

**For discussion
on 28 June 2011**

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Enforcement against unauthorised building works
in New Territories Exempted Houses**

PURPOSE

The purpose of this paper is to report to Members the Administration's proposal to step up enforcement against unauthorised building works (UBW) in New Territories Exempted Houses (NTEHs) (including "small houses" built under the New Territories Small House Policy, hereinafter referred to as "NT village houses").

EXISTING REGULATORY REGIME AND RELEVANT ORDINANCES

2. NT village houses have a long history. The regulatory framework for these houses has all along been different from that for buildings in urban areas. In this regard, buildings in urban areas are subject to the control of the Buildings Ordinance (BO) (Cap. 123). The BO contains clear and specific provisions governing the planning, design and construction of buildings and associated works. Under the BO, building works may only be carried out after obtaining the prior approval and consent of the Building Authority (BA). On the other hand, the planning, design and construction of NT village houses is mainly regulated by the height and area of village houses built. NT village houses which meet the specifications stipulated in the Buildings Ordinance (Application to the New Territories) Ordinance are exempt from specific provisions of the BO and the regulations made under that Ordinance. There is a significant difference between the two regulatory regimes. The regulatory framework for NT village houses is relatively broadbrush and simplistic. Evidently, this simpler system has taken into account the lower risks of village houses in terms of building safety and of possible nuisance to the public.

3. The existence of two dissimilar regulatory regimes for the control of buildings in urban areas and NT village houses, respectively, may also reflect Hong Kong's own history of development. The present BO was enacted as early as in 1955. Its origin might further be traced to the BO of 1889 (No. 15 of 1889). However, it was not until 1961 that the Ordinance was applied to the NT. In other words, until the Buildings Ordinance (Application to the New Territories) Ordinance (then Cap. 322) came into effect on 1 January 1961, buildings in the NT were not subject to BO which was then already in force.

4. The Buildings Ordinance (Application to the New Territories) Ordinance was replaced by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) on 16 October 1987. The new Ordinance preserved the exemption for qualified village houses and empowered the Director of Lands to issue Certificates of Exemption, so that these qualified village houses and the related building works could be exempt from the BO and the regulations made under the BO.

5. The exemption provided under the Buildings Ordinance (Application to the New Territories) Ordinance recognises the relatively simple layout and design of NT village houses which pose lower risks to public safety. The Ordinance provides that, after obtaining a Certificate of Exemption issued by the Director of Lands, a village house which meets the specified uses and standards would be exempt from sections 4, 9, 9AA, 14, 21, 28 and 30 of the BO and the regulations made under the BO. In consequence, these houses are not required to submit plans for approval and consent by the BA before commencement of the building works. They may be occupied without having to obtain occupation permits from the BA. They are also exempt from the regulations made under the BO, including those which provide for the planning, design and construction of buildings as well as for sanitary fitments and minor works.

6. Despite inherent differences in the planning, design, construction and regulation of NT village houses from those of other buildings which are subject to the BO, and the specific exemption for these village houses as provided under the Buildings Ordinance (Application to the New Territories) Ordinance, they are treated with fairness and on equal footing in our pursuance of the policy to ensure building safety for safeguarding public interests. Like buildings in urban areas, these exempted village houses are

still subject to other provisions of the BO, in particular section 24 of the BO which relates to the removal of UBW and section 26 which provides for the control of dangerous buildings. They are also required to comply with other legislation including, for example, the Fire Services Ordinance (Cap. 95) and other relevant ordinances.

7. Moreover, upon issue of the Certificates of Exemption, the Lands Department (LandsD) would, in general, require the applicant to appoint a building contractor and a T2 competent person¹ to be responsible for the construction of the building, and to appoint a Registered Structural Engineer or a Registered Professional Engineer (specialised in civil/structural/building works) to monitor the construction of the critical structural elements, including cantilevered balconies and canopies in buildings, to safeguard the structural safety of buildings.

