

Appendix 4

Samples of "Statutory Order and Direction" Issued by the Buildings Department

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1. Buildings Ordinance – Order by the Building Authority under section 24(1) (in relation to unauthorized building works)

BUILDINGS ORDINANCE (CAP. 123)

Order by the Building Authority under section 24(1)

Order No. : C	Office of the Building Authority
BD Ref. : BD	12/F-18/F, Pioneer Centre,
To :	750 Nathan Road, Mongkok,
	Kowloon.
	Date : _____

Owner(s) of _____

on (Lot Number) _____

It has been brought to my attention that building works have been carried out in and at the premises without having first obtained from me the approval of building plans and consent for the commencement of such building works required by section 14 of the Buildings Ordinance.

2. The said building works comprise

3. In exercise of the powers vested in me under section 24(1) of the Buildings Ordinance, I hereby order you to :-

4. You are required to commence the works ordered by me in paragraph 3 above within thirty days and complete such works within sixty days of the date of this order, all to the satisfaction of the Building Authority.

for Building Authority

c.c. Land Registrar

Your attention is drawn to the provisions of sections 24(3), 24(4) and 33 of the Buildings Ordinance.

BD 109 (Rev. 12/95)

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2. Buildings Ordinance – Order by the Building Authority under section 26 (in relation to dangerous buildings)

BUILDING AUTHORITY OF HONG KONG
BUILDING ORDINANCE
 (Chapter 123)
 Order by the Building Authority under section 26

Order No. D _____
 Our Ref. No. _____
 To: _____

Date _____

I am of the opinion that *the building known as/building works at _____

 on _____ *has/have
 been rendered dangerous/*is/are liable to become dangerous.

2. In exercise of the powers vested in me by section 26 of the Buildings Ordinance, I HEREBY DECLARE that such *building is/building works are *dangerous/liable to become dangerous and I HEREBY ORDER you as owner to carry out the following works and such works are to be commenced by _____ and to be completed by _____.

_____ for Building Authority

c.c. Land Registrar – for registration

*Delete whichever is inapplicable

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

3. Buildings Ordinance - Order by the Building Authority under section 26A(1) (in relation to defective buildings)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
 (Chapter 123)
 Order by the Building Authority under section 26A(1)

Order No. INVO

Our Ref. No. BD

To :

Date _____

I have, on inspection, found certain corrosion/defect in the building at (address) _____

on (Lot No.) _____

2. In exercise of the powers vested in me by section 26A(1) of the Buildings Ordinance, I HEREBY ORDER you as owner to appoint an Authorized Person to carry out, within a period expiring on _____ the following works :-

All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

_____ for Building Authority

c.c. Land Registrar - for registration

* delete whichever is inapplicable

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

4. Buildings Ordinance - Order by the Building Authority under section 26A(3) (in relation to the investigation of suspected defective buildings)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 26A(3)

Order No. INVO

Our Ref. No. BD

To :

Date _____

The owner of the building at (address) _____

on (Lot No.) _____

has been served with an Order No. INVO _____ dated _____

2. In exercise of the powers vested in me by section 26A(3) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the works as specified in the investigation and remedial proposal submitted by your authorized person on _____ and approved on _____.

3. All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

for Building Authority

c.c. Land Registrar - for registration

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

5. Buildings Ordinance - Order by the Building Authority under section 27A (in relation to dangerous hillsides)

**BUILDINGS ORDINANCE
(CHAPTER 123)
Order by the Building Authority under section 27A**

Order No. _____

BD Reference No.: _____

To: _____ Date : _____

I am of the opinion that the *natural, formed or man-made land *and the earth-retaining structure (Feature No. _____ *portion as shown coloured red on the attach plan) *at and adjoining _____ *on and adjoining _____ *has/have been rendered so dangerous *is/are liable to become so dangerous that *it/they will collapse or be likely to collapse, either totally or partially, and thereby cause or likely to cause a risk of injury to persons or damage to property.

