

CONTROLLING OFFICER'S REPLY**DEVB(PL)184****(Question Serial No. 2811)**

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:

According to the Controlling Officer's Report, "small houses (cases processed)" is one of the "targets" under the key performance measures in respect of land administration duties carried out by the Lands Department. In 2019, the Department plans to process 2 300 small house applications. In this connection, will the Government inform this Committee of the following:

- (1) for each of the past ten years, (i) the target caseload, and (ii) the actual caseload;
- (2) the justifications for setting the target of processing 2 300 small house applications this year; and
- (3) the Department's staff establishment and expenditure involved in processing small house applications.

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 40)

Reply:

- (1) The target and the actual number of small house applications processed for the past ten years (2009 to 2018) are set out below:

Year	Target Number of Small House Applications to be Processed	Actual Number of Small House Applications Processed
2009	2 300	2 709
2010	2 300	2 768
2011	2 300	2 416
2012	2 300	2 403
2013	2 300	2 354
2014	2 300	2 819

Year	Target Number of Small House Applications to be Processed	Actual Number of Small House Applications Processed
2015	2 300	2 519
2016	2 300	2 534
2017	2 300	2 231
2018	2 300	2 389

- (2) The target number of small house cases to be processed in 2019 in the Controlling Officer's Report in the 2019-20 Estimates is 2 300. The target is set at the same level as specified in the Lands Department's performance pledge and comparable to the targets and cases handled in the previous years.
- (3) The estimated number of staff, on full-time equivalent basis, involved in handling small house applications and the relevant staff expenditure for the financial year 2019-20 are set out below:

Financial Year	Number of staff (on full-time equivalent basis)	Staff expenditure
2019-20 (estimate)	104	\$50.8 million

Note: Some of the staff involved in handling small house applications are also responsible for other land administration duties.

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. While processing of outstanding applications for PTG and Land Exchange will be suspended pending a decision on whether to appeal, the FBL applications as well as applications in relation to all forms of grants made in the past will continue to be processed as usual.

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