

CONTROLLING OFFICER'S REPLY

DEVB(PL)237

(Question Serial No. 4890)

Head: (82) Buildings Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (HUI Siu-wai)
Director of Bureau: Secretary for Development

Question:

Property prices stay high, low-priced old buildings were redeveloped and new buildings completed are pricey. The general public finds them unaffordable and is forced to live in subdivided flats (SDFs) or even SDFs used for domestic purposes in industrial buildings. However, it was announced in the Policy Address that “the Buildings Department (BD) will continue its efforts to totally ban the SDFs used for domestic purposes in industrial buildings. It will step up prosecution against owners who fail to comply with relevant orders. As to the SDFs in domestic and composite buildings, the BD will continue to take more vigorous enforcement actions against irregularities involving building and fire safety”. In this connection, will the authorities inform this Committee:

- (1) of the details of BD’s work in handling SDFs, the reasons for totally banning SDFs when the general public is unable to afford the high rents, and how the Government is going to solve the housing problem of the grassroots;
- (2) of the number of SDFs known to the Department to date, broken down by district;
- (3) of the districts and number of SDFs involved in the department’s work of handling SDFs in the past year, as well as the manpower and expenditure involved;
- (4) of the districts and number of SDFs involved in the department’s work of handling SDFs in the coming year, as well as the estimated manpower and expenditure involved;
- (5) whether the Government will provide any transitional accommodation for the homeless, and of the addresses, the number of SDFs involved and the number of people it can accommodate?

Asked by: Hon CHAN Chi-chuen (Member Question No. 142)

Reply:

- (1) Industrial buildings (IBs) are not designed for domestic use and thus are subject to requirements different from those applicable to domestic and composite buildings on

various aspects, such as the provision of natural lighting and ventilation, means of escape and other fire safety measures. Occupants of units in an IB converted for domestic use are exposed to high fire risks posed by the other units within the same IB which are still being used for industrial activities or storage of dangerous and inflammable goods. Even if all the other units are vacant at the time the occupants move in, they can be put to such hazardous uses that are incompatible with domestic use at any time. As such, using an industrial unit for domestic purpose will pose a significantly higher level of risk to the occupants. To ensure the safety of the public, stringent enforcement action has to be taken by the Buildings Department (BD) against sub-divided flats (SDFs) for domestic use in IBs.

When the BD identifies SDFs for domestic use in IBs, it will take enforcement action pursuant to the Buildings Ordinance (“BO”) (Cap 123). In particular, it will issue statutory order(s) to the owner concerned under section 25 of the BO to require the owner to discontinue the domestic use in IBs (discontinuation order) and if necessary under section 24 of the BO to require the removal of any unauthorised building works (removal order). In case of non-compliance with the orders within the specified period, the BD may institute prosecution against the owner concerned or apply to the court for a closure order under Section 27 of the BO to close down the premises and arrange government contractors to carry out the necessary works.

- (2) The BD does not compile separate statistics on the total number of SDFs in the territory.
- (3) In 2014, the total number of SDFs inspected was 2 218 and its geographical distribution is tabulated as follows –

District	No. of SDFs inspected in 2014
Central and Western	471
Wan Chai	87
Eastern	61
Southern	8
Wong Tai Sin	4
Kwun Tong	111
Yau Tsim Mong	366
Sham Shui Po	156
Kowloon City	625
North	13
Sha Tin	9
Tai Po	50
Sai Kung	1
Tsuen Wan	108
Tuen Mun	8
Yuen Long	62
Kwai Tsing	78
Total	2 218

In 2014-15, the enforcement action against building irregularities associated with SDFs is carried out by the 378 professional and technical staff of the two Existing Buildings Divisions of the BD as part of their overall duties to implement the BD's building safety and maintenance enforcement programmes. We are not able to provide a breakdown of the manpower resources involved solely for carrying out enforcement action in relation to SDFs.

- (4) In 2015, the estimated number of SDFs to be inspected is 1 800. We are not able to predict the geographical distribution of these SDFs.

In 2015-16, the enforcement actions against building irregularities associated with SDFs will be carried out by the 396 professional and technical staff of the two Existing Buildings Divisions of the BD as part of their overall duties to implement the BD's building safety and maintenance enforcement programmes. Again, we are not able to provide a breakdown of the manpower resources involved solely for carrying out enforcement action in relation to SDFs.

- (5) It has always been the Government's policy that no one will be rendered homeless due to its enforcement action. The Government will provide transitional accommodation to eligible persons in need in accordance with the current mechanism. The Housing Department's Po Tin Transit Centre in Po Tin Estate, Tuen Mun can accommodate 340 residents.

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