

Unauthorised Alterations and AdditionsBuildings Ordinance Section 14

There may be occasions when a client will approach you to submit alteration and addition plans for building works which have already been completed.

2. Section 14(1) of the Buildings Ordinance makes it quite clear that no person shall commence or carry out any building works without first obtaining my approval and consent. It would therefore be contrary to the legislation as it now stands, for me to consider a submission in retrospect. Such a submission would therefore be refused under section 16(1)(a) unless the works already carried out are clearly shown on the plans as to be demolished and rebuilt. In this case, approval could be given but consent would only be granted following the demolition of the contravening building works.

3. When submitting alteration and addition plans of this type, i.e. showing demolition and reconstruction, it would be most helpful if your plans are coloured in such a way that it is easy for B00 staff to differentiate between work previously approved; work which is exempted by virtue of section 41(3); and the remaining building works which would constitute the unauthorised works.

4. All submissions showing unauthorised works are forwarded to the Control Division for action in accordance with established policy. The fact that I may not always serve a Section 24 Order upon being so notified of the existence of unauthorised works should not be taken as acquiescence but indicative of the priority system being adopted.

5. In cases when the subject premises require a licence, the appropriate authority will forward plans to B00 for scrutiny under the Buildings Ordinance and Regulations. If an inspection reveals that unauthorised building works exist, my reply to the respective authority may include a recommendation regarding refusal of the licence.

6. Should a client contemplate pursuing building works without first obtaining my approval and consent, the opportunity should be taken to bring the content of this practice note to his attention including the fact that such a course of action would be an offence under section 40 of the Buildings Ordinance.



(CHAU Cham-son)
Building Authority

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