

BUILDINGS ORDINANCE (Chapter 123)
(Section 35)

SERVICE OF ORDER

In accordance with the proviso to section 35 of the Buildings Ordinance, I append a copy of an order together with the available particulars of the person to whom it is addressed as detailed below:—

Superseding Order by the Building Authority under section 24(1)
of the Buildings Ordinance (Cap. 123) and under section 46
of the Interpretation and General Clauses Ordinance (Cap. 1)

Order No. : C/TD/017007/17/K	Office of the Building Authority
Our Ref. No : EB/4092/73/U10W(RB/12) Pt.II	12/F - 18/F, Pioneer Centre,
To : The Owner of	750 Nathan Road, Mongkok,
FLAT B ON 4/F AND FLAT ROOF BOC	Kowloon
CASTLE PEAK ROAD BUILDING NOS.	
365-371 CASTLE PEAK ROAD KOWLOON	

Date : 30 June 2017

Owner(s) of the premises at : **FLAT B ON 4/F AND FLAT ROOF BOC CASTLE PEAK ROAD BUILDING NOS. 365-371 CASTLE PEAK ROAD KOWLOON** on (Lot Number) **N.K.I.L. 193 R.P.**

It has been brought to my attention that the following building works have been carried out in or at the above premises:

- (i) a retractable canopy attached to the external wall facing Hing Wah Street;
- (ii) a retractable canopy attached to the external wall facing Cheung Fat Street;
- (iii) a structure erected on and over the flat roof facing Hing Wah Street; and
- (iv) a structure erected on and over the flat roof facing Cheung Fat Street.

2. For the said building works:

- (a) The building works under items (i) to (iv) above have been carried out without having first obtained from me the approval of building plans and consent for the commencement of such building works required by section 14 of the Buildings Ordinance.

3. In exercise of the powers vested in me under section 24(1) of the Buildings Ordinance, I hereby order you to :-

- (a) demolish the said building works described under items (i) to (iv) above; and
- (b) reinstate the parts of the building including the gradient of the slab surfaces and the associated surface water drainage system, if any, so affected by the building works under items (i) to (iv) above in accordance with plans approved by the Building Authority.

Adequate precautionary measures to ensure public safety and prevent damage to the integrity of the parent structure including the damp proofing construction, if any, should be provided prior to and during the course of works.

4. You are required to commence the works ordered by me in paragraph 3 above within 30 days and complete such works within 60 days of the date of this order, all to the satisfaction of the Building Authority.

5. Section 46 of the Interpretation and General Clauses Ordinance (Cap. 1) provides, inter alia, that where any Ordinance confers power upon any person to make any order, such power shall include power to substitute another order for the one already made. Pursuant to that section, the Building Authority who is empowered under section 24(1) of the Buildings Ordinance (Cap. 123) to make the previous order i.e. Order No. C/TD/016863/17/K dated 24 March 2017 is also empowered to make this order which substitutes the previous order.

(WONG Wai-man)
Senior Building Surveyor
for Building Authority

Your attention is drawn to the provisions of sections 24(3), 24(4A) and 33 of the Buildings Ordinance.

Note

- (1) Should you wish to appeal against my Order, you may give notice of appeal to the Secretary to the Appeal Tribunal (Buildings) and the notice should be received by the Secretary not later than 21 days after the date of this Order (Address : 17/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong and the fax number is (852)2189 7334). If you need further information, please refer to the covering letter together with a copy of this Order sent to you by registered mail or visit the Buildings Department's website (www.bd.gov.hk).

The original copy of this order was posted upon a conspicuous part of the identified premises on its date of issue.

30 June 2017

CHEUNG Yuk-ching *Chief Building Surveyor/D*
for Building Authority