

Urban unauthorised building works in Hong Kong

Figure 1 – Private buildings aged 20 years or above (excluding village houses) in 2018

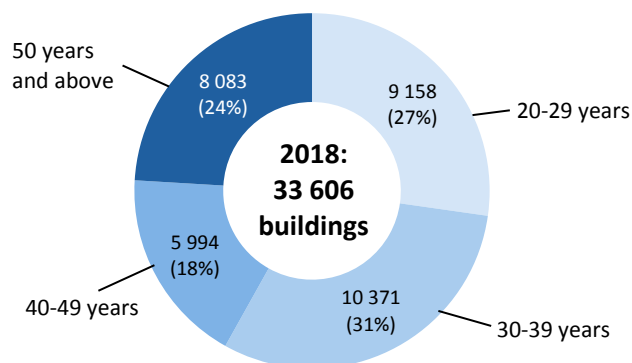


Figure 2 – Number of reports on building safety problems

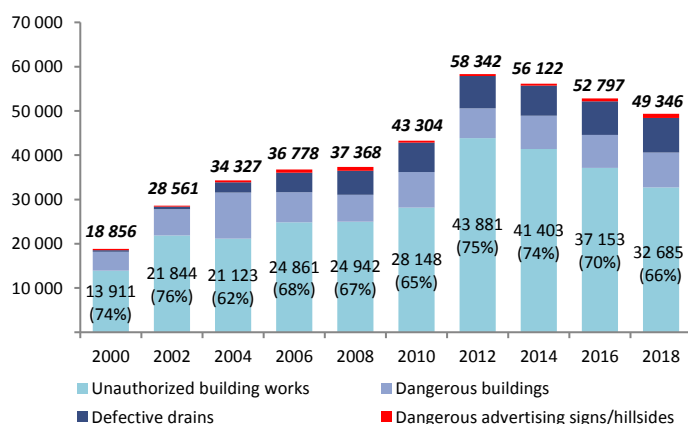
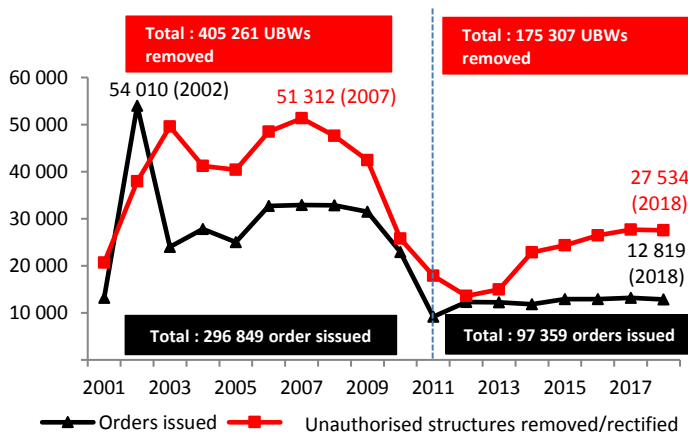


Figure 3 – Removal orders of UBWs and UBWs clearance (2001-2018)



Highlights

- Most buildings in Hong Kong are designed and built to sustain a long life span. Yet, poor building management and maintenance will not just shorten building life but also create safety problems, especially when there are unauthorised building works ("UBWs"), which are more likely found in older buildings. In 2018, there were 33 606 private buildings aged 20 years or older in Hong Kong. Buildings aged 30-49 years constituted 49% of these buildings. Those aged at 50 years or above also reached 24% (Figure 1).
- The Buildings Department ("BD") is the building safety regulator in Hong Kong. During 2000-2018, it has received growing number of building safety problem reports which peaked in 2012 and was probably related to increased public awareness after the fatal Ma Tau Wai building collapse incident in 2010. Among these reports, UBWs – additions, alterations or removal of building structures not permitted by BD – are the main driver for the rise, accounting for 62% to 76% of all reports in each year during the period, far outnumbering other problems (Figure 2).
- BD inspects suspected UBWs and issue removal orders if regularities are found. Such enforcement had been intensive during a 10-year UBWs crackdown programme from 2001 to 2010, especially against those "actionable" UBWs posing imminent dangers, which resulted in the issuance of nearly 300 000 removal orders and removal of 400 000 UBWs (Figure 3). Since 2011, the enforcement scope was expanded to cover UBWS on rooftop, podium and in lanes. Yet the enforcement intensity has been weaker since then, which could be due to the fact that many dangerous UBWs had been resolved. Following the 10-year programme, the Government also consolidated resources to help owners repair their buildings and rectify irregularities voluntarily.

