Land Administration in Hong Kong
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香港土地行政
After development for more than a century, the same harbour now owns some of the world's most spectacular architectural complexes along its waterfront.
Introduction

Land has always played an important part in Hong Kong's development. It is therefore essential to have an effective system of land administration and management in order to keep pace with the fast rate of growth.

The authority to administer land in Hong Kong lies with the Governor. Under the Letters Patent, he may "make and execute grants and dispositions of land" within the territory. In practice, this power is delegated to officers in the Lands Administration Office (LAO) of the Buildings and Lands Department, which is the Administration's executive arm for land disposal and land acquisition. The LAO plays a major role throughout the property development cycle.

It is responsible for all aspects of land administration. It issues leases, arranges public auctions, tenders and private treaty grants of Government land. It issues short-term tenancies and Crown land licences and lets and manages buildings on leased land which have reverted to the Government by way of resumption, re-entry or expiry of the lease.

It deals with acquisitions of private land for public projects including urban renewal and environmental improvement schemes. It also handles lease extensions, re-grants and renewals of private leases. Among its other responsibilities are valuations for Government land transactions and projects involving a change in land use.

Administratively, the LAO is divided into 14 districts, five in the urban area and nine in the New Territories, each of which is looked after by a District Lands Officer, who provides a wide range of professional services related to land matters in the district.

Legal advice on land transactions and conveyancing services for disposal and acquisition of land are provided by the department's Legal Advisory and Conveyancing Office (LACO). The LACO provides legal support and services to the Director and other senior members of the department. It also maintains sub-offices in the territory to provide legal support to District Lands Officers.

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Hong Kong's development began in 1841 with the commencement of the British administration of Hong Kong Island. At that time the island was largely uninhabited and in the well known words of Lord Palmerston, the then Foreign Secretary, it was described as "a barren island with hardly a house upon it". After initial difficulties and a few false starts, by the 1850's Hong Kong had begun to function as a trading port and land development was under way.

By the 1860's there was a need for more land and the southern part of the Kowloon Peninsula was added to the territory. The area was originally used by the army but soon commercial and residential development was taking place.

The remainder of the Kowloon Peninsula and the New Territories was added to the land area of Hong Kong in 1898 on a 99-year lease. The main purpose was to provide for the defence of the harbour and for over 50 years little development took place in the area, even though it covered more than 90% of the territory.

It was the prospect of the expiry of the New Territories lease that brought the next major milestone in land administration in Hong Kong.

That was the signing of the Sino-British Joint Declaration at the end of 1984 which provided the framework within which Hong Kong will continue for a further 50 years beyond 1997. Annex III of the Joint Declaration deals exclusively with land leases, providing for the renewal of leases that otherwise would have expired, and for the continuation of an annual land disposal programme. The implementation of Annex III is monitored by the Sino-British Land Commission.

直到1860年代，香港需要較多土地，九龍半島南部於是加入版圖。該區初時用作駐軍基地，但不久即出現商業及住宅樓宇。

1898年，主要因爲港口須要加以保衛，九龍半島其餘部分及新界地區於是亦加入香港的版圖，租期期訂爲99年。租借地區所佔全港面積雖然超過90%，但在最初五十年卻無特別發展。

新界的新約行將屆滿，香港的土地管理工作因此亦被帶進了另一個主要里程碑，那就是1984年底所簽署的中英聯合聲明。聯合聲明為香港在1997年往後五十年的發展提供了一個架構。聯合聲明附件III專文記載土地契約的協議，訂有條文使原已期滿的土地契約可以續期，並使每年售地計劃得以繼續進行。實行附件III條文的工作，現由中英土地委員會加以監察。
Prior to the beginning of the Second World War Hong Kong was a thriving port; the main deep sea port of southern China with a population of 1.6 million. By the end of the war in 1945 the population had fallen to 500,000, mainly due to emigration. However, after the war people began to return at a rate of almost 100,000 a month and by the end of 1947 the population stood at 1.8 million. By 1950, it had increased to two million.

