

6 November 2023

To: All Authorized Persons  
Registered Structural Engineers  
Registered Geotechnical Engineers  
Registered Inspectors  
Registered General Building Contractors  
Registered Specialist Contractors  
Registered Minor Works Contractors

Dear Sir/Madam,

**Compliance with the Buildings Ordinance  
Concerning Erection of Unauthorised Building Works**

A number of landslide incidents arising from the recent rainstorm have revealed blatant contravention of the Buildings Ordinance (BO) involving unauthorised building works (UBWs).

2. The Government takes a very serious stance against such UBWs and the parties involved in such works. You are reminded not to advise or assist any persons in erecting UBWs. Your attention is drawn to the duties of prescribed building professionals (PBP) and prescribed registered contractors (PRC) stipulated in sections 4(3), 4B, 9(5) and 9AA(6) of the BO.

3. If your client intends to carry out building works (other than exempted works under the BO), you should draw his/her attention to the need for seeking prior approval and consent from the Building Authority under section 14(1) of the BO, or carrying out the works through the Minor Works Control System under the Building (Minor Works) Regulation (B(MW)R) if the works fall within the relevant categories of designated minor works items. Your attention is also drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADV-37 and Practice Note for Registered Contractors 79 regarding the conduct of registered building professionals and registered contractors respectively under the BO.

4. If there is sufficient evidence, the Buildings Department will instigate prosecution against all the relevant persons involved in the erection of the UBWs, including the owners, the PBP and the PRC concerned in accordance with the provisions of the BO.

/5. ...

5. Pursuant to section 40(1AA) of the BO, any person who knowingly contravenes section 14(1) of the BO shall be guilty of an offence and liable on conviction to a fine of \$400,000 and to imprisonment for two years; and a further fine of \$20,000 for each day that the offence continues. Pursuant to section 40(1AB) of the BO, any person who arranged for minor works to be commenced or carried out knowingly fails to appoint a PBP or a PRC as required by the B(MW)R in respect of the minor works concerned, commits an offence under section 4A(2) or section 9AA(2) of the BO, and shall be liable on conviction to a fine of \$100,000.

6. The PBP and PRC involved in erection of UBWs may also be subject to disciplinary actions under sections 7 and 13 of the BO. If the disciplinary board is satisfied that the PBP or PRC has been convicted or misconducted himself in a professional way/in building works, the board may order the PBP or PRC be fined, reprimanded or removed from the relevant register permanently or for a period as the board thinks fit.

Yours faithfully,

  
( PANG Yuk-lung, Michael )  
Assistant Director/Corporate Services  
for Director of Buildings

c.c. The Real Estate Developers Association of Hong Kong