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APPENDIX 17
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15 June 2015

Mr Anthony CHU
Clerk to Public Accounts Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Mr Chu,

**Public Accounts Committee
Consideration of Chapter 1 of the Director of Audit's Report No.64
Buildings Department's actions on unauthorised building works**

The Secretary for Development has asked me to thank you for your letter of 27 May 2015 and to reply to you on his behalf.

All unauthorised building works (UBWs), as the name points out, are illegal. To eradicate all UBWs, the enforcement action of Buildings Department (BD) alone is inadequate. It requires all building owners to abide

by the law, clear existing UBWs out of their own volition and not to carry out UBWs. From the building safety point of view, all UBWs should be cleared due to their imminent or potential risk to the public. However, because of the large number of UBWs and as some building owners disregard their due responsibility to abide by the law, it is impracticable to clear all UBWs or to set a definite timetable for that. Enforcement priority has to be set. The enforcement policy of the Government is risk-based. Priority is accorded to “actionable UBWs” that comprise UBWs constituting obvious or imminent danger to life or property, and new UBWs, against which BD will take enforcement action. As for UBWs in the “non-actionable” category, BD may issue warning notices and will register non-compliant notices at Land Registry, or may issue advisory letters on which it will not take enforcement actions for the time being. The UBWs in the two categories are reviewed from time to time, taking into account the changing needs and community concerns. The objective is to progressively tighten the control regime by expanding the “actionable UBWs” category. The evolution of our UBWs enforcement policy is set out in detail in the Director of Audit’s report and we shall not repeat it here.

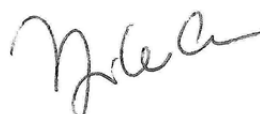
The Government has adopted a multi-pronged approach to tackle UBWs, and that is composed of legislation, enforcement, assistance to building owners, and publicity and public education. As we progressively tighten up the control regime by including more UBWs into the “actionable” category, BD will expand its scope of enforcement work and the Government also hopes that building owners whose UBWs were not but, following the expansion of the “actionable” category, have become “actionable” will clear the UBWs voluntarily without waiting for BD’s enforcement or prosecution action.

As mentioned above, over the years, we have been reviewing and tightening the control regime by expanding progressively UBWs in the “actionable” category, taking into account the changing needs and community concerns. Other than that, in the light of and in order to deal with the large backlog of cases of UBWs for which BD has to issue statutory orders for rectification and instigate prosecution actions as necessary, BD has also adjusted the action priority for different UBWs within the “actionable” category. For

instance, BD has in 2014 reduced the number of target buildings in its large scale operations for removal of rooftop-podium-lane UBWs from 600 to 200 in order to spare some manpower to tackle non-compliant removal orders. We will continue our practice to review our enforcement policy from time to time, and would welcome and consider any practical suggestions for adjustment that will enhance its effectiveness and efficiency, including those from the Public Accounts Committee.

Please feel free to contact me if you need any further information.

Yours sincerely,



(Arsene Yiu)
for Secretary for Development

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