

CONTROLLING OFFICER'S REPLY

DEVB(PL)302

(Question Serial No. 3689)

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. Over the past five years, how many small house applications has the Lands Department (Lands D) received? What are the numbers of backlog cases and cases being processed? On average, how long does it take for Lands D to process a small house application? What is the total area of land currently zoned "Village Type Development" and "village expansion area", and what is the area that can be used for building small houses? What will be the estimated expenditure and manpower required for handling this task in 2017-18?
2. What were the expenditure and manpower involved in inspections to identify any unlawful occupation of government land in the past five years? How many cases of unlawful occupation of government land were identified during routine inspections by Lands D in the past five years and what was their percentage share in the total number of cases of unlawful occupation of government land? What will be the estimated expenditure and manpower required for this task in 2017-18?
3. What were the expenditure and manpower involved in inspections to identify any illegal excavation on private land leading to development in the past five years? How many cases of illegal excavation on private land leading to development were identified during routine inspections by Lands D in the past five years and what was their percentage share in the total number of cases of illegal excavation on private land leading to development? What will be the estimated expenditure and manpower required for this task in 2017-18?
4. How many cases were in breach of the requirements regarding New Territories exempted houses in the past five years? What will be the estimated expenditure and manpower required for handling such cases in 2017-18?

5. Over the past five years, how many applications for rebuilding small houses or squatter structures were received by Lands D respectively? What are the numbers of backlog cases and cases being processed? On average, how long does it take for Lands D to process an application for rebuilding small houses or squatter structures? What will be the estimated expenditure and manpower required for handling this task in 2017-18?
6. How many disputes involving rural land were received by Lands D in the past five years? How long on average does it take for Lands D to resolve a rural land dispute? What will be the estimated expenditure and manpower required for this task in 2017-18?
7. What were the expenditure and manpower involved in investigations into the construction of unauthorised structures in small houses in the past five years? How many cases of unauthorised structures were identified during routine inspections by the Lands D in the past five years and what was their percentage share in the total number of cases of unauthorised structures? What will be the estimated expenditure and manpower required for this task in 2017-18?
8. Will the Government provide a list of short term tenancies (STTs) granted in the past five years and planned to be granted in 2017-2018 with details including the specific location, site area, income generated and use of each STT?
9. Does the Government have any plan to review whether sites currently under STTs can be rezoned to allow for long-term uses such as housing or community facilities? If yes, what will be the progress of the review and the expenditure involved?
10. Please provide details about the applications for land exchange received, processed and approved by the Government in the past five years and the expenditure involved.
11. Please provide details about the applications for revitalisation of industrial buildings received, processed and approved by the Government in the past five years and the expenditure involved.

Asked by: Hon CHAN Tanya (Member Question No. 518)

Reply:

1. Over the past five years (2012 to 2016), the Lands Department (Lands D) received a total of 11 622 small house applications. As at end of December 2016, the number of small house applications being processed was 9 145 and the number of applications pending processing was 2 988. For straightforward applications, the processing may be completed within 24 weeks from the date of interview with the applicant. For non-straightforward applications, depending on the nature and complexity of the issues encountered such as those associated with local objections, land title or boundary problems or requirements imposed by relevant regulatory authorities which will need to be satisfied first, the processing time may exceed this period.

According to the Planning Department (PlanD), about 3 368 hectares (ha) of land fall within areas zoned “Village Type Development” (“V”) on the statutory plans. Land under the “V” zones on statutory plans is scattered across the territory and covers existing and recognised villages in the New Territories. Many small houses are built on land under private ownership, and the size of individual pieces of private land varies. In addition, whether the development of small house may indeed proceed on a particular site within the “V” zone would depend on the fulfillment of engineering and other conditions as required. As such, the Government does not have readily available information on the total area of land available for small house developments in these “V” zones.

There are at present 16 “village expansion areas” with a total area of about 33 ha within which sites are still available for small house development. These village expansion areas are currently zoned “V” and form part of the total area of “V” zones quoted above.

It is estimated that around 99 staff will be involved in handling small house applications in 2017-18, involving an estimated staff expenditure of \$45.4 million. Some of the staff involved are also responsible for other land administration duties.

