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Controlling Officer : Director of Buildings

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CONTROLLING OFFICER'S REPLY**DEVB(PL)063****(Question Serial No. 0653)**

Head: (82) Buildings Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Buildings and Building Works

Controlling Officer: Director of Buildings (Ms Clarice YU)

Director of Bureau: Secretary for Development

Question:

In the coming year, the Government will continue the large scale operation on inspection of sub-divided flats (SDFs) in target buildings and rectification of irregularities of building works associated with SDFs. In this connection, please inform this Committee of the following:

- 1) To date, what are the numbers of SDFs inspected by the Government, SDFs identified with irregularities of works and SDFs rectified of such irregularities respectively? (One SDF is considered as such notwithstanding repeated inspections/irregularities in the same SDF.)
- 2) What were/are the actual/estimated staff establishment and expenditure involved in this work in the past three years and the coming year respectively?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 24)

Reply:

- 1) Enforcement against building irregularities associated with sub-divided flats (SDFs) is carried out through large scale operations and by acting on public reports. Statistics on the numbers of SDFs inspected, SDFs with building irregularities identified, and SDFs rectified of building irregularities in the past three years are tabulated below –

Year	2021	2022	2023
Number of SDFs inspected	1 727	1 656	1 719
Number of SDFs with irregularities identified ⁽¹⁾	588	463	252
Number of SDFs rectified of irregularities ^{(1) & (2)}	315	501 ⁽³⁾	323

Note ⁽¹⁾: The figures do not necessarily correspond to the SDFs inspected in the same year.

Note ⁽²⁾: The figures do not necessarily correspond to the SDFs with irregularities identified in the same year.

Note ⁽³⁾: The increase in 2022 was due to large number of removal orders discharged arising from redevelopment of the buildings concerned.

- 2) Enforcement action against building irregularities associated with SDFs is carried out by the professional and technical staff of the two Existing Buildings Divisions of the Buildings Department (BD) as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. The numbers of professional and technical staff in these two divisions for the years 2021-22, 2022-23 and 2023-24 were 437, 419 and 423 respectively, and the number for the year 2024-25 is 429. BD does not compile a breakdown of the manpower and expenditure involved solely for inspection or enforcement action against building irregularities associated with SDFs.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)064

(Question Serial No. 0654)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The number of target buildings selected each year for rectification of irregularities associated with sub-divided flats was reduced from 330 to 100 in 2016 and has since remained unchanged. The reason at the time was that “taking into account the recommendations of the Audit Commission in its Audit Report and the difficulties encountered in enforcement actions, the target was reduced in order to redeploy resources to complete outstanding large scale operations and clear the backlog of outstanding removal orders.” The revised target comprised 20 industrial buildings and 80 domestic or composite buildings. In this connection, please inform this Committee of the following:

- 1) the number of outstanding removal orders yet to be processed at present;
- 2) the number of prosecutions instigated against non-compliance with removal orders within the statutory time limit as well as the outcomes of these prosecutions;
- 3) whether the Government has any plan to revert the number of target buildings each year to 330. If yes, what are the estimated additional manpower and expenditure? If not, what are the reasons?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 25)

Reply:

- 1) & 2) The Buildings Department (BD) has been conducting large scale operations (LSO) for rectifying building irregularities associated with sub-divided flats (SDFs) since 2011. Where actionable building irregularities associated with SDFs are identified (such as overloading caused by erection of partition walls and fire safety contraventions), BD will issue removal orders to the owners concerned and instigate prosecution against the owners who fail to comply with the orders.

As at end of 2023, the number of outstanding removal orders in relation to building irregularities associated with SDFs under LSO was 1 012. The number of prosecutions instigated against non-compliance with removal orders under LSO was 1 153, of which the number of convictions was 691^{Note}.

- 3) BD adopts a risk-based approach in selecting target buildings (TBs) for rectifying building irregularities associated with SDFs, taking into account a number of factors including public reports received and other relevant information from government departments. BD has implemented improvement measures to speed up the enforcement action, such as upgrading its Building Condition Information System to enhance monitoring of the progress of enforcement action, streamlining its procedures for applying to the court for entry warrants, redeployment of resources and re-adjusting its work priorities as appropriate.

In view of the competing claims for limited resources, BD has to redeploy resources with flexibility to cope with various demands to tackle not only actionable building irregularities associated with SDFs in TBs but also other types of unauthorised building works, defective drainage and Mandatory Building/Window Inspection Scheme. While maintaining the number of TBs at 100 for 2024, we will keep this figure under review in the light of BD's work priorities and the deliberations of the Task Force on Tackling the Issue of Subdivided Units led by Deputy Financial Secretary which may have a bearing on BD's future enforcement strategy on SDFs.

^{Note:} The numbers of prosecution instigated and conviction may not correspond to removal orders issued in the same year.

- End -

CONTROLLING OFFICER'S REPLY**DEVB(PL)065****(Question Serial No. 0655)**

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The Government has revised the previous target “buildings targeted for removal of unauthorised building works (UBWs) on rooftops, flat roofs, yards and lanes” for 2024. The new revised target will cover “UBWs in basements”. In this connection, please advise this Committee of the following:

- 1) Has the Government increased the manpower and estimated expenditure in respect of the relevant working target?
- 2) What are the reasons for increasing the number of target buildings from 80 to 90? Are there respective target numbers for the various types of UBWs, i.e. UBWs on rooftops, flat roofs, yards, lanes and basements? If yes, please provide details on the allocation.
- 3) As it is more difficult to detect UBWs in basements than those on rooftops, flat roofs, yards and lanes, how will the Government select target buildings with “UBWs in basements”?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 26)

Reply:

- 1) The enforcement action against unauthorised building works (UBWs) under large scale operations (LSOs) for removal of UBWs on rooftops, flat roofs, yards, lanes and basements will continue to be carried out by the professional and technical staff of the two Existing Buildings Divisions of the Buildings Department (BD) as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. There is no increase in manpower and estimated expenditure in respect of the revised target.
- 2) & 3) BD adopts a risk-based approach in selecting target buildings for LSOs by taking into account a number of factors including public reports, referrals received, and other

relevant information. Such public reports could involve buildings with alleged illegal basements. Upon receiving the reports, BD would conduct preliminary inspections and collect evidence from drone surveys, if needed, to determine if the subject buildings should be targeted for LSOs. The landslide incident at the Redhill Peninsula has revealed UBWs in houses situated on slopes could pose public safety hazards and risks to surrounding slopes. In line with the risk-based approach, BD will increase the planned number of target buildings for LSOs in 2024 in order to step up the enforcement efforts on tackling unauthorised structures/basements with slope safety concerns. There are no respective target numbers set for clearance of various types of UBWs.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)066

(Question Serial No. 0656)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the handling of “unauthorised building works (UBWs) under construction”, please advise this Committee of the following:

- 1) How many reports on “UBWs under construction” were received by the Government in each of the past three years? How many of them were established cases involving UBWs “under construction”, with removal orders issued and in compliance with removal orders?
- 2) Among the reports received in question 1, what were the respective numbers of substantiated cases involving UBWs completed before site investigation was conducted by the Government in each year? Will these completed UBWs be categorised as “actionable UBWs”? If not, what are the reasons?
- 3) Among the reports received in question 1, what were the respective numbers of UBW cases substantiated by the Government’s site investigation with unascertainable construction time in each year?
- 4) Does time outside office hours and holidays count towards the target of “responding to reports within 48 hours”?
- 5) Will the Government review the target of “responding to reports within 48 hours”? If not, what are the reasons?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 27)

Reply:

- 1) For reports involving unauthorised building works (UBWs) under construction (also known as “works-in-progress” (WIP) reports), the number of reports received, the number

of removal orders issued arising from WIP reports and the number of removal orders complied with for the period from 2021 to 2023 are tabulated as follows –

	2021	2022	2023
Number of WIP reports received	2 152	1 479	1 215
Number of removal orders issued arising from WIP reports ⁽¹⁾	215	241	252
Number of removal orders arising from WIP reports ⁽¹⁾ which have been complied with	327	314	316

Note ⁽¹⁾: The number of removal orders issued arising from WIP reports may involve other types of UBWs other than those under construction (e.g. new UBWs and other actionable UBWs under the UBWs enforcement policy). The Buildings Department (BD) does not compile a breakdown of the number of removal orders issued solely for UBWs under construction. Also, the figures do not necessarily correspond to the WIP reports received in the same year (or orders issued in the same year).

BD does not compile breakdown statistics on the numbers of established cases involving UBWs “under construction” with removal orders issued and in compliance with removal orders.

- 2) BD does not compile breakdown statistics on the numbers of substantiated cases involving UBWs completed before site investigation was conducted. For completed UBWs, if they constitute obvious hazard or imminent danger to life or property, or if the relevant records or circumstantial evidence could substantiate that they are new UBWs, they would become “actionable UBWs” requiring immediate enforcement action pursuant to the prevailing enforcement policy against UBWs.
- 3) BD does not compile breakdown statistics on the number of UBWs cases substantiated by BD’s site investigation with unascertainable construction time.
- 4) The target of “responding to reports within 48 hours” for non-emergency reports on UBWs under construction includes time outside office hours and holidays.
- 5) Having regard to the effective deployment of resources and the need to prioritise various enforcement actions, the target of “responding to reports within 48 hours” for non-emergency reports on UBWs under construction is considered appropriate.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)067

(Question Serial No. 0659)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the removal orders issued for unauthorised building works in New Territories Exempted Houses, please advise this Committee of the following:

- 1) Among the removal orders issued in each of the past three years, how many had been complied with by the specified time limits? How many were granted extension of time for compliance?
- 2) What were the numbers of prosecutions instigated against non-compliance with removal orders in each of the past three years? Please provide the outcomes of these prosecutions if available.
- 3) Had any default works been undertaken by government contractors as a result of non-compliance with removal orders in each of the past three years? If yes, what were the numbers of such cases?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 32)

Reply:

- 1) As at 31 December 2023, among the removal orders issued against unauthorised building works (UBWs) in New Territories Exempted Houses in the past three years, the numbers of removal orders complied with and those complied with within the specified time limits are tabulated below –

Year	Number of removal orders issued	Number of complied orders ⁽¹⁾	
		Number of removal orders complied with (including within and outside the time limits specified in removal order)	Number of removal orders complied with within the specified time limits
2021	883	507	118
2022	1 264	566	111
2023	1 633	380	185
Total	3 780	1 453	414

Note ⁽¹⁾: The figures correspond to the number of removal orders issued in the same year.

The Buildings Department (BD) does not compile statistics on the number of cases granted with extension of time for compliance.

- 2) The numbers of prosecutions instigated against non-compliance of removal orders and the outcomes of prosecutions in the past three years are tabulated below –

Year	Number of prosecutions instigated	Number of convictions ⁽²⁾	Number of acquittals ⁽²⁾	Number of summonses withdrawn ⁽²⁾	Total amount of fine ⁽²⁾ (approx.) (\$)	Number of cases in which imprisonment was imposed ⁽²⁾
2021	193	136	0	19	1,300,000	2 (involving 2 removal orders and 2 defendants, each being sentenced to 8 months' imprisonment)
2022	223	156	0	48	1,500,000	0
2023	225	146	0	57	1,800,000	0
Total ⁽³⁾	641	438	0	124	4,600,000	2

Note ⁽²⁾: The figures do not necessarily correspond to the prosecutions instigated in the same year.

Note ⁽³⁾: As at 31 December 2023, the number of cases pending trial hearing was 87.

- 3) It is the owner's responsibility to remove the UBWs as required under the removal order. If the owner fails to comply with the order, BD will consider instigating prosecution action against the owner under the Buildings Ordinance (Cap. 123). BD did not carry out any default works undertaken by government contractor as a result of non-compliance with removal orders in the past three years.

CONTROLLING OFFICER'S REPLY

DEVB(PL)068

(Question Serial No. 0660)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

With regard to mandatory building inspection, please advise this Committee of the following:

- 1) What were the actual numbers of buildings issued with inspection notices in each of the past three years? What is the number of buildings inspected from which the estimate of 5 000 notices to be issued in 2024 is derived?
- 2) To date, what is the number of buildings reaching the threshold of the Mandatory Building Inspection Scheme (MBIS) but have yet to be issued with MBIS notices? What is the estimated increase in the number of buildings that will reach the said threshold each year?
- 3) To date, what is the number of buildings that have not complied with the investigation/repair orders within the period specified in MBIS notices?
- 4) Has expenditure been earmarked for launching a new phase of Operation Building Bright in the coming year? If not, what are the reasons?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 33)

Reply:

- 1) The numbers of buildings issued with notices under the Mandatory Building Inspection Scheme (MBIS) in the past three years are set out below –

	2021	2022	2023
Number of buildings issued with MBIS notices	601	608	603

Under the MBIS, the Buildings Department (BD) selects annually about 600 target buildings aged 30 years or above, on a risk-based approach, for issuance of MBIS

notices based on the building score system and advice of a selection panel, comprising representatives from BD, professional institutions, relevant non-government organisation, property management professionals and District Councils. The 5 000 notices to be issued in 2024 are estimated from the some 600 target buildings selected in 2023.

- 2) As of end-2023, there were about 19 800 MBIS-eligible buildings. Among which, about 7 800 have been issued or targeted for issuance of MBIS notices, and about 12 000 buildings have yet to be issued with MBIS notices. BD does not compile projection statistics on the estimated increase in number of MBIS-eligible buildings each year.
- 3) As of end-2023, there were some 3 900 buildings with expired MBIS notices for common parts that have not been complied with. Among which, BD has proactively selected 1 200 buildings on a risk basis under the Operation Building Bright 2.0 (OBB 2.0) (as Category 2 buildings), and will exercise its statutory power to carry out the necessary inspection and repair works on behalf of the owners, with the cost to be recovered from them afterwards. Details for the remaining 2 700 buildings are as follows –

Number of buildings (Approximately)	
Appointed with Register Inspector	Not yet appointed with Register Inspector
1 900 (of which 1 400 had completed inspection)	800

BD will continue to step up enforcement actions, initiate prosecutions, as well as sustaining the tripartite efforts with the Home Affairs Department and the Urban Renewal Authority (URA) to collaboratively assist owners to comply with the MBIS notices.