In the 1950s Hong Kong began to develop as a manufacturing centre, at first on the basis of cotton textiles, then adding woollen and man-made fibres and made up garments. Today textiles still make up a significant part of its domestic exports but electrical and electronic products, watches and clocks, toys, plastics and other light industries are also major contributors.

There were further surges of population, many coming from China, in the 1950s, mid-60s and late 70s, with the result that the population is now around 5.7 million.

China's open door policy, introduced in the late 1970s, has had a profound effect on the economy of Hong Kong. Significant expansion of the manufacturing base has occurred in the Pearl River delta and there is much more emphasis on Hong Kong's role as a centre for finance and other business related services.
As the population and industrial activity increased so did the demand for land for both housing and industry. Initially factories were developed in the old warehouse areas around the harbour, but in the 1960's new industrial areas were established in Tsuen Wan and Kwun Tong, both on the outskirts of old Kowloon. Supporting housing development, both private and public, also took place there.

A stock taking exercise in the early 1970's showed that 1.8 million people needed better housing and that the supply of industrial land was falling far short of demand. As land in the traditional urban areas of Hong Kong and Kowloon was scarce, it was decided to develop three new towns in the New Territories. These towns were planned as balanced developments, to provide accommodation, jobs and a full range of community facilities including schools and hospitals. This programme has been expanded subsequently to provide eight new towns with a total planned population of about three million people.

The new town development programme met most of the land needs in the 1970's and 1980's and will do so up to the end of this decade. But territorial development strategy studies have already identified additional sites around the wider harbour area to allow development to continue well into the next century. Detailed planning of these areas is under way.

The Government's intention to upgrade the infrastructure to support forecast economic demand is reflected in its planning to expand what is already one of the world's biggest container ports and to undertake the massive investment and construction required for the new airport at Chek Lap Kok.
Land Disposal 土地的批租

The disposal of land is one of LAO’s principal functions. This is achieved through the annual land disposal programme agreed by the Land Commission. Typically in any year between 20 to 25 hectares of land for residential, commercial and industrial purposes are offered for sale either by public auction or tender.

Land leases stipulate the obligations and duties of the owner and the basic engineering and development requirements, so that he can have maximum freedom to formulate his development proposals, having regard to market needs. The following conditions are usually included:

- lease term;
- permitted uses;
- maximum building heights;
- minimum and maximum gross floor area;
- the period allowed for building;
- master layout plan requirements (for large schemes);
- design, disposition and height limitation;
- car parking, loading and unloading requirements;
- restrictions on ingress and egress; and
- landscaping and environmental requirements.

Lease conditions which are outdated can be “modified” to allow changes of use or of development intensity. In simple terms, premium equivalent to the difference between the market value of the old lease and the new lease is levied. This encourages the redevelopment of older properties.

Development can also be permitted by means of a land exchange, whereby a land owner can surrender an existing land holding and be granted a new site, normally in situ, to which modern conditions apply so that development will meet up-to-date planning requirements. Land exchanges also attract premium.

The LAO is also responsible for granting or allocating land to meet the Administration’s development objectives such as the public housing programme, and other community and departmental requirements. Land required by public utility companies is granted by private treaty at full industrial market value based on the permitted development. Where it is required for other institutional uses, such as hospitals, schools, etc. it is granted at nominal premium provided they are operated on a non-profit-making basis.

Special arrangements exist to meet the housing needs of the indigenous villagers of the New Territories. The policy is to grant sites to eligible villagers to enable them to have their own homes built. In applying this policy special attention is paid to their traditions and customs.

Land disposal is another important work of the Land Commission. This work is carried out in accordance with the provisions of the Land Ordinance. Typically, in any year between 20 to 25 hectares of land for residential, commercial and industrial purposes are offered for sale either by public auction or tender.

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As well as new development on "green field" sites, projects to regenerate older urban areas are also undertaken. These often involve sites occupied by three to six storey tenement buildings which are in poor condition. Multi-ownership can make it difficult for would-be developers to assemble sufficient land to make development worthwhile. The Land Development Corporation has the task of carrying out urban renewal in the older parts of Hong Kong more systematically. The Hong Kong Housing Society, which is an independent non-profit organisation concerned mainly with improving the housing stock in the older urban areas, is also involved in urban renewal. The LAO supports both organisations by assisting in site assembly through the use of statutory powers for land acquisition and subsequent land grants.

