

Legislative Council Panel on Housing

Measures to Deal with Subdivided Flats

Purpose

This paper briefs Members on the existing measures to deal with the building and fire safety problems of subdivided flats, as well as our existing policies to cater for the housing needs of low-income groups.

Background

2. There has been growing public concern about the housing, building and safety problems associated with subdivided flats. While “subdivided flats” is not defined in the Buildings Ordinance (Cap. 123) (BO), this term is commonly used to describe cases where an original flat (as shown on the approved building plan) is subdivided into two or more smaller self-contained domestic cubicles for sale or rental. Each of these cubicles usually has its own toilet, or even its own cooking place.

3. The Government does not have statistics on the number of subdivided flats. According to the General Household Survey of Census and Statistics Department (C&SD), as at end June 2012, there are some 31 800 domestic households, with a total of 64 900 people living in private temporary housing or in the rooms, cubicles, bedspaces and cocklofts of private permanent housing. As indicated in the result of Population Census 2011 conducted by the C&SD, as at mid-2011, there are some 3 044 domestic households, with a total of 6 230 people living in quarters in non-residential buildings (including commercial buildings and industrial buildings). The above figures, however, should not be regarded as the figures for subdivided flats alone, as these figures also include the population of households living in private temporary housing (such as temporary roof-top structures). Moreover, should "subdivided units" have direct access to the streets, public corridors or staircases, they would be considered by the C&SD as living quarters (instead of rooms or cubicles) for statistical purposes. Nevertheless, these figures can, to a certain extent, reflect the number of people in the community that are poorly-housed.

4. We understand that tenants of subdivided flats are singletons or families with lower income. Despite the usually undesirable living

conditions in subdivided flats, there are views in the community that there is demand in the market for these flats. This is because these flats can provide affordable urban accommodation to those who are not eligible for public rental housing (PRH); or those who wish to live in the urban area which is closer to their workplaces or their children's place of study. It is also important to bear in mind that the standard of so-called "subdivided flats" varies. Therefore, it is the Government's policy to secure the safety of these flats, but not to eradicate all subdivided flats.

Policies catering for the housing needs of the low income groups

5. The Government understands that some low-income families cannot afford private rental accommodation. To assist them to improve their living conditions, the Housing Authority (HA) provides PRH to the low-income families who cannot afford private rental accommodation through the Waiting List system. Any eligible person living under poor conditions, including the existing tenants of subdivided flats, can apply for PRH under the HA if they meet the criteria for PRH.

6. As for those who have pressing and imminent housing needs but are not able to resolve the problems by themselves, they may approach the Social Welfare Department (SWD) or its recognised non-governmental organisations (NGOs) for assistance. Depending on individual circumstances, they will recommend eligible cases for Compassionate Rehousing (CR) to the Housing Department for allocation of PRH flats in accordance with the established policies. Waiting List (WL) applicants may also seek earlier PRH allocation through the Express Flat Allocation Scheme (EFAS).

7. In addition, the Government provides a safety net for those who cannot support themselves financially. The existing Comprehensive Social Security Assistance (CSSA) Scheme, which includes the provision of rental subsidy, relieves the housing expenses of eligible families in public or private housing, so as to assist them to meet their basic needs. Furthermore, the Community Care Fund (CCF) has reserved some \$91 million to provide a one-off subsidy to those who are living under poor conditions in order to relieve their financial burden. The scheme opened for application on 8 October 2012.

Measures taken to address building safety issues related to subdivided flats

8. Based on the enforcement experience of the Buildings Department (BD), the usual irregularities of the building works involved in subdivided flats include: (a) fire safety issues (obstruction to means of escape caused by alteration/addition of partition walls, improper alteration to the fire safety construction of escape staircases, etc.); (b) water seepage caused by improper alteration/addition of drainage pipes; and (c) overloading (mainly due to the extensive addition of partition walls or thickening of floor screeding for embedment of the altered/additional drainage pipes). The Government has adopted a series of measures to specifically address the issues related to subdivided flats in response to the rising concern among members of the public on the building safety issues associated with such flats.

9. As regards legislation, the Building (Minor Works)(Amendment) Regulation 2012, which came into effect on 3 October 2012, has included building works associated with subdivided flats under the Minor Works Control System (“MWCS”), so that these works would be required to be carried out by qualified professionals and contractors. Legislation to provide for application to the Court for a warrant under the BO for entry into premises to facilitate BD’s enforcement actions was enacted in July 2012. This is particularly useful for inspections relating to subdivided flats.

10. On the enforcement front, apart from carrying out investigation in response to reports on subdivided flats from members of the public and taking appropriate enforcement actions according to the current enforcement policy, the BD has since April 2011 launched a large scale operation (“LSO”) which aimed at rectifying irregularities of building works associated with subdivided flats. The BD also extended in 2012 the scope of target buildings of the LSO against subdivided flats to cover industrial buildings. To assist the occupants of subdivided flats in industrial buildings affected by the BD’s enforcement action, in October 2011, the Steering Committee of the CCF endorsed a programme to provide one-off relocation allowance to occupants living in subdivided flats in industrial buildings who have to move out as a result of the BD’s enforcement actions. The assistance programme was launched by the BD in December 2011.

11. On the publicity front, the BD has published a number of pamphlets providing guidance to the public on how to ensure building safety in subdivided flats and the need to prevent unauthorized building works associated with subdivided flats. The BD has also produced Announcement of Public Interests and publications on MWCS to encourage owners to arrange minor works and alteration works to be carried out by qualified professionals and contractors.

Rehousing of tenants affected by law enforcement actions

12. It is the Government policy to ensure that no one will be rendered homeless as a result of government actions. However, should subdivided flats tenants become homeless as a result of government law enforcement actions and be in need of temporary accommodation, they will, through the referral of the Buildings Department or the Lands Department, be provided with temporary accommodation in the Po Tin Transit Centre at Tuen Mun. If the affected households have lived in the transit centre for three months and passed the “homeless” test, as well as fulfilling the eligibility criteria for PRH, they can be rehoused to the Interim Housing (IH) while awaiting PRH allocation through the WL system.

Way Forward

13. The Government will continue enforcement action to ensure that the subdivided flats can meet the safety requirements of relevant regulations. Meanwhile, the Long Term Housing Strategy (LTHS) review will examine, among others, the housing needs of poorly-housed households (including the subdivided flat tenants). The LTHS consultation document will be released in around mid 2013. Upon the completion of a three-month public consultation, the LTHS public consultation report will be published in end 2013.

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