



CB(1)775/12-13(01)

YOUR REF 來函檔號：
OUR REF 本署檔號： BD EB/2003/90/M01
FAX 圖文傳真： 2524 3291
TEL 電話： 3106 2640

25 March 2013

Ms Sharon Chung
Clerk to Panel on Development
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Chung,

**Information about Unauthorized Building Works (UBWs)
Houses 4 and 5 at No. 4 Peel Rise**

At the meeting of the Panel on Development on 7 January 2013, Members requested the Administration to provide information on the details of the remedial proposal accepted by the Buildings Department (BD) in relation to the unauthorized floor space at the garden level beneath the parking space at House 5, the correspondences between BD and the owner of the two houses (or the Authorized Person (AP) appointed by the owner) in relation to a wall on the lower ground floor of House 4, and the details of accepted rectification works for unauthorized floor space. After detailed consideration of the Members' request, we would like to set out below our reply.

In respect of the case of UBWs at Houses 4 and 5 of No. 4 Peel Rise, the information requested may be categorised as (1) letters from BD to the owner or the AP appointed by the owner relating to a wall on the lower ground floor of House 4; (2) letters from the owner or the AP to BD relating to a wall on the lower ground floor of House 4; and (3) the remedial proposal accepted by BD in relation to the unauthorized floor space at the garden level beneath the parking space at House 5.

In respect of the information under Category (1) above, the following information is provided herewith:-

- (a) A letter dated 27 November 2012 from BD to the owner (with copy to the AP);
- (b) Letters dated 27 June, 18 July, 4 September, 30 October and 29 November 2012 from BD to the AP (with copy to the owner).

You may wish to note that the documents provided above contain personal data, and that the persons concerned have not been informed that the information would be used for other purposes when such information was collected or issued. In the absence of consent from the persons concerned, their personal data will not be disclosed to avoid contravention of the Personal Data (Privacy) Ordinance (Cap. 486). Since the documents provided above involve third party information and privacy of the individual, BD has written to consult the owner and the AP. The solicitors representing the owner replied that they had advised their client not to accede to the request for disclosure of the relevant correspondences, while the AP appointed by the owner replied that he did not agree to disclose the relevant correspondences. Under the obligation to confidence as well as paragraphs 2.14(a) and 2.15 of the Code on Access to Information (the Code), BD cannot provide the information involving third party information and privacy of the individual. Hence, the information involving third party information and privacy of the individual has been crossed out in the documents provided above.

Please also note that the documents provided above are subject to the following conditions and disclaimer:-

- (i) The documents provided above were prepared by BD for its own purpose and use. The Government does not in any way warrant the accuracy or correctness of the content of the documents and any statement made therein.
- (ii) Any reliance upon the content of the documents by any parties is entirely at his own risk. The Government will not be responsible for or be held responsible for any loss or damage whatsoever under any circumstances whatsoever which may arise out of or in consequence of any reliance by any party upon any part of the content of the documents.

In respect of the information under Category (2), which concerns letters from the owner or the AP to BD relating to a wall on the lower ground floor of House 4, BD cannot provide such information under the obligation to confidence. BD has also written to consult the owner and the AP. The solicitors representing the owner replied that they had advised their client not to accede to the request for disclosure of the relevant correspondences, while the AP appointed by the owner replied that he did not agree to disclose the relevant correspondences. Therefore, in addition to the obligation to confidence, BD cannot provide the Category (2) information in accordance with paragraphs 2.14(a) and 2.15 of the Code as the information involves third party information and privacy of the individual. Furthermore, amongst the Category (1) information provided above, the information falling within Category (2) contained therein, which cannot be released, has been crossed out.

In respect of the Category (3) information, we attach herewith a copy of the as-built drawing of the completed remedial works for the unauthorized floor space at the garden level beneath the parking space at House 5 for reference. According to the remedial proposal submitted by the AP and accepted by BD, the unauthorized floor space was backfilled with concrete and the unauthorized access opening was sealed up to make the use of such void space difficult.

