

# Enforcement work by Buildings Department and Lands Department towards houses on Redhill Peninsula

A Government spokesman said today (October 6) that the Buildings Department (BD) and the Lands Department (LandsD) continued joint operation this week, with a view to combating unauthorised building works (UBWs) and unlawful occupation of government land of houses on the seafront of Redhill Peninsula.

"The BD and the LandsD commenced joint operation on September 22 to focus on inspections of 85 houses along the seafront in the area following the four houses at the location of an earlier landslide, in accordance with the 'risk-based' enforcement approach. As of noon today, the inspection operation has covered a total of 34 houses (excluding the four houses at the landslide location)," the spokesman said.

The details of the enforcement operation are as follows –

- For the 10 houses with operation commenced on September 22, six houses have been successfully entered into for inspection and collection of evidence and all involve unlawful occupation of government land and UBWs. For the remaining four houses (including one house with court warrant successfully applied for), the owners have contacted the Government to arrange inspection.
- For the 24 houses with operation commenced on October 4, eight houses have been successfully entered into for inspection and collection of evidence, out of which at least seven are suspected to involve unlawful occupation of government land and/or UBWs (exact figures under verification). The owners of another 14 houses have contacted the Government to arrange inspection. As for the remaining two houses, the Government will apply to the court for warrants and exercise powers as necessary in accordance with the law to enable relevant departments to enter the houses for inspection and collection of evidence.

"The BD and the LandsD will respectively continue to issue removal orders under the Buildings Ordinance or notices pursuant to the Land (Miscellaneous Provisions) Ordinance 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.

Relevant owners must comply with the removal orders issued by the BD to remove UBWs in private premises and land, including appointing registered building professionals to submit remedial proposals (including an assessment on the impact of the relevant unauthorised building works on the overall

slope and building structure) and building plans, and reinstating the affected parts of the buildings in accordance with the approved plans after obtaining the BD'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. 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').

Relevant owners or occupiers must also demolish the structures on government land and cease occupation of the land in accordance with the notices issued by the LandsD. The LandsD has required the relevant persons to submit a demolition proposal to the Government within 30 days from the date of the issuance of the notice for vetting to ensure that the works will not affect the safety and stability of the slope. The demolition works should be completed within 150 days from the date of issuance of the 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 relevant 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 the issuance of removal orders and notices requiring cessation of occupation of government land, the Government will collect and consolidate evidence and does not rule out taking further prosecution actions against the persons involved in the above cases (including owners, professionals and contractors participating in the construction works of the UBWs) after seeking legal advice.

"As any unauthorised basements, damage to retaining walls or construction of unauthorised storeys in houses situated on the slope along the seafront will affect the stability of the slope and pose high risks to the structural safety of buildings, therefore, in accordance with the 'risk-based' enforcement approach, the two departments continue to focus on handling the houses along the seafront in the area. The BD and the LandsD will continue their joint operations next week, and continue to inspect the remaining suspected non-compliant houses on the seafront by phase, with a view to combating UBWs or unlawful occupation of government land," the spokesman added.