

CONTROLLING OFFICER'S REPLY

DEVB(PL)328

(Question Serial No. 5453)

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. 178):

Regarding unauthorised building works in New Territories exempted houses (NTEHs), please advise this Committee:

1. of the way the Administration processes the 18 034 reporting forms received under the Reporting Scheme for unauthorised building works (UBWs) in NTEHs; of the time estimated for processing all the forms, and the estimated manpower and expenditure required each year;
2. given that 328 removal orders were issued for UBWs in NTEHs in the financial year of 2013-14, of the number of the UBWs finally removed, the number of cases prosecuted, and the expenditure involved; of the estimated additional manpower and expenditure required if all the UBWs related to the removal orders issued in any one year is to be removed within that year; and
3. of the Administration's action on the 8 927 NTEHs identified as the First Round Targets; of the expected time of completion, and the manpower and expenditure involved each year.

Asked by: Hon. HO Sau-lan, Cyd

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. The 18 034 reporting forms are being processed by the outsourced consultants commissioned by BD for verifying the information provided in the reporting forms, auditing the information of UBWs on site, categorising the reported UBWs and entering the relevant data into BD's computerised information system. BD aims at completing the processing of the reporting forms in mid-2014. BD will then analyse the data and formulate a follow-up plan for progressive enforcement.

In 2012-13 and 2013-14, the expenditure for VHS was about \$22 million and \$31 million respectively; and that for hiring consultancy services for LSO to identify First Round Targets and the Reporting Scheme was about \$2.2 million and \$7.4 million respectively. In 2014-15, BD will continue to implement the enhanced enforcement strategy against UBWs in NTEHs using the existing manpower of VHS. The estimated expenditure for VHS is about \$30 million, and that for hiring consultancy services for LSO to identify First Round Targets and the Reporting Scheme is about \$5.6 million. Since the administration of the Reporting Scheme is part of the overall responsibility of VHS which undertakes 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 processing the reporting forms.

2. Of the 328 removal orders against UBWs in NTEHs issued in 2013, 20 orders have been discharged. BD instigated eight prosecutions against the owners who failed to comply with the removal orders. The follow-up to the compliance with removal orders is part of the overall responsibility of VHS which undertakes 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 enforcing the removal orders.

The time required for enforcing a removal order may be affected by a number of factors such as filing of appeal against the removal order, request for extension of time for compliance, practical difficulties encountered in complying with the removal order, the time taken for legal proceedings, etc. Given the varied circumstances of individual cases, it is not pragmatic to set a target for clearing all UBWs within the same year as the issue of the respective removal orders. The enhanced enforcement strategy against UBWs in NTEHs implemented since 1 April 2012 has been running smoothly and effectively. There is currently no plan to increase the manpower for the above enhanced enforcement strategy.

3. Out of the 8 927 NTEHs inspected in LSO in 2013, BD has identified about 1 000 cases for investigation of First Round Targets. Detailed surveys will be conducted for verifying the nature of UBWs before removal orders are issued to the owners of NTEHs concerned, and the process will take some time. Up to 28 February 2014, 84 removal orders were issued against the confirmed First Round Targets. Since LSO to identify First Round Targets is part of the overall responsibility of VHS which undertakes 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 LSO to identify First Round Targets.