

CONTROLLING OFFICER'S REPLY

(Question Serial No. 1755)

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:

In 2021 and 2022, the numbers of reports on unauthorised building works from members of the public attended to were 33 655 and 27 389 respectively. Yet, the estimated number for 2023 is 30 000. In this connection, will the Government inform this Committee of the following:

- a) How long does it take on average from completion of investigation to the issue of a removal order upon receipt of a public report?
- b) How long does it take on average to instigate prosecution against failure to comply with a removal order issued?
- c) What were the cumulative numbers of reports from members of the public attended to in the past three years? How many of these cases were completed? Please also provide the current number of outstanding cases.

Asked by: Hon KWOK Ling-lai, Lillian (LegCo internal reference no.: 18)

Reply:

- a) & b) When attending to public reports on unauthorised building works (UBWs), the Buildings Department (BD) will investigate and identify whether the UBWs are actionable under the existing enforcement policy (Note). For those actionable UBWs constituting obvious hazard or imminent danger, and those which are newly constructed or under construction, etc., BD will accord priority enforcement action by issuing removal orders to the concerned owners. For other types of actionable UBWs such as those existing on rooftops and podiums, in yards and lanes, BD will follow up the UBWs when the buildings are selected under large scale operations (LSOs) for enforcement action in one go. Before issuing a removal order, BD may need to collect further information to verify the UBWs' status and ownership, arrange for further inspections, and obtain ownership details from the

Land Registry. If the owner takes positive action to rectify the problem, BD may not resort to issuing removal orders in the first instance. After removal orders are issued, if they 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. 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. Therefore, the need and time taken for BD to issue a removal order or to instigate prosecution against failure to comply with a removal order depends on the complexity and circumstances of the case, and BD does not compile statistics on the average time taken.

- c) From 2020 to 2022, the cumulative number of reports from members of the public on UBWs attended to was 89 850. Among them, actionable UBWs were identified in 10 174 reports. As of 28 February 2023, 3 760 removal orders were issued (one removal order may involve more than one report on UBWs) against those constituting obvious hazard or imminent danger, and those which are newly constructed or under construction. 4 973 reports were/are being handled through LSOs with progress monitored under the respective operations and no separate statistics on the number of removal orders issued arising from these reports are compiled. The handling of the remaining 1 265 public reports was ongoing.

Note: Under the existing enforcement policy against UBWs, “actionable” UBWs include: (1) UBWs constituting obvious hazard or imminent danger to life or property; (2) new UBWs (excluding statutorily exempted building works under the Buildings Ordinance (Cap. 123)); (3) UBWs on the exterior of buildings, including those on rooftops and podiums, in yards and lanes and projecting from external walls (excluding projecting structures covered by the Household Minor Works Validation Scheme and the Signboard Validation Scheme and other minor amenity features); (4) items in the interior of buildings, constituting obvious hazard or imminent danger to life or property; (5) UBWs in or on buildings, constituting a serious health or environmental nuisance; (6) major standalone UBWs; (7) specific types of UBWs identified in buildings targeted for LSOs; and (8) unauthorised alterations to or works in green and amenity features of a building for which exemption from gross floor area has been granted by the Building Authority.

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