

**Designation of Land Lots in Rural Areas for Use as
Container Back-up Areas and Open Storage Space for Containers**

**Additional Information Requested at the Meeting of
the Panel on Planning, Lands and Works Meeting on 24 April 2007**

1. Overall area and distribution of land lots in rural areas used as container back-up areas and open storage space for containers under the category of "Existing Use"

As at end-March 2007, the area of "Existing Use" in respect of open storage of container and container vehicle park for North-East New Territories and North-West New Territories is about 10.14 ha and 45.44 ha respectively. The area breakdown by broad district is detailed as follows:

North-East New Territories

Fu Tei Au and Sha Ling	2.22 ha
Hung Lung Hang	2.66 ha
Kau Lung Hang	0.68 ha
Luk Keng & Wo Hang	0.85 ha
Lung Yeuk Tau & Kwan Tei South	1.38 ha
Man Uk Pin	1.32 ha
Ping Che & Ta Kwu Ling	1.03 ha
Total :	10.14 ha

North-West New Territories

(a) Tuen Mun

Lam Tei & Yick Yuen	2.39 ha
So Kwun Wat	0.81 ha
Sub-total :	3.20 ha

(b) Yuen Long

Ha Tsuen	18.89 ha
Lau Fau Shan & Tsim Bei Tsui	0.39 ha
Mai Po & Fairview Park	4.12 ha
Nam Sang Wai	6.27 ha
Ngau Tam Mei	0.71 ha
Pat Heung	0.18 ha
Ping Shan	9.03 ha
San Tin	0.23 ha
Tong Yan San Tsuen	2.42 ha
Sub-total :	42.24 ha
Total :	45.44 ha

2. Prosecution and conviction figures on illegal container back-up areas and open storage space for containers in rural areas since the implementation of the Town Planning (Amendment) Ordinance

As at end-May 2007, there have been 11 prosecution cases on unauthorized open storage of container and container vehicle park in rural areas since the implementation of the Town Planning (Amendment) Ordinance 2004 (TP(A)O) in June 2005. Amongst these 11 cases, nine have been heard and all convicted by the court. Summonses for the remaining two cases were subsequently withdrawn by the Planning Authority¹.

¹ Summons for one prosecution case was withdrawn after taking into account the infirmity of the defendant involved. Summonses for another case could not be successfully served because one defendant is later found not residing in Hong Kong and the whereabouts of the other defendant could not be traced.

3. Examples of recent court cases to demonstrate how the implementation of the TP(A)O had improved the enforcement capability of the Planning Department, with information on the fines imposed and the time required for making prosecutions

Under the TP(A)O, the submission of a planning application in respect of the unauthorized development is no longer accepted as a reasonable step to comply with the Enforcement Notice (EN). As a result, the Planning Authority is now able to expedite enforcement actions without awaiting the exhaustion of planning application proceedings. The enforcement capability has thus been improved as reflected in the following two aspects:

- (a) after the implementation of the TP(A)O, the average time required for prosecution after the issuance of EN has been shortened from about 12.3 months to 8.6 months (i.e. by about 30%); and
- (b) the Planning Authority can impose a shorter compliance period of 14 days for cases on unauthorized filling of land/pond so as to facilitate more effective and deterrent enforcement action against these cases.

As regards the nine cases convicted after the commencement of TP(A)O mentioned in the answer to Question (2) above, the total fines imposed were \$465,940. Over the two-year period before the commencement of the TP(A)O, there were four convicted cases involving total fines of \$312,350.