

**LEGCO QUESTION NO. 22****Annex 1****Substantiated cases of unauthorised structures on private agricultural land identified through complaints received by LandsD in 2009-2013**

<b>District Lands Office</b>	<b>No. of Substantiated Cases through Complaints</b>					<b>Remarks</b>
	2009	2010	2011	2012	2013	
Hong Kong East	0	0	0	0	0	Regarding the details of the prosecution and conviction cases, given that land leases are concluded between the Government in the capacity of a landlord and the land owner and land lease is not legislation, no indictment or prosecution is involved.
Hong Kong West & South	0	0	0	0	0	
Kowloon East	0	0	0	2	0	
Kowloon West	0	0	0	0	0	
Islands	3	4	4	14	4	
North	65	56	144	109	127	
Sai Kung	7	9	101	137	23	
Sha Tin	3	4	5	9	7	
Tuen Mun	3	8	20	23	27	
Tai Po	18	30	0	23	83	
Tsuen Wan & Kwai Tsing	7	23	44	10	17	
Yuen Long	362	431	285	279	333	

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**Annex 2**

**Complaints received and confirmed by PlanD as suspected unauthorised domestic use in structure under the Town Planning Ordinance (TPO) in 2009-2013**

District Council constituency <sup>(1)</sup>	Complaints received and confirmed as suspected unauthorised domestic use in structure under TPO					Remarks
	2009	2010	2011	2012	2013	
North	0	0	1	0	0	Regarding the details of the prosecution and conviction cases, since the relevant complaints involved suspected illegal domestic structures, PlanD had referred these cases to BD and/or LandsD for follow-up action.
Yuen Long	0	0	1	3	1	

- (1) For areas in other District Council constituencies, PlanD had not received any relevant complaints.

**LEGCO QUESTION NO. 22****Annex 3****Statistics on the cases received by BD regarding UBWs carried out on private land in the New Territories from 2009 to 2013**<sup>(1) (2) (3) (4)</sup>

<b>District Council constituency</b>		<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Kwai Tsing	Number of Removal Orders	0	3	1	4	5
	Number of Prosecutions	0	0	0	0	1
North	Number of Removal Orders	57	13	56	46	36
	Number of Prosecutions	24	6	7	3	24
Islands	Number of Removal Orders	4	0	7	4	19
	Number of Prosecutions	0	0	0	0	7
Sai Kung	Number of Removal Orders	181	24	37	63	57
	Number of Prosecutions	5	33	3	3	14
Sha Tin	Number of Removal Orders	10	24	22	15	11
	Number of Prosecutions	2	13	5	6	14
Tai Po	Number of Removal Orders	42	43	62	25	52
	Number of Prosecutions	43	29	24	3	2
Tsuen Wan	Number of Removal Orders	12	26	13	12	24
	Number of Prosecutions	0	0	0	3	11
Tuen Mun	Number of Removal Orders	10	24	10	27	49
	Number of Prosecutions	10	3	7	3	6
Yuen Long	Number of Removal Orders	54	81	73	124	88
	Number of Prosecutions	9	4	50	38	21

(1) BD has all along been enforcing the Buildings Ordinance (Cap. 123) and taking enforcement action against UBWs in accordance with the enforcement policy. As there is a lapse of time between issue of a removal order and instigation of prosecution, the prosecution cases instigated in a particular year may not necessarily be the cases with removal orders issued in the same year.

(2) The above cases do not involve buildings issued with occupation permit.

(3) It is envisaged that majority of UBWs mentioned in the question are in the New Territories districts. BD provides the relevant statistics of the New Territories districts only.

(4) The total number of removal order issued by BD from 2009 to 2013 is 1 550.

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**Annex 4**

**Cases with “imposition of encumbrance”  
against unauthorized structures on  
private agricultural land by LandsD in 2009-2013**

<b>Year</b>	<b>No. of Cases with “Imposition of Encumbrance”<sup>(1)(2)</sup></b>
2009	26
2010	160
2011	80
2012	281
2013	287

- (1) Progress of handling such cases varies, depending on circumstances of each individual case. The number of cases in which LandsD proceeded with “imposition of encumbrance” in a given year may not necessarily be the number of the complaints received in that year.
- (2) Regarding referral of cases of unauthorised domestic structures on private land with “imposition of encumbrance” to BD, in case LandsD identifies unauthorized building works in violation of the Buildings Ordinance (Cap 123), the cases will generally be referred to BD for follow up as it deems necessary. In case there is also a breach of the conditions of the lease, LandsD will take appropriate lease enforcement actions, including “imposition of encumbrance” as it is generally known, having regard to circumstances of the case. LandsD does not maintain statistics on cases with “imposition of encumbrance” referred to BD.