- 4) The third round of OBB 2.0 applications was closed on 30 September 2023. URA will issue approval-in-principle letters in batches starting from May 2024. The Government will decide whether to launch another round of applications, taking into account factors such as actual needs and financial situation.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)069

(Question Serial No. 0661)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the continued large scale operation on comprehensive clearance of unauthorised building works on rooftops, flat roofs, yards and lanes, as well as unauthorised basements in target buildings, please advise this Committee of the following:

- 1) What was the expenditure on the special drone inspection of 180 buildings conducted by the Buildings Department (BD) between August and December 2023? How many of these buildings required emergency works carried out for owners by government contractors to eliminate obvious danger posed to the public?
- 2) Starting from the first quarter of 2024, BD will regularise the special inspection operation to inspect 360 buildings across the territory each year and arrange for government contractors to carry out necessary emergency repair works. What is the estimated expenditure for the regularised special inspection operation? Is there a need to increase the number of staff on permanent establishment or contract staff for the inspection operation?
- 3) In the past three years, what were the respective numbers of buildings in which emergency works were carried out by government contractors in default of owners; and the respective administrative costs incurred in arranging for contractors to commence, supervise and accept the works, and recovering the expenses from owners, etc.? Will such administrative costs be fully recovered based on the "user pays" principle to offset the expenses?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 34)

Reply:

- 1) To reduce the risk to public safety from buildings with outstanding Mandatory Building Inspection Scheme notices and registered inspectors yet to be appointed, the Buildings Department (BD) conducted special inspections from August to December 2023 of

external walls of some 180 buildings with potentially higher risks (such as older buildings, buildings facing major roads, buildings with reports of dilapidation, “three-nil” buildings, and buildings with balconies/canopies of cantilevered slab structures). About 160 buildings were found to pose obvious danger to the public, and emergency works were carried out by government contractor (for about 60 buildings), or voluntarily completed by owners/owners’ corporations (for about 100 buildings) upon BD’s notification. The above inspections, including the flying of drones where needed, the supervision of emergency works by government contractor and liaison with owners/owners’ corporations were carried out by the professional and technical staff of the two Existing Buildings Divisions of BD as part of their overall duties to implement BD’s building safety and maintenance enforcement programmes. BD is not able to provide a breakdown of the expenditure involved solely for this operation.

- 2) In light of the experience gained, the government has put in place a regular inspection programme to inspect the external walls of 360 buildings across the territory and carry out any necessary emergency works by government contractors. Apart from engaging drone service providers and outsourced consultants to conduct the inspections and subsequent follow-up work, BD will also consider tapping into the artificial intelligence (A.I.) technology for generation of inspection reports based on images collected by drone inspections. In addition to redeploying existing manpower of BD, three time-limited professional and three time-limited technical posts will be created in 2024-25 for the operation. The estimated expenditure in 2024-25 for employing drone/A.I. service providers and outsourced consultants is \$7.5 million.
- 3) Apart from the emergency works mentioned in paragraph 1 above, BD arranged government contractors to carry out emergency works for 45, 32 and 103 buildings in 2021, 2022 and 2023 respectively. The cost of works and supervision charge will be fully recovered from the owners along with a surcharge in accordance with the provisions of the Buildings Ordinance (Cap. 123). The supervision charge is calculated based on time spent by BD officers on site in dealing with the emergencies. BD does not compile statistics on the administrative costs incurred.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)070

(Question Serial No. 1600)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Discretion over the enforcement against unauthorised building works in small houses

The Office of The Ombudsman recently made public of the recommendations for improvement on enforcement actions against unauthorised building works (UBWs) in New Territories Exempted Houses (NTEHs). In this connection, will the Government inform this Committee of the following:

It is common for multiple households of the same family to live in the same NTEH with UBWs as families grow in rural areas. Moreover, small houses in many villages of the New Territories are interconnected. From a pragmatic perspective, the removal of UBWs in such houses is no easy task as it may give rise to a series of problems at any time. For occupants in NTEHs of four storeys or more, will the Government consider putting in place a discretion mechanism which caters for the actual circumstances of various villages?

Asked by: Hon CHAN Yuet-ming (LegCo internal reference no.: 24)

Reply:

Owners have the responsibility to ensure that their properties are free from unauthorised building works (UBWs) and should, in their own interest, take the initiative to arrange for demolition of UBWs in their buildings. They should also comply with the removal orders issued by the Buildings Department (BD) and remove the UBWs within the specified period. Under the enhanced enforcement strategy against UBWs in New Territories Exempted Houses (NTEHs) implemented since 1 April 2012, apart from taking immediate enforcement action against (i) UBWs constituting obvious hazard or imminent danger to life or property to safeguard structural safety; and (ii) UBWs under construction or built on or after 28 June 2011 to curb new UBWs, BD first focuses and takes proactive progressive enforcement actions against UBWs which constitute serious contravention of the law and pose higher potential risks to building safety including NTEHs of four storeys or above.

The Government recognises that some owners may have difficulties in fulfilling their responsibility due to the lack of technical knowledge or other special circumstances. In this connection, BD proactively provides technical advice to owners explaining the requirements of the removal orders and of appointing building professionals and contractors. Where necessary, BD will also liaise with and conduct joint inspections with consultants/contractors appointed by owners to provide comments on their rectification proposals. In case the owners encounter genuine difficulties in arranging the works, an extension of time may be granted on a case-by-case basis where justified to allow them more time to comply with the orders. If the enforcement action involves relocation of occupants, BD will closely liaise with the relevant departments to provide appropriate assistance to those affected. BD will also arrange in-house social services teams to provide assistance, including helping to co-ordinate among owners/occupants of NTEHs to carry out the required removal works, assisting them to apply for financial assistance as appropriate and providing necessary social and emotional support.

BD will continue to take a proactive role to provide assistance to owners and sustain its public education and publicity programmes to enhance awareness on building safety and the established enhanced enforcement strategy against UBWs in NTEHs.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)071

(Question Serial No. 2599)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The establishment ceiling of 2024-25 represents an estimated 2 103 non-directorate posts as at 31 March 2024 rising by 14 posts to 2 117 posts as at 31 March 2025. In this connection, will the Government provide this Committee with the establishment of the relevant posts to be created, a breakdown of the work of such posts and a breakdown of the expenditure on the average annual salaries involved?

Asked by: Hon KONG Yuk-foon, Doreen (LegCo internal reference no.:17)

Reply:

The net increase of 14 posts in the Buildings Department (BD) in 2024-25 involves creation of 30 non-directorate posts and deletion of 16 posts. The 30 posts to be created in 2024-25 comprise 16 professional posts (Senior Building Surveyor/Senior Structural Engineer/Building Surveyor/Structural Engineer), 12 technical posts (Senior Survey Officer/Senior Technical Officer/Survey Officer/Technical Officer) and two posts of other grade.

Among the 30 posts, 20 posts will be engaged in enhancing building safety and enforcement actions including carrying out more default works to ensure public safety, conducting external wall drone surveys and necessary emergency works to remove obvious danger, and stepping up prosecutions against non-compliant notices; three posts will be engaged in supporting the operation of the Dedicated Processing Units to expedite the processing of plans for high-yield residential developments; two posts will be engaged in taking forward the adoption of Building Information Modelling and development of Electronic Submission Hub for statutory submissions; one post will be engaged in overseeing the implementation of default works mechanism and the stepping up of enforcement action against non-compliant Fire Safety Directions, and the remaining four posts will be engaged in supporting the implementation of the strategic railway projects.

The notional annual mid-point salary value of the net increase of the 14 posts in BD in 2024-25 is \$19,165,140.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)072

(Question Serial No. 2600)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding Matters Requiring Special Attention in 2024-25, please advise this Committee of the following:

- (a) In response to violations of the Buildings Ordinance (BO) (including erection of unauthorised building works), the Buildings Department (BD) will work with the Development Bureau to review the BO, with a view to putting forward legislative proposals. What is the planned timetable for the completion of the review and the formulation of proposals?
- (b) Additionally, BD will review practices under the Mandatory Building Inspection Scheme and put forward proposals. What is the planned specific timetable for the completion of the review?
- (c) Will BD consider focusing its manpower and resources on the establishment of a dedicated unit to carry out building inspections and prosecutions to address safety issues in aged building clusters in the future? If yes, what are the details? If not, what are the reasons?

Asked by: Hon KONG Yuk-foon, Doreen (LegCo internal reference no.: 18)

Reply:

- (a) The Buildings Department (BD) and the Development Bureau (DEVB) are working together on the review of the Buildings Ordinance (Cap. 123) (BO), with a view to empowering BD to take enforcement actions more effectively so as to ensure building safety and enhance construction safety. On the side of building safety, apart from streamlining prosecution procedures, lowering the prosecution threshold and increasing the penalties, we will consider prioritising enforcement and setting penalty levels according to the risk and severity of offences, in order to enhance deterrence against violations of the BO (including carrying out unauthorised building works) and boost early

compliance with statutory notices/orders. On the side of construction safety, we propose to raise the penalties and to strengthen the registration and disciplinary systems of contractors in order to enhance the quality and safety of building works. DEVB/BD will put forward the amendment proposals for consultation with the public and stakeholders in 2024, with a view to kick-starting the legislative amendment exercise as soon as possible.

- (b) Under the Mandatory Building Inspection Scheme (MBIS), BD selects annually about 600 private buildings aged 30 years or above on a risk-based approach, for issuance of MBIS notices based on a building score system (BSS) and advice of a selection panel. BD has completed review of the BSS and briefed the Legislative Council Panel on Development on the refinement proposal in February 2024. Under the refined BSS, high-risk buildings can be identified in a more precise manner. The proposals include putting greater emphasis on the exterior elements of buildings as they pose a greater safety risk to the public, according higher scores to “three-nil” buildings which are more likely to be lacking proper building management or maintenance, and capturing more relevant data from the findings under BD’s regular inspections of buildings and Urban Renewal Authority’s Condition Surveys. The revised BSS will be put into effect starting from the second quarter of 2024 for selecting buildings under the MBIS.
- (c) BD has put in place a new regularised inspection programme and will inspect in 2024 the external walls of 360 buildings of potentially higher risk across the territory and carry out any necessary emergency works by government contractors. Apart from engaging drone service providers and outsourced consultants to conduct the inspections and subsequent follow-up work, BD will also consider tapping into the artificial intelligence (A.I.) technology for generation of inspection reports based on images collected by drone inspections. Through redeployment of existing manpower, and creation of three time-limited professional and three time-limited technical posts in 2024-25, a total of 12 teams, each consisting of one professional officer and one technical officer, have been set up to oversee the operation in the first half of 2024 during which about 240 buildings will be inspected. In the latter half of 2024 when the remaining 120 buildings will be inspected, BD will deploy eight teams to continue the operation and one senior professional officer for better post-inspections and follow-up organisation works. The estimated expenditure in 2024-25 for employing drone/A.I. service providers and outsourced consultants is \$7.5 million.

Prosecutions under the BO are handled by a dedicated team of professional and technical staff of the Legal Services Section of BD. For effective use of manpower and resources, we have no plan to form a separate team of staff solely for instigating prosecutions against non-complied orders/notices.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)073

(Question Serial No. 1324)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

According to the figures provided by the Buildings Department (BD), 146 831 minor works submissions were received in 2023, among which 5 124 were selected for auditing. In this connection, will the Government inform this Committee of the following:

- Among the submissions (a) received and (b) selected for auditing in 2023, what were (i) the numbers of cases involving sub-divided flats? Among them, what were the respective numbers of cases associated with (ii) Class I, (iii) Class II and (iv) Class III minor works items (please provide the numbers in the table below)?

	(a)	(b)
(i) [= (ii)+(iii)+(iv)]		
(ii)		
(iii)		
(iv)		

- (a) How many cases mentioned in item (1)(b)(i) did BD conduct site inspections for? Among them, what were the numbers of cases (b) identified with irregularities; (c) issued with (i) removal orders, (ii) fire safety directions, (iii) repair orders; and (d) instigated with prosecutions?
- Please provide (i) the manpower dedicated, (ii) expenditure on emoluments and (iii) expenditure on equipment in respect of BD's audit checks on cases under the Minor Works Control System in (a) 2023-24 and (b) expected for 2024-25.
- The number of minor works submissions selected for auditing in 2023 was lower than that of 7 033 in 2022, the explanation given being an increase in site audit checks and a reduction of document audit checks. Please provide the numbers of cases for which (i) site audit checks and (ii) document audit checks (a) were conducted in 2023 and (b) are expected to be conducted in 2024.

Asked by: Hon KWOK Wai-keung (LegCo internal reference no.: 29)

Reply:

1. & 2. Among the 187 items of minor works (MW) regulated under the Minor Works Control System (MWCS), some MW items may be related to subdivision of a flat, e.g. erection of non-load bearing block walls, laying of solid floor screeding, and erection or alteration of drainage in a flat. If a residential flat is subdivided into three or more rooms, at least three of which are provided with lavatories or other sanitary fitments, and the resulting number of such rooms in the flat is greater than that shown on the approved plan, the works fall under the Class I MW item 1.41. However, documents submitted to the Buildings Department (BD) may not specify that the works are related to the subdivision of a flat. BD does not compile statistics on the MW items which may be related to the subdivision of a flat.

In 2023, BD received 46 MW submissions involving Class I MW item 1.41, which included 23 notices of commencement and 23 certificates of completion ⁽¹⁾. Three MW submissions were selected for document audit check (DAC) and two of them were also selected for site audit check (SAC).

It was found in one case that the information provided in the submitted plans was insufficient. BD issued an advisory letter to the prescribed building professional (PBP) concerned requiring clarification and the PBP has rectified the plans subsequently. No removal order/repair order/fire safety direction was issued and no prosecution was instigated for this case.

