

## Premises Without Unauthorized Building Works Put Your Mind At Ease

### Buildings Department (BD)'s Enforcement Policy against Unauthorized Building Works (UBWs)

The BD's ten-year programme of removal of UBWs came to an end by March 2011. With the removal of majority of UBWs constituting 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 on single-staircase buildings, etc.) and considering the latest situation of buildings in Hong Kong and the views in the community that a tougher stance should be taken against UBWs, the BD will adopt a wider scope for enforcement action so as to remove UBWs in a more comprehensive and systematic manner.

**What are UBWs?** In general, UBWs are any additions or alterations to buildings without the prior approval of the Building Authority or, for small-scale building works, did not follow the minor works control system under the Buildings Ordinance (Cap. 123). UBWs also include works that do not involve the structure of the building (thus are exempted from prior approval of the Building Authority) but do not comply with the building standards laid down for building works in the Building Regulations. Commonly found UBWs such as supporting frames for air-conditioners/cooling towers, canopies, flat roof structures, rooftop structures, subdivision of flats, structural alterations, drainage



misconnections, etc. are liable to enforcement action by the BD and be demolished.

### What should owners do?

Owners have the responsibility to ensure that their premises are free from UBWs and should, in their own interest, take the initiative to arrange for demolition of the UBWs in their premises. For UBWs erected in the common areas of a building, the owners' corporation or co-owners of the building should co-ordinate themselves to demolish the UBWs.



### New Enforcement Policy against UBWs with effect from 1 April 2011

#### A Wider Scope

The BD will extend the coverage of actionable UBWs 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.

Therefore, under the new enforcement policy, the 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) 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.



### Large Scale Operations

In addition to responding to reports on individual UBWs received from members of the public, the BD will take enforcement actions to clear in one go all UBWs identified in target buildings or groups of target buildings included in the Department's large scale operations.

For other UBWs which do not fall within the abovementioned actionable items for issuing statutory removal orders, the BD may issue to the owners concerned statutory warning notices in respect of the subject UBWs. The notices will be registered against the relevant property titles constituting an incumbrance until removal of the UBWs. This will not only provide protection of the interest of potential purchasers of the property concerned but will also encourage the owner to remove the UBW voluntarily.

### Can owners retain minor UBWs?

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 structures/metal frames for air conditioners) under the dimensional and safety requirements as 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.

### Enquiry :

For any enquiries in connection with UBWs, please contact the BD by the following means :

- Postal address : 12/F, Pioneer Centre, No. 750 Nathan Road, Kowloon
- Email address : enquiry@bd.gov.hk
- Telephone Hotline : 2626 1616 (Handled by "1823 Call Centre")

