

LCQ8: Squatter structures and agricultural structures

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (November 4):

Question:

The seven regional Squatter Control Offices (SCOs) under the Lands Department (LandsD) are responsible for implementing the squatter control policy. Besides, the LandsD is responsible for the vetting and approval of applications for erecting agricultural structures on private agricultural land. On matters relating to squatter structures and agricultural structures, will the Government inform this Council:

(1) of the respective total numbers of surveyed squatter structures on (i) private agricultural land and (ii) government land throughout the territory in each of the past five years, with a tabulated breakdown by the SCO responsible and the use of such squatter structures (i.e. domestic use, agricultural use and other uses);

(2) of the respective numbers of applications for undertaking repair works for surveyed squatter structures on (a) private agricultural land and (b) government land which the LandsD (i) received, (ii) approved and (iii) rejected in each of the past five years, with a breakdown by the SCO responsible and the use of such squatter structures; if there were rejected applications, of the reasons for that;

(3) of the respective numbers of non-compliant surveyed (i) domestic and (ii) non-domestic squatter structures which were demolished by the Government in each of the past five years, with a tabulated breakdown by the SCO responsible;

(4) given that the Government launched, in November 2018, the Squatter Occupants Voluntary Registration Scheme to complement its initiative to revise the ex-gratia compensation and rehousing arrangements for domestic households in squatter structures affected by the Government's development clearance exercises, of (i) the number of registrations initially anticipated to be received and (ii) the number of registrations received to date by the Government, as well as (iii) the estimated number of eligible domestic households in squatter structures who have not yet registered; whether it will consider further extending the registration deadline and relaxing the eligibility requirements for ex-gratia compensation and rehousing arrangements;

(5) whether it knows the respective numbers of cases in the past five years in which (i) surveyed squatter structures for (a) agricultural use and (b) non-agricultural use, as well as (ii) agricultural structures on private

agricultural land, collapsed due to their dilapidated conditions or typhoons and caused casualties; whether it has studied the correlation between the difficulties in applying for rebuilding and repair of those structures and their collapses;

(6) of the respective numbers of applications for a Letter of Approval for Agricultural Structures (i) received, (ii) approved and (iii) rejected by the LandsD in each of the past five years; the average and the longest time taken by the LandsD for processing those applications; what other means, apart from applying for a Letter of Approval, are currently available for farmers to apply for erecting such structures; and

(7) as the Government currently requires that if an agricultural structure to be erected exceeds a certain height and area, the applicant must (i) submit a building plan approved by the Buildings Department, and (ii) engage a qualified technician to certify the structural safety of the structure, of the commencement dates of these two requirements; as some farmers have relayed their difficulties in affording the high costs associated with these requirements, whether the Government will review and appropriately relax such requirements?

Reply:

President,

Squatter structures generally refer to structures illegally occupying government land (GL) or erected on private agricultural land (PAL) in breach of lease conditions. The Government conducted a territory-wide Squatter Control Survey (SCS) in 1982 to record the locations, dimensions (i.e. length, width and height), building materials and uses of the squatter structures. Such records formed the basis for squatter control. Under the prevailing squatter control policy, squatter structures surveyed in the 1982 SCS were allocated squatter survey numbers. If the locations, dimensions, building materials and uses of these structures are the same as the record in the 1982 SCS, these surveyed squatter structures will be tolerated on a temporary basis (but by nature remain illegal or in breach of lease) until they have to be cleared for development, environmental improvement or safety reasons, or phased out through natural wastage (for example when the structure is no longer occupied or ceases to exist).

If a surveyed squatter structure is extended or rebuilt without permission, has its use changed, or its building material altered from temporary as originally recorded in the SCS to permanent, the Lands Department (LandsD) will take enforcement action in accordance with the squatter control policy. Having considered that the squatter control policy aims to tolerate temporarily the existence of squatter structures, but not to encourage unauthorised extension, the LandsD tightened its enforcement arrangements on June 22, 2016. Specifically, if a new extension is completed after that day, instant actions will be taken to cancel the squatter survey number and demolition will be arranged once detected, without giving any opportunity to rectify.

