

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)088**

**(Question Serial No. 0925)**

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 Investigation Report by the Office of The Ombudsman, the Buildings Department (BD), among other things,

- was not proactive in following up cases that required the removal of unauthorised building works (UBWs) in buildings;
- failed to curb the proliferation of UBWs; and
- took nine to 18 months to issue a removal order after inspecting UBWs that were under construction, obviously failing to meet the objective of taking “immediate” enforcement action.

In response to these findings, please inform the Committee of the following:

1. What are BD's plans for improvement in the new financial year based on the comments from The Ombudsman and what are the expenditure and manpower involved?
2. What results can be expected from the abovementioned improvement plans?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 2)

Reply:

1. Enforcement against unauthorised building works (UBWs) in New Territories Exempted Houses (NTEHs) is currently carried out in accordance with an enhanced enforcement strategy adopted since April 2012 (Note). As committed to the Panel on Development in 2022, the Buildings Department (BD) will review the enforcement strategy (including manpower deployment) in the light of experience gained so far. The recommendations made in The Ombudsman's direct investigation report will also be taken into account in the review overseen by existing staff as part of their overall duties.

In addition, BD will continue to streamline operational procedures and implement measures to enhance the efficiency and effectiveness in tackling UBWs in NTEH, including enhancing internal guidelines on serving warning letters and removal orders, employing additional outsourced consultants to assist the administrative work for taking enforcement actions, speeding up the inspection process by wider use of drones and other technologies, and upgrading its Building Condition Information System to enhance monitoring of the progress of enforcement action.

The follow-up on The Ombudsman's recommendations will be carried out by the 39 professional and technical staff of the Village Houses Section of BD as part of their overall duties in the implementation of the enhanced enforcement strategy against UBWs in NTEH. BD does not compile a breakdown of the manpower and resources incurred solely for this task.

2. In 2023, with the implementation of enhancement measures, BD plans to issue 1 300 removal orders against UBWs in NTEH, representing an increase of about 40% from the yearly average of about 940 removal orders issued in the past three years. BD also plans to step up enforcement actions by instigating around 250 prosecutions against those building owners who, without reasonable excuse, fail to comply with the removal orders, representing an increase of about 40% from the average of about 180 prosecutions instigated in the past three years.

Note: The enhanced enforcement strategy includes large scale operations for removal of existing UBWs in NTEH that constitute serious contravention of the law and pose higher potential risks to building safety (known as First Round Targets), a Reporting Scheme for existing UBWs in NTEH that constitute less serious contravention of the law and pose lower potential risks to building safety, and immediate enforcement actions against other UBWs in NTEH which constitute imminent danger or newly erected or found under construction.

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