

CONTROLLING OFFICER'S REPLY

DEVB(PL)276

(Question Serial No. 6724)

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

Question:

1. In connection with industrial buildings (domestic), 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.
2. In connection with commercial buildings (domestic), 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.
3. In connection with sub-divided flats, 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.
4. In connection with rooftop structures, 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.
5. 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 (LegCo internal reference no.: 7023)

Reply:

1. Insofar as the abuse of premises in industrial buildings (IBs) for domestic purpose is concerned, apart from responding to reports, the Buildings Department (BD) has been taking enforcement actions against illegal domestic use in IBs in an orderly and systematic manner through large scale operations since April 2012. BD will issue discontinuation orders against the owners requiring the cessation of the illegal domestic use. Where actionable building irregularities are identified, BD will also issue removal orders against the owners concerned. BD does not compile statistics

on the numbers of tenants involved in prosecution and conviction cases. Information on the geographical distribution of IB premises inspected, prosecutions instigated against failure to comply with removal orders or discontinuation orders, and convictions in the past five years is set out below –

District	Number of IB premises inspected	Number of prosecutions instigated against failure to comply with removal orders/ discontinuation orders ⁽¹⁾	Number of convictions ⁽¹⁾
Eastern	29	0	0
Southern	29	0	0
Wong Tai Sin	128	0	0
Kwun Tong	592	1	0
Yau Tsim Mong	137	0	0
Sham Shui Po	138	0	0
Kowloon City	86	2	6
Sha Tin	60	0	0
Tai Po	1	0	0
Sai Kung	1	0	0
Tsuen Wan	480	11	14
Tuen Mun	303	0	0
Yuen Long	14	0	0
Kwai Tsing	385	0	0
Total	2 383	14	20

Note ⁽¹⁾: The figures do not necessarily correspond to the IBs premises inspected in the same period. The prosecution and conviction cases include actionable UBWs not involving domestic use in IBs.

2. BD does not compile statistics on the numbers of inspections, prosecutions, court convictions and tenants involved in relation to commercial buildings being used for domestic purpose.
3. BD does not compile statistics on the numbers of tenants involved in prosecutions and conviction cases in connection with sub-divided flats (SDFs). Information on the geographical distribution of SDFs inspected, prosecutions instigated against non-compliance with removal orders or discontinuation orders issued in respect of SDFs, and convictions in the past five years is set out below –

District	Number of SDFs inspected	Number of prosecutions instigated against failure to comply with removal orders/ discontinuation orders ⁽²⁾	Number of convictions ⁽²⁾
Central and Western	920	11	13
Wan Chai	537	8	6
Eastern	553	30	28
Southern	359	4	4
Kowloon City	1 918	149	121
Wong Tai Sin	268	1	0
Kwun Tong	1 148	6	4
Yau Tsim Mong	2 226	174	114
Sham Shui Po	1 599	186	178
Tsuen Wan	1 093	17	15
Kwai Tsing	606	2	0
Sai Kung	3	0	0
Sha Tin	124	6	5
Tai Po	304	1	1
North	95	4	3
Tuen Mun	326	0	0
Yuen Long	677	0	0
Islands	1	0	0
Total	12 757	599	492

Note ⁽²⁾: The figures do not necessarily correspond to the SDFs inspected in the same period.

- BD does not compile statistics on the numbers of inspections and tenants involved in prosecution and conviction cases in connection with rooftop structures. Information on the geographical distribution of prosecutions instigated against non-compliance with removal orders in respect of unauthorised rooftop structures and convictions in the past five years is set out below –

District	Number of prosecutions instigated against failure to comply with removal orders	Number of convictions ⁽³⁾
Central and Western	89	69
Wan Chai	111	63
Eastern	186	141
Southern	24	15
Kowloon City	272	227
Wong Tai Sin	121	97
Kwun Tong	215	182
Yau Tsim Mong	414	291
Sham Shui Po	175	129
Tsuen Wan	182	146
Kwai Tsing	129	104
Sai Kung	111	89
Sha Tin	93	67
Tai Po	164	111
North	144	78
Tuen Mun	98	84
Yuen Long	251	185
Islands	36	20
Total	2 815	2 098

Note ⁽³⁾: The figures do not necessarily correspond to the prosecutions instigated in the same period.

- There is no clear definition of “unlawful residential units”. Unauthorised rooftop structures and SDFs used for domestic purpose are the most common types of structures dealt with by BD under its enforcement programme against unauthorised building works. The geographical distribution of SDFs inspected, prosecutions instigated against non-compliance with orders and convictions in respect of SDFs and unauthorised rooftop structures in the past five years is provided in parts 3 and 4 of the reply above.

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