

Annex

Enforcement actions in industrial building units by various relevant government departments

(1) Food and Environmental Hygiene Department (FEHD)

From 2014 to 2017 (as at 31 May 2017), FEHD took joint enforcement action with other government departments in respect of one case involving breach of the Places of Public Entertainment Ordinance (Cap. 172) in a concert held in an industrial building unit in Kwun Tong District in 2017. Based on the evidence collected, FEHD has sought legal advice from the Department of Justice as to whether prosecution should be instituted.

(2) Fire Services Department (FSD)

From 2014 to 2017 (as at 31 May 2017), statistics of FSD's enforcement actions against units in industrial buildings^{Note 1} are as follows:

		2014	2015	2016	2017 (As at 31 May)
(a)	No. of contraventions against the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F)^{Note 2}	603	1 212	2 812	3 968
(b)	Follow-up actions to the above contraventions				
	(i) Direct prosecutions	48	61	83	25
	(ii) Issuance of Fire Hazard Abatement Notices (FHANs)	555	1 151	2 729	3 943

Note 1: FSD does not keep separate statistics on the uses involved and districts of the cases, nor does it keep separate breakdown for the actions jointly conducted with other departments.

Note 2: In case of contraventions against the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95F), FSD may issue FHANs or institute direct prosecutions.

(3) Lands Department (LandsD)

Lease conditions are enforced by LandsD in its capacity as the landlord, and the actions concerned do not involve law enforcement. Statistics on the lease enforcement actions taken by LandsD from 2014 to 2017 (up to 31 March 2017) are shown below:

		2014	2015	2016	2017 (as at 31 March)
(a)	No. of cases in breach of lease conditions				
	Hong Kong East	20	34	24	1
	Hong Kong West and South	6	5	12	5
	Kowloon East	35	44	86	59
	Kowloon West	18	18	53	29
	Islands	0	0	0	0
	North	0	17	0	0
	Sai Kung	0	0	0	0
	Sha Tin	25	5	63	27
	Tuen Mun	8	5	5	2
	Tai Po	0	2	12	0
	Tsuen Wan and Kwai Tsing	97	42	300	78
	Yuen Long	0	0	3	0
	Total	209	172	558	201
(b)	Actions taken against the above lease breach cases				
	(i) Warning letters issued	209	172	558	201
	(ii) Warning letters registered at the Land Registry ("imposing an encumbrance")	105	62	107	130
	(iii) Re-entry/vesting action	0	4	0	0

Note: There is no breakdown of the statistics by industry since LandsD does not target any industry when taking lease enforcement actions. The above is the statistical information on cases of lease breaches in industrial buildings provided by LandsD; the cases in breach of lease conditions generally involve offices, shops, learning centres, places of entertainment/recreation, restaurants, religious gathering places, etc. LandsD also does not keep separate statistics on joint operations with other departments.