

Property owner fined over \$160,000 for persistently not complying with removal orders

A property owner was convicted and fined over \$160,000 at the West Kowloon Magistrates' Courts early this month for persistently failing to comply with two removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The orders involved several unauthorised building works (UBWs) in a house at Discovery Bay, Lantau Island, including a roof structure of about 23 square metres, a bedroom extension projecting from the external wall on and over a planter, and removal of metal railings on the balcony and the roof, and replacing them with glass railings. As the UBWs were constructed without prior approval and consent from the Buildings Department (BD), two removal orders were served on the owner under section 24(1) of the BO.

Failing to comply with the removal orders, the owner was prosecuted by the BD in 2018 and was fined about \$90,000 in total upon conviction at the West Kowloon Magistrates' Courts. As the owner persisted in not complying with the removal orders, the owner was prosecuted by the BD for the second time and was convicted again and was fined \$162,800 in total on May 4.

A spokesman for the BD said today (May 19), "UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders, including instigation of prosecution, so as to ensure building safety."

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