

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)242**

**(Question Serial No. 6077)**

Head: (82) Buildings Department  
Subhead (No. & title): (000) Operational expenses  
Programme: (1) Buildings and Building Works  
Controlling Officer: Director of Buildings (HUI Siu-wai)  
Director of Bureau: Secretary for Development

Question:

- (1) How many sub-divided flats with irregularities were discovered last year by the Buildings Department (BD) in residential buildings and industrial buildings respectively? What were the numbers of those issued with statutory removal orders or resulted in legal actions? Please provide the details broken down by the District Council districts as well as the number of sub-divided flats with irregularities yet to be rectified up to now;
- (2) since the commencement of the special operation by the BD on sub-divided cubicles, how many residential or industrial buildings have been inspected in each of the 18 districts so far? In how many of these buildings did the BD succeed in gaining access to the premises? How many times has the BD applied for court warrants or invoked the power under the Buildings Ordinance to break into private flats for inspection of irregularities of sub-dividing works? Please provide the details; and
- (3) what were the respective numbers of cases of irregularities in residential buildings and industrial buildings eradicated, encumbrances imposed and closure ordered for non-compliance with the orders last year?

Asked by: Hon CHAN Ka-lok, Kenneth (Member Question No. 366)

Reply:

- (1) The Buildings Department (BD) takes enforcement action against irregularities of building works associated with sub-divided flats (SDFs) through investigating reports from members of the public or other government departments and conducting large scale operations (LSOs). In 2014, the BD inspected 2 218 SDFs in total. Of these 2 218 SDFs, 357 have been found with building irregularities which have to be followed up by the issue of removal orders. The distribution of these 357 SDFs is as follows -

<b>District</b>	<b>No. of SDFs</b>	<b>No. of SDFs in domestic/composite /other buildings except industrial buildings (IBs)</b>	<b>No. of SDFs in IBs</b>
<b>Central and Western</b>	22	22	0
<b>Wan Chai</b>	16	16	0
<b>Eastern</b>	13	13	0
<b>Wong Tai Sin</b>	1	0	1
<b>Kwun Tong</b>	12	9	3
<b>Yau Tsim Mong</b>	44	44	0
<b>Sham Shui Po</b>	73	73	0
<b>Kowloon City</b>	127	126	1
<b>North</b>	7	7	0
<b>Sha Tin</b>	2	2	0
<b>Tai Po</b>	5	5	0
<b>Tsuen Wan</b>	2	2	0
<b>Yuen Long</b>	14	14	0
<b>Kwai Tsing</b>	19	19	0
<b>Total</b>	<b>357</b>	<b>352</b>	<b>5</b>

While the BD is still following up with these 357 SDFs with actionable irregularities, the enforcement actions taken so far are tabulated on geographical basis as follows -

<b>District</b>	<b>No. of removal orders issued</b>	<b>No. of prosecutions instigated</b>
<b>Central and Western</b>	1	0
<b>Wan Chai</b>	1	0
<b>Eastern</b>	1	0
<b>Wong Tai Sin</b>	1	0
<b>Kwun Tong</b>	3	0
<b>Yau Tsim Mong</b>	17	0
<b>Sham Shui Po</b>	69	1
<b>Kowloon City</b>	105	2
<b>North</b>	4	0
<b>Sha Tin</b>	0	0
<b>Tai Po</b>	0	0
<b>Tsuen Wan</b>	1	0
<b>Yuen Long</b>	3	0
<b>Kwai Tsing</b>	0	0
<b>Total</b>	<b>206</b>	<b>3</b>

- (2) Since the commencement of the LSOs against building irregularities associated with SDFs in April 2011 up to end February 2015, the BD had identified 1 093 target buildings (TBs) under the LSOs, with 4 623 SDFs entered for inspection. The distribution of the TBs and the SDFs inspected on geographical basis is as follows -

District	No. of TBs		No. of SDFs inspected
	Domestic/ Composite	Industrial	
<b>Central and Western</b>	78	0	91
<b>Wan Chai</b>	60	0	146
<b>Eastern</b>	63	2	224
<b>Southern</b>	14	2	50
<b>Wong Tai Sin</b>	15	8	125
<b>Kwun Tong</b>	33	22	394
<b>Yau Tsim Mong</b>	257	20	1 064
<b>Sham Shui Po</b>	234	6	1 392
<b>Kowloon City</b>	127	5	620
<b>North</b>	14	0	29
<b>Sha Tin</b>	12	3	71
<b>Tai Po</b>	18	0	26
<b>Tsuen Wan</b>	23	8	129
<b>Tuen Mun</b>	4	12	42
<b>Yuen Long</b>	35	0	64
<b>Kwai Tsing</b>	8	10	156
<b>Total</b>	<b>995</b>	<b>98</b>	<b>4 623</b>

In seven cases where the BD staff could not gain access to the premises concerned after repeated attempts, the BD had invoked section 22 of the Buildings Ordinance to apply to the court for warrant to effect entry.

- (3) No closure order was applied for in enforcing the removal orders issued against building irregularities associated with SDFs in 2014. Regarding registering removal orders in the Land Registry (LR), in general, all removal orders issued will be registered in the LR as an encumbrance to property title. However, the BD does not compile separate statistics on the number of removal orders that was registered in the LR in 2014.

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