8. Another important difference in the regulatory framework between that for buildings in urban areas and that for NT village houses relates to the availability of a reasonable and feasible mechanism and avenue that would allow for additions, alterations or installation of additional facilities which, while maintaining building standards, also meet reasonable aspirations of the residents to improved their living environment. In the urban areas, owners of buildings may carry out necessary additions, alterations and other minor works under the BO and its subsidiary regulations; for example, the Building (Minor Works) Regulation (Cap. 123N). However, because NT village houses are in general designed and built in compliance with the height and area restriction stipulated in the Buildings Ordinance (Application to the New Territories) Ordinance, which thus qualify them for exemption from the relevant provisions of the BO, any additions, alterations or minor works which result in the stipulated dimensions being exceeded would invalidate the exemption and turn the village houses concerned into UBW. More particularly, there are no other practicable means for owners of NT village houses to carry out such small scale additions and installation, even for daily necessities and even when the works involved would not affect the building structure and public safety.

¹ A T2 competent person means a person who possesses a higher diploma or higher certificate in the civil/structural/building disciplines, awarded by universities funded by the University Grants Committee, or the Institutes of Vocational Education or the previous Technical Institutes operated under the Technical Colleges which are approved and/or recognized by the Vocational Training Council and with a total relevant working experience of not less than 3 years.

VILLAGE HOUSES BUILT ON OLD SCHEDULE LOTS

9. In the course of earlier consultation with the Heung Yee Kuk, the Kuk expressed the view that, since the Block Government Lease did not stipulate any restrictions on building height, village houses built on these lots ought not be subject to height restrictions. The Heung Yee Kuk indicated that it would seek legal advice on the matter and would not rule out the possibility of applying to the court for judicial review, when and if the Administration takes enforcement action against these houses.

10. The Administration does not subscribe to the Heung Yee Kuk's view on the application of existing legislation to these village houses. The Buildings Ordinance (Application to the New Territories) Ordinance, which came into effect on 1 January 1961, covers all building works carried out in the New Territories after that date, including reconstruction works. It also clearly prescribes the exemption for village houses which meet the stated specifications. Hence, the scope of the legislation is clear. In regard to possible legal action which might be contemplated by the Heung Yee Kuk or individual villagers, the Administration will act in accordance with the law and will follow established procedures in dealing with the matter.

UBW IN VILLAGE HOUSES

11. Broadly speaking, any building works which are not exempted under the Buildings Ordinance (Application to the New Territories) Ordinance or are carried out without building plan approval and the consent of the BA are UBW. However, since the Buildings Ordinance (Application to the New Territories) Ordinance only came into force on 1 January 1961, any buildings built in the NT before this date, irrespective of whether they are village houses and comply with the exemption criteria, would not come within the definition of UBW, so long as there had been no alteration, addition to or re-construction of the building after that date.

12. UBW in NT village houses may come in different forms and size. The more common examples include enclosed balconies, canopies, external window grilles, anti-burglary grilles and metal gates, retractable canvas, and ground level and rooftop extensions. They also include structures which are in blatant contravention of the height and area restriction or even entire

additional storeys (up to 4, 5 or 6 storeys). Given the diversity in scale and in type, the impact they have on the building safety (including structural safety and means of escape) varies. Since the large number of village houses are scattered over an extensive area in the NT, we have not conducted a comprehensive survey and statistics on UBW in these houses. However, from our observation, the total number of such UBW is estimated to be in the tens of thousands.

13. Over the years, the issue of UBW in NTEHs has attracted much public concern. In a direct investigation report published in 2004, The Ombudsman pointed out that, in view of the large number of UBW in NTEHs and the limited resources of Government, the problem could not be completely resolved within a short period. Thus, The Ombudsman recommended that Government should consider a two-pronged strategy: on the one hand, “to develop a realistic enforcement policy for containment of UBW in NTEHs” to avoid further aggravation of the problem; and on the other, to explore ways for “rationalisation of existing UBWs that are safe, not serious and thus tolerable”.

