

Property owner fined and given suspended jail sentence for persistently not complying with removal order

A property owner was fined over \$8,000 and sentenced to four months' imprisonment suspended for 12 months upon conviction at the Fanling Magistrates' Courts earlier this month for persistently failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap 123).

The case involved an unauthorised structure with an area of about 28 square metres on the roof of a factory building at Ka Fu Close, Sheung Shui. As the unauthorised building works (UBWs) were carried out without prior approval and consent from the Buildings Department (BD), a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD in 2020 and was fined \$6,040 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution again in 2024. The owner subsequently completed the removal of the UBWs, and was convicted and fined \$8,305 and sentenced to four months' imprisonment suspended for 12 months at the Fanling Magistrates' Courts on February 4.

A spokesman for the BD said today (February 21), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with removal orders, including instigation of prosecution, to ensure building safety."

Failing to comply with a removal order without reasonable excuse is a serious offence under the BO. The maximum penalty upon conviction is a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.