

Buildings Department issued statutory order and to conduct full investigation regarding removal of part of structural wall of a unit at The Capitol, Lohas Park

A spokesman for the Buildings Department (BD) said on May 29 that the department is highly concerned about the incident concerning suspected removal of part of a structural wall in a unit at The Capitol, Lohas Park. The BD has deployed its staff for a site inspection and has issued a statutory order to the concerned owner under the Buildings Ordinance (BO). The BD has commenced a full investigation on any contravention under the BO, and will, depending on the investigation result, take appropriate punitive action under the BO (including instigating prosecution).

Staff of the BD has conducted an inspection at the concerned unit, together with the owner, the interior designer responsible for the renovation of the concerned unit, and staff of the property management company. Certain contraventions were found during the inspection, including removal of part of a 200mm thick structural wall (about 720mm wide by 2150mm high) between the living room and the bedroom for installation of a new door. After inspecting the units above and below the concerned unit by BD officers, no danger to the overall building structure was noted. The concerned owner informed the department that a contractor has been arranged to install temporary supports at the new door opening.

The BD has issued a statutory order to the concerned owner under the BO, including requiring the concerned owner to appoint an Authorized Person (AP) to submit a remedial proposal (including an assessment of the overall effect on the structure of the concerned building due to the alteration works and plans of proposed remedial works, and to obtain approval and consent from the BD before the commencement of such remedial works to reinstate the parts of the building so affected in accordance with the approved plans. The BD will continue to follow up the case seriously to ensure due compliance with the statutory order.

According to the provisions of the BO, any person who wants to carry out building works (including alterations and additions (A&A) works) in private buildings, except works that are exempted in accordance with section 41(3) of the BO or minor works that may be carried out under the simplified procedures of the Minor Works Control System, should appoint an AP to submit plans to the BD for approval and obtain consent from the department in accordance with section 14 of the BO, before commencing such works. The removal of part of the structural wall in this incident is neither exempted building works nor minor works. Such works involving structural wall without the approval of the BD will be regarded as unauthorised building works (UBWs).

The BD spokesman stressed that it is the responsibility of owners to keep their buildings free of UBWs and shall not carry out any UBWs. Any person who intends to carry out A&A works is advised to consult building professionals for advice, including feasibility of the works, and where necessary, apply for approval and consent from the BD to ensure building safety and compliance with the BO. Building professionals and contractors are also required to carefully examine the approved plans and other relevant documents, to observe the relevant requirements under the BO, and to ascertain whether prior approval from the BD should be obtained before commencement of the works to ensure safety of occupants and structural safety of the building.

According to the BO, it is a serious offence to carry out any building works without prior approval. Any person, if convicted, is liable to a maximum fine of \$400,000 and two years' imprisonment. Any person who carries out such works in such manner that it causes or is likely to cause a risk of injury to any person or damage to any property shall be guilty of an offence and shall be liable on conviction to a maximum fine of \$1,000,000 and imprisonment for three years.

Any person who without reasonable excuse fails to comply with a statutory order served on him shall be liable on conviction to a fine of \$200,000 and, and a further fine of \$20,000 for each day that the offence has continued.