

**Legislative Council Panel on Development and Panel on Housing**

**Receiving public views on  
“General ex-gratia compensation and rehousing arrangements  
for Government’s development clearance exercises and  
Head 711 project no. B780CL - Site formation and infrastructure works for  
public housing development at Wang Chau, Yuen Long”**

**Follow-up Issues of the Joint Meetings on 26 June 2018 and 29 June 2018**

In response to the requests raised at the joint meetings of the Panel on Development and Panel on Housing on 26 June 2018 and 29 June 2018, the supplementary information is provided below.

- (a) The Administration’s response to the view that measures should be put in place to deal with the situation in future that villagers/occupants in squatters affected by the Administration’s development clearance exercises who were owners of dogs/animals and would be rehoused to public housing estates would be forced to give up a large number of dogs/animals**

2. In government development clearance exercises, the Agriculture, Fisheries and Conservation Department (AFCD) will, on a need basis, request the dispatch of its dog control team to assist in catching stray dogs. In the process, if there are dog owners surrendering their dogs, the dog control team will immediately receive those dogs to prevent problems arising from dog abandonment, such as various animal welfare problems or dog nuisance problems. The general public may also call the Government hotline 1823 to enquire about the relevant arrangements of Government receiving dogs. Separately, we have been encouraging the general public to adopt stray animals. Generally speaking, for dogs received that are considered suitable for rehoming, AFCD will transfer them to animal welfare organisations (AWOs) for adoption by members of the public. The AWOs will assess the suitability of a prospective adopter, in order to ensure that the adopter will take proper care of the animals in the future. To enhance the effectiveness of the adoption scheme, AFCD has strengthened publicity since 2010 to assist organisations to promote adoption services.

3. AFCD will also plan ahead by maintaining close liaison with the Lands Department (LandsD), in order for clearances to report to AFCD should there be any surrendering of dogs.

**(b) Details of the Administration’s agricultural resite/rehabilitation arrangement being provided for the villagers/farming households of Choi Yuen Tsuen affected by the project of the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link, and the number of villagers/farming households who had continued farming under the arrangement**

4. As far as the clearance exercise of the Hong Kong Section of the Guangzhou – Shenzhen – Hong Kong Express Rail Link (XRL) Project is concerned, affected residents who are verified to be genuine farmers may apply to LandsD for agricultural resite when they continue farming on land identified by themselves. Having consulted relevant departments, LandsD will consider issuing short term waivers to permit such farmers to build a domestic structure of prescribed specifications (a two-storey domestic structure not exceeding a height of 5.18 metres/17 feet with a maximum site coverage of 37.16 square metres/400 square feet) on the agricultural land identified by themselves to facilitate them to continue with farming. The relevant arrangements are also arrangements under the prevailing policies. In other words, eligible farmers affected by development clearance exercises in the future may also benefit from the relevant arrangements.

5. LandsD received a total of 47 applications for agricultural resite under the XRL project, and already approved all of them in accordance with the applicable procedures.

**(c) The ranks/lowest rank of officers of the relevant government bureau(x)/department(s)/organization(s) who would be empowered to exercise discretion in respect of the eligibility for rehousing under the proposal as set out in LC Paper No. CB(1)951/17-18(01) having regard to the special circumstances of the affectee of the Administration’s development clearance exercise concerned**

6. Having considered stakeholders’ feedback and with the “people-oriented” philosophy as well as the principle of fairness and reasonableness in mind, we will exercise some flexibility in the implementation of the unified ex-gratia compensation and rehousing (C&R) package, without prejudice to the overall policy directions.

7. For households registered in Pre-clearance Survey but subsequently evicted from surveyed/licensed structures by lot owners (or those who claimed to be owners) before Government’s actual clearance, we will introduce a discretionary mechanism allowing them to apply to the Director of Lands for ex-gratia C&R arrangements on compassionate grounds. The concerned households still have to fulfil the same eligibility criteria for ex-gratia C&R arrangements applicable to other households residing in surveyed/licensed structures, and have to demonstrate to the satisfaction of the Director of Lands that their eviction was due to circumstances beyond their control and that they have not received other forms of

compensation/rehousing as a result of the eviction. The Government will further work out the details for flexibility. A current idea is to set up an internal committee within LandsD to process applications and for the committee to recommend to a directorate officer of LandsD whether to accept such applications.

- (d) Given that the Administration was conducting a consultancy study on brownfield matters which was expected to be completed by 2018 and the Lands Department would conduct a one-off voluntary registration exercise on a territory-wide scale to freeze the occupation of surveyed/licenced non-domestic structures for domestic purposes, whether the Administration would conduct a similar registration exercise/a territory-wide freezing survey on brownfields, if yes, the details; if no, the reason(s); and**

8. If brownfield sites fall within the development boundary of individual public development projects requiring land resumption and clearance, the Government will continue to act according to the established procedures by carrying out freezing surveys for the purpose of assessing eligibility for compensation and ex-gratia allowances.

9. The Government has no intention to condone unauthorised brownfield developments, for which enforcement actions will continue to be taken under the relevant regulatory regimes. On the contrary, where the so-called brownfield operations do not involve unauthorised developments, the Government does not think it is appropriate to halt such operations across the board. In this regard, the Government has not considered the idea of conducting a freezing survey of brownfield sites for purposes other than those mentioned in paragraph 8 above.

- (e) The factors taken into account by the Administration when considering whether to invoke the Lands Resumption Ordinance (Cap. 124) to resume private land.**

10. According to the Lands Resumption Ordinance (LRO), the Government's invocation of LRO to resume private land must have regard to the needs of the Government acquiring the relevant land for an established "public purpose" pursuant to LRO. Generally speaking, land resumption for a "public purpose" takes place usually in development projects for new towns, public housing, or community facilities under public works programmes such as schools, parks, hospitals, welfare service complexes, etc..

11. The Government has been invoking LRO to resume private land for development after establishing a "public purpose". In future, resumption of private land will continue to take place as well for different new development areas (NDAs) and public housing projects. For example, the Government resumed private land for different subsidised housing projects, such as Sha Tin Areas 16 and 58D, in the past,

whereas an estimated total of about 500 hectares of private land within the boundary of a few mega land development projects in the coming years, which include Wang Chau Phase 1 Development, Kwu Tung North and Fanling North NDAs and Hung Shui Kiu NDA, is planned to be resumed and the Government will continue to resume private land for different public housing projects.

**Development Bureau  
Lands Department  
Agriculture, Fisheries and Conservation Department  
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