Under paragraph 1.25 of the Code, any person who believes that BD has failed to comply with any provision of the Code may ask the Department to review the situation. Besides, under paragraph 1.26 of the Code, any person who believes that a department has failed to properly apply any provision of the Code may also complain to The Ombudsman. The Ombudsman's address is:-

30/F, China Merchants Tower
Shun Tak Centre
168-200 Connaught Road Central
Hong Kong

Telephone : 2629 0555
Fax : 2882 8149

As regards Members' request for information about the accepted rectification works for unauthorized floor space in the past, BD has not kept consolidated record on various types of rectification works for UBWs, and also did not identify any accepted rectification works for unauthorized floor space that is similar to the present case. Therefore, BD cannot provide the information requested. However, in vetting and approving the building plans of a proposed development, if BD identifies any void space underneath the proposed development that is not included in the calculation of gross floor area, the AP would be required to adopt appropriate measures to make the use of such void space difficult. Apart from not approving any access opening to the void space, BD would also consider requiring the erection of cross-bracing in such void space or backfilling it with suitable materials as appropriate measures to prevent abuse of the void space. BD would adopt the above criteria in considering the rectification proposals for unauthorized floor space.

Should you have any queries on the above, please contact the undersigned at 3106 2640 or our Building Surveyor, Mr. S. T. CHAN, at 2626 1692.

Yours sincerely,



(W.Y. CHU)
Senior Building Surveyor
for Director of Buildings

c.c. Secretary for Development (Attention : Mr Ryan Chiu)

第(一)類資料

Category (1) information



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FAX 圖文傳真: 2524 3291
TEL 電話: 3106 2640
www.bd.gov.hk

27 November 2012

LOTVEST LIMITED
(Owner of House Nos. A and B, No. 4 Peel Rise)
House 4, No. 4 Peel Rise, Hong Kong

Dear Sir/Madam,

House No. A & B, No. 4 Peel Rise, Hong Kong

Further to our letters dated 22.6.2012 and 19.7.2012 to you and our letters dated 27.6.2012, 18.7.2012, 4.9.2012 and 30.10.2012 addressed to your authorized person and copied to you, it has been recently brought to my attention that there are two additional items of unauthorized building works carried out at the House No. B which have not been brought to my attention previously as follows:

- (a) The yard adjoining the kitchen on G/F was altered into a toilet and roof covers were erected above the said toilet.
- (b) An alleged extension of the floor space adjoining the storeroom on the Lower Ground Floor, the access into which has been blocked by a wall.

The building works described in item (a) above contravene the provisions of the Buildings Ordinance and are therefore unauthorized. You should now take immediate steps to employ a registered contractor to remove the UBW and reinstate the premises to accord with the approved building plans. I would like to draw your attention that the Building (Minor Works) Regulation has been implemented on 31 December 2010. Under the Minor Works Control System (MWCS), any person intending to carry out minor works can follow the simplified procedures. For more details about MWCS, please call BD hotline 2626 1616 or visit BD's website (www.bd.gov.hk).

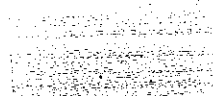
Upon the carrying out of a joint site inspection with your authorized person on 26.11.2012, it is noted that as regards item (b) above, the access to the alleged extension has been blocked up by a wall erected in the storeroom adjoining the approved external wall ("W21A") abutting the unexcavated area on Lower Ground Floor and the said wall was not shown on the approved building plans. In this connection, you are required to open up the said wall and provide access to staff of this Department as soon as possible for inspection of the alleged extension. You are required to inform this Department when the inspection could be carried out by us.

27 NOV 2012
FORWARDED

In order to ensure the safety of the public and the workers and compliance with the Buildings Ordinance, you are reminded to consult your authorized person and to provide adequate precautionary measures before opening up the said wall.

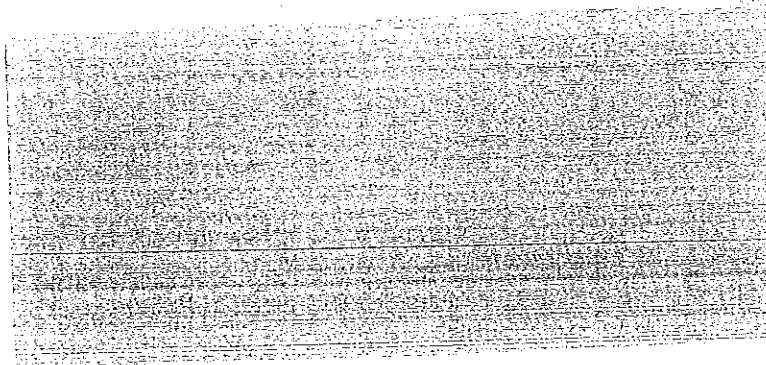
Should you have any queries, please contact our Mr. C. L. Tong at telephone no. 3104 3130.

