

What are Unauthorized Building Works (UBWs)?

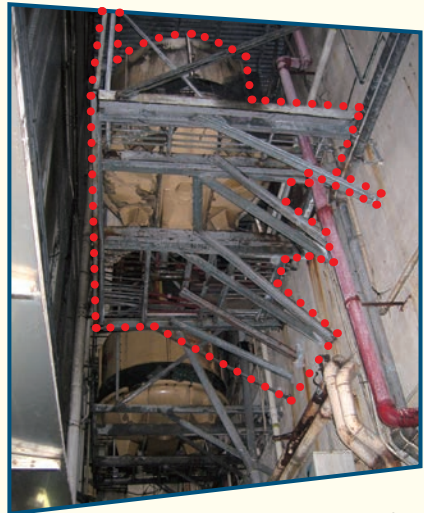
In general, UBWs are:

- Building works outside a building and additions and alterations inside a building involving the structure of the building, carried out without the prior approval and consent of the Building Authority (“BA”); or
- Small-scale building works that are designated as minor works carried out without complying with the simplified requirements of the Minor Works Control System under the Buildings Ordinance (Cap. 123) (“BO”); or
- Addition and alteration works carried out inside a building not involving the structure of the building but do not comply with the building standards laid down for building works in the Building Regulations.

Common types of UBWs



Canopy



Supporting Frame for
Air-conditioner / Water Cooling
Tower on external wall



Metal cage attached to external wall



Large signboard



UBW on rooftop



UBW on podium flat roof



UBW in yard



Enclosed balcony which does not comply with regulations



Opening formed in the staircase enclosure wall



Sub-division of flat units which does not comply with regulations



Metal gate obstructing the means of escape

Common types of UBWs



Large glass panels which do not comply with regulations



Window enclosure on approved planter

Exempted Building Works

Under section 41(3) of the BO, except drainage works, ground investigation in the “scheduled areas” under the BO, site formation works or minor works, building works not involving the structure of the building may be carried out in any building without “obtaining prior approval and consent” from the BA, and the appointment of building professionals and registered contractors.

Such exemption also applies to designated exempted works under section 41(3B) of the BO, and drainage works (except minor works) in any building subject to conditions under section 41(3C) of the BO.

Such building or drainage works mentioned above are generally called “exempted building works”. Exempted building works shall not be carried out in contravention of the regulations under the BO.

Common examples of exempted building works



Metal gate of individual unit entrance
not obstructing the means of escape



Lightweight partition
board wall

Minor Works

Building works designated as minor works may be carried out without obtaining prior approval and consent from the BA, but should comply with the simplified requirements of the Minor Works Control System, including the appointment of prescribed building professionals and/or prescribed registered contractors. For details of the Minor Works Control System, please refer to “General Guidelines on Minor Works Control System” published by the Buildings Department.

Owners should pay attention before carrying out building works

Any building works, such as construction, repair, demolition, alteration and drainage works are subject to the control of the BO, except for exempted building works, owners should appoint an authorized person and registered structural engineer (if so required) for preparation of plans. After obtaining the approval of the plans and consent to commencement of the works from the BA, the works should be carried out by a registered contractor in accordance with the approved plans; or

For minor works, appoint a prescribed building professional and/or a prescribed registered contractor to carry out the concerned minor works under the Minor Works Control System which was fully implemented on 31 December 2010.

All building works, including minor works and exempted building works shall not be carried out in contravention of the regulations under the BO.

Carrying out UBWs is a serious offence

Under the BO, any person, who carried out building works(except minor works) without the prior approval and consent of the BA, that person commits an offence. The offender shall be liable on conviction to a fine of \$400,000 and imprisonment for two years, and a fine of \$20,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

Under the BO, any person, who arranged for the minor works to be commenced or carried out, has knowingly failed to appoint the prescribed building professional and/or prescribed registered contractor required by the regulations to be appointed in respect of the minor works concerned, that person commits an offence. The offender shall be liable on conviction to a fine at Level 6 (\$100,000 at present).

Order for Removal of UBWs

The BA may serve a statutory order requiring the building owner to remove the UBWs or rectification of the contraventions of regulations within a specified time and may register the order against the title of the property in the Land Registry.

If the required works have not been carried out by the specified time, the BA may take prosecution action against the building owner who fails without reasonable excuse to comply with the order. The offender shall be liable on conviction to a fine of \$200,000 and imprisonment for one year, and a fine of \$20,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

The BA may also employ a government contractor to carry out the works, and subsequently recover the cost of the works, plus supervision charge, from the building owner.

Know more about your building

Members of the public may visit the Building Information Centre of the Buildings Department at 13/F, Pioneer Centre, 750 Nathan Road, Kowloon for inspection of the approved plans or records of completed minor works, or via the “Building Records Access and Viewing On-line” (BRAVO) system website <http://bravo.bd.gov.hk> for inspection on-line.

Please visit http://www.bd.gov.hk/english/documents/pamphlet/BIC_e.pdf for details of the services.

Owners who intend to remove UBWs or carry out building repair works should consult a Prescribed Building Professional (PBP) for advice on the appropriate action to be taken, including the appointment of a Prescribed Registered Contractors (PRC) for carrying out of the necessary works. Registers of the PBP/PRC can be inspected at the Buildings Department’s website http://www.bd.gov.hk/english/inform/index_ap.html.

Enquiry:

For any enquiry on UBWs or minor works, please visit the Buildings Department’s website <http://www.bd.gov.hk> or contact the Buildings Department by the following means:

- Postal address : 12/F, Pioneer Centre,
No. 750 Nathan Road, Kowloon
- Email address : enquiry@bd.gov.hk
- Telephone Hotline : 2626 1616 (Handled by “1823 Call Centre”)
- Technical Resource Centre : 5th Floor, Henry G. Leong Yaumatei Community Centre,
No.60 Public Square Street,
Yau Ma Tei, Kowloon