

Ancestral land managers fined \$60,000 for failing to comply with dangerous hillside order

Three managers responsible for the management of a piece of ancestral land were convicted and fined \$60,000 in total at the Tuen Mun Magistrates' Courts last week for failing to comply with a dangerous hillside order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved two slopes and a retaining wall within a private lot in Yuen Long with a total length of about 90 metres and heights varying from 5m to 6m. Since the slopes and the retaining wall were liable to become dangerous, the Buildings Department (BD) served a dangerous hillside order on the owner of the land under section 27A of the BO, requiring the owner to appoint an authorized person (AP) and a registered geotechnical engineer (RGE) to co-ordinate and supervise the remedial works proposal approved by the BD within two months from the date of the order and to complete the required works within seven months.

The owner appointed an AP and an RGE to follow up on the order. However, the remedial works were not completed within a reasonable period despite repeated reminders issued by the BD. The AP's name was later removed from the Authorized Persons' Register but the owner has not appointed another AP to follow up with the required works. The BD instigated prosecution against the three managers. They were convicted and each fined \$20,000 at the Tuen Mun Magistrates' Courts on April 30.

"Failing to comply with a dangerous hillside order without reasonable excuse is a serious offence under the BO and may lead to serious consequences. The BD may instigate prosecution proceedings against the owner," a spokesman of the BD said today (May 6). He added that the department will continue its enforcement action against non-compliance with dangerous hillside orders to ensure public safety.

Pursuant to section 40(1B)(b) of the BO, any person who, without reasonable excuse, fails to comply with a dangerous hillside order served on him or her under section 27A of the BO commits an offence and is liable on conviction to a fine of level 5 (\$50,000 at present) and to imprisonment for one year, as well as a further fine of \$5,000 for each day that the offence has continued.