

Dangerous Hillside Order and Advisory Letter

Key Messages: The Geotechnical Engineering Office (GEO) performs a regulatory function of safety-screening of selected private slopes. The main objective of the Safety-screening Exercise is to confirm whether prima facie evidence can be established for serving a Dangerous Hillside (DH) Order, requiring the private owners to rectify any dangerous situations identified on their slopes. The Exercise is not a detailed investigation to confirm whether the slopes under study meet current safety standards. For situations that are not considered dangerous but certain repair and maintenance works are necessary to ensure long-term stability of the slopes, the GEO will issue an Advisory Letter to the owners to advise them on the required works.

Introduction

Private owners are responsible for the maintenance of all man-made slopes and retaining walls, as well as natural terrain hazard mitigation measures (collectively known as slopes) within their lots and other areas that they are liable under specific lease conditions. However, some slopes may deteriorate with time and become dangerous or liable to become dangerous.

Under section 27A of the Buildings Ordinance (BO), DH Orders may be served on the responsible private owners by the Buildings Department (BD), requiring them to investigate and carry out necessary works to rectify the dangerous or liable to become dangerous situations identified on their slopes. For private slopes that are not considered dangerous, the GEO may issue Advisory Letters to the owners to advise them on the repair and maintenance works that are considered necessary to maintain long-term stability of the slopes.

Reasons Why Dangerous Hillside Orders and Advisory Letters Are Needed

Lack of slope maintenance is a major contributory factor to many landslides in Hong Kong. Private owners should maintain their slopes in good condition in accordance with “Geoguide 5 – Guide to Slope Maintenance” to ensure public safety. Slopes that had not been designed or constructed to proper engineering standards, or slopes that are lacking in maintenance can deteriorate to a point where they become dangerous or liable to become dangerous. Some common slope maintenance problems are as follows:

- deterioration of slope surface cover (e.g. cracking of hard surface cover, withering of vegetation cover, loosening of rock debris from rock slopes);
- deterioration of slope drainage system, blockage of surface channels by unplanned vegetation or accumulated debris that give rise to concentration of surface water flow, and/or change in groundwater conditions; and,
- leakage or bursting of deteriorated buried water-carrying services (e.g. sewers, stormwater drains and water mains).

Although maintenance responsibility (MR) of private slopes rest with their owners, the GEO performs a regulatory function of safety-screening of selected private slopes under the Landslip Prevention and Mitigation Programme to safeguard public safety. This Safety-screening Exercise is not a detailed investigation to confirm whether the slopes under study meet current safety standards. The main objective of the Exercise is to confirm whether prima facie evidence exists on a private slope that can be considered as dangerous or liable to become dangerous. Once a prima facie case is established, the GEO will make a recommendation to the BD for serving a DH Order to require the responsible owners to carry out an investigation to confirm the stability condition of the slope and, if found necessary, to carry out upgrading works.

If the situation is not considered dangerous but certain repair and maintenance works are found necessary, based on site inspections, to ensure long-term stability of a private slope, the GEO will issue an Advisory Letter to the owners to advise them on the required works.

In addition to the Safety-screening Exercise, the need to recommend a DH Order or issue an Advisory Letter may arise from landslide incidents or other slope related problems reported to the Government.

Criteria for Serving a DH Order or Issuing an Advisory Letter

When considering the service of a DH Order, the GEO uses a set of technical criteria to determine if prima facie evidence exists that a private slope is considered dangerous or liable to become dangerous. Recommendations for the service of DH Orders are made only after very careful consideration and when there is sound justification for doing so.

GEO's study shows that over 70% of landslides occurred on slopes without any record of previous failures. Therefore, it is important to note that the absence of past failures should not be misconstrued as evidence that the slope is safe.

If a slope is found not to warrant a DH Order in the Safety-screening Exercise but requires repair or maintenance, an Advisory Letter will be issued to ensure long-term stability of the slope.

What to Do When a DH Order or an Advisory Letter is Received

The GEO has published a pamphlet "Simple Guide to Comply with Dangerous Hillside Orders", which provides a simple step-by-step guideline to assist private owners in complying with the requirements of the DH Order promptly and effectively.

Another leaflet "Keep Your Slopes Safe" and an abridged version of Geoguide 5 "Layman's Guide to Slope Maintenance" are also published by the GEO to assist private owners to understand and discharge their duties of slope maintenance.

Private owners are also encouraged to take the opportunities to incorporate landscape treatment to improve the appearance of their slopes when planning the slope works. Reference should be made to the "Layman's Guide to Landscape Treatment of Slopes" published by the GEO.

All relevant GEO's publications can be viewed/downloaded from the Hong Kong Slope Safety website (<http://hkss.cedd.gov.hk>).

Lands Department maintains a Slope Maintenance Responsibility Information System (SMRIS) (<http://www.slope.landsd.gov.hk/smris>) to provide a preliminary reference to assist the public in identifying the MR of slopes registered in the Catalogue of Slopes. However, private owners are recommended to check the relevant documents (e.g. lease documents) and, if in doubt, consult their own advisers (e.g. lawyers or surveyors) to confirm the MR of the slopes concerned.

The Community Advisory Unit (CAU) of GEO provides advice to private owners on how to proceed with slope maintenance, investigation, improvement and upgrading works. Owners who need advice to deal with DH Orders or Advisory Letters may contact the CAU at telephone No. 2760 5800 or by email at cau@cedd.gov.hk.

Non-Compliance of a Dangerous Hillside Order or an Advisory Letter

Private owners who wish to appeal against a DH Order may give notice of appeal to the Secretary to the Appeal Tribunal (Buildings), and the notice must be received by the Secretary not later than 21 days after the date of the DH Order.

If the owners do not carry out the investigation of their slopes by the date specified in the DH Order, the BD may carry out the investigation and any subsequent slope works as default works, and will seek to recover the costs plus a surcharge not exceeding 20% of the costs from the owners under the BO. The Building Authority is also legally empowered to prosecute any person who fails to comply with the DH Order under the BO.

On the other hand, the works required under Advisory Letters are currently on voluntary basis. However, it is important to note that if the private owners do not comply with the requirements of Advisory Letters, their slopes will continue to deteriorate and it may become dangerous or liable to become dangerous in time.

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