

CONTROLLING OFFICER'S REPLY

DEVB(PL)314

(Question Serial No. 4312)

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) How many complaints about unauthorised extensions or breaches of land use concerning squatter structures and licensed structures in various districts or referrals from other departments on these complaints were received by the Lands Department (LandsD) in the previous financial year? How many of these cases were completely processed, identified to be in breach of regulations and issued with removal orders? How many of them involved repeated complaints?
- (2) What were the resources spent on inspections initiated by LandsD in the previous financial year? Among the squatter structures and licensed structures inspected, how many cases of unauthorised extensions were identified and how many of them were issued with removal orders?
- (3) How many removal orders have not been complied with upon expiry? Please provide the numbers of cases in which removal orders have yet to be complied with after they have expired for one to three years, four to six years, seven to nine years and ten years or above. What follow-up or land control actions have been taken against non-compliance with the removal orders by the specified dates?

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 56)

Reply:

- (1)&(2) Temporary structures are broadly classified into two types, namely the structures covered in the Squatter Control Survey in 1982 (commonly known as “surveyed squatter structures”) and the temporary domestic structures held under Government Land Licences and short-term tenancies on government land, Modification of Tenancy Permits and Short Term Waivers on private land (commonly known as “licensed structures”).

Information on the follow-up actions taken on cases of unauthorised extensions of surveyed squatter structures and licensed structures in 2018 is as follows:

| District | Number of reported cases (including those received from complaints/referrals or identified through patrol) | Number of cases involving repeated complaints | Number of cases confirmed with unauthorised extensions | Number of cases with warning letters/demolition orders issued*# | Number of completed cases (i.e. cases rectified, structures demolished or licences terminated)# |
|-----------------|--|---|--|---|---|
| Hong Kong | 57 | 4 | 4 | 4 | 2 |
| Kowloon | 67 | 3 | 12 | 11 | 10 |
| New Territories | 1 721 | 141 | 875 | 774 | 619 |
| Total | 1 845 | 148 | 891 | 789 | 631 |

* Some cases were rectified upon verbal warning; hence the issue of demolition orders/warning letters was not necessary.

As cases may straddle different years, the cases included in the last two columns may not correspond to those cases included in the first three columns.

As some of the staff conducting site inspections also carry out other land administration and squatter control duties, there is no separate breakdown of the resources involved solely for conducting site inspections.

- (3) As at end of December 2018, there were 198 cases (some of which were cases identified before 2018) with on-going enforcement action after expiry of the demolition notices or warning letters. The Lands Department (LandsD) has no readily available information on the distribution of the 198 cases according to the time that has passed since expiry of the demolition notices or warning letters.

In the cases of surveyed squatter structures and licensed structures on government land, demolition action will normally be carried out if the breaches are not rectified. With regard to surveyed squatter structures and licensed structures on private agricultural land, if breaches are not purged, LandsD will normally cancel the relevant survey numbers or licences and take lease enforcement action by various measures, which may include registration of warning letters in the Land Registry and eventually re-entry.

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