

## LCQ6: Rebuilding of village houses

Following is a question by the Hon Chan Hok-fung and a reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (November 15):

Question:

It is learnt that there are currently more than 700 villages in Hong Kong where many village houses are aged over 50 years and their building structures pose potential safety hazards. However, I have recently received requests for assistance from members of the public pointing out that their applications for rebuilding village houses made 11 years ago have not yet been approved. In this connection, will the Government inform this Council:

(1) of the number and percentage of rejected applications among the applications for rebuilding village houses in the past five years, as well as the reasons for rejecting the applications; among the applications which are still being processed at present, of the time spent so far on the application which has taken the longest time to process;

(2) whether it has streamlined the administrative procedures and processes for rebuilding village houses, and set indicators for the time required for vetting and approving the applications; and

(3) given that in September this year, the Government designated a total of about 626 hectares of land in areas across Tai Long Wan, Tong Fuk, Cheung Sha, Pui O, Mong Tung Wan, etc. in the South Lantau Coast Outline Zoning Plan as "Regulated Areas" to protect the natural environment and ecology of the relevant areas, and that there are many village houses in such areas, whether the Government has, before making the aforesaid planning, consulted the relevant stakeholders and explained to them how the Government will handle the applications for rebuilding such village houses; if so, of the details; if not, the reasons for that?

Reply:

President,

In general, if a New Territories Exempted House meets the criteria under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) (Note), it will be exempted from the requirement under the Buildings Ordinance (Cap. 123) to apply to the Building Authority for approval of the plans prior to the works, but the Certificate of Exemption issued by the Lands Department (LandsD) must still be obtained prior to commencement of such works.

Redevelopment applications generally involve archaic leases and houses, and considerable time has to be spent on checking the records during

processing. Due to the difference in the complexity of different cases, the time required can hardly be generalised. Despite so, as redevelopment mainly involves existing old village houses, the Government will process relevant applications in a humane way to the extent possible, and speed up the approval through streamlining the procedures in order to enhance building safety and improve the countryside living environment.

In response to the respective parts raised by Hon Chan, my reply is as follows:

(1) Within five years from January 2019 to October 2023, the LandsD received around 2 370 redevelopment applications, and approved around 1 380 applications and rejected around 1 080 applications. Around 2 020 applications were under processing. As the handling of cases may span across one year, the cases approved and rejected within the same year may not be the same as the applications received.

The main reasons of the LandsD's rejecting the applications include unable to confirm whether the applicant was the registered owner of the lot concerned; inconsistency between the boundary of the lot under application and the records or the boundary of the lot overlapping with that of the adjacent lot(s); and the applicant failing to provide proposals concerning the proposed house, balcony and septic tank according to existing requirements, etc. The LandsD will inform the applicant the reason of rejection in writing, and if the applicant can subsequently resolve the relevant matters, the LandsD will resume the processing of the application as soon as possible. In general, the applicant will not be required to re-submit the application.

As a reference, among the approved cases from 2016 to 2020, the processing of more than half were completed within five years. The shortest and the longest processing time were less than a year and more than 10 years respectively. We agree that there is room for improvement.

(2) To streamline the procedures involved in redevelopment applications and speed up processing, the LandsD enhanced the processing procedures of redevelopment applications in October 2021 and January 2023 respectively, including:

1. To commence the procedures under various aspects in parallel, such as the verification of land ownership and lot boundary, and consultation with relevant departments;
2. To simplify the procedures for handling objections;
3. To encourage more face-to-face meetings with the applicant for direct discussion;
4. To delegate the approval of relatively simple cases to officers under the District Lands Officer, and only non-straightforward redevelopment cases will be submitted to the District Lands Officer or District Lands Office

Conference for approval;

5. To enhance the supervision by the LandsD on District Lands Offices, including regularly following up on the progress of the redevelopment applications.

Efforts have been made to clear the backlog cases (including those received before October 2021) through the above measures, with noticeable results delivered in the period, as the average number of cases completed each year increased from 480 in 2021/22, to around 510 within the period from January to October 2023.

As for new applications received since the streamlining measures were in place in October 2021, the LandsD announced in its 2021/22 performance pledge that the processing of straightforward cases shall be completed within eight months. As for non-straightforward cases (for example cases requiring resolution of matters concerning lot boundaries or local views), the LandsD endeavours to gradually complete the processing of new applications within 24 months after completing the processing of the backlog cases.

(3) On September 15, 2023, as the Secretary for Development, I exercised the power conferred by the amended Town Planning Ordinance (Cap. 131), and designated certain areas zoned "Green Belt" ("GB"), "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA") in the South Lantau Coast Outline Zoning Plan as "Regulated Area". As explained to the Members of the Legislative Council and Heung Yee Kuk, etc, in the course of the legislative amendment exercise, the designation of "Regulated Area" only provides the Planning Authority with enforcement power he did not have in the past to take enforcement actions against unauthorised developments in areas worth protecting or deserve conservation, for the purposes of protecting the area from environmental degradation. The relevant arrangements only target at unauthorised developments. It does not impose any additional requirements on the redevelopment of village houses in compliance with the relevant laws and regulations. In other words, the redevelopment of a village house within the "Regulated Area" in South Lantau is subject to the same planning requirements as those prior to the designation of the relevant land as "Regulated Area", viz., redevelopment of village house within the "GB" zone does not require a planning application, whereas a planning application is all along required if the redevelopment falls within the "CA" or "CPA" zones.

As the designation of "Regulated Area" involves the extension of the geographical coverage of enforcement powers, it is not appropriate to announce the location(s) in advance to prevent circumvention. Furthermore, as the designation per se does not affect the uses planned for the area, no prior consultation will be conducted, but we will continue to explain the situation to villagers to allay their concerns.

Thank you, President.

Note: Which means not exceeding three storeys and 27 feet in height, and with the area of each storey not exceeding 700 square feet.