

**For discussion
on 20 June 2011**

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Control of Unauthorised Building Works
under the Buildings Ordinance (Cap. 123)**

PURPOSE

This paper informs Members of the Government's current policy and strategy, and the implementation of such, regarding the control of unauthorised building works (UBWs) under the Buildings Ordinance (Cap. 123) (BO) and its subsidiary legislation.

BACKGROUND

2. Under the BO, all building works, with the exception of exempted works¹ as defined under s.41 of the BO and the designated minor works items under the Minor Works Control System (detailed in paragraphs 2-4 of **Annex H**), require the prior approval and consent of the Building Authority (BA) before such works may commence. Otherwise, regardless of the scale of such works, they will be regarded as UBWs and subject to enforcement action by the Buildings Department (BD).

The Ten-year UBWs Removal Programme (April 2001 to March 2011)

3. The proliferation of UBWs has been a long standing problem. It was particularly serious in the late 1990's when large-scale projections such as steel cages and flower racks that posed potential danger to building users and pedestrians were commonly found in buildings. In February 2000, the then Planning and Lands Bureau established a task force to formulate a comprehensive strategy for building safety and timely maintenance. At that time, the total number of UBWs in the territory was roughly estimated to be around 800 000.

¹ As far as building works in private buildings are concerned, section 41(3) of the BO provides that building works carried in a building are exempted works if they do not involve the structure of the building and are not designated minor works. Typical examples of such works include common household renovation works, such as painting, internal plastering or wall-paper works, and alteration of internal non-load bearing walls. While it is not necessary to apply for the BA's prior approval, such works still have to comply with other relevant statutory requirements (including those under the BO and its subsidiary legislation); otherwise the works can still be subject to enforcement action by the BD.

4. In April 2001, based on the above-mentioned work, the Government announced an enforcement policy against UBWs re-focusing priorities and broadening the scope of enforcement action. One major feature of that policy was BD's systematic enforcement programme against UBWs, with focus on priority items that fell under seven specific categories (a leaflet introducing that policy is at **Annex A**). These seven types of UBWs included –

- (i) UBWs constituting obvious or imminent danger to life or property;
- (ii) UBWs newly constructed or under construction;
- (iii) UBWs in or on buildings, on podium and rooftops, in yards and lanes constituting a serious hazard or a serious environmental nuisance;
- (iv) major individual items;
- (v) items in or on individual buildings with extensive UBWs;
- (vi) UBWs in buildings targeted for large scale operations (LSOs) or maintenance programmes; and
- (vii) unauthorised alterations to or works in environmentally friendly features granted with gross floor area concessions.

Another important feature of that enforcement policy was the launching of various LSOs and special operations to clear priority items found on the targeted buildings. The purpose of those operations was to clear in one go “actionable” UBWs on external walls and those in common areas of selected target buildings. Under the ten-year UBWs removal programme that ended at the end of March 2011, the targeted UBWs included projecting structures, steel cages, large canopies, large glass panel external walls, large TV screens, large signboards, UBWs contravening fire safety requirements and UBWs on canopies and cantilevered slab balconies. BD also targeted to clear illegal rooftop structures on all single-staircase buildings which caused significant fire escape risks during that ten-year period. By the end of March 2011, nearly 12 000 buildings had been covered in the various enforcement programmes, with over 400 000 UBWs identified and demolished. The targets of the ten-year operation had been generally met and most of the high-risk UBWs had been removed. Statistics of the BD's overall enforcement action against UBWs taken under this ten-year programme is at **Annex B**.

5. Regarding the UBWs which were not accorded high priority for clearance (the “non-actionable” UBWs), the BD would, depending on the situation, serve advisory letters or, since the legislative amendment in 2005, warning notices requesting the building owners to remove the UBWs voluntarily. If the owner failed to remove the UBWs specified in the warning notice by the specified deadline, the BD would register the warning notice at the Land Registry (commonly known as "imposing an encumbrance" or “釘契”). In cases where only an advisory letter was served, no further follow-up action would generally be taken. The issue of warning notices aimed to raise building owners’ awareness of their liability for their UBWs and encourage them to remove their UBWs voluntarily so as to avert an encumbrance registered against their property titles. Although the BD has not kept separate statistics on this, we have noticed that many responsible building owners would indeed respond positively to the BD’s notices and take prompt action to remove these “non-actionable” UBWs. The letter from such a responsible owner at [Annex C](#) is revealing.

Need for Stronger Government Action to Further Enhance Building Safety in Hong Kong

6. Building safety is a highly complex and multi-faceted issue. If not addressed properly, the problem will only get more serious as Hong Kong’s building stock continues to age. Dilapidated concrete spalling, unauthorised or abandoned signboards, windows installed with substandard workmanship or lacking proper maintenance, illegal alterations to internal building structure, etc. are time bombs waiting to strike and may cause injuries and fatalities. Over the years, the BD has been receiving repeated criticisms and complaints from District Council members against BD’s policy not to take more stringent enforcement action regarding the “non-actionable” UBWs. Many owners’ corporations have also strongly urged the BD to enhance its enforcement action against illegal roof-top structures which have been put up without their knowledge and have been causing them building maintenance problems (some sample letters received by the Administration are extracted at [Annex C](#) for Members’ reference). The fire that broke out in illegal rooftop structures on an industrial building in Tsuen Wan and domestic building in To Kwa Wan (the illegal rooftop structures were “non-actionable” UBWs under the pre-1 April 2011 enforcement policy) earlier this month have once again rung the alarm bell and raised support for enhancing our enforcement policy.

7. Although the UBWs enforcement policy in the previous ten years has succeeded in removing over 400 000 UBWs, a significant quantity of UBWs still exist. The BD also estimates that there are around 190 000 unauthorised signboards in Hong Kong. Meanwhile, the issue of flat sub-division has become an area of grave public concern in recent years. The construction standards and quality of workmanship of these unauthorised structures are unknown. In his 2010-11 Policy Address, the Chief Executive announced that the Government would adopt a multi-pronged approach to work in partnership with all stakeholders involved and the general community to enhance building safety in Hong Kong. This approach covers legislation, enforcement, support and assistance to owners as well as publicity and public education. On the enforcement front, the BD has adopted a new approach since 1 April 2011 to extend the coverage of “actionable” UBWs. We have briefed the Subcommittee on Building Safety and Related Issues under the Panel on Development on the new package of measures on 13 January 2011. The relevant paper is at **Annex D**. The main points of the paper in relation to UBWs are summarised in paragraphs 8 to 18 below.

CURRENT ENFORCEMENT POLICY

Principles

8. Although the number of existing UBWs in Hong Kong has been significantly reduced by more than 400 000 in the past 10 years, the problem of UBWs remains an extensive and highly complex issue. With limited resources, it is not practicable for BD to aim at taking immediate enforcement action against all UBWs that exist throughout the territory within a short timeframe. We need sustained, on-going efforts in tackling the problem of UBWs in Hong Kong until and unless all building owners become highly conscious of their ultimate responsibility to free their properties from UBWs and act accordingly, including under the Minor Works Control System now in place. Thus, it is crucial for the BD to adopt a pragmatic approach by prioritising its work to deal with the removal of UBWs in an orderly manner. Initiatives other than enforcement action would also be adopted in parallel to encourage and assist owners to remove UBWs voluntarily.

General Procedures

9. Under the enhanced UBW enforcement policy adopted since 1 April 2011, the BD will continue to respond to reports on individual UBWs received from members of the public and deal with cases discovered by the regular patrol teams commissioned by the Department². It will also conduct various LSOs and special operations to tackle “actionable” UBWs in an orderly and systematic manner. Starting from 2011-12, the BD will initiate three new types of LSOs, namely on comprehensive clearance of UBWs on rooftops, podiums, as well as yards and lanes; inspection of targeted dilapidated buildings, and on inspection of sub-divided flats. For the first two types of LSOs, the number of target buildings per year is 500. As for the new LSO on sub-divided flats, the BD will be inspecting and taking enforcement actions against the associated irregularities in 150 buildings per year. A list of BD’s performance targets for 2011-12 is at **Annex E**. The enforcement indicators therein have been publicised in the BD’s Controlling Officer’s Report in February 2011.

Extended Scope for Enforcement Action

10. Under the current enforcement policy, in addition to the seven prioritised items listed in paragraph 4 above, the BD has extended the coverage of “actionable” UBWs to include all UBWs on roof-tops, podiums, as well as yards and lanes of buildings even where these UBWs do not pose a serious hazard or environmental nuisance. A pamphlet entitled “Premises Without Unauthorised Building Works Put Your Mind at Ease” is at **Annex F** for Members’ reference. To handle UBWs that belong to the extended scope for enforcement action (i.e. “actionable” UBWs), including UBWs on roof-tops, podiums, as well as yards and lanes of buildings that do not constitute a serious hazard or environmental nuisance, the BD will generally issue removal orders³ pursuant to section 24(1) of the BO (known as

² To stop new UBWs, BD currently commissions 20 teams of outsourced consultants (each team comprises three professional/technical staff) to perform regular control patrol duties; as well as carry out inspections within 48 hours upon receipt of reports on unauthorised works-in-progress from the public. The outsourced consultants are required to carry out patrol in the designated pedestrian-busy districts and primary streets to identify new UBWs, loose concrete or rendering on building facades, and to submit reports to BD for appropriate follow-up action. For example, for a designated district, the consultant is required to carry out not less than 8 times of patrol per year in Primary Risk Areas, and at five-week intervals in pedestrianised streets.

