	13
Is	2 721	13 036	2 565	12 978	2 557	12 924
N	46 767	17 594	46 663	17 535	46 567	17 462
SK	5 103	9 318	5 087	9 150	4 928	8 952
ST	2 229	4 030	2 219	4 030	2 219	4 028
TP	7 604	13 988	7 542	13 976	7 498	13 950
TW&KT	2 807	2 427	2 806	2 372	2 794	2 341
TM	18 077	8 890	17 642	8 797	17 596	8 792
YL	119 936	20 383	119 232	20 179	118 999	20 078
Total	205 684	91 653	204 196	90 996	203 590	90 489

- (b) From 2019 to 2023, relevant statistics on applications for repairs by surveyed squatter structures on PAL and GL are set out below –

Year ^(Note 1)	Number of applications/ notification forms ^(Note 2) received		Number of applications approved		Number of applications rejected/ withdrawn ^(Note 3)	
	PAL	GL	PAL	GL	PAL	GL
2019	16	17	11	16	5	1
2020	6	28	3	25	3	3
1 January 2021 – 27 June 2021	2	17	1	11	1	6
28 June 2021 – 31 December 2021	21	29	(Note 2)	(Note 2)	(Note 2)	(Note 2)
2022	36	37	(Note 2)	(Note 2)	(Note 2)	(Note 2)
2023	16	34	(Note 2)	(Note 2)	(Note 2)	(Note 2)

Note 1: As processing of applications takes time, the applications approved/rejected/withdrawn may not correspond to the applications received during the same year.

Note 2: With effect from 28 June 2021, LandsD has streamlined the arrangement for repairing or rebuilding surveyed squatter structures. Occupiers of surveyed squatter structures can commence repair or rebuilding works after submitting a completed Notification Form to LandsD in accordance with the requirements stated therein without the need for prior approval.

Note 3: Key reasons for rejection include applicants' failure to provide necessary documents to prove their identity as the occupants of the surveyed squatter structures, applicants' failure to obtain consent from the registered owners of PAL for repairing surveyed squatter structures and etc.

- (c) From 2019 to 2023, relevant statistics on applications for Letters of Approval for Agricultural Structures on PAL are set out below –

Year^(Note 1)	Number of applications received	Number of applications approved	Number of applications rejected/ withdrawn^(Note 2)
2019	31	18	9
2020	28	9	10
2021	33	7	20
2022	49	17	36
2023	25	19	8

Note 1: As processing of applications takes time, the applications approved/rejected/withdrawn may not correspond to the applications received during the same year.

Note 2: Key reasons for rejection include applicants' failure to provide sufficient information, the existence of unauthorised structure(s) on the site under application, or applicants' failure to fulfil other departments' requirements, etc.

- (d) From 1 January 2019 to 27 June 2021, the average processing time for applications for repairs of surveyed squatter structures on PAL/GL was around 25 days and the longest processing time was 100 days. The relatively long processing time of a particular case was due to the applicant's failure to obtain consent of the registered owners of PAL for repairs of the surveyed squatter structure. The application was eventually rejected. With effect from 28 June 2021, occupiers of surveyed squatter structures are no longer required to submit applications to LandsD for prior approval for repairing or rebuilding surveyed squatter structures. Under the new streamlined arrangement implemented by LandsD since then, occupiers of surveyed squatter structures can commence repair or rebuilding works after submitting a completed Notification Form to LandsD in accordance with the requirements stated therein without the need for prior approval. For processing applications for Letters of Approval for Agricultural Structures on PAL, LandsD in general takes around four months to issue such approvals. For complicated cases such as those with land title or boundary problems or with requirements imposed by other regulatory authorities to be resolved, the processing time will generally be longer.

- (e) From 2019 to 2023, the numbers of non-compliant structures (including surveyed squatter structures) on GL demolished and cancelled by LandsD is set out below –

Year	Number of non-compliant structures on GL demolished and cancelled by LandsD
2019	130
2020	184
2021	292
2022	290
2023	280

- (f) To allow more time for the affected residents to vacate from their structures, LandsD will generally hand over the required land in the New Development Areas (NDAs) to the Civil Engineering and Development Department in phases for commencement of works. The number of squatter structures cleared by LandsD in Kwu Tung North and Fanling North NDAs, Hung Shui Kiu/Ha Tsuen NDA and Yuen Long South Development Area in the past five years is set out below –