Note ⁽¹⁾: The number of certificates of completion received may not necessarily correspond to the number of notices of commencement received in the same year.

3. The Minor Works Unit (MWU) of BD is responsible for the implementation of the MWCS, including replying to public enquiries, operating the Minor Works Management System, reviewing and updating the guidelines on MWCS, etc. The audit checks on MW submissions are carried out by the professional and technical staff of MWU as part of their overall duties. BD does not compile a breakdown of manpower, expenditure on emoluments and equipment involved solely for audit checks under MWCS.
4. Starting from 2023, the number of MW submissions selected for auditing are determined systematically in accordance with ISO 2859-1 (Sampling Procedures for Inspection by Attributes), with more focus on the quality of MW carried out on site. The percentage of submissions selected for SAC is increased to ensure that the MW are carried out generally in accordance with the provisions of the Buildings Ordinance (Cap. 123) and its subsidiary regulations and in line with the prescribed plans. The numbers of DAC and SAC selected in 2023 and to be selected in 2024 are as follows –

Year	Number of MW Submissions Selected/to be Selected for DAC	Number of MW Submissions Selected/to be Selected for SAC
2023 (Actual)	3 113	2 011
2024 (Estimate)	3 000	2 100

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)074

(Question Serial No. 0472)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the various measures to enhance building safety covering enforcement, support and assistance for owners, as well as publicity and public education, will the Government give an account of the estimated expenditure, staff establishment and the details of these measures?

Asked by: Hon LAM Kin-fung, Jeffrey (LegCo internal reference no.: 20)

Reply:

The Buildings Department (BD) has been adopting a multi-pronged package of measures to enhance building safety. In addition to following up public reports on building defects, BD conducts large scale operations and proactively selects target buildings for taking actions against dilapidated or defective buildings and unauthorised building works. Investigation or repairs orders are issued to require owners to carry out investigations and repair works if necessary. Prosecution may be instigated if owners fail to comply with the investigation or repair orders without reasonable excuse. In case of immediate public danger, BD will also arrange government contractors to undertake emergency works and recover costs from owners afterwards.

To strengthen its efforts in dealing with aged buildings and promoting building safety, BD has implemented the Mandatory Building Inspection Scheme (MBIS) since 2012, which tackles building dilapidation at its root through upholding the concept of “prevention is better than cure”. Under the MBIS, BD selects annually about 600 private buildings on a risk-based approach for issuance of MBIS notices based on a building score system (BSS) and advice of a selection panel. Owners of buildings served with statutory MBIS notices are required to carry out prescribed inspections and repairs for their buildings. BD has completed review of the BSS and briefed the Legislative Council Panel on Development on the refinement proposal in February 2024. Under the refined BSS, high-risk buildings can be identified in a more precise manner, by putting greater emphasis on the exterior elements of buildings as they pose a greater safety risk to the public, according higher scores to “three-nil” buildings which are more likely to be lacking proper building management or

maintenance and capturing more relevant data from BD's inspection findings under the new regular inspections programme (see paragraph below) and Urban Renewal Authority (URA)'s Condition Survey. The revised BSS will be put into effect starting from the second quarter of 2024 for selecting buildings under the MBIS.

To reduce the risk to public safety, BD conducted special inspections from August to December 2023 of external walls of some 180 buildings with potentially higher risk. About 160 buildings were found to pose obvious danger to the public, and emergency works were carried out by government contractor or voluntarily completed by owners/owners' corporations (OC) upon BD's notification. In light of the experience gained, the BD will continue the operation in 2024 as a regular inspection programme to inspect the external walls of 360 buildings across the territory and carry out any necessary emergency works by government contractors. Apart from engaging drone service providers and outsourced consultants to conduct the inspections and subsequent follow-up work, BD will also consider tapping into the artificial intelligence (A.I.) technology for generation of inspection reports based on images collected by drone inspections. In addition to redeploying existing manpower of BD, three time-limited professional and three time-limited technical posts will be created in 2024-25 for the operation. The estimated expenditure in 2024-25 for employing drone/A.I. service providers and outsourced consultants is \$7.5 million.

Since July 2023, the tripartite standing communication mechanism amongst BD, the Home Affairs Department and the URA under the leadership of the Development Bureau has been providing information and support to owners by organising district briefings and proactively approaching owners or OC to explain the procedures for complying with notices under the MBIS, formation of OC and application for subsidies from URA. To strengthen compliance with the MBIS, BD will continue to step up public education and publicity (PEP) to promote building safety and cultivate the culture of regular building inspection and maintenance in the community, including:

- (i) conducting briefings, events, visits etc.;
- (ii) organising the Building Safety Week including a wide variety of activities such as exhibitions and seminars and a symposium;
- (iii) operating an e-learning centre to promulgate an online Building Safety Certificate Course;
- (iv) broadcasting Announcements in the Public Interest (API) on television, radio, buses, trains and online media; and
- (v) producing short video films, infographics and disseminating them on BD's website and social media.

The estimated expenditure for the printing of publicity materials, producing and broadcasting API and short films, and employing outsourced contractors and service providers to carry out PEP activities on building safety for 2024-25 is about \$13.2 million.

The above works are carried out by the professional and technical staff of the various sections in BD as part of their overall duties to implement BD's building safety and maintenance

enforcement programmes. BD is unable to provide a breakdown of the expenditure and manpower incurred solely for enhancing building safety.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)075

(Question Serial No. 1484)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the processing of plans for new buildings by the Buildings Department, please advise this Committee of the following:

1. How many first submissions of building plans were received in each of the past three years? Please provide a breakdown of the numbers of submissions approved, rejected, to be processed subject to minor amendments, and withdrawn before the processing time limit.
2. How many re-submissions of buildings plans were received in each of the past three years? Please provide a breakdown of the numbers of submissions approved, rejected, to be processed subject to minor amendments, and withdrawn before the processing time limit.
3. How many applications for consent to commence building works were received in each of the past three years? Please provide a breakdown of the numbers of applications approved, rejected, to be processed subject to minor amendments, and withdrawn before the processing time limit.
4. How many applications for occupation permits were received in each of the past three years? Please provide a breakdown of the numbers of applications approved, rejected, and withdrawn before the processing time limit.

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 12)

Reply:

1. to 4. The numbers of submissions/applications received, approved, disapproved or withdrawn related to new building development proposals in 2021-22, 2022-23 and 2023-24 are set out below –

		2021-22	2022-23	2023-24 ⁽⁴⁾
No. of first submissions of building plans ⁽¹⁾ (including major revisions) of new building proposals	Received	390	341	189
	Approved ⁽²⁾⁽³⁾	131	160	89
	Disapproved ⁽²⁾	180	174	106
	Withdrawn ⁽²⁾	57	24	7
No. of re-submissions of building plans ⁽¹⁾ for new building proposals	Received	1 942	1 825	1 378
	Approved ⁽²⁾⁽³⁾	1 423	1 492	1 192
	Disapproved ⁽²⁾	106	88	67
	Withdrawn ⁽²⁾	421	202	129
No. of applications for first consent to commence building works ⁽⁵⁾	Received	717	636	441
	Granted ⁽²⁾⁽³⁾	487	449	337
	Refused ⁽²⁾	32	35	18
	Withdrawn ⁽²⁾	201	146	94
No. of applications for occupation permits (OP)	Received	570	606	407
	Issued ⁽²⁾	193	244	160
	Refused ⁽²⁾	193	225	139
	Withdrawn ⁽²⁾	171	152	102

Note ⁽¹⁾: Included general building plans only.

Note ⁽²⁾: The number of submissions/applications processed in a year does not necessarily correspond to the number of submissions/applications received in that year.

Note ⁽³⁾: Included those which were subject to minor amendments.

Note ⁽⁴⁾: Statistics up to 31 December 2023.

Note ⁽⁵⁾: Included applications for first consent to commence demolition, site formation, foundation and general building and superstructure works.

The Buildings Department (BD) is committed to adopting an open and positive attitude towards building developments and has all along adopted measures to facilitate applicants in obtaining approval of building plans, consent to commence building works and OP. Specifically, if an application can be approved subject to

minor amendments or furnishing of further particulars, BD will allow the applicant to make such amendments or furnish such required particulars without rejecting the application.

BD established Dedicated Processing Units (DPU) in March 2023 to process general building plans (GBP) submissions for high-yield private residential projects with 500 units or more, with a target to approve about 80 per cent of GBP submissions of these projects upon their first or second submission, provided that the projects have no planning, major land or fire safety issues. From the establishment of DPU in March 2023 to 31 December 2023, DPU received applications for approval of GBP for 16 new high-yield residential projects and transitional housing projects. The average number of days for obtaining approval was approximately 83 days and the target of approving about 80 per cent upon first or second submission was achieved.

BD has also put in place a pre-submission enquiry mechanism to facilitate registered building professionals in confirming the design principles of their projects at an early stage so that they may avoid abortive preparation work. In addition, BD streamlined the approval requirements for GBP in 2023 by significantly reducing the information required in the first GBP submission by about 30 per cent, allowing applicants to save time and resources and obtain the first approval more expeditiously in order to proceed to the next stage.

While the statutory requirements are clearly set out in the relevant regulations, codes of practice, practice notes, etc. published by BD and relevant government departments, and authorized person (AP) should ensure compliance with all the requirements before submitting the plans to BD, at times submissions of building plans may be rejected due to non-compliance with the Buildings Ordinance (Cap. 123) (BO) and/or other enactments. To facilitate APs in understanding the reasons of disapproval, BD would list out the disapproval grounds explicitly in the disapproval letter. In addition, AP may make use of the pre-submission enquiry service available throughout the entire development process to seek clarifications on disapproval grounds and/or compliance requirements under the BO for better preparation of the re-submissions.

For an OP application, to facilitate applicants to prepare applications for OP, BD issued a revised practice note in 2022 to promulgate a checklist listing out all essential works that should be completed and all required documents that should be submitted such as fire certificates, water certificates, certificates for accessible and fireman's lifts, etc. prior to or together with the submission of OP applications. BD will continue to work with building stakeholders to identify opportunities for further streamlining of the development process and early approval of plans and applications.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)076

(Question Serial No. 1485)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

As part of its ongoing work, the Department reviews various building regulations, standards and codes of practice with a view to modernising building design and construction standards. Please advise this Committee of the following:

1. Which building regulations were reviewed by the Department with updates and amendments proposed to the Development Bureau in each of the past three years? What are the details?
2. Which building standards were reviewed by the Department with guidelines on new standards issued or proposals of amendments to building regulations made to government departments and the industry in each of the past three years? What are the details?
3. How many codes of practice are currently effective? How many new codes of practice were issued by the Department in each of the past three years?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 13)

Reply:

The Buildings Department (BD) reviews the various building regulations, standards, codes of practice (CoP) and design manual (DM) from time to time with a view to keeping abreast of the latest international building technological advancements and enhancing the standards of building construction. The reviews may make reference to relevant standards in other jurisdictions and may involve commissioning of consultancy studies, stakeholders' consultation and seeking comments from technical committees set up for the review of various CoP. The replies to specific questions raised are set out below.

1. In the past three years, the following legislative amendments were made –

- (a) the Building (Construction) Regulation (Cap. 123Q), which came into operation on 1 February 2021, has stipulated performance-based provisions for facilitating innovation and advancement in building technology as well as providing flexibility in building design;
- (b) amended Schedule 8 of the Buildings Ordinance (Cap. 123) (BO) and the Building (Minor Works) (Amendment) Regulation 2021, which came into operation on 1 September 2021, have expanded the coverage of validation scheme under the Minor Works Control System to incorporate more lower risk amenity features that may continue to be used after safety inspection, strengthening and certification by a prescribed building professional or a prescribed registered contractor;
- (c) amended Schedule 5 of the BO, which came into operation on 3 September 2021, have updated the list of railway protection areas;
- (d) the Building (Administration) (Amendment) Regulation 2021, Building (Minor Works) (Amendment) (No. 2) Regulation 2021, Building (Inspection and Repair) (Amendment) Regulation 2021, Electronic Transactions Ordinance (Amendment of Schedule 3) (No. 2) Order 2021 and Electronic Transactions (Exclusion) (Amendment) (No. 2) Order 2021, which came into operation on 31 March 2022 and 31 March 2023 upon the launching of Stages 1 and 2 of the Electronic Submission Hub respectively, have enabled the acceptance of electronic applications submitted under the BO; and
- (e) in the past three years, BD has also been working on the legislative amendments to the Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) to transform the existing prescriptive requirements to performance-based standards, as well as rationalise and update the relevant statutory provisions.

