

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)092**

**(Question Serial No. 0714)**

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

Question:

The maximum roofed-over area of New Territories Exempted Houses (NTEHs) (including small houses) is 700 square feet. However, a number of village house developments indicate that the area of each floor exceeds 700 square feet, including a balcony/balconies of a few dozens to over one hundred square feet. Would the authorities inform this Committee:

- (a) whether the definition of roofed-over area of NTEHs covers balconies;
- (b) if not, whether such balconies are unauthorised building works (UBWs) for NTEHs with a roofed-over area exceeding 700 square feet; and
- (c) whether the Government has inspected, instigated prosecutions and issued removal orders against such UBWs associated with balconies in the past five years; if so, what are the numbers?

Asked by: Hon CHAN Tanya (Member Question No. (LegCo use): 6)

Reply:

- (a) For the purpose of calculating the roofed-over area of a New Territories Exempted House (NTEH) under section 2(5) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121), the area of not more than two balconies and one canopy shall be excluded if they all project from the same side of the NTEH for a distance of not more than 1.22 m and are not enclosed.
- (b) Any additions, alterations or minor works which result in the stipulated roofed-over area (about 700 square feet) of a NTEH being exceeded would invalidate the exemption under Cap. 121 and hence would turn the NTEH concerned into unauthorised building works (UBWs). The Buildings Department (BD) will take actions according to the enhanced enforcement strategy against UBWs in NTEHs. However, the above situation will not be applicable to buildings built in the New Territories before the Buildings Ordinance (Application to the New Territories) Ordinance came into force on 1 January 1961 so long as they had not undergone any addition, alteration, or re-construction since 1 January 1961.

- (c) Apart from handling reports from members of the public, BD also conducts village-by-village (V-by-V) surveys to identify UBWs. In the past five years, some 28 000 NTEHs were inspected in the V-by-V surveys. Regarding UBWs associated with balconies of NTEHs, the numbers of reports attended to and cases identified in V-by-V surveys, removal orders issued and prosecutions instigated are tabulated below –

<b>Year</b>	<b>Number of reports attended to and cases identified in V-by-V surveys associated with balconies</b>	<b>Number of removal orders issued associated with balconies <sup>(1)</sup></b>	<b>Number of prosecutions instigated associated with balconies <sup>(1)</sup></b>
2013	72	7	3
2014	62	3	2
2015	102	2	2
2016	386	19	0
2017	439	42	4

Note <sup>(1)</sup>: The figures do not necessarily correspond to the number of reports received in the same year.

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