NDA	Year				
	2019-20	2020-21	2021-22	2022-23	2023-24*
Kwu Tung North and Fanling North NDAs	0	309	782	103	0
Hung Shui Kiu/Ha Tsuen NDA	0	0	5	13	0
Yuen Long South Development Area	0	0	0	59	80
*As at 29 February 2024					

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)101

(Question Serial No. 0970)

Head: (91) Lands Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Land Administration

Controlling Officer: Director of Lands (Andrew LAI)

Director of Bureau: Secretary for Development

Question:

Regarding the management of government land, please inform this Committee of:

- (a) The staff establishment for conducting inspections of government land and the numbers of inspections in the past three years (2021-22 to 2023-24).
- (b) The figures on unlawful occupation of government land detected by the Government in the past three years (2021-22 to 2023-24).
- (c) The respective figures on prosecution by the Government and successful convictions, as well as the highest and lowest fines imposed for convicted cases, in the past three years (2021-22 to 2023-24).

Asked by: Hon HO Chun-yin, Steven (LegCo internal reference no.: 23)

Reply:

- (a) Inspection of government sites is part of the overall land control work of the Lands Department (LandsD). From 2021-22 to 2022-23, about 250 staff on average (excluding posts performing general administrative and clerical support duties) were involved in land control work. After the restructuring of the relevant teams in District Lands Offices (DLOs) on 3 April 2023^{Note}, about 610 staff were involved in LandsD's various land enforcement tasks including land control on government land, squatter control and lease enforcement in 2023-24. LandsD does not have readily available information on the number of inspections conducted in the past three years.

Note : To enhance the overall operational efficiency and achieve synergies through streamlining workflow within DLOs, the Land Control Team, Lease Enforcement Team and Squatter Control Team in respective New Territories DLOs were merged to form a single enforcement team, namely the Land Enforcement Team and the respective Land Control Team and Squatter Control

Team in urban DLOs were merged to form a single enforcement team, namely the Land Control Team.

- (b) From 2021 to 2023, LandsD identified about 12 150, 9 690 and 12 570 cases respectively involving unlawful occupation of government land. LandsD has been following up on these cases in accordance with the established practices.
- (c) LandsD will initiate prosecution actions when unlawful occupation of government land does not cease following the expiry of deadline specified in the statutory notices requiring the occupier to cease occupation, and there is sufficient evidence to ascertain the identity of the occupier for instituting prosecution. From 2021 to 2023, 14, 18 and 24 prosecutions were instituted respectively for unlawful occupation of government land. Among them, 14, 17 and 23 cases were convicted respectively and the fine imposed by the court ranged from \$1,000 to \$137,000.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)102

(Question Serial No. 0971)

Head: (91) Lands Department

Subhead (No. & title): (-) Not specified

Programme: (1) Land Administration

Controlling Officer: Director of Lands (Andrew LAI)

Director of Bureau: Secretary for Development

Question:

With regard to assessing ex-gratia payments to primary producers in the agriculture and fisheries industries arising from development projects, please inform this Committee of the following:

- (a) What was the total amount of ex-gratia payments disbursed to primary producers in the agriculture and fisheries industries arising from various development projects in each of the past three years (2021-22 to 2023-24)? What were the respective numbers of applications? Please provide a breakdown of the figures by development project.
- (b) What are the respective numbers of applications for ex-gratia allowance under and pending processing? Please advise when the processing of all applications is expected to be completed and payments to be disbursed.
- (c) What were the number of applications for ex-gratia allowance processed and the total amount of ex-gratia payments disbursed by the Government in each of the past three years (2021-22 to 2023-24)?
- (d) What are the respective numbers of applications for ex-gratia allowance under and pending processing? Please advise when the processing of all applications is expected to be completed and payments to be disbursed.