2. In exercise of the powers vested in me under section 27A of the Buildings Ordinance, I hereby declare that such *natural, formed, or man-made land *and earth retaining structure *is/are *dangerous/liable to become dangerous and I HEREBY ORDER you as the *owner of the land *and structure *person who under the terms of a Government lease is under an obligation to maintain the land *and structure, to carry out the following works :-

a) appoint an Authorized Person within months of the date of this Order to co-ordinate the work required below;

b) to carry out the approved remedial/preventive works in accordance with the proposal approved by the Building Authority on withinmonths of the date of this Order.

3. All work as stipulated above in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with regulations.

c.c. Land Registrar-for registration
 ΔCGE/
 #CGE/
 CGE/SS(Attn: SGE/CAU)
 DO/
 *DLO/
 +SGE/SP, Arch. S. D.
 Occupier

()
for Building Authority

* Delete whichever is inapplicable

Δ The relevant GEO District Division
 # The initiating GEO Division other than District Division
 +Applicable to DH Order affecting subvented project

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6. Buildings Ordinance - Order by the Building Authority under section 27C(1) (in relation to buried services)

BUILDINGS ORDINANCE
(CHAPTER 123)
Order by the Building Authority under s27C(1)

Order No. : _____ Date : _____
B.D. Ref. No. : _____

To: _____

Pursuant to Section 27C(1) of the Buildings Ordinance, I am of the opinion that any leakage, defect or inadequacy of the water pipes/ drains/ or sewers of the building at (address) _____ on (Lot no.) _____, which are laid in, on or under the ground in or in the vicinity of earth-retaining structure annotated by Feature No. _____ as shown coloured yellow on the attached plan for identification purpose only, may result in a landslip of the land or a collapse of the structure, either totally or partially, and such landslip or collapse may cause, or may be likely to cause, a risk of injury to persons or damage to property.

2. In exercise of the power vested in me under section 27C(1) and 27C(2) of the Buildings Ordinance, I HEREBY ORDER you as owner(s) of the building : -

- (a) to appoint an authorized person to carry out investigation of all water pipes/ drains/ and sewers laid in, on or under the ground in or in the vicinity of the said earth-retaining structure annotated by Feature No. _____
- (b) to cause such investigation to be commenced within _____ days and completed within _____ days of the date of this Order.
- (c) to cause a written report on the findings of such investigation to be prepared by the person appointed to carry out the investigation and to submit such report to the Building Authority within _____ days of the date of this Order.
- (d) to submit for approval by the Building Authority proposals for work to be done to remedy any leakage, defect or inadequacy of the water pipes/ drains/ and sewers, based on the findings of such investigation, within _____ days of the date of this Order.

3. All investigation and work specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with Building Regulations.

()
for Building Authority

c.c. Land Registry (for registration)
Occupier
CGE/ GEO

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

7. Buildings Ordinance - Order by the Building Authority under section 28(3) (in relation to defective drainage works)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
 (Chapter 123)
Order by the Building Authority under section 28(3)

Order No. DR/ _____

Our Ref. No. _____

To :

Date _____

I am of the opinion that the drains of the building at (address) _____

_____ on (Lot No.) _____ are

*inadequate/in a defective/in an insanitary condition.

2. In exercise of the powers vested in me by section 28(3) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the following works :-

SAMPLE

All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

c.c. Land Registrar - for registration
 SCO

for Building Authority

delete whichever is inapplicable

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8. Buildings Ordinance - Order by the Building Authority under section 28(5) (in relation to defective drainage works)

BUILDING AUTHORITY OF HONG KONG
BUILDINGS ORDINANCE
(Chapter 123)
Order by the Building Authority under section 28(5)

Order No. DR

Our Ref. No. BD

To :

Date _____

The owner of the building at (address) _____

on (Lot No.) _____ has
 been served with an Order No. DR _____ dated _____.

2. In exercise of the powers vested in me by section 28(5) of the Buildings Ordinance, I HEREBY ORDER you as owner to carry out, within a period expiring on _____, the works as specified in the investigation and remedial proposal submitted by your appointed authorized person on _____ and approved on _____.

3. All works specified in this Order shall be carried out to such standard acceptable to the Building Authority and in compliance with the regulations.

for Building Authority

c.c. Land Registrar - for registration
 SBS/A6, C&E Div.

