

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

DEVB(PL)093

Question Serial No.

0906

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

Programme: Buildings and Building Works

Controlling Officer: Director of Buildings

Director of Bureau: Secretary for Development

Question:

- (a) The Department indicated that it completed a village by village survey to 2 400 New Territories exempted houses (NTEHs) in 2012. During the process, how many cases of unauthorised building works (UBWs) were identified? Please categorise the irregularities found, e.g. how many involved NTEHs of 4 storeys or above which are cases for priority enforcement action, and how many involved other cases?
- (b) The Department indicated that 161 removal orders were issued for UBWs in NTEHs in 2012 and that the targets of these removal orders included those "First Round Targets" identified in the 2 400 NTEHs inspected in the pilot villages for survey. What was the percentage that these removal orders constituted among all cases of irregularities found? At present, how many of the cases have complied and completed the removal after having received the removal orders? Upon receipt of a removal order, how many days were allowed for the owner to complete the removal? If the owner failed to remove the UBWs as required after the removal order had been issued, how did the Department follow up?

Asked by: Hon. LEONG Kah-kit, Alan

Reply:

The Buildings Department (BD) has been implementing the enhanced enforcement strategy against unauthorised building works (UBWs) in New Territories exempted houses (NTEHs) since 1 April 2012. The enhanced enforcement strategy includes a large scale operation for removal of existing UBWs in NTEHs that constitute serious contravention of the law and pose higher potential risks to building safety (known as First Round Targets), a Reporting Scheme for existing UBWs in NTEHs that constitute less serious contravention of the law and pose lower potential risks to building safety, and immediate enforcement actions against other UBWs in NTEHs which constitute imminent danger or are newly erected or found under construction.

- (a) So far, the BD has completed village by village surveys in nine villages involving about 2 400 NTEHs. The surveys are conducted specifically for the purpose of identifying First Round Targets which are cases for priority enforcement action and do not cover other categories of UBWs, for example, those which constitute less serious contravention of the law and pose lower potential risks to building safety, which are eligible for reporting under the Reporting Scheme. From these surveys, 122 removal orders were issued for the First Round Targets identified. These mainly comprise NTEHs of four storeys or above and enclosed roof-top structures which cover more than 50% of the roofed-over area of the NTEH.
- (b) Of the 161 removal orders against UBWs in NTEHs issued in 2012, 122, or 76%, of them were issued against First Round Targets. Depending on the scale and complexity of the works involved, the owners are normally given 60 days, or up to 150 days as may be necessary, for compliance with the order. Where an owner fails to comply with the requirements of a removal order without a reasonable excuse, the BD may institute prosecution under section 40(1BA) of the Buildings Ordinance. At present, the BD is arranging for prosecution against the owners in 45 cases for non-compliance with the removal orders. For the remaining cases, the BD continues to monitor progress and to encourage voluntary compliance within the relevant time-limits.

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