Asked by: Hon HO Chun-yin, Steven (LegCo internal reference no.: 24)

Reply:

- (a) & (c) The total amount of ex-gratia payments disbursed to farmers, fishermen and mariculturists affected by various types of development projects and the number of relevant applications from 2021-22 to 2023-24 are tabulated below –

Nature of projects	2021-22 (\$ million) [Number of applications involved]	2022-23 (\$ million) [Number of applications involved]	2023-24 (up to end February 2024) (\$ million) [Number of applications involved]
Sewerage works	1.58 [16]	0.20 [25]	0.10 [30]
Road works	22.51 [205]	16.43 [100]	8.22 [55]
Land supply	37.07 [177]	34.89 [179]	9.04 [61]
Marine works	0 [27]	14.87 [179]	0 [43]
Other public works	9.11 [53]	10.56 [32]	0.66 [19]
Total	70.27 [478]	76.95 [515]	18.02 [208]

- (b) & (d) About 970 applications for ex-gratia payments from farmers, fishermen and mariculturists were being processed as at end-February 2024. The processing of these applications is expected to be progressively completed with payment to be disbursed to the eligible applicants within 2024-25.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)103

(Question Serial No. 1488)

Head: (91) Lands Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

How many applications for the issuance of a Certificate of Compliance were received from private residential, commercial and New Territories small house (built under the Buildings Ordinance (Application to the New Territories) Ordinance) projects respectively over the past three years? In each of the above three project categories, what are the average number of days required for processing an application, the number of applications withdrawn during processing and the number of projects approved? Will the Government consider drawing up a performance measure in respect of the issuance of Certificates of Compliance and include it in the annual estimates? If no, what are the reasons?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 16)

Reply:

The Lands Department (LandsD) received a total of 98 Certificate of Compliance (C of C) applications for private residential and commercial developments (excluding New Territories small house cases) from 2021 to 2023. All of them were approved during the same period from 2021 to 2023, comprising the following: for private residential developments^{Note 1}, 24 C of C were issued in 2021, 24 in 2022 and 29 in 2023 respectively; for commercial developments^{Note 2}, five C of C were issued in 2021, nine in 2022 and seven in 2023 respectively. No application was withdrawn during the period. The yearly average processing time^{Note 3} for issuance of C of C for these developments ranged from about 34 days to 60 days.

Note 1: Private residential developments exclude New Territories small houses. Composite developments comprising residential unit(s) are classified under the “private residential” category.

Note 2: New Territories small houses, industrial developments, schools, religious institutions, electricity substations and developments designated for high-tier data centre are excluded from the “commercial” category.

Note 3: The average processing time does not include “non-counting days”, which refer to the processing time that cannot be controlled by LandsD, e.g. the time taken by applicants applying for approval or consent from the relevant government departments regarding their development schemes.

According to LandsD’s current performance pledge for processing of C of C applications (excluding New Territories small house cases), upon the receipt of C of C applications, the relevant District Lands Office will, within ten weeks, either issue the C of C or a letter indicating the reasons of non-compliance. From 2021 to 2023, LandsD fully met the performance pledge in processing these C of C applications.

From 2021 to 2023, LandsD issued a total of 1 695 C of C in respect of new New Territories small houses built under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). LandsD does not have readily available statistics on the number of applications received and withdrawn.

Upon receipt of C of C applications for small houses, LandsD will generally either issue the C of C or a letter indicating the reasons for non-compliance within ten weeks. For complicated cases, the processing time may be longer depending on the nature and complexity of the issues involved such as requirements imposed by other departments. Given the diverse and varied circumstances of these applications, it may not be appropriate to set a general performance pledge on the issuance of C of C in respect of small houses. Nonetheless, LandsD will continue to enhance and streamline the processing workflow for C of C applications for small houses where possible.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)104

(Question Serial No. 1489)

Head: (91) Lands Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

In Matters Requiring Special Attention in 2024-25, it is mentioned that the Department will streamline processes for land disposal and lease modifications/land exchanges. In this regard:

1. What are the reasons for setting the target of “issuance of letter of offer of provisional basic terms/rejection/indicating in-principle agreement from receipt of application” at “within 22 weeks”? Will consideration be given to streamlining this part of the work to shorten the time for the issuance of letters of offer of basic terms/rejection/indicating in-principle agreement? If no, what are the reasons?
2. In general, the Department has to consult other government departments before issuing the above documents. During the process, is there any specified time limit set for other departments' replies? If yes, what are the time limit and the Department's approach in handling late comments? If no, what are the reasons?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 17)

Reply:

At present, the Lands Department (LandsD)'s performance pledge regarding lease modification and land exchange applications is to provide a provisional offer with basic terms, a rejection or an indication of in-principle agreement to the applicant within 22 weeks upon the receipt of a valid application.