2. Conducting inspections of government sites is part of the overall government land control work carried out by Lands D. During the past five calendar years (2012 to 2016), a total of 2 395 cases of unlawful occupation of government land were identified during routine inspection by Lands D. This represents about 5% of the total number of cases of unlawful occupation of government land handled by Lands D during the period.

In the past five financial years (2012-13 to 2016-17), an average of 213 staff were involved in land control work (including vegetation work on government land) involving an average staff expenditure of \$82.18 million per year. As conducting inspections of government sites is part of the land control work, there is no separate breakdown in respect of the expenditure for conducting inspections of government sites and taking enforcement actions.

In 2017-18, 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.

3. Depending on the lease conditions applicable to individual pieces of private land, excavations on site may or may not constitute a breach of the lease. Where excavations are in breach of the leases, Lands D does not categorise those excavations with reference to whether they would lead to development. As such, Lands D is not in a position to provide the statistics as requested. As staff handling unauthorised excavation on private land (which is part of the lease enforcement work) also carry out other land administration duties, there is no separate breakdown on the number of staff and staff cost solely for handling unauthorised excavation on private land.
4. The number of confirmed cases involving breach of development conditions of New Territories exempted houses (NTEHs) in the past five years (2012 to 2016) is set out below:

| Year | Number of confirmed cases involving breach of development conditions of NTEHs |
|------|---|
| 2012 | 510 |
| 2013 | 415 |
| 2014 | 382 |
| 2015 | 210 |
| 2016 | 87 |

Cases involving breach of development conditions of NTEHs are handled by the existing staff of Lands D and as part of their lease enforcement work. We are unable to provide a breakdown of the resources deployed solely for handling breach of development conditions of NTEHs.

5. Over the past five years (2012 to 2016), the number of applications received for rebuilding NTEHs including small houses was 3 633. As at end of December 2016, the number of rebuilding applications being processed was 2 040 and no application was pending processing.

For straightforward cases, Lands D takes around eight months to approve an application for rebuilding NTEHs. For complicated cases, the processing time would be longer if there are issues such as local objections, land title or boundary problems or requirements imposed by other regulatory authorities that would need to be resolved.

Rebuilding applications are processed by the existing staff of Lands D and as part of their overall duties. We are unable to provide a breakdown of the resources deployed solely for processing rebuilding applications.

As regards squatter structures in the New Territories, for the purpose of this reply, they include those structures covered by the Squatter Control Survey in 1982 and other licences such as Government Land Licences or Modification of Tenancy Permits.

Over the past five years (2012 to 2016), the number of applications received for rebuilding squatter structures for domestic use was 124. As at end of December 2016, the number of rebuilding applications being processed was 41 and no application was pending processing. Processing of applications for rebuilding of squatter structures for domestic use within their existing dimensions is, in general, completed within 48 weeks.

Applications for rebuilding squatter structures for domestic use are processed by the existing staff of Lands D and as part of their overall duties. We are unable to provide a breakdown of the resources deployed solely for processing these applications.

6. In the absence of a definition for “rural land disputes” which may cover a wide spectrum of scenarios, Lands D has not been keeping statistics on this subject.
7. Where unauthorised structures in small houses constitute a breach of lease conditions (normally a breach of the development conditions, e.g. in respect of number of storeys and building height), Lands D would take appropriate lease enforcement action having regard to any enforcement action taken by the Buildings Department against unauthorised building works in NTEHs (including small houses) under the Buildings Ordinance (Cap. 123). The number of confirmed cases involving breach of development conditions of NTEHs in the past five years (2012 to 2016) is set out below:

| Year | Number of confirmed cases involving breach of development conditions of NTEHs |
|------|---|
| 2012 | 510 |
| 2013 | 415 |
| 2014 | 382 |
| 2015 | 210 |
| 2016 | 87 |

Cases involving breach of development conditions of NTEHs are handled by the existing staff of Lands D and as part of their lease enforcement work. We are unable to provide a breakdown of the resources deployed solely for handling breach of development conditions of NTEHs.

