

# Joint operation by Buildings Department and Lands Department for enforcement and large-scale inspection of houses on seafront of Redhill Peninsula

A Government spokesman said today (September 22) that regarding the unauthorised building works (UBWs) and unlawful occupation of government land in relation to four houses at Redhill Peninsula which were affected by an earlier landslide, the Buildings Department (BD) and the Lands Department (LandsD) respectively issued removal orders and notices requiring cessation of occupation of government land to the relevant owners today. The two departments also commenced a large-scale joint operation to rigorously combat UBWs and unlawful occupation of government land of houses on the seafront of Redhill Peninsula.

"The government contractor will soon complete the urgent repair works for the government slope on the seafront of Redhill Peninsula involved in an earlier landslide incident. The four houses involved in the incident (houses 70, 72, 74 and 76) all have serious UBWs. After investigation, the BD today issued removal orders under the Buildings Ordinance to the relevant owners for the removal of UBWs in private premises and land. In accordance with the orders, owners are required to appoint 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 reinstate 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 (i.e. today). The BD will also deliver the orders to the Land Registry today for registration against the relevant property titles (commonly known as 'imposing an encumbrance on the register')," the spokesman said.

"Out of the four houses, three have unlawfully occupied government land. The LandsD has issued notices pursuant to the Land (Miscellaneous Provisions) Ordinance to the relevant owners (i.e. houses 70, 72 and 74) requiring the occupiers to demolish the structures on government land and cease occupation of the land. As the locations being occupied involve government slope, 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 are required to be completed within 150 days from the date of issuance of the notice," the spokesman said.

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 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. Moreover, if it is confirmed that the UBWs are related to the damage of the government slopes, the Government will definitely seek to recover the cost of slope repair works from the relevant persons.

The spokesman stressed that the issuance of removal orders and notices requiring cessation of occupation of government land are only the actions at the present stage. The Government is still collecting and consolidating 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.

"Regarding the other houses on Redhill Peninsula, the earlier incident has shown clearly that 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 will focus and accord priority to 85 houses along the seafront (which has excluded the four houses mentioned above) in the area, of which around 70 are preliminarily suspected to have UBWs and around 40 are preliminarily suspected to have unlawful occupation of government land. The BD and the LandsD have commenced a large-scale joint operation today to kick-start inspection of suspected non-compliant houses on the seafront by phase, with a view to rigorously combating UBWs or unlawful occupation of government land. If necessary, the Government will apply to the court for warrants and exercise powers in accordance with the law to enable the two departments to enter the houses for inspection and collection of evidence," the spokesman added.

In order not to prejudice upcoming prosecution work, the Government will not disclose the particulars or investigation details of individual cases at this stage.

The Development Bureau also issued letters today to industry organisations involved in property transactions (including the Estate Agents Authority, the Hong Kong Association of Banks and the Law Society of Hong Kong) to remind relevant professionals to stay vigilant about the compliance or otherwise of a property with relevant laws and requirements and provide accurate information to their clients. If there is doubt, they should remind their clients to seek professional advice to avoid unnecessary risks and

legal liabilities. Moreover, the Government also reminds members of the public to carefully ascertain the status of the property and ensure that there are no breaches of laws and regulations when purchasing properties to avoid incurring any legal liabilities and losses.