

CONTROLLING OFFICER'S REPLY**DEVB(PL)369****(Question Serial No. 5812)**

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

Question (Member Question No. 363):

Please provide in table form a breakdown of:

- (i) the number of New Territories small house cases for which premium has been paid and alienation restrictions removed;
- (ii) the number of cases where investigation has been initiated into suspected breaches of alienation restrictions or development conditions;
- (iii) the number of cases found to be in breach of restrictions or conditions;
- (iv) the number of lease enforcement cases;
- (v) the number of advisory/warning letters issued; and
- (vi) the number of cases where land has been re-entered successfully and the areas involved

in the past three years (i.e. 2011, 2012 and 2013).

Asked by: Hon. CHAN Ka-lok, Kenneth

Reply:

Information on the small house cases for which premium has been paid and alienation restrictions removed, and the cases involving breaches of the alienation restriction and development conditions of New Territories Exempted Houses (NTEHs) (including small houses) in the past three calendar years (2011 to 2013) is set out below:

		2011	2012	2013
(i)	Number of small house cases for which premium has been paid and alienation restrictions removed	493	404	485

(ii)	Number of complaints/self-detected cases involving breach of alienation restriction ^(Note 1)	1	1	0
	Number of complaints/self-detected cases involving suspected breach of development conditions ^(Note 1)	1 394	488	299
(iii)	Number of confirmed cases involving breach of alienation restriction ^{(Note 1)(Note 2)}	6	1	2
	Number of confirmed cases involving breach of development conditions ^{(Note 1)(Note 3)}	1 383	510	415
(iv)	Number of lease enforcement cases with advisory/warning letters issued (all related to breach of development conditions) ^(Note 1)	468	66	0 ^(Note 3)
(v)	Number of cases where land has been re-entered successfully and the areas involved	0	0	0

Note 1: As case processing work may straddle different years, the figures in respect of cases in rows (ii), (iii) and (iv) above may not necessarily correspond to the same cases for the years concerned.

Note 2: Such cases have been/are being dealt with by way of regularisation applications on their own merits, subject to payment of the necessary premium, forbearance fee and administrative fee by the licensee of the free building licence or grantee of the land grant.

Note 3: The Buildings Department started implementing the enhanced enforcement strategy against unauthorised building works (UBWs) in NTEHs in April 2012. Since then, specified green and amenity facilities are permitted to be retained or installed in existing and new NTEHs, and would not be regarded as lease breaches. The Lands Department would also withhold lease enforcement action against other UBWs under the reporting scheme for UBWs in NTEHs.