

Squatter Control Policy on Surveyed Squatter Structures

**Lands Department
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This pamphlet can be downloaded from the Lands Department website
<https://www.landsd.gov.hk/en/land-mgt-enforce/squatter-control.html>
[If there is any inconsistency between the English version and Chinese version of
this pamphlet, the Chinese version shall prevail.]

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Introduction

This pamphlet sets out information on the established policies applicable to squatter control (SC) of surveyed squatter structures. The information contained in this booklet is for reference only and is not intended to create any legal rights or interests and does not confer upon any person the right of occupation of land (whether leased or unleased) nor shall it be construed as a representation that the persons in occupation of the land have any rights or interests whatsoever in the land which they occupy. The pamphlet serves only to explain the key features of the current arrangements in dealing with surveyed squatter structures. The information contained herein may be subject to revision without any prior notice.

Surveyed Squatter Structures

The surveyed squatter structures referred to in this pamphlet are those unauthorised structures erected on government land and leased agricultural land before June 1982 and have been surveyed and recorded by the Government before June 1982 (1982 Survey) (Surveyed Squatter Structure).

1. Uses, Materials and Sizes of Surveyed Squatter Structures

- 1.1 The 1982 Survey recorded the location, dimensions (i.e. length, width, height), building materials and use of the Surveyed Squatter Structure (SC Survey Record).



- 1.2 The Government's position is that any Surveyed Squatter Structure on government land is unauthorised occupation of government land and any Surveyed Squatter Structure on leased agricultural land is an unauthorised structure on leased agricultural land, but they are tolerated to remain on a temporary basis, provided the location, dimensions, building materials and use are the same as the record in the 1982 Survey, until the Surveyed Squatter Structure has to be cleared for development, environmental improvement or safety reasons, or until the Surveyed Squatter Structure is phased out through natural wastage (e.g. when the structure is not occupied or ceases to exist). Such tolerance does not create any legal rights or interests or obligations and does not confer on any person the right of occupation of land.
- 1.3 Extension, new erection, addition, change of use or alteration with materials that do not conform with the SC Survey Record are not allowed. A Surveyed Squatter Structure with extension, new erection, addition, change of use (except those duly registered for domestic use under the Squatter Occupants Voluntary Registration Scheme introduced in 2018 as mentioned in paragraph 1.4) or alteration with materials that are not the same category as in the 1982 SC Survey Record will lose the status of a Surveyed Squatter Structure and the SC Survey Record will be cancelled. Having considered that the squatter control policy explicitly requires enforcement actions to be taken against unauthorized squatter structures and does not encourage unauthorized extension, Lands Department (Lands D) issued a press release on 22 June 2016 to announce the strengthened squatter control measures with immediate effect. Specifically, if there is evidence showing that a new extension has been completed after that day, actions will be taken such as cancelling the squatter survey number instantly and demolishing the whole unauthorized structure on government land immediately upon detection without giving any opportunity to rectify, or taking lease enforcement actions against cases involving newly extended structures on private land as appropriate.



- 1.4 The Lands D implements the Squatter Occupants Voluntary Registration Scheme from 1 November 2018 to 31 October 2023 to accept applications from households residing in non-domestic structures surveyed in 1982 for voluntary registration. Such registration aims to complement the Government initiative announced in May 2018 to allow eligible households to benefit from compensation/rehousing, while freezing the occupation of non-domestic structures for domestic purposes. Only duly registered households will be regarded as eligible for compensation/rehousing in the event that their structures are affected by the Government's future development clearance exercises. As long as there is neither any change in their household status, enforcement action will not be taken against these non-domestic structures in respect of change of use into domestic purposes. The non-domestic use of the structures as recorded in the 1982 Survey will remain unchanged. Nevertheless, the structures still need to comply with other aspects of the squatter control policy otherwise enforcement action will be taken against the other breaches.
- 1.5 Some of the Surveyed Squatter Structures may also be authorised by licences or other forms of approval issued by the Government (licensed structures). If they are found to be non-compliant with the records in the 1982 Survey, their SC Survey Records will be cancelled and they will then be subject to the conditions of the licences or other approval.

