

CONTROLLING OFFICER'S REPLY

DEVB(PL)108

(Question Serial No. 1224)

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 2020, the Buildings Department issued 8 150 removal orders against unauthorised building works (UBWs) and instigated 2 773 prosecutions against failure to comply with removal orders. In this connection, will the Government inform this Committee of the following:

1. The numbers of removal orders issued and prosecutions instigated, broken down by the urban areas and New Territories Exempted Houses (NTEHs).
2. The numbers of removal orders issued and prosecutions instigated against NTEHs, broken down by district.
3. What is the number of court convictions among the 2 773 prosecutions?
4. What are the estimated expenditure and manpower allocated for enforcement against UBWs for the coming year?

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 10)

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 policies. 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 2020 in urban areas and NTEHs are tabulated below –

	Number of removal orders issued	Number of prosecutions instigated ⁽¹⁾
Urban areas	7 483	2 643
NTEHs	667	130
Total	8 150	2 773

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 2020 by districts is tabulated below –

District	Number of removal orders issued	Number of prosecutions instigated ⁽¹⁾
Islands	20	9
Kwai Tsing	3	0
North	95	11
Sai Kung	57	30
Sha Tin	87	15
Tai Po	185	29
Tsuen Wan	5	6
Tuen Mun	32	0
Yuen Long	183	30
Total	667	130

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

Among the 2 773 prosecutions instigated in 2020, 730 defendants were convicted, hearing for 1 910 cases were pending, and the summonses for the remaining 133 cases were withdrawn due to the defendants being aged with chronic diseases, etc. which would only come to BD's notice after the summonses were served.

In 2021-22, the enforcement actions against UBWs will be carried out by the 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.