

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

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4 June 2012

Legislative Council Secretariat
(Attn: Mr Simon Cheung)
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong

Dear Mr Cheung,

**Response to Follow-up Item
for the Meeting of the Subcommittee on Building Safety and Related Issues
on 9 May 2012**

**Prosecutions Instigated by the Buildings Department in Relation to
Change in Use of Industrial Buildings**

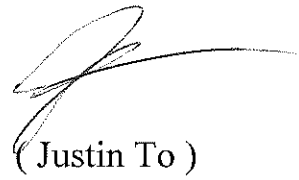
Thank you for your letter of 10 May 2012 on the above, attaching a list of follow-up actions. I am authorised to provide the following additional information for Members' reference.

From January 2007 to April 2012, the Buildings Department (BD) had instigated one prosecution against an owner of a unit in an industrial building for failure to comply with a statutory order that required him to discontinue the unauthorised domestic use of his premises (i.e. the discontinuation order). The court proceeding for this case is still ongoing. Members may wish to note that, on conviction of the offence, the owner shall be liable to a fine at level five (i.e. \$50,000) and to imprisonment for one year. The court may also impose a further fine of \$ 5,000 for each day the offence has continued.

As regards the time usually taken by the BD to instigate prosecution against non-compliance with discontinuation orders, it varies from case to case and is

particularly dependent on the BD's accessibility to the premises for inspection after expiry of the order for collecting evidence on whether or not the owner has complied with the statutory order. In the prosecution case mentioned above, the statutory order was issued in July 2009, and the prosecution was instigated in July 2011. As mentioned in paragraph 9 of the discussion paper, BD has recently stepped up its enforcement against subdivided flats in industrial buildings through its large-scale operation. In particular, the BD will speed up its prosecution against owners/occupants who fail to comply with the BD's statutory orders, and will actively consider arranging Government contractors to remove the unauthorised building works involved.

Yours sincerely,



(Justin To)
for Secretary for Development

c.c. Director of Buildings
(Attn: Mr Hui Siu-wai)