

## **LEGCO QUESTION NO. 18 (Written Reply)**

Date of sitting: 6 February 2002

Asked by: The Hon Emily LAU

Replied by: Secretary for Planning  
and Lands

### **Question:**

With regard to the public's access to private land traversed by four designated hiking trails, will the Executive Authorities inform this Council:

- (a) whether owners of private land have the right to block the public's access to their land traversed by the trails, or levy a charge for such access;
- (b) of the respective locations of various pieces of private land traversed by the MacLehose Trail, the Wilson Trail and the Lantau Trail; and
- (c) whether the Executive Authorities are required to enter into agreement with the relevant land owners before the designation of a hiking trail which traverses private land?

### **Reply :**

Madam President,

- (a) Under the common law, if a trail has been used for a long period of time by the public without objection from the landowners, then the public may presume to have a right of way over the trail, i.e. a right of passing over the land. When a public right of way exists over the trails, the landowners cannot block the public's access to the trails which traverse their land, nor can they levy a charge for such access.

- (b) MacLehose Trail, Wilson Trail and Lantau Trail were established mainly by linking existing footpaths, including traditional footpaths passing through villages. The private lots crossed by these three trails are mainly located around traditional villages in Sai Kung, the North District, and the southern part of Lantau Island.
- (c) Since the three hiking trails were established mainly by linking existing footpaths and many of these footpaths have been used by villagers and the public for a very long time, the Executive Authorities have therefore not entered into any agreement with the landowners concerned in respect of these hiking trails.