

立法會
Legislative Council

LC Paper No. CB(1)367/12-13(04)

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Panel on Housing

Meeting on 7 January 2013

**Background brief on "Housing arrangements for occupants
affected by enforcement action against
unauthorized alteration works inside private premises"
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on the rehousing arrangements for occupants affected by enforcement action against unauthorized alteration works inside private premises, and gives a brief account of the discussions by Members on the subject.

Background

Sub-divided units

2. Unauthorized alteration works inside private premises are commonly known as "sub-divided units" in Hong Kong. While there is no exact definition of "sub-divided units" or "sub-division of flat units", to most members of the public, they are formed by the sub-division of a domestic unit into two or more smaller individual units, each usually self-contained with a toilet, for sale or letting purpose. The associated building works usually involve knocking down/construction of partition walls, addition of wirings, alteration or addition of internal water pipes and sewerage system, as well as raising of floors to accommodate new/diverted pipes and drains. At present, all building works, including those associated with sub-division of flat units, are subject to control under the Buildings Ordinance (Cap. 123) ("BO"). Building works carried out in contravention of BO will become unauthorized building works ("UBWs") and are subject to enforcement action.

3. In recent years, the emergence of and increase in sub-division of flat units has become a social phenomenon that has aroused widespread public concern. Sub-divided units have not only been found in domestic units, but have also emerged in commercial/residential composite buildings and multi-storey industrial buildings in urban areas. Owing to the frequent occurrence of incidents related to sub-divided units causing heavy casualties (e.g. the fire in Larch Street and Fa Yuen Street and the building collapse at Ma Tau Wai Road), public awareness of the building and fire safety problems posed by such units has been heightened.

4. Given that sub-division of flat units is a complex and multi-faceted issue, involving issues of building and fire safety, building management and housing demand, the Chief Executive announced in the 2010-2011 Policy Address a package of measures, covering legislation, enforcement, support and assistance to owners as well as publicity and public education, to enhance the building safety in Hong Kong, including the regulation of sub-divided units. Since sub-divided units meet the housing needs of low income groups who are not eligible for public rental housing ("PRH") but prefer to live in urban areas to save cost of commuting between home and work places, the Administration considers that banning all these units across the board is not a solution to the problem.

5. According to the prevailing enforcement policy, the Buildings Department ("BD") will carry out investigations in response to reports on sub-divided units received from the public and take appropriate enforcement action. Besides, BD has launched large scale operations since 1 April 2011 to inspect suspected sub-divided units and ascertain whether the alteration and addition works involved therein are in compliance with the planning, design and construction requirements under the buildings regulations in respect of fire safety, structural safety and drainage works, in particular the impact on means of escape. Enforcement action will be taken if UBWs are identified in these units.

Housing arrangements for occupants of sub-divided units

6. When tackling irregularities of building works associated with sub-division of flat units, it is the Government's policy that no one will be rendered homeless by its enforcement action. If relocation arrangement is involved in the enforcement action, BD will liaise with other relevant government departments to provide assistance to occupants moving out of their sub-divided units where UBWs are identified and required to be rectified. To tie in with the enforcement action of BD against sub-divided units, the Housing Department ("HD") will assist in rehousing displaced occupants who are in need of temporary accommodation to Po Tin Transit Centre for a period of no more than three months through referral from BD. In accordance with the prevailing rehousing

policy, affected occupants who have already stayed in the temporary housing for three months, passed the "homeless test" and are found to be eligible for PRH, will be rehoused to the interim housing flats in the New Territories where they will wait for PRH allocation through the Waiting List ("WL"). If they have already registered on WL, they will be allocated PRH flats subject to their eligibility in accordance with the prevailing PRH allocation policy. For those occupants who have urgent housing needs on special grounds, HD may arrange compassionate rehousing for them upon the recommendation of the Social Welfare Department ("SWD").

