

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

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(Attn.: Ms Miranda HON)
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23 April 2007

Dear Ms HON,

**Contravention of Specified Usage of Buildings and
the Problem of Unauthorized Building Works**

Thank you for your letter dated 23 March 2007 and the referral of the comments from Wong Tai Sin District Council (WTSDC) Members.

The Buildings Department (BD) has been tackling the problem of unauthorized building works (UBWs) in Hong Kong through a multi-pronged approach. For UBWs which pose imminent danger, BD takes immediate enforcement action to require the removal of such UBWs in order to protect public safety. BD also launches large-scale operations (LSOs) every year to clear UBWs in selected target buildings over the territory. Under the LSOs, removal orders would be issued to owners requiring the removal of UBWs (including those that do not pose imminent danger) identified in the target buildings. For the past two years, BD included 40 target buildings in Wong Tai Sin District under the LSOs. A total of 260 warning notices and 1 250 removal orders were issued, with 1 320 UBWs removed. BD will continue to carry out LSOs and select more target buildings every year in order to remove UBWs.

BD has also launched the "Co-ordinated Maintenance of Buildings Scheme" (CMBS), in collaboration with various government departments and the Hong Kong Housing Society, to advise owners on the repair and improvement works required for the buildings under the CMBS. The scope covers the general facilities of buildings, such as removal of UBWs, maintenance of building structure and repair of drainage systems, as well as improvement of electrical installations.

BD has established a prioritized enforcement policy in tackling the problem of UBWs. The policy, specifying the priority of enforcement actions against different types of UBWs, was formulated in 2001 after extensive consultation with the public. Priority action will be given to UBWs that constitute obvious or imminent danger to life or property, new UBWs and UBWs that constitute serious health hazard or environmental nuisance. The objective of the policy is to tackle UBWs in the whole territory through optimizing the use of available resources.

Starting from 2006/07, BD has been allocated a total of \$830 million over a period of five years for enhancing building safety, including the removal of 180 000 UBWs. In the past few years, BD has been deploying its resources flexibly to step up enforcement action against UBWs, such as outsourcing of its inspection and administrative work of the LSOs to private consultants.

If an owner fails to remove the UBWs within the specified period of a removal order without any reasonable excuse, BD would initiate prosecution against the owner. Once convicted, the offender is liable to a fine of \$200,000 and to imprisonment for 1 year. BD may also cause the removal work to be carried out and recover the costs from the owner concerned.

The Buildings Ordinance has been under regular review. The Buildings (Amendment) Ordinance 2004, which came into operation on 31 December 2004, has empowered the Building Authority to issue a warning notice to an owner. BD will register the warning notice in the Land Registry if the owner fails to remove the UBWs within the specified period. This policy serves to raise community awareness of the liability of the owners for their UBWs, thereby encouraging owners to demolish their UBWs voluntarily so as to avert an encumbrance registered against their property titles.

We are planning to amend the Buildings Ordinance for the implementation of the minor works control system (MWCS). By streamlining the existing regime, the MWCS aims at providing a simple and legal channel for building owners to carry out minor works. We are of the view that the new system will help reduce the number of UBWs. In addition, a validation

scheme for household minor works has been proposed under the new system for the owners to retain certain types of existing unauthorized household minor works (including drying racks, air-conditioner supporting frames and canopies). In this respect, owners are required to appoint qualified persons for certifying that these minor works were built in compliance with the respective safety requirements.

BD will continue its efforts in tackling the problem of UBWs through a multi-pronged approach, including removing dangerous and new UBWs, carrying out LSOs, as well as strengthening public awareness of the UBWs problem and owners' responsibilities through publicity campaigns and public education. BD will review its enforcement policy from time to time to ensure its effectiveness in protecting building safety.

Please extend our appreciation to the WTSDC Members for their comments.

Yours sincerely,

(Edward TO)
for Secretary for Housing, Planning and Lands