

**CONTROLLING OFFICER'S REPLY**

**DEVB(PL)080**

**(Question Serial No. 1079)**

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

Question:

According to the figures provided by the Buildings Department (BD), the number of sub-divided flats (SDF) inspected was 1 656 in 2022, while the number of SDF rectified of irregularities was 501. In this connection, will the Government inform this Committee of the following:

1. Among the 1 656 SDF inspected, what were the numbers of (a) SDF suspected of contravening relevant laws, (b) orders issued for rectification, and (c) owners prosecuted?
2. What were (a) the number of staff, (b) expenditure on emoluments, and (c) expenditure on equipment earmarked by BD for inspection on SDF in 2022?
3. In 2023, the indicator for SDF inspected is set at 1 650 by BD, while the indicator for those rectified of irregularities is set at a smaller number of 300. What are the reasons for that?
4. What are (a) the number of staff, (b) expenditure on emoluments, and (c) expenditure on equipment earmarked by BD for inspection on SDF in 2023? Is there any room for increased frequency of inspection by strengthening manpower and enhancing efficiency?
5. For serious contravention of the relevant laws (e.g. sub-division of flats in industrial buildings) or imminent danger identified during inspection of buildings, does BD have the statutory power to order closure of the SDF concerned and evict occupants from the SDF, other than instigating prosecution against the owners?

Asked by: Hon NG Chau-pei, Stanley (LegCo internal reference no.: 16)

Reply:

1. Sub-divided flats (SDF) are not defined under the Buildings Ordinance (Cap. 123) (BO). For the purpose of the Buildings Department (BD)'s enforcement operations, the term generally refers to cases where a unit is subdivided into two or more smaller self-contained domestic units. Pursuant to the prevailing enforcement policy, BD takes enforcement actions against building irregularities associated with SDF. The commonly found building irregularities associated with SDF are the formation of unauthorised door openings that contravene the fire-resisting construction requirements of fire escape routes, the erection of partition walls that block fire escape routes and excessive installation of partition walls and/or thickening of floor screeding that result in overloading of the floor slabs. Where SDF are found to have actionable building irregularities, BD will issue removal orders to the owners concerned and instigate prosecution against the owners who fail to comply with the orders.

In 2022, BD inspected 1 656 units (Note) with SDF found. Among these SDF, 237 are identified with actionable building irregularities and enforcement actions are ongoing. As at end-February 2023, the number of removal orders issued against actionable building irregularities associated with such SDF and the number of prosecutions instigated against failure to comply with these removal orders are 57 and two respectively. BD will continue to follow up the enforcement actions against these cases, including issuing removal orders and instigating prosecution against owners who fail to comply with the orders.

BD does not have statistics on the number of SDF suspected of contravening relevant laws other than the BO.

2. & 4. Enforcement action against building irregularities associated with SDF is carried out by 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. The numbers of professional and technical staff in these two divisions in 2022-23 and 2023-24 are 419 and 423 respectively. BD does not compile a breakdown of the manpower and expenditure involved solely for inspection or enforcement action against building irregularities associated with SDF.

BD has implemented improvement measures to speed up the enforcement actions against building irregularities identified in SDF, 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 SDF.

3. Inspection of SDF is carried out in response to public reports and through large scale operations, to determine whether a SDF involves building irregularities. If such irregularities are identified, BD takes enforcement actions according to the prevailing enforcement policy against unauthorised building works. For actionable building irregularities, BD will issue removal orders to the owners concerned to require the

carrying out of the necessary rectification works. As not all SDF inspected will be identified with actionable building irregularities that warrant the issuance of removal orders or rectification works, the estimated number of SDF identified with and rectified of irregularities is usually smaller than the estimated number SDF inspected.

5. Depending on the actual circumstances, such as illegal domestic use of SDF in industrial buildings which poses significantly higher level of safety risks to the inhabitants, BD may by virtue of the provisions of the BO apply to the court for a closure order to close down the premises and arrange government contractors to carry out the necessary rectification works.

Note: Number of units is defined as the number as shown on an approved building plan.

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