

CONTROLLING OFFICER'S REPLY

DEVB(PL)068

(Question Serial No. 2060)

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:

According to the figures provided in the Estimates, the number of repair/investigation orders that the Buildings Department plans to issue on unauthorised building works (UBWs) in existing buildings in 2023-24 is 450, which represents a significant decrease comparing to those in the previous two years. The numbers in 2021 and 2022 are 8 680 and 5 702 respectively. It is explained in the Estimates that the higher numbers in the two previous years were due to the enhanced enforcement action against defective drainage systems arising from the Special Inspection Scheme.

- (1) The number decreases significantly. Is it because the Government does not have a similar scheme for the new year?
- (2) Regarding the current situation of UBWs in existing buildings in the territory, will the Government advise this Committee of the amount of time that it intends to allow the outstanding repair or rectification works to be completed?

Asked by: Hon KONG Yuk-foon, Doreen (LegCo internal reference no.: 13)

Reply:

- (1) The Buildings Department (BD) takes enforcement action against dilapidated/dangerous buildings and unauthorised building works (UBWs) by issuing repair/investigation orders and removal orders respectively in response to public reports and through large scale operations. Such orders include those issued against defective drainage systems.

With funding from the Anti-epidemic Fund (AEF), BD engaged consultancy firms in June 2020 to undertake a one-off special scheme to inspect the external drainage systems of all (some 18 000) private residential or composite buildings exceeding three storeys in height (the inspection scheme). The funding for the inspection scheme under the AEF is outside the scope of the Appropriation Bill or the estimates of the General Revenue Account. The inspection scheme has been completed and a large number of

repair/investigation orders against defective drainage systems were issued in 2021 and 2022. As all orders arising from the inspection scheme have been issued, the number of repair/investigation orders to be issued in 2023 is expected to significantly decrease.

- (2) Building owners should take primary responsibility for the proper maintenance of their properties and ensure that their properties are free from UBWs. When repair/investigation orders or removal orders are served against the owners, they should comply with the orders within the period specified in the orders. Where orders have not been complied with after the specified period, BD will issue warning letters to the owners to urge them to comply with the orders. 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. Prosecution may be instigated if the owners fail to comply with the orders without reasonable excuse. BD may also consider engaging its consultants and contractors to carry out the required works in the owners' default and recover the costs of such works, plus supervision charge and surcharge from the owners afterwards. As the time required for enforcing the orders is affected by a number of factors, such as filing of appeals by owners against the orders, requests for extension of time for compliance, practical difficulties encountered in complying with the orders and time taken for legal proceedings, it is not possible to determine the amount of time required for completion of the outstanding repair/investigation and removal works. BD will continue to closely monitor the compliance of the orders and consider instigating prosecution or default works where necessary.

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