

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

發展局

香港添馬添美道二號  
政府總部西翼



Development Bureau

West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar,  
Hong Kong

本局檔號 Our Ref. L/M(1) to DEVB(PL-B) 68/02/08

電話 Tel.: 3509 8852

來函檔號 Your Ref.

傳真 Fax : 2899 2916

11 July 2012

Legislative Council Secretariat  
(Attn: Ms Sharon Chung)  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong

Dear Ms Chung,

**Response to Follow-up Item  
for the Special Meeting of the Panel on Development on 15 March 2012**

**Prosecutions Instigated by the Buildings Department Pursuant to  
Sections 40(1AA) and 40(2A)(c) of the Buildings Ordinance**

It has recently come to our attention that the Legislative Council Secretariat has not received our letter that had been issued on 30 April 2012 on the captioned subject. A copy of the letter is attached for reference and record.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Justin To', with a long horizontal flourish extending to the right.

(Justin To)  
for Secretary for Development

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

發展局

香港添馬添美道二號  
政府總部西翼



Development Bureau

West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar,  
Hong Kong

本局檔號 Our Ref. L/M(1) to DEVB(PL-B) 68/02/08

電話 Tel.: 3509 8852

來函檔號 Your Ref.

傳真 Fax: 2899 2916

30 April 2012

Legislative Council Secretariat  
(Attn: Ms Connie Szeto)  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong

Dear Ms Szeto,

**Response to Follow-up Item  
for the Special Meeting of the Panel on Development on 15 March 2012**

**Prosecutions Instigated by the Buildings Department Pursuant to  
Sections 40(1AA) and 40(2A)(c) of the Buildings Ordinance**

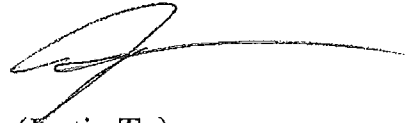
At the special meeting of the Panel on Development on 15 March 2012, a Member requested the Administration to provide the number of prosecutions instigated by the Buildings Department (“BD”) pursuant to section 40(1AA) (i.e. knowingly contravenes section 14(1) of the Buildings Ordinance<sup>Note</sup> (Cap. 123) (“BO”)) and section 40(2A)(c) of the BO (i.e. knowingly misrepresents a material fact in any plan, certificate, form or notice given to the Building Authority). I am authorised to provide the following additional information.

From 2001 to 2011, the BD had instigated a total of 100 prosecutions under Section 40(1AA) of the BO, of which the defendants of 76 cases were found guilty. Among these 100 cases, the defendants of 54 were the owners of the concerned properties, and the number of convicted cases is 18. As for Section 40(2A)(c) of

<sup>Note</sup> Section 14(1) of the Buildings Ordinance provides that “no person shall commence or carry out any building works or street works without having first obtained from the Building Authority – (a) his approval in writing of documents submitted to him in accordance with the regulations; and (b) his consent in writing for the commencement of the building works or street works shown in the approved plan.”

the BO, the BD had not instigated any prosecution in the past decade.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Justin To', with a long horizontal flourish extending to the right.

(Justin To)  
for Secretary for Development

c.c. Director of Buildings  
(Attn: Mr Alex Chow)