

Part I — Notes

1. The “Warning Notice” (“WN”) records the existence of unauthorized building works (UBW) in a property. Its purpose is to constitute an encumbrance on the property title after the “WN” has been registered with the Land Registry (LR), so as to induce the owners concerned to remove the UBW voluntarily and to deter the continuance and deterioration of the UBW problem.
2. There is a specified date (normally 2 months from the issue date) on the “WN”. If the owner disregards the notice and has not removed the UBW before the specified date, the Buildings Department (BD) will cause the “WN” to be registered with the LR in accordance with Section 24C(4) of the Buildings Ordinance (BO).
3. The cases subject to issuance of “WN” are restricted to those UBW not categorized for immediate enforcement action. In accordance with the provisions under Section 24C of BO, the Building Authority (BA) shall exercise his power of discretion during issuance of “WN”, therefore the system cannot and will not at the same time cover all the UBW not falling in the category for immediate enforcement action. For those UBW requiring immediate enforcement action, BD will continue to adopt the current practice of issuing “Removal Orders” (RO) after the letters requiring removal of UBW have received no effect.
4. After the expiry date of the “WN”, BD will cause the notice to be registered with the LR, but will not institute prosecution action as done in following up the cases of RO. It does not mean that uncooperative owners can keep the UBW permanently. In case the situation changes, for instance, when the UBW become likely constituting a danger to the public, BD will still consider issuance of RO to the owners.
5. For owners who have financial difficulties, they can, after receiving the “WN”, apply for loans under the Building Safety Loan Scheme of BD in order to pay the costs for the removal of UBW.

Part II — Q&As

1.	I recently received a Warning Notice issued by the Building Authority
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	<p>related to my premises which was different from the rest of other correspondences. What is this about?</p>
	<p>Your premises have the Unauthorized Building Works (UBW) erected as stated in the Warning Notice. As you are the owner of the above-mentioned premises, the Building Authority has served on you a Warning Notice in accordance with the provisions under Section 24C of the Buildings Ordinance.</p>
2.	I am a tenant of the premises and was served with a Warning Notice. Do I need to remove the UBW? Otherwise, what should I do?
	<p>According to the law, the owner is responsible for removal of UBW. You should refer the Warning Notice to the owner for his attention and follow-up . And of course, tenants should by no means erect any UBW in their rented premises.</p>
3.	As an owner, what should I do when I receive a Warning Notice?
	<p>In order to safeguard your own interest, you are strongly advised to arrange a registered contractor to carry out the UBW removal works and notify the Building Authority before the date specified in the Warning Notice.</p>
4.	What would be the consequences if I fail to carry out the removal works of UBW as stated in the “Warning Notice” and notify the Building Authority within the specified period of time?
	<p>If the Building Authority has not yet received your notification on completion of the removal works of UBW after the date specified in the “Warning Notice”, he shall cause the notice to be registered against the title of the subject premises in the Land Registry.</p>
5.	How can I know the Building Authority has already issued a “Warning Notice” to my flat or the whole building?
	<p>The “Warning Notice” will be posted at a prominent location of the flat or building of the concerned UBW and sent to the owners by Registered Post. In case that the UBW specified in the “Warning Notice” have not been removed within the specified period, the Building Authority will cause the notice to be registered in the Land Registry. Any person can check the relevant information that has been registered in the Land Registry. However, please be reminded that a “Warning Notice” that has been registered in the Land Registry does not represent all the UBW that can be found in the subject premises.</p>

6.	What is the consequence if the unauthorized building works are not removed after the “Warning Notice” has been registered against the title of the subject premises in the Land Registry? Will any prosecution actions be taken?
	Although no prosecution action will be taken against the owner of the premises, the record for non-compliance of that “Warning Notice” will be kept in the Land Registry until its deregistration. A “Warning Notice” that records against the property in having the unauthorized building works erected will constitute an encumbrance on the property title, lead to reduction of the property value, and induce the owner to remove the UBW voluntarily.
7.	In case I receive a “Warning Notice” but have financial difficulty in carrying out the removal works of the UBW, may I apply a loan from the Buildings Department?
	If you intend to carry out removal works and subsequent reinstatement works in order to comply with the “Warning Notice” issued by the Building Authority, you may apply loan from the Buildings Department under the “Building Safety Loan Scheme”. You may contact our staff for details (telephone no. 2626 1579, handled by '1823 Citizen's Easy Link' of the Government).
8.	After the removal of the UBW in accordance with the “Warning Notice”, how should I notify the Buildings Department?
	A form for notifying compliance of the “Warning Notice” has been attached to the covering letter of the “Warning Notice”. You can simply complete and return the form to the Buildings Department by mail or by fax. If the form were lost, you might notify us in writing.
9.	How long will the Buildings Department take to deregister the “Warning Notice” from the record of the Land Registry?
	After receiving the written notification regarding the compliance of the “Warning Notice”, the Buildings Department needs time to verify the compliance. If the said “Warning Notice” has been registered with the Land Registry, the Buildings Department pledges that in case of verified compliance, a “compliance letter” will be issued to the said owner within three weeks upon receiving the written notification. The said “compliance letter” will also be forwarded to the Land Registry as a document required for deregistration of the “Warning Notice”.