

CONTROLLING OFFICER'S REPLY

DEVB(PL)144

(Question Serial No. 1256)

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) Please provide the number of cases handled by the Lands Department (Lands D) in respect of land management, and squatter control and clearance in 2016 in each District Council district:
 - (i) Land management
 - (a) lease enforcement cases
 - (b) government sites cleared from unlawful occupation
 - (ii) Squatter control and clearance
 - (a) unauthorised structures demolished
 - (b) surveyed structures inspected
 - (c) structures cleared in programmed development clearances and emergency clearances (excluding surveyed structures cleared on grounds of slope safety)
- (2) It is said under Matters Requiring Special Attention in 2017-18 that Lands D will continue to strengthen land control and lease enforcement work, including enforcement against unlawful occupation of government land, unauthorised structures on private agricultural land and lease breaches in industrial buildings. What are the details of the work and the action in 2016-17? What are the work objectives for 2017-18?
- (3) Regarding the notices issued by Lands D in respect of land control and lease enforcement in 2016, in what ways, how many, how frequent and to whom were the notices issued?
- (4) Members of the public suffer losses from time to time by purchasing or renting unauthorised structures on private agricultural land for domestic purpose. How many such cases did Lands D receive in 2016, and what are the enforcement procedures?

Asked by: Hon LEUNG Che-cheung (Member Question No. 9)

Reply:

(1) On land management, the breakdown of number of cases handled by the Lands Department (Lands D) in 2016 by the 12 District Lands Offices (DLOs) is as follows:

(i) Land management

Lease Enforcement and Land Control cases

District ^(Note)	(a) No. of cases with lease enforcement actions taken on private land	(b) No. of government sites cleared of unlawful occupation
Hong Kong East	44	1 784
Hong Kong West & South	28	895
Kowloon East	118	1 642
Kowloon West	89	2 877
Islands	63	110
North	191	256
Sai Kung	20	659
Sha Tin	91	492
Tuen Mun	74	334
Tai Po	216	484
Tsuen Wan & Kwai Tsing	326	543
Yuen Long	880	1 530
Total	2 140	11 606

(ii) Squatter control and clearance

(a) In 2016, the Squatter Control Unit of Lands D demolished 271 unauthorised squatter structures on government land as shown in the table below:

District ^(Note)	No. of unauthorised structures demolished*
Hong Kong	50
Kowloon	28
Islands	12
Sai Kung	19
Sha Tin	8
Tai Po	4
North	30

District ^(Note)	No. of unauthorised structures demolished*
Tuen Mun	17
Tsuen Wan & Kwai Tsing	65
Yuen Long	38
Total	271

* The figures above only cover unauthorised structures demolished by the Squatter Control Unit on government land. The statistics do not cover unauthorised structures demolished by DLOs under lease enforcement and land control as presented in the table under part (1)(i) of this reply.

- (b) In 2016, the Squatter Control Unit of Lands D inspected 197 844 surveyed squatter structures as shown in the table below:

District ^(Note)	No. of surveyed squatter structures inspected
Hong Kong	4 487
Kowloon	2 037
Islands	16 953
Sai Kung	14 553
Sha Tin	14 220
Tai Po	9 173
North	45 627
Tuen Mun	19 594
Tsuen Wan & Kwai Tsing	9 844
Yuen Long	61 356
Total	197 844

Note: Lands D does not have breakdown by District Council boundary.

- (c) The distribution of structures cleared in 2016 under programmed development clearances and emergency clearances (excluding surveyed structures cleared on grounds of slope safety) is as follows:

District	No. of structures cleared
Central & Western	-
Wan Chai	-
Eastern	-
Southern	1
Yau Tsim Mong	-
Sham Shui Po	-

District	No. of structures cleared
Kowloon City	-
Wong Tai Sin	-
Kwun Tong	16
Tsuen Wan	-
Tuen Mun	112
Yuen Long	159
North	126
Tai Po	44
Sai Kung	191
Sha Tin	25
Kwai Tsing	-
Islands	10
Total	684

- (2) Concerning the enforcement actions to combat unauthorised structures on private agricultural land, Lands D will continue in 2017-18 to strengthen lease enforcement actions against unauthorised structures on private agricultural land according to the enforcement strategy adopted since April 2014, by various measures including (i) for unauthorised structures being erected on private agricultural land, issuing statutory notices under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the Ordinance) demanding the registered owners to self-demolish such unauthorised structures, or if the owners fail to do so, taking up the demolition work and recovering the costs so incurred; (ii) for completed unauthorised structures, proceeding with re-entry action if breaches are not purged in good time after registration of warning letters in the Land Registry; and (iii) not accepting applications to regularise unauthorised domestic structures on private agricultural land.

Concerning the enforcement action against non-conforming uses in industrial buildings, the Government announced in July 2016 the risk-based enforcement arrangements against lease breaches in industrial buildings, targeting units in breach of the lease matching two conditions: (i) there are other premises in the same industrial building currently issued with Licences for Manufacture and/or Storage of Dangerous Goods by the Fire Services Department; and (ii) the uses attract the flow of people. For cases meeting the two criteria, Lands D will proceed with re-entry action if the breaches are not rectified in time. In 2017-18, Lands D will continue with this risk-based approach in prioritising lease enforcement against non-conforming uses in industrial buildings. As for other categories of lease breaches in industrial buildings, Lands D continues with its current arrangement: namely, DLOs will, in general, issue a warning letter to the owners requiring that the breach of uses be purged within 28 days. If the breach is not rectified upon expiry

of the warning period, DLOs will register the warning letter at the Land Registry (i.e. commonly known as "imposing an encumbrance"), and reserve the right to take further lease enforcement action in the future.

In 2017-18, Lands D will also continue to strengthen land control actions against unlawful occupation of government land, including the tightening of arrangements when processing applications for regularizing unlawful occupation which has already commenced.

- (3) In general, if a breach of lease conditions is confirmed, Lands D will take appropriate lease enforcement actions, including issuing a warning letter to the owners requiring them to rectify the breach. If the breach is not rectified within a specified period, Lands D will register the warning letter in the Land Registry, commonly known as "imposing an encumbrance" and, where necessary, take further lease enforcement actions including re-entry or vesting. Lands D served 2 140 warning letters in 2016.

In 2016, Lands D posted 57 680 statutory notices under the Ordinance when dealing with unlawful occupation of government land. As the notices are posted on each of the objects with unlawful occupation of government land found on site, the number of notices is usually larger than the number of land control cases.

- (4) In the calendar year of 2016, there were a total of 751 cases of unauthorised structures on private agricultural land identified by Lands D. In the same calendar year, the number of cases involving enforcement actions (which may take the form of issue of warning letters/statutory notices; registration of warning letters in the Land Registry; re-entry and/or vesting) taken against unauthorised structures on private agricultural land was 1 397. Please note that the cases involving enforcement actions in a year may not necessarily correspond to the cases identified in the same year. The enforcement procedures are elaborated at (2) and (3) above.

In addition, the Squatter Control Units of Lands D has erected 397 notice boards across the territory, reminding the public that illegal structures or unauthorised extensions built after 1 June 1982 will lead to demolition of the squatter structures concerned, and that purchase of squatter structures is not protected by the law nor confers any right upon clearance.

- End -