

Owner fined over \$100,000 for not complying with removal order

A property owner was convicted and fined over \$100,000 at the Fanling Magistrates' Courts last week for failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved the subdivision of a domestic flat in a composite building in Heung Sze Wui Square, Tai Po, with the erection of partition walls subdividing the flat into several individual rooms. As the alteration and addition works obstructed the means of escape of the premises and contravened the Building (Planning) Regulations, a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the Buildings Department (BD). The owner has many previous convictions for non-compliance with removal orders regarding other premises. For this case, he expressed in the court that a contractor had been appointed to arrange the required removal works. Eventually the owner was fined \$108,700 upon conviction at the Fanling Magistrates' Courts on April 23.

A spokesman for the BD said today (May 3), "Illegal subdivision of flats causing obstruction to the means of escape may lead to serious consequences. Owners must comply with the removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders, including instigation of prosecution, 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.