

Lands Department achieves notable results of enhanced land control and enforcement

The Lands Department (LandsD) reported today (March 4) that its Special Duties Task Force, focusing on more serious cases of government land occupation since its establishment in mid-2019, has achieved notable results with regard to land enforcement.

A spokesperson for the LandsD said that the Task Force identified 100 black spots that involved unlawful occupation of sizeable government land for brownfield operations in mid-2019. Up to last December, it has completed clearance of 77 black spots. Among the black spots cleared, as some of them also involved breaches of lease conditions governing private land, the Task Force has taken lease enforcement actions in parallel. As a result, a cumulative total of over 20 hectares of unlawfully occupied government land have been tackled, and lease enforcement actions have been carried out against 50 private lots involving lease breaches in the clearance operations, with the demolition of more than 300 illegal or unauthorised structures. The department is confident in completing operations against the remaining black spots within 2021.

The Task Force also assists District Lands Offices in the New Territories in handling cases of relatively serious land irregularities and other backlog cases, including unlawful occupation of government land and breach of lease conditions governing private agricultural land such as construction of residential structures (including subdivided flats), workshops or godowns. The Task Force has completed 20 serious cases so far, with over four hectares of government land cleared and lease enforcement actions taken against lease breaches involving nearly 50 private lots. More than 200 illegal or unauthorised structures have been demolished. As for other backlog cases, the Task Force has completed a cumulative total of over 800 cases, with the clearance of almost seven hectares of government land and demolition of more than 200 structures unlawfully occupying government land.

Of the above cases, six involving failure to cease occupation of government land before the specified deadlines resulted in prosecution; five of them have already been heard, all with offenders convicted and fined, and the remaining one case is yet to be heard. As for breach of lease conditions governing private agricultural land, the Task Force will take further lease enforcement actions progressively against lots with unrectified breaches, including possible re-entry of the agricultural land under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126).

The Task Force will process regularisation applications involving government land and private lots which meet the requisite requirements and conditions according to the existing mechanism. For regularisation

applications in respect of government land, the LandsD will first charge an administrative fee and recover rents at market value calculated from the date of occupation of the land. Applicants are also required to pay a one-off punitive fee equivalent to 12 months' market rent. All the paid fees will not be refunded regardless of whether the applications are ultimately approved or not. As for regularisation applications involving private land, the LandsD will charge the owner concerned an administrative fee and a deposit, and recover from the owner the waiver fee calculated from the date of the lease breaches. If the regularisation applications are rejected eventually, the Task Force will resume enforcement.

The spokesperson reiterated that unlawful occupation of government land is a serious offence. Under the Land (Miscellaneous Provisions) Ordinance (Cap. 28), the persons concerned may face criminal prosecution. An offender is liable upon conviction to a fine of \$500,000 and to imprisonment for six months on the first occasion, and to a further daily fine of \$50,000 for non-compliance with the statutory notice. The offender, if convicted of the offence on each subsequent occasion, is liable to a fine of \$1,000,000 and to imprisonment for six months, and to a further daily fine of \$100,000 for non-compliance with the statutory notice. Landowners are required to comply with the conditions stipulated in their land leases. Erecting unauthorised structures on private agricultural land may lead to re-entry of the land. Members of the public are also advised to ensure compliance with relevant requirements by seeking professional advice before buying or renting structures erected on agricultural land, so as to avoid losses or liabilities arising from enforcement actions taken by the Government against such structures that are in breach of land leases or the law.