

CONTROLLING OFFICER'S REPLY

DEVB(PL)164

(Question Serial No. 2611)

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:

Under the existing Small House Policy, land suitable for building small houses is generally confined to areas within Village Environs (VE).

- (i) If the proposed small house site lies outside a VE but within a “Village Type Development” zone (“V” zone), provided that the “V” zone concerned overlaps with the VE, consideration may also be given to such an application.
- (ii) As regards sites within a VE but outside a “V” zone, it depends on the requirements governing the land use zone on which the proposed small house site lies. In this connection, will the Government inform this Committee:
 1. How many small house applications falling under category (i) were received by the Government in the past five years? Please list, by district, the figures on applications received as at the end of the year. Among these applications, how many were approved, rejected or being processed?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 23)

Reply:

1. The Lands Department does not have readily available statistics on small house applications with a breakdown by location, i.e. whether the sites are within or outside the VE or “V” zone.

The Court of First Instance of the High Court handed down a judgment on 8 April 2019 on a judicial review of the small house policy, and ruled that the Free Building Licence (FBL) arrangement under the policy, being a lawful traditional right and interest of the indigenous inhabitants of the New Territories within the meaning of Article 40 of the Basic Law, is lawful and constitutional, while the Private Treaty Grant (PTG) and Land Exchange arrangements under the policy are not. The Government will consider whether to lodge an appeal after studying the judgment in detail and seeking legal advice. Pending a decision on whether to appeal, the processing of outstanding applications for PTG and Land Exchange will be suspended. FBL applications will continue to be processed as usual.

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