

LEGCO QUESTION NO. 9 (Written Reply)

Asked by: Hon Albert CHAN

Date of meeting: 27 April 2005

Replied by: Secretary for Housing,
Planning and Lands

Question:

It is learnt that upon receiving an application from an indigenous villager for the construction of a small house in the New Territories, the authorities will post a notice in the village where the house is intended to be built, to give the villagers the opportunity to raise objections to the application. In this connection, will the Government inform this Council:

- (a) of the total number of applications received in the past three years from indigenous villagers for the construction of small houses, the number of such applications to which objections were raised and, in the circumstance where there were objections, the respective numbers of cases which were approved and rejected ultimately;
- (b) how the objections to the construction of small houses are dealt with; and
- (c) whether the objections raised by indigenous villagers and those by non-indigenous villagers are dealt with in the same manner; if not, how they are dealt with differently?

Reply :

President,

My reply to the three parts of the question is as follows:

- (a) Due to the large number of small house applications received, it takes time for the Lands Department (Lands D) to process the applications accumulated. As such, Lands D does not post

notice in the village where a small house site is proposed immediately upon receiving an application. Instead, notice for the application will only be posted when the application is due for processing. Over the past 3 years, Lands D received a total of 2 145 small house applications and handled 6 440 applications on the waiting list. Out of these 6 440 applications, objections were raised in respect of 1 150 applications.

The reasons for not approving applications vary from case to case. Lands D does not have the statistics on the different reasons for rejecting applications.

- (b) According to the present procedures, upon receipt of a written objection against a small house application, the District Lands Office (DLO) will inform the applicant concerned. It will conduct an investigation, including meeting with the objector to ascertain his/her justifications for the objection. It will also consult other Government departments concerned if necessary. Depending on the justification of the objection, an application can be rejected. The applicant will be informed of the rejection of his application and the right to appeal within 14 days. Where the objection is unsubstantiated, DLO will write to the objector to inform him/her of the decision and the reason for not accepting his/her objection. The objector can appeal within 14 days. If no appeal is made during the specified period, DLO will continue processing the application. The appeal made by the aforesaid applicant or objector will be referred to the District Lands Office Conference (DLOC) (an interdepartmental meeting to discuss small house related matters, among other things) for discussion and decision. If the appellant is still dissatisfied with the decision of DLOC, he/she may lodge an appeal with the Director of Lands who will make a final decision.
- (c) As far as handling objections is concerned, DLOs treat indigenous villagers (IVs) and non-IVs in the same manner. The only exception is in respect of grounds for objection involving matters such as 'cross-village application' or 'the applicant being not an IV'. Such reasons for objection will only be handled if they are raised by IVs of the same village concerned.