There are seven regional Squatter Control Offices (SCOs) under the LandsD, viz. (i) Hong Kong and Lei Yue Mun (HK&LYM) Office, (ii) Kowloon, Tsuen Wan and Kwai Tsing (K, TW&KT) Office, (iii) Islands (Is) Office, (iv) New Territories East(1) (NTE1) Office, (v) New Territories East(2) (NTE2) Office, (vi) New Territories West(1) (NTW1) Office and (vii) New Territories West(2) (NTW2) Office, responsible for squatter control matter.

Having consulted the Food and Health Bureau on sub-question (7), my reply to various parts of the question asked by Hon Ho is as follows:

(1) In the past five years (from 2015 to 2019), the number of surveyed squatter structures for domestic use is tabulated as follows:

No. of surveyed domestic squatter structures														
Year	SCO													
	HK & LYM		K, TW & KT		Is		NTE1		NTE2		NTW1		NTW2	
	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL
2015	786	2659	2151	3354	1692	5180	4993	7778	16221	6736	8596	5104	17392	1792
2016	782	2646	2145	3334	1689	5170	4950	7771	16177	6735	8528	5104	17321	1761
2017	781	2636	2136	3322	1687	5168	4915	7764	16153	6721	8498	5101	17234	1746
2018	781	2631	2120	3174	1681	5166	4893	7754	16134	6721	8441	5058	17160	1731
2019	781	2624	2112	3159	1672	5162	4881	7742	16132	6721	8391	5053	17094	1709

In the past five years (from 2015 to 2019), the number of surveyed squatter structures for non-domestic use is tabulated as follows:

No. of surveyed non-domestic squatter structures														
Year	SCO													
	HK & LYM		K, TW & KT		Is		NTE1		NTE2		NTW1		NTW2	
	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL	PAL	GL
2015	343	1867	2975	2666	2909	13227	15834	28282	62687	23252	35189	16995	90513	7545
2016	341	1855	2971	2656	2904	13207	15698	28244	62537	23247	34842	16995	90232	7266
2017	341	1848	2955	2650	2897	13188	15576	28183	62428	23225	34708	16968	89895	7021
2018	341	1837	2944	2607	2891	13183	15463	28105	62379	23205	34460	16872	89551	6821
2019	341	1830	2930	2600	2888	13179	15405	28061	62351	23201	34208	16839	89216	6651

(2) In the past five years (from 2015 to 2019), relevant information on applications for repairs of surveyed squatter structures is tabulated as follows:

Year (Note 1)	Number of applications received		Number of applications approved		Number of applications rejected / withdrawn (Note 2)	
	PAL	GL	PAL	GL	PAL	GL

2015	11	16	9	15	2	1
2016	12	19	9	19	3	0
2017	15	24	11	23	4	1
2018	28	37	24	34	4	3
2019	16	17	11	16	5	1

Note 1: In the same year, the applications approved and the applications rejected/withdrawn may not correspond to the applications received during the same period.

Note 2: Reasons for rejection include applicants failing to provide document to prove their identity as the occupant of the surveyed squatter structure, applicants failing to obtain consent from the registered owner of the PAL for repairing the surveyed squatter structure, etc..

(3) Surveyed squatter structures with their squatter survey numbers cancelled or structures not covered by government licence or any other form of approval are unauthorised structures. The Government will take enforcement action in accordance with relevant legislation or land lease, which include demolishing the unauthorised structure on government land or taking lease enforcement actions for cases involving private land.

