

## LCQ8: Unauthorised building works and occupation of government land by housing on hillsides

Following is a question by the Hon Ma Fung-kwok and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (July 17):

Question:

It has been reported that the landslide at Redhill Peninsula on the Hong Kong Island caused by the once-in-a-century torrential rain last year has not only uncovered the serious problem of unauthorised building works (UBWs) at the houses there, but also revealed that issues such as UBWs on hillsides and unlawful occupation of government land are involved. In the light of the incident, the Government has indicated that it would conduct large-scale inspections targeting houses. On the other hand, there are views that the risk borne by housing situated on hillsides involving UBWs will increase significantly with the typhoon season approaching. In this connection, will the Government inform this Council:

(1) upon the comprehensive inspection conducted in respect of the UBW problems of the houses at Redhill Peninsula, of the districts in which housing situated on dangerous hillsides and soil have been inspected by the authorities, and whether they have grasped the respective numbers of such housing involving UBWs, illegal addition works and unlawful occupation of government land;

(2) of the approaches adopted/to be adopted by the authorities to handle the cases mentioned in (1), as well as the number of actions taken and their effectiveness;

(3) of the actions taken by the authorities in the past year in respect of housing situated on hillsides involving UBWs, illegal addition works or unlawful occupation of government land, as well as their effectiveness; and

(4) in respect of housing situated on hillsides involving UBWs, illegal addition works or unlawful occupation of government land, apart from issuing removal orders, whether the Government will, on the premise that the structures concerned are assessed by professional Authorised Persons to be safe, consider adopting other rectification or compensation methods to address the problems?

Reply:

President,

Our reply to various parts of the question is as follows:

(1) As pointed out in Hon Ma's question, the rainstorm in September last year revealed the safety risks of houses with irregularities situated on the slope. Therefore, the Buildings Department (BD) and the Lands Department (LandsD) commenced a joint operation from September to November last year to inspect 89 houses situated on the slope along the seafront of Redhill Peninsula (including the four houses at the landslide location), with a view to combating unauthorised building works (UBWs) and unlawful occupation of government land. The two departments then commenced a joint inspection of all 40 houses on Beaulieu Peninsula in Tuen Mun in December last year; and completed inspections of all 16 houses in Block B of Flamingo Garden in Sai Kung, and all 18 houses in Seaview Villas in Tai Po in the first half of this year.

(2) and (3) The BD issues removal orders for UBWs to the owners in accordance with the Buildings Ordinance (Note 1) and registers the removal orders in the Land Registry (commonly known as "imposing an encumbrance"). The LandsD posts statutory notices requiring the cessation of occupation of government land and the demolition of structures on government land in accordance with the Land (Miscellaneous Provisions) Ordinance (Note 2).

Regarding the joint operation against 89 houses situated on the slope along the seafront on Redhill Peninsula, 32 houses involved both UBWs and unlawful occupation of government land, 41 involved UBWs, one involved unlawful occupation of government land. No UBWs or unlawful occupation of government land was found for the remaining 15 houses. The two departments respectively issued 72 removal orders and posted statutory notices to 33 houses. As at end-June this year, among the 72 removal orders, substantive progress has been made for 42 orders, i.e. the orders have been complied with, remedial works were in progress, or the owners have appointed registered building professionals to prepare or submit proposals and building plans for the remedial works. Appeals against two orders have been dismissed by the Appeal Tribunal. Twenty-seven orders were pending processing by the Appeal Tribunal. One order has not yet expired. As for unlawful occupation of government land, more than half of the house owners concerned have submitted or were going to submit proposals for demolition works. Demolition and reinstatement works for some of the houses were in progress.

For the joint operation on Beaulieu Peninsula, the two departments initiated investigation into 40 houses. Amongst these houses, 12 involved both UBWs and unlawful occupation of government land, 27 involved UBWs and one involved unlawful occupation of government land. The two departments respectively issued 46 removal orders and posted statutory notices to 13 houses. As at end-June this year, substantive progress has been made for 11 orders, seven orders were pending processing by the Appeal Tribunal, 16 orders have not yet expired. For the remaining 12 non-complied orders which have expired, the BD has initiated or is considering initiating prosecution action. As regards the statutory notices issued by the LandsD, nine have not yet expired and the remaining four have expired. Depending on the progress of individual cases, the department would consider instigating prosecution after seeking legal advice.

