

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

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10 May 2006

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Attn : Ms Anita Sit, Clerk to Panel)

Dear Ms Sit,

Panel on Planning, Lands and Works**Meeting between Members of Legislative Council and
Members of Kowloon City District Council on 24 November 2005**

Thank you for your letter dated 18 April 2006.

The Buildings Department (BD) is responsible for ensuring building safety, including alteration works in private buildings. If the alteration works involve the structure of a building, prior approval and consent by the BD are required. Alteration of building layouts which does not involve the structure of a building may however be carried out without the prior approval of BD. Notwithstanding this, if such alteration works are carried out in contravention of the Buildings Ordinance (BO), they may be subject to enforcement action under the BO as unauthorized building works (UBW). Examples of such UBW include unauthorized addition of partition walls and thickening of a floor slab that causes overloading to the structure of a building.

Under the BD's Enforcement Policy against UBW (please refer to the **Annex**), if the UBW constitute an imminent danger or serious health hazard falling within the immediate enforcement category, BD may issue a statutory order to the owner requiring the removal of such UBW or other rectification works. As regards those UBW not falling within the category for immediate enforcement action, the BD may issue a warning notice to the owner. If the owner does not remove the UBW before a specified date, BD will consider causing such warning notice to be registered with the Land Registry.

Water seepage is a prevalent building management and maintenance problem in private buildings. Whilst the responsibility for resolving this problem rests with the owners, the Government's role in handling water seepage complaints is to fulfil its statutory duties so as to safeguard the public interest. Under the Public Health and Municipal Services Ordinance (Cap. 132), FEHD is empowered to deal with environmental hygiene nuisances arising from water seepage caused by leaking drainage pipes. BD is responsible for taking enforcement action against water seepage cases involving drainage defects or building safety problems in accordance with the BO. In addition, the Water Supplies Department (WSD) is empowered by the Waterworks Ordinance (Cap. 102) to require registered consumers to rectify water wastage arising from leaking water supply pipes.

BD and the Food and Environmental Hygiene Department (FEHD) have since 31 December 2004 set up a pilot Joint Office in Shamshuipo with the objective to providing a 'one-stop' service in dealing with water seepage complaints, including those which may be caused by alteration of building layouts. In view of the positive results from the pilot project, the two departments are extending the service to cover the whole territory for a period of three years.

To facilitate owners to adopt a simple, legal and safe means to carry out minor works, the Government will be introducing a new regime to regulate minor works, including certain kinds of building alteration and addition works, in the next legislative session. In addition, the Government's recent consultation on the proposal of a mandatory building inspection scheme, whilst directed mainly at inspection of common parts of buildings, has also heightened general public awareness over the importance of building safety and maintenance. We will keep our current regulatory measures on building alteration works under regular review and consider whether any enhancement in this area is required.

Yours faithfully,

(Parrish Ng)

for Secretary for Housing, Planning and Lands

c.c. DB (Attn: Mr CC Tsang)

屋宇署清拆僭建物政策

Buildings Department's Enforcement Policy Against Unauthorized Building Works

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港僭建物問題嚴重，屋宇署估計全港約有七十五萬個僭建物。僭建物影響樓宇安全，業主為本身的利益著想，應主動安排清拆樓宇內的僭建物。至於樓宇公用地方的僭建物，大廈內所有業主應齊心合力，將之拆掉。

什麼是僭建物？僭建物は違例建築工程（違建工程）。凡未經建築事務監督事先批准的樓宇改建或改動，如鐵籠、空調機冷卻塔、簷篷、平台構築物、天台搭建物、分間單位、結構改動、渠管接駁等，均屬違建工程。所有違建工程均須拆除。

以屋宇署目前的資源，實難同時處理所有違建工程，故集中處理新建或對生命構成迫切危險的工程。業主有責任確保其物業沒有任何違例建築工程，以免對住客和公眾人士構成危險。

屋宇署集中資源優先清拆下列類別的僭建物：

- a 對生命財產明顯構成威脅或迫切危險的僭建物；
- b 新建的僭建物，不論主體樓宇的落成日期；
- c 位於樓宇內外、平台、天台、天井或後巷而被建築事務監督列為嚴重危害健康或對環境造成滋擾的僭建物(包括違例地盤平整工程)；
- d 個別大型僭建物；
- e 個別樓宇內外滿布的僭建物；
- f 大規模行動或維修計劃所涉及的個別或一組目標樓宇的僭建物；以及
- g 在採用環保設計並獲建築事務監督批准豁免計入建築樓面面積的樓宇部分(例如露台、空中花園或平台花園)的違例改建或違例工程。

屋宇署每年都會進行一連串「大規模清拆行動」，一次過清拆數以百計樓宇的外牆僭建物；這些行動有效地促使更多業主遵從本署的規定。屋宇署會以此模式進行大規模行動，尤其是清拆在樓齡20至40年樓宇外牆的僭建物，以及一些位於樓宇平台及天台、天井或後巷的僭建物。預計在五至七年內可以清拆15萬個至30萬個僭建物。

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he problem of unauthorized building works (UBWs) is serious in Hong Kong. The Buildings Department estimates that there are about 750,000 UBWs in Hong Kong. UBWs affect the safety of buildings. Owners should, in their own interest, take the initiative to organize for the demolition of UBWs in their premises. For UBWs erected in the common areas of a building, the co-owners of the building should co-ordinate for demolishing the UBWs.

What are UBWs? Any additions or alterations to buildings without the prior approval of the Building Authority are regarded as UBWs, such as metal cages, air-conditioning cooling towers, canopies, flat roof structures, rooftop structures, subdivision of flats, structural alterations, drainage connections, etc. All UBWs are liable to be demolished.

In view of the very large number of UBWs in Hong Kong, the Buildings Department takes immediate enforcement action against all new UBWs and UBWs which pose an obvious hazard to life or property. Priority will be given to the removal of the following types of such works :-

- 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 (including unauthorized site formation works) constituting a serious hazard or a serious environmental nuisance, as determined by the Building Authority;
- d major individual items;
- e items in or on individual buildings with extensive unauthorized building works;
- f items identified in buildings or groups of buildings targeted for large-scale operations or maintenance programmes; and
- g unauthorized alterations to or works in environmentally friendly features of a building (e.g. balconies, sky or podium gardens) for which exemption from calculation of gross floor area has been granted by the Building Authority.

Every year the Buildings Department launches a series of "blitz" operations to clear at one go all external unauthorized works on hundreds of buildings. This has considerably raised owners' compliance. The Buildings Department will adopt this approach for major clearances, particularly those items on the external walls of buildings 20 to 40 years old and some on podiums and rooftops or in yards and lanes. These operations will remove 150,000 to 300,000 unauthorised building works in five to seven years.