³ The BD will need to verify with the Land Registry the ownership details of the property concerned before issuing such removal orders. To expedite the removal of UBWs, the BD will first issue an advisory letter, which will be followed by a removal order if the owner fails to respond positively to the advisory letter.

“removal orders”) requiring the owners to remove or rectify the UBWs concerned irrespective of their degree of risk to public safety, If the owner, without any reasonable excuse, fails to remove his UBWs within the period specified in the removal order served on him, the BD will instigate prosecution action under section 40(1BA) of the BO. The BD may also cause the removal work to be carried out and recover the costs including supervision charges from the owner concerned⁴.

Implementation Guidelines

11. Given the accumulated complaints against “non-actionable” UBWs in the past and the extensive publicity associated with recent incidents, we expect that there will be an influx of complaints/reports on UBWs from members of the public. Based on previous years’ figures and our estimation, an average of over 80 complaints/reports on UBWs is expected to be received every single day. While the BD will endeavour to conduct investigations in accordance with its performance pledge⁵, taking into account its limited resources, it is necessary to formulate a clear mechanism to further prioritise the handling of such complaints / reports to ensure equity.

12. In this regard, we would adhere to the same risk-based principle adopted in the formulation of our UBW enforcement policy (i.e. UBWs with a relatively higher level of risk should be accorded a high priority). For instance, roof-top structures and flat roof UBWs would generally be accorded a higher priority than those in yards and lanes. Furthermore, complaints / reports involving high priority UBWs at high-rise buildings in densely populated or traffic-busy areas will generally be accorded priority for action.

⁴ Members have been supportive of the proposal under the Mandatory Building Inspection Scheme (MBIS) and Mandatory Windows Inspection Scheme (MWIS) to impose a surcharge of not exceeding 20% of the cost incurred by the BA to be recovered from an owner who has failed to comply with a notice served under the proposed schemes. We propose extending the arrangement to cover all statutory orders (including all non-MBIS/MWIS orders) issued under the BO so as to create a stronger deterrent effect against non-compliance. We plan to introduce proposed legislative amendments in respect of the various building safety-related initiatives, including the extension of coverage of surcharge, into the Legislative Council for consideration in the near future.

⁵ According to the BD’s Performance Pledge, its staff will carry out inspection for reported emergencies relating to buildings, building works, signboards and slopes within 1.5, 2 and 3 hours in urban, new towns in New Territories (NT) and other areas in NT respectively during office hours. The pledge for non-office hours is 2 hours for urban areas and new towns in NT, and 3 hours for other areas in NT. BD staff will inspect 99% of suspected UBWs under construction within 48 hours. For non-emergency reports on dilapidation of buildings, signboards and slopes, inspection will be conducted in 10 days from receipt of report. The BD will arrange inspections for 97% of existing UBWs on external walls and other UBWs within 30 and 50 days respectively.

13. Past experience indicates that high priority UBWs are often found in building clusters. These buildings will usually be chosen as target buildings for LSOs and special operations against such UBWs, as mentioned in paragraph 4 above. Such LSOs are more effective than the handling of individual complaints / reports as more high priority UBWs will be cleared in one go. Thus, it is expected that the BD will be issuing most of its statutory removal orders in the context of the LSOs and special operations.

14. To assure the public that BD staff will implement the enhanced policy in a fair and equitable manner, clear technical and operational guidelines in relation to enforcement policy have been drawn up by the Department. To enhance transparency and clarity of Government's policy and to strengthen the release of information to enhance public understanding and monitoring of our work, we will make available a summary of these guidelines on BD's website (see **Annex G**).

Adopting Building Coordinators Approach

15. Currently, enforcement action against different types of building safety problems in an existing private building is handled by different sections under the Existing Building Divisions of the BD. For example, general UBWs and building defects are handled by the six district sections whereas enforcement action against specific UBWs (such as works-in-progress, cantilevered slab balconies and illegal rooftop structures) and backlog orders are undertaken by two separate special task sections. While this approach has enabled specific building safety problems of buildings to be dealt with by specialist teams, it has often caused confusion to building owners. The arrangement is also not conducive to the handling of different problems of a single building in an integrated manner by the owners concerned. To streamline and rationalise the enforcement work against existing buildings, the BD will adopt a "building co-ordinators" approach whereby a single section will be designated to handle all general building safety problems, including handling complaints and taking general enforcement against building dilapidation and different types of UBWs, for the same building.

16. This approach will improve efficiency in BD's day-to-day operation as the same team could gather all information and would have a better grasp of the overall conditions of a building under its purview. It will also provide

greater convenience to building owners as they only have to liaise with one single contact point in BD on building safety issues/complaints concerning their buildings. The BD will widely promote the new “building co-ordinators” approach to building owners, occupants and the general public.

Timing for Compliance

17. It is the statutory requirement under the BO that every removal order should specify the time within which the works required by such order shall be commenced and the time within which the same shall be completed. Where the owner claims to have difficulties and these are genuine, the BD may grant extension of time for compliance. The BD will ensure that sufficient time is provided to the owner to arrange for the demolition of the concerned UBWs given their relative risk in terms of building safety. In recent years, the average time for compliance is about 12 months and the longest period for compliance can be up to 37 months.

OTHER RELATED INITIATIVES TO ENHANCE BUILDING SAFETY

18. To enhance building safety in Hong Kong, we have to supplement vigorous law enforcement by continuously updating the legal framework, extending the needed assistance to owners and stepping up public education. We have spared no efforts in these respects. An update of our initiatives is at [Annex H](#).

FURTHER SUGGESTIONS

19. The recent spate of incidents has heightened public concern about UBWs and other suggestions to achieve the building safety policy objective have been expressed at various quarters. We have yet to consider or take a view on any of these ideas and would welcome Members’ comments. These ideas include –

- (a) amend the BO to impose a penalty on owners subject to removal orders but fail to comply by the deadline as a means to induce earlier compliance and/or create a greater deterrent effect;

- (b) include in the Household Minor Works Validation Scheme other minor works based on safety certification such that owners may be allowed to retain these UBWs without having to demolish them; and
- (c) amend the law (the Conveyancing and Property Ordinance (Cap. 219)) to prohibit owners from selling their properties with illegal structures or where a registration has been made by BD against that property in the Land Registry.

ADVICE SOUGHT

20. Members are invited to note and comment on the contents of this note.

Development Bureau
June 2011

屋宇署清拆僭建物政策

Buildings Department's Enforcement Policy Against Unauthorized Building Works



香港僭建物問題嚴重，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。

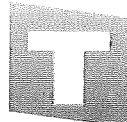
什麼是僭建物？僭建物は違例建築工程（違建工程）。凡未經建築事務監督事先批准的樓宇改建或改動，如鐵籠、空調機冷卻塔、簷篷、平台構築物、天台搭建物、分間單位、結構改動、渠管接駁等，均屬違建工程。所有違建工程均須拆除。

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：

- Ⓐ 對生命財產明顯構成威脅或迫切危險的僭建物；
- Ⓑ 新建的僭建物，不論主體樓宇的落成日期；
- Ⓒ 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)；
- Ⓓ 個別大型僭建物；
- Ⓔ 個別樓宇內外滿布的僭建物；
- Ⓕ 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
- Ⓖ 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。



The 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 :-

- Ⓐ items constituting obvious or imminent danger to life or property;
- Ⓑ new items, irrespective of the date of completion of the building where they have been carried out;
- Ⓒ 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;
- Ⓓ major individual items;
- Ⓔ items in or on individual buildings with extensive unauthorized building works;
- Ⓕ items identified in buildings or groups of buildings targeted for large-scale operations or maintenance programmes; and
- Ⓖ 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.

**Statistics of the Buildings Department's Enforcement Actions
Against Unauthorised Building Works (UBWs)
from 2001 to 2010**

1. Number of Buildings under the Blitz Operation on Unauthorised Building Works Clearance (BUC)¹

Year	Number of Buildings
2001	1,571
2002	1,759
2003	1,007
2004	1,027
2005	1,000
2006	1,169
2007	1,514
2008	1,579
2009	1,202
2010	217
Total	12,045
Average	1,205/year

¹ The BUC, commenced in 2000, focused on removal of UBWs on external walls of buildings. The target set in 2006 for improving the safety and appearance of 5 000 buildings in five years was achieved at large by the end of 2010. Of the 217 buildings targeted for clearance of UBWs in 2010, removal orders have been or are being served on the owners to clear UBWs. The clearance of remaining UBWs will continue in the form of other large scale operations (LSOs) under a new package of measures to enhance building safety. BUC will cease in 2011.

2. Number of Unauthorised Building Works Removed

Year	Number
2001	20,647
2002	37,923
2003	49,556
2004	41,210
2005	40,365
2006	48,479
2007	51,312
2008	47,593
2009	42,425
2010	25,751 ²
Total	405,261
Average	40,526/year

² The decrease was mainly due to the need to take follow-up actions arising from the Ma Tau Wai Road building collapse incident, including the inspection of some 4 000 buildings aged 50 years or above and the subsequent follow-up actions of issuing repair/investigation orders.

3. Number of Buildings under “Comprehensive Building Maintenance Scheme” Jointly Undertaken by Various Departments³

Year	Number
2001	150
2002	200
2003	200
2004	– ⁴
2005	150
2006	153
2007	150
2008	150
2009	150
Total	1,303
Average	130/year

³ CMBS ceased operation in 2010 and the manpower for CMBS was redeployed to implement the Operation Building Bright (OBB).

