

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)307**

**(Question Serial No. 5776)**

Head: (82) Buildings Department  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Buildings and Building Works  
Controlling Officer: Director of Buildings (AU Choi-kai)  
Director of Bureau: Secretary for Development

Question (Member Question No. 567):

1. How many reporting forms has the Government received since the implementation of the Reporting Scheme for unauthorised building works (UBWs) in New Territories exempted houses (NTEHs)? Please provide the breakdown of the data by type of UBWs.
2. What is the Department's progress in processing the above reporting forms? What is the estimated amount of resources and time required for processing all the reporting forms?
3. Have all the UBWs identified as the First Round Targets been removed? If yes, please provide the number of UBWs removed. If not, what are the reasons? What policies and approaches does the Department adopt to deal with owners of NTEHs reluctant to remove such UBWs? Are there any cases where penalty has been imposed? What are the details of these cases?
4. What is the progress in removing the existing UBWs that constitute less serious contravention of the law and pose lower potential risks? What is the estimated time of completion of this task? Please provide the timetable concerned.
5. Has the Department considered increasing manpower to cope with the heavy workload arising from the above reporting scheme? If yes, what are the details and the additional resources required?

Asked by: Hon. CHAN Ka-lok, Kenneth

Reply:

On 1 April 2012, the Buildings Department (BD) established a dedicated Village Houses Section (VHS) comprising 41 professional, technical and clerical staff to implement the enhanced enforcement strategy against unauthorised building works (UBWs) in New Territories exempted houses (NTEHs). The enhanced enforcement strategy includes a large scale operation (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. Our reply to the questions is set out below.

- 1 & 2. Under the Reporting Scheme, BD received 18 034 reporting forms which involved more than 30 000 UBWs. These reporting forms are being processed by the outsourced consultants commissioned by BD for verifying the information of UBWs provided, auditing the information on site, categorising the reported UBWs and entering the relevant data into BD's computerised information system. BD aims at completing the processing of reporting forms in mid-2014. We are unable to provide the categorisation of the reported UBWs at this stage. Since the administration of the Reporting Scheme is part of the overall duties of VHS responsible for the full range of work in relation to the enhanced enforcement strategy against UBWs in NTEHs, BD is unable to provide a breakdown of the manpower and expenditure involved solely for administering the Reporting Scheme.
3. In view of the large number of First Round Targets, LSO will be conducted in phases and in systematic manner. In 2013, BD inspected 8 927 NTEHs and issued 84 removal orders for removal of First Round Targets, out of which seven orders were discharged up to 28 February 2014. If an owner fails to comply with the requirements of a removal order without a reasonable excuse, BD may instigate prosecution against the owner under section 40(1BA) of the Buildings Ordinance. In 2013, eight prosecutions were instigated against the owners who failed to comply with the removal orders. While seven cases are still under legal proceedings, there is one conviction in which the owner concerned was fined \$20,000.
4. The reporting period of the Reporting Scheme ended on 31 December 2012. Subject to regular inspection and safety certification, BD will not require removal of the reported UBWs during the period of enforcement against First Round Targets unless they become imminently dangerous. Upon the completion of processing of the reporting forms received and input of relevant data, BD will formulate follow-up plan for progressive enforcement. BD will take priority enforcement action against those UBWs which have not been reported to BD under the Reporting Scheme in response to public reports received. Given the large number of UBWs in NTEHs, we are unable to accurately assess at this stage the time required for the enforcement against all existing UBWs in NTEHs that constitute less serious contravention of the law and pose lower potential risks.
5. BD aims at completing the processing of reporting forms in mid-2014. The work relating to the processing and administration of the Reporting Scheme will continue to be handled by VHS. No additional manpower will be required in 2014-15.