

Property owner fined over \$150,000 for persistently not complying with removal order

A property owner was fined over \$150,000 last week upon conviction at the Kowloon City Magistrates' Courts in September last year for persistently failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

This case involved several unauthorised structures with a total area of about 760 square metres on the roof of an industrial building on Sheung Hei Street and Tai Yau Street, San Po Kong. 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 twice by the BD and was fined over \$70,000 in total upon convictions by the court. As the owner persisted in not complying with the removal order, the BD instigated a third prosecution in 2023. The owner was convicted at the Kowloon City Magistrates' Courts on September 25, 2024, and the court adjourned the hearing and ordered the owner to report the status of the removal of the UBWs before handing down a sentence. On the adjourned hearing date of March 26, the owner reported to the court that the UBWs had been removed and eventually was fined \$154,500 by the court, of which \$124,500 was the fine for the number of days that the offence continued.

A spokesman for the BD said today (April 3), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action and consider instigating prosecution against the owners again if they persist in not complying with removal orders to ensure building and public safety."

Failure 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.