The processing time^(Note) of 22 weeks involves various procedures, including the time required for circulating the applicant's proposal to relevant bureaux/departments (B/Ds) for comments and enabling the applicant to address B/D's comments as necessary, making a submission to the District Lands Conference and preparing for details in a provisional basic terms offer. To expedite the processing of land disposal and major lease modification/land exchange applications, a dedicated team, namely the Land Supply Section (LSS), has been established

in LandsD since 2019 to process such cases. LSS closely liaises with the applicants and arranges inter-departmental meetings with the applicants to resolve problematic issues expeditiously. From April 2023 to February 2024, the average processing time for lease modification/land exchange cases handled by LSS was less than 18 weeks, as compared with the performance pledge of 22 weeks.

Note: The processing time does not include “non-counting days” which are the time taken for processing that cannot be controlled by LandsD, e.g. applicants applying for planning permission for their proposed development schemes and arranging for the necessary technical assessments.

Regarding the circulation of the applicant’s proposal, relevant B/Ds are usually requested to provide their views and comments to LandsD within three weeks. LandsD will follow up on the comments and views from B/Ds to ensure timely processing of the applications. For some complex technical issues, B/Ds understandably might need additional time to consider the proposal and liaise with the applicant. Hence, it is impractical to impose an absolute deadline when processing the applications, as the circumstances of each case vary considerably. LandsD will continue to enhance and streamline the processing mechanism where possible.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)105

(Question Serial No. 1490)

Head: (91) Lands Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

In Matters Requiring Special Attention in 2024-25, it is mentioned that the Department will streamline processes for land disposal and lease modifications/land exchanges. In this regard:

1. What are the reasons for setting the target of “issuance of legal document for execution from receipt of a binding acceptance of the final basic terms and premium offer” at “within 12 weeks”? Will consideration be given to streamlining this part of the work to shorten the time for land disposal? If not, what are the reasons?
2. What are the work priorities or plans for “streamlining processes for land disposal and lease modifications/land exchanges” in the coming financial year?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 18)

Reply:

1. At present, the Lands Department (LandsD)’s performance pledge in relation to lease modification/land exchange applications is to issue the legal document for execution within 12 weeks from the receipt of a binding acceptance of the final basic terms and premium offer from the applicant. The processing time of 12 weeks involves different procedures, including but not limited to the time required for checking any subsequent change of ownership particulars that affects the substance of the transaction, checking evidence to prove unification of title or rectifiable title (if applicable), proof-reading and certifying the land document, and arranging issuance of demand note for payment of fees and balance of premium. LandsD welcomes views from the industry on the possibility of further streamlining the procedures for lease modification/land exchange applications and will continue to enhance the procedures where practicable.
2. To expedite the approval of development submissions under lease and the processing of land disposal and major lease modification/land exchange cases, two dedicated teams,

i.e., the Development Control Section and Land Supply Section, have been established in LandsD since 2019.

Under the leadership of the Development Bureau, development-related requirements on building height, sustainable building design, site coverage and plot ratio/gross floor area restrictions, etc., have been streamlined in recent years. In 2023, LandsD introduced and promulgated a series of streamlining measures in respect of tree preservation and removal proposal (TPRP), including approval of TPRP submission by self-certification, de-bundling the approval of TPRP from approved general building plans, introducing self-certificate of compliance for completion of tree works outside lot boundary, shortening processing time of TPRP submission, etc.

Since March 2021, a pilot scheme has been introduced on charging land premium at standard rates for lease modification applications involving redevelopment of industrial buildings (IBs) constructed before 1987. Such an arrangement serves as an alternative to the conventional premium assessment and receives a good response from the market. Up to the end of February 2024, 13 executed lease modifications for redevelopment of IBs opted for the standard rates, comprising 11 cases for commercial use and two cases for residential-cum-commercial uses upon redevelopment, which would generate about 4 300 flats in total.

In pursuance of the Chief Executive's 2023 Policy Address, LandsD in December 2023 regularised the standard rates arrangement for applicants of lease modifications for redevelopment of pre-1987 IBs and expanded the scope to include pre-1987 IBs for special industrial uses. A new set of standard rates has been promulgated by LandsD on 2 April 2024 for implementation in 2024-25.

