

CONTROLLING OFFICER'S REPLY

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(Question Serial No. 0784)

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. The Government processed 476 cases of village house rebuilding in 2018, which was nearly 18% less than the 579 cases in 2017. What are the reasons?
2. What are the resources and manpower to be deployed in the coming year for processing applications for village house rebuilding?
3. Has the Government devised any performance indicators for processing applications for village house rebuilding, such as the time frame for replying to applicants upon receipt of applications and the time required for processing?

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 30)

Reply:

1&3. The number of cases completed each year and the time taken for processing each case may vary owing to various factors, including complexity of each application. As such, the processing time will depend on the nature of and complexity of issues involved in each case. For example, some cases may be met with local objections, land title or boundary problems, or there may be requirements imposed under other regulatory frameworks which will need to be satisfied first.

In general, for straightforward cases, LandsD takes around eight months to approve an application for rebuilding of village houses. For complicated cases, the processing time will be longer depending on the nature and complexity of issues involved.

2. 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, applications in relation to all forms of grants made in the past (including rebuilding applications) will continue to be processed as usual.

Rebuilding applications will continue to be processed by the existing staff of the Lands Department (LandsD) as part of their overall duties. We are unable to provide a breakdown of the resources deployed solely for processing rebuilding applications.

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