2. In the past three years, the lists of CoP and DM reviewed by BD with guidelines on new standards issued are as follows –

CoP/DM	Details of New Standards
In 2021	
CoP on Access for External Maintenance 2021	Guidelines on provision of adequate means of access for maintenance of the external building elements of a building
CoP for Site Supervision 2009 (2021 Edition)	Inclusion of “natural terrain hazard mitigation” works as building works with significant geotechnical content, Technically Competent Persons (TCP) to have their own copy of site supervision report with their identities recorded (for example, full name, post and signature) and new

CoP/DM	Details of New Standards
	qualification requirements for TCP with academic background in geology
CoP for the Structural Use of Steel 2011 (2021 Edition)	Updated relevant reference design and material standards
DM: Barrier Free Access 2008 (2021 Edition)	Updated European Standard for keypad design of destination control system of lift control, considerations for setting duration of sensors of additional lighting, provision of resting places with resting facilities in long corridors and passageways
In 2022	
CoP for Structural Use of Concrete 2013 (2020 Edition)	Design requirements for plain concrete linings and general guidelines and reference standard on monitoring early compressive strength of in-situ concrete by maturity method
In 2023	
CoP for the Structural Use of Steel 2011 (2023 Edition)	Design guidelines, standards, references and testing requirements for high strength steels, guidelines for galvanising and welding on high strength steels and design parameters for bolts of higher grade
CoP for Structural Use of Concrete 2013 (2020 Edition)	Reference standard for testing of mechanical coupler splice and alternative fixing details of links/ties for reinforced concrete beam
CoP for Fire Safety in Buildings 2011 (June 2023 Edition)	Testing standard on durability of laminated glass assemblies and clarification of fire safety requirements for means of escape, fire resisting construction and means of access
CoP for Foundations 2017	Presumed allowable bearing pressure and bond or friction for foundations on marble bedrock according to Geotechnical Engineering Office Technical Guidance Note No. 26
CoP for Demolition of Buildings 2004	New propping requirement for light-weight mechanical plant of maximum 5 800 kg, requirement on the provision of precautionary measures at the interface between two adjacent demolition/construction sites and enhanced requirements of safety precautionary measures for floor openings and free edges at buildings and structures and control on conveying debris through floor openings
CoP for Site Supervision 2009 (2021 Edition)	Registered Professional Engineer (Building) as an acceptable qualification for RC-T4-FW(O), recognition of qualified supervision experience outside Hong Kong for fulfilment of

CoP/DM	Details of New Standards
	the conditions and requirements imposed upon granting approval and consent as relevant local experience, passport number as an alternative mean of personal identification and obtaining consent from the appointed TCP to transfer their personal data to the Construction Industry Council for promoting the Technically Competent Persons Registration Scheme
CoP on Wind Effects in Hong Kong 2019	Guidelines for determination of fundamental frequency for assessing new wind effects and design net pressure for hoarding and covered walkway associated with construction site

3. As of end-December 2023, BD had published in total 18 CoP and one DM. One new CoP on Access for External Maintenance 2021 was issued in 2021, and no new CoP or DM was issued in 2022 and 2023. In addition to the reviews on CoP and DM, numerous practice notes and circular letters were updated/issued in the past three years to promulgate revised requirements or standards on the application and administration of the BO.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)077

(Question Serial No. 1486)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the processing of building plans for new buildings and the issuance of consent to commence building works by the Buildings Department, the Government once set the three target achievement rates at 100% for “processing building plans within 60 days for new submissions”, “processing building plans within 30 days for re-submissions” and “processing within 28 days applications for consent to commence building works”, but subsequently lowered the rates to 90% to reflect the practice of “allowing an applicant to make minor amendments/supplements to a submission instead of rejecting the application within the target time frame so as to facilitate applicants in obtaining approval”. The adjustment concerned has been made for many years. Will the Government consider revising this performance measure by re-adjusting the target achievement rates to 100%? If not, what are the reasons?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 14)

Reply:

The Buildings Department (BD) has all along adopted measures to facilitate applicants in obtaining approval of building plans and consent to commence building works. Specifically, if an application can be approved subject to minor amendments or furnishing of further particulars, BD will allow the applicant to make such amendments or furnish such required particulars after the stipulated target date for processing the applications. This is a practice well accepted by the industry for streamlining the processing of applications, and is preferred to the alternative of rejecting the applications before the stipulated target date which will cost the applicants extra time and efforts to restart the entire vetting process. BD's accommodation mentioned above in response to the industry's needs will inevitably lower the target rates. That said, in view of the need to facilitate the industry, we consider it pragmatic and appropriate to maintain the current practice and thus the target rates.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)078

(Question Serial No. 1487)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The Department has set the target rate for “approving general building plan submissions of high-yield residential projects on the first or second submission” at 80%. Please advise this Committee of the following:

1. How many building plan submissions of high-yield residential projects have been received since such target was set? Among these submissions, how many were withdrawn after the first or second submission?
2. Will the Department consider gradually extending the scope of the working target to cover general building plans of other projects? If yes, what are the details? If not, what are the reasons?
3. What are the staff establishment and expenditure of Dedicated Processing Units responsible for processing submissions of high-yield residential projects for this year?

Asked by: Hon LAU Kwok-fan (LegCo internal reference no.: 15)

Reply:

1. The Buildings Department (BD) established seven “Dedicated Processing Units” (DPU) in March 2023 to process general building plans (GBP) submissions for high-yield private residential projects with 500 units or more, with a target to approve about 80 per cent of GBP submissions of these projects upon their first or second submission, provided that the projects have no planning, major land or fire safety issues. DPU adopts a “facilitator” mindset to assist relevant professionals by rendering assistance proactively and providing facilitation in an early stage, with the involvement of senior officers as appropriate, so as to expedite the approval of plan submissions.

Since the establishment of DPU up to 31 December 2023, DPU received applications for approval of GBP for 16 new high-yield residential projects and transitional housing

projects. Apart from processing the GBP submissions of these projects, DPU also handled 70 pre-submission enquiries related to 60 high-yield private residential projects and transitional housing projects. For the submitted GBP that have been or are being processed by DPU, no submissions were withdrawn after the first or second submission.

2. As part of the multi-pronged approach to enhance speed and efficiency in the supply of land and housing, DPU is established to expedite the approval of GBP for high-yield private residential projects including projects with 500 residential units or more as well as transitional housing projects. These projects are more complicated in nature and massive in scale, thus requiring more liaison and co-ordination with the applicants and relevant government departments to resolve issues of concern. We currently have no plan to extend the scope to cover other projects.

Apart from setting up DPU, BD has been adopting pragmatic measures to facilitate approval of plans. For example, BD has put in place a pre-submission enquiry mechanism to facilitate registered building professionals in confirming the design principles of their projects at an early stage so that they may avoid abortive preparation work. In addition, BD streamlined the approval requirements for GBP in 2023 by significantly reducing the information required in the first GBP submission by about 30 per cent, allowing applicants to save time and resources and obtain the first approval more expeditiously in order to proceed to the next stage. These facilitation measures are applicable to the GBP submissions for all kinds of projects. BD will continue to explore further room for streamlining of building plan processing.

3. Through redeployment of existing manpower and the creation of six time-limited professional posts in 2023-24, DPU has since been expanded to comprise 18 professional posts working under seven Chief Professional Officers. In 2024-25, three time-limited technical posts will be created to provide additional technical support to DPU.

The processing of plan submissions by DPU forms part of the overall duties of the two New Buildings Divisions of BD in scrutinising and approving building plans, carrying out audit checks on construction works and site safety, and issuing occupation permits upon completion of new buildings under the Buildings Ordinance (Cap. 123). BD does not have a breakdown of the expenditure involved solely for handling submissions for high-yield residential projects by DPU.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)079

(Question Serial No. 2980)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Provision for 2024-25 is \$104.6 million (5.2%) higher than the revised estimate for 2023-24, which is mainly due to the increased requirement for salaries and personnel related expenses and a net increase of 14 posts. In this connection, will the Government inform this Committee of the anticipated staff establishment and the estimated total expenditure for 2024-25?

Asked by: Hon LEUNG Tsz-wing, Dennis (LegCo internal reference no.: 24)

Reply:

The anticipated staff establishment of the Buildings Department (BD) will be 2 149. The estimated total expenditure of Personal Emoluments and Personnel Related Expenses for BD in 2024-25 is \$1,806.6 million.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)080

(Question Serial No. 0016)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The Buildings Department (BD) has established Dedicated Processing Units (DPUs) to expedite the processing of general building plan (GBP) submissions for residential projects with 500 units or more. Will the Government inform this Committee of the following:

1. What are the staff establishment and the expenditure involved in the operation of DPUs?
2. For residential projects of a smaller scale with fewer than 500 units, will BD lower the requirement on the number of units, so as to expedite the processing of their GBP submissions? If not, what are the reasons?
3. What are the number of GBP submissions processed, as well as the average processing time and the approval rate for first submissions by DPUs since their establishment?

Asked by: Hon LO Wai-kwok (LegCo internal reference no.: 9)

Reply:

1. The Buildings Department (BD) established seven "Dedicated Processing Units" (DPU) in March 2023 to process general building plans (GBP) submissions for high-yield private residential projects with 500 units or more, with a target to approve about 80 per cent of GBP submissions of these projects upon their first or second submission, provided that the projects have no planning, major land or fire safety issues. DPU adopts a "facilitator" mindset to assist relevant professionals by rendering assistance proactively and providing facilitation in an early stage, with the involvement of senior officers as appropriate, so as to expedite the approval of plan submissions.

Through redeployment of existing manpower and the creation of six time-limited professional posts in 2023-24, DPU has since been expanded to comprise 18 professional posts working under seven Chief Professional Officers. In 2024-25,

three time-limited technical posts will be created to provide additional technical support to DPU.

The processing of plan submissions by DPU forms part of the overall duties of the two New Buildings Divisions of BD in scrutinising and approving building plans, carrying out audit checks on construction works and site safety, and issuing occupation permits upon completion of new buildings under the Buildings Ordinance (Cap. 123). BD does not have a breakdown of the expenditure involved solely for handling submissions for high-yield residential projects by DPU.

2. As part of the multi-pronged approach to enhance speed and efficiency in the supply of land and housing, DPU is established to expedite the approval of GBP for high-yield private residential projects including projects with 500 residential units or more as well as transitional housing projects. These projects are more complicated in nature and massive in scale, thus requiring more liaison and co-ordination with the applicants and relevant government departments to resolve issues of concern. We currently have no plan to lower the requirement on the number of units for projects to be handled by DPU.

Apart from setting up DPU, BD has been adopting pragmatic measures to facilitate approval of plans. For example, BD has put in place a pre-submission enquiry mechanism to facilitate registered building professionals in confirming the design principles of their projects at an early stage so that they may avoid abortive preparation work. In addition, BD streamlined the approval requirements for GBP in 2023 by significantly reducing the information required in the first GBP submission by about 30 per cent, allowing applicants to save time and resources and obtain the first approval more expeditiously in order to proceed to the next stage. These facilitation measures are applicable to the GBP submissions for all kinds of projects including residential projects with less than 500 units.

3. Since the establishment of DPU in March 2023 up to 31 December 2023, DPU received applications for approval of GBP for 16 new high-yield residential projects and transitional housing projects. Among these projects, the processing of seven projects has been completed, with four projects approved in their first submission and three projects approved in their second submission. The average number of days to obtain approval was approximately 83 days. GBP for remaining projects are under processing or pending second submission. Apart from processing the GBP submissions of these projects, DPU also handled 70 pre-submission enquiries related to 60 high-yield private residential projects and transitional housing projects.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)081

(Question Serial No. 0017)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

It is stated under Matters Requiring Special Attention in 2024-25 that the Buildings Department (BD) will continue the development of the Electronic Submission Hub Stage 3 for accepting electronic submissions under the Buildings Ordinance. In this connection, will the Government inform this Committee of the following:

1. the current work progress, as well as the staff establishment and the expenditure involved;
2. the publicity programmes to be implemented by BD for the promotion of electronic submissions and approval of plans; and
3. the number of users in the past two stages.

Asked by: Hon LO Wai-kwok (LegCo internal reference no.: 6)

Reply:

1. The Electronic Submission Hub (ESH) is being implemented in three stages. Following the launch of Stages 1 and 2 of ESH on 30 June 2022 and 31 March 2023 respectively, the Buildings Department (BD) will advance the launching of final stage, i.e. Stage 3 from the second quarter of 2025 to the second quarter of 2024, which will accept all types of plan submissions including general building plans and plans for alteration and addition works under the Buildings Ordinance (Cap. 123).

A sum of \$214.39 million was approved by the Finance Committee of the Legislative Council in February 2019 for the development of ESH. The development of ESH is carried out by professional and technical staff of the Information Technology Unit (ITU) and the New Buildings Divisions of BD as part of their overall duties. To strengthen the manpower support of ITU, 11 time-limited civil service posts including three professional posts (Building Surveyor/Structural Engineer), five technical posts (Survey Officer (Building)/Technical Officer (Structural)), one Systems Manager post

and two Analyst/Programmer II (APII) posts created previously will be extended with effect from 1 April 2024 up to 2028-29 to support ESH and Building Information Modelling initiatives. BD is not able to provide a breakdown of the staff establishment solely for the implementation of ESH.

2. BD has been arranging publicity activities to promote and facilitate the use of ESH by the industry, and will continue to do so. Examples include:
 - (a) conducting briefings and workshops for industry practitioners;
 - (b) promulgating circular letters, practice notes and user guides on the operation and requirements of the system; and
 - (c) posting videos and social media feeds to promote the use of ESH.
3. As at 29 February 2024, 527 external users including registered building professionals and their collaborators, authorised signatories of registered contractors and owners of the development projects have registered under the ESH. With the launching of the final stage of ESH in the second quarter of 2024 and accumulation of experience, we expect the number of users will increase progressively.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)082

(Question Serial No. 0428)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

According to the key performance indicators under this Programme, the estimated number of New Territories exempted houses inspected under the village by village (V-by-V) surveys for identification of unauthorised building works that constitute serious contravention of the law and pose higher potential risks for priority enforcement action in 2024 is 6 500, which is higher than the actual number in 2023 by more than 50%. According to the Controlling Officer's explanation, the higher estimated number in 2024 is due to "enhanced use of drones and streamlined workflow in carrying out the V-by-V surveys". In this connection, will the Government inform this Committee of:

- (a) the manpower and resources allocated for 2024-25 in conducting the V-by-V surveys;
- (b) the number of trained staff for operating drones and provision for relevant training; and
- (c) the measures to streamline the workflow in carrying out the V-by-V surveys?

Asked by: Hon LOONG Hon-biu, Louis (LegCo internal reference no.: 8)

Reply:

- (a) & (b) Enforcement against unauthorised building works (UBWs) in New Territories Exempted Houses (NTEHs) is carried out in accordance with an enhanced enforcement strategy adopted since April 2012 (Note). The Buildings Department (BD) will engage outsourced consultants for conducting village by village (V-by-V) surveys for identification of UBWs that constitute serious contravention of the law and pose higher potential risks for priority enforcement action (classified as First Round Targets (FRTs)). The estimated expenditure for engaging consultants in 2024-25 is about \$4.6 million. Overseeing the consultants and enforcement of UBWs identified from V-by-V surveys is carried out by the professional and technical staff of the Village Houses Section of BD as part of their overall duties in implementing the enhanced enforcement strategy

against UBWs in NTEHs. BD does not compile a breakdown of the manpower and resources incurred solely for conducting V-by-V surveys or for operating drones.

