

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

**Reply Serial No.**

**HPLB(PL)138**

Question Serial No.

1250

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 : As regards the 1,284 Enforcement Notices (ENs) issued against unauthorized developments (UDs) in the rural New Territories, please give a detailed account of:

- (a) the number of prosecuted cases and the number of successfully convicted cases by district; and
- (b) the measures adopted to step up the planning enforcement action.

Asked by : Hon. LI Kwok-ying

Reply :

Question (a)

Out of the 1,284 ENs (for 195 UD) issued in 2005, prosecution action has been instituted against 24 ENs concerning seven UD. Four cases were successfully convicted and three have yet to be heard by the court. For these prosecution cases, four were located in Yuen Long and three in North District. About 44.4% of the ENs issued (570 ENs concerning 94 UD) had been complied with without the need to proceed to prosecution action, i.e. either the UD had been discontinued or planning permission obtained. The compliance period of 67 ENs concerning 13 UD has yet to expire while 623 ENs concerning the 81 remaining UD are still under investigation before prosecution action can be instituted.

Question (b)

The amended Town Planning Ordinance, which came into operation on 10 June 2005, has strengthened the power of the Planning Authority on planning enforcement. New measures adopted to step up the planning enforcement action since June 2005 include:

- (i) exercising power to enter non-domestic land and/or premises to inspect for purposes of taking enforcement action against the alleged UD;
- (ii) issuing notice to relevant persons by requiring them to provide information in respect of the alleged UD, in particular, the identity of the occupier;
- (iii) taking prosecution action after the expiry of the EN without having to wait for exhaustion of planning application proceedings since the submission of planning application is no longer considered as a reasonable step to comply with the EN; and
- (iv) imposing a shorter compliance period in the EN for those UD's causing immediate environmental impact, such as the land/pond filling cases.

Signature	_____
Name in block letters	_____ B C K FUNG _____
Post Title	_____ Director of Planning _____
Date	_____ 9 March 2006 _____

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