

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

DEVB(PL)097

Question Serial No.

Head : 82 Buildings Department Subhead (No. & title) :

0445

Programme : Buildings and Building Works

Controlling Officer : Director of Buildings

Director of Bureau : Secretary for Development

Question :

In each of the past three years (i.e. 2007-2009), how many orders have been served by the Department on the owners requiring them to reinstate their flats when the flat layout was found to deviate from the original plans of the buildings? For those cases where the owners have complied with the orders and completed the works, what was the average time taken from the service of orders to the completion of works? How long did the longest case take? For those cases where the owners could not be found or failed to comply with the orders and ultimately it was necessary for the Building Authority to carry out the works, what was the number of such cases, the costs of such works involved, the number of cases still pending recovery of costs and the amount of the outstanding costs?

Asked by : Hon. LEE Wai-king, Starry

Reply :

Building works amounting to altering the approved layout of a flat, unless they affect the structure of the building or are not carried out up to building safety and health standards, will not contravene the provisions of the Buildings Ordinance and are not unauthorised building works (UBWs). The Buildings Department (BD) will take action against UBWs (including illegal alterations to flat units) that constitute obvious or imminent danger to life or property, a serious hazard or a serious environmental nuisance, in accordance with its established enforcement policies.

In 2007, 2008 and 2009, the BD issued 20, 34 and 12 removal orders respectively to owners requiring them to remove UBWs in their flat units and reinstate their flats in

accordance with the original approved plans of the buildings. According to the completed cases within the past three years, the average time for the owners to comply with the removal orders was 12 months. The longest period for compliance was 37 months, in which case a substantial part of the compliance time was for processing the owner's appeal against the removal order before the required works were carried out by the owner. Regarding the 45 completed cases, all owners had complied with the orders themselves, either upon receipt of the orders or upon initiation of prosecution action by the BD. Amongst the removal orders issued in 2007 to 2009, 21 orders are still outstanding. The owners of four of the cases are carrying out the necessary rectification works. Regarding the remaining 17 cases, the BD is arranging prosecution of the owners concerned.

Signature _____

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 17 March 2010