- (c) In addition to the use of drones, various enhancement measures have been adopted to streamline the workflow in carrying out the V-by-V surveys and subsequent enforcement against FRTs including reducing the number of site visits by consolidating the operation and inspection procedures; setting up an electronic submission platform for receiving, processing and monitoring the submissions and work of consultants; launching separate operations for FRTs and non-FRT UBWs so that dedicated consultants can focus on one type of operation only, thereby increasing the efficiency of both operations; enhancing co-ordination with the Lands Department on special cases and streamlining procedures on seeking information on land status to expedite issuance of removal orders; and simplifying the procedures to speed up the issuance of warning letters against non-compliant orders.

Note: The enhanced enforcement strategy includes (i) immediate enforcement actions against UBWs in NTEHs which constitute imminent danger or newly erected or found under constructions and (ii) progressive enforcement action against FRTs and non-FRT not reported in the Reporting Scheme via large scale operations in phases.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)083

(Question Serial No. 0429)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

In Matters Requiring Special Attention in 2024-2025, the Government states that it will “continue the publicity and public education campaign to disseminate building safety messages to building owners, occupants, building professionals, contractors, workers, property management personnel, students and the general public, and foster a building safety culture”. In this connection, will the Government inform this Committee of:

- (a) the manpower and resources allocated for 2024-25 to execute this task; and
- (b) information on the publicity and public education campaign launched in 2023-24 and 2024-25?

Asked by: Hon LOONG Hon-biu, Louis (LegCo internal reference no.: 9)

Reply:

- (a) The estimated expenditure for the printing of publicity materials, producing and broadcasting Announcements in the Public Interest (APIs) and short films, and employing outsourced contractors and service providers to carry out public education and publicity (PEP) activities on building safety for 2024-25 is about \$13.2 million.

The PEP work will be handled by eight staff of the Public Education and Publicity Unit, and three staff of the Information Unit as part of their overall duties in undertaking PEP activities and providing information services for the Buildings Department (BD). BD is not able to provide a breakdown of the manpower expenditure involved solely for PEP activities.

- (b) The BD undertook, among others, the following PEP activities in 2023-24 to promote building safety and foster a building safety culture:

- (i) conducting over 50 briefings, events, visits, etc. for the building industry, students and the general public;
- (ii) revamping BD's website to improve its usability and uploading relevant guidelines onto BD's website on building safety regularly;
- (iii) organising an annual large-scale publicity event, namely the Building Safety Week, which included a wide variety of activities such as roadshows, comic drawing competition for students, exhibitions and seminars for the general public and a symposium for building professionals, registered contractors and property management practitioners;
- (iv) maintaining the mobile applications for Mandatory Building Inspection Scheme, Mandatory Window Inspection Scheme and Minor Works Control System;
- (v) operating an e-learning centre to promulgate an on-line Building Safety Certificate Course targeting building owners and the general public;
- (vi) broadcasting APIs on television, radio, buses, trains and online media;
- (vii) producing short video films, infographics and disseminating them on BD's website and social media; and
- (viii) collaborating with building professional institutions on various PEP activities.

In 2024-25, BD will continue to undertake the above PEP activities to promote building safety and foster a building safety culture.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)084

(Question Serial No. 2684)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

For the item “continuing to follow up pursuant to the Special Inspection Scheme” under Matters Requiring Special Attention, will the Government inform this Committee of the following:

1. What were the manpower and expenditure involved in following up on the Special Inspection Scheme in the past year? What was the completion status of the scheme?
2. What are the manpower and expenditure estimates for the coming year? What are the specific indicators for the follow-up actions?
3. Is there an expected completion date for the follow-up actions in respect of the “Special Inspection Scheme”? If yes, when will it be? If not, what are the reasons?

Asked by: Hon NG Chau-pei, Stanley (LegCo internal reference no.: 28)

Reply:

1. With funding from the Anti-epidemic Fund (AEF), the Buildings Department (BD) engaged consultancy firms in June 2020 to undertake a one-off special scheme to inspect the external drainage systems of all private residential or composite buildings exceeding three storeys in height (the Special Inspection Scheme). The Special Inspection Scheme was completed in 2022. Pursuant to the Buildings Ordinance (Cap. 123), BD issued 18 732 statutory orders against defective drainage systems in some 5 300 buildings in 2021 and 2022. So far, 10 356 orders have been complied with. As at end-February 2024, BD has exercised its statutory power to carry out drainage repairs and rectification works in default of owners of some 1 850 orders and has instigated 921 prosecutions against owners of non-complied orders.

The funding for the Special Inspection Scheme under the AEF is outside the scope of the Appropriation Bill or the estimates of the General Revenue Account.

In the past year, a total of 38 BD staff comprising professional, technical and clerical grade officers were deployed to follow up on the orders issued.

2. After the AEF funding runs out in June 2024, outstanding orders issued under the Special Inspection Scheme will be followed up by the professional and technical staff of the two Existing Buildings Divisions of BD as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. BD is unable to provide a breakdown of the manpower and expenditure involved solely for this task.
3. The time required for enforcing the orders is affected by a number of factors, such as filing of appeals by owners against the orders, requests for extension of time for compliance, practical difficulties encountered in complying with the orders and time taken for legal proceedings. Therefore, the time required for BD to enforce an order or to instigate prosecution against failure to comply with an order will depend on the complexity and circumstances of the case, and BD is unable to provide an expected completion date for the follow-up actions in respect of the Special Inspection Scheme.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)085

(Question Serial No. 3155)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

It is stated in Matters Requiring Special Attention in 2024-25 that the Buildings Department (BD) will continue the publicity and public education campaign to disseminate building safety messages to various parties and foster a building safety culture. In this connection, will the Government inform this Committee of the following:

1. What kinds of publicity activities did BD launch in the past year? Please list (i) the forms of publicity, and for each of the aforesaid form of publicity (ii) the number of times launched and (iii) the expenditure.
2. What kinds of public education activities did BD launch in the past year? Please list (i) the forms of public education activities, (ii) the number of participants in each of the aforesaid activities and (iii) the expenditure on public education activities.
3. In light of media reports in recent years of structural wall removal during renovations as well as renovation companies' misinformation provided to owners about arbitrary alterations to interior structures as found in a survey by the Consumer Council, will BD consider introducing more varied and more targeted forms of publicity to enhance the understanding and awareness of building safety among relevant parties such as owners, property management personnel and contractors? If yes, what are the details? If not, what are the reasons?

Asked by: Hon NG Chau-pei, Stanley (LegCo internal reference no.: 40)

Reply:

1. & 2. The Buildings Department (BD) undertook, among others, the following public education and publicity (PEP) activities in 2023-24 to promote building safety and foster a building safety culture:

- (i) conducting over 50 briefings, events, visits, etc. for the building industry, students and the general public;
- (ii) revamping BD's website to improve its usability and uploading relevant guidelines onto BD's website on building safety regularly;
- (iii) organising an annual large-scale publicity event, namely the Building Safety Week, which included a wide variety of activities such as roadshows, comic drawing competition for students, exhibitions and seminars for the general public and a symposium for building professionals, registered contractors and property management practitioners;
- (iv) maintaining the mobile applications for Mandatory Building Inspection Scheme, Mandatory Window Inspection Scheme and Minor Works Control System;
- (v) operating an e-learning centre to promulgate an on-line Building Safety Certificate Course targeting building owners and the general public;
- (vi) broadcasting Announcements in the Public Interest (APIs) on television, radio, buses, trains and online media;
- (vii) producing short video films, infographics and disseminating them on BD's website and social media; and
- (viii) collaborating with building professional institutions on various PEP activities.

The total expenditure for the printing of publicity materials, producing and broadcasting APIs and short films, and employing outsourced contractors and service providers to carry out PEP activities on building safety for 2023-24 was about \$13.3 million.

3. In 2023-24, BD collaborated with professional institutions (the Hong Kong Institute of Architects, the Hong Kong Institution of Engineers and the Hong Kong Institute of Surveyors) to launch publicity of lawful and safe execution of alteration and addition (A&A) works in domestic premises, including holding public seminars, producing short educational videos presented by representatives of these professional institutions, producing and distributing pamphlets focusing on common types of A&A works, and setting up an enquiry hotline. The target audience of these PEP activities included, in addition to the general public, property management practitioners, interior designers, contractors and building professionals. In 2024-25, BD will broadcast an API specifically on the illegal removal of structural walls, and continue to undertake PEP activities to enhance public awareness of building safety and requirements on carrying out A&A works.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)086

(Question Serial No. 3156)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

It is stated in Matters Requiring Special Attention in 2024-25 that the Buildings Department (BD) will commence two consultancy studies to (i) “review the overall strategy on adoption of Building Information Modelling for statutory plan submissions” and (ii) “review the Design Manual: Barrier Free Access 2008 (2021 Edition) and relevant legislation”. In this connection, will the Government inform this Committee of the following:

1. the respective estimates of manpower and expenditure involved in each of the two studies mentioned above;
2. the work timetable for the study mentioned in item (i) above, and whether phased work targets are set;
3. for the study mentioned in item (ii) above, it is stated in the document that the first batch of recommendations will focus on elderly-friendly building designs, for announcement in 2024. In this connection, can BD advise the overall timetable, number of phases, target subjects of each phase, as well as the anticipated time for completion and announcement of the study?

Asked by: Hon NG Chau-pei, Stanley (LegCo internal reference no.: 41)

Reply:

1. to 3. Concerning (i), the Buildings Department (BD) will commission a consultancy study to support the formulation of technical framework for full adoption of Building Information Modelling by the private sector for preparation of plans for statutory submissions and approval under the Buildings Ordinance (Cap. 123) (BIM Consultancy Study). BD plans to kick-start the BIM Consultancy Study within the first half of 2024, which will take 15 months to complete. As the procurement process is still in progress, the estimated expenditure of the consultancy study cannot be disclosed.

Concerning (ii), as follow up of the initiative to promote elderly-friendly building design as announced in the Chief Executive's 2023 Policy Address, BD has engaged a consultant to conduct a comprehensive review of the Design Manual: Barrier Free Access 2008 (2021 Edition), so as to better cater for the needs of the elderly and other people with frailty or impaired mobility, as well as to ensure the accessibility standards for private buildings are kept abreast with the latest needs and international trends embracing the universal design concepts while being feasible and pragmatic for implementation in the local context. The consultancy study commenced in end-February 2024 and the estimated expenditure is about \$3.83 million.

The target is to have initial recommendations focusing on elderly-friendly building designs ready for consulting stakeholders in 2024 for finalising the proposals.

Both of the above consultancy studies are overseen by the professional and technical staff of the New Buildings Divisions of BD as part of their overall duties. No breakdown of the manpower and corresponding expenditure is available.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)087

(Question Serial No. 2049)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The Government will continue the large scale operations on the removal of unauthorised building works (UBWs), unauthorised basements and large unauthorised signboards, as well as the implementation of the Signboard Validation Scheme. In this connection, will the Government inform this Committee of the following:

- (a) What were the expenditure and staff establishment involved in the above removal operations in each of the past three years?
- (b) Please provide the locations of the removed UBWs and signboards by the 18 districts.
- (c) Has the Government reviewed the effectiveness of the Signboard Validation Scheme in signboard control since its implementation in 2013? Are there any specific measures to enhance the effectiveness of signboard control in the future?

Asked by: Hon TANG Ka-piu (LegCo internal reference no.: 7)

Reply:

- (a) Enforcement action against unauthorised building works (UBWs) and large signboards under large scale operations (LSOs) are carried out by professional and technical staff of the two Existing Buildings Divisions (EBDs) and Signboard Control Unit (SBCU) of the Buildings Department (BD) respectively as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. The numbers of professional and technical staff of EBDs in 2021-22, 2022-23 and 2023-24 were 437, 419 and 423 respectively, and those of SBCU maintained at 57 in those three years. BD does not compile a breakdown of the manpower and expenditure involved solely for enforcement action against UBWs and large signboards under LSOs.

- (b) The numbers of UBWs removed under LSOs in the past three years by districts are tabulated below –

District	Year		
	2021	2022	2023
Central and Western	1 209	708	1 264
Eastern	2 011	1 636	1 697
Islands	0	0	3
Kowloon City	2 030	2 143	2 283
Kwai Tsing	383	588	547
Kwun Tong	2 665	1 354	1 166
North	125	108	135
Sai Kung	14	4	5
Sham Shui Po	2 223	1 805	1 744
Shatin	600	784	1 391
Southern	408	117	706
Tai Po	471	647	406
Tsuen Wan	896	997	1 575
Tuen Mun	255	205	391
Wan Chai	1 242	1 036	1 239
Wong Tai Sin	680	1 054	480
Yau Tsim Mong	2 382	2 764	1 694
Yuen Long	518	340	272
Total	18 112	16 290	16 998

The numbers of large signboards removed under LSOs in the past three years by districts are tabulated below –

District	Year		
	2021	2022	2023
Central and Western	11	3	15
Eastern	10	5	5
Islands	0	0	0
Kowloon City	26	27	13
Kwai Tsing	0	0	0
Kwun Tong	7	2	3
North	1	6	0
Sai Kung	0	0	0
Sham Shui Po	15	9	42
Shatin	0	8	2
Southern	3	3	1

District	Year		
	2021	2022	2023
Tai Po	7	4	2
Tsuen Wan	12	2	7
Tuen Mun	7	1	5
Wan Chai	14	16	28
Wong Tai Sin	7	6	9
Yau Tsim Mong	70	52	90
Yuen Long	7	18	19
Total	197	162	241

- (c) For unauthorised signboards that have existed before 2 September 2013 and are relatively small in scale and pose less potential risk, the signboard owners may join the Signboard Validation Scheme (SVS) by appointing prescribed building professionals and/or prescribed registered contractors to inspect, strengthen (if required) and certify the structural safety of the eligible unauthorised signboards. The signboards validated are allowed to be retained subject to a safety check every five years or the signboards should be removed.