除了發展新闢地區之外，當局又進行重建較舊的市區。重建計劃涉及的地區，多建有三至六層高的唐樓，樓宇狀況惡劣不堪。這些樓宇的業權又由衆多業主所擁有，發展商要組合足夠的土地按經濟原則發展，往往遭遇不少困難。土地發展公司所負的任務，就是要將香港的舊區較有系統地重建發展。此外，香港房屋協會這個獨立、不牟利，主要負責改善舊區房屋的機構，亦有參與市區重建工作。地政處則行使徵地的法定權力及審批土地，在合併土地方面給上述兩個機構提供協助。
Another modern office building takes shape in Central. The two-tower block, located between the new Bank of China Tower and Murray Building where the LAO headquarters is housed, is developed on a "lucky" lot numbered 8888. The site was granted by means of cash tender.
The Carpenter Road Park was developed after clearance. The background shows some of the Walled City buildings before clearance.

Inset: The same site was crowded with temporary structures before clearance.

Tin Sam Village, Sha Tin, after the implementation of a Village Expansion Scheme.

Inset: Same site in 1984.
Most of the duties of LAO are carried out by the 14 District Lands Officers. The photos show some examples.

Residential development in Tin Shui Wai new town

A residential/commercial development above LRT terminal under construction

Site for the new airport

Luk Yeung Sun Chuen — a commercial/residential complex above MTR depot

Container Terminal 7

Tsim Sha Tsui East Development

Central Plaza — One of the most valuable sites.
Ping Che industrial area — most land held under Short Term Waivers

Tai Po Industrial Estate. Granted by private treaty.

Typical high class residential development at Red Hill.

Land grants within the Kai Tak Airport are dealt with by LAO.

Typical high class residential development Taikoo Shing Development.
A Government land auction.

Staff of LAO and other Government departments discussing a building proposal submitted for approval.

A Senior Land Executive discusses with the Chief Estate Surveyor land transaction reports to be submitted to the Land Commission.
Two Land Inspectors take measurement for a resumption case.

A Land Executive inspecting works to improve conditions in the rural areas.

A Senior Survey Officer (Estate) persuades an occupant to vacate the premises during a clearance operation.
The Bronze Buddha at Po Lin Monastery, Lantau Island. The site was granted by Private Treaty.

Typical N.T. Exempted Houses at Tai Po — sites granted under small house policy for indigenous villagers.

A Village Expansion Area at Tai Po.
Land assembly can involve compulsory acquisition (generally known as “resumption”) and clearance of leased land. The power of compulsory acquisition is provided under various ordinances, the most commonly used being the Crown Lands Resumption Ordinance. The power enables the Government to acquire land required for such “public purposes” as public works projects, urban renewal schemes, etc. Other ordinances contain similar provisions in relation to land requirements for road works and the Mass Transit Railway.

Statutory compensation for land which is acquired is based on the market value at the date of resumption. In addition ex-gratia payments are also made to facilitate clearance. For example, a home purchase allowance is paid to owners of flats. This allowance is in addition to the market value of a flat to enable the owner to purchase a new flat in the vicinity of the original one. These arrangements enable the Government to acquire much of the land required for development smoothly and speedily. In 1992 almost 400,000 square metres of land were acquired, principally in the New Territories.

The Government’s policy is that no one should be made homeless as a result of land clearance. The LAO works closely with the Housing Department to ensure this is the case. Alternative accommodation may be offered in a Housing Authority rental estate or through the purchase of a flat under its home ownership scheme.

A special example of this cooperation between departments is in the clearance of the Kowloon Walled City which was undertaken to make way for the development of a park. About 30,000 people living in 8,500 structures were rehoused prior to the demolition of the old buildings.