⁴ No Scheme was conducted in 2004 as the concerned departments were reviewing the Scheme.

4. Number of Single-staircase Buildings with Illegal Rooftop Structures Removed⁵

Year	Number of Buildings
2001	402
2002	632
2003	713
2004	714
2005	705
2006	704
2007	707
2008	632
2009	130
Total	5,339
Average	534/year

⁵ The target set in April 2001 for taking enforcement action against 4 500 buildings within seven years was achieved in 2007. The clearance operation continued to tackle some 1 000 additional single-staircase buildings identified with illegal rooftop structures (IRS). Against this target of 1 000 buildings, the Department cleared IRS of 908 buildings by end of 2010. Enforcement action against the remaining outstanding removal orders will continue in the form of other LSOs under a new package of measures to enhance building safety.

5. Number of Signboards on External Walls of Buildings Removed

Year	Number
2001	1,491
2002	1,917
2003	1,375
2004	1,496
2005	1,597
2006	1,690
2007	2,428 ⁶
2008	1,881
2009	6,470 ⁷
2010	3,371 ⁷
Total	23,716
Average	2,372/year

⁶ The BD and Home Affairs Department in collaboration launched a special operation to remove abandoned signboards during January to July 2007. Therefore the number of signboards removed in 2007 was more than those in previous years.

⁷ The increases were due to the special operations for removing/repairing signboards conducted in 2009 and 2010.

6. Number of Removal Orders Issued

Year	Number
2001	13,212
2002	54,010
2003	24,003
2004	27,805
2005	25,007
2006	32,711
2007	32,898
2008	32,847
2009	31,453
2010	22,903
Total	296,849
Average	29,685/year

7. Number of Prosecution Cases for Non-Compliant with Removal Orders Instigated

Year	Number of Prosecution Cases
2001	392
2002	466
2003	684
2004	1,664
2005	2,962
2006	3,042
2007	3,021
2008	3,091
2009	3,063
2010	2,609
Total	20,994
Average	2,099/year

8. Number of Repair/Investigation Orders Issued

Year	Number
2001	295
2002	671
2003	2,676 ⁸
2004	1,593
2005	901
2006	1,041
2007	1,083
2008	927
2009	1,143
2010	2,246 ⁹
Total	12,576
Average	1,258/year

⁸ According to the “Team Clean” ’s recommended measures, the BD enhanced its inspection work on drainage pipes on external walls of buildings in 2003, leading to the increase in the number of repair orders issued in that year.

⁹ CMBS ceased in 2010 and the number of buildings targeted for BUC also decreased. Despite the reduction in the number of repair orders under CMBS and BUC, the number of repair orders issued in 2010 increased due to the repair orders served under OBB and the large number of repair orders served in the special operation of inspecting some 4 000 buildings aged 50 or above after the Ma Tau Wai Road building collapse incident.

9. Number of Buildings Repaired after Receiving BD's Repair Orders

Year	Number of Buildings
2001	390
2002	517
2003	667
2004	2,194 ¹⁰
2005	1,581
2006	1,039
2007	1,211
2008	1,060
2009	1,082
2010	839
Total	10,580
Average	1,058/year

¹⁰ According to the "Team Clean"'s recommended measures, as the number of repair orders issued by the BD in 2003 increased, the number of buildings repaired in 2004 increased.

10. Number of Warning Notices Issued

Year	Number
2001	—
2002	—
2003	—
2004	—
2005	2,184 ¹¹
2006	8,498
2007	8,621
2008	8,272
2009	7,638
2010	3,618 ¹²
Total	38,813
Average (6-year)	6,472/year

¹¹ The BD only started to issue warning notices in accordance with the then newly amended legislation in 2005. Therefore, the figure cannot reflect a full-year situation.

¹² The decrease in 2010 was mainly due to the need to take follow-up actions arising from the Ma Tau Wai Road building collapse incident, including the inspection of some 4 000 buildings aged 50 years or above. With the implementation of the revised enforcement policy against UBWs in April 2011, it is expected that the number of warning notices will be further reduced as many UBWs will be issued with removal orders under the revised enforcement policy.

**A Letter to News Editor and
Letters on UBWs received by the Administration**

Letter to the Editor of the South China Morning Post – “Rules should apply to all buildings” (6 June 2011)

The writer of the letter purchased a flat with an unauthorised rooftop structure on its roof. A notice that requested the removal of the UBW had been served on the previous owner. On purchasing the flat, the current owner became the one responsible for removing the said structure. Accordingly, the current owner removed the illegal structure.

2. In her letter, the writer took the view that even though it was costly for her to remove the UBW (around \$100,000), the structure itself was “built without official sanction and that was the price to pay for ignoring the rules”. The writer further explained that the “regulations are clear on such structures, which every property owner has a responsibility to know about and abide by”. In addition, the Administration should not be “arbitrarily applying its regulations” and should follow through on its enforcement policies. If not, the writer would be “demanding full compensation for unfairly requiring [her] to pay” for the demolition cost.

Letters on UBWs received by the Administration

3. In addition to the letter quoted above, the Administration has also received numerous letters on our UBWs enforcement policy over the years. Most of these letters were related to unauthorised structures on rooftops. A summary of their views on our enforcement policy are extracted and reproduced below.

Letter 1

4. The writer resided in one of the buildings of a private housing estate. The concerned building had been troubled by the existence of unauthorised rooftop structures since 2007. While the Buildings Department (BD) had received the complaints and carried out investigation, as the structure did not fall under the then prevailing category of “actionable” UBWs, only a warning

notice was issued and registered at the Land Registry (LR). According to the writer, at least two other buildings of their estate had similar issues.

5. In his letter, the owner commented that the “entire roof is blocked and covered by the UBWs and the corridors have become closed chambers. If, unluckily, there is a fire in the building, there would be no place for the residents to escape to”. Furthermore, “if these UBWs result in deaths or injuries, both the owners’ corporation (OC) and the management company will...become liable for the criminal charges, and can be imprisoned for this reason.” Accordingly, the writer urged the Administration to “pay active attention the issue of unauthorised rooftop structures and step up its efforts in tackling UBWs.”

Letter 2

6. This case involved an unauthorised structure on a podium. Similar to the case in Letter 1, the structure did not fall under then the prevailing category of “actionable” UBWs. Thus, only a warning notice was issued and registered at the LR.

7. This writer was also concerned that the concerned UBW could potentially cause injury to third parties, in which case he would be required to compensate the injured. As a responsible owner, the writer, as well as his fellow owners of the building, had been trying to purchase a third party insurance scheme for the building. However, the writer explained that as there was an unauthorised structure on the building, there had been some difficulties for him to get an insurance contract. The writer was very concerned that “the flat purchased with the savings of his whole life can someday become a liability instead of an asset.”

Letter 3

8. The unauthorised rooftop structures of the third case were not immediately enforced against due to the fact that it was not classified as an “actionable” UBW under the previous enforcement policy.

9. In this particular case, many of the communal facilities of the building, such as the water tanks, water meters, pipes and pumps were all within the area of the rooftop structures. The doors to the emergency exits

and the staircases had been locked, possibly by the occupants of the rooftop structure. After the OC issued a notice to advise the occupants not to lock the doors, it is claimed that its members were “threatened by the occupants of the roof”. The owners of the building were frustrated as “they are not eligible for public housing, do not have the financial ability to buy new flats and have to face the above problems of living in an old building.” He took the view that the Administration should step up its enforcement action in order to alleviate the problem.

**For discussion
9 December 2010**

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

SUBCOMMITTEE ON BUILDING SAFETY AND RELATED ISSUES

MEASURES TO ENHANCE BUILDING SAFETY IN HONG KONG

PURPOSE

This paper introduces the new package of measures to enhance building safety in Hong Kong.

BACKGROUND

2. Building safety is a highly complex and multi-faceted issue. If not addressed properly, the problem of building neglect will only get more serious as Hong Kong's building stock continues to grow old. The Government and the whole community must play their due roles and take immediate action to tackle the problem. Specifically, the Government has to work in partnership with building owners, building professionals and contractors, and other members of the community to tackle the problem. Further to the building collapse incident at 45J Ma Tau Wai Road, the Government has completed a comprehensive review of the building safety policy in Hong Kong. Based on the review, the Government has mapped out a new multi-pronged approach with a view to optimising available resources and maximising synergy amongst the various stakeholders.

NEW POLICY MEASURES

3. The Chief Executive announced in his Policy Address on 13 October 2010 that the Government has decided to adopt a new multi-pronged approach to enhance building safety in Hong Kong. The approach covers four major areas –

- (a) legislation
- (b) enforcement;
- (c) support and assistance to owners; and

(d) publicity and public education.

4. Full details of the package of new measures are set out in Development Bureau's Legislative Council Brief entitled "Measures to Enhance Building Safety in Hong Kong" issued on 13 October 2010 (copy attached at Appendix).

ADVICE SOUGHT

5. Members are invited to note and comment on the new package of measures to enhance building safety in Hong Kong.

Development Bureau
December 2010

File Ref : DEVB(PL-CR) 12/2010

LEGISLATIVE COUNCIL BRIEF

MEASURES TO ENHANCE BUILDING SAFETY IN HONG KONG

INTRODUCTION

At the meeting of the Executive Council on 21 September 2010, the Council ADVISED and the Chief Executive ORDERED that a multi-pronged package of measures, as described in paragraphs 9 to 21 below, be implemented to enhance building safety in Hong Kong.

