

CONTROLLING OFFICER'S REPLY**DEVB(PL)251****(Question Serial No. 6577)**

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:

In connection with suspected unlawful residential units, please provide the numbers of inspections, prosecutions and tenants involved, as well as court convictions and tenants involved in the past five years, broken down by district.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 683)

Reply:

There is no clear definition of “unlawful residential units”. Unauthorised structures on rooftops and subdivided flats (SDFs) used for domestic purpose are the most common types of structures under the Buildings Department (BD)’s enforcement actions.

Regarding unauthorised structures used for domestic purpose on rooftops, the BD takes enforcement action against such unauthorised building works (UBWs) through conducting large scale operations (LSOs) and investigating reports from members of the public or other government departments. While the BD does not have separate statistics on the number of tenants involved in prosecution/conviction cases and the number of inspections made, the number of prosecutions instigated by the BD against failure to comply with removal orders issued against UBWs on rooftops and the number of convictions from January 2010 to February 2015 are tabulated on geographical basis as follows -

District	January 2010 to February 2015	
	No. of prosecutions	No. of convictions ^(Note 1)
Central & Western	73	28
Wan Chai	44	25
Eastern	195	104
Southern	13	7
Kowloon City	151	54
Kwun Tong	151	51
Yau Tsim Mong	218	59

Sham Shui Po	102	38
Wong Tai Sin	48	30
Islands	13	3
North	59	26
Sai Kung	78	27
Sha Tin	86	49
Tai Po	67	43
Tsuen Wan	119	41
Tuen Mun	57	24
Yuen Long	147	88
Kwai Tsing	50	23
Total	1 671	720

Note 1: The number of convictions does not necessarily correspond to the prosecutions instigated in the same period.

On SDFs, since April 2011, the BD has been taking enforcement action against irregularities of building works associated with SDFs mainly through LSOs. The BD does not have statistics on the number of tenants involved in prosecution/conviction cases. The number of SDFs inspected under LSOs, the number of prosecutions instigated by the BD against failure to comply with removal orders or discontinuation orders, and the number of convictions from April 2011 to February 2015 are tabulated on geographical basis as follows -

District	No. of SDFs inspected under LSOs	No. of prosecutions instigated against non-compliance with removal orders/ discontinuation orders	No. of Convictions
Central and Western	91	2	2
Wan Chai	146	3	3
Eastern	224	3	0
Southern	50	0	0
Wong Tai Sin	125	1	0
Kwun Tong	394	8	4
Yau Tsim Mong	1 064	46	30
Sham Shui Po	1 392	127	82
Kowloon City	620	54	41
North	29	0	0
Sha Tin	71	1	0
Tai Po	26	13	9
Tsuen Wan	129	2	1
Tuen Mun	42	0	0
Yuen Long	64	0	0
Kwai Tsing	156	0	0
Total	4 623	260	172

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