14. To follow up on The Ombudsman’s recommendations, the then Housing, Planning and Lands Bureau set up a “Working Group on Rationalisation of Unauthorized Building Works in New Territories Village Houses” (Working Group) in 2006, with representatives of the HYK. The task of the Working Group was to devise, on the basis of The Ombudsman’s recommendation and the over-riding objective of ensuring public safety, a practical rationalisation plan which would be acceptable to the public while taking into account the principles of legality, reasonableness and compassion. Since the establishment of the Development Bureau in 2007, we have escalated the issues to the SDEV-HYK Liaison Committee for discussion.

CURRENT ENFORCEMENT POLICY FOR UBW IN VILLAGE HOUSES

15. The extent of UBW in buildings, both in the urban areas and among NT village houses, is serious. Over the years, the enforcement policy and action against UBW have also been developed and refined in light of the changes in the social environment and availability of resources to the enforcement agency.

16. With regard to the UBW in village houses mentioned in paragraphs 11 and 12 above, the current enforcement policy was formulated after extensive public consultation in 2001. Special emphasis was placed on those UBW which constitute an obvious hazard or imminent danger to life or property, and those UBW which are in progress. This policy takes into account the large number of UBW in the urban areas and the NT, which came in many different forms, and the limited manpower and resources of the departments concerned. On the fundamental premise of ensuring public safety, it seeks to ensure efficient use of resource for progressive elimination of UBW by determining an order of priority for action, based on objective assessment of the risk of the UBW to public safety.

17. Compared to buildings in the urban areas in general, NT village houses are small and simple in structure. They are located in less populated areas and thus pose smaller risks to public safety. Furthermore, most UBW in village houses do not constitute imminent danger to building structure or serious nuisances to the public. Hence, the top priority is to eliminate UBW which constitute obvious risks to life and property. Besides, to stop proliferation of UBW in village houses, immediate enforcement is also taken against UBW in progress. Subject to the availability of sufficient evidence, the BD also takes enforcement action against newly completed UBW and requires the owners concerned to remove them.

18. In view of the above, the existing enforcement policy is drawn up on the basis of the actual situation of UBW in buildings in urban areas and those in NT village houses, and objective risk assessments. There are views that on the policy against UBW, the Government seems to take sides with residents and owners of NT village houses. We are of the view that they fail to fully grasp and understand our policy against UBW which was formulated from the perspective of building and public safety.

EXPERIENCE IN URBAN AREAS

19. It is widely recognised that the problems of building safety and UBW are complex issues. In the urban areas, we have spent more than 10 years focusing initially on new UBW and those of high risk to public safety.

On 1 April this year, we kicked off a more comprehensive enforcement policy against UBW.

20. In April 2001, after in-depth study and drawing on past experience, the Government announced an enforcement policy against UBW, which re-focused priorities and broadened the scope of enforcement. Under this policy, the BD launched a ten-year programme for removal of UBW, with focus on seven specified categories of priority targets; viz:

- (i) UBW constituting obvious or imminent danger to life or property;
- (ii) UBW newly constructed or under construction;
- (iii) UBW 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 UBW;
- (vi) UBW in buildings targeted for large scale operations (LSOs) or maintenance programmes; and
- (vii) unauthorized alterations to or works in environmentally friendly features granted with gross floor area concessions.

21. A major feature of this programme was the organisation of various LSOs and special operations to support the campaign to remove the above mentioned UBW. The purpose of these operations was to clear in one go priority items found on the target buildings, in particular “actionable” UBW on external walls and those in common areas of selected target buildings which include projecting structures, steel cages, large canopies, large glass panel external walls, illegal rooftop structures which caused significant risks to fire escape, etc.

22. So far, nearly 12 000 buildings have been covered in the various enforcement programmes, with over 400 000 UBW identified and demolished.