8. The area of land granted by short term tenancies (STTs) in the calendar years of 2012, 2013, 2014, 2015 and 2016 by district is tabulated below:-

| District | Area of land granted by STTs (hectare)(ha) | | | | |
|---|---|-------|-------|-------|--------------------|
| | 2012 | 2013 | 2014 | 2015 | 2016 |
| Hong Kong East | 1.44 | 1.27 | 0.88 | 0.28 | 0.71 |
| Hong Kong West & South | 0.85 | 4.25 | 4.08 | 0.59 | 2.24 |
| Kowloon East | 9.09 | 13.13 | 7.29 | 8.85 | 3.44 |
| Kowloon West | 15.32 | 12.40 | 7.92 | 4.51 | 5.38 |
| Islands | 46.81 | 6.42 | 5.00 | 1.14 | 1 693.76 (Note) |
| North | 4.28 | 6.32 | 3.64 | 1.99 | 15.42 |
| Sai Kung | 2.23 | 4.84 | 3.27 | 2.24 | 8.78 |
| Sha Tin | 3.12 | 4.66 | 17.51 | 2.14 | 6.52 |
| Tuen Mun | 3.75 | 6.13 | 1.07 | 4.66 | 1.87 |
| Tai Po | 5.37 | 4.17 | 0.88 | 3.00 | 2.69 |
| Tsuen Wan & Kwai Tsing | 21.64 | 10.19 | 7.28 | 4.31 | 0.54 |
| Yuen Long | 12.89 | 1.12 | 5.01 | 4.19 | 2.90 |
| Sites for railway development projects | 12.35 | 0.04 | 0.17 | 0.01 | 0.10 |
| Total | 139.14 | 74.94 | 64.00 | 37.91 | 1 744.35 (Note) |

Note: Including about 1 640 ha let to the Airport Authority Hong Kong for land formation and related works of the Three-Runway System and about 50 ha let to the Scout Association of Hong Kong for a special camping event.

The users of the above STTs mainly include fee-paying car parks, open storage, container storage/handling, workshops for recycling/vehicle repairing/boat building/repairing, concrete production, plant nurseries, private gardens, works areas/sites required for public rental housing/Home Ownership Scheme/subsidised flat development/railway development projects/the airport three-runway system, and religious/community/other non-profit making uses.

The yearly rental revenues of STTs for the past five years are as follows:-

| Financial Year | Amount of STT rental revenue (in \$ million) |
|-------------------------------------|---|
| 2012-13 | 1,307.8 |
| 2013-14 | 1,260.3 |
| 2014-15 | 1,415.3 |
| 2015-16 | 1,421.6 |
| 2016-17 (up to 28 February 2017) | 1,185.4 |

It is estimated that 41.6 hectares of land will be granted by STTs in 2017. The uses of the sites which may be let on STTs in 2017 include works sites/works areas for public rental housing and the airport three-runway system, community/non-profit making uses, open storage, temporary fee-paying car parks, driving training centre, plant nurseries, recovery and recycling business operations, container storage/handling, cargo handling, container vehicles parking and placement of skips. As the information for 2017 is only an estimate, further details are not available.

9. PlanD reviews the land use zonings of land across the territory, including land held under STTs, as part of its ongoing task in supporting the Government's policy objective of increasing land supply for residential and other developments. Lands D provides support where required. We are unable to provide a breakdown of the expenditure deployed solely for such work as the said staff also handle other work in Lands D.

10. Lands D received 122 valid applications for land exchange in the past five years from 1 April 2012 up to the end of February 2017, of which 17 cases were approved and executed, 19 cases were withdrawn and 86 cases were under processing as at the end of February 2017. Details of the 17 executed cases are as follows:

| Item | Execution date of land document | Lot number & Location | Approx. site area (square metres) | Permitted use after the land transaction ^{Note} | Land premium (\$) |
|------|---------------------------------|--|-----------------------------------|--|-------------------|
| 1 | 18 February 2014 | Lot 2300 in DD 106 Kam Sheung Road, Kam Tin, Yuen Long | 1 218 | Private residential purposes | 17,400,000 |
| 2 | 28 May 2014 | Lot 2311 in DD 106 Kam Sheung Road, Kam Tin, Yuen Long | 3 418 | Private residential purposes | 63,590,000 |
| 3 | 20 June 2014 | IL 9055 19 Sandy Bay Road, Pokfulam, Hong Kong | 707 | Non-profit making rehabilitation centre purpose | 1,000 |
| 4 | 20 March 2015 | KIL 11252 8 Hung Lok Road, Hung Hom | 4 386 | The College, the Residential Quarters and the Caretakers' Quarters | 1,000 |
| 5 | 13 August 2015 | Lot 2517 in DD 83 Lung Ma Road, Fanling | 592 | Private residential purposes | 4,340,000 |
| 6 | 5 October 2015 | STTL 602 On Muk Lane, Shek Mun, Sha Tin | 6 301 | The School, the Caretakers' Quarters and the Residential Quarters | Nil |

