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7 August 2013

Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Sharon Chung)

Dear Ms Chung,

Thank you for referring to us the letter from Dr Hon Kwok Ka-ki dated 17 June 2013. The matters raised in the letter involve a squatter structure at No. 26D Shek O Headland and a four-storey building at No. 26 Shek O Headland. Having consulted the Leisure and Cultural Services Department (LCSD), the Lands Department (LandsD) and the Buildings Department (BD), our consolidated reply is as follows.

Squatter Structure at 26D Shek O Headland Road

The squatter structure concerned is situated in the Shek O Headland Picnic Area (Picnic Area). Covering an area of about 7.8 hectares, the Picnic Area was allocated by the former Public Works Department to the former Urban Services Department (USD) under a permanent government land allocation. The open space was then gazetted as a public pleasure ground by the former USD for public leisure use under the Public Health and Municipal Services Ordinance (Cap 132) in 1973. Since its establishment in 2000, the LCSD has taken over the management of the Picnic Area, which is a natural scenic countryside and coastal area with some basic facilities including footpath, pavilion and barbecue pits. Although the LCSD has no static staff provided in the Picnic Area, it arranges

inspection of facilities on a weekly basis to ensure their cleanliness and proper operation.

Under existing arrangements, illegal structures (including squatter structures) on allocated government land are subject to the control of the allocatee department. Thus, the squatter structure concerned is within the ambit of the LCSD. Based on the records of the former USD and the aerial photographic records of the LandsD, the LCSD considers that the above squatter structure was probably built between 1973 and 1975. Available information also shows that the squatter structure was allocated a squatter control survey number under the Squatter Control Survey conducted in 1982 and its size then was about 700 square feet. Moreover, the squatter structure falls within the boundaries of the Tai Tam and Shek O Outline Zoning Plan (OZP). The area was zoned as “Green Belt” when the first OZP was gazetted in 1988 and was rezoned as “Coastal Protection Area (CPA)” in 2004. The planning intention of “CPA” is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or areas of high landscape, scenic or ecological value, with minimal built development. According to the Notes to the OZP, no action is required to make the existing use of any land or building conform to the OZP until there is a material change of use or the building is redeveloped, if such use existed before the gazetting of the first OZP in 1988 and has been continuing since its existence. Any material change of such use of the land or building or any other development or redevelopment (except minor alteration and/or modification to the development of the land or building) must conform to the provisions of the OZP. For areas zoned as “CPA”, applications for planning permission may be made to the Town Planning Board only for use as “House (Redevelopment only)”.

The case has lasted over a period of time and the follow-up actions taken by the LCSD are summarised as follows: The LCSD first received a complaint about the squatter structure in 2000 and immediately followed up the matter with its occupant. The LCSD then requested the occupant on different occasions to reinstate the squatter structure to the tolerated boundary and area as registered under the squatter control survey in 1982, and the person concerned subsequently demolished part of the extended structures. In late 2004, the LCSD noticed that there were signs of further extensions to the squatter structure, such as the addition of planting areas and irrigation pipes. The LCSD immediately requested the

occupant to demolish the relevant installations and reinstate the squatter structure to the tolerated boundary and area as registered under the squatter control survey in 1982. The person concerned then removed the planting areas and irrigation pipes at the request of the LCSD. In late 2011, the LCSD noticed that there were signs of further extensions to the squatter structure again, including a staircase and a barbecue pit. Immediate request was then made to the occupant for demolition of the extended structures. This May, the LCSD requested the occupant again to reinstate the squatter structure to the tolerated boundary and area as registered under the squatter control survey in 1982. At present, apart from conducting regular inspections of the site, the LCSD is also consulting other departments concerned to work out practicable and concrete follow-up actions with a view to handling the case properly, including taking appropriate enforcement action as the circumstances may require.

No. 26 Shek O Headland

No. 26 Shek O Headland is located on Shek O Inland Lot No. 59 (the Lot), on which a four-storey building was built. In April 2011, the BD received a report from the public, claiming that unauthorised structures were added on the original building at the Lot. According to the BD's record, the department approved the construction of a two-storey domestic building on the Lot in 1958 and issued an occupation permit for the same in 1959. In response to the said report, BD engaged a consultant firm to conduct an inspection. According to the inspection report submitted by the consultant firm to the BD in May 2011, unauthorised structures were found on the roof of the approved building. The BD then included the unauthorised structures in its removal list in order of priority for the issue of removal order to the owner according to the set order.

In late May 2013, the BD received a media enquiry in respect of the subject building. At the same time, the LandsD learnt of this case from the media. Staff of the two departments then conducted site inspections and found that the unauthorised structures on the rooftop of the approved two-storey building at the Lot still existed. On the building control side, the BD will issue a removal order to the owner, ordering him to remove the unauthorised structures. On the other hand, according to the land lease, the Lot is restricted for private residential purpose only and the building constructed thereon should not exceed two storeys with a roofed-over area not exceeding 30% of the area of the Lot. Since the subject building was not in compliance with the restriction on the number of storeys as specified in the lease, the LandsD issued a letter to the owner of the Lot

requiring rectification of the breach. If the situation persists, the LandsD will take further lease enforcement action, including but not limited to re-entry of the land concerned.

Yours sincerely,



(Herman So)

for Secretary for Development

c.c.

Secretary for Home Affairs

Director of Home Affairs

Director of Leisure and Cultural Services

Director of Lands

Director of Buildings

(Attn: Ms Annie KONG)

(Attn: Ms Christine WAI)

(Attn: Miss Olivia CHAN)

(Attn: Ms Doris CHOW)

(Attn: Ms Regina WU)

(Attn: Mr LO Kai-cheung)