

Ancestral land managers fined about \$130,000 for failing to comply with dangerous hillside orders

Five managers responsible for the management of three pieces of ancestral land were convicted and fined about \$130,000 in total at the Tuen Mun Magistrates' Courts earlier this month for failing to comply with three dangerous hillside orders issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved a slope of about 70 metres long and 5m high stretching across three private lots in Yuen Long. Since the slope was liable to become dangerous, the Buildings Department (BD) served three dangerous hillside orders 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 investigate, analyse and report on the subject slope within two months from the date of the orders, and submit a remedial works proposal based on the findings of the investigation within seven months for BD's approval.

The owner has, at different time periods, appointed different APs and RGEs to follow up with the orders. Following the BD's disapproval of the remedial works proposal submitted by the first AP and RGE, the subsequently appointed AP and RGE failed to submit a remedial works proposal within a reasonable period despite repeated reminders issued by the BD. The BD instigated prosecution against the five managers. They were convicted and heavily fined at the Tuen Mun Magistrates' Courts on August 7.

"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 (August 23). He added that the department will continue its enforcement action against non-compliance of 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.