2. Rebuilding and Repair of Surveyed Squatter Structures

- 2.1 With effect from 28 June 2021, the Lands D has streamlined the procedures for repairing and rebuilding Surveyed Squatter Structures. Before commencing the repair or rebuilding works, the occupiers of Surveyed Squatter Structures are only required to complete a Notification for Repair/Rebuilding of Surveyed Squatter Structure(s) (hereinafter named as the Notification) and submit the duly completed Notification along with copies of the required documents to the relevant district Land Control Team (LDCT)/Land Enforcement Team (LDET) of the relevant District Lands Office (DLO) by post or in person. The works can thus commence subject to the requirements and conditions as stipulated in the Notification without any need for approval. Meanwhile, in repairing or rebuilding the Surveyed Squatter Structures, the occupiers may switch to other building materials of the same designated category for repair/rebuilding purposes based on the category of materials (i.e. temporary materials or permanent materials) used for the structures as listed in the 1982 SC Survey Record. Permissible materials in each category are listed. For instance, if the materials used were recorded as temporary in the 1982 SC Survey Record, any of the temporary materials listed in the relevant category may be chosen as appropriate in repairing or rebuilding the structures. For details about the Notification, please contact the relevant LDCT/LDET of the relevant DLO, or visit the website of the Lands D (<https://www.landsd.gov.hk/en/land-mgt-enforce/squatter-control.html>).



2.2 *Rebuilding*

2.2.1 Rebuilding of both domestic and non-domestic Surveyed Squatter Structure in an urban area is not allowed. Urban area means districts other than those in the New Territories area. For the purpose of this pamphlet, New Territories area includes Tuen Mun, Yuen Long, Fanling, Sheung Shui, Tai Po, Sha Tin, Sai Kung and Islands. Rebuilding of non-domestic Surveyed Squatter Structure in the New Territories area is also not allowed.

2.2.2 Rebuilding of a Surveyed Squatter Structure with temporary materials on government land in the New Territories area may be allowed, provided that :

(i) The Surveyed Squatter Structure is for domestic use as recorded in the 1982 Survey (not applicable to non-domestic Surveyed Squatter Structures duly registered for domestic use under the Squatter Occupants Voluntary Registration Scheme); and

(ii) The location, dimensions, building materials (the temporary materials to be used shall fall within the same category as set out in the List of Building Materials in the Notification) and use of the rebuilt squatter structure will remain the same as the SC Survey Record.

2.2.3 Rebuilding of a Surveyed Squatter Structure with temporary materials on leased agricultural land may be allowed in the New Territories area provided that :

(i) The occupiers who are not the registered owner of the leased agricultural land have obtained the consent of the registered owner;

(ii) The Surveyed Squatter Structure is for domestic use as recorded in the 1982 Survey (not applicable to non-domestic Surveyed Squatter Structures duly registered for domestic use under the Squatter Occupants Voluntary Registration Scheme); and

(iii) The location, dimensions, building materials (the temporary materials to be used shall fall within the same category as set out in the List of Building Materials in the Notification) and use of the rebuilt squatter structure will remain the same as the SC Survey Record.

2.2.4 If the building material of Surveyed Squatter Structure to be rebuilt in the New Territories area is permanent material as recorded in the 1982 Survey or permanent building material is used in rebuilding, the rebuilt structure will lose the status of the Surveyed Squatter Structure. Applications for rebuilding in such circumstances should be submitted to the respective DLO, and upon approval, the DLO, may issue a Short Term Tenancy (STT) for government land or a Short Term Waiver (STW) for leased agricultural land to replace the original SC Survey Record.

2.2.5 Some of the Surveyed Squatter Structures may also be licensed structures, in which case separate approval of the respective DLOs will also be required for the rebuilding of licensed structures.

2.3 *Repair*

2.3.1 Repair of a Surveyed Squatter Structure on government land may be allowed, provided that :

- (i) The location, dimensions, building materials (the materials used shall fall within the same category as set out in the List of Building Materials in the Notification) and use (except for the case mentioned in paragraph 1.4) of the repaired squatter structure remain the same as the SC Survey Record.

2.3.2 Where the Surveyed Squatter Structure is on leased agricultural land, repair works to the Surveyed Squatter Structure may be allowed, provided that :

- (i) The occupiers who are not the registered owner of the leased agricultural land have obtained the consent of the registered owner; and
- (ii) The location, dimensions, building materials (the materials used shall fall within the same category as set out in the List of Building Materials in the Notification) and use (except for the case mentioned in paragraph 1.4) of the repaired squatter structure remain the same as the SC Survey Record.