JUSTIFICATIONS

Conditions of Buildings in Hong Kong

2. Building safety is a highly complex and multi-faceted issue. If not addressed properly, the problem will only get more serious as Hong Kong's building stock continues to grow old. Dilapidated concrete spalling, unauthorised or abandoned signboards, windows installed with substandard workmanship or lacking proper maintenance, illegal alterations to internal building structure, etc. are urban time bombs waiting to strike and cause injuries and fatalities. The tragic building collapse at 45J Ma Tau Wai Road in January 2010 took away four lives and seriously injured two residents of the building. It has set off the alarm that the Government and the whole community must take action now to arrest building decay. There are currently some 4 000 buildings aged 50 years or above in Hong Kong, and the number will increase by 500 each year. Buildings in Hong Kong are mainly reinforced concrete structures designed to have a serviceable life of around 50 years. That means if we do not act now to work together with the owners and the industry to properly inspect and maintain this group of buildings, their conditions will deteriorate rapidly and threaten public safety. Recent building inspections have confirmed this point: the Buildings Department (BD)'s inspection after the Ma Tau Wai Road incident reveals that, although buildings aged 50 years or above are generally structurally safe, one in four of them have maintenance and repair problems, while the building conditions survey carried out by the Urban Renewal Authority (URA) of 7 000 buildings aged 30 years or above in support of the Urban Renewal Strategy Review finds out that 20% of these buildings are in dilapidated conditions of various degrees. The situation is indeed worrying.

3. Redevelopment remains an effective means to tackle old and dilapidated buildings, and efforts have been made to facilitate urban

redevelopment by both the public and private sectors, namely, through the establishment of the URA and the enactment of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) (including the recent lowering of threshold from 90% to 80% of ownership of the undivided shares of the lot for applying to the Lands Tribunal for compulsory sale in respect of buildings of 50 years or above). However, the protracted process and social tension associated with it does not offer a ready solution. Proper building maintenance and timely repairs are essential.

The Role of Government

4. To effectively tackle the problem of building safety in a sustainable manner, all concerned parties must play their due roles. We have reiterated in numerous public discussions that building owners have the ultimate responsibility to properly maintain their own properties and keep them in good repair. However, incidents caused by poor building maintenance or neglect and experience from our enforcement actions indicate that building owners' awareness of the importance of timely maintenance and their responsibility to fulfil statutory orders remains low. Many owners do not comply with statutory repair or removal orders issued by BD. The current approach of registering defaulted orders at the Land Registry has not been particularly effective in deterring owners from ignoring orders, in particular those speculator owners (“釘子戶”) or elderly owners who do not have the intention to sell their flats. Currently, BD has over 52 000 outstanding unauthorised building works (UBWs) removal or repair orders.

5. Since 2001, the Government has embarked on a building safety programme. Most notable is the systematic enforcement programme against UBWs, which focuses efforts on priority items that fall under seven specific categories¹, uses large-scale operations to clear in one go actionable external unauthorised works on buildings, and commits to the clearing of illegal rooftop structures on all single-staircase buildings in Hong Kong. In 2001, the total number of UBWs in the territory was estimated to be 800 000. By the completion of BD's intensive enforcement programme in March 2011, some 400 000 UBWs will have been demolished, and all single-staircase illegal rooftop structures will have been cleared. However, another 400 000 UBWs and many illegal rooftop structures on non-single-staircase buildings remain. BD also estimates that there are around 190 000 unauthorised signboards in

¹ These seven priority categories are UBWs newly constructed or under construction, those constituting obvious or imminent danger to life or property, those constituting serious hazards or serious environmental nuisance, major individual items, items in individual buildings with extensive UBWs, UBWs in buildings targeted for large-scale operation and unauthorised alterations to or works in environmentally friendly features granted with gross floor area concessions.

Hong Kong, and their construction standards and quality of workmanship are unknown. Another problem that has become an area of grave public concern is subdivision of flat units (“劏房”). These subdivided units are prevalent in old buildings in urban areas and they are often constructed by contractors and workers without adequate qualifications or under proper supervision.

6. Building safety is not just a city infrastructure concern, but also a livelihood issue. While the Government would continue to uphold the principle of making owners responsible for the safety and maintenance of their properties, many of those owners residing in old and dilapidated buildings are people without much means, particularly the elders. To many of them, their poorly maintained flats are probably their only assets. For tenanted flats in these old buildings, many owners are also not keen to spend money on maintenance as their ultimate objective is redevelopment. In the case of subdivided flats, they reflect a growing demand for affordable housing in urban areas, particularly from small families and young singletons who prefer to live in a small flat in the vicinity of their work place. The case for stronger government action to tackle the problem is justified.

7. The longer term safety of our buildings depends very much on sound building management by the building owners themselves. Our present policy on building management is to perform a facilitating role, maintaining that it is the owners' responsibility to manage their own properties. The Building Management Ordinance (Cap. 344) (BMO) provides a legal framework for owners to form owners' corporations (OCs) to jointly manage their buildings. District Offices under the Home Affairs Department (HAD) render general advice to owners on building management matters, including the formation and operation of OCs under the BMO, as well as guidance on financial management, procurement of supplies, goods and services.

Package of Measures to Enhance Building Safety

8. The Government has to work in partnership with building owners, building professionals and contractors, and other members of the community to tackle the problem of building neglect. Taking into account past experiences, we propose to adopt a new multi-pronged approach with a view to optimising available resources and maximising synergy amongst the various stakeholders involved in building management and maintenance. The proposed package is focused and targeted, pinpointing and addressing the roots of the problem and inadequacies identified in the existing regime. The approach will cover the following four major areas –

- (a) legislation;

- (b) enforcement;
- (c) support and assistance to owners; and
- (d) publicity and public education.

(a) Legislation

9. Our aim is to provide and maintain a modernised, efficient and user-friendly statutory building control regime to meet the development needs of Hong Kong, and at the same time provide adequate enforcement powers to deter non-compliance. We plan to achieve this aim through the following legislative proposals -

Minor Works Control System

- (i) With the passage through the Legislative Council (LegCo) of the enabling provisions in the Buildings Ordinance (BO) (Cap. 123), we will commence the minor works control system on 31 December 2010. The system will provide a lawful, simple, safe as well as convenient means for building owners to carry out small-scale building works in order to improve safety standard of building works and facilitate compliance. In respect of minor works, the requirement to seek the prior approval of BD for building plans and consent to commence works will be dispensed with. Building professionals and registered contractors will be required to follow the new “simplified requirements” for carrying out minor works. This will enhance building safety as, under the current regime, many owners choose to ignore the statutory requirements and hire personnel without formal training to conduct minor works. Apart from being UBWs, such works are without guarantee in quality. With the introduction of the minor works control system, BD will register existing practitioners and arrange suitable training for them before their registration as minor works contractors. BD will also provide guidelines and advice by issuing codes of practice and practice notes to facilitate contractors to carry out works safely and in compliance with the relevant standards. To properly regulate the contractors, we have included sanctioning powers such as offences and disciplinary provisions in the enabling legislation for the system. The simplified procedures will also encourage compliance by building owners who will be provided with access to user-friendly pamphlets and other publicity materials. The system will therefore

improve the safety standards of both the work procedures and resultant building works. To make the system effective, BD will conduct vigorous inspections and audit checks to ensure that the requirements are adhered to. Enforcement actions will be taken if irregularities are found.

Putting Subdivision of Flats under Minor Works Control

- (ii) To tackle the increasing trend of subdivided flats, we propose to control the quality of the associated works at source. The minor works control system provides an effective platform to control the carrying out of small-scale building works, including subdivision works in flat units. Under the minor works control system approved by LegCo, drainage works within internal flat units are already designated as minor works. We propose to expand the system to include other works that are common features of subdivided flats, such as installation of solid partition walls and thickening of floor slabs in the schedule of minor works. This would put beyond doubt that any subdivision works are minor works and owners would have to hire trained and qualified contractors to carry out such works through simple and efficient procedures. This would provide better guarantee on the quality of works, and the safety and nuisance (e.g. water seepage) problems associated with subdivision works would be minimised. Prospective tenants or buyers of such subdivided flats would also be able to ascertain their legality by checking against the building plans.

Mandatory Building and Window Inspection

- (iii) Riding on a community consensus built through extensive public consultations over the years, we are pursuing mandatory building and window inspection schemes. The proposed Mandatory Building Inspection Scheme (MBIS) will cover private buildings aged 30 years or above, except domestic buildings not exceeding three storeys. BD will require building owners to carry out inspection (and repair works if necessary) in relation to the common parts, external walls, projections and signboards of the buildings once every ten years. Regarding the Mandatory Window Inspection Scheme (MWIS), it will cover private buildings aged ten years or above, except domestic buildings not exceeding three storeys. BD will require building owners to carry out inspection (and repair works if necessary) in relation to windows in both common parts and individual units of the buildings once every five

years. The two Schemes will arrest the building dilapidation problem in Hong Kong in a sustainable manner in the long run. With regular inspection and repair, the building stock will remain in a healthy state and their serviceable life prolonged. We introduced the Buildings (Amendment) Bill 2010, stipulating the statutory framework for the MBIS and MWIS, into LegCo on 3 February 2010. Nine Bills Committee meetings have been held before the summer recess to scrutinise the Bill clause-by-clause. We expect to see passage of the Bill by the first quarter of 2011, and will table the subsidiary legislation required immediately thereafter. We aim to implement the mandatory schemes within the same year. Like the minor works control system, implementation of these mandatory schemes will provide an effective platform for other measures to follow.

