

YOUR REF 來函檔號： CB1/DC/TW/09
OUR REF 本署檔號： BD CBS/ST2/A/19(1)
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7 July 2010

Secretary General
(Attn: Mr Simon KAM)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

By Facsimile (Fax No.: 2869 6794)

Dear Mr KAM,

**Meeting held on 29 April 2010 between
LegCo Members and Tsuen Wan District Council (DC) Members**

Illegal Rooftop Structures (IRSs) in Single Staircase Buildings

Thank you for your letter dated 23 June 2010 to the Director of Buildings regarding the captioned issue. I am authorised to reply on his behalf.

The Buildings Department (BD) is continuing its enforcement action against the IRSs in the 25 remaining single staircase buildings in Tsuen Wan. Among these cases, 20 buildings involve the amnesty letter on unauthorised building works (UBWs) in the New Territories built before 27 February 1975. These cases involve complicated legal actions and proceedings, and the BD is still tackling the issues. For other cases, there are generally complications involving emotional problems of the rooftop occupants, old and frail people or mental patients. Professional assistance has been provided by social worker staff of the BD as necessary.

Our reply to the concerns raised by the Tsuen Wan DC Members in paragraphs 15, 18 and 19 of the annex to your letter is as follows.

(a) Paragraph 15

According to the fire safety standards for buildings under the Buildings Ordinance, for a single staircase building with the level of its highest floor exceeding 13 metres above ground level (which is, generally speaking, equivalent to a building over three storeys in height), the rooftop acts as the refuge area for the occupants in case of fire. The IRSs in such a building will block the means of escape, posing serious fire risks to the occupants. Therefore, the BD aims to accord priority to remove all IRSs in single staircase buildings of over three storeys in Hong Kong. Regarding the IRSs in non-targeted single staircase buildings, the BD will tackle them in accordance with the prevailing enforcement policy against UBWs.

On the problem raised by DC Member Mr LO Siu-kit that insurance companies may not accept the owners or owners' corporations (OCs) to take out insurance for single staircase buildings with IRSs, the BD has not received any complaints or enquiries in this regard. If there are buildings unable to take out third party risks insurances, the owners or OCs should inquire the insurance companies about the reasons of refusal and try to solve the problems concerned. The BD, together with its partner organisations including the Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA), offer various loan and subsidy schemes to provide financial and technical support to assist OCs and individual owners in need to repair their buildings, including the removal of UBWs. The BD will continue to encourage OCs and owners to apply for these assistance schemes for the removal of UBWs. Technical advice will also be provided to owners should they encounter any difficulties in carrying out the removal works.

A two-year "Operation Building Bright" (OBB) was launched some time ago by the Government in collaboration with the HKHS and the URA as a measure for "preserving jobs". Its primary objective is to create more job opportunities for the construction sector in the short term by providing subsidies and one-stop technical assistance to assist OCs joining the OBB voluntarily and the owners of selected old buildings to carry out repair works to improve building safety and the cityscape. Regarding the use of the grant approved under the OBB, there are specific requirements that the grant must first be used for repair works in common areas of the buildings relating to the improvement of structural safety and sanitary facilities. After the costs of these works are paid, any remaining grant may be used for other repair and improvement works in the common areas of the buildings, including the removal of UBWs and IRSs.

According to Mr LO, quite a number of old buildings in Tsuen Wan have joined the OBB but, owing to the existence of IRSs in these buildings, the owners could not decide whether to proceed with the works under the OBB. In view of the tight implementation schedules of the OBB and the fact that removal of UBWs in the buildings is not accorded priority as far as the OBB grant is concerned, there is the worry that issuance of the removal orders to the buildings (with OCs already established and joining the OBB) may add uncertainties to the operation, thus slowing down the tendering procedures and the implementation of other repair works of greater urgency against the original intention of the OBB. Therefore the BD has no plans to issue orders to remove UBWs in the target buildings which have joined the OBB. However, within the constraints of time, schedule of works and funding, OCs themselves may consider arranging the removal of the UBWs concerned.

(b) Paragraph 18

As mentioned in (a) Paragraph 15 above, the BD has aimed to accord priority to remove all IRSs in single staircase buildings of over three storeys in Hong Kong. Regarding the IRSs in other buildings, the BD will take immediate enforcement action if the structures constitute obvious or imminent dangers to life or property. If the structures do not fall within the category for immediate enforcement action, the BD will issue warning notices (WNs) to the owners concerned. If an owner does not remove the targeted structure upon the expiry of the period specified in a WN, the BD will refer the WN to the Land Registry for registration against the title of the property concerned. The registration will only be removed after the concerned structure is demolished.

Regarding DC member Mr CHOI Shing For's suggestion that the Government should set up a department dedicated to handling UBWs, the BD is indeed the department currently tasked to tackle unauthorised structures in private buildings in Hong Kong. The BD will, upon demands from the community, review its policy against UBWs and the detailed arrangement on its large-scale operations on a regular basis to effectively combat UBWs found within and outside the buildings. As such, the BD has recently launched a special operation to assist building owners to improve the condition of their buildings by carrying out clearance of unauthorised structures on rooftops, podiums and rear lanes constituting safety hazard or environmental nuisance. In 2010, 350 buildings will be identified as target buildings and the operation will include industrial buildings.

(c) Paragraph 19

For IRSs in non-targeted single staircase buildings which do not constitute imminent dangers to life or property, the BD will issue WNs under the BO to the owners concerned, notifying them of the existence of UBWs in their premises. The WNs will be referred to the Land Registry for registration against the title of the property concerned if the UBWs are not removed within the period specified in the WNs. The BD has been adopting this arrangement to tackle those unauthorised structures not subject to immediate enforcement action under the prevailing policy against UBWs. This arrangement serves to raise public awareness of the owners' liability for their UBWs, thereby encouraging the owners to remove their UBWs voluntarily so as to avert an encumbrance registered against their property titles.

Should you have any queries concerning the above, please contact Mr Patrick TSUI, Chief Building Surveyor of the BD at 3162 0900.

Yours faithfully,

(S W HUI)
Assistant Director/Existing Buildings 2
for Director of Buildings

[LegCo08(Eng)]