As regards the joint operation against Flamingo Garden, the two

departments initiated investigation into 16 houses. Amongst these houses, nine involved both UBWs and unlawful occupation of government land, six involved UBWs. No UBWs or unlawful occupation of government land was found for the remaining house. The two departments respectively issued 15 removal orders and posted statutory notices to nine houses. As at end-June this year, none of the removal orders and statutory notices have expired. Amongst which, two statutory notices have been complied with.

As for Seaview Villas, the two departments initiated investigation into 18 houses. Amongst these houses, 14 involved both UBWs and unlawful occupation of government land, three involved UBWs and one involved unlawful occupation of government land. The two departments respectively issued 17 removal orders and posted statutory notices to 15 houses. As at end-June this year, none of the removal orders have expired, and remedial works for two orders were in progress. As regards the statutory notices issued by the LandsD, demolition works were in progress for three notices. Fourteen notices have not yet expired.

The two departments will continue to follow up on the compliance of the remaining removal orders/statutory notices in the above operations. If the orders/notices are still not complied with after expiry, depending on the progress of individual cases, the departments will consider instigating prosecution.

Apart from instigating prosecution against persons for non-compliance with expired removal orders or statutory notices, the two departments will also consider taking further prosecution action against persons (including owners, professionals and contractors participating in the relevant works) involved in the contraventions cases. For example, the LandsD has invoked section 6(4A) of the Land (Miscellaneous Provisions) Ordinance this year to instigate prosecution directly against the act of erecting structures on government land with regard to three cases on the Redhill Peninsula. Legal proceedings of the above cases are ongoing. Depending on the outcome of the cases, the LandsD will consider extending application to other severe cases. The BD is also seeking advice from the Department of Justice on instigating prosecution under section 40(1AA) of the Buildings Ordinance against parties involved in some of the cases on the Redhill Peninsula for knowingly carrying out building works without having obtained prior approval from the BD (Note 3).

(4) The prior approval systems for building works are effective in ensuring that all building works as well as completed structures comply with the requisite building standards for safety and health, and are constructed by registered building professionals and registered contractors as required in accordance with the requirements of the Buildings Ordinance and its subsidiary legislation.

Serious UBWs such as any unauthorised basements, damage to retaining walls or construction of unauthorised storeys in buildings situated on the slope will pose a risk to the structural safety of buildings, whose overall safety may not necessarily be ascertained by means of inspections afterwards. In addition, if the Government grants exemption in the form of compensation

for serious cases such as large-scale UBWs or UBWs on slopes, such as payment of land premium, payment of punitive fines or other fees, this will convey a wrong message to the community that serious contraventions can be legitimised or legalised by financial means. As evident from the UBW problems unfolded on the Redhill Peninsula and other estates, there are strong calls in the community that the Government should take robust enforcement action against UBWs posing danger to public safety and/or with serious contraventions. Furthermore, in view of slope safety considerations, it would be problematic for the Government to consider regularisation arrangements for UBWs situated on slopes.

As announced in the Chief Executive's 2023 Policy Address, the Government is reviewing the Buildings Ordinance to consider increasing the relevant penalties, lowering prosecution threshold, etc, so as to enable the Government to focus more effectively on and combat UBWs of high risk and serious contraventions. We will put forth recommendations for legislative amendments within this year for consultation with the industry and the public.

Note 1: The maximum penalty for non-compliance of removal orders issued by the BD without reasonable excuse is a fine of \$200,000 and one-year imprisonment, and a further fine of \$20,000 for each day that the offence continues.

Note 2: For persons who, without reasonable excuse, fail to demolish structures on government land or continue to occupy government land in accordance with the notices issued by the LandsD, 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.

