

工業樓宇不宜作居住用途 Industrial buildings not suitable for domestic use

工業樓宇（工廈）單位在任何時間均可用作工業活動或儲存危險及易燃物品，因此工廈並不適宜作居住用途。把工廈處所違規改作居住用途對住戶構成重大風險，亦違反《建築物條例》（第 123 章）（《條例》）。

今期《專業天地》會就屋宇署針對工廈被非法用作居住用途所採取的執法行動及預防措施，提醒持牌人在處理工廈物業交易時應注意的事項。

Industrial buildings (IBs) are not suitable for domestic use, given that units in an IB can be used for industrial activities or storage of dangerous and inflammable goods at any time. Unauthorised conversion of industrial premises for domestic use could pose high risks to the residents. Such unauthorised change in use also contravenes the Buildings Ordinance (Cap 123) (BO).

In this issue of *Horizons*, we will remind licensees the points-to-note when handling the transactions of industrial properties with regard to the enforcement action and preventive measures of the Buildings Department against illegal domestic use of IBs.



屋宇署針對工廈作非法居住用途的執法行動

Buildings Department's enforcement action against illegal domestic use in IBs

為加強取締非法以工廈作居住用途的執法工作，屋宇署除根據《條例》處理舉報外，亦進行一系列的大規模執法行動。就此，屋宇署會向將工廈單位作非法居住用途的業主或佔用人發出法定命令，要求中止非法住用用途以及糾正危險情況。如有關人士沒有遵從該法定命令的要求，屋宇署會提出檢控，一經定罪，可處罰款 5 萬元及監禁 1 年，並在未有遵從命令期間，每天另處罰款 5 千元。屋宇署亦會就有關處所的僭建物發出清拆令，著令業主拆除僭建物。如業主沒有遵從清拆命令，屋宇署亦會採取檢控行動，一經定罪，可處罰款 20 萬元及監禁 1 年，並在未有遵從命令期間，每天另處罰款 2 萬元。

屋宇署亦可安排政府承建商代失責業主進行命令所規定的工程，並於完工後向有關業主追討工程費用，另加監督費及附加費。



Apart from handling public reports, the Buildings Department (BD) also mounts a series of large scale operations to step up enforcement action to eradicate illegal domestic use in IBs in accordance with the BO. In this connection, BD will issue statutory orders to owners or occupiers of illegal domestic premises in IBs requiring discontinuation of the illegal domestic use and rectification of the dangerous situation. Failure to comply with these statutory orders will be subject to prosecution by the BD and the persons concerned may be liable on conviction to a fine of \$50,000 and imprisonment for one year, as well as a further fine of \$5,000 for each day that the offence has continued. BD will also issue removal orders to the owners requiring the removal of unauthorised building works (UBWs) identified in the subject premises. Failure to comply with a removal order will also be subject to prosecution liable on conviction to a fine of \$200,000 and imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.

BD may also arrange the government contractor to carry out the required works of the orders in default of the owner and then recover the cost of works plus a supervision charge and a surcharge from the owner.

防止濫用工廈作非法居住用途的措施

Measures to deter misuse of IBs for illegal domestic use

為了在樓宇設計的階段防止工廈將來被濫用作非法居住用途，屋宇署已向《條例》下註冊的建築專業人士及承建商發出作業備考及通告函件，公布屋宇署在審批新工廈（包括改動及加建工程）的圖則時，不會批准與工業用途不相稱的設計及設施，以及將工廈處所分間為設有獨立洗手間設施的「小型」工廈單位。

To prevent the future misuse of IBs for illegal domestic use at the building design stage, BD has issued a practice note and a circular letter to building professionals and contractors registered under the BO, announcing that BD will not approve new proposals for IBs (including alteration and addition works) which involve designs and facilities that are not commensurate with industrial use or subdivision of industrial premises into “small” industrial units with en-suite toilet facilities.

同樣，在小型工程監管制度下，屋宇署亦不會接受進行設有獨立洗手間設施的「小型」工廈單位的建築工程。屋宇署亦會對這些小型工程呈交資料採取執法行動，包括就「小型」工廈單位非法加建獨立洗手間設施的違規情況採取適當的執法行動，以及考慮對有關的訂明建築專業人士和訂明註冊承建商展開紀律行動。

Similarly, building works resulting in “small” industrial units with en-suite toilet facilities will not be accepted under the Minor Works Control System. BD will also take enforcement actions against such minor works submissions, including initiating appropriate enforcement action against illegal addition of en-suite toilet facilities in “small” industrial units and instigating disciplinary action against the prescribed building professional and prescribed registered contractor concerned.

地產代理須知 Notes for estate agents

地產代理在處理工廈單位的買賣或租賃時，須提醒客戶居住於工廈單位將面對非常高的消防安全風險；而將工廈單位作非法居住用途的業主或佔用人也會違反《條例》，屋宇署會根據《條例》採取嚴厲執法行動。

When handling the sale and purchase or leasing of industrial units, estate agents should remind clients that residing in industrial units will be exposed to a very high fire risk; owners or occupants using industrial units for illegal domestic use are also in contravention of the BO which is subject to rigorous enforcement action by BD.

此外，地產代理及客戶可透過查核「小型」工廈單位的樓宇記錄和小型工程記錄，以確定單位內的獨立洗手間設施是否已獲屋宇署批准。如欲查詢相關記錄，可到訪屋宇署樓宇資訊中心（九龍旺角彌敦道 750 號始創中心 13 樓），或透過屋宇署的「百樓圖網」系統（須登記），經繳費後查閱及申請索取複印本。

In addition, estate agents and clients may view the relevant building and minor works records to check whether en-suite toilet facilities in “small” industrial units are approved by BD. Relevant records can be viewed and copied at BD’s Building Information Centre (13/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon) or through the online “BRAVO” System (registration required) upon payment of fees.

持牌人如懷疑有工廈單位作非法居住用途，也可循以下途徑向屋宇署作出舉報：

- 屋宇署熱線：2626 1616；
- 郵遞（九龍旺角彌敦道 750 號始創中心 12 樓）；
- 電郵 (enquiry@bd.gov.hk)；或
- 電子舉報 (www.bd.gov.hk/chineseT/services/enquiries.html)

Licencees may also report any suspected illegal domestic use of industrial unit to BD via the following means:

- BD Hotline 2626 1616;
- By post (12/F, Pioneer Centre, 750 Nathan Road, Mongkok, Kowloon);
- By email (enquiry@bd.gov.hk); or
- By electronic reporting form (www.bd.gov.hk/english/services/enquiries.html)