7. In the case of the fire at Fa Yuen Street in 2011, HD arranged temporary accommodation in Shek Lei for the victims in accordance with the existing policy as mentioned above. HD, in collaboration with SWD, also provided assistance to affected households which had special difficulties, taking into account their actual circumstances.

Financial assistance for occupants of sub-divided units in industrial buildings

8. As more and more sub-divided units are found in industrial buildings which are neither designed nor suitable for domestic use, the lives of the people residing in these units are at high risk. Therefore, in tackling UBWs in sub-divided units in industrial buildings, BD will require occupants residing therein to move out. Since the displaced occupants might encounter difficulties in arranging their own accommodation and be rendered homeless due to the enforcement action, the Administration will provide financial assistance to them, having regard to their eligibility.

9. Eligible occupants whose monthly household incomes are less than the specified income limit or whose families have already passed the household-based means test under specified assistance schemes can apply for relocation allowance funded by the Community Care Fund. However, any person who has successfully applied for the allowance will not be eligible for such allowance again. Future occupants who move into those sub-divided units where the previous occupants have received the allowance will also not be eligible for the allowance.

Deliberations by Members on sub-division of flat units

10. Members have discussed various aspects of sub-division of flat units at different meetings of the Council and relevant Panels over the past few years. The major issues covered in previous discussions include: statistics on sub-divided units in the territory, legislation and enforcement against sub-divided units, building management and fire safety issues relating to sub-division of flat

units, assistance for displaced occupants of sub-divided units, and housing needs of low income families. In general, Members are of the view that the emergence of sub-divided units reveals the rising demand for affordable housing in urban areas, and a total ban of such units is not a practical solution. Details of the discussions, including relevant Council questions and motion, are hyperlinked in the **Appendix** for ease of reference.

Discussion at the Council meeting on 7 December 2011

11. In response to question about "sub-divided units" asked at the Council meeting on 7 December 2011, the Administration advised that PRH is a limited and valuable resource, and hence it should be allocated in a fair and rational manner to address the genuine housing needs of low-income families who cannot afford private rental accommodation. To uphold this principle, HD maintains WL to ensure that eligible applicants will be allocated a PRH flat in accordance with the prevailing PRH allocation policy with reference to their date of registration, size of family and choice of district, etc.

12. As regards the suggestion of according priority to offer PRH flats to rehouse the fire victims who had been living in sub-divided units, the Administration considered that the existing allocation arrangement could help prevent unfairness to other PRH applicants currently registered on WL. The Administration was also of the view that the suggestion might lead to other issues, such as in effect encouraging people to move into sub-divided flats which would worsen the problem. Nevertheless, the Administration appreciated the housing needs of occupants residing in sub-divided flats, and would process their PRH applications in accordance with the existing allocation policy.

Meeting between Duty Roster Members ("DRMs") and 香港社區組織協會基層房屋關注組 on 28 May 2012

DRMs' views and concerns

13. On 28 May 2012, there was a meeting between DRMs and representatives of 香港社區組織協會基層房屋關注組 regarding the rehousing of tenants affected by clearance of sub-divided flats. With reference to the referral arising from the meeting as set out in LC Paper No. CB(1)82/12-13, the major views and concerns expressed by DRMs are summarized below –

- (a) interim housing located on land sites which are not earmarked for development in the coming five to 10 years should be provided to rehouse occupants who were required to move out of their sub-

divided units in industrial buildings due to enforcement action and victims who are rendered homeless by fire or other natural disasters;

- (b) the Urban Renewal Authority should consider collaborating with non-government organizations in rehabilitation of old buildings for lease to occupants of sub-divided units affected by clearance exercises;
- (c) given the increase in the number of PRH applicants on WL, acquisition of old buildings was considered the most efficient way to provide temporary accommodation to occupants of sub-divided units affected by clearance exercises or fire;
- (d) similar to the policy on squatter control in 1982, the Administration should consider developing a list of displaced occupants affected by BD's enforcement action against sub-divided units in industrial buildings so as to contain the number of such units and make plans to rehouse displaced occupants to PRH flats; and
- (e) the Administration should collect information on the number of sub-divided units in the territory as well as the number of households living therein as these statistics would help formulate policies to address the housing needs of displaced occupants of sub-divided units in industrial buildings.