Surcharge for Defaulted Works and Penalty for Refusing to Share Cost of Works

- (iv) During public consultations on MBIS and MWIS, there was strong support for appropriate penalties to be imposed on uncooperative owners who refuse to comply with statutory requirements. In response to the public's comments, the Bill proposes that BD may carry out the inspections and repair works required under the MBIS or MWIS upon the owners' default and recover the cost together with a 20% surcharge from the owners concerned. The Bills Committee is supportive of this measure. We consider that such arrangement should be extended to all statutory orders issued under the BO so as to create a stronger deterrent effect against non-compliance. We will introduce legislative amendments to that effect. Similarly, we have proposed in the Bill for the MBIS/MWIS that it will be an offence if an owner/occupier, without reasonable excuse, refuses to pay the relevant share of the inspection and repair costs for the common areas for works being undertaken by his building's OC. We trust that this arrangement will deter uncooperative owners from hindering the inspection and repair works. We propose to extend this arrangement to all works related to statutory orders for common areas being undertaken by OCs.

Warrants for Inspection of Interiors

- (v) Section 22 of the BO currently empowers officers of BD to enter into any individual premises and, in the presence of police officers, break into such premises to inspect their safety. Nevertheless, in practice, it is difficult for BD to exercise such power. The work of

BD is often frustrated by uncooperative owners or occupants who refuse to grant entrance to BD's staff, despite the department's effort of paying visits to the flats during different times of the day, incurring significant staffing resources. Unless there is a clear sign of imminent danger, it is rare for BD to exercise the power to break into flats. Operational experience of other departments reveals that with the issue of a warrant from the Court, owners will more readily cooperate and grant entry for inspection. We propose to introduce legislative amendments to provide for application to the Court for a warrant under the BO to facilitate BD's enforcement actions. This will be particularly useful for inspections relating to subdivided units or flats suspected to have illegal internal alterations.

Control of Signboards

- (vi) Unauthorised signboards are another persistent building safety problem in the territory. We propose to introduce a system to comprehensively tackle both new and existing unauthorised signboards. It is estimated that there are about 190 000 unauthorised signboards in Hong Kong. Many of them are in active use by business operations while others are simply abandoned. We propose to bring in a statutory control scheme, similar to the one for specified minor building works (small canopies, drying racks and supporting frames for air-conditioners), which will allow the continued use of certain existing unauthorised signboards (e.g. within stipulated dimensional requirements, not blocking operation of emergency vehicles, etc.) after safety checks by registered building professionals or registered contractors. The safety checking has to be renewed once every five years. Unauthorised signboards not joining the scheme will be subject to BD's enforcement actions. Regarding new signboards, small ones will be taken care of by the minor works control system, while larger ones will continue to require the prior approval and consent of BD before erection. With the new schemes, BD will in time establish a comprehensive database of all signboards in Hong Kong and have a firmer grasp of their safety conditions to facilitate control and enforcement action.

(b) Enforcement

Vigorous Enforcement Action against UBWs

10. The ten-year UBW programme launched in 2001 by BD will come to

an end by March 2011. The programme focuses on UBWs that were then most prevalent in Hong Kong posing imminent dangers (such as steel cages, large canopies, large supporting frames for air conditioners, illegal rooftop structures on single-staircase buildings and UBWs on canopies and cantilevered slab balconies). New UBWs and works-in-progress (WIPs) will also be enforced against. For UBWs not under BD's priority or included in its "large scale operations", upon receipt of complaints, BD will either issue warning notices and register defaults in the Land Registry, or issue advisory letters to persuade owners to take action. The issue of warning notices originally aimed to raise community awareness of the liability of owners for their UBWs, thereby encouraging owners to remove their UBWs voluntarily so as to avert an encumbrance registered against their property titles. However, most owners do not take action to demolish their UBWs as no statutory orders are issued in such cases. The public is not satisfied with this selective enforcement arrangement (differential treatment between new and existing UBWs and amongst different types of unauthorised works) and tolerating policy.

11. In practice, owners living in the same building will often complain to BD about the existence of UBWs in their building. Upon receipt of such complaints or referrals from District Council (DC) Members, BD will inspect the building and ascertain whether the UBWs are indeed unauthorised structures under the BO. Enforcement action will only be taken if these UBWs fall within the seven categories for special attention. After issuing the orders, BD will first encourage voluntary compliance. However, many owners currently do not comply with statutory orders in a timely fashion. Upon expiry of the orders, BD will issue reminders and warning letters before considering prosecution. Where owners claim to have genuine difficulties, BD may grant extension of time for compliance. In recent years, the average time for compliance is about 12 months and the longest period for compliance can be up to 37 months.

12. There are views in the community that a tougher stance should be taken against non-compliant owners to create a stronger deterrent effect. Accordingly, we propose to adopt a new approach. Under the new approach, we will extend the coverage of actionable UBWs to include unauthorised works in roof-tops, podiums, as well as yards and back-lanes of buildings instead of focusing on the high priority items under the ten-year programme. With this extension, we will in effect be taking enforcement action against most, if not all, actionable UBWs found on the façade of a building. BD will actively respond to complaints and issue statutory orders requiring owners to conduct rectification works immediately if there are confirmed actionable UBWs after inspection. BD will also instigate prosecution actions more readily to sanction owners who do not duly observe the statutory orders to protect building safety.

For buildings lacking management and owners of which could not coordinate the repair works or UBW removal works by themselves, BD will consider arranging the carrying out of the works on behalf of owners and then charge them at a later stage. As mentioned in paragraph 9(iv) above, a surcharge of 20% will be imposed on non-compliant owners. In parallel with the aforementioned actions, BD will conduct a stock-taking exercise of all UBWs on the exteriors of buildings and continue its enforcement against WIPs, as well as select an appropriate number of buildings each year for comprehensive repair and UBWs demolition works under the brand of “large scale operations”. Selection of buildings above 30 years old will be synchronised with the MBIS programme.

13. Although not strictly related to the structural safety of buildings, proper regulation of fresh water cooling towers is currently lacking. There is currently no specific legislation to holistically control and regulate fresh water cooling towers which, if not properly maintained, may pose public health risks in the form of Legionnaires’ Disease. While enactment of the enabling legislation for controlling such towers is planned to be pursued, the Electrical and Mechanical Services Department and Water Supplies Department will implement stop-gap arrangements to regulate such water cooling towers in Hong Kong.

Subdivided Units

14. The above mentioned modus operandi in combating UBWs will also be applicable to the handling of subdivided units. Apart from including subdivision works under the minor works control system, BD will step up patrol and inspection, and enhance the response time to complaints. Statutory orders will be issued and prosecution actions instigated if violations of the BO are found. Common breaches of subdivided units subject to action under the Ordinance include serious water seepage due to poor workmanship and lack of maintenance of water and drainage pipes, installation of additional partition walls or thickening of floor slabs overloading the building structure, obstructions to means of escape due to improper installation of additional entrance gates, etc.

(c) Support and Assistance to Owners

Comprehensive “One-stop” Assistance

15. We believe that a prerequisite for the successful implementation of our various programmes is the availability of effective support and assistance measures for owners in need. In the past few years, the Government has

strengthened support and assistance to needy building owners. New initiatives include the \$1-billion Building Maintenance Grant Scheme for Elderly Owners and the \$2.5-billion Operation Building Bright (OBB). We are also working closely with our partner organisations, namely the Hong Kong Housing Society (HKHS) and URA, to provide loans, grants and building material assistance to owners. As we implement the proposed package of measures, the Government and our partner organisations will join hands to strengthen technical and financial support to cater for the needs of OCs and individual building owners. Through the implementation of OBB, BD, HKHS and URA have further consolidated their partnership in promoting building safety. With BD focusing on its statutory role to take enforcement actions, and HKHS and URA on the provision of practical advice and technical support, the three organisations have created much synergy in taking forward their shared goal of improving building safety in Hong Kong. We will continue to nurture the *modus operandi* so developed and utilise the same in pursuing our new programmes.

16. There are at present no fewer than seven loan, grant and technical assistance schemes operated by BD, HKHS and URA. To optimise and rationalise the utilisation of resources and streamline the procedures to enhance the convenience of potential applicants, we will pool together the resources of various parties and devise afresh a unified and comprehensive scheme of both technical and financial assistance, ranging from OC formation to building inspection and maintenance, to be operated by HKHS and URA. Similar to OBB, “one-stop service” will be provided to building owners in need. The service of HKHS and URA will be divided according to geographical areas, and URA intends to set up building resources centres in its main service area while HKHS already has a network of Property Management Advisory Centres in its catchment areas. In future, an owner would only need to contact either HKHS or URA, depending on the location of his building, to obtain a full-range of assistance. The administration of the Comprehensive Building Safety Improvement Loan Scheme, currently undertaken by BD, will also be transferred to HKHS and URA so that BD may concentrate its efforts on enforcement.

