

Legislative Council Panel on Housing

Enforcement Actions against Subdivided Units in Industrial Buildings and Support Services for Affected Tenants

PURPOSE

This paper briefs Members of the enforcement actions against subdivided units (SDUs) in industrial buildings, and the support services provided for affected tenants.

DETAILS

Enforcement Actions against Subdivided Units in Industrial Buildings

2. Industrial buildings are not designed for domestic use and thus are subject to requirements different from those applicable to domestic and composite buildings on various aspects, such as those on natural lighting and ventilation, evacuation route and other fire safety measures, etc. Besides, since other units within the same industrial building may still be used for industrial activities or storage of dangerous and inflammable goods, tenants of units converted for domestic use illegally are exposed to high fire and safety risks. Even if all the other units are vacant at the time the tenants move in or no unit is used for industrial activities or storage of dangerous and inflammable goods, they can be put to such hazardous uses that are incompatible with domestic use at any time. Illegal use of industrial building units for domestic purposes will therefore pose a serious fire and safety risk to the tenants. To ensure the safety of the public and the tenants, stringent enforcement actions have to be taken by the Government.

3. If SDUs are found in industrial buildings, the Buildings Department (BD) will issue statutory orders to the owner under section 25(2)(b) of the Buildings Ordinance (BO) (Cap. 123) to require the owner to discontinue domestic use of industrial buildings. If necessary, the owner will be ordered under section 24(1) of the BO to remove the associated unauthorised structures. If the owner concerned fails to comply with an order upon expiry of the specified period, BD will consider instigating prosecution against him in accordance with BO. BD may also apply for closure order from the District Court in accordance with BO to facilitate government contractors to carry out the required works and recover the cost with additional supervision charge and surcharge from the owner upon completion.

4. Since April 2012, BD has been taking enforcement actions against domestic SDUs in industrial buildings and the associated unauthorised building works in an orderly and systematic manner through large scale operations. With effect from October 2014, BD has increased the annual inspection target of industrial buildings from 30 to 60 buildings.

Support Services Provided for Affected Tenants

5. Persons affected by the Government's clearance of SDUs in industrial buildings need to find their own alternative accommodation. If BD's enforcement actions involve relocation of tenants, it will closely liaise with the Social Welfare Department (SWD), the Home Affairs Department and the Housing Department (HD) to provide assistance for those who are affected. The social services teams of BD will also provide necessary social and emotional support for affected tenants. BD has implemented the assistance programme endorsed by the Steering Committee on the Community Care Fund since December 2011 to allocate one-off relocation subsidy¹ to tenants who have to move out of illegal domestic units in industrial buildings due to BD's enforcement actions. As at end April 2015, BD approved 141 applications involving 205 beneficiaries. SWD will also provide other support and services to affected families and individuals with welfare needs.

6. To ensure that no one will be rendered homeless as a result of government actions, households affected by the Government's clearance of SDUs in industrial buildings and who need short-term temporary housing may also be admitted to the Po Tin Transit Centre in Tuen Mun through referrals by BD while they wait for eligibility vetting for further rehousing or look for alternative accommodation themselves. If these households have stayed in the Transit Centre for three months and passed the "homeless test", subject to fulfillment of eligibility criteria for public rental housing (PRH) (including income limit, asset limit and "no domestic property" rule), HD will arrange for their admission to Interim Housing (IH) in Tuen Mun while awaiting PRH through PRH application.

¹ The relocation subsidy is \$2 500 for one-person households, \$5 500 for two- to three-person households, and \$7 100 for households with four persons or above.

7. Persons with pressing housing needs on medical or social grounds may consider applying for “Compassionate Rehousing” through the recommendation of SWD. Furthermore, eligible registered PRH applicants may apply under the Express Flat Allocation Scheme for earlier allocation of PRH flat.

8. There are views for the Government to directly rehouse SDU residents in industrial buildings who are affected by BD’s enforcement actions to IH. IH mainly provides interim accommodation for persons affected by natural disasters or government operations while waiting for PRH allocation, if they have stayed in the Transit Centre for three months, passed the “homeless test” and fulfilled the eligibility criteria for PRH. PRH and IH are both scarce housing resources. The Government has to allocate vacant flats in a fair and appropriate manner. Allowing residents of illegal SDUs to be admitted to IH directly, irrespective of whether they meet the eligibility criteria for PRH or whether they are waiting for PRH allocation, is unfair to many other eligible PRH applicants who have been waiting for a long time, and persons who are currently staying in the Transit Centre and undergoing the “homeless test”. In addition, it will convey a wrong message to the society that living in illegal SDUs is a shortcut for admission to IH and even PRH, thereby inducing more households to live in illegal SDUs, resulting in safety risk for both the public and the tenants. It will also encourage owners of industrial buildings to subdivide their units illegally for rental purposes and raise the rentals of such units, in order to achieve higher monetary gain.

Suggestion on Provision of Transitional Housing

9. There are views for the Government to provide transitional housing on urban sites which do not have other immediate uses to accommodate inadequately housed households (IHHs), including SDU households affected by enforcement actions. The Government had examined this suggestion in the course of formulating the Long Term Housing Strategy last year but found this suggestion not feasible. First of all, given the lack of urban land, suitable housing sites in urban areas should be reserved for building PRH flats as far as possible, as IHHs who are PRH applicants will benefit most from that. To this end, the Planning Department has been carrying out land use reviews on an on-going basis with a view to identifying potential sites which may be made available for housing development subject to the completion of statutory planning procedures for rezoning. Furthermore, even if urban sites could be identified for certain temporary uses, they would still require additional infrastructural works that take time to complete (such as the provision of sewerage) to make them suitable for transitional housing

purpose. In any case, the size and number of such temporary sites are bound to be very limited. They would not be able to provide the intended short term relief for a large number of IHHs.

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