Appendix 4 Samples of "Statutory Order and Direction" Issued by the Buildings Department

9. Fire Safety (Commercial Premises) Ordinance - Fire Safety Direction (in relation to the fire safety construction requirements)

Buildings Department
Fire Safety (Commercial Premises) Ordinance (Chapter 502)
(Section 5)
Fire Safety Direction

Direction No. : _____
 Our Ref. No. : _____

To _____

(name and address of the owner of *a unit or part of the prescribed commercial premises)

1. TAKE NOTICE that under Section 5 (1) of the Fire Safety (Commercial Premises) Ordinance the Director of Buildings, being in the opinion that the building, or part of the building at _____

(address of the prescribed commercial premises) is prescribed commercial premises within the meaning of Section 3(2) of the Fire Safety (Commercial Premises) Ordinance does hereby require you as the owner of _____

(specify the *unit or part of the prescribed commercial premises), to provide therein the fire safety Construction requirements specified as follows :- Please see attached Appendix _____

(specify the fire safety construction requirements). The period of compliance with this Direction will expire on _____ (specify the date).

2. If you, without reasonable excuse, fail to comply with the requirements of this Direction you are liable to prosecution for an offence under Section 5(7)(a) of the Fire Safety (Commercial Premises) Ordinance. Upon conviction, a court may impose a maximum fine of \$25,000 and to a further fine of \$2,500 for each day or part of a day during which the offence continues. Upon conviction, application may also be made for an order against you under Section 6(1) of the Fire Safety (Commercial Premises) Ordinance requiring the provision of the fire safety construction requirements in the said prescribed commercial premises.

3. Any default in complying with the requirements of this Direction may also risk the making of a Use Restriction Order by the District Court under Section 7(1) of the Fire Safety (Commercial Premises) Ordinance prohibiting the use of the said *unit or part of the premises for any prescribed commercial activity.

Dated this _____ day of _____

(_____)
 Chief Building Surveyor/FS
 for Director of Buildings

c.c. Director of Fire Services
 7/-

* delete as appropriate

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10. Fire Safety (Commercial Premises) Ordinance - Fire Safety Direction Explanatory Notes

Fire Safety Direction Explanatory Notes

The Fire Safety *Direction / Directions *is / are issued by the *Director of Buildings *& the Director of Fire Services under section *5(1) *& 5(2) of the Fire Safety (Commercial Premises) Ordinance for compliance of fire safety measures specified under *Schedule 2 *& Schedule 3 of the Ordinance. * Attached herewith is a plan showing the boundary of the subject prescribed commercial premises for your information.

2. The fire safety measures required to be complied with are specified in paragraph one of the Fire Safety *Direction / Directions. Your attention is drawn to the time specified for compliance of the Fire Safety Direction.

3. As the compliance of the fire safety measures may involve technical knowledge, you are advised to seek the service of an authorized person (namely architect, engineer or surveyor registered under the Buildings Ordinance) and a Fire Service Installation Contractor who can advise you further in this issue. A list of authorized persons is available for inspection in the Buildings Department and District Offices. A list of all registered Fire Services Installation Contractors is available for inspection in Fire Protection Command Headquarters, fire stations and fire protection regional offices. Lists of registered Classes 1 & 2 Fire Services Installation Contractors are available for browsing at the following Fire Services Department web sites :-

<http://www.info.gov.hk/hkfsd/chinese/notice/notice1.htm>

<http://www.info.gov.hk/hkfsd/english/notice/notice1.htm>

If such works involve the building fire service installations or public areas of the building or portion(s) of the building owned by another party, you should seek prior consent from the Owners/Owners Corporation/Building Management of the building or the respective Owners of the portion(s) of the building as appropriate.

4. If you have any enquiry on the Fire Safety Direction issued by the Buildings Department, please contact Building Surveyor _____ at telephone No. _____, or corresponding address : Buildings Department, 12/F-18/F Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon, Hong Kong.

5. If you have any enquiry on the Fire Safety Direction issued by the Fire Services Department, please contact Divisional Officer _____ at telephone No. _____, or corresponding address : Fire Services Department, Fire Protection Command, Legislation and Control Division, One Mong Kok Road Commercial Centre, 1 Mongkok Road, 5/F., Kowloon, Hong Kong.

*Delete as appropriate

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