17. URA has in the past focused its effort on urban redevelopment. As the Authority continues to evolve, it will adopt “building rehabilitation” as its core business along with “redevelopment” pursuant to the Urban Renewal Strategy Review and roll out a package of measures to support the work of the Government in building management and maintenance. It should, however, be noted that while these enhanced support programmes will no doubt be welcomed by owners, there are still many owners who are reluctant to or will not take action to maintain or repair their buildings, in particular those living in old tenement buildings without any form of management who do not have the

knowledge and ability to properly manage their buildings. The programmes of HKHS and URA mentioned in paragraph 16 above will help alleviate the situation.

Water Seepage

18. Identifying the source of and curbing water seepage, which is essentially a building management and maintenance issue, is primarily the responsibility of property owners. Government action will be warranted only if statutory power may be exercised under a relevant statute. Based on this principle, the Food and Environmental Hygiene Department and BD established a Joint Office (JO) as a pilot programme in 2006 to assist members of the public to tackle some of the water seepage problems. The relevant statutory authorities² will act in situations involving (a) public health nuisance; (b) building structural safety risk; and (c) wastage of water.

19. The demand for service from the JO has been ever increasing since its establishment. In the past three years, on average over 20 000 cases have been received every year, and the number is still on the rise, and may reach 30 000 in 2010. Notwithstanding the availability of free one-stop investigation service, complaints against the Government's efficiency in water seepage investigations have continued in tandem with the increase in demand for service from the JO. Building owners have a tendency to resort to statutory authority when there is a conveniently available and free avenue, and are often reluctant to assume their responsibilities as owners and attempt to resolve the cases by themselves in the first place. In the "Direct Investigation Report on Handling Water Seepage Complaints" released in 2008, the Ombudsman recognised that the Government has made commendable initiatives in setting up the JO and that maintenance of private buildings is the responsibility of property owners. While we will continue to pursue the recommendations of the Ombudsman and explore means to enhance the modus operandi and efficiency of the JO, we will explore the feasibility of encouraging building owners to make use of mediation to resolve their water seepage related disputes. We will also study whether legislation could be an effective means to resolve water seepage related disputes between owners in Hong Kong. Reference will be made to overseas regulatory experience, such as the Singaporean Strata Titles Board, in handling water seepage cases. In Singapore, in a water seepage case, it is always presumed that seepage comes from the upper floor unit and the owner of the upper floor unit has the responsibility to prove that he is innocent. We will encourage public discussion to explore the feasibility of adopting similar mechanisms in Hong Kong, and carefully consider the human rights and other implications.

² The Food and Environmental Hygiene Department, BD and Water Supplies Department may act under the Public Health and Municipal Services Ordinance (Cap. 132), BO and Waterworks Ordinance (Cap. 102) in respect of public health nuisance, buildings structural safety risk and wastage of water respectively.

(d) Publicity and Public Education

Building Safety Culture

20. The Ma Tau Wai Road building collapse and the large number of backlog statutory orders of BD accumulated throughout the years have revealed that the building safety awareness of the general public is still weak. It therefore remains our objective to foster a building safety culture in Hong Kong, so that all stakeholders involved (building owners, occupants, building professionals, property management companies, contractors and workers) will possess the self-awareness to properly observe building safety. A safe built environment can only be sustained if all concerned in our community responsibly play their part. We will mount a large-scale public education campaign with a view to fostering a building safety culture in Hong Kong. Apart from the traditional publicity tools such as TV advertisements and posters, tailor-made promotional tactics will be developed. For example, the safety concepts of carrying out building works will be included in the syllabus of training courses for frontline contractors and workers. Regarding building management practices and related legal issues, BD, HKHS and URA will explain to OCs and building owners through their direct contacts with them in running their respective building safety programmes as well as the implementation of OBB. The new building resource centres to be established by URA's and HKHS' existing Property Management Advisory Centres will be upgraded to provide more owner-oriented information and advice, including information on mediation service, to owners. To instil a stronger sense of appreciation of the importance of building safety amongst our younger population, we will pursue the idea of incorporating building safety into the liberal studies curriculum of school education by producing teaching kits as appropriate. Our publicity campaign will continue to evolve, and we will continue to explore new methods to effectively disseminate building safety messages to the hearts of all stakeholders.

Community Monitoring

21. It has to be emphasised that building owners bear the ultimate responsibility to look after their own properties. In fact, it is not possible to expect Government departments to monitor the conditions of private properties round the clock. The most appropriate personnel to play the monitoring role are the building owners themselves. We will launch a “community monitoring” programme to mobilise every member of the community to play a part to report building safety problems. For example, if a security guard suspects that illegal alteration works are being carried out in a flat unit, he should report the case to the building's management office or owners'

corporation as well as BD immediately. Such community monitoring will be of great help to the authorities in early detection of potential building safety problems. As mentioned in paragraph 14 above, BD will respond to complaints or reports swiftly and take follow-up actions if irregularities are identified.

IMPLICATIONS OF THE PROPOSAL

22. The proposal's financial, civil service, economic, environmental and sustainability implications are set out at the Annex. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal has no productivity or competition implications.

PUBLIC CONSULTATION

23. The Ma Tau Wai Road building collapse has aroused grave public concern over building safety in Hong Kong. Motion debates took place in LegCo on 3 February, 3 March and 26 May 2010 respectively after the collapse. Secretary for Development (SDEV) floated during the debates ideas along the above lines to tackle building safety problem in Hong Kong. Members were generally supportive of a stronger determination and tougher enforcement and urged the Government to take early action. A dedicated subcommittee has been established in LegCo to closely monitor the Government's progress of review on building safety. The Subcommittee was briefed on 27 April and 27 July 2010 on various aspects of our proposed package of measures. Building maintenance was also a topical issue included in the 2010 District Administration Summit with participation by SDEV. The measures we are proposing are in line with the recommendations of DCs which were presented to the Chief Executive at the Summit held on 21 July 2010.

PUBLICITY

24. We will widely publicise the new package of measures and solicit public support for our efforts to enhance building safety in Hong Kong.

ENQUIRY

25. Any enquiry on this brief may be addressed to Mr Edward To, Principal Assistant Secretary for Development (Planning and Lands) on 2848 6288.

Development Bureau
13 October 2010

Implications of the Proposal

Financial and Civil Service Implications

Additional resources will be required by BD and other relevant departments to implement the various new initiatives. The major areas of work include more vigorous enforcement against UBWs, selecting buildings for large scale operations; issuing orders, attending to complaints and conducting site inspections, conducting audit checks on submissions by registered building professionals or registered contractors, conducting public education activities and providing support to owners, as well as dealing with non-compliant cases by issuing penalty notices, instigating disciplinary proceedings and prosecutions. Consultants will also be employed to undertake the bulk of public education and publicity work and to provide integrated customer service including viewing and copying of building records in the dedicated resource centre.

2. The Hong Kong Housing Society (HKHS) and Urban Renewal Authority (URA) will provide comprehensive assistance to owners in need with their own means. They will administer both the Maintenance Grant Scheme for Elderly Owners (a \$1-billion commitment with \$850 million uncommitted funds as at 31 July 2010) and the Comprehensive Building Safety Improvement Loan Scheme (a \$700 million revolving loan commitment) on behalf of the Government. There is no need to top up these financial commitments.

Economic Implications

3. The implementation of the multi-pronged package of measures will reduce threat to public safety and economic costs arising from building neglect and dilapidation, including cost of remedial repairs, personal injury and property damage. There will be economic benefits in terms of improved utility, durability, safety and appearance of the buildings involved. Thus, while there will be a corresponding increase in Government expenditure and owners' expenses on building enforcement, inspection and repair works, these costs are to be incurred for the benefit of public safety and a better living environment.

4. In addition, the implementation of the multi-pronged package of measures will generate added demand for building management and maintenance services, thereby creating employment opportunities in the property management and building industries.

Environmental Implications

5. Proper building maintenance will slow down the dilapidation of buildings. Pollution and hygiene problems caused by building defects, such as defective drainage system, would be minimised. While the inspection and repair works may pose some potential impacts to the environment (such as noise and demolition waste), these activities will be subject to relevant environmental regulations and have to meet all applicable requirements and standards. Overall speaking, the multi-pronged package of measures will bring about improvement to the built environment.

Sustainability Implications

6. The implementation of the multi-pronged package of measures will address the long-standing problem of building neglect and dilapidation and improve building safety in Hong Kong. The package will promote a building care culture in the society. In the long run, the number of prematurely aging buildings would be reduced, the overall life span of private buildings prolonged, and the living and working environment of Hong Kong improved. This is in line with the sustainability principle of providing a living and working environment and pursuing policies which promote and protect the safety of the people of Hong Kong.

