

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

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Question Serial No.

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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 2012, the Buildings Department instigated 2 104 prosecutions against failure to comply with removal orders against unauthorised building works (UBWs). Will the Government provide the detailed figures on the number of prosecution by building and location of UBWs?

Furthermore, please provide the adjudications by the court among those prosecution cases as level of penalty and term of imprisonment (if any). In connection with the task of handling prosecutions against UBWs, how many staff are responsible for this task (including counsels in the Department of Justice) in 2012-13 and 2013-14?

What are the additional manpower and establishment involved?

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

The distribution of the premises involved in the prosecutions instigated by the Buildings Department (BD) against failure to comply with removal orders on unauthorised building works (UBWs) by districts in 2012 is as follows:

<b>Area</b>	<b>District</b>	<b>No. of prosecutions instigated</b>
New Territories	Islands	2
	North	22
	Sai Kung	16
	Sha Tin	31
	Tai Po	49
	Tsuen Wan	54
	Tuen Mun	71
	Yuen Long	89
	Kwai Tsing	68
	<i>Sub-total</i>	<i>402</i>

Hong Kong	Central and Western	202
	Wan Chai	74
	Eastern	182
	Southern	13
	<i>Sub-total</i>	<i>471</i>
Kowloon	Kowloon City	426
	Kwun Tong	104
	Yau Tsim Mong	367
	Sham Shui Po	289
	Wong Tai Sin	45
	<i>Sub-total</i>	<i>1 231</i>
<b>Total:</b>		<b>2 104</b>

We are not able to provide the detailed figures on the number of prosecutions instigated by buildings and locations of UBWs as the BD does not keep such statistics separately.

The number of prosecutions adjudicated by the court and the level of fines imposed in convicted cases for failure to comply with removal orders against UBWs in 2012 are as follows:

<b>No. of Prosecutions Adjudicated</b> (Note)	<b>No. of Convictions</b>	<b>Minimum Fine</b>	<b>Maximum Fine</b>	<b>Average Fine</b>	<b>Imprisonment</b>
1 716	1 285	\$210	\$100 000	\$3 739	Nil

(Note: As there is a lapse of time between summonses served and adjudications by the court, the prosecutions adjudicated in 2012 may arise from prosecutions instigated before 2012.)

The work associated with the instigation of prosecutions against UBWs is mainly handled by the existing resources of 59 professional, technical and clerical staff of the Legal Services Section of the BD as part of their overall duties in dealing with all prosecutions and disciplinary proceedings arising from the enforcement work of the BD. Staff of the Existing Buildings Divisions and Mandatory Building Inspection Division of the BD are also involved in compiling documentary evidence and attending court hearings as prosecution witnesses. We are thus not able to provide a breakdown of the manpower solely for handling prosecutions against UBWs in 2012-13 and 2013-14.

According to the Department of Justice (DoJ), cases involving prosecutions against UBWs are handled by officers in different teams having regard to the level of court involved and the status of the case. Such cases may also be dealt with by court prosecutors in the Magistrates' Courts. As such, a breakdown of the manpower involved in the handling of prosecutions against UBWs in DoJ cannot be provided.

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