

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)191**

**(Question Serial No. 0870)**

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:

There have been cases involving conflict of interest on the part of former officers (such as Land Executives, Estate Surveyors, etc) of the Lands Department (LandsD), who assisted or even took part in illegal development of small houses (selling “ding” rights). In this connection, will the Government inform this Committee of the following:

- (1) What were the numbers of complaints about conflict of interest or breach of declaration procedures in which directorate officers and approving officers (e.g. those responsible for processing small house applications) at various levels of LandsD were involved, and the numbers of substantiated complaints, in each of the past three years?
- (2) Is it a requirement to declare to LandsD if serving officers of all levels or their immediate family members need to apply for the construction of small houses or the removal of alienation restrictions (ARs)?
- (3) How does the existing mechanism prevent potential conflict of interest if an applicant for the construction of a small house or the removal of ARs is a former officer of LandsD?

Asked by: Hon WAN Siu-kin, Andrew (LegCo internal reference no.: 44)

Reply:

- (1) In 2016, the Lands Department (LandsD) received two complaints about conflict of interest, while no complaint about breach of declaration procedures was received. Both complaints were subsequently found unsubstantiated. In 2017, LandsD did not receive any complaints about conflict of interest or breach of declaration procedures related to our staff. In 2018, LandsD received three complaints about conflict of interest, while no complaint about breach of declaration procedures was received. Among these three cases, two were subsequently found unsubstantiated while the remaining one is still under investigation.

- (2) There are established guidelines under which staff of LandsD are required to make conscious efforts at all times to avoid engaging in and to report, as appropriate, any conflict of interest between their private interests and official duties. When any actual, potential or perceived conflict of interest may arise from any private investment, personal relations or financial interests with the staff's official duties, the staff concerned is required to declare according to the relevant guidelines to facilitate necessary follow-up action to be taken for managing the conflict of interest. Breaching of such guidelines may render the staff liable to disciplinary actions in cases where there is a conflict of interest.
  
- (3) There are established guidelines under which staff of LandsD are required to avoid their acts be seen to be creating deferred benefits to be gained after leaving the service. In addition, as mentioned in sub-question (2) above, staff of LandsD are required to declare any actual, potential or perceived conflict of interest that may arise, or have arisen from any private investment, personal relations or financial interests with the staff's official duties including processing a land-related application.

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