

11 September 2006

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn : Mr K K Tam)

Dear Mr Tam,

**Legislative Council Members' Meeting with
Yau Tsim Mong District Council Members on 22 June 2006**

**Enforcement Action by the Buildings Department on
Removal of Unauthorised Building Works**

Thank you for your letter dated 21 August 2006. Please find our reply in the following paragraphs.

- (a) Where this Department issues an order to enforce the removal of unauthorised building works (UBWs), we will complete our enforcement work as soon as possible. Thus, we may initiate prosecution action against the owner not complying with the order. However, it will be more difficult to remove the rooftop structures if occupants residing therein refuse to move out. Whereas this Department has engaged social workers to render assistance to the concerned for compliance with removal orders, some occupants might not be eligible for immediate public rehousing. It would take extra time for us to apply to the Court for closure orders or to persuade the occupants to move out of the structures before carrying out the removal works. It is the responsibility of building owners to remove their UBWs and comply with the removal orders. If an owner fails to remove the UBWs without reasonable excuse or the UBWs concerned has posed an imminent danger to the public, this Department will then prosecute him or arrange for a contractor to carry out the removal works.

- (b) In view of the public concern, this Department has undertaken a risk assessment on the unauthorised erection of large TV displays. This year, we have stepped up our enforcement action in the Clearance Operation, targeting TV displays exceeding the size of 15 m² and located within “pedestrianisation streets” as actionable UBWs. At present, there are 4 such displays over 15 m² in the Yau Tsim Mong District. We will serve removal orders to the owners concerned before the end of this year for removal of the UBWs as soon as possible.
- (c) Each year, we launch the Co-ordinated Maintenance of Buildings Scheme as a large-scale operation involving about 150 buildings throughout the territory. With the same mode of operation for similar improvement items, the Scheme aims at assisting owners to fulfil their responsibility of building management and maintenance. In this connection, if the owners or owners’ corporation of the building can prove that an illegal rooftop structure obstructs the carrying out of repair works such as drainage pipes, water pipes, electrical installations, even though the illegal rooftop structure is not an improvement item, we would upgrade the structure for immediate removal.
- (d) Under the Buildings Ordinance (Cap 123), where building works shall be carried out by a registered building contractor and supervised by an Authorized Person and a Registered Structural Engineer (if appointed), a specified form (BA14) shall be submitted to this Department to certify that the works are completed in accordance with the approved plans and in compliance with the Ordinance or regulations. The Ordinance does not require staff of this Department to inspect the works before issuing an acknowledgement. However, the usual practice is that upon receipt of the specified form (BA14), our staff will carry out inspections to spot check the completed works, which should comply with basic standards of the building regulations, and then issue an acknowledgement .
- (e) In the past six years, with additional resources allocated by the Government, this Department has tremendously strengthened its manpower for enforcement work. Accordingly, we have reduced the number of UBWs throughout the territory from 800 000 to 600 000 approximately . To uproot the problem of UBWs, we need the full co-operation of the members of the public. We have to enhance our education and publicity efforts through the collaboration between Government and District Councils, so that the public would better understand the potential danger of UBWs, and the owners remove their UBWs voluntarily. Besides, in order to curb and remove new or re-erected UBWs promptly, this Department has commissioned special patrol teams since 2002 to respond to community reports on such UBWs.

- (f) Over the years, we have always been vigilant about advertising signboards on the external walls of buildings. In the Yau Tsim Mong District, each year we patrol to inspect over 7 500 advertising signboards and remove about 210 dangerous and/or abandoned signboards. We have also engaged consultants to carry out 10 inspections of external walls and signboards each year in identified high-risk areas. They would refer the cases to this Department once defects or dangers are noted, so that action could be initiated to ensure public safety. Since 2001, this Department has announced the enforcement policy against UBWs including the priorities for removal of different categories of UBWs.
- (g) This Department attaches much importance to the views of District Councils. We review our clearance operations taking into account the particular situations of some districts. Accordingly, we will focus on the large unauthorised advertising signboards, TV displays and glass panels within “pedestrianisation areas” in some districts in our Large Scale Clearance Operation this year. We note your suggestion of setting up a joint working group by this Department and the District Council to review the priorities for UBWs removal. However, while the Government has endeavoured to take enforcement action against UBWs, our enforcement action must be taken fairly in accordance with the established enforcement policy in view of the existence of a large number of UBWs.

In case of other queries, please contact our Senior Structural Engineer, Mr. W. H. FUNG at telephone number 2626 1275.

Yours sincerely



(C C TSANG)
for Director of Buildings