

# LCQ13: Government's resumption of Lands

Following is a question by the Hon James To and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 30):

Question:

Regarding the Government's resumption of lands for public purposes in the past by invoking the Lands Resumption Ordinance (Cap. 124), will the Government inform this Council:

(1) of the number of times since July 1, 1997 for which the Government invoked Cap. 124 to resume lands for:

(i) the development of public housing (including public rental housing estates and Home Ownership Scheme courts), and the details of each case;

(ii) the construction of roads, and the details of each case; and

(iii) other public purposes (with a breakdown by purpose), and the details of each case;

(2) in respect of the land resumption cases mentioned in (1), of the number of cases in which the land owners lodged a judicial review (with a breakdown by outcome of the judicial review), and the average time taken from the Court's granting of leave for judicial review to its handing down of judgments on the judicial review; and

(3) whether the North East New Territories New Development Areas Planning involves the need for the Government to resume for public purposes lands owned by real estate developers and lands owned by individuals; if so, whether the approaches for resumption of such lands include invoking Cap. 124; if they do, of the details (including whether Cap. 124 has already been invoked so far); if they do not, the reasons for that; if there are other approaches for resumption of such lands, of the details (including the expenditure involved) (set out the details by land owner being a real estate developer or an individual)?

Reply:

President,

My reply to Hon James To's question is as follows:

(1) From July 1, 1997 to December 31, 2017, the Government invoked the Lands Resumption Ordinance (Cap. 124) to resume private land for 154 public works

projects and for projects of the Urban Renewal Authority (URA) or its predecessor, the Land Development Corporation (LDC).

Amongst the 154 projects, 13 projects are public housing development projects; 55 projects are in support of development projects of URA or its predecessor, LDC; 2 projects involve new town/comprehensive development areas; 3 projects involve village expansion; and the remaining 81 projects involve construction of drainage channels, rectification works to stream courses, waterworks, construction of schools, markets, recreational facilities and residential care homes for the elderly (RCHEs), and for village resite, etc.

As for projects requiring land resumption for construction of road, sewerage or railway works, the Government would invoke other applicable ordinances to resume land concerned. From July 1, 1997 to December 31, 2017, the Government invoked the Roads (Works, Use and Compensation) Ordinance (Cap. 370) for 150 road projects; the Water Pollution Control (Sewerage) Regulation (Cap. 358AL) for 70 sewerage system projects and the Railways Ordinance (Cap. 519) for 9 railway projects.

(2) There were a total of 8 judicial review cases lodged by owners arising from the invocation of the Lands Resumption Ordinance (Cap. 124) for resumption of private land from July 1, 1997 to December 31, 2017. Details are at the Annex.

(3) For the Kwu Tung North and Fanling North (KTN/FLN) New Development Areas (NDAs) (formerly known as the Northeast New Territories NDAs), as a Government's new town development, the Government will mainly resume and clear the private land planned for developments in the NDAs according to relevant ordinances and undertake the necessary site formation and infrastructure works with a view to implementing the planned uses. Nonetheless, prior to the land resumption and clearance, the Government allows in-situ land exchange applications from land owners of sites planned for private developments, subject to them meeting the specified criteria and conditions under the enhanced Conventional New Town (CNT) approach. Any development under such a lease modification application is required to ensure timely supply of housing and other facilities. For applications failing to meet the requirements by the timeframe specified for the development programme, the private land concerned would still be resumed by the Government for development.

At present, land resumption work for KTN/FLN NDAs has not fully commenced. Between 2015 and 2017, two private lots of about 1.5 hectares within the boundary of the KTN/FLN NDAs were resumed under the Lands Resumption Ordinance (Cap. 124) to facilitate the construction of a new RCHE complex. The complex will accommodate eligible elderly residents currently living in the existing RCHEs at the Dills Corner Garden, which will be affected by the KTN/FLN NDAs project. Since claims for statutory compensation from the former owners of those two pieces of land are still being processed, the compensation expenditure involved is not available at the moment yet.