

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)138**

**(Question Serial No. 0898)**

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:

- (a) It is learnt that under the internal guidelines on small houses of the Lands Department (Lands D), an applicant for construction of a small house is allowed to change the land on which his small house will be built to another piece of land during the application process. Is this mechanism only applicable to small house applications by way of a building licence, i.e. only limited to conversion among private lands? Alternatively, can the applicant change the way of applications during the application process (e.g. changing the applications for a building licence to land exchange or private treaty grant, and vice versa)?
- (b) Continued from the above question, how many applications for construction of small houses involved a change in land under application through this mechanism in the past three years? How many applications were approved by Lands D?

Asked by: Hon LAW Kwun-chung, Nathan (Member Question No. 29)

Reply:

- (a) Under the Small House Policy, in general, a male indigenous villager aged 18 years old or above who is descended through the male line from a resident in 1898 of a recognised village in the New Territories may apply to the authority once during his lifetime for permission to build for himself a small house on suitable government or private land within his own village. In general, where an indigenous villager owns suitable private land within the village environs, he should be required to develop that land if he applies for a small house grant and should not be granted government land. He is allowed to change his application site to another private lot owned by him during the application processing stage. If private land within the village environs is not readily available, the Lands Department (Lands D) may consider an application for building a small house on government land by way of Private Treaty Grant. A small house applicant could change his type of application during the application processing stage, e.g. from a Building Licence to a Land

Exchange, and vice versa, or from a Private Treaty Grant to a Building Licence. However, if the change is from a Building Licence to a Private Treaty Grant, Lands D will not allow the change unless the private land in the original application is found not suitable for small house development and private land within the village environs is not readily available.

- (b) Lands D has no readily available information on the number of applications for change of site during the application stage.

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