

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

DEVB(PL)290

Question Serial No.

4139

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

Programme: Buildings and Building Works

Controlling Officer: Director of Buildings

Director of Bureau: Secretary for Development

Question:

On the enforcement front, the Buildings Department (BD) would enhance enforcement action against unauthorised building works (UBWs) in New Territories exempted houses (NTEHs), removing systematically those UBWs in NTEHs that constitute serious contravention of the law and pose higher potential risks to building safety. At the same time, the BD would implement a reporting and regular certification scheme for existing UBWs in NTEHs that constitute less serious contravention of the law and pose lower potential risks to building safety, in order to ensure structural safety of the NTEHs and gather information for developing an appropriate follow-up strategy. On the other hand, the BD would further enhance enforcement action against sub-divided flats (SDFs) by increasing the number of target buildings in the large scale operation on inspection of SDFs by 30%, i.e. to 200 buildings each year. For the first time, 30 industrial buildings would be included as the target buildings. Besides, in view of the potential fire risks that hawker stalls may pose to nearby buildings, the BD would strive to complete by the middle of the year a one-off special operation on inspection of SDFs in old style buildings located in the vicinity of hawker stalls, thereby increasing the number of buildings with SDFs inspected to around 370 in 2012. Please provide the following information:

1. The state of, and enforcement action against, UBWs found in existing NTEHs from March 2008 to March 2013;
2. The state of, and enforcement action against, UBWs found in existing SDFs from March 2008 to March 2013; and
3. The state of, and enforcement action against, UBWs found in domestic properties of a market value above \$100 million from March 2008 and March 2013.

Asked by: Hon. LEUNG Kwok-hung

Reply:

1. The Buildings Department (BD) has been taking enforcement action against unauthorised building works (UBWs) in New Territories exempted houses (NTEHs). In line with the then prevailing enforcement policy, BD's past enforcement action

focused on UBWs which constituted obvious hazard or imminent danger to life or property and UBWs that were newly erected or found under construction. Since 1 April 2012, the BD has set up a dedicated Village Houses Section to implement the enhanced enforcement strategy against UBWs in NTEHs. The enhanced enforcement strategy includes large scale operations (LSO) 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. In view of the substantial scale of the enforcement against the First Round Targets, the LSO will be conducted in phases and in a systematic manner. As a start after the setting up of the dedicated Village Houses Section on 1 April 2012, one target village had been selected from each of the nine New Territories districts for a pilot village by village survey which involved about 2 400 NTEHs. We have streamlined the modus operandi in the light of experience. It is assessed that the Village Houses Section will be able to meet the target of surveying First Round Targets in 8 000 NTEHs in 2013. A total of 161 removal orders were issued in 2012 requiring the owners concerned to demolish UBWs in NTEHs. At the end of the reporting period on 31 December 2012, the BD had received under the Reporting Scheme 18 034 report forms which involved more than 30 000 UBWs. The report forms are being processed, including verifying the information provided, auditing the information on site, categorising the reported UBWs and entering the records into BD's information system. The BD will then analyse the information collected and formulate further follow-up action plans.

According to the BD's record, the numbers of removal orders issued by the BD against UBWs in NTEHs and the numbers of removal orders complied with from 2008 to mid-March 2013 (up to 14 March 2013) are tabulated below:

Year	Number of removal orders issued	Number of removal orders complied with
2008	423	272
2009	291	164
2010	304	153
2011	377	96
2012	161	4
2013 (up to 14.3.2013)	21	0
Total	1 577	689

(Note: removal orders complied with in a year may not necessarily correspond to removal orders issued in the same year)

The numbers of prosecutions instigated by the BD and the numbers of convictions in respect of failure to comply with removal orders issued against UBWs in NTEHs from 2008 to mid-March 2013 (up to 14 March 2013) are listed below:

Year	Number of prosecutions instigated	Number of convictions
2008	66	38
2009	132	76
2010	129	77
2011	204	169
2012	84	71
2013 (up to 14.3.2013)	12	13
Total	627	444

(Note: convicted cases in a year may not necessarily arise from prosecutions instigated in the same year)

2. The BD has been handling irregularities of building works associated with sub-divided flats (SDFs) in response to reports from the public. The numbers of removal orders issued against irregularities of building works associated with SDFs in response to reports received and the numbers of removal orders complied with from 2008 to 28 February 2013 are tabulated as follows:

Year	Number of removal orders issued in response to reports received	Number of removal orders (issued in response to reports received) complied with
2008	43	35
2009	12	8
2010	18	14
2011	38	21
2012	120	15
2013 (up to 28.2.2013)	15	0
Total	246	93

(Note: removal orders complied with in a year may not necessarily arise from removal orders issued in response to reports received in the same year)

The numbers of prosecutions instigated by the BD against irregularities of building works associated with SDFs in response to reports and the numbers of cases convicted from 2008 to 28 February 2013 are tabulated as follows:

Year	Number of prosecutions instigated	Number of convictions
2008	14	2
2009	9	2
2010	5	4
2011	7	4
2012	9	2
2013 (up to 28.2.2013)	1	0
Total	45	14

(Note: convicted cases in a year may not necessarily arise from prosecutions instigated in the same year)

Since April 2011, a LSO to inspect 150 target buildings per year for rectification of irregularities of building works associated with SDFs has been launched. In the nine months from April to December 2011, 116 target buildings were selected for the LSO. The LSO was enhanced in April 2012 by increasing the target to inspect 200 buildings per year, including 30 industrial buildings. The strategy of the LSO was also adjusted by taking into account the fire risk that might be brought about by hawker stalls when choosing the target buildings for the LSO in 2012. As a result, 339 old style domestic and composite buildings in the vicinity of hawker stalls were selected, in addition to 30 industrial buildings. From April 2011 to February 2013, a total of 485 target buildings have been inspected, with 2 587 SDFs being identified. As at 28 February 2013, 1 229 removal orders had been issued against the irregularities of building works found under the LSO and 109 had been complied with. During the same period, the BD had instigated 45 prosecutions against failure to comply with removal orders issued under the LSO, among which 11 had been convicted.

3. Market value of a property is not a consideration of the BD in taking enforcement action against UBWs and hence the BD does not have the requested statistics on the enforcement action against UBWs in domestic properties according to their market value.

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Date: 9.4.2013