Administration's response

14. According to the Development Bureau and the Transport and Housing Bureau, the Government does not have statistics on the number of sub-divided units in industrial buildings across the territory, the locations of these units and the particulars of tenants living therein. Starting from 2012, BD has stepped up enforcement action against sub-divided domestic flats in industrial buildings. Depending on the nature of the irregularities, BD will issue statutory orders to require discontinuation of domestic use of the industrial building concerned and removal of the related UBWs.

15. As mentioned in paragraphs 6 to 9 above, measures have been put in place to provide financial assistance (e.g. relocation allowance) and accommodation (e.g. interim housing) to tenants of sub-divided flats in industrial buildings who are required to move out as a result of BD's enforcement action. BD has also established social services teams to provide necessary social and emotional support to affected occupants.

Latest development

16. On 30 August 2012, the Chief Executive announced ten short to medium term measures on housing and land supply. A steering committee has also been established to conduct the Long Term Housing Strategy review which aims to ensure optimal use of the existing land and housing resources to meet the housing needs of different sectors in the community. The review will examine, among other things, the housing needs of poorly-housed households, including tenants of sub-divided flats.

Relevant papers

17. A list of relevant papers is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
3 January 2013

Appendix

Housing arrangements for occupants affected by enforcement actions against unauthorized alteration works inside private premises

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Development	23 February 2010	Information paper on "Progress of Enforcement Action against Unauthorized Building Works" provided by the Administration (LC Paper No. CB(1)1157/09-10(06)) http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0223cb1-1157-6-e.pdf Paper on unauthorized building works prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)1157/09-10(07)) http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0223cb1-1157-7-e.pdf Minutes of meeting (LC Paper No. CB(1)1712/09-10) http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20100223.pdf
Subcommittee on Building Safety and Related Issues	27 April 2010	Information paper on "Building Safety Concerns and Enhancement Measures Related to the Ma Tau Wai Collapse Incident" provided by the Administration (LC Paper No. CB(1)1685/09-10(01)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0427cb1-1685-1-e.pdf Report on the Collapse of the Building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon - K.I.L. 8627 on 29 January 2010 provided by the Administration (LC Paper No. CB(1)1716/09-10(01)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0427cb1-1716-1-e.pdf

Council/ Committee	Date of meeting	Paper
		Report on the Inspection of Buildings Aged 50 or Above provided by the Administration (LC Paper No. CB(1)1716/09-10(02)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0427cb1-1716-2-e.pdf Paper on building safety prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)1685/09-10(02)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0427cb1-1685-2-e.pdf Minutes of meeting (LC Paper No. CB(1)2314/09-10) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/minutes/bs20100427.pdf
Subcommittee on Building Safety and Related Issues	27 July 2010	Information paper on "Enforcement against Unauthorized Alteration Works Inside Private Premises" provided by the Administration (LC Paper No. CB(1)2605/09-10(01)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0727cb1-2605-1-e.pdf Information paper on "Assistance for the Implementation of the Fire Safety (Buildings) Ordinance" provided by the Administration (LC Paper No. CB(1)2605/09-10(02)) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/papers/dev_bs0727cb1-2605-2-e.pdf Minutes of meeting (LC Paper No. CB(1)2787/09-10) http://www.legco.gov.hk/yr09-10/english/panels/dev/dev_bs/minutes/bs20100727.pdf

