

# 政府徵用或收回土地流程

## Flow Chart of Government Acquisition or Resumption of Land

條例 Ordinances	收回土地條例 (第124章) Lands Resumption Ordinance (Chapter 124)	道路(工程、使用及補償)條例 (第370章) Roads (Works, Use and Compensation) Ordinance (Chapter 370)	鐵路條例 (第519章) Railways Ordinance (Chapter 519)
收地條件 Resumption criteria	收回香港及新界的任何類別政府土地作公共用途 Resumption of Government land for public purpose	就與道路有關工程收回土地 For the works in relation to roads	收回土地為建造鐵路及其他附帶用途，但不包括車站之上或在其他鐵路物業上的非鐵路發展 For the construction of railways, excluding non-railway developments above stations or above other railway property
收地通知 Resumption notice	在憲報及本地出版報章，同一天以中英文刊登收回土地命令通知；並在提及的土地上或其附近張貼通知副本；在指定政府辦事處供公眾查閱。 Notice of resumption published in the Gazette, local newspaper both in English and Chinese in the same day; Copy affixed on or near the land mentioned; to be inspected by public at designated Government offices. 將通知送達對命令提及的土地享有任何產業權、權利、份數或權益的每一個人。 Notice to be served on every person as having any estate, right, share or interest in the land mentioned in the order.		
提出反對 Lodging an objection	不適用 Not applicable	於通知書首次公布後60天內，向運輸及房屋局局長提出。 Delivering an objection to the Secretary for Transport and Housing not later than 60 days after the first publication of the notice.	
土地收回日 Date to resume land	當以上通知期屆滿時。 On expiry date of the notice period above.		
要求政府收回土地的條件 Criteria to request for a land resumption	若餘下之土地沒有合理實益用途 Rendered incapable of reasonable beneficial use of residual portion.	若土地上的建築工程與道路或鐵路建造不相容，而相關部門經檢視後仍拒絕開展或撤回同意或延誤工程。 When a building work is incompatible with the roads or railways construction scheme that the Building Authority maintains its decision to refuse to approve any plan or consent to the commencement of the works or withdraw any approval or building work being delayed after a review on it.	
可索償項目 Claimed items	項目 1. 被收回的土地及其上的任何建築物在收地當日的價值 項目 2. 因其他相連或毗鄰的土地而蒙受損失或損害的款額 項目 3. 業務損失、強售損失、搬遷費用、測量師費用、法律費用等等 Item 1. Value of the land resumed and any buildings erected at date of resumption Item 2. Amount of loss or damage suffered by other contiguous on adjacent land Item 3. Business loss, forced sale loss, removal expenses, surveyors fee, legal costs, etc.	項目 1. 被收回的土地及其上的任何建築物在收地當日的價值 項目 2. 因毗鄰土地蒙受損失或因任何道路封閉，以致土地受不利影響的公開市場價值減少的款項 項目 3. 騷擾補償金 Item 1. Value of the land resumed and any buildings erected at date of resumption Item 2. Diminution in the open market value of the land due to the loss of other adjacent land or closure of roads item 3. Disturbance Payment	項目 4. 土地及建築物的損害、視察、預防、補救工程、拆除工程等等 item 4. Damage of land and any buildings costs related to inspection, preventive, remedial work, removal work, etc.
提出索償時限 Period to claim	交回政府的日期起計1年內向地政專員呈交申索，提交業權證明及身份證明文件。 Compensation claim within 1 year from the date of resumption, proof of title and identity to District Lands Officer.	項目 1 及 2. 交回日期起計1年內，向運輸及房屋局局長送達，在收地當日的價值。 Item 1 & 2. Serving to the Secretary for Transport and Housing within 1 year from the date of resumption.	項目 3. 封閉、終絕、修改或限制的日期起計的1年屆滿前。 項目 4. 工程完成日期起計的1年屆滿前。 Item 3. Before the expiration of 1 year from the date of closure, extinction, modification or restriction. Item 4. Before the expiration of 1 year from the date of completion of the works
對索償額 Claim Offer	不同意 Not Agree	同意 Agree	不同意 Not Agree
	向土地審裁處提交索償 Submit claim to the Lands Tribunal	接受申索 Accept claim offer	若在同局長收到申索起計7個月屆滿後，仍未協議解決申索，申索人或局長均可在土地審裁處展開法律程序。 If, after the expiry of 7 months from the receipt of a claim by the Secretary, it has not been settled by agreement, either the claimant or the Secretary may commence proceedings in the Lands Tribunal.

## Other Ordinances Related to Resumption of land in Hong Kong 有關收回土地的其他條例

Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126)	政府土地權(重收及轉歸補救)條例 (第126章)
Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Chapter 276)	地下鐵路(收回土地及有關規定)條例 (第276章)
Land Drainage Ordinance (Chapter 446)	土地排水條例 (第446章)
Foreshore and Sea-bed (Reclamations) Ordinance (Chapter 127)	前濱及海床(填海工程)條例 (第127章)
Electricity Networks (Statutory Easements) Ordinance (Chapter 357)	供電網絡(法定地役權)條例 (第357章)
Urban Renewal Authority Ordinance (Chapter 563)	市區重建局條例 (第563章)
Land Acquisition (Possessory Title) Ordinance (Chapter 130)	土地徵用(管有業權)條例 (第130章)
Sewage Tunnels (Statutory Easements) Ordinance (Chapter 438)	污水隧道(法定地役權)條例 (第438章)

### Applicable to Agricultural land in New Territories 適用於新界農地

收回新界農地時，通常按計算補償率的分區圖上所處的4個地區特惠補償率發放補償。

**Agricultural land resumed in the New Territories will usually be offered compensation according to the ex-gratia compensation rates of 4 zones.**

屋地業權人則通常會獲發放法定補償，補償額為專業估價額另加按標準分區率計算的特惠補償額。

**Building land will usually be offered statutory compensation based on professional valuation plus ex-gratia compensation at the standard zonal rate.**

## Scope of Services 服務範疇

### Real Estate Valuation for

- Cap. 545 Compulsory Sale for Redevelopment
- Rates, Government Rent and Stamp Duty Appeal
- Compensation Claims for Land Resumption/ Acquisition
- Litigation/Court Submission purpose
  - Divorce
  - Probate
  - Mesne Profit Assessment for Adverse Possession
- Migration Purpose
- Tenancy Rent Review

### Expert Witness for

- Rental Claim
- Capital Loss

### 為以下因由提供房地產評值

- Cap. 545為重建而強制售賣
- 差餉，地租及印花稅上訴
- 收回土地索償/收購作價
- 訴訟/提交法院審決
  - 離婚
  - 遺囑
  - 逆權佔有的中間收益評估
- 移民資產申報
- 租金檢討

### 為以下因由提供專家證人服務

- 租金追討
- 價值損失

### Land & Planning Matters

- Application for
- Waiver/No Objection Letter
  - Short Term Tenancy
  - Easement/Right of way
  - Land Exchange/Lease Modification
  - Premium/Waiver Fee/Rental Assessment

### Feasibility Study

- Market Research & Analysis
- Project Management & Procedure
- Asset Portfolio
- Financial Sensitivity Analysis

### 土地規劃申請

- 轄免/不反對通知書
- 短期租約
- 地役權/路權
- 換地/契約修訂
- 地價/豁免費/租金評估

### 可行性研究

- 市場研究與分析
- 項目管理及流程
- 資產組合
- 財務敏感度分析

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