

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)165**

**(Question Serial No. 2612)**

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:

1. Of the 642 recognised villages, how many villages have had their “village environs” (“VE”) boundaries drawn up? Up to the present, what is the total area of VE with VE boundaries drawn up?
2. Up to the present, what is the number of recognised villages for which VE boundaries have not been drawn up? Why have VE boundaries not yet been drawn up? Is there a timetable in place for drawing up VE boundaries? Please list in table form the districts and names of the recognised villages for which VE boundaries have not been drawn up.
3. If upon receipt of applications for construction of small houses in recognised villages for which VE boundaries have not been drawn up, how will they be handled so as to be in line with the policy of “land suitable for building small houses is generally confined to areas within VE”?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 24)

Reply:

1. Village Environ (VE) generally refers to the area within a 300-foot radius from the edge of the last Village Type House built before the introduction of the Small House Policy on 1 December 1972. At present, the VE boundary for 67 out of the 642 Recognised Villages (RVs) have not been drawn up. Due to constraints such as topography, environment and accessibility, not all land within a VE is considered suitable for development. The Lands Department (LandsD) does not have readily available information on the area of land within VE boundaries which may be developed.

2. Action is underway to draw up the VE boundaries of the remaining 67 RVs as per the table below. The progress in respect of some of the villages has been affected by issues such as topographical constraints, overlapping of village boundaries due to the villages being in close proximity to each other, divergent views of villagers on the village boundaries, or the fact that the villages have been deserted. Since the time required for resolving these problems varies according to the complexity of each case, LandsD is not in a position to give a meaningful indication of the time required for completing the exercise.

District	RVs for which VE boundaries have not been drawn up
Islands	Ngong Ping and Tai Po (2 nos.)
Sai Kung	Chuk Yuen, Long Ke, Man Wo, Pak Tam, Tai No, Tai No Sheung Yeung (including Tin Liu), Tai She Wan and Wong Keng Tsai (8 nos.)
Tai Po	Sha Lo Tung Cheung Uk, Sha Lo Tung Lei Uk and Yin Ngam (3 nos.)
Tsuen Wan	Ma Wan Main Street, Tin Liu, Ha Tong Lek, Sheung Fa Shan and Sheung Tong (5 nos.)
Yuen Long	Ha Tsuen San Wai, Hong Mei Tsuen, Lo Uk Tsuen, San Uk Tsuen, Sik Kong Tsuen, Sik Kong Wai, Tin Sum Tsuen, Tseung Kong Wai, Tung Tau Tsuen, Fung Kat Heung, Chi Tong Tsuen, Kam Tin San Tsuen, Cheung Kong Tsuen, Chuk Hang, Ha Che, Lin Fa Tei, Lo Uk Tsuen, Ma On Kong, Ngau Keng, Shek Wu Tong, Sheung Che, Shui Lau Tin, Shui Tsan Tin, Ta Shek Wu, Tai Kek, Wang Toi Shan, Yuen Kong, Yuen Kong San Tsuen, Kap Lung, Tong Fong Tsuen, Chuk Hang (Tai Wai Wo Liu), Lung Tin Tsuen, Shung Ching San Tsuen, Ha Yau Tin Tsuen, Kong Tau San Tsuen, Kong Tau Tsuen, Muk Kiu Tau Tsuen, Nam Pin Wai, Sai Pin Wai, Sham Chung Tsuen, Shan Pui Tsuen, Sheung Yau Tin Tsuen, Shui Tsiu Lo Wai, Tai Tong Tsuen, Tai Wai Tsuen, Tsoi Uk Tsuen, Tung Tau Tsuen, Wong Uk Tsuen and Ying Lung Wai (49 nos.)
Total	67 nos.

3. If the VE boundary of a RV has not been drawn up, consideration may be given to a small house application for a site within a “Village Type Development” zone (“V” zone) covering that RV on the relevant statutory plan. If the proposed small house application site falls outside the “V” zone but is, in the absence of a defined VE, within a distance of 300-foot from the edge of the last village type house of the RV in 1972, depending on the land use zoning on which the proposed small house site lies, application for planning permission may be submitted to the Town Planning Board for consideration. If planning permission is obtained, LandsD will consider the small house application.

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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