

Revised Enforcement Policy against Unauthorized Building Works

With completion of the ten-year programme of removal of unauthorized building works (UBWs) in March 2011, most of the UBWs that constitute a higher risk to public safety or an obvious or imminent danger to life or property (such as metal cages and flower racks on external walls and illegal rooftop structures in single-staircase buildings etc.) have been removed. Taking into account the latest condition of Hong Kong's building stock and in response to community view that a tougher stance should be taken against UBWs, the Buildings Department (BD) has revised its enforcement policy against UBWs adopted since 2001.

2. Enforcement against UBWs is sustained, and the BD adopts a wider scope for action so as to remove UBWs in a more comprehensive and systematic manner. The coverage of actionable UBWs is extended to include UBWs on rooftops and podiums as well as those in yards and lanes of buildings, irrespective of their risk to public safety or whether they are newly constructed. Under the new enforcement policy, BD will issue statutory orders to the owners concerned requiring removal of the following actionable items and register the orders against the relevant property titles:

- (a) items constituting obvious hazard or imminent danger to life or property;
- (b) new items (excluding statutorily exempted building works under the Buildings Ordinance (Cap 123)) irrespective of the date of

completion of the building where such items have been carried out;

- (c) items 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 proposed Signboard Control System and other minor amenity features);
- (d) items in the interior of buildings, constituting obvious hazard or imminent danger to life or property (e.g. building works associated with subdivided units with obstruction to means of escape, serious water seepage causing deterioration of structural members or overloading problem);
- (e) items in or on buildings, constituting a serious health or environmental nuisance (e.g. misconnection of drainage systems);
- (f) major standalone items;
- (g) a specific type of UBWs, or items identified in buildings or groups of buildings, targeted for large-scale operations; and
- (h) unauthorized alterations to or works in green and amenity features of a building (e.g. balconies, sky gardens and podium gardens) for which exemption from calculation of gross floor area has been granted by the Building Authority.

3. For other items of UBWs which do not fall within the above list of actionable items for issuing statutory removal orders, the BD may issue statutory warning notices registrable against property titles under the Buildings Ordinance.

4. Building owners may consider joining the Household Minor Works Validation Scheme so as to retain three types of minor UBWs (i.e. drying racks, canopies and supporting structure/metal frames for air conditioners) prescribed in the Building (Minor Works) Regulation (Cap 123 sub.leg. N). Enforcement action to remove these validated minor works items will not be taken by the BD unless they become dangerous.

5 The BD is planning to introduce a Signboard Control System. Similar to the Household Minor Works Validation Scheme, existing unauthorized signboards of certain dimensions meeting prescribed safety requirements could be retained for continued use. Regular safety inspections will have to be conducted to ensure safety. Legislative amendments to implement the Signboard Control System will be introduced and further details will be announced before commencement of the System.

6. The above revised enforcement policy on UBWs is effective from 1 April 2011.

Buildings Department

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