

**Land Owners, Occupiers and Responsible Persons may be subject to Prosecution**  
for unauthorized developments  
(including pond filling, land filling, storage and parking uses)  
on rural land in the New Territories.

## Unauthorized developments under the Town Planning Ordinance

**Q1:** What are unauthorized developments?

**A1:**

1

Developments are within Development Permission Area (DPA) Plan and existed before the first gazettal of the DPA Plan concerned?



or

2

Developments are within "Regulated Area" and existed before the material date (i.e. 9.12.2022)?



or

3

Developments are permitted under the statutory plan?



or

4

Developments are subject to valid planning permissions granted by the Town Planning Board?



Fig. 1 Unauthorized developments

Unauthorized Developments

**Q3:** I am not the one responsible for the unauthorized development, but why does the Planning Department still serve the Enforcement Notice to me?

**A3:** As a land owner, you have the responsibility to ensure that there is no unauthorized development on your land.

**Q4:** The land is owned by me. Do officers of the Planning Department have the authority to enter any private land for the purpose of collecting evidence?

**A4:** Officers of the Planning Department may enter the land concerned and buildings on it (including gaining access to the site concerned) for investigation of suspected unauthorized developments and taking enforcement action.

## Filling of Pond and Land

**Q5:** Is it legal if I fill the pond for preventing mosquito breeding / fill the private land?

**A5:** Planning permission from the Town Planning Board is required prior to pond / land filling on certain zones of statutory plan (e.g. "Agriculture" and "Green Belt" zones or conservation zones), otherwise it constitutes an unauthorized development.

**Q6:** I have obtained the "Acknowledgement on Owners' Permission of the Depositing of Construction Waste on a Private Lot" under the Waste Disposal Ordinance (Cap. 354) from the Environmental Protection Department. Does it mean I can fill the land with construction waste?

**A6:** Even the depositing of construction waste / land filling activity on private land is acknowledged by the Environmental Protection Department under the Waste Disposal Ordinance, planning permission from the Town Planning Board is still required prior to filling of land (e.g. laying of cement, asphalt, sand and gravel, etc.) or depositing of construction waste in "Agriculture" and "Green Belt" zones or conservation zones of statutory plan.

**Q7:** Can the land be filled for agricultural use?

**A7:** Planning permission from the Town Planning Board is also required prior to laying of soil exceeding 1.2 metres in thickness for cultivation in "Agriculture" zone of statutory plan.

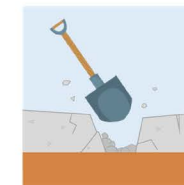
## Matters requiring attention after the receipt of the notice

**Q8:** I have received an Enforcement Notice from the Planning Department. What should I do?

**A8:** You must take appropriate steps to discontinue the unauthorized development by a specified date. Failure to comply with the Notice is an offence.

**Q9:** I discontinued the unauthorized development after receiving the Enforcement Notice. Why do I still receive a Reinstatement Notice?

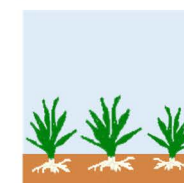
**A9:** Should the Planning Authority consider that the land condition has to be restored, the Authority would issue a Reinstatement Notice to the notice recipient, after the issuance of Enforcement Notice.



1. Removal of all fill materials (including cement, asphalt, sand and gravel)



2. Grassing



3. Reinstatement of the land

Fig.2 General steps of reinstatement



**Q12:** I have fulfilled the requirements as set out in the Enforcement Notice / Reinstatement Notice. How do I know if the Planning Department is satisfied with it?

**A12:** The Planning Department will issue a Compliance Notice to you after confirming that you have complied with the requirements of the Notices.

Check before Land Purchase and Rental  
**Unauthorized Development will be subject to a Maximum Fine of \$1,000,000**

☎ **Planning Department Hotline : 2231 5000**  
🌐 **Website : [www.pland.gov.hk](http://www.pland.gov.hk)**

Email: [enquire@pland.gov.hk](mailto:enquire@pland.gov.hk)



Planning Enquiry Counters:

- 17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
- 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories

Example 2

Unauthorized storage use



Stop the unauthorized development



Remove the hard paving



Grass the land



**Q10:** My land was paved with cement. Upon receipt of the Reinstatement Notice, I have already grassed the land according to the requirements of the Notice. Why does the Planning Department still consider that I fail to comply with the requirements of the Notice?

**A10:** In general, it is required under the Reinstatement Notice that the notice recipient should remove the fill materials. You should grass the land after the fill materials have been removed.

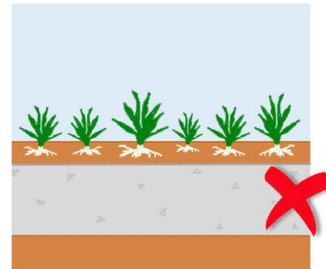


Fig. 3 Failure to comply with the requirements of the Reinstatement Notice

**Q11:** How does the reinstatement works be considered as complying with the Reinstatement Notice?

Example 1

Unauthorized filling of pond



Remove the fill materials and reinstate the pond

