

Two property owners convicted again for persistently not complying with removal orders

Two property owners were fined \$16,000 and nearly \$140,000 upon conviction again at the Kowloon City Magistrates' Courts and Tuen Mun Magistrates' Courts this month respectively for persistently failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123). One of them was sentenced to two months' imprisonment suspended for 12 months.

The first case involved two unauthorised structures with a total area of about 35 square metres on the flat roof of a residential building on Emma Avenue, Kowloon. As the unauthorised building works (UBWs) were carried out 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 two removal orders, the owner was prosecuted for three times by the BD and was fined \$42,960 in total upon convictions by the court. As the owner persisted in not complying with the removal orders, the BD instigated the fourth prosecution for both removal orders in 2024. Although the owner subsequently completed the removal of the UBWs, the owner was convicted for the fourth prosecution and fined \$16,000 and sentenced to two months' imprisonment suspended for 12 months at the Kowloon City Magistrates' Courts on May 7, 2025.

The second case involved UBWs inside the area of a two-storey house at Tsing Yan Street, Tuen Mun, which included the erection of UBWs on a slope adjoining the rear garden, on the garden at ground floor, over the open yard at ground floor, on the terraces at first floor and on the roof, with total area of about 54 sq m. 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 by the BD and was fined \$5,590 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 was fined \$139,520 in total by the Court, of which \$109,520 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on May 16.

A spokesman for the BD said today (May 28), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will 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 B0. 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.