23. On the basis of this ten-year clearance programme, the Government has adopted a new enforcement policy to step up action against UBW since 1 April 2011. Under this new policy, “actionable” UBW will be removed in a more orderly and systematic manner. The coverage of “actionable” UBW is also extended to include UBW on rooftops and podiums, as well as those in yards of buildings which do not constitute a serious hazard or a serious environmental nuisance. With this extension, we will in effect be taking enforcement action against most actionable UBW found on the exterior of buildings. Moreover, the BD will also formulate a clear, risk-based mechanism to further prioritise the handling of complaints and reports about UBW to ensure equity.

24. To strengthen this strategy, Government also promotes legislation, enhanced support and assistance to owners, publicity and public education, in addition to stepping up enforcement against UBW.

25. The experience and results gained in the urban areas over the past decade clearly vindicated that the adoption of a uniform yardstick based on objective risk assessment, coupled with an orderly, systematic and progressive approach in enforcement action, is a pragmatic and effective strategy for tackling the complex and entrenched problem of UBW. This experience should also provide reference for formulating the strategy for further tackling the UBW in NT village houses.

CURRENT ENFORCEMENT ACTIONS AGAINST UBW IN VILLAGE HOUSES

26. To protect public safety and contain the proliferation of UBW in village houses, the BD has all along taken enforcement action against UBW constituting obvious hazard or imminent danger to life or property and UBW in progress in accordance with the prevailing enforcement policy. The BD may issue an order (removal order) under section 24(1) of the BO requiring the demolition or rectification of the UBW by the owner. Where the owner fails to comply with the order by the specified date, the BD will normally institute prosecution against the owner under section 40(1BA) of the BO. For UBW which constitute obvious hazards, the BD will arrange, in the interest of public safety, for a government contractor to carry out the

demolition works and will recover the full costs of the works, including supervision charges, from the owners.

27. Given the scattered distribution of village houses and the constraints of limited resources, the BD normally undertakes investigation and law enforcement against UBW upon receipt of complaints from members of the public. From 2008 to 2010, the BD received a total of 5 269 complaints about UBW in NTEHs. Of these, 3 288 related to possible risks to building safety. However, after investigation these were found outside the targets for immediate enforcement under the existing policy. As regards the remaining 1 981 complaints, 619 cases were confirmed to be UBW “works in progress”. Action was therefore taken for enforcement. Amongst the 619, the owners in 27 cases had, upon receipt of BD’s advisory letters, taken the initiative in removing the UBW themselves. The BD has issued removal orders to the owners of the remaining 592 cases, requiring them to remove the UBW in question by the specified deadline. Over the same period, the BD instituted prosecution in 327 cases, for failing to comply with the removal orders, and registered the removal orders at the Land Registry (commonly known as “imposing an encumbrance”).

28. Apart manpower and resources constraints, the BD also faces unique difficulties in tackling UBW in NT village houses. This relates particularly to the lack of drawings and construction records of the original building, since the owners of village houses are not required to submit building plans, nor to seek approval by the BA for commencement of the building works. This makes it difficult to distinguish the UBW from the original structure and, in turn, poses an obstacle in collection of evidence for enforcement and prosecution action. Notwithstanding the significant difficulties in investigation and proof, we continue to actively combat new UBW and UBW in progress, and endeavour to enhance enforcement effectiveness. In light of the The Ombudsman’s recommendation, the BD has recently broadened the definition of “new UBW in progress” to cover fitting-out works or site clearance in progress even after the completion of the main frame of the UBW. This helps strengthen enforcement and plugs a previous loophole in enforcement. The new definition has been brought into force at the end of April 2011.

PROPOSED SCHEME FOR ENFORCEMENT AGAINST UBW IN VILLAGE HOUSES

29. Having regard to the current regulatory regime for control of NT village houses, the actual situation on the ground and the views of various parties and also taking reference from the past experience and strategy in tackling UBW in the urban areas, the Administration proposes, on the fundamental premise of ensuring building safety and complying with existing legislation, for BD to adopt a pragmatic approach in tackling UBW in NTEHs through categorisation of UBW and prioritisation of enforcement.