| Item | Execution date of land document | Lot number & Location | Approx. site area (square metres) | Permitted use after the land transaction ^{Note} | Land premium (\$) |
|------|---------------------------------|--|-----------------------------------|--|-------------------|
| 7 | 11 November 2015 | KIL 11253 9 Hoi Ting Road, Yau Ma Tei | 3 962 | The College, the Residential Quarters and the Caretakers' Quarters | 1,000 |
| 8 | 18 November 2015 | KIL 11243 Portland Street, Mong Kok | 329 | Non-industrial (excluding godown, hotel and petrol filling station) purposes | 89,810,000 |
| 9 | 20 November 2015 | Lot 604 in DD 21 Pun Shan Chau, Tai Po | 753 | Private residential purposes | 6,830,000 |
| 10 | 27 November 2015 | SIL 853 Sai Wan Ho Street, Shau Kei Wan (Urban Renewal Authority project) | 710 | Non-industrial (excluding godown, hotel and petrol filling station) purposes | 1,000 |
| 11 | 9 December 2015 | Lot 4823 in DD 104 San Tam Road, San Tin, Yuen Long | 736 | Private residential purposes | 30,540,000 |
| 12 | 3 August 2016 | TMTL 491 Area 40, Tuen Mun | 23 800 | (i) A terminal for (I) berthing of vessels which navigate solely within the People's Republic of China and the Hong Kong waters excluding ocean-going vessels and (II) the loading, unloading and storage of break-bulk or container cargoes and containers carried and intended for carriage by sea; (ii) consolidation and handling of the cargoes and containers ; and (iii) ancillary workshops and offices. | 198,970,000 |
| 13 | 21 September 2016 | CLK 3 Chek Lap Kok | 247 497 | (i) Hotel, office, retail and other commercial purposes, and other services and facilities related to the Airport; and (ii) Services and facilities for the safe and efficient operation of the Airport. | 1,000 |

| Item | Execution date of land document | Lot number & Location | Approx. site area (square metres) | Permitted use after the land transaction ^{Note} | Land premium (\$) |
|------|---------------------------------|--|-----------------------------------|---|--|
| 14 | 8 December 2016 | TWTL418 Ting Kau, Tsuen Wan | 503 | Private residential purposes | 10,030,000 |
| 15 | 6 January 2017 | Lot 244 in DD 229 Clear Water Bay Road, Sai Kung | 1 575 | Private residential purposes | 21,670,000 |
| 16 | 25 January 2017 | KIL 11247 Shanghai Street, Mong Kok (Urban Renewal Authority project) | 916 | Non-industrial (excluding residential, godown, hotel, office and petrol filling station) purposes | 1,000 |
| 17 | 27 February 2017 | KIL 11264 Ho Man Tin, Kowloon | 36 204 | Non-industrial (excluding godown, hotel and petrol filling station) purposes | 6,282,370,000 in respect of Site A only (Premium for Site B (being the remaining portion) to be assessed and paid according to the provisions in the lease.) |

Note: The uses quoted are general descriptions of the broad type of uses permissible in the lease and not intended to be the legal interpretation of the user conditions of the lot(s) in question.

We are unable to provide the expenditure for processing the land exchange applications as the staff involved also handle other land administration work.

11. The Government announced in October 2009 a set of measures to facilitate the redevelopment and wholesale conversion of old industrial buildings aimed at providing more floor space that meets Hong Kong's changing social and economic needs. The measures came into effect on 1 April 2010 and ended on 31 March 2016. As at end-February 2017, Lands D had received 22 applications for redevelopment and 226 applications for wholesale conversion under the measures. All the 22 applications for redevelopment and 123 applications for wholesale conversion had been approved. For the remaining applications for wholesale conversion, 73 are being processed while another 30 have been withdrawn by the applicants or rejected by Lands D.

A time-limited dedicated team was set up in Lands D to process the applications. The team comprises eight staff and the staff expenditure is about \$4.4 million in 2016-17.