

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)392**

**(Question Serial No. 5964)**

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:

Will the Government inform this Committee of:

- (1) the number of Certificates of Compliance for small houses issued by the Government, the number of cases in which removal of alienation restrictions (ARs) was approved, and the total amount of premium collected for the removal of ARs under different types of small house grant (namely building licence, land exchange, village expansion area scheme under private treaty grant and other private treaty grants) in each of the past four years in table form;
- (2) the identified breaches of the relevant clauses in small house grants as land leases leading to enforcement actions in the past four years.

Asked by: Dr Hon Fernando CHEUNG Chiu-hung (Member Question No. 700)

Reply:

- (1) The Lands Department (Lands D) has not categorised the Certificates of Compliance (CCs) issued by the Government, the approved cases for removal of restriction on alienation, and the amount of premium collected for the removal of restriction on alienation according to the various types of grants for small house developments. The number of CCs, number of approved cases for removal of restriction on alienation, and total amount of premium collected for removal of restriction on alienation in the past four years are set out below:

Year	Number of CCs issued	Number of approved cases for removal of restriction on alienation	Total amount of premium collected for removal of restriction on alienation (\$ million)
2012	1 089	404	513
2013	1 151	485	597
2014	1 066	577	829
2015	904	462	749

Note: The approved cases for removal of restriction on alienation in a particular year do not necessarily relate to those cases with CCs issued in the same year. The total amount of additional premium collected in respect of removal of restriction on alienation in a particular year corresponds to the approved cases for removal of restriction on alienation in the same year.

- (2) The relevant statistics regarding lease enforcement actions taken against breach of lease conditions in New Territories Exempted Houses (NTEHs) (including small houses) by Lands D in the past four years (2012 to 2015) are set out below:

	2012	2013	2014	2015
Number of cases confirmed during the year to involve breach of lease conditions <sup>(Note 1)</sup>	510	415	382	210
Number of advisory/warning letters issued <sup>(Notes 1&amp;2)</sup>	66	0	12 <sup>(Note 3)</sup>	9 <sup>(Note 3)</sup>
Number of re-entry cases <sup>(Note 4)</sup>	1	1	5	9

Note:

- (1) As case processing work may straddle different years, the number of warning letters issued and those registered in the Land Registry (LR) may not necessarily correspond to the number of cases being processed in the same year.
- (2) The Buildings Department (BD) 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. Lands D would also withhold lease enforcement action against those UBWs under the reporting scheme for UBWs in NTEHs.
- (3) Lands D took lease enforcement actions against 12 cases in 2014 (including eight UBW cases and four cases of other lease breaches, such as sewage disposal and unauthorised partitions) and nine cases in 2015 (including five UBW cases and four cases of other breaches, such as sewage disposal and

unauthorised openings). For the UBW cases, as the built-over area of the concerned NTEHs had not exceeded the exemption criteria under Cap. 121, these UBWs did not fall within BD's reporting scheme. Among these 21 cases (12 cases in 2014 plus nine cases in 2015), warning letters were registered in LR in 19 cases as the breaches were not purged upon expiry of the warning period. The lease breach in one case was purged. The enforcement action of the remaining case was on-going.

- (4) Lands D took re-entry actions against cases concerning breach of lease conditions other than UBWs.

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