

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

DEVB(PL)106

Question Serial No.

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

1183

Programme : Buildings and Building Works

Controlling Officer : Director of Buildings

Director of Bureau : Secretary for Development

Question :

In 2008 and 2009, among the prosecutions instigated against failure to comply with removal orders, what was the average duration in terms of days from issuing the removal orders to instigating prosecutions?

Asked by : Hon. NG Margaret

Reply :

Regarding the prosecutions instigated in 2008 and 2009, the average duration between the issue of removal orders and laying of summonses was about 800 days. Upon issue of a removal order, the Buildings Department (BD) will take action to encourage owners to voluntarily comply with the requirements. 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 owners encounter genuine difficulties and request additional time to arrange for the necessary works, the BD will consider granting an extension of time to allow the owners to comply with the order on a case-by-case basis where justified. Prosecution will be initiated if the owners fail to comply with the orders without reasonable excuse. Most of the prosecution cases involve substantial unauthorised building works and the BD has to carefully collate information and prepare documentary evidence for lodging submissions to the Magistrates.

Signature _____

Name in block letters AU Choi-kai

Post Title Director of Buildings

Date 19 March 2010