

Owner and contractor fined for installing photovoltaic system violating requirements for green and amenity facilities in New Territories Exempted Houses

An owner and a contractor, and his director who had carried out building works for the installation of an unauthorised photovoltaic (PV) system without prior approval and consent in writing from the Buildings Department (BD), were found guilty of the offence under the Buildings Ordinance (BO) (Cap. 123) and were fined a total of \$22,000 at the Fanling Magistrates' Courts.

The case involved the installation of an unauthorised PV system on the roof of a New Territories Exempted House (NTEH) in Hang Tau, North. Investigations by the BD in July 2022 found that the owner concerned, shortly after complying with a removal order against an unauthorised roof-top structure, erected a PV system on the roof with a coverage area of more than 50 per cent of the roofed-over area of the building, and the space underneath the PV system was partially enclosed by windows, violating the requirements for green and amenity facilities in an NTEH. In addition, the owner and the contractor and his director had carried out the building works without prior approval and consent from the BD, contravening section 14(1) of the BO.

Hence, the BD instigated prosecution action against the owner, the contractor and his director under section 40(1AA) of the BO. The contractor and his director were convicted and fined \$7,000 respectively on August 22 and the owner was convicted and fined \$8,000 on September 5.

A spokesman for the BD said today (September 19) that the installation of PV systems without satisfying the requirements specified for the installation of green and amenity facilities in an NTEH, such as unauthorised enclosure to the space underneath the system, would be considered as unauthorised building works. Prosecution action would be initiated against the owner and the contractor under section 40(1AA) of the BO.

Pursuant to section 40(1AA) of the BO, any person who knowingly contravenes section 14(1) (i.e. commence or carry out any building works without having first obtained approval and consent from the BD), shall be guilty of an offence and liable upon conviction to a fine of \$400,000 and to imprisonment for two years, and a further fine of \$20,000 for each day that the offence continues.