In the past five years (from 2015 to 2019), the number of structures (not limited to surveyed squatter structures) on government land demolished by SCO is tabulated as follows:

Year	Number of structures on government land demolished by SCO
2015	212
2016	271
2017	235
2018	182
2019	130

(4) Launched on November 1, 2018, the Squatter Occupants Voluntary Registration Scheme is a one-off exercise to complement the enhanced ex-gratia compensation and rehousing arrangements for persons residing in squatter structures affected by the Government's development clearance exercises as announced on May 10, 2018. Specifically, for persons residing in licenced non-domestic structures or in surveyed squatter structures for non-domestic uses (hereinafter collectively referred to as "non-domestic squatter structures"), subject to their registration with the LandsD under the Scheme, they will fulfil the basic eligibility requirement on applying for rehousing and ex-gratia allowances if their non-domestic squatter structures are cleared in the Government's development clearance exercises in future. Non-domestic squatter structures should not be used for domestic purposes. The Scheme aims to establish a register to record households who have already lived in non-domestic squatter structures, so that they have the opportunity

to apply for rehousing arrangements and ex-gratia allowances if they are affected by the Government's future development clearance exercises. The Scheme also seeks to discourage others from moving into and residing in non-domestic squatter structures as well as to curb related speculative activities. The Government has not set a target on the number of registration. Up to October 27, 2020, the LandsD has received about 1 450 applications for registration.

Taking into consideration that certain grass-roots households may not be well aware of the Scheme's objectives in the past, and that the Government's publicity has been affected by the COVID-19 pandemic, the LandsD has announced on October 22, 2020 the extension of the application deadline of the Squatter Occupants Voluntary Registration Scheme to October 31, 2021, and in parallel relaxed the registration criteria – a person would be eligible for registration under the Scheme if he or she can prove continued residence in a non-domestic squatter structure since May 10, 2018, or before (i.e. the date on which the enhanced ex-gratia compensation and rehousing arrangements were announced by the Government). Prior to this relaxation, only those applicants who demonstrated their continued residence in those structures since May 10, 2016, or before would be eligible for registration under the Scheme.

(5) The Government does not have statistics on casualties caused by collapsed surveyed squatter structures or agricultural structures due to disrepair or typhoon, nor do we conduct research on related matters. The repair of surveyed squatter structures and agricultural structures may be carried out on application with the LandsD or in accordance with the conditions under the Letter of Approval as appropriate. The LandsD will act timely in accordance with the established mechanism and provide assistance as far as possible.

(6) and (7) The main avenue for erection of agricultural structures on PAL (such as greenhouse, livestock shed, hatchery, fish pond, store room etc.) is through applying with the LandsD a Letter of Approval. The prescribed terms and conditions of the Letter of Approval will be set in accordance with the comments received from relevant departments. Processing time is subject to individual circumstances, and will be longer for complicated cases (such as involving land ownership or site boundary issues).

In the past five years (from 2015 to 2019), information on applications for Letters of Approval for agricultural structures on PAL is tabulated as follows:

Year (Note 3)	Number of applications received	Number of applications approved	Number of applications rejected/ withdrawn (Note 4)
2015	27	12	3
2016	30	8	3
2017	23	14	23
2018	63	24	25

2019	31	18	9
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Note 3: In the same year, the applications approved and the applications rejected/withdrawn may not correspond to the applications received during the same period.

Note 4: Reasons for rejection include applicants failing to provide sufficient information, the existence of unauthorised structure(s) on the site under application, or applicants failing to fulfil planning requirement etc..

According to the prevailing legislation, multi-storey agricultural structures or those with height over 4.57metres in the New Territories are regulated by the Buildings Ordinance (Cap. 123). Although single-storey agricultural structures with height not exceeding 4.57m in the New Territories are not regulated by the Buildings Ordinance, when issuing the Letter of Approval for agricultural structures exceeding 1 000 square feet in area, the Government has over the years required the applicants to submit plans to the Government; and with a view to ensuring further the safety of the structures, the Government has in recent years required the appointment of qualified personnel to verify the structural safety of the structure. Such requirements are formulated based on the consideration that structures with bigger size are subject to more demanding building structural design and technical requirements, hence the need for corresponding measures to ensure safety. The Government will maintain communication with the trade, and review the approval requirements of the Letter of Approval for agricultural structure from time to time, as and when necessary.