Yours faithfully,



(W.Y. CHU)
Senior Building Surveyor
for Building Authority

c.c. Authorized Person -





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www.bd.gov.hk



27 June 2012

Dear Sir,

Houses Nos. A and B, No. 4 Peel Rise, Hong Kong

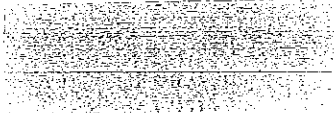
I refer to the meeting amongst you, your Registered Structural Engineer and our staff held in this office on 25.6.2012 and the subsequent joint site inspections with you on 26.6.2012 concerning the unauthorized building works at the captioned premises.

As regards the unauthorized floor space at the garden level beneath the car parking space at House No. A; you are required to submit an investigation report and remedial proposal for our consideration. You are reminded that no remedial works should be carried out before your investigation report and remedial proposal are found acceptable by this Department. Please note that the investigation report should include, among others, the existing condition and type of construction of the aforesaid floor space together with the Registered Structural Engineer's structural assessment on the stability of the parent building.

Furthermore, in respect of House No. B, our joint site inspection on 26.6.2012 revealed that a solid wall appeared to be erected in the store room adjoining to the approved external wall ("W21A") abutting the unexcavated area on Lower Ground Floor and the said solid wall was not shown on the approved building plans. In this connection you are required to clarify the construction and purpose of the said solid wall as soon as possible.

Should you have any queries, please contact our Mr. S.M. Choi at telephone no. 2626 1692.

Yours faithfully,


(W.Y. CHU)
Senior Building Surveyor
for Building Authority

c.c. LOTVEST LIMITED
(Owner of House Nos. A and B, No. 4 Peel Rise)
House 4, No. 4 Peel Rise, Hong Kong

FORWARDED
27 JUN 2012

18 July 2012

Dear Sir,

Houses Nos. A and B, No. 4 Peel Rise, Hong Kong

We refer to our letter dated 27.6.2012 to you and the subsequent meeting amongst you, your [REDACTED] and our staff held in this office on 9.7.2012 concerning the unauthorized building works at the captioned premises.

As at today, we have not received your investigation report, remedial proposal and the clarification required in the aforesaid letter regarding the construction and purpose of the solid wall found inside House B. In this connection, please advise me of the progress of your investigation. You are urged to submit your investigation report, remedial proposal and the required clarification as soon as possible.

Should you have any queries, please contact our Mr. S.M. Choi at telephone no. 2626 1692.

Yours faithfully,



(W.Y. CHU)
Senior Building Surveyor
for Building Authority

c.c. LOTVEST LIMITED
(Owner of House Nos. A and B, No. 4 Peel Rise)
House 4, No. 4 Peel Rise, Hong Kong

FORWARDED
18 JUL 2012



YOUR REF 來函檔案: [REDACTED]
OUR REF 本署檔案: EB/2003/90/M101
FAX 圖文傳真: 2524 3291
TEL 電話: 3106 2640
www.bd.gov.hk

4 September 2012

Dear Sir,

Houses Nos. A and B, No. 4 Peel Rise, Hong Kong

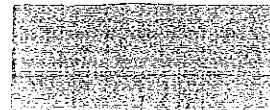
I refer to your letter dated 17.5.2012

BD Ref.: EB/2003/90/M01

5. Furthermore, you are urged to submit the clarification required in our letter dated 27.6.2012 to you regarding the construction and purpose of the solid wall found inside House No. B.

6. Should you have any queries, please contact our Mr. S.M. Choi at telephone no. 2626 1692.

Yours faithfully,

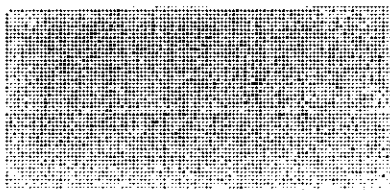


(W.Y. CHU)

