

**Replies to supplementary oral and written questions raised by Finance  
Committee Members in examining the Draft Estimates of Expenditure 2001-02**

**[Bureau Secretary/Controlling Officer : Secretary for Planning and Lands]**

**[Session No. : 4]**

<b>Bureau Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
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Bureau Serial No.

S-PLB001

Question Serial No.

S016

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO  
WRITTEN/SUPPLEMENTARY QUESTION**

Head : 91 Lands Department

Subhead (No. & title) : —

Programme : (1) Land Administration

Controlling Officer : Director of Lands

Bureau Secretary : Secretary for Planning and Lands

Question : Does the Government have information showing how much Government land, in particular land adjacent to shops in the urban area, has been in adverse possession for nearly 20 years? Is there any plan to take urgent enforcement actions to recover such occupied Government land?

Asked by : Hon. James TO Kun-sun

Reply : There is no record of the amount of illegally occupied Government land in the urban areas which might be vulnerable to claims for adverse possession. To the best of my knowledge, there have been no claims for adverse possession of Government land in respect of land adjacent to shops in the urban area. In the case of Government land, the onus is on an individual claimant to prove to the satisfaction of a Court that he/she has had uninterrupted and unchallenged possession and occupation of a piece of land for a continuous period of 60 years. The burden of proof in such circumstances is clearly substantial.

Due to the need to give priority to more pressing work commitments, it has not been possible to take programmed clearance actions against unauthorized structures extending from shop fronts or standing in rear lanes. However, where such structures cause obstruction or pose a clear hazard to life or property, clearance will be initiated. Generally, clearance action is taken in response to complaints or referrals and on the basis of joint operations involving the concerned Government departments, e.g. Lands Department, Housing Department, Building Department and District Offices.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_

R.D. Pope

Post Title \_\_\_\_\_

Director of Lands

Date \_\_\_\_\_

23.3.2001

Bureau Serial No.

S-PLB002

Question Serial No.

S020

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO  
SUPPLEMENTARY QUESTION**

Head : 82 Buildings Department      Subhead (No. & title) :

Programme : Buildings and Building Works

Controlling Officer : Director of Buildings

Bureau Secretary : Secretary for Planning and Lands

Question : In relation to staff establishment, can the authorities further elaborate on the ranks and scope of work of the 370 non-civil service contract staff? The Buildings Department will contract out the inspection and removal of unauthorised building works (UBW), but in what way will the Department monitor the quality of services provided by the contractor and safeguard that the workers concerned can receive reasonable treatment in terms of pay level, working hours, etc.? What are the details of the adjustment in manpower and expenditure after the outsourcing of the work by the Buildings Department?

Asked by : Hon CHAN Yuen-han

Reply :

In 2001-02, Buildings Department (BD) will strengthen its operational capability by employing about 370 additional non-civil service contract staff to implement the programme of stepped-up efforts to remove unauthorised building works (UBW), clear single-staircase buildings of illegal rooftop structures, promote timely maintenance of buildings, strengthen support to building owners and improve fire safety of old composite buildings. These staff will mainly be professional (Building Surveyors, Structural Engineers) and technical (Survey Officers, Technical Officers) grades.

2. The inspection and supervision of the removal of unauthorised building works that BD proposes to outsource in 2001-02 will be a professional and technical service and will not involve manual labour. The terms and conditions of the outsourcing contract will provide, among other things, that the contracted firm is required to employ professional and technical staff (with specified qualifications) to provide the service and that the contract shall be governed by the laws of Hong Kong. The terms and conditions of the outsourcing contract will not stipulate remuneration levels as these are a matter for the contracted firm having regard to market conditions. But to attract and retain professional and technical staff with the qualifications required the contracted firm will have to offer reasonable salaries and conditions of employment.

3. The physical removal of UBW in default of action by the owner will continue to be handled by BD's term contractor. The contract stipulates that the contractor "shall pay rates of wages and observe hours and conditions of labour which are not less favourable than the general level of wages, hours and conditions observed by other employers whose general circumstances in the trade or industry in which the Contractor is engaged are similar". The contract will expire on 31 March 2002, and we will review the terms and conditions in this respect before awarding a new contract.

4. BD will create 89 non-directorate posts, mainly at supervisory level (partly offset by the deletion of 88 posts at basic ranks), and 12 directorate posts to oversee the additional team of contract staff and monitor the quality of the work outsourced in addition to other duties under the overall building safety and timely maintenance programme.

5. The increase in resources for employing some 370 non-civil service contract staff and outsourcing is \$132.3M. Of this, the estimated amount to be spent on outsourcing is \$44 million, leaving some \$88.3M for employment of contract staff.

Signature

Name in block letters

Post Title

Date

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C M LEUNG

Director of Buildings

26 March 2001