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(b) The same will also be rejected under section 16(1)(c) because of the nature of the application in the Form BA 5 or BA 17, which relates to an application for building works “to be carried out” or for permission “to erect” respectively. It is not an application for approval and consent to structures already erected.

(c) Furthermore, if the submission is the subject of an effective demolition order, it will be rejected under section 16(1)(d) for contravening the said order.

Advice to Clients

5. Should a client contemplate pursuing building works (other than minor works under the simplified requirements or exempted works) without first obtaining approval and consent, you should draw his attention to the need for prior approval of plans and consent for commencement. The client should be firmly advised that commencing or carrying out any such building works without prior approval and consent may result in the BA:

(a) serving an order under the BO requiring *inter alia* the demolition of such building works; and

(b) prosecuting under the BO Part IV. On conviction, the offender could face a heavy fine and even a custodial sentence.

6. In case the building works to be carried out are minor works, the client should be advised that the works can be carried out under the simplified requirements.

( AU Choi-kai )
Building Authority

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