

CONTROLLING OFFICER'S REPLY

DEVB(PL)366

(Question Serial No. 3549)

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:

- (1) How many private columbaria are still in operation notwithstanding that their operation are in breach of lease conditions or that they are unlawfully occupying government land?
- (2) How many complaints about suspected cases of unauthorised columbaria were received by the Lands Department in the previous year? Of these, how many have been handled and how many identified as confirmed cases of unauthorised columbaria?
- (3) How many inspections were conducted in the previous year? How many columbaria were found to be unauthorised during these self-initiated inspections?
- (4) How many lease enforcement, land control or legal actions were taken in the previous year to rectify the irregularities of the columbaria concerned? What are the relevant details?
- (5) Given the growing problem of unauthorised development of private columbaria, will the Government consider allocating additional resources for conducting inspections and taking lease enforcement actions? What are the details?

Asked by: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 281)

Reply:

The responses to (1) - (5) of the question are as follows:

- (1) Based on the Information on Private Columbaria (the List) published by the Development Bureau on 31 December 2015, 85 private columbaria were found to have breached the land lease/tenancy/permit terms and/or have illegally occupied government land for columbarium use (“unauthorised columbaria”).

- (2) In 2015, the Lands Department (Lands D) received 25 complaints against suspected cases of unauthorised columbaria. Four of these complaints, involving two cases, are under investigation. The remaining 21 complaints, involving 12 cases, have been handled. Among these 12 cases, two have been identified as confirmed cases of unauthorised columbaria and the rest do not involve columbarium use.
- (3) & (4) Given the extensive area and uses of land in Hong Kong, it is impracticable for Lands D to patrol every piece of land regularly, and hence Lands D mainly acts on complaints and referrals. If columbarium use constitutes a lease breach, Lands D may, having regard to the circumstances, take lease enforcement action as appropriate. If illegal occupation of government land for columbarium use can be substantiated, Lands D will take enforcement action under the Land (Miscellaneous Provisions) Ordinance (Cap. 28).

Lease enforcement and land control actions taken by Lands D against unauthorised columbaria in 2015 are set out in the following table:

Number of site inspections (involving suspected/confirmed unauthorised columbaria)	548
Number of advisory/warning letters issued (involving 11 confirmed unauthorised columbaria and five suspected unauthorised columbaria)	26
Number of warning letters registered in the Land Registry	5
Number of notices issued under section 6(1) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28)	14
Number of re-entry cases in respect of breach of lease	1
Number of prosecution cases under Cap. 28 in respect of illegal occupation of government land	1

- (5) As mentioned in (3) & (4) above, Lands D mainly acts on complaints and referrals and takes appropriate lease enforcement actions, if required, at different stages. Such work will continue and the staff expenses for lease enforcement work involving columbaria in 2016-17 is expected to be maintained at around the same level as 2015-16.

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