30. The proposed scheme is founded on the following four key principles:

- (a) safeguarding building and public safety;
- (b) acting in accordance with the law;
- (c) categorisation for control and management; and
- (d) prioritisation for progressive enforcement.

We should reiterate that we would not entertain any suggestions for an amnesty, nor would we contemplate a levy in lieu of enforcement. Such arrangements are neither fair nor reasonable, nor are they compatible with the spirit of the rule of law.

PROPOSED ARRANGEMENT OF ENFORCEMENT AGAINST UBW IN NT VILLAGE HOUSES

31. In line with the principle of acting in accordance with the law, structures in village houses may only reasonably be classified into two categories: “legal” or “illegal”.

- (a) “Legal structures” refer to those which conform to the legal requirements and the exemption criteria prescribed in the current legislation. These items should be allowed to stay and, in future, be installed without undue restrictions. Since the Buildings Ordinance (Application to the New Territories)

Ordinance only came into force on 1 January 1961, any buildings constructed in the NT before this date, irrespective of whether they are village houses and whether they conform to the exemption criteria, would not come within the definition of UBW, provided that no alteration, addition or re-construction has been carried out after that date; and

- (b) “illegal structures” refer to any building works not exempted under the Buildings Ordinance (Application to the New Territories) Ordinance and which have not had the BA’s approval and consent for commencement. These are UBW and are, by definition, illegal. Enforcement action will be taken against them.

32. Having regard to the four principles stated in paragraph 30 above, we propose to categorise the newly built and existing UBW by reference to the severity of their breach of law and the risks to building and public safety. BD will adopt corresponding measures for progressive enforcement in line with the order of priority.

- (A) UBW constituting obvious hazard or imminent danger to life or property, UBW under construction or newly completed

33. The BD will maintain existing practice and give priority to enforcement against UBW constituting obvious hazard or imminent danger to life or property, UBW under construction or newly completed. The BD will issue removal orders to the owners concerned and instigate prosecution actions against the owners who fail to comply with the requirements of the orders, and where necessary, arrange a government contractor to carry out the demolition and recover the cost from the owners concerned. The broadened definition of “new UBW in progress” (paragraph 28 refers) will help strengthen the Department’s enforcement action in this regard.

- (B) Existing UBW not posing imminent danger but constituting serious contravention of the law and imposing higher potential risks

34. Taking into account the social environment and the result and experience of the enforcement taken in urban areas, we will expand the scope of enforcement against UBW in village houses. The BD will first focus and take proactive enforcement actions against existing UBW that constitute

serious contravention of the law and pose higher potential risks to building safety. This first round of targets will mainly include village houses of four storeys or more, houses built without a Certificate of Exemption issued by the LandsD or the approval and consent of the BA, enclosed rooftop structures covering more than 50% of the roofed-over area of the building concerned and unauthorised projecting structures attached to UBW, etc. The proposed first round targets are listed in **Annex 1**.

(C) Existing UBW constituting less serious contravention of the law and imposing lower potential risks

35. UBW outside the scope mentioned in paragraph 34 above are also unlawful. The BD will tackle these UBW in phases after dealing with the first round targets. As these UBW come in many different forms and size, the BD introduce a registration scheme (further explained in paragraphs 36-38 below) to collect more detailed information on them. It will categorise the UBW and conduct objective risk assessment for the different classes. This will enable the BD to formulate progressive enforcement plans, taking into account the actual situation, including the types of UBW and number in each category, as well as the availability of manpower and the associated resources.

