

Unauthorized Alterations and Additions Buildings Ordinance Section 14

There may be occasions when clients approach authorized persons or registered structural engineers to submit plans for building works already completed. This advises you on the action that the Building Authority (BA) would take if such plans were submitted.

No Retrospective Approval

2. The BA has no powers to give retrospective approval or consent for building works already commenced, carried out or completed. Buildings Ordinance (BO) section 14(1) provides that no person shall commence or carry out any building works without having **first obtained** the approval and consent of the BA. BO section 42(5) further provides that the powers of exemption are not applicable to section 14.

Powers of Disapproval

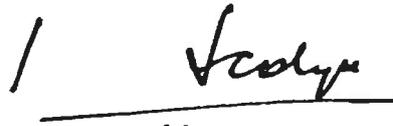
3. For plans of **building works already completed**, the BA's position under the BO is as follows :

- (a) The submission will be rejected under **section 16(1)(a)** as it is not a proposal for approval and consent prior to the commencement of works.
- (b) The same will also be rejected under **section 16(1)(c)** because of the nature of the application in the Form BA 5 or BA 17, which relates to an application for building works "to be carried out" or for permission "to erect" respectively. It is not an application for approval and consent to structures already erected.
- (c) Furthermore, if the submission is the subject of an effective demolition order, it will be rejected under **section 16(1)(d)** for contravening the said order.

Advice to Clients

4. Should a client contemplate pursuing building works without first obtaining approval and consent, you should draw his attention to the need for prior approval of plans and consent for commencement. The client should be firmly advised that commencing or carrying out any building works without prior approval and consent may result in the BA :

- (a) serving an order under the BO requiring *inter alia* the demolition of such building works; and
- (b) prosecuting under the BO Part IV. On conviction, the offender could face a heavy fine and even a custodial sentence.



(Helen C P Lai YU)
Building Authority

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