

CONTROLLING OFFICER'S REPLY

DEVB(PL)098

(Question Serial No. 1844)

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:

In 2019, the Buildings Department issued 12 186 removal orders against unauthorised building works (UBWs) and instigated 3 642 prosecutions against failure to comply with removal orders. In this connection, would the Government inform this Committee:

1. removal orders issued and prosecutions instigated, broken down by the urban areas and New Territories Exempted Houses (NTEHs);
2. removal orders issued and prosecutions instigated against NTEHs, broken down by district;
3. the number of court convictions among the 3 642 prosecutions; and
4. the estimated expenditure and manpower allocated for enforcement against UBWs in the coming year.

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 64)

Reply:

The Buildings Department (BD) is responsible for taking enforcement actions against unauthorised building works (UBWs) in accordance with the Buildings Ordinance (BO). BD has been handling UBWs cases in both urban areas and New Territories Exempted Houses (NTEHs) in accordance with the BO and BD's enforcement policy. BD has adopted a "risk-based" approach in determining the priority of enforcement actions against UBWs and targeted "actionable" UBWs for actions when dealing with UBWs in both urban areas and NTEHs.

The numbers of removal orders issued against UBWs and prosecutions instigated in 2019 in urban areas and NTEHS are tabulated below –

	Number of removal orders issued	Number of prosecutions instigated ⁽¹⁾
Urban areas	11 384	3 481
NTEHS	802	161
Total	12 186	3 642

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

A breakdown of the numbers of removal orders issued and prosecutions instigated in connection with non-compliance with removal orders against UBWs in NTEHS in 2019 by districts is tabulated below –

District	Number of removal orders issued	Number of prosecutions Instigated ⁽¹⁾
Islands	9	10
Kwai Tsing	0	0
North	111	28
Sai Kung	63	31
Sha Tin	37	12
Tai Po	169	23
Tsuen Wan	20	8
Tuen Mun	46	18
Yuen Long	347	31
Total	802	161

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

Among the 3 642 prosecutions instigated in 2019, 1 505 defendants were convicted, and hearing for 1 690 cases were pending.

In 2020-21, the enforcement actions against UBWs will be carried out by 748 professional and technical staff of the two Existing Buildings Divisions, the Mandatory Building Inspection Division and the Minor Works and Signboard Control Section of BD 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 manpower and expenditure involved solely for enforcement actions against UBWs.

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