In March 2022, LandsD announced the arrangement of providing an option of charging land premium at standard rates for lease modification, including land exchange, under the "Enhanced Conventional New Town Approach" to enhance certainty on the premium amount and expedite the processing of the applications for land exchange within Fanling North and Kwu Tung North New Development Areas. A new pilot scheme was introduced to extend the arrangement of providing an option of charging land premium at standard rates in phases to the development of agricultural land in the New Territories outside the New Development Areas. The implementation framework was announced in December 2023 with the level of standard rates announced on 2 April 2024 for implementation in 2024-25.

The standard rates applicable to these initiatives will be reviewed annually to reflect the changing market situation. In general, the time taken from the date of issuing the first premium offer to the date of reaching an agreement has been shortened from seven months under the conventional assessment approach to one month under the standard rates approach as no premium negotiation is necessary.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)106

(Question Serial No. 1491)

Head: (91) Lands Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

Regarding compensation payments for land acquisition, please inform this Committee of the following:

1. What were the numbers of cases involving an offer of compensation and invitation to claims issued by the Department arising from land resumption in each of the past three years? Please provide a breakdown by government, railway and Urban Renewal Authority (URA) projects.
2. Among the cases mentioned in Question 1, how many of them involved no compensation offered due to the claimant's failure to provide proof of legal title or the claimant's proof of legal title not accepted by the Department?
3. How many written claims for compensation not invited by the Department were received in each of the past three years?
4. What was the total number of claims referred to the Lands Tribunal for decision in the past three years? Please provide a breakdown by government, railway and URA projects.
5. At present, how many cheques made available for collection still remain uncollected for over a year and what is the total amount of compensation involved?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 19)

Reply:

1. The Lands Department (LandsD) issued 2 176 compensation offers and invitations to claims arising from land resumption in the past three financial years for government development, railway and Urban Renewal Authority (URA) projects. Details are set out below –

Financial year	Number of compensation offers and invitations to claims issued by LandsD		
	Government development projects	Railway projects	URA projects
2021-22	601	Nil	23
2022-23	309	14	45
2023-24 (up to 29 February 2024)	1 144	3	37

Note: The figures cover projects launched within or before that financial year.

2. Among the cases mentioned in (1) above, the number of cases where no compensation was released due to failure of providing proof of legal titles by the claimants are set out below –

Financial year	Number of cases where no compensation was released by LandsD due to failure of providing proof of legal titles by the claimants		
	Government development projects	Railway projects	URA projects
2021-22	55	Nil	1
2022-23	38	Nil	7
2023-24 (up to 29 February 2024)	6	Nil	4

Note: The figures cover projects launched within or before that financial year.

3. LandsD received six, 53 and 39 written claims in 2021-22, 2022-23 and 2023-24 (up to 29 February 2024) respectively for compensation not invited by LandsD. The figures cover projects launched within or before that financial year.
4. A total of 11 claims were referred to the Lands Tribunal for decision in the past three financial years (from 2021-22 to 2023-24 up to 29 February 2024), of which four were government development projects and seven were URA projects.

5. Up to 29 February 2024, compensation on two claims remained uncollected for over a year because the claimants were out of Hong Kong. The total amount of compensation involved is about \$0.18 million.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)107

(Question Serial No. 0012)

Head: (91) Lands Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Land Administration

Controlling Officer: Director of Lands (Andrew LAI)

Director of Bureau: Secretary for Development

Question:

In its estimation, the Lands Department will resume 330 hectares and clear 530 hectares of land required for public works projects in 2024, representing a substantial increase over 2023. In this connection, will the Government inform this Committee of:

1. the manpower and expenditure involved in the resumption and clearance of land in 2023-24;
2. the estimated manpower and expenditure to be involved in 2024-25 in the light of the substantial increase in the work on resumption and clearance of land; whether recruitment of additional staff is required; if yes, the estimated additional provision required; and
3. the target completion dates of the public works projects for which land was cleared in 2023; the present work progress and whether the projects are proceeding as planned.

Asked by: Hon LO Wai-kwok (LegCo internal reference no.: 10)

Reply:

1. About 340 officers in the Lands Department (LandsD) are involved in land resumption and clearance work in 2023-24. The relevant staff cost is about \$210 million.
2. LandsD will continue to cope with the work on resumption and clearance of land with existing manpower and resources. In order to maintain the sustainability of our public finances, the Government has strictly controlled the civil service establishment since 2021-22. The Government will continue to implement this initiative, and maintain the target of zero-growth in the civil service establishment in 2024-25, with the aim of containing the establishment at a level no exceeding that as at end-March 2021. LandsD will continue to enhance its effectiveness and efficiency through re-prioritisation, internal redeployment and streamlining of work processes.