Senior Building Surveyor
for Building Authority

c.c. LOTVEST LIMITED
House 4, No. 4 Peel Rise, Hong Kong

RSE -



30 October 2012

Dear Sir,

Houses Nos. A and B, No. 4 Peel Rise, Hong Kong

I refer to your letter dated 10.10.2012

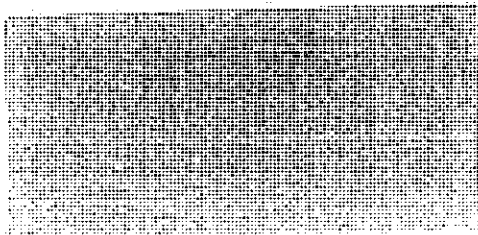
4. Furthermore, you are urged to submit the clarification required in our letter dated 27.6.2012 to you regarding the construction and purpose of the solid wall found inside House No. B.
5. Should you have any queries, please contact our Mr. S.M. Choi at telephone no. 2626 1692.

Yours faithfully,

[REDACTED]
(W.Y. CHU)

Senior Building Surveyor
for Building Authority

c.c. LOTVEST LIMITED
House 4, No. 4 Peel Rise, Hong Kong



FORWARDED

30 OCT 2012



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29 November 2012

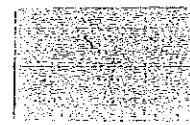
Dear Sir,

Houses Nos. A and B, No. 4 Peel Rise, Hong Kong

Further to our letters dated 27.6.2012, 18.7.2012, 4.9.2012 and 30.10.2012 to you and our letter dated 27.11.2012 addressed to your client and copied to you, you are urged to submit as soon as possible the clarification required in our letter dated 27.6.2012 to you regarding the construction and purpose of the wall which appeared to be erected in the store room adjoining to the approved external wall ("W21A") abutting the unexcavated area on Lower Ground Floor of House No. B and the said wall was not shown on the approved building plans. Upon the carrying out of a joint site inspection with you on 26.11.2012, it is noted that the said wall has blocked up the access to an alleged extension of the floor space on the Lower Ground Floor of House No. B as referred to in our letter dated 27.11.2012.

Should you have any queries, please contact our Mr. C. L. Tong at telephone no. 3104 3130.

Yours faithfully,



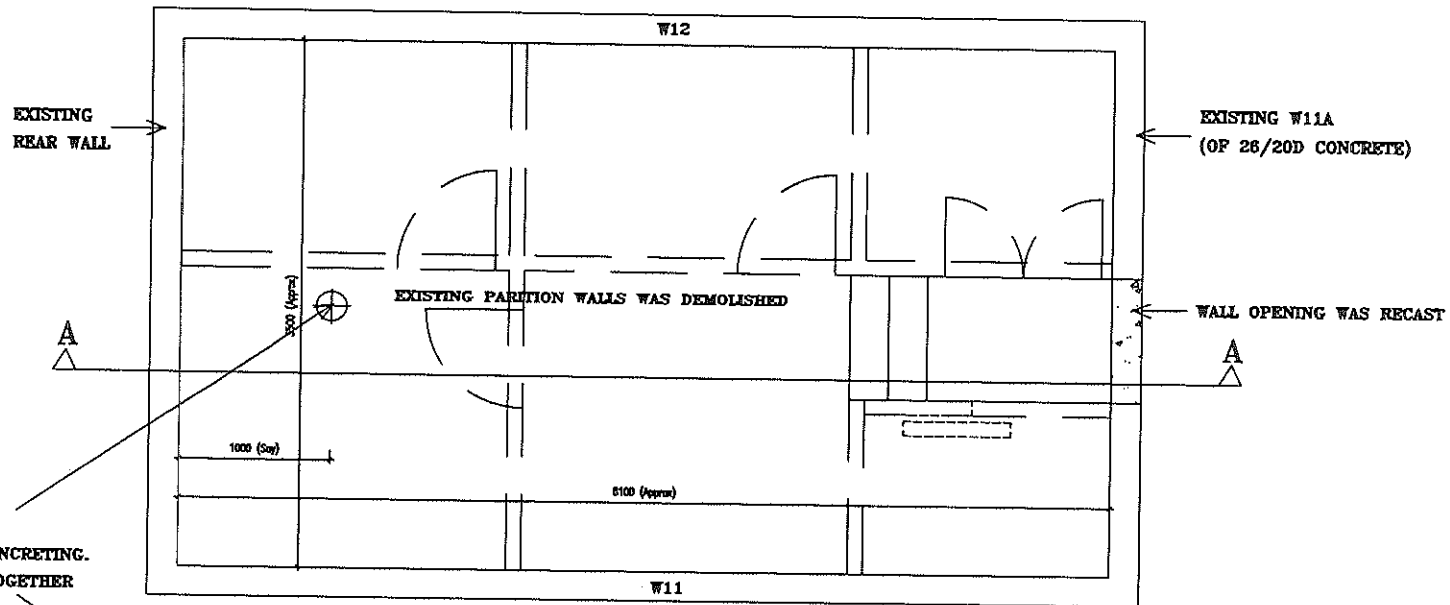
(W.Y. CHU)
Senior Building Surveyor
for Building Authority

