

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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27 March 2007

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Attn: Anthony CHU)

Dear Mr. CHU,

**Meeting-cum-luncheon between Legislative Council Members
and Kwun Tong District Council members
on 1 February 2007**

Private Building Management Problems

Thank you for your letter dated 7 March 2007 and the comments from Kwun Tong District Council (KTDC) members.

The Buildings Department (BD) has been tackling the problem of unauthorized buildings works (UBWs) in Hong Kong through various approaches. Our response to KTDC members' comments are as follows:

- (a) The BD has been taking enforcement action against UBWs. For UBWs which are of imminent danger, the BD takes immediate enforcement action to require the removal of such UBWs in order to protect public safety.

The BD also launches large-scale operations (LSOs) every year to clear existing UBWs in selected target buildings in the whole territory. Under the LSOs, removal orders will be issued to owners to require the removal of UBWs, including works that do not pose imminent

danger identified in the target buildings. The BD has also launched the Co-ordinated Maintenance of Building Scheme since November 2000. Technical assistance is provided to building owners to help them remove all UBWs in their buildings amongst other building improvement works.

To curb the proliferation of UBWs, the BD takes immediate enforcement actions against all types of UBWs in progress and has set up a Special Action Unit to handle the problem.

The BD encourages owners to remove all UBWs voluntarily and will continue to strengthen the public's understanding of the problem of UBWs through promotion and education. It is indeed owners' responsibility to ensure that no UBWs are erected on their premises. Under no circumstance would the BD serve repair orders to owners of UBWs or order owners to maintain any UBWs.

- (b) The Government has developed a prioritized enforcement policy against UBWs. We established an enforcement policy in 2001 specifying the priority of enforcement actions against different types of UBWs after extensive consultation with the public. Priority will be given to tackle items constituting obvious or imminent danger to life or property, new items and items that constitute a serious hazard or serious environmental nuisance. The objective of the policy is to tackle UBWs in the whole territory through optimizing the use of resources.

BD has been stepping up its effort in taking enforcement action against UBWs in the past few years, including the outsourcing of its inspection and administrative works under the LSOs to private consultants. Clear guidelines and instructions have been issued to the appointed consultants, with a view to ensuring consistency in issuing orders and taking enforcement actions. The recommendations made by the consultants will also be subject to the BD's scrutiny to ensure adherence with the established enforcement policy.

Starting from 2006/07, the BD has been allocated a total of \$830 million over a period of five years for enhancing building safety, including the removal of 180,000 UBWs. The Department will continue its efforts in tackling the problem of UBWs. It will

continue with the multi-pronged approach to remove dangerous and new UBWs, sustain its LSOs against external UBWs and reinforce the safety message through various public education and publicity programmes. The BD will keep reviewing its enforcement policy in order to better protect building safety.

- (c) The Buildings (Amendment) Ordinance 2004 which came into operation on 31 December 2004 has empowered the BA to issue a warning notice (WN) to an owner, and to register the WN in the Land Registry (LR) if the owner's UBWs are not demolished within a specified timeframe. This policy serves to raise the community's awareness of UBWs as a legal liability and thereby induce owners to demolish their UBWs so as to avert an encumbrance registered against their property titles.

WNs are registrable in the Land Registry and the BD has to follow stringent procedures in the registration process since it might affect the value of the lands or premises concerned. The BD will continuously review its practice and procedures involved in issuing WNs with a view to improving their efficiency.

Thank you again for the comments from KTDC members.

Yours sincerely,

(Agnes Ho)

for Secretary for Housing, Planning and Lands