REGISTRATION SCHEME FOR UBW

36. To curb the emergence of new UBW and to safeguard the structural safety of village houses, owners of the existing UBW in village houses will be required to submit to the BD information including photos, descriptions, sizes and completion dates of existing UBW which are not included in the list of first round targets (i.e. UBW not listed in Annex 1). They will also be required to appoint a T2 competent person to conduct regular inspections and verify the safety of the structures concerned. If enclosure of or partition walls on cantilevered balconies are involved, the owners should appoint a Registered Structural Engineer or a Registered Professional Engineer (specialised in civil/structural/building works) to conduct regular inspections and verify the structural safety of the cantilevered balconies concerned. At present, Registered Structural Engineers or Registered Professional Engineers (specialised in civil/structural/building works) and T2 competent persons are recognised respectively to supervise the construction of critical structural

elements (including cantilevered balconies and canopies in village houses) and construct NTEHs. They possess adequate qualifications and experience to verify the safety of the structures concerned. The BD will conduct audit check on the safety certification of UBW submitted by T2 competent persons to ensure compliance with the relevant requirements.

37. Existing UBW will be defined as those completed before a “specified date”. To prevent a surge of new UBW before implementation of the scheme and to forestall attempts to beat the deadline, the “specified date” will be a prescribed date set prior to the announcement of the scheme. The Administration has in possession the latest aerial photos covering the whole territory which can be used to ascertain the date of erection of UBW. Existing UBW demonstrated to be structurally safe may be considered for registration. Some examples of these are listed in Annex 2. We reiterate that the proposed registration scheme is not applicable to the first round targets listed in Annex 1.

38. During the period of enforcement against the first round targets, the Administration will not require the immediate removal of the registered UBW unless they become imminently dangerous. The BD will take immediate enforcement action against those UBW which have not been registered with the BD after the registration period. In other words, they will be treated in the same manner as newly constructed UBW.

39. We further reiterate that any building works carried out in contravention of the law and the structures so constructed are unlawful. They will not be permitted or be exempt from law enforcement. Moreover, they will in no circumstances be rendered lawful by any administrative means. Hence, the main objective of the above “Registration Scheme for UBW” is to define clearly the distinction between existing UBW in village houses and new UBW for reference in law enforcement and to ensure the safety of the UBW concerned through regular inspections by competent persons. The scheme will provide the Administration with more accurate statistics and information which would facilitate the drawing up of further detailed implementation arrangement and timetable for tackling UBW in village houses in a systematic manner. Once the time-table had been drawn up, the Administration will make announce them in advance and will encourage the owners and occupants to remove the UBW themselves.

SPECIFIED ENVIRONMENTAL AND AMENITY FACILITIES

40. With the advancement of society, the public has rising aspiration for improving their living environment and the level of comfort. Some environmental and amenity facilities are reasonable daily necessities of people living in village houses. Installation of these facilities is also in line with the Government's policy of promoting the use of green facilities. After considering the nature of these facilities and critically examining the exemption criteria prescribed in the Buildings Ordinance (Application to the New Territories) Ordinance, we consider that the green and amenity facilities listed in **Annex 3**, whether they currently exist in the village houses or to be installed in future, could be allowed to stay or be installed at any time in future without seeking the permission from the LandsD or the BD, provided that the village house is an exempted house in accordance with the exemption criteria prescribed in the then Cap. 322 which came into force prior to 1987 or that the village house has been issued a Certificate of Exemption in accordance with the current Cap. 121.

ENHANCED PUBLIC EDUCATION

41. We consider that the safeguarding of building safety should be a shared responsibility of Government and the residents/owners. Strengthened law enforcement by government departments and enhanced public education to foster public awareness of building safety must therefore go hand-in-hand with each other.

42. Apart from the traditional publicity avenue of, for example, advertisements and posters on TV, radio and public transport, we will work with the HYK and relevant government departments to explore and launch various forms of publicity activities targetted at enhancing public awareness of building safety on one hand, and facilitating the enforcement actions taken by the BD on the other. We believe that this will, in the long run, help solve the problem of UBW.