Urban unauthorised building works in Hong Kong (cont'd)

Figure 4 – Non-compliance of UBW removal orders

	(a) No. of orders issued during the specified period	(b) No. of outstanding orders as at December 2019	(c) % of non-compliance = (b)/(a) x 100%
2000-2003	101 389 (25.0%)	68 (0.2%)	0.0%
2004-2008	151 603 (37.5%)	4 771 (12.2%)	3.1%
2009-2013	88 079 (21.7%)	12 573 (32.0%)	14.3%
2014-2018	63 636 (15.7%)	21 761 (55.6%)	34.2%
2000-2018	404 707 (100%)	39 173 (100%)	9.7%

Figure 5 – Prosecutions against owners failing to comply with removal orders

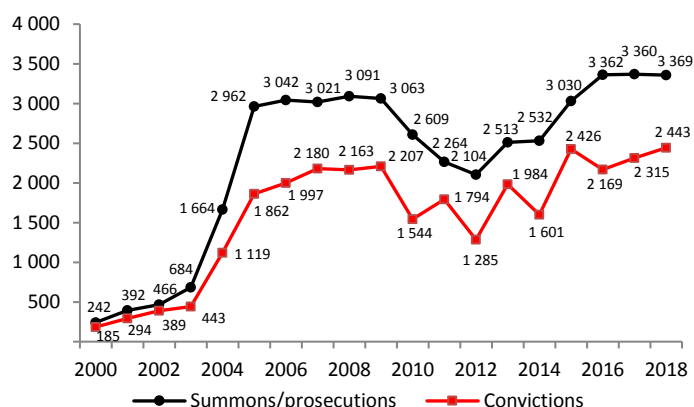


Figure 6 – Financial assistance available to building owners to rectify UBWs

	Building Safety Loan Scheme		Building Maintenance Grant for Elderly Owners	
	Approved applications	Total approved loan (HK\$ million)	Approved applications	Total approved grant (HK\$ million)
2009	2 024	65.8	1 484	94.0
2010	2 173	99.7	3 618	46.0
2011	1 432	56.0	2 214	53.4
2012	1 972	90.1	1 572	39.6
2013	2 068	141.0	2 402	51.7
2014	1 516	117.6	2 766	49.0
2015	722	42.8	2 889	80.9
2016	1 016	71.1	2 533	71.5
2017	578	41.3	1 978	54.4
2018	460	38.0	2 078	66.1
TOTAL	13 961	763.4	25 155	636.1

Highlights

- Building owners are normally given 60 days to comply with removal orders. Yet, some owners may be reluctant to comply or had difficulties, like the absence of an owners' incorporation, to implement the works. Among the total of 404 707 orders issued between 2000 and 2018, 9.7% of them (39 173) remained outstanding and were yet to be complied with as at December 2019. Among these orders, 12.2% (4 771) were already 11-15 years old issued during 2004-2008, and 32% (12 573) issued during 2009-2013 (Figure 4).
- Apart from registering the non-compliance in the Land Registry to create an encumbrance on property titles, BD can also prosecute building owners who ignore removal orders without a reasonable excuse, which can lead to a fine of up to HK\$200,000. In the past four years, the annual number of prosecutions have increased to over 3 000 from the ebb of around 2 100 cases in 2012. With more prosecutions, the number of conviction cases have also risen to over 2 400 cases in 2018 (Figure 5).
- Apart from prosecutions, there are also financial assistance schemes available to owners to rectify their illegal structures. BD offers a free or low interest loan of up to HK\$1 million under the Building Safety Loan Scheme ("BSLS") to eligible building owners. During 2009-2018, loans valued at HK\$763 million were approved for nearly 14 000 owners of different building types. Apart from BSLS, the Hong Kong Housing Society also introduced in 2008 the Building Maintenance Grant for Elderly Owners, targeting eligible building owners aged at or over 60 who may be granted up to HK\$40,000 to cover expenses on improving building safety including UBWs clearance. During the same period, more than 25 000 applications were approved, with a total grant of HK\$636 million committed (Figure 6). Recently, the Government has proposed to inject HK\$2 billion more into the scheme and relax the age restriction in order to benefit more owners.

Data sources: Latest figures from Buildings Department and Development Bureau.

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20 February 2020
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