

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/000689/18/K
Our Ref. No : EB/4702/58/U10W Pt.IX
To : The Owner of
FLAT C ON 6TH FLOOR
NO. 410 UN CHAU STREET
KOWLOON

Office of the Building Authority
12/F - 18/F, Pioneer Centre,
750 Nathan Road, Mongkok,
Kowloon

Date : 20 April 2018

Owner of the premises at: FLAT C ON 6TH FLOOR NO. 410 UN CHAU STREET
KOWLOON on (Lot Number) N.K.I.L. 2814 s.C

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

- (i) erection of brick wall with exhaust fan in the premises obstructing escape route to rear staircase;
- (ii) removal of an approved fire resisting door at the entrance of the premises facing rear staircase; and
- (iii) a metal gate at the rear entrance opening out on to the common staircase leading to lane.

2. For the said building works:

- (a) As a result of the building works at items (i) & (iii) above, Regulation 41(1) of the Building (Planning) Regulations, which requires the building to be provided with such means of escape in case of emergency as required by the intended use of the building, has been contravened; and
- (b) As a result of the building works at item (ii) above, Regulation 90 of the Building (Construction) Regulations, which requires the building to be designed and constructed so as to inhibit or provide adequate resistance to the spread of fire and smoke; and to maintain stability of the building in case of fire, has been contravened.

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) & (iii) above; and
- (b) reinstate the parts of the building so affected by the building works under items (i) to (iii) above in accordance with the plans approved by the Building Authority.

Adequate precautionary measures to ensure public safety 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. CFS/FS/006757/09/K dated 31 May 2010 is also empowered to make this order which substitutes the previous order.

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

Note

- (1) Your attention is drawn to the provisions of sections 24(3), 24(4A) and 33 of the Buildings Ordinance.
(2) 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.

20 April 2018

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