

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)067**

**(Question Serial No. 2144)**

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

Question:

Discretion over the enforcement against unauthorised building works in small houses

The Office of The Ombudsman recently made public of the recommendations for improvement on enforcement actions against unauthorised building works (UBWs) in New Territories Exempted Houses (NTEHs). In this connection, will the Government inform this Committee of the following:

1. The mandatory removal of UBWs in NTEHs of four storeys or more may drive the occupants to resistance since the properties with UBWs are the only residential units for many of them. What measures will the Government take to address this issue?
2. The state leaders remarked that the Government had to put people first in building a harmonious society. How will the Government mitigate the conflicts between the Government and residents that arise from the enforcement actions? What are the considerations in exercising discretion over enforcement and the discretionary measures that the Government will adopt?

Asked by: Hon CHAN Yuet-ming (LegCo internal reference no.: 28)

Reply:

Owners have the responsibility to ensure that their properties are free from unauthorised building works (UBWs) and should, in their own interest, take the initiative to arrange for demolition of the UBWs in their buildings. They should also comply with the removal orders issued by the Buildings Department (BD) and remove the UBWs within the specified period.

Under the enhanced enforcement strategy against UBWs in New Territories Exempted Houses (NTEHs) implemented since 1 April 2012, BD first focuses and takes proactive enforcement actions against those UBWs which constitute serious contravention of the law

and pose higher potential risks to building safety including NTEHs of four storeys or more.

To minimise conflict and facilitate NTEH owners in fulfilling their responsibilities, BD will solicit the co-operation of villagers and has stepped up its efforts in explaining the enforcement strategy and addressing specific enquiries especially upon the launch of large scale operations. BD also maintains close liaison with stakeholders including the Heung Yee Kuk and rural committees. Furthermore, BD has piloted the use of drones since 2017 to conduct building surveys to avoid direct confrontation with villagers.

In addition, the Government recognises that some owners may have difficulties in fulfilling their responsibility due to the lack of technical knowledge or financial means, and/or other special circumstances. Therefore, various schemes have been rolled out to provide support to owners, including:

- (a) On technical support, BD proactively provides technical advice to owners explaining the requirements of the removal orders and of appointing building professionals and contractors. Where necessary, BD would also liaise with and conduct joint inspections with consultants/contractors appointed by owners to provide comments on their rectification proposals. In case the owners encounter genuine difficulties in arranging the works, an extension of time may be granted on a case-by-case basis where justified to allow them more time to comply with the orders;
- (b) On financial support, the Building Safety Loan Scheme provides low interest loans to individual owners of private buildings for carrying out works related to compliance with the statutory orders; and the Building Maintenance Grant Scheme for Needy Owners provides financial assistance to owner-occupiers in need to maintain their own properties;
- (c) On social support, if BD's enforcement action involves relocation of occupants, BD will closely liaise with the Social Welfare Department, the Home Affairs Department and the Housing Department to provide appropriate assistance to those affected. BD will also arrange in-house social services teams to provide assistance, including helping to co-ordinate among owners/occupants of NTEHs to carry out the required removal works, assisting them to apply for financial assistance as appropriate and providing necessary social and emotional support.

BD will continue to take a proactive role to provide assistance to owners and sustain its public education and publicity programmes to enhance the awareness on building safety and enhance their understanding of UBWs as well as the established enhanced enforcement strategy against UBWs in NTEHs.

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