

TEL: 2848 2112

FAX: 2845 3489

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CB1/PL/PLW

16 May 2003

Clerk to Panel
(Attn: Mrs Queenie YU)
Legislative Council Secretariat,
Legislative Council Building,
8 Jackson Road,
Central,
Hong Kong

[Fax: 2869 6794]

Dear Mrs Yu,

Panel on Planning, Lands and Works

**Issues raised at LegCo Members' meeting with
Tuen Mun District Council members on 28 November 2002**

I refer to your letter of 29 April 2003 seeking our comments on the issues raised at the above meeting.

As mentioned in my letter of 30 April 2003 to you, the issues of ex gratia allowance for pig and poultry farms (point (a)(ii) raised by Tuen Mun District Council (TMDC) members) and the Agricultural Rehabilitation Scheme (point (b) raised by LegCo members) fall under the purview of the Health, Welfare and Food Bureau. I notice that she has already responded to you on the two issues in her letter of 14 May 2003.

The only remaining issue is the policy on compensation to occupiers of temporary domestic structures affected by the clearance for the Deep Bay Link (DBL) project (point (a)(i) raised by TMDC members).

Under the current policy, temporary domestic structures on Government land and on private agricultural land are not entitled to compensation upon land resumption and clearance for public development. For domestic structures on Government land, the occupiers have no legal interest in the land. Their domestic structures are either tolerated or temporarily permitted until such time when the land is cleared for public development. As regards private agricultural land, the lease conditions prohibit structures other than agricultural structures. Any domestic structures on such land, similar to the temporary domestic structures on Government land mentioned above, are either tolerated or allowed temporarily. When the land is required for development by the Government, such toleration and temporary permission will have to be terminated. As such, Government has no legal obligation to pay compensation for the clearance of such temporary domestic structures.

Nevertheless, it is Government's policy to pay ex gratia domestic removal allowances to the occupiers to assist them to move into public housing or to offer an ex gratia allowance to assist them to find alternative accommodation, provided that they meet the relevant eligibility criteria.

The clearance of temporary domestic structures for the DBL project will follow the policy as mentioned above.

Yours sincerely,

(Miss Wong Yuet-wah)
for Secretary for Housing, Planning and Lands

c.c.

D of L (Attn: Mr R C Baram) [2868 4707]

D of H (Attn: Mr K S Lee) [2768 7846]