ADVICE SOUGHT

43. Members are invited to comment on the proposed scheme to handle UBW in NTEHs as mentioned in paragraphs 29 to 42.

**Development Bureau
June 2011**

First Round of Targets : Existing Unauthorised Building Works constituting serious contravention of the Law and imposing higher Potential Risks

| | Item |
|---|---|
| 1 | Village house of four storeys or above constructed of reinforced concrete or masonry. |
| 2 | Structures of single storey or above constructed of reinforced concrete, masonry or other materials on 3-storey New Territories exempted house. |
| 3 | Redevelopment, alteration or addition carried out on private building lot of which the lease stipulates no restriction on building height and number of storeys, and in contravention of the exemption criteria prescribed in the prevailing Buildings Ordinance (Application to the New Territories) Ordinance (the then Cap. 322 or the Cap. 121) after the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 322) has come into operation since 1 January 1961. No approval has been obtained in accordance with the Buildings Ordinance (Cap. 123) for the aforesaid construction works. With the exception of the unauthorised building works prioritised for deferred enforcement. |
| 4 | Height or roofed-over area of the main building exceeds the exemption criteria prescribed in the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). No approval has been obtained in accordance with the Buildings Ordinance (Cap. 123) for erection of the building. |
| 5 | Enclosed rooftop structures constructed of reinforced concrete, masonry or other materials, with a coverage of more than 50% of the roofed-over area of the main building. |

| | Item |
|---|---|
| 6 | No certificate of exemption has been obtained in accordance with the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) prior to the commencement of works, and the Lands Department will not issue a certificate of exemption. No approval has been obtained in accordance with the Buildings Ordinance (Cap. 123) for the works. |
| 7 | Unauthorised projecting structures attached to unauthorised building works. (e.g. signboard erected on unauthorised rooftop structures) |

Existing Unauthorised Building Works constituting less serious contravention of the Law and imposing lower Potential Risks* (Examples)

| | Item |
|---|--|
| 1 | Enclosed balcony constructed of steel or aluminum structural elements, metal plates or glass. |
| 2 | Enclosed rooftop structures constructed of reinforced concrete, masonry or other materials, with a coverage of not more than 50% of the roofed-over area of the main building. |
| 3 | Unenclosed rooftop structures constructed of steel or aluminum structural elements. |
| 4 | Ground floor extension constructed of reinforced concrete, masonry or other materials, whether or not the extension has internal access to the main building. |
| 5 | Partition wall exceeding 150mm in thickness erected between the balconies of two adjoining New Territories exempted houses. |
| 6 | Canopy projecting from the external wall of the main building, except the green and amenity facilities allowed to be provided. |
| 7 | Ground floor canopy with pillars. |
| 8 | Metal supporting rack for air-conditioning unit (with anti-dripping design) and lightweight air-conditioner hood projecting from the external wall of the main building, except the green and amenity facilities allowed to be provided. |
| 9 | Signboard projecting from the external wall of the main building. |

| | Item |
|----|---|
| 10 | Wall signboard mounted on the external wall of the main building, except the green and amenity facilities allowed to be provided. |
| 11 | Signboard erected on the rooftop. |

Remark * The Buildings Department gives priority to the enforcement against unauthorised building works constituting blatant contravention of the law (e.g. excessive large in size) or imposing high risks to public safety.

Green and Amenity Facilities that can be installed in both New and Existing New Territories Exempted Houses*

| | Item |
|---|---|
| 1 | Metal supporting rack for air-conditioning unit (with anti-dripping design), components of split type air-conditioner and lightweight air-conditioner hood, with a projection not exceeding 750mm from the external wall. Such installation should not project from a balcony or canopy. |
| 2 | Roller shutter / folding gate installed on the ground floor for security purpose. No part of the installation should project more than 300mm from the external wall. A trapdoor not less than 600mm in width should be provided on the roller shutter for emergency escape purpose. |
| 3 | Cage like external metal window grilles should not project more than 500mm from the external wall. Where any part of the external window grilles projects over accessible pavement and has a clear headroom less than 2.5m, such part of the window grilles should not project more than 150 from the external wall. |
| 4 | Retractable plastic or canvas hood affixed to any external wall, with a projection of not more than 230mm when retracted and 2 m when projected from the external wall. The clear headroom should not be less than 2.5m measured from the ground. Such installation should project from a balcony or canopy. |
| 5 | Small overhang (located above the side door on the ground floor) constructed of steel or aluminum structural elements, metal plates or glass. The overhang should have a clear headroom of not less than 2.5m measured from the ground and should not project more than 750mm from the external wall. |
| 6 | Canopy constructed of steel or aluminum structural elements, metal plates or glass with a projection not exceeding 750mm from the external wall. Such installation should not project |

