

CONTROLLING OFFICER'S REPLY**DEVB(PL)374****(Question Serial No. 5825)**

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. 371):

1. What is the situation of unauthorised structures found on agricultural land in each district in each of the last three years? What is total area of agricultural land found with unauthorised structures? What are the details and the progress of the follow-up actions?
2. In relation to the above, where statutory orders have been issued to persons in breach of regulations to reinstate the agricultural land or clear the unauthorised structures, how many of the orders have yet to be complied with after they have expired for one to three years, four to six years, seven to nine years, and ten years or above? Has the Government considered or will it consider re-entering the private agricultural land? What are the areas and the districts involved?
3. The Government has indicated that enforcement against unauthorised structures on private agricultural land will be stepped up in the coming year. What are the details of the initiative?

Asked by: Hon. CHAN Ka-lok, Kenneth

Reply:

1. The relevant statistics regarding unauthorised structures erected on private agricultural land identified by the Lands Department (Lands D) in the course of its work in each district in the past three calendar years (2011 to 2013) are as follows:

Year 2011

District Lands Office	Number of cases identified (a)	Number of cases with warning letters issued (b)	Number of cases with warning letters registered in the Land Registry (c)
Hong Kong East	0	0	0
Hong Kong West & South	0	0	0

Kowloon East	0	0	0
Kowloon West	0	0	0
Islands	4	0	0
North	144	6	1
Sai Kung	101	0	0
Shatin	5	1	0
Tuen Mun	20	3	11
Tai Po	0	1	0
Tsuen Wan & Kwai Tsing	44	18	1
Yuen Long	285	131	67
Total	603	160	80

Year 2012

District Lands Office	Number of cases identified (a)	Number of cases with warning letters issued (b)	Number of cases with warning letters registered in the Land Registry (c)
Hong Kong East	0	0	0
Hong Kong West & South	0	0	0
Kowloon East	2	0	0
Kowloon West	0	0	0
Islands	14	8	2
North	109	90	96
Sai Kung	137	48	16
Shatin	9	9	4
Tuen Mun	23	1	2
Tai Po	23	19	5
Tsuen Wan & Kwai Tsing	10	4	3
Yuen Long	279	247	153
Total	606	426	281

Year 2013

District Lands Office	Number of cases identified (a)	Number of cases with warning letters issued (b)	Number of cases with warning letters registered in the Land Registry (c)
Hong Kong East	0	0	0
Hong Kong West & South	0	0	0
Kowloon East	0	0	0
Kowloon West	0	0	0
Islands	4	7	3
North	127	133	69

Sai Kung	23	63	25
Shatin	7	2	3
Tuen Mun	27	9	0
Tai Po	83	76	38
Tsuen Wan & Kwai Tsing	17	16	11
Yuen Long	333	222	138
Total	621	528	287

Note: As case processing work may straddle different years, the number of cases under column (a), the number of warning letters issued in column (b) and those registered in the Land Registry in column (c) may not necessarily correspond to each other.

Lands D does not have readily available information on the total area of the agricultural land found with unauthorised structures.

2. During the three years between 2011 and 2013, Lands D issued statutory orders under section 12 of the Land (Miscellaneous Provisions) Ordinance, Chapter 28 requiring the lessees to demolish the unauthorised structures in 12 cases where the structures were mainly straddling private land and government land, in which partial demolition of the structures on government land is not practicable, or vacant at the time when the cases were identified. Among the 12 cases, there is only one case (in Islands District) where the order expired for about two years and has not been complied with. In that case, Lands D has withheld lease enforcement action pending the court hearing of the legal challenge taken by the lessee against Lands D's enforcement action.
3. Lands D will, when exercising its authority under the lease and under relevant legislation, adopt a more proactive approach towards containing the proliferation of unauthorised structures on private agricultural land. For instance, Lands D will draw up new patrol routes for more effective detection of such cases. We will also employ new methodologies such as photogrammetric means to assist the surveillance, identification, measurement and investigation work. For confirmed cases of breach of lease conditions, Lands D will, further to the registration of warning letters at the Land Registry, proceed to take re-entry action if the breach is not purged in good time.