Council/ Committee	Date of meeting	Paper
Panel on Development	28 December 2010*	Letter dated 11 November 2010 from the Housing and Building Management Committee of the Yau Tsim Mong District Council regarding unauthorized conversion of industrial buildings into residences (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)915/10-11(01)) Information paper on "Unauthorised Conversion of Industrial Buildings into Residences" provided by the Administration (LC Paper No. CB(1)915/10-11(02)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/devcb1-915-2-e.pdf
Subcommittee on Building Safety & Related Issues	13 January 2011	Information paper on "Measures to Enhance Building Safety in Hong Kong" provided by the Administration (LC Paper No. CB(1)681/10-11(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/papers/dev_bs0113cb1-681-1-e.pdf Minutes of meeting (LC Paper No. CB(1)1949/10-11) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/minutes/bs20110113.pdf
Panel on Development	18 March 2011*	Referral arising from the meeting between Legislative Council Members and Kwun Tong District Council members on 13 May 2010 regarding sub-division of flat units (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)1608/10-11(01)) Information paper on "Suggested Legislative Amendments to Reduce the Impact of Subdivision of Flats on Building Structure" provided by the Administration (LC Paper No. CB(1)1608/10-11(02)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/devcb1-1608-2-e.pdf Information paper on "Proposed Legislative Amendments to Curtail the Effect of Subdivided Units on Building Structure" provided by the Administration (LC Paper No. CB(1)1608/10-11(03)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/devcb1-1608-3-e.pdf

Council/ Committee	Date of meeting	Paper
Subcommittee on Building Safety & Related Issues	11 May 2011	Information paper on "Re-organization of Buildings Department for Implementation of Package of Measures to Enhance Building Safety" provided by the Administration (LC Paper No. CB(1)2087/10-11(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/papers/dev_bs0511cb1-2087-1-e.pdf Minutes of meeting (LC Paper No. CB(1)971/11-12) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/minutes/bs20110511.pdf
Subcommittee on Building Safety & Related Issues	13 June 2011*	Referral arising from the meeting between Legislative Council Members and Wong Tai Sin District Council members on 12 May 2011 regarding unauthorized building works (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)2441/10-11(01))
Panel on Development	16 June 2011*	Letter dated 27 May 2011 from Hon Albert CHAN Wai-yip on issues relating to unauthorized building works in urban areas (Chinese version only) (LC Paper No. CB(1)2487/10-11(02)) http://www.legco.gov.hk/yr10-11/chinese/panels/dev/papers/dev0620cb1-2487-2-c.pdf
Panel on Development	20 June 2011	Information paper on "Control of Unauthorised Building Works under the Buildings Ordinance (Cap. 123)" provided by the Administration (LC Paper No. CB(1)2487/10-11(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev0620cb1-2487-1-e.pdf Paper on unauthorized building works prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)2487/10-11(03)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev0620cb1-2487-3-e.pdf Minutes of special meeting (LC Paper No. CB(1)775/11-12) http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20110620.pdf

Council/ Committee	Date of meeting	Paper
Subcommittee on Building Safety & Related Issues	24 August 2011*	Letter dated 18 August 2011 from Hon LEE Wing-tat, Hon James TO Kun-sun and Hon KAM Nai-wai on the coroner's verdict on the death of four people during the collapse of the building at 45J Ma Tau Wai Road (LC Paper No. CB(1)2930/10-11(03)) (Chinese version only) http://www.legco.gov.hk/yr10-11/chinese/panels/dev/dev_bs/papers/dev_bs0826cb1-2930-3-c.pdf
Subcommittee on Building Safety & Related Issues	26 August 2011	Buildings Department's Initial Response to the Findings of the Coroner's Inquest on the Building Collapse Incident at Mau Tau Wai Road (LC Paper No. CB(1)2930/10-11(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/papers/dev_bs0826cb1-2930-1-e.pdf Paper on building safety prepared by the Legislative Council Secretariat (Updated background brief) (LC Paper No. CB(1)2930/10-11(04)) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/papers/dev_bs0826cb1-2930-4-e.pdf Minutes of meeting (LC Paper No. CB(1)1214/11-12) http://www.legco.gov.hk/yr10-11/english/panels/dev/dev_bs/minutes/bs20110826.pdf
Panel on Housing	15 December 2011*	Referral arising from the meeting between Duty Roster Members and "香港社區組織協會基層市民房屋關注組" on 23 August 2011 regarding the provision of housing assistance to residents affected by the clearance of subdivided flats in industrial buildings (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)631/11-12(02))

