

10 property owners of five village houses fined over \$450,000 in total for non-compliance with removal orders

Ten property owners were convicted and fined over \$450,000 in total last month and earlier this month at the Fanling Magistrates' Courts and Tuen Mun Magistrates' Courts respectively for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The five village houses in Tai Po, Tuen Mun and Yuen Long had various unauthorised structures on their roofs and/or ground floor with areas ranging from 28 square metres to 80 sq m.

Since the Lands Department would not issue certificates of exemption for the above-mentioned buildings, they are not New Territories Exempted Houses under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As the related unauthorised building works (UBWs) were carried out without the prior approval and consent from the Buildings Department (BD), removal orders were served on the owners under section 24(1) of the BO.

Failing to comply with the removal orders, the owners were prosecuted by the BD.

The four co-owners of the first case and the two co-owners of the second case were fined a total of \$180,160 and \$53,880 on April 30 and May 7 respectively upon conviction at the Fanling Magistrates' Courts.

The owner of the third case was fined \$63,500 upon conviction at the Tuen Mun Magistrates' Courts on May 3.

Failing to comply with the removal orders, the two co-owners of the fourth case and the owner of the fifth case were prosecuted by the BD, and were fined \$49,200 in total and \$4,340 in 2022 and 2021 respectively upon conviction at the Tuen Mun Magistrates' Courts. As the owners persisted in not complying with the removal orders, they were prosecuted by the BD for the second time and were fined \$84,900 in total and \$73,100 on May 3 and 10 respectively upon conviction at the Tuen Mun Magistrates' Courts.

A spokesman for the BD said today (May 17), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with 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 a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.