

Two property owners fined over \$230,000 for not complying with statutory orders

Two property owners were convicted and fined over \$230,000 at the Tuen Mun Magistrates' Courts last month for failing to comply with statutory orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved the alteration of nine units into mini-storages in an industrial building on Hi Yip Street, Yuen Long. As the alteration and addition works were carried out without prior approval and consent from the Buildings Department (BD), and they obstructed the means of escape and means of access for fire fighting and rescue and affected the fire resisting construction of the building, contravening the Building (Planning) Regulations and the Building (Construction) Regulation, as well as rendering the building to become dangerous, a removal order and a repair order were served on the owner under section 24(1) and section 26 of the BO.

Failing to comply with the removal order and the repair order, the owner was prosecuted by the BD and were fined \$151,650 in total, of which \$34,650 was the fine for the number of days that the offences continued, upon conviction at the Tuen Mun Magistrates' Courts on February 28.

The second case involved an unauthorised structure with an area of about 70 square metres on the flat roof of a residential building on Hop Yick Road, Yuen Long. As the unauthorised building works (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 in 2023 and was fined \$13,200 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution again this year. The owner was subsequently fined \$86,680, of which \$26,680 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on February 28.

A spokesman for the BD said today (March 21), "UBWs, including unauthorised alterations causing obstruction to the means of escape and means of access for fire fighting and rescue, or 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. Moreover, failure to comply with a repair order without reasonable excuse is also a serious offence. The maximum penalty upon conviction is a fine of level 5 (\$50,000 at present) and one year's imprisonment, and a further fine of \$5,000 for each day that the offence continues.