

# Completion of inspection work by Buildings Department and Lands Department of houses along seafront of Redhill Peninsula

A Government spokesman said today (December 22) that, to combat unauthorised building works (UBWs) and unlawful occupation of government land of houses along the seafront of Redhill Peninsula, the Buildings Department (BD) and the Lands Department (LandsD) completed last month (November) inspection of all houses along the seafront and has been issuing removal orders and notices requiring cessation of occupation of government land to relevant owners based on inspection findings. The departments will also consider prosecution action against the offenders after examining the evidence and seeking legal advice. In addition, the two departments commenced the joint operation at Beaulieu Peninsula in Tuen Mun this month on suspected irregularities of houses along the seafront or near the slope.

"The BD and the LandsD commenced a large-scale joint operation on September 22 to focus inspections on the remaining 85 houses (i.e. houses along the seafront other than the four houses at the landslide location which were inspected earlier) along the seafront of Redhill Peninsula in accordance with the risk-based enforcement approach, and successfully entered all 85 houses for inspection and collection of evidence. At this stage, it is found that 29 of the houses involved both UBWs and unlawful occupation of government land, 40 involved UBWs, and one involved unlawful occupation of government land. No UBWs or unlawful occupation of government land were found for the remaining 15 houses. As the situation of UBWs in some of the houses requires further inspection and collection of evidence, the final number of houses involving UBWs is subject to further verification. The BD and the LandsD have been issuing removal orders under the Buildings Ordinance or notices pursuant to the Land (Miscellaneous Provisions) Ordinance respectively to require the relevant owners to remove the UBWs in private premises and land and require the relevant persons to demolish the structures on government land and cease occupation of the land," the spokesman said.

For cases impacting on the slope or building structure, the owners must appoint registered building professionals to submit remedial proposals (including an assessment on the impact of the relevant UBWs on the overall slope and building structure) and building plans to the BD, and reinstate the affected parts of the buildings by registered contractors in accordance with the approved plans after obtaining the department's approval and consent. The relevant reinstatement works should be commenced within 90 days and completed within 150 days from the date of issuance of the order. For UBWs not involving the above circumstances, the owner must appoint registered building professionals and/or registered contractors to carry out the removal of UBWs in accordance with the simplified requirements and procedures of the Minor

Works Control System and commence the works within 30 days and complete them within 60 days from the date of issuance of the order. The BD will also deliver the orders to the Land Registry for registration against the relevant property titles (commonly known as "imposing an encumbrance on the register").

For cases of unlawful occupation of government land, the relevant persons must submit a proposal for the demolition of structures on government land for approval by LandsD within 30 days from the date of the notice issued by the department and ensure that the works will not affect the safety and stability of the slope. The deadline for completion of demolition works will depend on the scale of the demolition works but should not exceed 150 days from the date of issuance of the relevant notice.

The BD will instigate prosecution against owners who fail to comply with the removal orders without reasonable excuse. The maximum penalty upon conviction is a fine of \$200,000 and one-year imprisonment, and a further fine of \$20,000 for each day that the offence continues. As for non-compliance with the LandsD's notice to demolish the structures on the government land or persons who continue to occupy government land in contravention with the notice without reasonable excuse, the LandsD will instigate prosecution against the persons concerned. If convicted on the first occasion, the maximum penalty is a fine of \$500,000 and imprisonment of six months, and a further fine of \$50,000 for each day that the offence continues; on each subsequent occasion of conviction, the maximum penalty is a fine of \$1,000,000 and imprisonment of six months, and a further fine of \$100,000 for each day that the offence continues. The owners must bear the costs of removing the UBWs and the structures occupying government land on their own.

Apart from issuing removal orders and notices requiring cessation of occupation of government land, the BD and the LandsD are continuing with their investigations of cases involving UBWs and unlawful occupation of government land, including the irregularities of the four houses at the earlier landslide location. If there is sufficient evidence, further prosecution action against the persons (including owners, professionals and contractors participating in the construction works of the UBWs) involved in the above cases of irregularities will be considered after seeking legal advice. Investigations of these cases are in progress. In addition, the Government is continuing with the investigation of causes of the earlier landslide. If it is found that UBWs or unlawful occupation of government land in individual houses were related to the landslide, the Government will seek to recover the cost of emergency repair works and related costs incurred in the earlier upgrading of slopes from the relevant persons.

The Redhill Peninsula incident has revealed that UBWs or unlawful occupation of government land in houses along the seafront could pose safety hazards and risks to surrounding slopes. In line with the risk-based enforcement approach, the two departments commenced another joint operation this month, targeting houses along the seafront or near the slope on Beaulieu Peninsula in Tuen Mun. In the past, the BD has issued removal orders to individual houses in the estate and prosecuted those owners who failed to

comply with the orders. However, as there are still other houses on Beaulieu Peninsula involving UBWs, unauthorised site formation works and unlawful occupation of government land as shown in the aerial photos, the BD and the LandsD decided to target the houses along the seafront or near the slope in the estate and commence the joint operation.