BD has been monitoring the implementation and effectiveness of SVS since its introduction in 2013. While most signboard owners tend to choose to remove and re-erect signboards under the Minor Works Control System, the ongoing receipt of validation submissions by BD reflects that some signboard owners opt to retain their existing signboards through SVS due to cost and business-related considerations. In the past three years, BD received a total of 223 validation submissions.

BD will continue to take enforcement action against unauthorised signboards in response to public reports and through its LSOs.

BD will step up the application of new technologies to regulate, including continuing to develop a defective signboard diagnostic system using three-dimensional images and artificial intelligence for identification and detection of defective signboards, regularly updating the legal/validated signboards database to assist the general public to search for signboards which are legal/validated, and using big data in the public realm to identify new businesses that may require erection of signboards so that BD may actively approach them for publicity.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)088

(Question Serial No. 2052)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

According to the figures provided by the Buildings Department (BD), BD attended to 29 914 reports on unauthorised building works (UBWs) from members of the public, issued 9 109 removal orders, instigated 4 395 prosecutions against failure to comply with removal orders, and handled 29 585 cases of removal of unauthorised structures and rectification of irregularities in 2023. In this connection, will the Government inform this Committee of the following:

1. Did BD initiate inspections on UBWs in 2023? If yes, what was (a) the number of cases, (b)(i) the manpower dedicated, (ii) expenditure on emoluments and (iii) expenditure on equipment? If not, what are the reasons?
2. Among the (a) 29 914 reports and inspections initiated (if any) on UBWs in item (1)(a), (b) 9 109 removal orders issued, and (c) 4 395 prosecutions instigated against failure to comply with removal orders, what were the respective numbers of cases involving sub-divided flats?
3. After receiving reports on UBWs from members of the public, or identifying UBWs in inspections initiated (if any), what was the average time required to (a) issue removal orders, and (b) remove/rectify unauthorised structures/irregularities?
4. Please provide (a) the manpower dedicated, (b) expenditure on emoluments and (c) expenditure on equipment in respect of BD's audit checks on cases under the Minor Works Control System in (a) 2023-24 and (b) expected for 2024-25.

Asked by: Hon TANG Ka-piu (LegCo internal reference no.: 10)

Reply:

1. In addition to attending to public reports on unauthorised building works (UBWs), the Buildings Department (BD) has been taking proactive enforcement actions against UBWs

through large scale operations (LSOs) in target buildings or street sections in the urban areas as well as by conducting village by village surveys of New Territories Exempted Houses. The numbers of buildings/signboards/street sections subject to inspections under various LSOs in 2023 are tabulated below –

LSOs	Buildings/signboards/ street sections subject to inspections
(a) LSOs on comprehensive clearance of UBWs on rooftops, flat roofs, yards, lanes and basements	95 buildings ^(Note 1)
(b) LSOs on rectification of irregularities associated with sub-divided flats	100 buildings ^(Note 1)
(c) LSO on village by village surveys of New Territories Exempted Houses	4 221 buildings
(d) LSOs on removal of large unauthorised signboards	190 large signboards ^(Note 2)
(e) LSOs on removal of unauthorised signboards on target street sections	20 street sections ^(Note 2)

The enforcement actions against UBWs and unauthorised signboards under LSOs are carried out by the professional and technical staff of the two Existing Buildings Divisions and the Signboard Control Unit of BD respectively as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. BD does not compile a breakdown of the manpower and expenditure involved solely for inspections on UBWs and unauthorised signboards under LSOs.

Note 1: Some of the buildings subject to LSOs under (a) and (b) may be overlapping.

Note 2: Some of the large signboards subject to LSOs under (d) may be within the 20 target street sections under (e).

2. In 2023, the numbers of public reports attended to, flats inspected in response to public reports and LSOs, removal orders issued and prosecutions instigated against failure to comply with removal orders involving sub-divided flats were 1 548, 1 719, 287 and 169 respectively.
3. When attending to public reports on UBWs, BD will investigate and identify whether the UBWs are actionable under the existing enforcement policy (Note 3). For those actionable UBWs constituting obvious hazard or imminent danger, and those which are newly constructed or under construction, etc., BD will accord priority enforcement action and issue removal orders to the concerned owners. For other types of actionable UBWs such as those existing on rooftops and podiums, in yards, lanes and basements, BD will follow up when the buildings are selected under LSOs for enforcement action in one go. Before issuing a removal order, BD may need to collect further information to verify the status and ownership of the UBWs, arrange for further inspections, and obtain ownership details from the Land Registry. If the owner takes positive action to rectify the irregularities, BD may not resort to issuing removal orders in the first instance. After removal orders are issued, if they have not been complied with after the specified period, BD will issue warning letters to the owners to urge them to comply with the orders. The time required for enforcing the orders is affected by a number of factors, such as appeals

by owners against the orders, requests for extension of time for compliance, practical difficulties encountered in complying with the orders and time taken for legal proceedings. Therefore, the time taken for BD to issue a removal order and effect removal of UBWs or rectification of irregularities depends on the complexity and circumstances of the case. BD does not compile statistics on the average time taken for the above tasks.

Note 3: Under the existing enforcement policy against UBWs, “actionable” UBWs include: (1) UBWs constituting obvious hazard or imminent danger to life or property; (2) new UBWs (excluding statutorily exempted building works under the Buildings Ordinance (Cap. 123)); (3) UBWs 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 Signboard Validation Scheme and other minor amenity features); (4) items in the interior of buildings, constituting obvious hazard or imminent danger to life or property; (5) UBWs in or on buildings, constituting a serious health or environmental nuisance; (6) major standalone UBWs; (7) specific types of UBWs identified in buildings targeted for LSOs; and (8) unauthorised alterations to or works in green and amenity features of a building for which exemption from gross floor area has been granted by the Building Authority.

4. Audit checks of minor works submissions are carried out by the professional and technical staff of the Minor Works Unit of BD as part of their duties in implementation of the Minor Works Control System. BD does not compile a breakdown of the manpower and expenditures on emolument and equipment solely for this task.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)089

(Question Serial No. 2053)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

According to the figures provided by the Buildings Department (BD), 1 719 sub-divided flats (SDFs) were inspected in 2023, while 323 SDFs were rectified of irregularities. In this connection, will the Government inform this Committee of the following:

1. Among the 1 719 SDFs inspected, what were the numbers of (a) buildings involved and (b) inspections involved? (c) Among them, what were the numbers of joint inspections with (i) the Rating and Valuation Department or (ii) the Water Supplies Department?
2. Among the 1 719 SDFs inspected, (a) how many were identified with actionable irregularities? Among them, what were the numbers of (b)(i) removal orders, (ii) fire safety directions, (iii) repair orders issued; and (c) prosecutions instigated?
3. The number of SDFs rectified of irregularities in 2023 was lower than that of 501 in 2022, the explanation given being the large number of removal orders discharged arising from the redevelopment of the buildings concerned. Among the 501 cases, what were the numbers of cases in which (a) the irregularities had actually been rectified of before the demolition of the buildings and (b) the irregularities had been removed (not "rectified") due to the redevelopment of the buildings?
4. Please provide the (i) manpower, (ii) expenditure on emoluments and (iii) expenditure on equipment in respect of BD's inspections on SDFs in (a) 2023-24 and (b) earmarked for 2024-25.

Asked by: Hon TANG Ka-piu (LegCo internal reference no.: 11)

Reply:

1. & 2. Sub-divided flats (SDFs) are not defined under the Buildings Ordinance (Cap. 123). For the purpose of the Buildings Department (BD)'s enforcement operations, the term generally refers to cases where a unit is subdivided into two or more smaller

self-contained domestic units. Pursuant to the prevailing enforcement policy, BD takes enforcement actions against building irregularities associated with SDFs through large scale operations and by acting on public reports. Where actionable building irregularities associated with SDFs are identified (such as overloading caused by erection of partition walls and fire safety contraventions), BD will issue removal orders to the owners concerned and instigate prosecution against the owners who fail to comply with the orders.

In 2023, BD inspected 1 719 units (Note) with SDFs found, which involved 612 buildings. Among these SDFs, 129 were identified with actionable building irregularities and enforcement actions are ongoing. As at end-February 2024, the number of removal orders issued against actionable building irregularities associated with these SDFs was 98 and so far no prosecution has been instigated against failure to comply with these removal orders. BD does not compile statistics on fire safety directions and repair orders issued against SDFs.

3. Among the 501 SDFs, 124 SDFs were located in buildings that were redeveloped in 2023. The irregularities were not rectified before the demolition of these buildings but was discharged due to redevelopment.
4. Enforcement action against building irregularities associated with SDFs is carried out by the professional and technical staff of the two Existing Buildings Divisions of BD as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. The number of professional and technical staff in these two divisions for the year 2023-24 was 423, and the number for the year 2024-25 is 429. BD does not compile a breakdown of the manpower and expenditures on emoluments and equipment involved solely for inspection and enforcement actions against building irregularities associated with SDFs.

Note: Number of units is defined as the number as shown on an approved building plan.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)090

(Question Serial No. 0491)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the consultancy study on the use of information technology to enhance the enforcement against dangerous or abandoned signboards, will the Government inform this Committee of the following:

1. Regarding the removal of dangerous and abandoned signboards by means of information technology, is there an implementation timetable? What are the districts to be covered and the estimated expenditure?
2. Has the Government explored the use of such means in the handling of other unauthorised building works?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 21)

Reply:

1. & 2. The consultancy study to develop a defective signboards diagnostic system (DSDS) was completed in May 2023 with a project funding of \$4.06 million. DSDS was a pilot project utilising artificial intelligence and other advanced technology to identify defective signboards. It unleashed the possibility of using new technologies and vehicle-based patrolling in signboard survey and laid the technical foundation for subsequent development for actual application. Three rounds of trial run were completed with promising result in identifying signboards. However, the detection of specific types of defects on a signboard including its supporting frame need to be further improved. Based on the review findings, the Buildings Department will commence a project in Q2 2024 to further develop DSDS with a view to enhancing accuracy and effectiveness in identification and detection of defective signboards in actual application. The new consultancy study will be funded with a project provision of \$8.56 million. The implementation timetable will be reviewed accordingly. Given such, it is

premature to consider if the system can be applied to the handling of other unauthorised building works.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)091

(Question Serial No. 0492)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the enforcement against unauthorised building works (UBWs) under this programme, will the Government inform this Committee of the following:

1. Has the Department analysed the average handling time of a UBW case in the recent three years? What are the manpower and expenditure involved?
2. Has the Government studied the provision of incentives (e.g. monetary incentives) to encourage the public to report cases of UBWs under construction in order to curb the emergence of new UBWs?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 22)

Reply:

1. When attending to public reports on unauthorised building works (UBWs), the Buildings Department (BD) will investigate and identify whether the UBWs are actionable under the existing enforcement policy (Note). For those actionable UBWs constituting obvious hazard or imminent danger, and those which are newly constructed or under construction, etc., BD will accord priority enforcement action by issuing removal orders to the concerned owners. For other types of actionable UBWs such as those existing on rooftops and podiums, in yards, lanes and basements, BD will follow up when the buildings are selected under large scale operations (LSOs) for enforcement action in one go. Before issuing a removal order, BD may need to collect further information to verify the UBWs' status and ownership, arrange for further inspections, and obtain ownership details from the Land Registry. If the owner takes positive action to rectify the problem, BD may not resort to issuing removal orders in the first instance. After removal orders are issued, if they have not been complied with after the specified period, BD will issue warning letters to the owners to urge them to comply with the orders. The time required for enforcing the orders is affected by a number of factors, such as filing of appeals by owners against the orders, requests for extension of time for compliance, practical

difficulties encountered in complying with the orders and time taken for legal proceedings. Therefore, the need and time taken for BD to handle a report on UBWs depends on the complexity and circumstances of the case, and BD does not compile statistics on the average time taken.

The enforcement actions against UBWs are carried out by the professional and technical staff of the two Existing Buildings Divisions, the Mandatory Building Inspection Division and the Minor Works and Signboard Control Section of BD as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. BD does not compile a breakdown of the manpower and expenditure involved solely for enforcement actions against UBWs.

2. BD accords priority in handling reports from the public through various channels such as 1823 hotline, electronic reporting form and e-mail. Meanwhile, BD will continue to promote building safety and remind the public of the problems associated with UBWs through its public education and publicity programmes using various channels, including televisions, radios, newspapers, pamphlets, webpages, social media and public transport.