3. Land resumption and clearance primarily aim to facilitate relevant departments to implement public works projects and deliver their policy programmes. LandsD does not have readily available information on the expected completion dates nor the latest progress of these public works projects.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)108

(Question Serial No. 0430)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

In 2023, the Department helped resume three hectares and clear 282 hectares of land required for public works projects. The numbers of land resumed and cleared in 2024 are estimated to increase to 330 hectares and 530 hectares respectively. However, the non-directorate posts under this Programme will be reduced by 55 posts in 2024-25. In this connection, will the Government inform this Committee of:

- (a) the basis on which the estimation for 2024 is made;
- (b) the justification for reduction of staffing provision in 2024-25; and
- (c) the impacts of reduction of staffing provision on the work under this Programme and the measures to mitigate the impacts?

Asked by: Hon LOONG Hon-biu, Louis (LegCo internal reference no.: 10)

Reply:

- (a) The estimate of area of land to be resumed and cleared for 2024 is mainly based on the implementation programme of public works projects provided by the relevant works departments. About 85% of the land area are for projects relating to the Development of Kwu Tung North New Development Area and Fanling North New Development Area - Remaining Phase as well as the Second Phase Development of Hung Shui Kiu/Ha Tsuen New Development Area.

- (b) and (c)

In order to maintain the sustainability of our public finances, the Government has strictly controlled the civil service establishment since 2021-22. The Government will continue to implement this initiative, and maintain the target of zero-growth in the civil service establishment in 2024-25, with the aim of containing the establishment at a level not exceeding that as at end-March 2021. The change in establishment of the Lands

Department (LandsD) in 2024-25 is in line with this Policy. In addition, some time-limited posts are deleted every year upon expiry of the duration for which the posts are created or upon completion of the relevant tasks.

LandsD will continue to enhance its effectiveness and efficiency through re-prioritisation, internal redeployment and streamlining of work processes, so that its various new policies and initiatives can be taken forward.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)109

(Question Serial No. 2691)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (-) Not Specified
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

The estimated establishment as at 31 March 2025 will be 4 645 posts, a decrease of 61 posts compared with that of 4 706 posts as at 31 March 2024. However, the establishment ceiling for 2024-25 is \$2,520 million, representing an increase compared with that of \$2,438 million for 2023-24. In this regard, will the Government inform this Committee of the following:

1. The reasons for the increase in the establishment ceiling despite the decrease in the estimated establishment;
2. What are the projects or work originally handled by the 61 posts to be reduced on the establishment? Will there be any impact on efficiency by the substantial decrease, thus causing adverse effects to the service recipients?

Asked by: Hon NG Chau-pei, Stanley (LegCo internal reference no.: 35)

Reply:

1. The slight increase in establishment ceiling in notional annual mid-point salary value for the Lands Department (LandsD) from \$2,438 million in 2023-24 to \$2,520 million in 2024-25 is mainly to reflect the civil service pay increase for 2023-24.
2. The net decrease of 61 posts for LandsD in 2024-25 is mainly related to posts responsible for land administration duties. The establishment change of LandsD in 2024-25 is in line with the Government's aim to strictly control the civil service establishment since 2021-22 and continue maintaining the target of zero-growth in civil service establishment in 2024-25, with a view to containing the establishment at a level not exceeding that as at end-March 2021 and maintaining the sustainability of public finances. LandsD will continue to enhance its effectiveness and efficiency through re-prioritisation, internal redeployment and streamlining of work processes, so that various new policies and initiatives of the Government can be taken forward.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)110

(Question Serial No. 1276)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

As society has returned to normalcy after the Coronavirus Disease 2019 pandemic, the Government plans to start re-tendering short-term tenancies (STTs) in 2024, with the number of cases expected to rise from 27 in 2023 to 60. When a site is put up for re-tendering, the current tenant will have no choice but to bid up in order to secure the site. Though a means of raising government revenue, re-tendering will undermine the competitiveness of Hong Kong. Moreover, tenants have to move out when they fail to renew the tenancies of the sites but there is not enough land supply to meet such needs, especially when as many as 60 cases of re-tendering are expected in 2024. In this connection, please inform this Committee of the following:

- 1) details of the sites which will be put up for re-tendering in 2024, including the use, tenancy term granted, and size;
- 2) given the large number of STTs to be re-tendered and the lack of alternative land supply on the market, whether the Government will consider deferring the re-tendering of STTs, particularly for trades that cannot be easily relocated, such as container yards;
- 3) whether the Government will conduct a review of the “highest bid wins” approach in granting STTs as it is not beneficial to industry development; and
- 4) the resources involved in the tendering work of STTs.

