

**Information Paper for
Joint Meeting of Panels on Planning, Lands & Works and Housing
Meeting on 18 April 2000**

Unauthorized Building Works

Purpose

This paper informs Members about Government's policy and new measures in dealing with the problems of unauthorized building works (UBWs) and rehousing of occupants displaced as a result of clearance actions.

Unauthorized building works

2. UBWs are those building works carried out by owners without prior approval and consent of the Building Authority under the Buildings Ordinance (Cap.123). Examples include structures erected on roofs or other parts or attached to external walls such as canopies, metal racks, and alterations affecting the structure or the fire escape of a building. Under the Buildings Ordinance, it is an offence to carry out UBWs and the penalty on conviction is a fine of up to \$100,000 and imprisonment for two years. It is also an offence not to comply with a removal order.

Policy

3. Given the large number of UBWs in Hong Kong, Government's general policy is to take clearance action, as a matter of priority, against those UBWs which pose imminent danger to life and property or are newly erected. The Government is reviewing its enforcement strategy against UBWs and is developing new modes of clearance operation with a view to improving public safety and enhancing cost-effectiveness.

Unauthorized building works

4. The Buildings Department (BD) investigates any complaint about UBWs and takes enforcement action in accordance with the above policy. It remains, however, the ultimate responsibility of building owners to remove their UBWs.

5. Over the years, BD was able to clear an average of 3000 to 4000 UBWs each year. To enhance its productivity, BD has adopted, since September 1999, a new approach in dealing with UBWs through mounting a large-scale clearance operation to remove UBWs on the external walls of 307 buildings in 14 districts at one time. As a result, about 8000 statutory orders have been issued to building owners to remove some 14000 UBWs. The initial result of this operation is encouraging in that up to 80% (as compared to 20-30% in the past) of the owners concerned are willing to remove the UBWs on their own. For those owners who fail to remove their UBWs within the period stipulated in the removal orders, BD will instigate prosecution action against them. We believe that this proactive approach will increase the number of UBWs cleared each year by about a factor of five.

6. BD has also been providing law enforcement support for the improvement of “*target buildings*” identified by the District Building Management Co-ordination Committees of the Home Affairs Department. The external wall and other dangerous UBWs of target buildings are subject to clearance by BD and, since 1992, a total of 322 target buildings have been successfully dealt with under this scheme.

7. Meanwhile, we have extended our Building Safety Improvement Loan Scheme to provide loans (under \$50,000) for those building owners who have received BD’s orders to remove their UBWs in the above-mentioned large-scale clearance operation but have encountered financial difficulties to do so. So far, we have approved 141 applications for such loans, involving a total of \$4.86 million.

Unauthorized rooftop structures

8. In a territory-wide survey conducted by the Fire Services Department in 1998, many old private buildings were found to have unauthorized rooftop structures (URs). URs were found on the roofs of 4600 single-staircase buildings. These URs pose varying degrees of fire-safety danger as the roofs serve as important refuges for the occupants of the buildings in case of fire. The situation is particularly serious in 1300 of these buildings where the roofs are fully covered with illegal structures. BD has commenced a clearance programme targeted at these buildings by dealing with 100 such buildings in 1999.

New initiatives

9. The Financial Secretary announced in his Budget Speech on 8 March 2000 that an additional \$90m would be allocated to BD to deal with the problem of UBWs in the next three years. With the provision of these extra resources, BD plans to escalate its large-scale clearance actions for UBWs on external walls of building in each of the next three years. The plan is to clear such UBWs from 400 buildings in 2000, 500 buildings in 2001 and 600 buildings in 2002.

10. For single-staircase buildings where the roofs are completely covered by URSs, our original pledge was to increase our target from 100 in 1999 to 200 such buildings this year. With the additional resources, we now aim to increase our target from 200 to 300 such buildings this year. Our goal is to clear all the remaining 1200 buildings in this category in three years, instead of six years.

Rehousing for displaced occupants

11. In the planning of BD's clearance programme for URSs to improve the fire safety of these buildings, Housing Department (HD) plays a supporting role. In planning the clearance operations, the BD liaises closely with HD staff for the provision of rehousing for eligible displaced occupants. As the circumstances of each case may vary, it is difficult to forecast with complete accuracy the demand for such rehousing generated by the clearance programme. However, given the policy of Government that no person shall be made homeless by its clearance operations, occupants displaced from their URS dwellings will be offered public rental housing or interim housing according to their eligibility. HD will endeavor to meet the rehousing demand thus generated.

Task Force on Building Safety and Preventive Maintenance

12. A Task Force on Building Safety and Preventive Maintenance has been established in the Planning and Lands Bureau since February 2000. The Task Force is to conduct a comprehensive review of the policies and enforcement actions on building safety, and to formulate new policies and strategies, such as schemes on preventive maintenance of buildings, a comprehensive programme against UBWs and the control of advertisement signboards. We are now reviewing legislation and penalties to strengthen

the law against those constructing, selling and leasing unauthorized building works, in particular illegal rooftop structures. We are studying ways to ban conveyancing of illegal rooftop structures and to widen the scope for registering a charge against the land title where owners fail to remove illegal structures or to maintain their buildings. We will consult Members and the public on the proposals of the Task Force later in the year.

*Planning and Lands Bureau
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