

**CONTROLLING OFFICER'S REPLY****DEVB(PL)385****(Question Serial No. 4837)**

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. 262):

Please provide the number of cases in which land was resumed under the Lands Resumption Ordinance as a result of (i) breach of lease conditions or (ii) unlawful occupation of land, the area of land involved and the amount of compensation over the past five years.

Asked by: Hon. CHEUNG Chiu-hung, Fernando

Reply:

If a breach of lease conditions is established, the Lands Department (Lands D) will, after seeking legal advice, take appropriate lease enforcement actions. These may include issuing and registering warning letters in the Land Registry or re-entry (the ultimate sanction to be exercised) under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126). For cases of unlawful occupation of government land, Lands D takes land control actions under Land (Miscellaneous Provisions) Ordinance (Cap. 28), which may lead to clearance of government land involving unlawful occupation. Invoking land resumption proceedings under the Lands Resumption Ordinance (Cap. 124) is not applicable in handling breaches of lease conditions or unlawful occupation of government land.

In the past five calendar years (2009 to 2013), the number of cases of re-entry/vesting of private land due to breach of lease conditions and government sites cleared from unlawful occupation are as follows :-

Calendar Year	Number of re-entry/vesting cases due to breach of lease conditions	Number of cases of government sites cleared from unlawful occupation
2009	0	5 486
2010	4	7 022
2011	4	6 909
2012	4	8 154
2013	1	7 358

Lands D has no readily available information on the total area of the properties re-entered/vested and government sites cleared from unlawful occupation. There is no question of the Government paying compensation in respect of properties re-entered/vested as a result of lease breaches or in respect of unlawful occupation of government land.