

CONTROLLING OFFICER'S REPLY

DEVB(PL)091

(Question Serial No. 2825)

Head: (82) Buildings Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Buildings and Building Works

Controlling Officer: Director of Buildings (YU Tak-cheung)

Director of Bureau: Secretary for Development

Question:

Regarding the New Territories Exempted Houses inspected under the village by village surveys for identification of unauthorised building works that constitute serious contravention of the law and pose higher potential risks for priority enforcement action, under one of the key performance measures in respect of buildings and building works with regard to Existing Buildings, according to the Government reply to the members of the Legislative Council [1], only 2 543 removal orders were issued in the past five years, among which only 1 437 were complied with. There were as many as 1 352 non-compliant removal orders (nearly half of the total). In addition, according to its written reply, the Buildings Department (BD) issued 8 846 warning letters and instigated 30 prosecutions against building owners who failed to comply with the mandatory building inspection notices four years ago [2]. Please inform this Committee of the following information regarding BD in the past five years:

- (a) the concrete follow-up actions taken against the non-compliant cases;
- (b) the departmental expenditure involved in the follow-up work; and
- (c) the actual outcome of the follow-up actions (Please provide in table form the numbers of cases and the time involved, with a breakdown by the stages from non-compliant, issue of warning letters, instigation of prosecutions, to compliance of orders or successful prosecutions).

[1]

<https://www.bd.gov.hk/doc/en/resources/codes-and-references/notices-and-reports/SFCQ2019/PL120.pdf>

[2]

<https://www.bd.gov.hk/doc/en/resources/codes-and-references/notices-and-reports/SFCQ2017/PL297.pdf>

Asked by: Hon CHU Hoi-dick (LegCo internal reference no.: 2004)

Reply:

- (a) & (c) Regarding non-compliance with removal orders issued against unauthorised building works (UBWs) in New Territories Exempted Houses (NTEHs) under the village by village surveys and non-compliance with notices issued under the Mandatory Building Inspection Scheme (MBIS), the Buildings Department (BD) has been taking follow up actions including issuing warning letters and instigating prosecutions against the owners concerned. The numbers of orders/notices issued, orders/notices complied with, warning letters issued, prosecutions instigated and convictions in the past five years are tabulated below –

| | Village by village surveys for UBWs in NTEHs | | | | | MBIS | | | | |
|--|---|------|------|------|------|-------------|-------|--------|--------|--------|
| Year | 2015 | 2016 | 2017 | 2018 | 2019 | 2015 | 2016 | 2017 | 2018 | 2019 |
| No. of orders/ notices issued | 219 | 132 | 230 | 216 | 466 | 11 519 | 5 571 | 12 384 | 10 943 | 8 840 |
| No. of orders/ notices complied with ⁽¹⁾ | 119 | 124 | 117 | 113 | 134 | 4 247 | 8 281 | 7 975 | 12 519 | 10 390 |
| No. of warning letters issued ⁽²⁾ | 135 | 145 | 47 | 67 | 80 | 3 434 | 8 846 | 6 397 | 4 680 | 9 664 |
| No. of prosecutions instigated ⁽³⁾ | 31 | 92 | 74 | 38 | 39 | 0 | 30 | 44 | 65 | 1 102 |
| No. of convictions ⁽⁴⁾ | 23 | 42 | 57 | 29 | 31 | 0 | 4 | 25 | 17 | 459 |

Note ⁽¹⁾: The figures do not necessarily correspond to the removal orders/MBIS notices issued in the same year.

Note ⁽²⁾: The figures do not necessarily correspond to the removal orders/MBIS notices issued in the same year.

Note ⁽³⁾: The figures do not necessarily correspond to the removal orders/MBIS notices issued or warning letters issued in the same year.

Note ⁽⁴⁾: The figures do not necessarily correspond to the removal orders/MBIS notices issued, warning letters issued and prosecutions instigated in the same year.

The timing for taking follow-up actions against non-compliance with statutory orders/notices depends on many factors, including the time allowed for compliance with such orders/notices, whether the owners concerned have lodged appeals against the orders/notices according to the Buildings Ordinance and the appeal progress, whether extension of time has been granted by BD in justifiable cases, etc. BD does not compile statistics on the time involved in handling each order/notice.

- (b) Enforcement actions against non-compliance with removal orders for UBWs in NTEHs and non-compliance with MBIS notices are carried out by the Village Houses Section and the Mandatory Building Inspection Sections of BD respectively as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. BD is not able to provide a breakdown of the expenditure solely for this task.