**Highlights of the Buildings Department's
Performance Targets for 2011**

Reports/Complaints Received

General reports from the public on UBWs attended to	30 000
General reports from the public on dilapidated buildings attended to	10 000
Reports attended to in relation to UBWs under construction	6 500
Emergency reports attended to under the 24-hour emergency service	1 000

Large Scale and Special Operations

Buildings targeted for repair and maintenance under Operation Building Bright	300
Buildings targeted for inspection and issue of repair/investigation orders	375
Buildings targeted for removal of unauthorised roof structures	780
Buildings targeted for rectification of irregularities associated with sub-divided flats	110
Advertisement signboards removed/ repaired	1 600

Enforcement Targets

Against UBWs

Warning notices issued	1 000
Removal orders issued	20 000
Prosecutions against failure to comply with removal orders	3 000
Unauthorised structures removed and irregularities rectified	40 000

Against dilapidated buildings

Repair/investigation orders issued	800
Buildings repaired	1 350

Against Sub-divided flats

Number of sub-divided flats inspected	1 320
Number of sub-divided flats rectified of irregularities	100

Against dangerous slopes

Repair orders issued	100
Dangerous slopes repaired	80

Minor Works Control System

Minor works submissions received	36 000
Household minor works items validated	1 000

Annex F

Premises Without Unauthorized Building Works Put Your Mind At Ease

Buildings Department (BD)'s Enforcement Policy against Unauthorized Building Works (UBWs)

The BD's ten-year programme of removal of UBWs came to an end by March 2011. With the removal of majority of UBWs constituting a higher risk to public safety or an obvious or imminent danger to life or property (such as metal cages and flower racks on external walls and illegal rooftop structures on single-staircase buildings, etc.) and considering the latest situation of buildings in Hong Kong and the views in the community that a tougher stance should be taken against UBWs, the BD will adopt a wider scope for enforcement action so as to remove UBWs in a more comprehensive and systematic manner.

What are UBWs? In general, UBWs are any additions or alterations to buildings without the prior approval of the Building Authority or, for small-scale building works, did not follow the minor works control system under the Buildings Ordinance (Cap. 123). UBWs also include works that do not involve the structure of the building (thus are exempted from prior approval of the Building Authority) but do not comply with the building standards laid down for building works in the Building Regulations. Commonly found UBWs such as supporting frames for air-conditioners/cooling towers, canopies, flat roof structures, rooftop structures, subdivision of flats, structural alterations, drainage

misconnections, etc. are liable to enforcement action by the BD and be demolished.

What should owners do?

Owners have the responsibility to ensure that their premises are free from UBWs and should, in their own interest, take the initiative to arrange for demolition of the UBWs in their premises. For UBWs erected in the common areas of a building, the owners' corporation or co-owners of the building should co-ordinate themselves to demolish the UBWs.



New Enforcement Policy against UBWs with effect from 1 April 2011

A Wider Scope

The BD will extend the coverage of actionable UBWs to include UBWs on rooftops and podiums as well as those in yards and lanes of buildings, irrespective of their risk to public safety or whether they are newly constructed.

Therefore, under the new enforcement policy, the BD will issue statutory orders to the owners concerned requiring removal of the following actionable items and register the orders against the relevant property titles:

- (a) items constituting obvious hazard or imminent danger to life or property;

- (b) new items (excluding statutorily exempted building works under the Buildings Ordinance) irrespective of the date of completion of the building where such items have been carried out;
- (c) items on the exterior of buildings, including those on rooftops and podiums, in yards and lanes and projecting from external walls (excluding projecting structures covered by the Household Minor Works Validation Scheme and the proposed Signboard Control System and other minor amenity features);
- (d) items in the interior of buildings, constituting obvious hazard or imminent danger to life or property (e.g. building works associated with subdivided units with obstruction to means of escape, serious water seepage causing deterioration of structural members or overloading problem);
- (e) items in or on buildings, constituting a serious health or environmental nuisance (e.g. misconnection of drainage systems);
- (f) major standalone items;
- (g) a specific type of UBWs, or items identified in buildings or groups of buildings, targeted for large-scale operations; and
- (h) unauthorized alterations to or works in green and amenity features of a building (e.g. balconies, sky gardens and podium gardens) for which exemption from calculation of gross floor area has been granted by the Building Authority.



Large Scale Operations

In addition to responding to reports on individual UBWs received from members of the public, the BD will take enforcement actions to clear in one go all UBWs identified in target buildings or groups of target buildings included in the Department's large scale operations.

For other UBWs which do not fall within the abovementioned actionable items for issuing statutory removal orders, the BD may issue to the owners concerned statutory warning notices in respect of the subject UBWs. The notices will be registered against the relevant property titles constituting an incumbrance until removal of the UBWs. This will not only provide protection of the interest of potential purchasers of the property concerned but will also encourage the owner to remove the UBW voluntarily.

Can owners retain minor UBWs?

Building owners may consider joining the Household Minor Works Validation Scheme so as to retain three types of minor UBWs (i.e. drying racks, canopies and supporting structures/metal frames for air conditioners) under the dimensional and safety requirements as prescribed in the Building (Minor Works) Regulation (Cap. 123 sub.leg. N). Enforcement action to remove these validated minor works items will not be taken by the BD unless they become dangerous.

Enquiry :

For any enquiries in connection with UBWs, please contact the BD by the following means :

- Postal address : 12/F, Pioneer Centre, No. 750 Nathan Road, Kowloon
- Email address : enquiry@bd.gov.hk
- Telephone Hotline : 2626 1616 (Handled by "1823 Call Centre")



**The Buildings Department's Internal Guidelines on
Prioritisation of "Actionable" Unauthorised Building Works
A Summary**

Purpose

This document sets out the general guidelines for determining the enforcement priority of actionable unauthorised building works (UBWs) under the new enforcement policy that has come into effect since 1 April 2011.

Issue

2. The UBWs enforcement policy has been revised with effect from 1 April 2011 whereby the scope of "actionable" UBWs will be extended to include all unauthorised structures on rooftops, flat roofs as well as those in yards and lanes of buildings (the New Commitments), irrespective of their level of risk to public safety or whether they are newly constructed.

3. The Buildings Department (the Department) is committed to actively respond to complaints and issue statutory orders requiring owners to conduct rectification works immediately if there are confirmed actionable UBWs after inspection.¹ Furthermore, based on past statistics and the Department's available resources, a performance indicator of issuing 20 000 removal orders against "actionable" UBWs has been set for 2011. While it is not possible for us to generate an accurate estimate of the number of "actionable" UBWs to be reported to us, a total of 30 000 UBW reports from members of the public are expected for the same period (compared with about 28 600 reports received in the full year of 2010).

4. In other words, the number of "actionable" UBWs reported may potentially exceed the Department's capacity for issuing removal orders. In addition, large scale operations will be conducted and statutory orders will have to be issued accordingly. While the Department will make all necessary arrangements to facilitate the issuance of statutory removal orders against all

¹ Paragraph 12 of the Appendix to the paper on 'Measures to Enhance Building Safety in Hong Kong' submitted to the Subcommittee on Building Safety and Related Issues under the Panel on Development of the LegCo for discussion on 13.1.2011 (CB(1)681/10-11(01))

reported “actionable” UBWs within a reasonable period of time, there is a need for the Department to lay down some internal guidelines on how to prioritise our enforcement work against those UBWs under the newly extended scope.

Criteria for Prioritisation

5. Staff members are reminded that while the majority of removal orders will be issued under the various large scale operations, most of the UBWs enforced against were first reported to the Department through reports submitted by the public or by our patrol teams. Based on past statistics, reports on the New Commitments amount to around 7 000 each year and constitute as many as 30% of all the reports on UBWs received over the past three years. It is therefore anticipated that a majority of the reports received, as well as the UBWs handled in the coming years, will be related to these New Commitments.

6. Although the receipt of a complaint/report can be a triggering point for the Department’s enforcement action, setting up a set of objective criteria for prioritising our work can be highly beneficial, as the Department will then be able to first work on those “actionable” UBWs with the highest level of risk.

7. The problem of UBWs is highly complex and extensive. To facilitate the prioritisation process, staff members are advised to consider the following factors –

- The earliest date the concerned UBWs was known to the Department –
The earlier ones should be accorded priority ahead of others. In general, when considering the dates, staff members should take into account warning notices issued and registered with the Land Registry since 2005; or where no warning notices have been issued, the dates of inspection by the Department since 2005.

- Surrounding area of the building –
The risk imposed by UBWs is heavily influenced by the surrounding area of the building they are in. One of the factors to be considered

is the height of a building. In general, UBWs in high-rise buildings have a higher risk level than those in low-rise single family houses as they can cause more severe injuries to the pedestrians. By the same token, rooftop structures and flat roof structures should be prioritised ahead of yard/lane structures. Another important element lies in the population and traffic density of the area. UBWs in a densely populated urban area pose a higher risk as a larger group of pedestrians can be injured. Accordingly, priority should be given to such UBWs.

Mode of Operation

8. The Department has ceased issuing warning notices to the New Commitments with effect from 1 April 2011, as they will instead be served with removal orders under the new enforcement policy.

9. Under normal circumstances, the New Commitments located in buildings in each district section should be grouped into the following three Groups taking into account the criteria set out in paragraph 7 above:

- Group 1 – all rooftop structures/flat roof structures within the same building;
- Group 2 – all yard/lane structures within the same building; and
- Group 3 – any New Commitments in low-rise single family houses.

10. Should a long list of outstanding reports awaiting issue of orders result, the Department would consider measures to address public expectation for a response to their reports within a reasonable timeframe. As such, all outstanding reports at the end of the first year should be prioritised ahead of fresh reports received in the following year. Reports received within the same year should follow the same prioritisation approach as abovementioned.

Points to Note

11. It is expected that about 10% of the removal orders arising from this new commitment would involve co-owners (in common areas and not registered with warning notices), and for these a longer compliance period should be allowed for this type of orders where appropriate.

12. It is anticipated that the enforcement action against the New Commitments may affect the occupants of the concerned buildings and the businesses operating in G/F shops. A longer compliance period should be allowed for the removal of the New Commitments in such cases as appropriate. Assistance from other departments, such as Housing Department and Home Affairs Department, may be required. Staff members are advised to consult their supervisors on these issues where necessary.

