

Lands Department's response to media enquiries

In response to media enquiries on a case of suspected alteration of registered squatters in Shek Wu Wai San Tsuen, Yuen Long, a spokesperson for the Lands Department (LandsD) said today (June 14) that the Department will follow up the case seriously. If it is found that the squatters are inconsistent with relevant registration records, squatter control actions will be taken.

Concerning the case, LandsD's follow-up actions are as follows:

There are six surveyed squatter structures (SSSs) involved in the case which are located on private agricultural land in Demarcation District 105, Lot No. 822, Yuen Long. In October 17, 2017, Squatter Control/New Territories East (2) Office of LandsD (SCO) received enquiry from land owner of the concerned lot about Squatter Control Survey Records (SCSR) of the SSSs. Then in February 21, 2018, SCO received a complaint about suspected unauthorised re-building of SSSs. The SCO staff immediately conducted site inspection. However, the SSSs were enclosed by fence and gate. Inspection inside the SSSs has yet to be conducted as the land owner and/or occupiers cannot be reached. Letters were posted on the site requesting the land owner and/or occupiers to contact SCO staff. The SCO staff have conducted several subsequent inspections but could not enter the premises for detailed investigation. To further confirm the situation of SSSs, SCO will continue to contact the land owner and follow up on the matter closely.

The LandsD will continue to follow up the case. If it is found that the squatters are inconsistent with relevant registration records, the corresponding squatters survey number will be cancelled and squatter control actions will be taken. If there is evidence showing that any new extension has been completed after the announcement of strengthened squatter control measures on June 22, 2016, actions will be taken by the LandsD to cancel the squatter survey number instantly and action will be taken to demolish the whole unauthorised structure on government land without giving any opportunity to rectify. Similarly, if the newly extended structure sits on private land and is in breach of the lease conditions of the private agricultural land, the LandsD will immediately take lease enforcement actions.

The spokesperson said that under the prevailing squatter control policy, squatter structures surveyed during the 1982 Squatter Control Survey (SCS) were allocated squatter survey numbers, but they remain unauthorised in nature and are only "tolerated" on a temporary basis. By nature any surveyed squatter structure on government land is unauthorised occupation of government land and any surveyed squatter structure on private agricultural land is an unauthorised structure on private agricultural land. Such "tolerance" does not create any legal rights or interests or obligations, and

does not confer on any person the right of occupation of land. Under the squatter control policy, any extension, change of use, rebuilding without prior approval or alteration with materials that do not conform to the record in the 1982 SCS is not allowed. A SSS not complying with the aforementioned requirements will lose the status of a SSS and its SCS Record will also be cancelled.

The spokesperson reminded the public that prior to purchasing or renting any structures or land with structures erected thereon, attention must be paid to whether there is legal title in relation to the relevant structures or land and whether the structures or land have breached the land lease or the law. They should also make enquiry on the relevant land lease provisions and information with the Land Registry and seek independent legal advice where necessary. As the occupant holds no legal title to a surveyed squatter structure, the purchase or renting of the structure is not protected by law. Erecting structures on Government Land without permission in advance may even violate the law and face criminal liability accordingly.