c.c. LOTVEST LIMITED
(Owner of House Nos. A and B, No. 4 Peel Rise)
House 4, No. 4 Peel Rise, Hong Kong

FORWARDED
29 NOV 2012

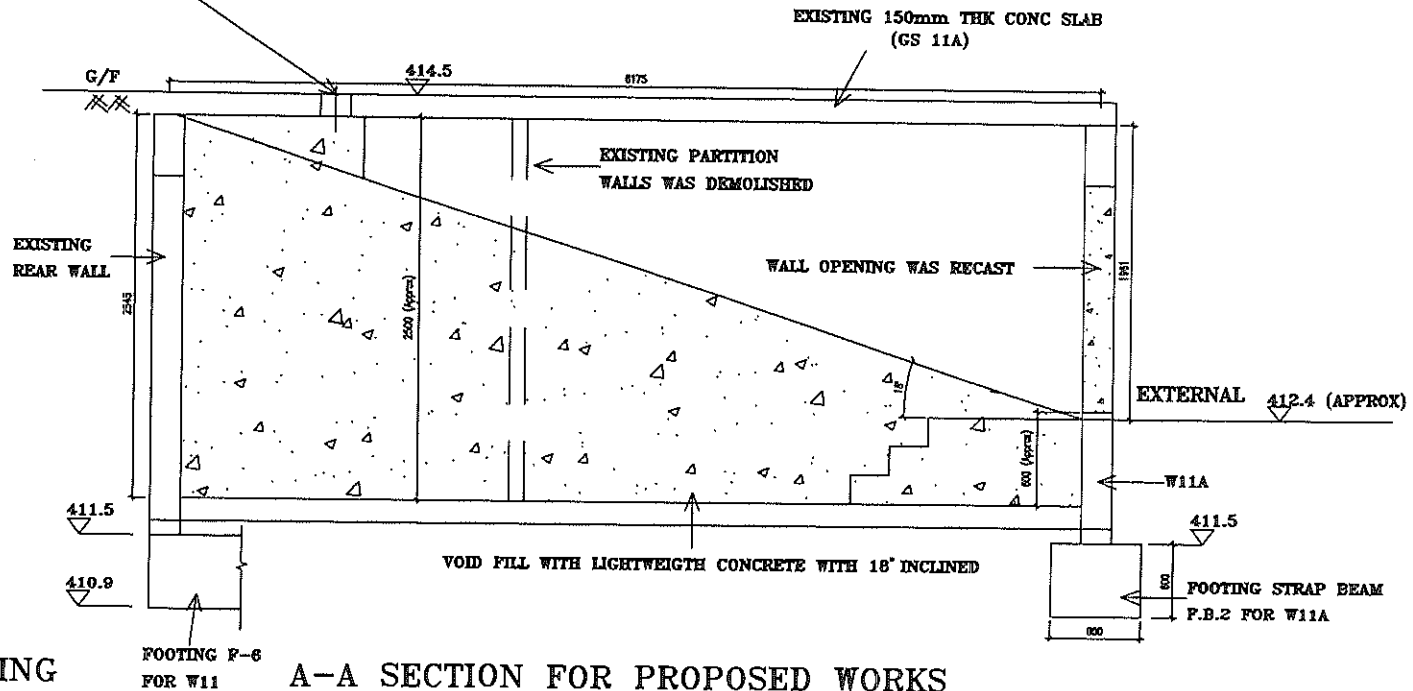
第(三)類資料

Category (3) information



100 φ
 GROUT HOLE ON G/F FOR CONCRETING.
 THE HOLE WAS PACKED UP TOGETHER
 WITH CONCRETING

PLAN FOR THE VOID
 (N.T.S.)



AS BUILT DRAWING

A-A SECTION FOR PROPOSED WORKS
 (N.T.S.)