

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

發展局

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政府總部西翼



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15 November 2012

Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong
(Attn: Anthony CHU)

Dear Mr. CHU

Safety Issues Related to Subdivision of Flats

Thank you for the email to the Development Bureau dated 25 October 2012 referring to us the concern about the safety issues related to subdivision of flats expressed by the Housing and Building Management Committee of Yau Tsim Mong District Council. Our reply is set out in the ensuing paragraphs.

In recent years, the building and fire safety problems associated with subdivided flats have become a subject of public concern. However, on the other hand, there are also views in the community that such flats have its value for existence as they could provide affordable accommodation to low income groups who are not eligible for or are waitlisted for public rental housing but wish to live in the urban area close to their place of work and/or to their children's place of study. Therefore, the Government's policy is not to eradicate all subdivided flats but to ensure their safety.

To this end, we have since 2010 adopted a multi-pronged approach to deal with safety issues associated with subdivision of flats through legislation, enforcement as well as publicity and public education.

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, so that these works would be required to be carried out by qualified professionals and contractors. These works should be carried out in compliance with the regulations under the Buildings Ordinance (Cap 123) (“BO”) (which specify the building design and construction standards in such aspects as fire safety, structural safety and drainage works). The Buildings Department (“BD”) will also carry out random inspection on completed works to further ensure their quality, thereby minimizing the safety and sanitation problems associated with subdivided flats.

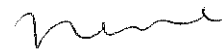
On the enforcement front, apart from carrying out investigation in response to reports on subdivided flats from members of the public and taking appropriate enforcement actions according to the current enforcement policy, the BD has since April 2011 launched a large scale operation (“LSO”) which aimed at rectifying irregularities of building works associated with subdivided flats. Since April 2012, the BD has enhanced the LSO by increasing the annual number of target buildings from 150 to 200. In response to the tragic fire at Fa Yuen Street in November 2011, the strategy of the enforcement action was adjusted by taking into account the fire risk that might be brought about by adjacent hawker stalls when choosing target buildings for the operation in 2012. In parallel, the BD also extended in 2012 the scope of target buildings of the LSO against subdivided flats to cover 30 industrial buildings annually. From 1 April 2011 to 30 September 2012, the BD has identified 2,581 subdivided flats during the inspection process, including 645 found in domestic/composite buildings and 28 in industrial buildings in the Yau Tsim Mong District. Moreover, the BD has been issuing removal orders against unauthorized building works in subdivided flats. As at 30 September 2012, the BD had issued a total of 527 removal orders in the past five years and prosecution had been instituted on 41 orders.

For publicity and public education, the BD has through various means enhanced its education on common irregularities relating to subdivision of flats, as well as the potential danger of these building works.

We appreciate the public concern over the building safety issues arising from subdivision of flats. The BD will continue to, through a multi-pronged

approach, regulate building works associated with subdivided flats in accordance with the BO. With a view to safeguarding building safety, we will review and improve our legislation and enforcement works on this front from time to time and also enhance our publicity measures.

Yours sincerely,



(Miss Irene CHEUNG)
for Secretary for Development