Note: Under the existing enforcement policy against UBWs, "actionable" UBWs include: (1) UBWs constituting obvious hazard or imminent danger to life or property; (2) new UBWs (excluding statutorily exempted building works under the Buildings Ordinance (Cap. 123)); (3) UBWs 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 Signboard Validation Scheme and other minor amenity features); (4) items in the interior of buildings, constituting obvious hazard or imminent danger to life or property; (5) UBWs in or on buildings, constituting a serious health or environmental nuisance; (6) major standalone UBWs; (7) specific types of UBWs identified in buildings targeted for LSOs; and (8) unauthorised alterations to or works in green and amenity features of a building for which exemption from gross floor area has been granted by the Building Authority.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)092

(Question Serial No. 0496)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding buildings subject to the improvement of fire safety measures under this Programme, will the Government inform this Committee of the following:

1. In the recent three years, what were the numbers of non-compliant fire safety directions (FSDn) issued by the Fire Services Department and the Buildings Department (BD) for carrying out specified fire safety improvement works, and their proportion in the total numbers of FSDn issued?
2. Will BD consider including the improvement of fire safety measures in the scoring system of the Mandatory Building Inspection Scheme (MBIS) with a view to identifying high-risk buildings for issue of MBIS notices more precisely? If not, what are the reasons?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 23)

Reply:

1. The Buildings Department (BD) and the Fire Services Department (FSD) issue Fire Safety Directions (FSDn) and/or Fire Safety Improvement Directions (FSIDn) to the owners and/or occupiers of different types of buildings regulated by the Fire Safety (Commercial Premises) Ordinance (Cap. 502) (FS(CP)O), Fire Safety (Buildings) Ordinance (Cap. 572) (FS(B)O) and Fire Safety (Industrial Buildings) Ordinance (Cap. 636) (FS(IB)O). The numbers of non-compliant FSDn/FSIDn and their proportion in relation to the total numbers of FSDn/FSIDn by building types issued in the past three years are tabulated below –

Type of buildings ⁽¹⁾	Number of non-compliant ⁽²⁾ FSDn/FSIDn					
	As of end-2021		As of end-2022		As of end-2023	
	BD	FSD	BD	FSD	BD	FSD
Prescribed commercial premises (PCP) ^{(definition (i))}	1 260 (31%)	919 (5%)	1 248 (30%)	855 (4%)	1 221 (28%)	1 453 (7%)
Specified commercial buildings (SCB) ^{(definition (ii))}	4 780 (16%)	2 072 (2%)	4 620 (15%)	2 609 (3%)	4 340 (14%)	2 594 (3%)
Composite/domestic buildings	51 876 (71%)	148 095 (61%)	53 136 (70%)	159 529 (61%)	54 236 (67%)	170 773 (61%)
Industrial buildings ⁽³⁾	821 (100%)	2 373 (100%)	2 349 (95%)	5 345 (86%)	4 128 (91%)	9 451 (83%)

() Indicates the proportion in relation to the total numbers of FSDn/FSIDn issued.

Definition (i): A building or part of a building is PCP under the scope of FS(CP)O if:

- (a) the building or part is used, or proposed to be used, for carrying on any of the following commercial activities:
 - (i) banking (other than merchant banking);
 - (ii) conduct of off-course betting;
 - (iii) conduct of a jewelry or goldsmith's business on premises that have a security area;
 - (iv) use as a supermarket, hypermarket or department store;
 - (v) use as a shopping arcade; and
- (b) the total floor area of the building or part exceeds 230m².

Definition (ii): A building is a SCB under the scope of the FS(CP)O if:

- (a) the building was constructed to be used or is being used for the purposes of office, business, trade or any entertainment; and
- (b) the building either was constructed on or before 1 March 1987 or the plans of the building works of which were first submitted to the Building Authority for his approval on or before 1 March 1987.

Note ⁽¹⁾: FS(CP)O on PCP and SCB, FS(B)O and FS(IB)O came into operation on 2 May 1997, 1 June 1998, 1 July 2007 and 19 June 2020 respectively.

Note ⁽²⁾: Including those that have not expired, the extension of time are granted, the improvement works are in progress or preparations are underway, etc.

Note ⁽³⁾: FS(IB)O took effect in June 2020 and inspection of target industrial buildings commenced in the fourth quarter of 2020.

2. Under the Mandatory Building Inspection Scheme (MBIS), BD selects annually about 600 private buildings aged 30 years or above on a risk-based approach, for issuance of MBIS notices based on a building score system (BSS) and advice of a selection panel. BD has completed review of the BSS and briefed the Legislative Council Panel on Development on the refinement proposal in February 2024. Under the refined BSS, high-risk buildings can be identified in a more precise manner by putting greater emphasis

on the exterior elements of buildings as they pose a greater safety risk to the public, according higher scores to “three-nil” buildings which are more likely to be lacking proper building management or maintenance and capturing more relevant data from regular inspections of buildings. The purpose of FS(CP)O, FS(B)O and FS(IB)O is to provide better protection for occupants, users and visitors from the risk of fire in premises and buildings by enhancing fire safety measures. These buildings are not necessarily in disrepair or in dilapidated conditions. Therefore, we have not included the requirement of improvement of fire safety measures under the FS(CP)O, FS(B)O and FS(IB)O in the BSS for selection of target buildings for MBIS.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)093

(Question Serial No. 1255)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Given the substantial backlog of cases involving unauthorised building works (UBWs), the Buildings Department pointed out in 2000 that it would take a century to clear the backlog cases.

- 1) Has the Hong Kong Special Administrative Region (HKSAR) Government assessed the revenue to be brought to the Treasury if owners of UBWs “posing no serious or imminent danger” handle their UBWs by way of land premium after certain “repair works with professional certification” have been carried out?
- 2) Given the limited additional sources of revenue amid the severe “structural” deficit, will the HKSAR Government explore the above proposal of charging land premium to resolve the substantial backlog of UBW cases, fiscal deficit as well as wastage of resources and environmental pollution arising from across-the-board mandatory removal of UBWs?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 32)

Reply:

- 1) & 2) Under the Buildings Ordinance (Cap. 123) (BO), any person intending to carry out building works is required to appoint an authorized person and, where necessary, a registered structural engineer and/or a registered geotechnical engineer to prepare and submit building plans for approval by the Buildings Department (BD), unless the works fall within the scope of designated minor works that can be carried out under the simplified requirements of the Minor Works Control System or such works are exempted works under the BO. The system ensures that all building works as well as the completed building/structure comply with the requisite building standards on safety and health. Building works carried out or any structures completed not in compliance with the BO are unauthorised and their building safety cannot be ascertained. There is also the question of fairness – it would be unfair to those

owners who have adhered to the BO or those without financial means or who have voluntarily removed their unauthorised building works (UBWs) upon receiving advisory letters or removal orders issued by BD. As evident from the UBW problems unfolded in the Redhill Peninsula and other luxury estates, there is strong call in the community that Government should take robust enforcement actions against UBWs posing danger to public safety and/or with serious legal contraventions. Hence, the Government has not considered the proposal of exempting UBWs from removal by way of payment of a premium.

Notwithstanding this, for UBWs which are relatively small in scale and pose less potential risk, BD has implemented two validation schemes in urban areas, namely Household Minor Works Validation Scheme and Minor Amenity Feature Validation Scheme, under the Minor Works Control System to facilitate members of the public to retain, after validation, minor household installations/unauthorised minor amenity features (e.g. retractable awnings or trellises) which existed or completed before the implementation of the respective validation schemes. Building owners joining the validation schemes must appoint a prescribed building professional and/or prescribed registered contractor to inspect, strengthen (if required) and certify the structural safety of the minor household installations/unauthorised minor amenity features. BD will not take enforcement action against such validated building works unless they have become dangerous.

BD will continue to take a multi-pronged approach to tackle the problems of UBWs in a pragmatic manner, including taking enforcement action, instigating prosecution, imposing surcharge on default works, implementing the validation and financial assistance schemes, providing support to owners through its in-house Social Services Teams, and enhancing its public education and publicity campaigns against the erection of UBWs. In the longer term, as announced in the Chief Executive's 2023 Policy Address, the Government will put forth proposals on amendments to the BO in 2024 with a view to streamlining prosecution procedures, lowering the prosecution threshold and increasing penalties so as to effectively combat UBWs.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)094

(Question Serial No. 1403)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the “Mandatory Building Inspection Scheme” (MBIS) and the “Mandatory Window Inspection Scheme” (MWIS), will the Government inform this Committee of the following:

1. What are the number and ranks of staff, the proportions of permanent establishment posts and supernumerary posts and the relevant expenditure for the implementation of MBIS and MWIS?
2. What were the number of units comprised in some 600 target buildings under MBIS in the past three years?
3. What were the number of windows comprised in some 600 target buildings under MWIS in the past three years?
4. The Government estimated that the number of notices to be issued to owners of target buildings under MBIS in 2024 is only 5 000, representing a decrease compared with 13 647 notices in 2022 and 8 374 notices in 2023, the explanation being that it was due to the decrease in the number of projections on the exteriors of the selected target buildings. Despite the significant decrease in the number of notices to be issued, the Government estimated that the number of notices to be discharged in 2024 is 12 000, which is comparable to 12 022 notices in 2022 and 14 070 notices in 2023. What are the reasons for that?
5. It is stated that the Government will conduct a comprehensive review on MBIS and the workflow of various stages of Operation Building Bright 2.0. Please provide the details and the implementation timetable.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 5)

Reply:

1. The staff establishment and expenditure for the implementation of the Mandatory Building Inspection Scheme (MBIS) and the Mandatory Window Inspection Scheme (MWIS) in 2024-25 are set out below –

	Number of professional and technical staff	Number of clerical staff	Staff cost and departmental expenses (\$ million)	Expenditure for engaging outsourced consultants (\$ million)
Permanent Establishment	185	39	228.6 (estimate)	23.5 (estimate)
Non-civil Service Contract	14	0		

2. The total number of units comprised in some 600 target buildings (TB) for issuance of MBIS notices in the past three years are set out below –

	2021	2022	2023
Total number of units in TB under MBIS (approximate)	42 300	32 500	36 000

3. The Buildings Department (BD) does not maintain statistics on the number of windows comprised in some 600 target buildings for issuance of MWIS notices in the past three years.
4. The notices discharged in a particular year does not necessarily correspond to notices issued in the same year. The 12 000 notices to be discharged in 2024 includes some notices not yet complied as of end 2023 after stepped-up enforcement action and prosecutions against the non-compliance.
5. As a follow-up to the Chief Executive's 2023 Policy Address, the Development Bureau together with BD and the Urban Renewal Authority (URA) have reviewed the implementation arrangements of building inspection and maintenance, with a view to achieving better policy outcomes. As briefed to the Panel on Development in February 2024, the following improvement measures will be implemented –
 - (a) refine the scoring system of the MBIS so that high-risk buildings can be identified in a more precise manner for issue of MBIS notices;
 - (b) put in place a regular programme to inspect with the aid of technology, and if necessary, carry out emergency works for potentially higher-risk buildings among those MBIS-eligible buildings not yet issued with MBIS notices; and
 - (c) strengthen procurement support with stepped-up monitoring for owners joining the Operation Building Bright 2.0 (OBB 2.0) to speed up appointment of registered inspectors and contractors so that inspection and repair works can be undertaken in a more timely manner.

For (a) and (b), BD will put into effect the revised scoring system starting from the second quarter of 2024 for selecting buildings and start the regular inspection programme from the first quarter of 2024 to inspect the external walls of 360 buildings across the territory and carry out any emergency works by Government contractors. For (c), URA will implement the measures for applications received under the third round of OBB 2.0, for which URA will issue approval-in-principle letters in batches starting from May 2024.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)095

(Question Serial No. 3200)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the handling of unauthorised building works (UBWs) in buildings, please inform this Committee of the following:

1. Please provide the respective numbers of UBWs cases of detached houses/New Territories Exempted Houses handled in the past three years, including the numbers of removal orders issued, compliant cases, prosecutions, as well as UBWs removed and rectified.
2. The Buildings Department has responded that it will make wider use of innovative technologies, such as drones and street view cars, to assist in the inspection of UBWs. What specific resources have been allocated and what are the expected results? Will 3D digital maps or survey maps be employed to facilitate proactive monitoring of UBWs, with a view to shortening the enforcement cycle?

Asked by: Hon ZHANG Xinyu, Gary (LegCo internal reference no.: 36)

Reply:

1. As regards the enforcement action against unauthorised building works (UBWs) in single-family houses of not more than three storeys (single-family houses) and New Territories Exempted Houses (NTEHs), the numbers of removal orders issued, removal orders complied with, UBWs removed or rectified, and prosecutions instigated in the past three years are tabulated below –

Single-family houses

Year	Number of removal orders issued	Number of removal orders complied with ⁽¹⁾	Number of UBWs removed or rectified ⁽¹⁾	Number of prosecutions instigated ⁽¹⁾
2021	89	68	158	38
2022	116	82	227	22
2023	178	89	110	25

NTEHs

Year	Number of removal orders issued	Number of removal orders complied with ⁽¹⁾	Number of UBWs removed or rectified ⁽¹⁾	Number of prosecutions instigated ⁽¹⁾
2021	883	620	967	193
2022	1 264	718	1 027	223
2023	1 633	1 229	1 606	225

Note ⁽¹⁾: The figures do not necessarily correspond to the removal orders issued in the same year.

- The Buildings Department (BD) has engaged consultants to use drones for identifying UBWs in NTEHs under the village by village surveys. A pilot project for using photogrammetry ⁽²⁾ technology coupled with drones for producing three-dimensional (3D) model images of NTEHs for two target villages was completed in 2023 with an expenditure of about \$0.32 million. This technology can derive measurement of buildings or UBWs which may assist BD's follow-up action. When handling public reports on UBWs, the images and data captured during drone surveys will assist BD staff in making professional judgment and determining the appropriate follow-up enforcement actions. BD will continue explore the effectiveness of new technologies in its enforcement actions against UBWs.

Overseeing the consultants and enforcement of UBWs are carried out by the professional and technical staff of the two Existing Buildings Divisions of BD as part of their overall duties in implementing the building safety and maintenance enforcement programme. BD is not able to provide a breakdown of the manpower resources solely for these tasks.

Note ⁽²⁾: Photogrammetry is to use oblique aerial images capturing all sides of an object at different angles to achieve 3D models and to work out the dimension and size of the buildings/UBWs.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)096

(Question Serial No. 3286)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

In respect of upholding building safety, please inform this Committee of the following:

1. In view of the frequent concrete falling incidents in Hong Kong last year, the Government stated that about 1 000 buildings in urgent need of repairs had been identified. Please provide the specific numbers of these high-risk buildings, their geographical distribution, building ages, whether they are domestic or non-domestic buildings, numbers of households, etc. What are the progress, the amount of resources allocated and the average cost of the relevant repair works?
2. Will the Government consider allocating resources to strengthen the monitoring of concrete condition of buildings by testing the salinity level of concrete and establishing a database, so as to accurately estimate the ageing rate of buildings in Hong Kong?

Asked by: Hon ZHANG Xinyu, Gary (LegCo internal reference no.: 35)

Reply:

1. Since 2020, the Buildings Department (BD) has proactively selected about 300 buildings each year on a risk basis under the Operation Building Bright 2.0 (OBB 2.0) (namely Category 2 buildings), and exercises its statutory power to carry out the requisite inspection and repair works under the Mandatory Building Inspection Scheme (MBIS) in default of owners, with the cost to be recovered from them afterwards. All the selected Category 2 buildings are residential or composite buildings.

