

6 November 2023

To: See the distribution below


Dear Sir/Madam,

**Compliance with the Buildings Ordinance  
Concerning Erection of Unauthorised Building Works**

A number of landslide incidents arising from the recent rainstorm have revealed blatant contravention of the Buildings Ordinance (BO) involving unauthorised building works, (UBWs) .

2. The Government takes a very serious stance against such UBWs and the parties involved in such works. Practitioners of the building industry, including building professionals and contractors, should not advise or assist any persons in erecting UBWs. If a building owner intends to carry out building works (other than exempted works under the BO), building professionals and/or contractors should firmly draw the owner's attention to the need for compliance with the relevant provisions of the BO, i.e. seeking prior approval and consent from the Buildings Department (BD) or carrying out the works through the Minor Works Control System under the Building (Minor Works) Regulation (B(MW)R) if the works fall within the relevant categories of designated minor works items.
3. If there is sufficient evidence, BD will instigate prosecution against relevant persons involved in the erection of the UBWs, including the owners, the building professionals and the contractors concerned in accordance with the provisions of the BO.
4. Pursuant to section 40(1AA) of the BO, any person who knowingly contravenes section 14(1) of the BO (i.e. commence or carry out any building works without having first obtained approval and consent from the BD), shall be guilty of an offence and liable on conviction to a fine of \$400,000 and to imprisonment for two years; and a further fine of \$20,000 for each day that the offence continues. Pursuant to section 40(1AB) of the BO, any person who arranged for minor works to be commenced or carried out knowingly fails to appoint a prescribed building professional or a prescribed registered contractor as required by B(MW)R in respect of the minor works concerned, commits an offence under section 4A(2) or section 9AA(2) of the BO, and shall be liable on conviction to a fine of \$100,000.
5. We would be grateful if you would bring this letter to the attention of your members.

Yours faithfully,

  
( PANG Yuk-lung, Michael )  
Assistant Director/Corporate Services  
for Director of Buildings

Distribution

The Hong Kong Institute of Architects  
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