Note 3: The maximum penalty is a fine of \$400,000 and two-year imprisonment, and a further fine of \$20,000 for each day that the offence continues.

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## **Chief Executive in Council approves West Kowloon Cultural District Authority's proposal**

The Secretary for Culture, Sports and Tourism, Mr Kevin Yeung, announced today (July 17) that the Chief Executive in Council on July 16 conditionally approved the relaxation of the Enhanced Financial Arrangements (EFA) for the

West Kowloon Cultural District (WKCD) that were approved in 2016, to lift the "Build-Operate-Transfer (BOT) only" restriction for residential developments within Zone 2 of the WKCD and to permit sale of the residential developments. There is no change to the maximum total residential gross floor area of 170 280 square metres permitted under the extant WKCD Development Plan.

The West Kowloon Cultural District Authority (WKCDA) shall strictly observe a number of key performance indicators (KPIs) on financial discipline set by the Government, including a triennial cap on operating deficits and a cap on the percentage of staff cost to the total annual operating expenditure. In respect of new capital projects, the WKCDA shall demonstrate to the satisfaction of the Government the reasonableness of the cost estimates for any new projects before they can be given the status of committed projects.

In respect of tenders for developments with residential components, the WKCDA shall submit its tender schedules for the agreement of the Development Bureau (DEVB) and seek comments of the DEVB on the mechanism for setting the reserve price of the residential components of such tenders and the tender award recommendations for each sale exercise with residential components.

Mr Yeung said, "The WKCDA is operating the WKCD under a self-financing principle. Following the completion of a number of cultural projects, the WKCD has emerged as a cultural landmark of Hong Kong, promoting international exchange in arts and culture. The Culture, Sports and Tourism Bureau (CSTB) has long been working closely with the WKCDA. Apart from providing support for arts and cultural developments, the CSTB is also concerned about the WKCDA's financial situation and challenges. The relaxation of the EFA will provide the economic prerequisites for the operation of the WKCD and resolve the current cash flow problem of the WKCDA. The WKCDA has to make good use of the land resources provided by the Government to ensure its own financial sustainability and thus ultimately achieve self-financing, which was the original intention of the WKCD's business model."

The said relaxation will allow the WKCDA to continue its operations for about 10 years. During this period, the WKCDA will devise and implement robust revenue generation and commercialisation measures, and strictly control operating costs in order to fulfil its commitment to operate the WKCD project on a self-financing basis. The CSTB will closely monitor the financial status and performance of the WKCDA based on the KPIs, and work with the WKCDA to identify feasible measures to resolve its long-term financial challenges.

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## [Inspection of aquatic products](#)

## imported from Japan

In response to the Japanese Government's plan to discharge nuclear-contaminated water at the Fukushima Nuclear Power Station, the Director of Food and Environmental Hygiene issued a Food Safety Order which prohibits all aquatic products, sea salt and seaweeds originating from the 10 metropolis/prefectures, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama, from being imported into and supplied in Hong Kong.

For other Japanese aquatic products, sea salt and seaweeds that are not prohibited from being imported into Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department will conduct comprehensive radiological tests to verify that the radiation levels of these products do not exceed the guideline levels before they are allowed to be supplied in the market.

As the discharge of nuclear-contaminated water is unprecedented and will continue for 30 years or more, the Government will closely monitor and step up the testing arrangements. Should anomalies be detected, the Government does not preclude further tightening the scope of the import ban.

From noon on July 16 to noon today (July 17), the CFS conducted tests on the radiological levels of 246 food samples imported from Japan, which were of the "aquatic and related products, seaweeds and sea salt" category. No sample was found to have exceeded the safety limit. Details can be found on the CFS's thematic website titled "Control Measures on Foods Imported from Japan"

([www.cfs.gov.hk/english/programme/programme\\_rafs/programme\\_rafs\\_fc\\_01\\_30\\_Nuclear\\_Event\\_and\\_Food\\_Safety.html](http://www.cfs.gov.hk/english/programme/programme_rafs/programme_rafs_fc_01_30_Nuclear_Event_and_Food_Safety.html)).

