

Examination of Estimates of Expenditure 2010-11

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

Reply Serial No.

DEVB(PL)100

Question Serial No.

1162

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

Programme : Buildings and Building Works

Controlling Officer : Director of Buildings

Director of Bureau : Secretary for Development

Question :

In 2009, the Department issued 31 453 removal orders on unauthorised building works but instigated only 3 063 prosecutions against failure to comply with removal orders, which was only 1/10 of the total number of removal orders issued. Please advise on the status of the other cases. Have removal works been carried out as stipulated in those orders? Or prosecutions have not yet been instigated, and no follow up actions have been taken?

Asked by : Hon. LEUNG Mei-fun, Priscilla

Reply :

Upon issue of a removal order, the Buildings Department (BD) will take action to encourage building owners to voluntarily comply with the requirements in the first instance. After expiry of the orders, the BD will issue reminders and, if necessary, warning letters to the owners to urge them to comply with the orders prior to the Department's consideration of instigating prosecution. In the event that the owners encounter genuine difficulties and request additional time to arrange for the necessary works, the BD will consider granting extension of time to allow them to comply with the orders on a case-by-case basis based on justifications. Prosecution will be initiated if the owners fail to comply with the orders without reasonable excuse. In 2009, a total of 23 499 removal orders were voluntarily complied with by the owners. In the same year, the BD instigated 3 063 prosecutions against failure to comply with removal orders. Such compliance and prosecutions cover orders issued in 2009 and earlier years. The Department has been monitoring the progress of compliance of the orders, including those issued in 2009 (some of which have not yet expired), and will consider enforcement actions, including instigating prosecution against the concerned owners, as necessary.

Signature _____

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 19 March 2010