

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)190**

**(Question Serial No. 0869)**

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:

The 10-year forecast for small house demand is provided by the Village Representatives of individual villages and collated by District Lands Offices of the Lands Department. Based on the forecast, the Planning Department will assess the demand for land zoned as “Village Type Development”, as well as vet and approve statutory plans. Please provide, with a breakdown of recognised villages by the List of Recognised Villages under the New Territories Small House Policy, the 10-year forecast for small house demand given by the Village Representative(s) of each recognised village as at 1 March 2019.

Asked by: Hon WAN Siu-kin, Andrew (LegCo internal reference no.: 39)

Reply:

The demand for small houses may change with factors such as birth and growth of indigenous villagers. Whether or not an indigenous villager would apply for a small house grant is dependent on his own circumstances and wishes, and not all eligible indigenous villagers aged 18 years or above will submit an application. The Lands Department (LandsD) is not in a position to provide accurate forecast or projections of small house demand or small house applications.

The 10-year forecast for small house demand for specific individual recognised villages as mentioned in the question is a piece of information that may be collated at the time when the Town Planning Board considers a statutory plan covering the villages concerned. Such information is collated and provided by LandsD on the request of the Planning Department for the latter's reference in the statutory plan making process. LandsD does not keep or update such information for all recognised villages.

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. LandsD will in due course review whether and how its work in collating information on 10-year forecast for small house demand for specific individual recognised villages will be affected taking into account the developments of the judicial review proceedings.

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