

HPLB(B) 68/02/06 Pt. 3

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7 April 2003

Clerk to Panel  
(Attn.: Mrs Queenie Yu)  
Legislative Council Building  
8 Jackson Road  
Central

Dear Mrs Yu,

**LegCo Panel on Planning, Lands and Works  
and Panel on Housing**

**Follow-up arising from discussions of the Panels  
on the Clearance of Illegal Rooftop Structures (IRS)**

Thank you for your letter of 6 March 2003. As requested, I attach a paper on the procedures adopted by Buildings Department in the demolition of illegal rooftop structures (IRS).

On the separate issue of “toleration fees”, Lands Department (LandsD) is the authority responsible for, among other things, lease enforcement. LandsD has advised that it has not charged “toleration fees” for IRS. However, if specific details of any doubtful case(s) can be provided, we will be happy to look into the nature of any fee charged in connection with IRS.

Yours sincerely,

( Parrish Ng )  
for Secretary for Housing, Planning and Lands

## **Legislative Council Panel on Planning, Lands and Works and Panel on Housing**

### **Follow-up arising from discussions of the Panels on the Clearance of Illegal Rooftop Structures (IRS)**

#### **PURPOSE**

The Legislative Council Panel on Planning, Lands and Works and Panel on Housing held a joint meeting on 26 February 2003 to discuss the clearance of illegal rooftop structures (IRS) and rehousing of affected occupants. Arising from the meeting, the Administration has been requested to provide information on the detailed procedures adopted by the Buildings Department (BD) in the demolition of IRS. This paper provides the information requested for Members' reference.

#### **PROCEDURES FOR THE DEMOLITION OF IRS**

2. Once the date for issuing a demolition order on an IRS is determined, BD will notify the Housing Department (HD) of the date. On the day when the demolition order is issued, HD will carry out a freezing survey to register all eligible occupants for rehousing purposes. The demolition order on the IRS will be posted on site and a copy of the order will be sent to the owner by mail. Normally, the owner is required to remove the IRS within a period of two months. Should there be problems in rehousing IRS occupants, an extension of time to comply with the order will be granted as appropriate.

3. Where an IRS is to be closed to enable the carrying out of demolition works safely, BD will post a Notice of Intention to Apply for a Closure Order (NOI) upon a conspicuous part of the premises. As regards the rehousing procedures of IRS occupants, HD will make rehousing offers to IRS occupants after BD has posted an NOI on the IRS. Normally, a 90 days' notice is given before BD will apply for a closure order from the District Court. This period should provide the occupants who are eligible for public rental housing with sufficient time to accept the offer of HD. Occupants not meeting the eligibility criteria will be allowed to apply for the Home

Assistance Loan Scheme or Interim Housing. The Government's policy is that no one will be rendered homeless because of the clearance.

4. After the occupants have moved out, BD will contact the owner and remind the latter on the safety and protective measures required for the demolition of IRS. BD will also carry out audit checks to ensure that the safety precautions adopted by the owner's contractor are adequate. Verbal and written warnings will be issued to non-compliant parties. Where necessary, BD will serve a cease work order or prosecute the owner or contractor who violates safety requirements. BD will also carry out inspections to ensure that the owner has complied with the demolition order.

5. When the owner fails to comply with the order, a warning letter will be sent to him. If the owner still ignores the warning letter, BD will arrange a contractor to carry out the required demolition works. The cost of such works plus a supervision charge will be recovered from the owner concerned. BD may also prosecute the owner for non-compliance with the demolition order.

Housing, Planning and Lands Bureau  
April 2003