

CONTROLLING OFFICER'S REPLY

DEVB(PL)160

(Question Serial No. 1169)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Thomas CHAN)
Director of Bureau: Secretary for Development

Question:

Regarding matters on squatter structures and agricultural structures, please advise this Committee of:

- (a) The number of surveyed squatter structures on agricultural land across the territory, with a tabulated breakdown by District Council district.
- (b) The respective numbers of applications for repairing surveyed squatter structures on agricultural land received, approved and refused by the Government in each of the past three years (2016-17 to 2018-19); if there were refused applications, the reasons for that.
- (c) The respective numbers of applications for issuance of Letter of Approval for Agricultural Structures received, approved and refused by the Lands Department in each of the past three years (2016-17 to 2018-19); if there were refused applications, the reasons for that. Are there any other means currently available for farmers to apply for erecting agricultural structures?
- (d) The average and longest time taken to process applications in the past three years (2016-17 to 2018-19); and the reasons for that.

Asked by: Hon HO Chun-yin, Steven (LegCo internal reference no.: 25)

Reply:

- (a) The Lands Department (LandsD)'s seven regional Squatter Control Offices (SCOs) across the territory keep records of surveyed squatter structures, but no separate statistical breakdown by District Council districts is available. According to the records, the number of surveyed squatter structures across the territory as at 31 December 2018 is tabulated below:

Squatter Control Office	Number of surveyed squatter structures (partial or whole) on private agricultural land	Number of surveyed squatter structures on government land
Squatter Control/Hong Kong and Lei Yue Mun Office	1 122	4 468
Squatter Control/Kowloon, Tsuen Wan and Kwai Tsing Office	5 064	5 781
Squatter Control/Islands Office	4 572	18 349
Squatter Control/New Territories East (1) Office (covering Sai Kung, Sha Tin, Tai Po and (part of) North District)	20 356	35 859
Squatter Control/New Territories East (2) Office (covering (part of) North District and (part of) Yuen Long)	78 514	29 925
Squatter Control /New Territories West (1) Office (covering Tuen Mun and (part of) Yuen Long)	42 900	21 931
Squatter Control /New Territories West (2) Office (covering (part of) Yuen Long)	106 721	8 542
Total	259 249	124 855
Grand Total	384 104	

It should be noted that the number of surveyed squatter structures above is based on the records of the Squatter Structure Survey conducted by the Housing Department in 1982, and adjusted due to deletion of the survey records after 1982 for various known reasons (e.g. enforcement against breaches of squatter control or squatters found non-existent).

- (b) Information on applications for repairs of surveyed squatter structures on private agricultural land processed by LandsD during the period from 2016 to 2018 is tabulated below:

Year	Number of applications received	Number of applications approved	Number of applications rejected / withdrawn	Reasons for rejection
2016	12	9	3	Two applicants withdrew their applications; one applicant failed to provide documents to prove that he/she was the resident of the surveyed squatter structure.
2017	15	11	4	One applicant failed to provide documents to prove that he/she was the resident of the surveyed squatter structure; three applicants failed to obtain consent of the registered owners of the private agricultural land for repairs of the surveyed squatter structures.
2018	28	24	4	One applicant failed to provide documents to prove that he/she was the resident of the surveyed squatter structure; three applicants failed to obtain consent of the registered owners of the private agricultural land for repairs of the surveyed squatter structures.

(c) Information on applications for Letters of Approval for Agricultural Structures on private agricultural land processed by LandsD during the period from 2016 to 2018 is tabulated below:

Year	Number applications received	Number of applications approved	Number applications rejected/ withdrawn	Reasons for rejection
2016	30	8	3	The applicants failed to provide sufficient information and/or unauthorised structure(s) was(were) found on the lot(s) under application.
2017	23	14	23	Unauthorised structure(s) was(were) found on the lot(s) under application
2018	63	24	25	The applicants failed to provide sufficient information or unauthorised structure(s) was(were) found on the lot(s) under application.

Note : Since it takes time to process an application, the applications approved and rejected during the above-mentioned periods may not correspond to the applications received during the same period. According to our records, 39 applications are still being processed. Most of the cases are pending supplementary information to be provided by the applicants. District Lands Offices can only continue processing the applications upon receipt of the required information.

Apart from a Letter of Approval for Agricultural Structures, a land owner may also submit to LandsD an application for a Short Term Waiver (STW) to build other non-domestic facilities on private agricultural land. When the application is received, LandsD will seek advice from relevant government departments and post a notice on the application site. If the application for an STW is approved, the applicant has to pay the relevant fee to the Government.

- (d) In the past three years (i.e. 2016 to 2018), the average time taken to process applications for repairs of surveyed squatter structures was around 23 days and the longest processing time was 100 days. The reason for the long processing time of a particular case was due to the applicant’s failure to obtain consent of the registered owners of the private agricultural land for repairs of the surveyed squatter structure despite the fact that he/she had been allowed time to do so. The application was rejected in the end.

As regards the processing of applications for Letters of Approval for Agricultural Structures on private agricultural land, in general, LandsD takes around four months to issue a Letter of Approval for Agricultural Structures. For complicated cases, the processing time will be longer if there are issues such as land title or boundary problems or requirements imposed by other regulatory authorities that need to be resolved.

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