| | Item |
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| | from a balcony or canopy. |
| 7 | Small size antenna, television dish antenna, solar energy heater or solar energy equipment installed on the roof for use of the occupants of a New Territories exempted house. A household-scale solar water heating system of nominal size comprises one or more solar collector(s) and a water tank. The total gross weight should not exceed 700kg and the average loading imposed should not exceed 150kg/m ² . Such facilities should not be installed on the roof of stairhood or canopy. |
| 8 | Easily demountable, open and uncovered rooftop gardening trellis made of timber, aluminium or other lightweight metal framework with spacing between horizontal supports or intermediate bars of not less than 200mm. The gardening trellis should have a total coverage of not more than 5m ² and a height not exceeding 2.5m measured from the roof level. |
| 9 | Signboard of ground floor shop has a total display area including supporting frame of not more than 5m ² . It should either be mounted to the external wall or installed as bulkhead at shopfront with a projection not exceeding 600mm and a clear headroom of not less than 2.5m measured from the ground. |
| 10 | Lightweight exhaust duct (part of mechanical installation) of food premises/restaurants conforming to the relevant licensing requirements. For example, exhaust duct should have a projection of not more than 600mm from the external wall and a minimum clearance of 2.5m measured from the ground. |
| 11 | Partition wall not exceeding 150mm in thickness erected between the balconies of two adjoining New Territories exempted houses, whereas the balconies are of beam-and-slab type construction conforming to the 'Technical Requirements for Critical Structural Elements in the Construction of New Territories Exempted Houses'. |
| 12 | Unenclosed , easily and readily demountable or retractable rooftop awning not permanently fixed to the roof and made of aluminium or other lightweight metal framework and plastic or |

| | Item |
|----|---|
| | canvas cover sheeting, with a coverage of not more than 5m ² when fully opened and a height not exceeding 2.5 m measured from the roof level. |
| 13 | Amenity facilities mounted on or affixed to the external wall, such as shrine shelters, lamp posts and lighting installations (including those installed on the rooftops, parapets, and overhangs), that are small-scale and do not cause obstruction. |
| 14 | Electricity meter box (on ground floor only) affixed to the external wall and made of concrete or aluminium, with a size not exceeding 1.2m x 1.6m and a projection not exceeding 0.38m. |
| 15 | Liquefied petroleum gas cylinder storage box (on ground floor only) affixed to the external wall and made of concrete or aluminium, with a size not exceeding 1.2m (in height) x 1m (in width) and a projection not exceeding 0.4m. |
| 16 | Prefabricated man-size storage cabinet not permanently fixed to the roof, with a height not exceeding 2m and a volume not exceeding 4m ³ . The cabinet should not affect the structural safety and drainage system of the building. |
| 17 | Anti-burglary bars installed on a balcony should not project beyond the external edge of the parapet on the balcony. |
| 18 | Main entrance metal gate not causing obstruction to the escape route when opened. |
| 19 | Metal drying rack affixed to the external wall with a projection not exceeding 750mm. |

Remark * Green and amenity facilities are regarded as unauthorised building works if they fail to conform to the above listed requirements in respect of the dimensions, construction materials or method of construction. The Buildings Department handles unauthorised building works in accordance with the enforcement policy and gives priority to the enforcement against those items having serious deviations from the requirements listed above.