Council/ Committee	Date of meeting	Paper
Panel on Housing	4 January 2012	Information paper on "Arrangements for Victims of Fire in Fa Yuen Street" provided by the Administration (LC Paper No. CB(1)752/11-12(01)) http://www.legco.gov.hk/yr11-12/english/panels/hg/papers/hg0104cb1-752-1-e.pdf Minutes of meeting (LC Paper No. CB(1)1148/11-12) http://www.legco.gov.hk/yr11-12/english/panels/hg/minutes/hg20120104.pdf
Panel on Housing	18 January 2012*	Referral from the Public Complaints Office attaching a further submission from "香港社區組織協會基層市民房屋關注組" dated 2 January 2012 on the provision of housing assistance to residents affected by the clearance of subdivided flats in industrial buildings (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)889/11-12)
Panel on Development	28 February 2012	Information paper on "Including Works Associated with Sub-division of Flat Units under the Minor Works Control System" provided by the Administration (LC Paper No. CB(1)1116/11-12(07)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-7-e.pdf Paper on the Minor Works Control System prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)1116/11-12(08)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-8-e.pdf Minutes of meeting (LC Paper No. CB(1)1874/11-12) http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20120228.pdf
Panel on Development	15 March 2012	Paper on unauthorized building works prepared by the Legislative Council Secretariat (Updated background brief) (LC Paper No. CB(1)1285/11-12(02)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0315cb1-1285-2-e.pdf

Council/ Committee	Date of meeting	Paper
Panel on Housing	26 October 2012*	Referral arising from the meeting between Duty Roster Members and "香港社區組織協會基層房屋關注組" on 28 May 2012 regarding the rehousing of tenants affected by clearance of subdivided flats and the Administration's response (Chinese version only) (Restricted to Members) (LC Paper No. CB(1)82/12-13)

* Date of issuance of papers

Hyperlinks to relevant Council Questions:

Date	Council Question
1 December 2010	Council question raised by Hon Mrs Regina IP http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6310.html
1 June 2011	Council question raised by Hon WONG Kwok-kin http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6609.html
22 June 2011	Urgent Council question raised by Hon Priscilla LEUNG http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6666.html
	Urgent Council question raised by Hon Starry LEE http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6667.html
13 July 2011	Council question raised by Hon Patrick LAU http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6709.html
2 November 2011	Council question raised by Hon KAM Nai-wai http://www.info.gov.hk/gia/general/201111/02/P201111020246.htm
30 November 2011	Council question raised by Hon Audrey EU http://www.info.gov.hk/gia/general/201111/30/P201111300178.htm

Date	Council Question
7 December 2011	Council question raised by Hon WONG Yuk-man http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_6916.html
	Council question raised by Hon James TO http://www.info.gov.hk/gia/general/201112/07/P201112070306.htm
25 April 2012	Council question raised by Hon CHEUNG Kwok-che http://www.info.gov.hk/gia/general/201204/25/P201204250407.htm
24 October 2012	Council question raised by Dr Hon LAM Tai-fai http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_7421.html
7 November 2012	Council question raised by Dr Hon LAM Tai-fai http://www.devb.gov.hk/en/publications_and_press_releases/press/index_id_7473.html

Hyperlink to relevant Motion:

Date	Motion
18 April 2012	Motion moved by Hon WONG Kwok-kin as amended by Hon WONG Sing-chi, Hon Miriam LAU and Ir Dr Hon Raymond HO http://www.legco.gov.hk/yr11-12/english/counmtg/motion/cm0418-m5-wordings-e.pdf