

Co-owners fined \$80,000 for persistently not complying with removal order

Two co-owners of a premises in Yau Ma Tei were fined \$80,000 for failing to comply with a removal order issued under the Buildings Ordinance (Cap 123) at Kwun Tong Magistrates' Court this week.

The order involved an illegal structure erected on the flat roof of a domestic unit of a composite building at Temple Street. The original size of the premises is about 64 square metres whereas the size of the illegal structure is about 21 sq m. As the unauthorised building works (UBWs) were erected without prior approval from the Buildings Department (BD), contravening the Buildings Ordinance (BO), a removal order was served on the co-owners of the premises under section 24(1) of the BO.

Since the co-owners did not comply with the order, they were prosecuted by the BD in 2017 and fined over \$30,000 upon conviction at Kwun Tong Magistrates' Courts. However, the co-owners persisted in not complying with the order and the BD instigated prosecution against them for the second time. They were convicted again and heavily fined \$80,000 on July 23.

"UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners should seek professional advice before carrying out any building works in their premises. The BD will continue its enforcement action against UBWs," a spokesman for the BD said today (July 26).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with an order served on him or her under section 24(1) of the BO commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.