

Three property owners fined over \$410,000 in total for not complying with statutory orders

Three property owners were convicted and fined over \$410,000 in total by the court earlier for failing to comply with statutory orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved an unauthorised structure with an area of about 50 square metres on the roof of a village house in D.D.183, Sha Tin. Since the Lands Department would not issue a certificate of exemption for the unauthorised building works (UBWs) and the 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 and was fined \$128,300 in total, of which \$108,300 was the fine for the number of days that the offence continued, upon conviction at the Shatin Magistrates' Courts on June 4.

The second case involved two unauthorised structures with a total area of about 102 square metres on the flat roof of a residential building at Tsing Chui Path, Tuen Mun. As the UBWs were carried out without prior approval and consent from the 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 \$22,760 in total upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated the third prosecution in 2023. The owner was convicted and fined \$197,500 in total by the Court, of which \$97,500 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on June 4.

The third case involved alteration works at a composite building on Prince Edward Road West, Kowloon, including removal of two fire rated doors on the eighth floor and at the yard on the ground floor respectively, and a door opening formed in the wall of the yard on the ground floor. The alteration works affected the fire resisting construction of the building and contravened the Building (Construction) Regulation. 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 and was fined \$85,060 in total, of which \$81,060 was the fine for the number of days that the offence continued, upon conviction at the Kowloon City Magistrates' Courts on May 21.

A spokesman for the BD said today (June 10), "Unauthorised building works, including unauthorised alterations affecting the fire-resisting construction of a building, may lead to serious consequences. The owners concerned must comply with the statutory orders issued by the BD without delay. The BD will continue to take enforcement action against owners who fail to comply with statutory orders, including instigation of prosecution,

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 a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.