

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

DEVB(PL)122

Question Serial No.

2242

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

Programme: Buildings and Building Works

Controlling Officer: Director of Buildings

Director of Bureau: Secretary for Development

Question:

Regarding enforcement action against unauthorised roof structures, please inform this Committee:

- 1) According to the data provided by the Department, in 2012, the number of target buildings for action under this category was only 350 because resources had to be reallocated to handle irregularities found in building works associated with sub-divided flats. Has the Department assessed the effect of this reduction of target buildings on building safety? Will it lead to increased potential risks on some of the buildings with unauthorised roof structures? If yes, what are the details?
- 2) For the 350 buildings with unauthorised roof structures actually handled in 2012, what are the details of their distribution by District Council districts?
- 3) At present, how many removal orders against unauthorised building works in buildings in urban areas are not yet complied with after their expiry dates? Please list them out according to the years when these orders were issued or the number of years that the orders have been issued (one to five years, six to ten years and over ten years). Has the Department taken follow-up action against these removal orders? If yes, what are the measures concerned?

Asked by: Hon. WU Chi-Wai

Reply:

- 1) While immediate enforcement action will be taken on all unauthorised building works (UBWs) constituting obvious hazard or imminent danger to life or property upon reports received from the public, the enforcement policy of the Buildings Department (BD) against UBWs was revised in 2011 by extending the scope of actionable UBWs for priority enforcement action to include UBWs on rooftops and podiums as well as those in yards and lanes of buildings, irrespective of their risk to public safety or

whether they are newly constructed. In view of the potentially large number of this category of actionable UBWs, prioritisation is necessary to handle such UBWs in an orderly manner. The enforcement action will be prioritised in accordance with publicised criteria. In implementing the revised enforcement policy, the BD has launched a large scale operation (LSO) since April 2011 to remove such UBWs in 500 target buildings each year.

As the BD would take immediate enforcement action against UBWs on rooftops, flat roofs, yards and lanes which constitute obvious hazard or imminent danger to life or property upon reports received from the public, the UBWs targeted for removal in the LSO are generally those that exhibit no apparent dangers themselves nor pose any obvious dangers to adjacent buildings or the public. As such, it is believed that the reduction of target buildings from 500 to 350 in the LSO in 2012 for redeployment of resources to handle irregularities found in building works associated with sub-divided flats would not lead to increased potential risks to buildings with unauthorised roof structures. The number of target buildings for the LSO will resume to 500 per annum in 2013.

- 2) Under the LSO on UBWs on rooftops, flat roofs, yards and lanes in 2012, the distribution of the 350 target buildings on geographical basis is as follows:

District	No. of target buildings
Central & Western	41
Wan Chai	36
Eastern	35
Southern	6
Kowloon City	47
Kwun Tong	30
Sham Shui Po	36
Wong Tai Sin	8
Yau Tsim Mong	59
North	10
Tai Po	6
Kwai Tsing	9
Tsuen Wan	12
Tuen Mun	10
Yuen Long	5
Total	350

- 3) The BD does not keep separate statistics on the number of removal orders against UBWs in urban areas. For the removal orders issued before 2012 against UBWs in the whole territory, 52 514 orders are still under various stages of follow-up and have yet been complied with. These orders have been registered in the Land Registry as an encumbrance to property title. The distribution of these outstanding orders according to the year of issue is as follows:-

Year of Issue	Number of outstanding orders
2001 and before	123
2002-2006	4 004
2007-2011	48 387
Total	52 514

Upon issue of a removal order, the BD will take various actions to demand compliance by the owners themselves. Where the owners have not complied with the orders after a specified period, the BD will issue reminders and, if necessary, warning letters to the owners to urge them to comply with the orders before considering whether to instigate prosecution. In case the owners encounter genuine difficulties in arranging the works, an extension of time may be granted to allow them more time to comply with the order on a case-by-case basis where justified. Prosecution may be instigated if the owners fail to comply with the orders without reasonable excuse. The BD will also consider engaging government contractors to carry out the required works in the owners' default and recover the cost of such works, plus supervision charge and surcharge from the owners.

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Date: 2.4.2013