

For information

Subcommittee on Issues Relating to Policy on Industrial Buildings

**List of follow-up actions arising from the discussion
at the meeting on 19 May 2020**

Government's responses to the information requested by Members are as follows –

- (a) (i) the number of subdivided units in industrial buildings eradicated by Buildings Department between 2012 and 2020; (ii) the number of tenants rendered homeless as a result; and (iii) the number of affected residents admitted to the Transit Centre;**

Buildings Department (BD) has been taking enforcement actions against illegal domestic premises (including premises with subdivided units¹ (SDUs)) in industrial buildings (IBs) through large scale operations (LSOs) since April 2012. Up to end of April 2020, BD has eradicated 193 units operating as illegal domestic premises within IBs under these LSOs. BD has not compiled statistics on the number of SDUs involved.

Under the current policy, persons affected by Government's enforcement actions should find their own accommodation, but no one shall be rendered homeless as a result. Persons with temporary accommodation need after moving out of the illegal domestic premises within IBs as a result of BD's enforcement actions may, through referrals by BD, apply to Housing Department to move into Po Tin Transit Centre (TC) in Tuen Mun while they are looking for alternative accommodation or awaiting eligibility assessment for rehousing. If these persons have stayed in TC for three months, passed the "homeless test" and fulfilled the eligibility criteria for public rental housing (PRH), they can be admitted to Po Tin Interim Housing (IH) in Tuen Mun while awaiting PRH. Persons with pressing housing needs on medical or social grounds may apply for "Compassionate Rehousing" with the recommendation of Social Welfare Department.

Up to end of April 2020, a total of 16 persons were admitted to TC as a result of the aforesaid BD's LSOs. 12 of them were eventually

¹ For the purpose of BD's enforcement action, SDUs refer to those individual rooms formed by subdividing an original flat as shown on the approved plans of a building.

admitted to IH while the other four had not pursued their applications for IH.

- (b) statistics on SDUs in IBs, including the number of SDUs, the number of residents and rent level;**

BD does not compile statistics on the number and rent level of SDUs in IBs and number of residents therein.

- (c) the number and locations of upstairs bars operated in IBs with or without valid liquor licences, and the number and percentage of these upstairs bars that do not comply with the structural safety and fire safety requirements;**

The Liquor Licensing Board has not granted any liquor licence for bars operating in IBs. We are not aware of any government departments keeping the requested information.

- (d) periodic inspections of upstairs bars in IBs (licensed or without licence) to ensure compliance with fire safety-related regulations, any irregularities found, prosecutions taken, and convictions made;**

Where suspected operation of bars within IBs are identified during inspections conducted by relevant government departments, these cases will be referred to the relevant licensing authority and other related departments for follow-up actions. We do not have readily available statistics about enforcement actions involving bars operating within IBs.

- (e) in each of the past three years, the number of prosecutions against factory canteens which provided catering services to persons not employed in the factory building concerned; and**

The number of prosecutions instituted by Food and Environmental Hygiene Department in the past three years is as follows –

Year	Number of prosecutions
2017	53
2018	16
2019	28

(f) cases where ground floor spaces of IBs are allowed to be used for shops or for providing services.

In general, owners who wish to use the ground floor of any IB for provision of shops or services² should first obtain planning permission from the Town Planning Board (TPB)³. In the past three years, TPB has approved 98 of such planning applications.

As in many existing industrial lots the users under lease are restricted to “industrial and/or godown purposes” only, an application to Lands Department (LandsD) for a temporary waiver is also often required before any space on the ground floor of IBs is put to non-industrial uses. LandsD would consider such applications in consultation with relevant departments such as BD, Fire Services Department and Planning Department, etc. If the application is approved, the temporary waiver shall be subject to payment of waiver fee and administrative fee. LandsD does not have readily available statistics on the number of temporary waivers approved concerning “shop and services” uses on ground floor spaces of IBs in the territory.

**Development Bureau
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² According to the Definition of Terms used in Statutory Plans, ‘Shop and Services’ means any premises where goods are sold or where services are provided to visiting members of the public. It includes banks, barber shop, beauty parlour, convenient store, supermarket, fast food shop, courier service counter, money exchange, real estate agency, retail shops, showroom, etc.

³ This planning application is not required for IBs with purpose-designed non-industrial portion on the lower floors (including ground floor) separated from the industrial uses located above by a buffer floor.