3 *Non-compliance*

- 3.1 Rebuilding, repair or other works including extension, new erection, addition, change of use or alteration with materials to a Surveyed Squatter Structure not carried out according to the conditions set out in Section 2 above (including the requirements and conditions set out in the Notification) will render the structure non-conforming with the SC Survey Record (except for the case mentioned in paragraph 1.4), which may result in the loss of its status as a Surveyed Squatter Structure. The consequence is that the SC Survey Record will be cancelled and the structure will no longer be tolerated. As the structure constitutes unauthorised occupation of government land or is an unauthorised structure on leased agricultural land, it will be subject to appropriate enforcement actions by the Government without any compensation including ex-gratia allowance.
- 3.2 If the structure is on government land, the Government may prosecute the occupier for an offence of unlawful occupation of unleased land, demolish the unauthorised structure and following prosecution, recover the cost of demolition from the person convicted of such offence.
- 3.3 If the structure is on leased agricultural land, the Government may take appropriate lease enforcement action including re-entry action, or enter the leased agricultural land to demolish the unauthorised structure, and recover the cost of demolition from the lessee.

4. Surrender of Surveyed Squatter Structures

- 4.1 A territory-wide Squatter Occupancy Survey was carried out by the Government in 1984/85 whereby the occupiers of Surveyed Squatter Structures were registered.
- 4.2 Surveyed Squatter Structures which are no longer occupied by the registered occupiers or other occupiers will be phased out, with the SC Survey Record cancelled and the structures subject to appropriate enforcement action by the Government.
- 4.3 Surveyed Squatter Structures which are no longer occupied should be surrendered to the relevant LDCT/LDET of the relevant DLO. If it is found that occupiers of a Surveyed Squatter Structure have been allocated subsidised housing by the Housing Department (HD), HD will be informed for follow-up action on the occupancy position of Public Rental Housing as well as other forms of subsidised housing.

5. Do Not Erect, Buy or Rent Squatter Structures

- 5.1 Surveyed Squatter Structures carry no legal title to the land. They are temporarily tolerated, until they have to be cleared for development, environmental improvement or safety reasons or until they are phased out through natural wastage (i.e. when the structure is not occupied or ceases to exist). When the Surveyed Squatter Structures are cleared by the Government, subject to prevailing policy on compensation and rehousing, the occupiers may not be eligible for any compensation including ex-gratia allowances. The purchase or renting of Surveyed Squatter Structures is not protected by law nor does it confer any right on the persons occupying the Surveyed Squatter Structure.



- 5.2 Squatter structures other than those which are Surveyed Squatter Structures or covered by licences or other forms of approval issued by the Government are unauthorised structures. They are not temporarily tolerated and are subject to immediate enforcement by the Government in accordance with the relevant laws or land leases. Those who erect and/or occupy such unauthorised structures are liable to prosecution and eviction.
- 5.3 Members of the public are advised not to purchase or rent Surveyed Squatter Structures or unauthorised squatter structures given their nature. Before making a decision to buy or rent structures, members of the public should seek independent professional advice on legal status of the land and the structures thereon and on their exposure to risk or liabilities in the event of enforcement action by the Government against unauthorised or unlawful structures.

(1) Contact Information of Land Control Teams / Land Enforcement Teams of District Lands Offices

Land Control Team/Land Enforcement Team	Address	Tel. No.
Land Control Team/ District Lands Office, Hong Kong East	19/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong.	2835 1684
Land Control Team/ District Lands Office, Hong Kong West and South	(1) 19/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong*.	2835 1711
	(2) 19/F, Guardian House, 32 Oi Kwan Road, Wan Chai, Hong Kong*.	2896 2457
Land Control Team/ District Lands Office, Kowloon East	(1) 4/F, South Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon*.	3842 7450
	(2) Rooms 1003-1004, 10/F, Kowloon Government Offices, 405 Nathan Road, Kowloon*.	2781 4369
Land Control Team/ District Lands Office, Kowloon West	4/F, South Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon.	3842 7450
Land Enforcement Team/ District Lands Office, Islands	19/F, Harbour Building, 38 Pier Road, Central, Hong Kong.	2852 4265
Land Enforcement Team/ District Lands Office, North	(1) 6/F, North District Government Offices, 3 Pik Fung Road, Fanling, New Territories*.	2675 1809
	(2) G/F, Choi Yuk House, Choi Yuen Estate, Sheung Shui, New Territories*.	2671 0226

