

Initial results of enhanced land control and enforcement by Lands Department

The Lands Department (LandsD) reported today (December 5) that since the establishment of the Special Duties Task Force to step up enforcement against unlawful occupation of sizeable government land and large-scale unauthorised structures on private agricultural land as announced in late July, the Task Force has conducted enforcement actions in phases with initial success.

A spokesman for the LandsD said that the Task Force had earlier identified 100 black spots of unlawful occupation of sizeable government land which chiefly involve brownfield operation, and expected to complete clearance within 24 months. The first phase has cleared 15 pieces of unlawfully occupied government land (each with an area of over 3 000 square metres) in Yuen Long and Tuen Mun, involving approximately 40 operators. With the completion of clearance ahead of schedule in the first phase, the second phase has been advanced. Clearance operations are being conducted against 15 black spots (each with an area of 2 000 to 3 000 sq m), mainly in Yuen Long and North District, which likewise chiefly involve brownfield operation with approximately 25 operators. Up till now, over 70 per cent of the clearance operations in the second phase have been completed. As at the end of November, the Task Force had cleared a cumulative total of around 12 hectares of unlawfully occupied government land (roughly equivalent to the area of 16 standard soccer pitches).

During the operations, the Task Force has found unauthorised structures erected on private land adjoining the black spots. Lease enforcement actions have been carried out in parallel by issuing warning letters to the landowners of 49 lots in breach of land leases, requiring rectification of the breaches before a specified date, or else follow-up action will be taken under the existing mechanism, including registration of a warning letter at the Land Registry or re-entry upon the land.

Also during the operations, nine applications for short-term tenancy and five applications for short-term waiver have been received for regularisation of some of the unlawfully occupied government land or unauthorised structures on private land under the existing mechanism. The LandsD will examine the merits of each application and proceed with enforcement actions against confirmed cases of not meeting the relevant requirements.

The spokesman said that the Task Force would continue to step up enforcement actions against unlawful occupation of sizeable government land and large-scale unauthorised structures on private agricultural land, and would endeavour to complete actions against all the 100 black spots as soon as practicable. Given the current progress, the Task Force expects to complete actions against all the black spots in less than 24 months. In addition to the 100 black spots, the Task Force has taken over 48 cases with

serious land irregularities after liaising with the District Lands Offices, with a view to facilitating expeditious enforcement actions.

The spokesperson reiterated that unlawful occupation of government land is a serious offence and members of the public should not occupy government land without authorisation. Unlawful occupation of government land in contravention of section 6(4) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) is a criminal offence. A person is liable to a maximum fine of \$500,000 and to imprisonment for six months on the first occasion on which he or she is convicted of the offence and, in the case of a continuing offence where the unlawful occupation persists after the expiry of the notice requiring cessation of occupation, to a further fine of up to \$50,000 for each day during which the offence continues. Since the amendment to the Ordinance in 2015, 85 successful prosecutions against unlawful occupation of government land have been made by the LandsD.

Last but not least, the spokesman advised landowners to comply with the conditions stipulated in their land leases. Members of the public are urged to check whether their rented structures erected on agricultural land are in breach of land leases or in violation of the law, so as to avoid losses and liabilities arising from enforcement action taken by the Government against such structures in the future.