13. While these guidelines have laid down the general framework and decision criteria for the determination of enforcement priorities, staff members should bear in mind that the UBWs problem is extensive and complex in nature. The above guidelines should only be followed under normal circumstances. If other special circumstances are involved and other factors should be considered, staff members are advised to report the situation and consult their supervisors as appropriate.

Buildings Department
April 2011

**Other Related Initiatives
to Enhance Building Safety**

Since 1 April 2011, we have adopted a new multi-pronged approach with a view to optimising the use of available resources and maximising synergy amongst the various stakeholders involved in building management and maintenance. The approach will cover the following four major areas –

- (a) legislation;
- (b) enforcement;
- (c) support and assistance to owners; and
- (d) publicity and public education.

While the enforcement policy against unauthorised building works (UBWs) has been elaborated in the main paper, the ensuing paragraphs will briefly update Members on the other initiatives.

Statutory Building Control System and the Minor Works Control System

2. To provide a lawful, simple, safe and convenient means for owners to carry out small scale building works, the Minor Works Control System (MWCS) has been fully implemented since 31 December 2010. This system aims at providing an alternative to the existing approval and consent mechanism which did not distinguish works for the construction of new buildings from small scale building works which are of a simple nature and carried out in existing buildings. The 118 minor works items included in the MWCS are further classified into three classes based on their scale, complexity and risk to safety. Under the simplified requirements of the MWCS, owners will simply need to appoint a prescribed registered contractor and (for Class I minor works) a prescribed building professional to carry out the works. The appointed contractor and/or building professional will only have to notify the Buildings Department (BD) before the commencement and after the completion of works. With this streamlined arrangement, the time for carrying out such works can be substantially shortened by up to three months, and that is translated into a corresponding reduction of cost.

3. We understand that certain types of small-scale household building works which are often of practical use for the households concerned were

often carried out without obtaining the prior approval and consent of the Building Authority (BA) before the full implementation of the MWCS. Typical examples include supporting frames for air conditioners, laundry drying racks and small canopies. A Household Minor Works Validation Scheme (Validation Scheme) has thus been established under the MWCS to allow owners to retain and continue to use these features after safety inspection and necessary strengthening works. Enforcement action will not be taken by the BD against the validated minor household structures unless there is a change in their safety conditions. Nevertheless, such structures will remain unauthorised even after joining the Validation Scheme.

4. The MWCS, launched for nearly half a year, has been well received by the community. Until the end of May, 7 800 minor works contractors had been successfully registered. The BD had also received over 7 000 submissions of various types in carrying out minor works. While we will closely monitor the progress of the implementation of the MWCS, we will also continue to step up the public education and publicity work to encourage owners to adopt the MWCS to carry out minor works.

Mandatory Building Inspection Scheme

5. The proposed Mandatory Building Inspection Scheme (MBIS) will cover private buildings aged 30 years or above, except domestic buildings not exceeding three storeys in height. The BA will select around 2 000 private buildings every year and require their owners to carry out inspection and, where necessary, repair works in relation to the common parts, external walls and projections of the buildings. Owners of the buildings so selected, after the first inspection, will be required to carry out building inspection once every ten years. The registered inspectors appointed for MBIS inspections will be required to report to the BD UBWs identified in the common parts and external walls of the buildings inspected and assess the safety conditions of these UBWs. BD will handle the reports received in accordance with the prevailing enforcement policy. We are mindful that it would be more convenient and less costly for individual owners to remove all UBWs in one go together with other rectification works to be carried out in the common parts/external walls of the buildings. As such, we will encourage the owners to demolish all UBWs on a voluntary basis, and will provide appropriate technical and financial assistance. We will also invite owners to join the Validation Scheme under the MWCS. Validated UBWs will be

subject to periodic inspection under the MBIS in the future cycles.

6. The Buildings (Amendment) Bill 2010 to implement the MBIS and Mandatory Window Inspection Scheme was introduced into the Legislative Council on 3 February 2010. The Bills Committee has just completed the scrutiny of the Bill. We are planning for resumption of second reading of the Bill on 29 June 2011. Implementation of the MBIS will enable the BD to have a better grasp of the conditions of the UBWs in old buildings in Hong Kong. It will also provide valuable information for the BD in prioritising its enforcement action.

Signboard Control System

7. Unauthorised signboards are another persistent building safety problem in Hong Kong. It is estimated that there are about 190 000 unauthorised signboards in Hong Kong. Many of them are in active use by business operations while others are simply abandoned. To avoid unduly disturbing the business operations and inconveniencing members of the public, we are planning to introduce a statutory Signboard Control System (SCS) to exercise enhanced control on the unauthorised signboards. The SCS will allow the continued use of certain existing unauthorised signboards upon five-yearly regular safety checks by registered building professionals or contractors. For new signboards, works related to small signboards have already been included in the MWCS, while works related to larger ones will continue to require the prior approval and consent of BD before installation. With the new schemes, BD will establish a comprehensive database of all signboards in Hong Kong and have a firmer grasp of their safety conditions to facilitate control and enforcement action. We plan to introduce proposed legislative amendments in respect of the various building safety related initiatives, including the SCS, into the Legislative Council for consideration in the near future. Before the SCS is in place, BD will continue to take enforcement action against dangerous and abandoned signboards, as well as signboards not meeting the criteria of the SCS.

Better Control on Sub-divided Units

8. The problem of sub-divided units has also aroused public concern. Currently, our statutory control on such kind of sub-division of flat units is not entirely clear. Under the Buildings Ordinance (Cap. 123), certain

building works and drainage works that do not involve the structure of a building can be carried out in existing buildings without prior application to the BA and obtaining BA's approval. The construction of non-structural partition walls is an example of such kind of exempted works.

9. The implementation of MWCS has enhanced control on sub-divided units. The new system has designated an item of works commonly found in sub-divided units, i.e. internal drainage works within building units, as minor works. Building owners have to engage suitable professionals to carry out the relevant works according to the prescribed procedures and standards in order to ensure the safety as well as quality of the works. To enhance control over works of sub-divided units, we propose to further include in the MWCS various types of works involved in sub-divided units other than internal drainage works which has already been covered by the MWCS. Major items include erection or alteration of partition walls in buildings, addition or alteration of floor screeding in buildings, formation of openings to fire escape route, etc.

10. To step up its inspection and enforcement action against irregularities of building works associated with the subdivision of flats, the BD will conduct a Large Scale Operation against subdivided units.

Consolidation of Financial Assistance Schemes

11. While the BD, as a professional team, will endeavour to deal with the problem of UBWs in accordance with the law and the latest enforcement policy, success in removing UBWs can only be achieved if all parties concerned play their due roles. Indeed, maintaining building safety and keeping a building free of UBWs should always be the ultimate responsibility of building owners. To optimise the utilisation of resources and provide greater convenience to potential applicants, the Hong Kong Housing Society (HKHS) and the Urban Renewal Authority (URA) have consolidated their five existing schemes into the latest Integrated Building Maintenance Assistance Scheme (IBMAS) which has been put into operation since 1 April 2011. We have briefed the Subcommittee on Building Safety and Related Issues on the IBMAS on 11 May 2011. The IBMAS, co-managed by the HKHS and URA, has a set of unified application criteria, and terms and conditions for all buildings in Hong Kong. Through completion of one set of application forms (instead of contacting a number of bodies and sending in

different forms to different organisations under the previous setup), building owners may now obtain a full range of assistance through a single interface. In addition, taking into account past experience and the actual needs of building owners, they have relaxed the eligibility criteria of some schemes and extended the scope of works eligible for assistance extended. For instance, the IBMAS now explicitly accepts application for UBWs removal works.

Enhanced Involvement of Urban Renewal Authority in Building Rehabilitation

12. Under the new Urban Renewal Strategy (URS) published in February 2011, the URA will adopt “Redevelopment” and “Rehabilitation” as its core businesses under the URS comprising redevelopment, rehabilitation, heritage preservation and revitalisation. The URA will promote rehabilitation of buildings in need of repair as one of its core businesses and provide technical and financial assistance to building owners in order to promote proper maintenance of buildings. The URA’s rehabilitation strategy will include the setting up of building resource centres in old urban areas to provide one-stop service to owners; dedicated teams to help owners in Owners’ Corporation formation and provision of technical and financial assistance to owners in need.

Public Education

13. The recent heated debate on the enforcement actions against UBWs has once again highlighted the necessity for stepping up public education. We have earmarked additional resources to mount a large-scale public education campaign with a view to fostering a building safety culture in Hong Kong. In particular, we will continue to promote the MWCS, which aims to facilitate owners’ compliance with the statute and engagement of registered practitioners, as well as to curb the proliferation of new UBWs.

14. Apart from the traditional publicity tools such as advertisements and posters on TV/radio/public transport, tailor-made promotional tactics will be developed. The resource/advisory centres of the URA and HKHS will provide more owner-oriented information and advice, including information on mediation service, to owners. To instil a stronger sense of appreciation of the importance of building safety amongst our younger population, we

have produced a teaching kit in pursuit of the idea of incorporating building safety into the liberal studies curriculum of schools. A set of the teaching kit can be made available to interested Members.

15. Our publicity campaign will continue to evolve, and we will continue to explore new and innovative methods to effectively disseminate building safety messages to all stakeholders.