

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

HPLB(PL)080

Question Serial No.

0473

Head : 118 - Planning Department Subhead (No. & title) : --

Programme : (2) – District Planning

Controlling Officer : Director of Planning

Director of Bureau : Secretary for Housing, Planning and Lands

Question : According to the information, Planning Department in 2002 had issued 600 enforcement notices against unauthorized developments and 13 cases were successfully convicted. How much expenses was spent on the prosecution? For other enforcement cases without prosecution, how many of them had been complied with the statutory requirements of the notice? On average, how long would a notice recipient take relevant action after receipt of the notice?

Asked by : Hon. CHAN Kam-lam

Reply :

In 2002, the Planning Authority issued 600 enforcement notices involving 108 cases of unauthorized developments. In the same year, a total of 13 enforcement cases involved prosecution and 41 defendants were convicted. The amount of expenses on prosecution, mainly in terms of staff cost, in the past year was about \$2.3 million.

In the same year, a total of 642 compliance notices involving 105 enforcement cases had been issued, as a result of the earlier unauthorized developments having been either discontinued or regularized by obtaining planning permission. Some of the enforcement cases were carried forward from 2001.

In addition to statutory action, a proactive approach had been adopted in dealing with potential enforcement cases. This included strengthening the Department's patrol programme and giving verbal and written warnings to the owners/occupiers prior to statutory enforcement action. As a result, a total of 206 unauthorized developments had been either discontinued or regularized by obtaining planning permission without the need for issuing the statutory enforcement notice.

The time taken for compliance varies from case to case, depending on factors such as nature of the unauthorized development, size of the site, recipient's financial situation and availability of relocation site. For all the compliance cases in 2002 involving no prosecution action, the average time taken for compliance was 5.5 months.

Signature _____

Name in block letters _____

B C K FUNG

Post Title _____

Director of Planning

Date _____

20 March 2003