In parallel, the Agriculture, Fisheries and Conservation Department (AFCD) has also tested 50 samples of local catch for radiological levels. All the samples passed the tests. Details can be found on the AFCD's website ([www.afcd.gov.hk/english/fisheries/Radiological\\_testing/Radiological\\_Test.html](http://www.afcd.gov.hk/english/fisheries/Radiological_testing/Radiological_Test.html)).

The Hong Kong Observatory (HKO) has also enhanced the environmental monitoring of the local waters. No anomaly has been detected so far. For details, please refer to the HKO's website ([www.hko.gov.hk/en/radiation/monitoring/seawater.html](http://www.hko.gov.hk/en/radiation/monitoring/seawater.html)).

From August 24 to noon today, the CFS and the AFCD have conducted tests on the radiological levels of 68 496 samples of food imported from Japan (including 44 014 samples of aquatic and related products, seaweeds and sea salt) and 16 294 samples of local catch respectively. All the samples passed the tests.

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## Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Wednesday, July 17, 2024 is 106.4 (same as yesterday's index).

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## HKPL showcases diverse e-resources at Hong Kong Book Fair booth (with photos)

The Hong Kong Public Libraries (HKPL) has set up a booth at the Hong Kong Book Fair, which is being held from today (July 17) to July 23 at the Hong Kong Convention and Exhibition Centre, with the theme "Self/LIBRARY" to introduce the HKPL's rich e-resources.

The booth is located at A26 in Hall 1C on 1/F. Members of the public can experience the online services and e-resources of the HKPL themselves through touchscreen displays and tablets set up in the booth. Visitors who follow the "Reading is Joyful" Facebook or Instagram pages can upload a photo taken at the booth's special check-in spots and redeem a limited edition souvenir on-site.

At the booth, the Leisure and Cultural Services Department (LCSD) will also introduce social media channels and online resources of its museums to the public. Visitors can gather the exhibition information, programmes and publications of LCSD museums and art spaces. They may follow "Visit HK Museums" social media channels and participate in a prize quiz for a limited-edition souvenir. To learn more about the programmes of LCSD museums, members of the public can visit <https://www.museums.gov.hk/en/web/portal/home.html>.

The HKPL has a number of rich electronic collections, including the popular SUEP Chinese e-book database, with book titles suitable for people of different ages, covering famous works of renowned Hong Kong writers, and other titles from areas such as literature and fiction, children's books, business and economics, household knowledge, social sciences, technology and medicines, language learning, education and biography, among others. The platform also provides audiobooks including Jin Yong's martial arts novels, allowing readers to enjoy books anytime and anywhere.

Readers can also experience the diverse electronic resources of the HKPL through reading a variety of e-magazines and e-books in Kono Libraries and

OverDrive electronic collections, and enjoy parent-child reading time using Chinese and English children's books in e-book collections the "FunPark" and the "Britannica Collective". They can also search through extensive collections of journals and scholarly dissertations on business and economics in the "ProQuest Business Collection", as well as the articles of English newspapers and magazines from around the world in "Gale OneFile: News".

To let members of the public further enjoy the convenience of e-reading, the "Pop-up e-Book" page of the HKPL website (<https://www.hkpl.gov.hk/en/collections/pop-up-e-book.html>) provides a selection of locally published e-books that can be accessed online without logging into a library account. The e-book selection is updated quarterly and includes book titles from areas of literature, fiction, lifestyle, leisure reading materials, collections for children etc.

The HKPL provides over 520 000 e-books and more than 82 e-databases. Members of the public can log in to their library accounts to read online or download to computers and mobile devices for e-reading. Hong Kong residents who have never applied for library cards or HKPL e-accounts can visit the HKPL's website to apply for e-accounts and enjoy immediate access to the diverse e-resources.

Please visit the HKPL's booth at the fair or visit [www.hkpl.gov.hk/en/e-resources/index.html](http://www.hkpl.gov.hk/en/e-resources/index.html) to know more about the e-resources.





