

Property owner fined over \$100,000 for persistently not complying with removal order

A property owner who persistently failed to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123) was convicted and fined over \$100,000 at the Tuen Mun Magistrates' Courts last week.

The case involved two unauthorised structures, with areas of about 22.9 and 4.7 square metres respectively, on the flat roofs of a residential building in Hung Shui Kiu, Yuen Long. 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 owners under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD and was fined over \$11,000 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution again. The owner was fined \$108,070 in total by the Court, of which \$98,070 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on November 22.

A spokesman for the BD said today (November 29), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement actions and consider instigating prosecution against owners again if they persist in not complying with the orders to ensure building safety."

Failing to comply with a removal order without a 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.