

CONTROLLING OFFICER'S REPLY

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(Question Serial No. 0044)

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:

In “Matters Requiring Special Attention in 2017-18”, the Administration states that it 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” and it will also “continue to implement the Pilot Scheme for Arbitration on Land Premium to facilitate agreement on land premium, and continue to streamline the processing of applications under the leases.” In this connection, please provide the details and targets of the above exercises as well as the manpower and resources allocated for these exercises. How will the Administration step up the relevant prosecutions?

Asked by: Hon SHEK Lai-him, Abraham (Member Question No. 61)

Reply:

In 2017-18, the Lands Department (Lands D) estimates that lease enforcement actions would be taken against around 2 000 cases of lease breaches, including those involving unauthorised structures on private agricultural land, misuse of carparking spaces and loading/unloading areas, breaches of uses or other lease conditions in industrial buildings. As the identification of cases and prioritisation of lease enforcement work involving different types of breaches may vary during the year, we do not have a precise estimate of the breakdown by types of cases.

In 2017-18, it is estimated that 113 full-time equivalent staff will be deployed for lease enforcement work (including lease enforcement concerning unauthorised structures on private agricultural land and lease breaches in industrial buildings) at an estimated staff cost of \$51.12 million, including the creation of six non-directorate posts at an additional staff cost of \$2.15 million.

In 2017-18, Lands D also estimates that land control actions would be taken to clear about 11 600 sites involving unlawful occupation of government land. Moreover, 218 full-time equivalent staff will be deployed to take up the district land control work (including vegetation work on government land) at an estimated cost of \$97.35 million, including creation of three non-directorate posts at an additional cost of \$0.81 million.

To step up prosecution against unlawful occupation of government land, Lands D will arrange regular prosecution training courses/seminars for district land control staff to improve their investigation skills for identifying offenders, collecting reliable evidence admissible to the court as well as taking both witness and cautioned statements so as to enhance the chance of conviction. Lands D will also introduce measures to tighten arrangements for the processing of applications seeking to regularise the occupation of government land already commenced without prior permission.

As regards the implementation of the Pilot Scheme for Arbitration on Land Premium, up to the end of February 2017, Lands D had extended a total of 19 invitations to lot owners to settle premium discussions through arbitration under the Pilot Scheme in respect of their lease modification/land exchange applications. In 2017-18, the Government will continue to select suitable lease modification and land exchange cases which fulfill the general criteria under the Pilot Scheme and invite relevant applicants to use arbitration to determine the amount of land premium payable. Lands D is using its existing manpower and resources to handle the work under the Pilot Scheme.

In recent years, Lands D has implemented a number of measures to streamline and expedite the processing of lease modification/land exchange applications and premium assessments. They mainly include streamlining the consultation process where local consultations have been conducted within a reasonably short time on essentially the same development proposal to avoid duplication; centralising at Lands D Headquarters the premium assessments in respect of lease modifications/land exchanges involving a premium of over \$100 million or a gross floor area permissible after the lease modification/land exchange exceeding 10 000 square metres; adopting a new set of updated construction costs data as a common reference by the Government and market practitioners to facilitate agreement in premium negotiations; introducing a mechanism for deemed approval under leases in respect of tree submissions approved under the Town Planning Ordinance and also a system of mandatory self-certification by authorised professionals of compliance for tree works within lots; and streamlining the processing of applications for the use of data centres. Lands D will continue to review and where practicable, implement further measures in consultation with stakeholders to facilitate land development, including the revision of Practice Notes to guide developers and practitioners concerning approval under leases.

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