

Translation

CB(1)1492/12-13(01)

政府總部
發展局
規劃地政科



Planning and Lands Branch
Development Bureau
Government Secretariat

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8 July 2013

Secretariat of the Legislative Council
Panel on Development
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Ms Sharon Chung)

Dear Ms Chung,

**Media Report of Suspected Transfer of Rights
to Build Small Houses in Lam Tsuen, Tai Po**

In a letter addressed to the Chairman of the Legislative Council Panel on Development dated 20 May, Hon. Gary Fan quoted a media report of suspect transfer of rights to build small houses in Lam Tsuen, Tai Po. This Bureau would like to respond as follows.

The report quoted by Hon. Fan referred to a suspected case of agreement between indigenous villagers and developers in respect of transferring the rights to build small houses during the applications of small houses (commonly referred to as "tao ding"). The said media report involves 24 private agricultural lots where licences for building small houses were approved.

At present, a small house applicant shall, through two warranty clauses contained in the small house grant, warrant that he has never entered into any arrangements to transfer his rights to develop the small house or his

eligibility to apply for a small house, when he signs the small house grant. As the grantee of the small house grant, the small house applicant has the obligation to abide by the said warranty clauses. Generally speaking, transferring the rights to build small houses is not permitted under the prevailing small house policy and the relevant approval process.

The Lands Department (LandsD) is at present investigating into the case as reported by the media. As the investigation is in progress, the Government is not in a position to comment. If it has been confirmed that there is a breach of the clauses of the relevant building licences, LandsD will take appropriate action, including but not limited to cancelling the approved building licences and, depending on case specifics, referring the suspected criminal elements to the relevant law enforcement agencies for follow-up. The Government handles all suspected non-compliance cases seriously.

- Yours sincerely,

A handwritten signature in black ink, appearing to read 'LAW Kin-wai', with a stylized, cursive script.

(LAW Kin-wai)

for Secretary for Development