

**Bills Committee on
Buildings (Amendment) Bill 2003**

**Unauthorized Building Works
Enforcement Policy and Support for Owners**

Purpose

This paper sets out Government's enforcement policy towards unauthorized building works (UBWs), including advertisement signboards. It also outlines Government's effort to assist owners of UBWs in complying with the law.

Enforcement Policy

2. For any building control regime, safety is the primary concern. The works have to be subject to proper design, supervision and execution. By their nature, UBWs are highly unlikely to have been designed, supervised and carried out in accordance with the requisite requirements. Hence the need for enforcement action against them.

Unauthorized Building Works

3. To ensure public safety and curb the proliferation of UBWs, the Buildings Department (BD) has since 2001 adopted a multi-pronged policy by taking priority enforcement action against –

- (a) items constituting obvious or imminent danger to life or property;
- (b) new items, irrespective of the date of completion of the building where they have been carried out;

- (c) items in or on buildings, on podiums and rooftops, in yards and lanes constituting a serious hazard or a serious environmental nuisance;
- (d) major individual items;
- (e) items in or on individual buildings with extensive unauthorized building works; and
- (f) items identified in buildings or groups of buildings targeted for large-scale operations or maintenance programmes.

4. As regards advertisement signboards, they are basically building works. Therefore, signboards erected without the Building Authority's approval and consent are subject to the same enforcement policy.

5. Since the adoption of the enforcement policy in 2001, there has been a significant increase in the number of UBWs dealt with. The following table provides some useful comparison figures.

Year	1999	2000	2001	2002
Removal orders issued	14 038	10 602	13 212	54 010
UBWs removed and irregularities rectified	7 590	18 297	20 647	37 923
Illegal rooftop structures ¹ (IRS) cleared	209	480	883	1 384
Single-staircase buildings improved under IRS clearance operations	95	220	402	632
Advertisement signboards removed/repaired	1 494	646	1 491	1 917

¹ Denotes those IRS on single staircase buildings subject to special clearance operations to remove serious fire risks.

Support for Owners

6. Building owners have an indisputable responsibility for keeping their buildings in good repair. This includes the responsibility for not carrying out UBWs and, where UBWs exist, removing them in the interest of the safety of themselves and the public. To facilitate building owners' compliance with the law, Government has adopted a number of support measures.

7. To promote owners' awareness, BD has published a Building Maintenance Guidebook with useful information on various issues related to building maintenance, including the removal of UBWs. The Guidebook has been distributed to all owners' corporations, mutual aid committees, management companies, universities, secondary schools, relevant professional institutes, etc. Copies of the Guidebook are also available in the Building Information Centre and the website of BD and the Building Management Resource Centres of the Home Affairs Department (HAD) for public viewing. For signboards, BD has published a "Guide on Erection and Maintenance of Advertising Signs". BD also organizes, either on its own or in conjunction with other relevant departments such as HAD, publicity efforts like seminars and exhibitions to increase public awareness. In addition, HAD assists owners to form owners' corporations. It has also established four Building Management Resource Centers to provide the relevant information and advice to owners.

8. When taking enforcement action against UBWs, BD provides the owners with the following information -

- (a) a booklet entitled "Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls";
- (b) a list of contractors and authorized persons respectively for owners' reference; and
- (c) a pamphlet on the Building Safety Loan Scheme. (Please see paragraph 11 below.)

BD staff will also answer the owners' questions regarding the enforcement action and arrange technical briefing sessions. . Where necessary, BD will dispatch its in-house social services team to provide counsel to distressed owners.

9. As the removal of illegal rooftop structures (IRS) usually involves the displacement of the occupiers, BD works in close liaison with the Housing Department (HD) to ensure that no one will be made homeless because of the clearance of the structures. Affected IRS clearers in genuine need of subsidized accommodation are rehoused to public rental housing or interim housing in accordance with the eligibility criteria. They may also apply to the Rent Assistance Scheme operated by HD for financial assistance. In addition, families with special social or medical reasons, including elderly households, will be given compassionate rehousing upon the Social Welfare Department's recommendation. The Social Welfare Department also stands ready to offer other kinds of assistance as appropriate.

10. To increase owners' awareness of the importance of maintaining their buildings and to encourage them to organize themselves to shoulder the responsibility in this regard, BD has since 2000 launched the pilot Coordinated Maintenance of Buildings Scheme. Under the scheme, BD takes the lead in organizing joint inspections of target buildings with five other departments, with a view to advising the owners of the maintenance and repair works required. However, the scheme is highly resource intensive and time consuming. So far, the number of buildings that have completed all the required works is just over 50.

11. A cardinal principle of property ownership is that the owners should be fully responsible for maintaining their properties. Nonetheless, we appreciate that in some cases, some owners may require tiding over in meeting the costs involved in building maintenance and repair. In this regard, Government set up the Building Safety Loan Scheme (BSLS) in August 1998, and revamped it in July 2001. The \$700 million scheme provides loans to private building owners for carrying out works to improve the safety of their buildings. The works eligible for loans under the scheme include those normally associated

with building safety, e.g. improvement of structural aspects, improvement of fire safety, electrical, lift services and drainage system, and removal of UBWs, etc. Loans are provided at a low interest rate on the principle of “no gain, no loss” to Government. The repayment period is normally 36 months but may be extended to 72 months for eligible owners with financial hardship. In some cases, for example, where an owner, being a recipient of the Normal Old Age Allowance, is granted an interest-free loan, he may apply to defer the repayment of the loan to an unspecified period, subject to his providing security in the form of a legal charge on the property. .

Way Forward

12. The Buildings (Amendment) Bill 2003 proposes to introduce a minor works control regime. Members may wish to refer to HPLB/BAB Paper/03/03 for further details. If the proposal is implemented, a more flexible control regime with an alternative lawful channel will be provided for carrying out certain building works which are relatively minor and less complex in nature i.e. minor works, including removal of UBWs. Under the proposed minor works control regime, these works will be carried out under simplified procedures. These procedures should result in time and cost savings for removing UBWs in a safe manner.

13. More generally, as the Secretary for Housing, Planning and Lands indicated at the meeting of the Legislative Council on 3 July 2003, Government is currently looking into different options to promote building owners’ awareness of the importance of timely maintenance and proper management of their buildings. In that context, we will also consider whether and what additional support measures are required to help building owners maintain the safety of their buildings.

Housing, Planning and Lands Bureau
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