

**Subcommittee on Land (Compulsory Sale for Redevelopment)
(Specification of Lower Percentage) Notice**

**List of follow-up actions arising from the discussion
at the meeting on 8 March 2010**

- (a) *Clarify the definition of “industrial building” in the Notice, and consider whether reference should be made to the current usage of the building stated in the occupation permit concerned, and review whether the current definition would in-principle cover all industrial buildings in lots that were not located within an industrial zone, in accordance with the plan approved under the Buildings Ordinance*

The Administration has carefully considered how best to define the term “industrial building” for the purpose of the Notice with a view to covering all industrial buildings. As the policy intention is not only to cover industrial buildings aged 30 years or above within a non-industrial zone that are still in use, but also to cover such industrial buildings which are under-utilised or have been left to disuse, it follows that we do not want to restrict the definition of the term “industrial building” to those still in active industrial use. As the use of a building as indicated in its occupation permit can be rendered outdated over time, we have tied the definition of the term “industrial building” to a building with building plan approved by the Building Authority under the Buildings Ordinance (Cap 123) with the whole or part of the building allowed to be used for those uses as set out in paragraphs (a) and (b) of the definition of ‘industrial building’ in the Notice (based on the definition of “industrial building” in Regulation 2 of the Building (Planning) Regulations (Cap 123F)), which are reproduced below –

- “
- (a) a godown; or
 - (b) any industry in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed.”

- (b) *The number of tenants/minority owners currently engaging in creative and cultural works and operating in affected industrial buildings in the third class of lot specified in the Notice*

We have consulted the Commerce and Economic Development Bureau, Home Affairs Bureau, Buildings Department, Lands Department and Planning Department and are advised that they do not have readily available data on the number of tenants/minority owners currently engaging in creative and cultural works and operating in the affected industrial buildings.

Nevertheless, we note that the Planning Department has finished conducting a survey on the uses of industrial buildings in “Industrial” and “Other Specified Uses” annotated “Business” (“OU(B)”) zones. According to the preliminary findings of the survey, out of the industrial building units situated in “OU(B)” zone (where the majority of industrial buildings in non-industrial zones are situated in), less than 1% of the successfully sample surveyed units are for “Art/Music/Film Studio” use.

- (c) *The number with breakdown by age, of local buildings with 9 units or below on a lot with each of the units representing more than 10% of all the undivided shares in the lot.*

Based on the year when occupation permits for these relevant buildings were issued, there should be about 6800 buildings (excluding pre-war buildings) between 5 and 9 storeys high that are aged 30 years or above as at end 2009. The number of such buildings between 30 and 39 years of age should be in the region of 2300, those between 40 and 49 years of age should be in the region of 3000 and those at or above 50 years of age should be around 1500.

There is no readily available information on how many of these 6800 buildings have 9 units or below or have units each of which accounts for more than 10% of the undivided shares of the building.

Development Bureau
March 2010