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Land in Hong Kong is scarce and should therefore be properly looked after. Accordingly, the LAO has an important role to play in land management. Partly as a protective measure, land which is under Government control prior to disposal for permanent development, may be let on short term tenancy. Temporary uses such as open storage, car parking and the like are allowed as this requires limited management during the period of occupation. Clearance is also relatively easy when the site is required for permanent development. This form of management is effective in ensuring that land is put to good use and provides some income. Land which is not occupied is patrolled to ensure that unauthorised occupation is detected and enforcement action taken quickly. Security guards are also employed for the same protective purpose.

Environmental clearances are carried out regularly to improve the living conditions in particular areas. This involves demolishing unauthorised structures and rehousing their occupants and is normally done jointly by the LAO and other departments in consultation with the local District Board.

The LAO has the task of ensuring that land already granted is used in compliance with the lease conditions. In the case of a breach, the Government may, as a last resort, “re-enter” (or re-possess) the land if the owner fails to respond to repeated warnings. Action is taken under the Crown Rights (Re-entry and Vesting Remedies) Ordinance. The usual contraventions are related to the use of the land (e.g. residential premises are used for industrial purposes, car parking spaces for storage) or the owner’s failure to pay the annual rent.

Under the Ordinance the former owner may petition for the return of his land. Such petitions are normally acceded to once the breach has been remedied and an appropriate fine paid.

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Conservation 保存建築物

The conservation of such historic buildings as the Western Market and the Peak Cafe has been assisted by the LAO. Grant or tenancy conditions of the land have been suitably worded to ensure that the existing building is restored or renovated. In these cases, greater emphasis is placed on the quality of scheme proposed rather than on the revenue to be collected.

The former Western Market renovated by the Land Development Corporation.

在保存例如上環街市以及山頂餐廳等的歷史建築物方面，地政處亦有加以協助，曾在批地及租地契約中訂明條件，確保現存建築物得以修建或翻新。在這些情況下，當局所比較著重的，是建議計劃的質素，而不是庫房的收益。
$ Million
百萬元

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<thead>
<tr>
<th>Year</th>
<th>Rental &amp; Other Income</th>
<th>Land Transaction Premia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986/87</td>
<td>5894.5</td>
<td></td>
</tr>
<tr>
<td>1987/88</td>
<td>8220.8</td>
<td></td>
</tr>
<tr>
<td>1988/89</td>
<td>16381.1</td>
<td></td>
</tr>
<tr>
<td>1989/90</td>
<td>11336.9</td>
<td></td>
</tr>
<tr>
<td>1990/91</td>
<td>7450.9</td>
<td></td>
</tr>
<tr>
<td>1991/92</td>
<td>22429.2</td>
<td></td>
</tr>
<tr>
<td>1992/93</td>
<td>16983.2</td>
<td></td>
</tr>
</tbody>
</table>
Expenditure on Resumption & Clearance

<table>
<thead>
<tr>
<th>Year</th>
<th>$ Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>685</td>
</tr>
<tr>
<td>1988</td>
<td>1,553</td>
</tr>
<tr>
<td>1989</td>
<td>4,485</td>
</tr>
<tr>
<td>1990</td>
<td>1,401</td>
</tr>
<tr>
<td>1991</td>
<td>1,883</td>
</tr>
<tr>
<td>1992</td>
<td>1,920</td>
</tr>
</tbody>
</table>
Number of Lots Resumed 政府所收回地段的統計數字

<table>
<thead>
<tr>
<th>Year</th>
<th>Urban lots</th>
<th>New Territories Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>200</td>
<td>2,545</td>
</tr>
<tr>
<td>1988</td>
<td>281</td>
<td>1,361</td>
</tr>
<tr>
<td>1989</td>
<td>253</td>
<td>2,674</td>
</tr>
<tr>
<td>1990</td>
<td>180</td>
<td>963</td>
</tr>
<tr>
<td>1991</td>
<td>63</td>
<td>1,306</td>
</tr>
<tr>
<td>1992</td>
<td>357</td>
<td>909</td>
</tr>
</tbody>
</table>
Area of Land Resumed 政府所收回土地的面积

Area (1,000 m²)

面積 (1,000 平方米)

1,200
1,000
800
600
400
200
0


Urban Areas 市區

New Territories Areas 新界