As of end-2023, the geographical distribution of the numbers of Category 2 buildings, their building age and the numbers of household units are set out below –

District	Building Age (years)					Number of household units
	40-49	50-59	60-69	70 or above	Total	
Central and Western	19	42	24	4	89	1 696
Eastern	6	8	22	3	39	1 193
Kowloon City	14	33	135	29	211	7 204
Kwai Tsing	0	3	0	0	3	82
Kwun Tong	0	12	1	0	13	804
North Islands	0	21	0	7	28	244
Sai Kung	1	0	0	0	1	61
Sham Shui Po	30	67	165	17	279	7 313
Sha Tin	3	0	0	0	3	156
Southern	3	4	4	0	11	196
Tai Po	13	9	0	1	23	514
Tsuen Wan	2	19	11	0	32	1 136
Tuen Mun	4	2	0	0	6	279
Wan Chai	5	25	24	3	57	1 210
Wong Tai Sin	5	18	5	0	28	766
Yau Tsim Mong	29	108	175	23	335	8 427
Yuen Long	1	5	0	3	9	189
Total	135	376	566	90	1 167	31 470

As of end-2023, among the above 1 167 buildings, the inspections and repairs for 277 buildings have been completed; inspections have been completed but repairs are ongoing for 494 buildings; and inspections are ongoing for the remaining 396 buildings.

The work performed under OBB 2.0 is carried out by the professional and technical staff of the Mandatory Building Inspection Sections of BD as part of their overall duties. BD is unable to provide a breakdown of the resources allocated solely for OBB 2.0. As regards the cost of repair works, it depends on the actual condition of buildings, as well as the scope and extent of the required repair works. BD does not compile statistics on the costs of the above repair works.

2. Owners of private buildings are responsible for regularly inspecting and repairing their buildings to ensure building safety. The Government has been adopting multi-pronged measures to require owners to discharge their responsibility and enhance building safety. As part of the measures, the MBIS was fully implemented in 2012. Founded on the principle of “prevention is better than cure”, MBIS requires owners of private buildings aged 30 years or above, to carry out prescribed inspections and repairs for their buildings. Under the MBIS, Registered Inspectors will, based on the actual conditions of the buildings, exercise their professional judgment to determine whether detailed investigation and testing, such as sampling for tests on concrete for chloride, cement content and carbonation, are required so as to comprehensively assess the concrete condition and formulate the relevant repair proposals. Apart from MBIS, during follow-up on reports on building dilapidation or defects, or in the course of Large Scale Operations, if the structural integrity of certain elements of the building is in doubt which requires detailed investigation to be carried out, BD will issue investigation orders to the owners concerned, requiring them to appoint an authorized person to carry out

investigation and, depending on the actual condition of the buildings, to conduct necessary testing on a sampling basis (including test on chloride content of concrete).

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)134

(Question Serial No. 3641)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

The Development Bureau will continue to oversee the implementation of various measures to enhance building safety, including enforcement as well as support and assistance for owners. The Government stated that it would, starting from the first quarter of 2024, proactively identify buildings posing higher potential risks, regularise the special inspection operation to inspect 360 buildings across the territory each year and arrange for government contractors to carry out necessary emergency repair works. The inspection and emergency repair works for two thirds of the buildings are expected to be completed before rainy season. In this connection, please inform this Committee of the following:

1. Has the special inspection operation been launched? What is its progress?
2. Given the target of inspecting 360 buildings each year, it will take ten years to complete the inspection of some 3 000 existing buildings aged over 50 years and reaching the threshold of the Mandatory Building Inspection Scheme (MBIS), but have yet to be issued with MBIS notices. Is this deemed appropriate or will consideration be given to increasing the number of buildings to be inspected?
3. What are the additional expenditure and staff establishment involved for the implementation of the special inspection operation?

Asked by: Hon CHENG Wing-shun, Vincent (LegCo internal reference no.: 61)

Reply:

1. The Buildings Department (BD) has put in place a new regularised inspection programme and will inspect in 2024 the external walls of 360 buildings of potentially higher risk across the territory and carry out any necessary emergency works by government contractors. Apart from engaging drone service providers and outsourced consultants to conduct the inspections and subsequent follow-up work, BD will also consider tapping into the artificial intelligence (A.I.) technology for generation of

inspection reports based on images collected by drone inspections. The inspection programme commenced in February 2024 and BD has started issuing letters gradually to inform the owners of selected buildings about the upcoming inspection programme. BD expects that inspection for two-thirds of the selected buildings (i.e. 240 buildings) will be completed around mid-2024 before the typhoon season.

2. Owners of private buildings are responsible for regularly inspecting and repairing their buildings to ensure building safety. The Government has been adopting multi-pronged measures to require owners to discharge their responsibility and enhance building safety. Under the Mandatory Building Inspection Scheme (MBIS), BD selects annually about 600 private buildings aged 30 years or above on a risk-based approach, for issuance of MBIS notices based on a building score system (BSS) and advice of a selection panel. BD has completed review of the BSS and briefed the Legislative Council Panel on Development on the refinement proposal in February 2024. Under the refined BSS, high-risk buildings can be identified in a more precise manner. Apart from MBIS, during follow-up on reports on building dilapidation or defects, or in the course of Large Scale Operations, BD may issue repair or investigation orders to the owners concerned, requiring them to carry out investigation or building repairs, depending on the actual condition of the buildings, to reduce the risk to public safety from those buildings. Furthermore, among those eligible buildings yet to be issued with MBIS notices or repair/investigation orders, BD will select those with relatively poor external walls condition and/or without proper building management (e.g. “three-nil” buildings) for inspections under the new regularised inspection programme mentioned above. The number of buildings to be inspected will be subject to review taking into account the available resources.
3. Through redeployment of existing manpower, and creation of three time-limited professional and three time-limited technical posts in 2024-25, a total of 12 teams, each consisting of one professional officer and one technical officer, have been set up to oversee the operation in the first half of 2024 during which about 240 buildings will be inspected. In the latter half of 2024 when the remaining 120 buildings will be inspected, BD will deploy eight teams to continue the operation and one senior professional officer for better post-inspections and follow-up organisation works. The estimated expenditure in 2024-25 for employing drone/A.I. service providers and outsourced consultants is \$7.5 million.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)135

(Question Serial No. 3599)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

To combat climate change, the Government has been promoting the development of renewable energy (RE). In collaboration with the two power companies, Feed-in Tariff (FiT) was introduced to provide incentives for the private sector to invest in RE by installing solar photovoltaic (PV) systems on rooftops and the like in various types of buildings, as well as in open places. However, some solar PV systems installed by the private sector were damaged and fell from rooftops to the ground under adverse weather conditions. Regarding the safety monitoring and inspections of solar PV panels installed by the private sector, will the Government inform this Committee of the following:

1. How many solar PV systems are currently installed across the territory, as deduced from data such as the information kept by relevant departments and the amount of renewable power energy purchased through FiT by the two power companies?
2. How many applications for the installation of solar PV systems from the private sector were received by the Buildings Department (BD) in each of the past three years? Of these, how many were approved and rejected?
3. Which department(s) is/are currently responsible for the inspection of solar PV systems not more than 2.5 metres in height installed on the rooftops of New Territories Exempted Houses (also referred to as village houses) without prior permission from the Lands Department and BD? What is/are the staff establishment(s) of the department(s)?
4. Has BD conducted proactive inspections in respect of the above-mentioned cases? If so, how many cases of solar PV panels installed by the private sector underwent inspection in each of the past three years; and how many of them involved irregularities that required reinstatement and improvement?
5. Has BD provided guidelines on the maintenance and repair of solar PV systems installed by the private sector; and has it required or suggested regular inspection intervals for owners of solar PV systems to ensure the safety of these installations?

Asked by: Hon LEUNG Hei, Edward (LegCo internal reference no.: 105)

Reply:

1. & 2. Erection of supporting structures for solar photovoltaic (PV) systems on private buildings (other than New Territories Exempted Houses (also referred to as village houses)) is regarded as building works regulated under the Buildings Ordinance (Cap. 123) (BO). If the height of the supporting structure for the solar PV system is not more than 1.5 metres, the simplified requirements of the Minor Works Control System (MWCS) apply. There is no need to seek the Buildings Department (BD)'s permission before commencing such minor works (MW). If the height of the supporting structure exceeds 1.5 metres, the owner should appoint an authorized person (AP) and a registered structural engineer to submit plans to BD for approval. Works may commence upon seeking BD's approval and consent. BD does not compile breakdown statistics on the numbers of such MW submissions and plans approved or rejected.

According to the Environment and Ecology Bureau (EEB), the technologies applied, materials and design efficiencies used by various manufacturers in the production of solar PV systems are different. Solar panels available in the market have different power generation capacities. Therefore, it is not possible to deduce the number of solar panels installed based on the amount of renewable energy purchased or generated. Having said that, according to the information provided by the two power companies to EEB, 21 643 applications were approved and connected to the power grids as at the end of December 2023.

3. The Government announced in October 2018 initiatives aiming at further supporting and facilitating the development of renewable energy, including relaxation of restrictions on the installation of solar PV systems on rooftops of village houses. Solar PV systems not more than 2.5 metres in height ⁽¹⁾ may be installed on the rooftops of village house without prior permission from the Lands Department (LandsD) and BD. For a solar PV system exceeding 1.5 metres but not more than 2.5 metres in height, it should be certified by an AP with a safety certificate for submission to LandsD for record. While the safe installation of the solar PV system is certified by an AP, BD proactively conducts audit inspections to tackle the associated unauthorised building works (UBWs) problems, as well as inspections in response to public reports and enquiries on alleged UBWs or building safety matters associated with the supporting structures for such installations.

Note ⁽¹⁾: The space underneath the PV system should not be enclosed and it should not cover more than half of the roofed-over area of the village houses. Also, the rooftops on which the solar PV system is to be installed should be free of UBWs.

There are total 39 time-limited civil service posts (including one directorate, 36 professional ⁽²⁾ and technical staff, and two clerical staff) in the Village Houses Section of BD responsible for implementing the enhanced enforcement strategy against UBWs in village houses, including but not limited to those associated with

solar PV systems. In addition, four contract staff, including two professional and two technical staff, support the audit inspections for solar PV systems in village houses and subsequent relevant enforcement actions.

Note ⁽²⁾: Excluding two professionals deployed to another section handling prosecution cases relating to village houses.

4. Regarding supporting structures for solar PV systems that require BD’s prior approval and consent, BD will conduct inspections upon receiving a certificate on completion of building works submitted by AP, the registered structural engineer and the registered contractor. These submissions to BD may cover other types of building works and are not confined to the erection of supporting structures for solar PV system. Regarding supporting structures for solar PV systems erected under the MWCS, BD will carry out audit checks, including document audit checks and site audit checks on MW submissions selected at random, so as to ascertain compliance with the BO and its subsidiary regulations. Similar to submissions for seeking BD’s prior approval and consent, these MW submissions may cover other types of building works and not confined to the erection of supporting structures for solar PV systems. BD does not compile breakdown statistics on the number of inspections solely in relation to solar PV systems.

Having said that, given that a majority of solar PV systems are installed in village houses, BD has kept breakdown statistics on the number of audit inspections conducted for solar PV systems installed in village houses. As of 31 December 2023, the number and results of audit inspections in the past three years are tabulated below –

Year	No. of audit inspections conducted	No. of irregularities determined requiring rectification ⁽³⁾
2021	60	39
2022	80	35
2023	79	28
Total	219	102

Note ⁽³⁾: The figures are corresponding to the audit inspections in the same year.

5. Building owners should take primary responsibility for the proper maintenance and repair of their properties, including solar PV systems installed in their properties. In addition to the guidelines on the installation of solar PV systems in private buildings and in village houses that are published by BD, BD issues advisory letters to all property management companies before the typhoon season each year to remind them to inspect their buildings and facilities including the supporting structures for solar PV systems and carry out any necessary repairs to ensure they are safe. Annual inspection to the supporting structures for solar PV systems is recommended in the “Handbook on Design, Operation and Maintenance of Solar Photovoltaic Systems”

published by the Electrical and Mechanical Services Department (EMSD) which is available at EMSD's website for public reference.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)136

(Question Serial No. 3822)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

What were/is the number(s) of enforcement actions against unauthorised rooftop structures taken/expected to be taken by the Buildings Department in (a) 2022, (b) 2023 and (c) 2024?

Asked by: Hon TANG Ka-piu (LegCo internal reference no.: 9)

Reply:

Regarding the enforcement actions against unauthorised rooftop structures (RTS) taken by the Buildings Department (BD), the numbers of statutory orders requiring the removal of unauthorised RTS issued in 2022 and 2023 were 1 423 and 1 497 respectively. BD does not have an estimation on the number of orders to be issued in 2024.

- End -

CONTROLLING OFFICER'S REPLY

DEVB(PL)067

(Question Serial No. 0659)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (Ms Clarice YU)
Director of Bureau: Secretary for Development

Question:

Regarding the removal orders issued for unauthorised building works in New Territories Exempted Houses, please advise this Committee of the following:

- 1) Among the removal orders issued in each of the past three years, how many had been complied with by the specified time limits? How many were granted extension of time for compliance?
- 2) What were the numbers of prosecutions instigated against non-compliance with removal orders in each of the past three years? Please provide the outcomes of these prosecutions if available.
- 3) Had any default works been undertaken by government contractors as a result of non-compliance with removal orders in each of the past three years? If yes, what were the numbers of such cases?

Asked by: Hon CHAN Hok-fung (LegCo internal reference no.: 32)

Reply:

- 1) As at 31 December 2023, among the removal orders issued against unauthorised building works (UBWs) in New Territories Exempted Houses in the past three years, the numbers of removal orders complied with and those complied with within the specified time limits are tabulated below –