Land Control Team/Land Enforcement Team	Address	Tel. No.
Land Enforcement Team/ District Lands Office, Sai Kung	3/F & 4/F, Sai Kung Government Offices, 34 Chan Man Street, Sai Kung, New Territories.	2791 7019
Land Enforcement Team/ District Lands Office, Sha Tin	11/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.	2158 4700
Land Enforcement Team/ District Lands Office, Tai Po	(1) 1/F, Tai Po Government Offices, 1 Ting Kok Road, Tai Po, New Territories*.	2654 1263
	(2) G/F, Luk Chuen House, Lek Yuen Estate, Sha Tin, New Territories*.	2661 2210
Land Enforcement Team/ District Lands Office, Tsuen Wan and Kwai Tsing	(3) 10/F and 11/F, Tsuen Wan Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan, New Territories*.	2402 1164
	(4) 10/F, 9 Chong Yip Street, Kwun Tong, Kowloon*.	2778 8181
Land Enforcement Team/ District Lands Office, Tuen Mun	(1) 6/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, New Territories*.	2451 1176
	(2) Nos. 14-17, 19-24 & 41-44, G/F, Hing Tai House, Tai Hing Estate, Tuen Mun, New Territories*.	2462 3800
Land Enforcement Team/ District Lands Office, Yuen Long	(1) 7/F-11/F, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long, New Territories*.	2443 3573
	(2) Units 1-8, G/F, Woo Shui House, Shui Pin Wai Estate, Yuen Long, New Territories*.	2479 7341

Note: Opening hours of the above Land Control Teams / Land Enforcement Teams are as follows:

- (1) Monday to Friday: 8:45 a.m. to 5:30 p.m.
(Lunch break: 12:30 p.m. to 1:30 p.m.)
- (2) Closed on Saturdays, Sundays and public holidays

* Members of the public may visit the website of the Lands Department for the relevant Land Control Team / Land Enforcement Team which handles Squatter Control matters in the relevant areas:

<https://www.landsd.gov.hk/en/land-mgt-enforce/squatter-control.html#office>

(2) Enquiry Hotline

For enquiries, please contact the Squatter Control & Special Duties Team of the Lands Department by phone during office hours or by email.

Enquiry hotline: 2231 3044

Email address: landsd@landsd.gov.hk

Office hours:

Monday to Friday (Closed on Saturdays, Sundays and public holidays)
8:45 a.m. to 5:30 p.m.
(Lunch break from 12:30 p.m. to 1:30 p.m.)

(3) Contact Information of District Lands Offices

District Lands Office	Address	Tel.
District Lands Office, Hong Kong East	3/F & 19/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong.	2835 1684
District Lands Office, Hong Kong West and South	5/F, 18/F, 19/F & 20/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong.	2835 1711
District Lands Office, Kowloon East	4/F, South Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon.	3842 7450
District Lands Office, Kowloon West	4/F, South Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon.	3842 7450
District Lands Office, Islands	19/F, Harbour Building, 38 Pier Road, Central, Hong Kong.	2852 4265
District Lands Office, North	6/F, North District Government Offices, 3 Pik Fung Road, Fanling, New Territories.	2675 1809
District Lands Office, Sai Kung	3/F and 4/F, Sai Kung Government Offices, 34 Chan Man Street, Sai Kung, New Territories.	2791 7019
District Lands Office, Sha Tin	11/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.	2158 4700
District Lands Office, Tai Po	1/F, Tai Po Government Offices, 1 Ting Kok Road, Tai Po, New Territories.	2654 1263
District Lands Office, Tsuen Wan and Kwai Tsing	10/F and 11/F, Tsuen Wan Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan, New Territories.	2402 1164
District Lands Office, Tuen Mun	6/F and 7/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, New Territories.	2451 1176
District Lands Office, Yuen Long	7/F-11/F, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long, New Territories.	2443 3573