

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)228**

**(Question Serial No. 5554)**

Head: (82) Buildings Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Buildings and Building Works

Controlling Officer: Director of Buildings (YU Tak-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.: 1065)

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 unauthorised building works (UBWs) 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 –

<b>District</b>	<b>Number of IB premises inspected</b>	<b>Number of prosecutions instigated <sup>(1)</sup></b>	<b>Number of convictions <sup>(1) &amp;(2)</sup></b>
Eastern	39	0	0
Southern	29	0	0
Wong Tai Sin	144	0	0
Kwun Tong	702	4	3
Yau Tsim Mong	186	0	0
Sham Shui Po	159	0	0
Kowloon City	146	0	4
Sha Tin	66	1	1
Tai Po	1	0	0
Sai Kung	1	0	0
Tsuen Wan	483	5	9
Tuen Mun	357	4	4
Yuen Long	14	0	0
Kwai Tsing	432	0	0
<b>Total</b>	<b>2 759</b>	<b>14</b>	<b>21</b>

Note<sup>(1)</sup>: 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.

Note<sup>(2)</sup>: The figures do not necessarily correspond to the prosecutions instigated in the same period.

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 –

<b>District</b>	<b>Number of SDFs inspected</b>	<b>Number of prosecutions instigated<sup>(1)</sup></b>	<b>Number of convictions<sup>(1) &amp;(2)</sup></b>
Central and Western	492	10	9
Wan Chai	503	12	5
Eastern	629	29	27
Southern	360	10	4
Kowloon City	1 560	144	108
Wong Tai Sin	291	0	0
Kwun Tong	1 169	11	5
Yau Tsim Mong	2 209	178	123
Sham Shui Po	1 647	170	145
Tsuen Wan	1 069	11	12
Kwai Tsing	642	2	1
Sai Kung	2	0	0
Sha Tin	124	6	5
Tai Po	324	1	1
North	97	6	5

<b>District</b>	<b>Number of SDFs inspected</b>	<b>Number of prosecutions instigated <sup>(1)</sup></b>	<b>Number of convictions <sup>(1) &amp;(2)</sup></b>
Tuen Mun	383	4	4
Yuen Long	649	0	0
Islands	1	0	0
<b>Total</b>	<b>12 151</b>	<b>594</b>	<b>454</b>

Note <sup>(1)</sup>: The figures do not necessarily correspond to the SDFs inspected in the same period.

Note <sup>(2)</sup>: The figures do not necessarily correspond to the prosecutions instigated in the same period.

4. 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 –

<b>District</b>	<b>Number of prosecutions instigated</b>	<b>Number of convictions <sup>(1)</sup></b>
Central and Western	119	83
Wan Chai	140	78
Eastern	226	147
Southern	24	17
Kowloon City	270	226
Wong Tai Sin	108	89
Kwun Tong	224	181
Yau Tsim Mong	380	291
Sham Shui Po	219	143
Tsuen Wan	175	123
Kwai Tsing	135	99
Sai Kung	132	98
Sha Tin	84	58

<b>District</b>	<b>Number of prosecutions instigated</b>	<b>Number of convictions <sup>(1)</sup></b>
Tai Po	181	140
North	160	94
Tuen Mun	116	90
Yuen Long	275	206
Islands	41	21
<b>Total</b>	<b>3 009</b>	<b>2 184</b>

Note <sup>(1)</sup>: The figures do not necessarily correspond to the prosecutions instigated in the same period.

5. 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 UBWs. 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 are provided in parts 3 and 4 of the reply above.

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