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Replies to supplementary questions raised by Legislative Council Members in examining the Estimates of Expenditure 2024-25

Controlling Officer : Director of Buildings

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CONTROLLING OFFICER'S REPLY

S-DEVB(PL)002

(Question Serial No. S020)

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:

Pursuant to the replies, each year, there is a certain number of buildings that fail to comply with the mandatory orders issued by the Government in respect of unauthorised building works (UBWs), such as fire safety directions/fire safety improvement directions and removal orders against UBWs. In this connection, will the Government inform this Committee of the following:

1. How will the regulatory departments step up enforcement following the issuance of mandatory orders?
2. Will the Government increase the deterrent effect by raising the penalties against non-compliance with mandatory orders?
3. How will the Government adjust the management strategies and statutory requirements for UBWs and buildings with irregularities? Will the Government consider requiring particular types of buildings of a certain age to undergo inspection within a specified period, regardless of whether they have been issued with notices under the Mandatory Building Inspection Scheme?
4. Will the regulatory departments be empowered to carry out relevant default works within this year, as mentioned by the Chief Executive at a media session before the Executive Council meeting on 16 April, and recover the costs from or even impose a fine on the owners of the units concerned afterwards?

Asked by: Hon KAN Wai-mun, Carmen

Reply:

1. The Buildings Department (BD) will continue to step up enforcement and prosecution against non-compliant statutory orders/ directions on various fronts, including streamlining procedures and strengthening prosecution to enhance deterrence. Priority

in prosecution will be given to unauthorised building works (UBWs) and buildings with higher safety risk, such as single-staircase buildings, those with more guesthouses and subdivided flats, and those with non-complied mandatory building inspection notices and have yet to appoint a registered inspector.

2. 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 action more effectively so as to ensure building safety. Among others, we will consider lowering the prosecution threshold, increasing penalties, prioritising enforcement and setting penalty levels according to the risk and severity of offences, in order to enhance deterrence against violations of the BO and boost early compliance with statutory orders/notices. 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.
3. In the context of the above-mentioned legislative review, DEVB/BD will also review the enforcement strategy for UBWs, including prioritising enforcement against UBWs of a higher safety risk or of a more serious nature. With regard to building inspection, we may also explore the suggestion of requiring owners to carry out building inspections when the building reaches a certain age without being issued a statutory notice. We should however be mindful of the possible implications brought to owners (e.g. financial burden and causing nuisance).
4. The Security Bureau has been proactively providing various kinds of support to old building owners with a view to assisting them in carrying out fire safety improvement works. As some owners, in particular the owners of “three-nil” buildings, may still have difficulties in complying with the requirements of the Fire Safety (Building) Ordinance (Cap. 572) (FSBO) due to the lack of co-ordination capability, the Security Bureau proposes to amend the FSBO in order to empower the enforcement authorities (i.e. the Fire Services Department and BD) to carry out fire safety improvement works in default of owners, and to recover the relevant costs and surcharge from the owners upon completion of the default works. The Government is stepping up the relevant work and will shorten the time required for submitting the proposed amendment bill by two to three months, with a view to submitting it to the Legislative Council for scrutiny as soon as possible.

- End -

CONTROLLING OFFICER'S REPLY

S-DEVB(PL)003

(Question Serial No. S018)

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 unauthorised building works (UBWs) in single-family houses and New Territories Exempted Houses (NTEHs), please provide in the table below the respective total numbers of removal orders yet to be complied with, UBWs yet to be removed/rectified, and non-compliant cases despite prosecutions as at the end of 2023, broken down by overdue period of less than one year, one to three years, three to five years, five to ten years and over ten years (if any) since the expiry of removal orders/instigation of prosecutions.

Single-family houses/NTEHs

Overdue period since the expiry of removal orders/instigation of prosecutions	Number of outstanding removal orders yet to be complied with	Number of UBWs yet to be removed or rectified	Number of non-compliant cases despite prosecutions
Less than 1 year			
1-3 years			
3-5 years			
5-10 years			
Over 10 years			

Asked by: Hon ZHANG Xinyu, Gary

Reply:

As at end of 2023, regarding 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 number of outstanding removal orders which have expired and yet to be complied with and the number of UBWs yet to be removed/rectified broken down by overdue period since the expiry of the removal orders are tabulated below –

Single-family houses

Overdue period since the expiry of removal orders	Number of outstanding removal orders yet to be complied with ^(Note)	Number of UBWs yet to be removed or rectified
Less than 1 year	132	532
1 to less than 3 years	96	358
3 to less than 5 years	110	371
5 to less than 10 years	136	469
10 years or more	310	756

NTEHs

Overdue period since the expiry of removal orders	Number of outstanding removal orders yet to be complied with ^(Note)	Number of UBWs yet to be removed or rectified
Less than 1 year	1 321	1 651
1 to less than 3 years	625	839
3 to less than 5 years	462	522
5 to less than 10 years	272	341
10 years or more	103	123

Note: The outstanding removal orders include orders that are currently subject to appeals, prosecutions, removal or rectification works being carried out by the owners, default works being carried out by the Buildings Department (BD), etc.

BD does not compile statistics on the number of non-complied cases despite prosecutions.

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