Asked by: Hon YICK Chi-ming, Frankie (LegCo internal reference no.: 18)

Reply:

- 1) About 60 short-term tenancies (STTs), including both new and re-tendering cases, with a total area of about 20 hectares are expected to be let by tender in 2024. These STTs will cover a wide range of uses, including fee-paying carparks, open/covered storage, container storage/handling, workshops for recycling and other miscellaneous uses.

The actual number and area of STTs to be tendered will hinge on various factors, such as the availability of relevant sites and market response. We are therefore unable to provide detailed information of the individual sites at this stage.

Under the prevailing practice, the Lands Department (LandsD) will publish the particulars of individual sites to be let by tender in a six-month STT tender forecast on its website (<http://www.landsd.gov.hk/en/stt/forecast.htm>). This STT tender forecast is generally updated on a monthly basis as and when the relevant sites are ready to be tendered. The tender results will also be published by Government Gazette and available on the department's website (<http://www.landsd.gov.hk/en/stt/records.htm>).

- 2) According to the established land administration policy, STTs let by tender will be put up for re-tender upon expiry or termination of the tenancy so as to provide a level playing field for prospective or interested parties to submit tenders for using the sites concerned.

Between October 2019 and December 2023, the Government implemented various measures in support of enterprises during the pandemic, including suspending the re-tender of STTs (except where STTs are terminated by the tenants themselves or by the Government on policy grounds). These measures aim to relieve the operating pressure faced by enterprises and to provide certainty and stability to tenants. In view of the progressive resumption of social normalcy, the Government will formulate the plan and timetable for gradually resuming re-tendering and ensure that re-tendering will be carried out in an orderly manner.

- 3) According to the established land administration policy, STTs in general are let by tender and awarded to the highest bidder under the Abbreviated Tender System. This arrangement, as compared to other tendering means such as technical assessment of tender proposals, has the merit of being clear and objective. It also enables tender assessment to be completed efficiently with a view to granting the sites for the proposed short-term use in the shortest time possible to meet the demand of the local community. When preparing the tender documents and STT terms, LandsD will consult relevant bureaux/departments (B/Ds). If B/Ds have alternative suggestions on the tendering means to better achieve certain policy objectives, LandsD may implement accordingly on B/Ds' policy directive. Any change to the established arrangement requires careful consideration of its impact on the market operation and government revenue on a case-by-case basis.
- 4) The land administration work for letting of STTs by tender is carried out by staff of LandsD as part of their overall land administration duties. We are unable to provide a breakdown of the expenditure solely involved for handling this task.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)111

(Question Serial No. 1282)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Andrew LAI)
Director of Bureau: Secretary for Development

Question:

Regarding the 330 and 530 hectares of land estimated to be resumed and cleared respectively for Public Works Programme projects in 2024, please set out the area of land (in hectare) that involves logistics-related industries, such as vehicle maintenance, yards and warehouses; and the expenditure to be involved in the resumption and clearance of such land.

Asked by: Hon YICK Chi-ming, Frankie (LegCo internal reference no.: 24)

Reply:

The Lands Department (LandsD) will resume and clear 330 and 530 hectares of land respectively for public works projects in 2024. Amongst these land, about 150 hectares are being used by business undertakings. The estimated ex-gratia allowance for the affected business undertakings is about \$700 million.

Among the land to be resumed and cleared in 2024, around 317 hectares will be resumed and 406 hectares will be cleared for two major development projects of Hung Shui Kiu/Ha Tsuen New Development Area Second Phase development and Kwu Tung North/Fanling North New Development Area Remaining Phase development. Out of the 677 business operators affected by the two projects, 521 involve brownfield operations including warehouse, construction, recycling, vehicle repair, workshops, carparks, etc., covering a total area of about 126 hectares. The number and types of business undertakings to be cleared are subject to further verification, while the exact date of resumption and clearance of land and hence individual operators' departure would be proceeded in batches subject to the needs of the works programme.

- End -