

CONTROLLING OFFICER'S REPLY

DEVB(PL)097

(Question Serial No. 2015)

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:

Please inform this Committee of the following:

- (i) Regarding unauthorised building works (UBWs) in various types of buildings in the urban area, what were the numbers of removal orders and closure orders issued and prosecutions instigated in the past five years? What was the total amount of fines for non-compliance with removal orders in each year?
- (ii) Regarding UBWs in New Territories village houses, what were the numbers of removal orders and closure orders issued and prosecutions instigated in the past five years? What was the total amount of fines for non-compliance with removal orders in each year?
- (iii) Regarding UBWs on rooftops, flat roofs, yards and lanes, what were the numbers of removal orders and closure orders issued, and what was the distribution of the prosecution cases in the past five years? What was the total amount of fines for non-compliance with removal orders in each year?
- (iv) Regarding UBWs in squatters, what were the numbers of removal orders and closure orders issued, and what was the distribution of the prosecution cases in the past five years? What was the total amount of fines for non-compliance with removal orders in each year?

Asked by: Hon LAM Cheuk-ting (LegCo internal reference no.: 14)

Reply:

- (i) As regards the enforcement actions against unauthorised building works (UBWs) in buildings other than New Territories Exempted Houses (NTEHs), the numbers of removal orders issued, closure orders issued, prosecutions instigated and the total amount of fines for non-compliance with removal orders in the past five years are tabulated as follows –

| Year | Number of removal orders issued ⁽¹⁾ | Number of closure orders issued ⁽¹⁾ | Number of prosecutions instigated ⁽¹⁾ | Total amount of fines ⁽¹⁾ (\$ million) |
|-------------|---|---|---|--|
| 2015 | 12 503 | 12 | 2 933 | 14.33 |
| 2016 | 12 372 | 10 | 3 161 | 11.07 |
| 2017 | 12 610 | 9 | 3 139 | 12.53 |
| 2018 | 12 246 | 6 | 3 207 | 15.71 |
| 2019 | 11 384 | 6 | 3 481 | 13.94 |

Note ⁽¹⁾: The figures do not necessarily correspond to those in other columns.

- (ii) Regarding the enforcement actions against UBWs in NTEHs, the numbers of removal orders issued, closure orders issued, prosecutions instigated, and the total amount of fines for non-compliance with removal orders in the past five years are tabulated as follows –

| Year | Number of removal orders issued ⁽¹⁾ | Number of closure orders issued ^{(1), (2)} | Number of prosecutions instigated ⁽¹⁾ | Total amount of fines ⁽¹⁾ (\$ million) |
|-------------|---|--|---|--|
| 2015 | 415 | 0 | 97 | 1.17 |
| 2016 | 529 | 0 | 201 | 1.17 |
| 2017 | 572 | 0 | 230 | 1.44 |
| 2018 | 573 | 0 | 153 | 1.24 |
| 2019 | 802 | 0 | 161 | 0.95 |

Note ⁽¹⁾: The figures do not necessarily correspond to those in other columns.

Note ⁽²⁾: BD will normally only apply to the Court for issuing a closure order if the UBW concerned is causing imminent danger. There was no case requiring the application of closure order for NTEHs during the above period.

- (iii) The numbers of removal orders and closure orders issued for UBWs on rooftops, flat roofs, yards and lanes in the past five years are tabulated as follows –

| Year | Number of removal orders issued | Number of closure orders issued ⁽¹⁾ |
|-------------|--|---|
| 2015 | 3 319 | 9 |
| 2016 | 3 519 | 7 |
| 2017 | 3 201 | 5 |
| 2018 | 3 376 | 6 |
| 2019 | 2 920 | 4 |

Note ⁽¹⁾: The number of closure orders issued does not necessarily correspond to the removal orders issued in the same year.

The distribution of prosecutions instigated and the total amount of fines against non-compliance with removal orders for UBWs on rooftops, flat roofs, yards and lanes in the past five years are tabulated as follows –

| Year | UBWs on rooftops | | UBWs on flat roofs | | UBWs on yards/lanes | |
|-------------|---|--|---|--|---|--|
| | Number of prosecutions instigated ⁽¹⁾ | Total amount of fines ⁽¹⁾ (\$ million) | Number of prosecutions instigated ⁽¹⁾ | Total amount of fines ⁽¹⁾ (\$ million) | Number of prosecutions instigated ⁽¹⁾ | Total amount of fines ⁽¹⁾ (\$ million) |
| 2015 | 555 | 5.07 | 852 | 5.11 | 194 | 1.33 |
| 2016 | 623 | 3.84 | 720 | 3.93 | 221 | 0.98 |
| 2017 | 649 | 4.03 | 807 | 4.75 | 218 | 1.01 |
| 2018 | 636 | 5.34 | 867 | 5.59 | 203 | 1.59 |
| 2019 | 595 | 4.10 | 895 | 4.59 | 285 | 1.25 |

Note ⁽¹⁾: The figures do not necessarily correspond to those in other columns.

- (iv) Squatter control work is carried out by staff in Squatter Control Offices of the Lands Department (LandsD). Under LandsD's current squatter control policy, squatter structures which were erected on Government land and leased agricultural land before June 1982 and had been surveyed and recorded by the Government in the 1982 Squatter Control Survey (SCS) are regarded as surveyed squatter structures (SSS). The 1982 SCS recorded the locations, dimension, building materials and uses of the SSSs. SSS is tolerated to remain on a temporary basis, provided the location, dimensions, building materials and use are the same as the record in the 1982 Survey, until the SSS has to be cleared for development by the Government, environmental improvement or safety reasons or until the SSS is phased out through natural wastage

(e.g. when the structure is not occupied or ceases to exist). Such tolerance does not create any legal rights or interests or obligations and does not confer on any person the right of occupation of land. Extension, new erection, addition, change of use or alteration with materials that do not conform with the SCS record are not allowed. An SSS with extension, new erection, addition, change of use or alteration with materials that do not conform with the record of the 1982 Survey will be subject to squatter control actions, including deletion of the SCS record.

The numbers of different types of control actions against squatters taken in the past five years are tabulated as follows –

| Year | Number of warning letters issued | Number of survey numbers deleted |
|-------------|---|---|
| 2015 | 841 | 1 306 |
| 2016 | 1 325 | 1 610 |
| 2017 | 1 326 | 1 363 |
| 2018 | 964 | 1 641 |
| 2019 | 587 | 1 171 |