

CONTROLLING OFFICER'S REPLY

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(Question Serial No. 2161)

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:

It is mentioned in the Programme that the Department will “continue the large scale operation (LSO) on inspection of sub-divided flats (SDFs) in target buildings, and rectification of irregularities of building works associated with the SDFs”, while the indicator of SDFs inspected is set only at 1 600 for the coming year, accounting for a very small percentage of the estimated number of nearly 90 000 SDFs in the territory. Will the Department inform this Committee of the following:

1. The numbers, scale, districts, manpower involved and results in respect of the LSO carried out in the past three years.
2. With the worsening economy and the implementation of the cash allowance scheme, the number of SDFs will increase and irregularities will be on the rise as a result. How will the Department step up inspection of SDFs and how will it take enforcement action against SDFs associated with irregularities and request rectification?
3. Will the Department strengthen manpower to implement the above initiative in the coming year? What is the estimated expenditure involved?
4. Will the Department consider to put in place a registration system for SDFs to facilitate regulation in the long run?

Asked by: Hon MAK Mei-kuen, Alice (LegCo internal reference no.: 84)

Reply:

1. to 3. Apart from responding to reports, the Buildings Department (BD) takes enforcement action against building irregularities associated with sub-divided flats (SDFs) through large scale operations (LSOs). Statistics of the LSOs in terms of the numbers of

buildings targeted for rectification of building irregularities associated with SDFs in domestic and composite buildings and eradication of illegal domestic use in industrial buildings, SDFs inspected, SDFs with irregularities identified and SDFs rectified of irregularities in the past three years are tabulated below –

District	Number of buildings targeted for rectification of irregularities associated with SDFs	Number of SDFs inspected ⁽¹⁾	Number of SDFs with irregularities identified ⁽²⁾	Number of SDFs rectified of irregularities ⁽²⁾
Central and Western	21	21	15	7
Wan Chai	14	31	87	54
Eastern	27	85	28	13
Southern	3	5	2	1
Kowloon City	36	289	227	65
Wong Tai Sin	8	84	30	17
Kwun Tong	28	103	44	26
Yau Tsim Mong	54	306	219	135
Sham Shui Po	22	150	307	171
Tsuen Wan	15	115	49	22
Kwai Tsing	36	178	29	21
Sha Tin	2	9	2	0
Tai Po	4	42	30	7
North	10	45	31	16
Tuen Mun	12	118	5	5
Yuen Long	8	13	68	45
Total	300	1 594	1 173	605

Note ⁽¹⁾: The figures do not necessarily correspond to the buildings targeted in the same period.

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Where actionable building irregularities associated with SDFs in domestic and composite buildings are identified, BD will issue removal orders to the owners concerned and instigate prosecution against the owners who fail to comply with the orders. As regards SDFs used for domestic purpose in industrial buildings, other than removal orders, BD will also issue discontinuation orders against the owners requiring the cessation of the domestic use. In case of non-compliance, BD will instigate prosecution against the owner concerned, and consider applying to the court for a closure order to close down the premises and arranging government contractors to carry out the necessary rectification works.

BD has implemented improvement measures to step up the enforcement actions against building irregularities identified in SDFs, such as upgrading its Building Condition Information System to enhance monitoring of the progress of enforcement action, streamlining its procedures for applying to the court for entry warrants, redeployment of resources and re-adjusting its work priorities as appropriate. In addition, BD has been allocated additional resources in the past years to cope with various operation needs, including clearance of outstanding cases in relation to SDFs.

The inspection of SDFs and rectification of irregularities of building works associated with SDFs under LSOs are carried out by the professional and technical staff of the two Existing Buildings Divisions of BD as part of their overall duties to implement BD's building safety and maintenance enforcement programmes. BD is not able to provide a breakdown of the manpower and expenditure involved solely for the LSOs.

4. Per the advice of the Transport and Housing Bureau, the Long Term Housing Strategy Steering Committee launched a three-month public consultation on Hong Kong's Long Term Housing Strategy (LTHS) in September 2013. During the public consultation exercise, the community expressed considerable reservations over the suggestion to introduce a licensing or landlord registration system to regulate SDFs. The Government later promulgated the LTHS ⁽¹⁾ in December 2014, and stated in the LTHS that in view of the concerns expressed by the community, the Government would not introduce any licensing or landlord registration system for SDFs. This however does not imply that the building safety of SDFs will be compromised. The Government will continue to adopt a multi-pronged approach in addressing the safety issues associated with SDFs. Specifically, BD's Minor Works Control System allows landlords to carry out minor works involving SDFs lawfully through simplified procedures. BD will continue its enforcement actions against building irregularities associated with SDFs as well as continuing the efforts in public education and publicity to promote public's awareness of building and fire safety related to SDFs.

Note ⁽¹⁾: <https://www.thb.gov.hk/eng/policy/housing/policy/lths/LTHS201412.pdf>