

## Owners' corporation and two property owners fined over \$270,000 in total for not complying with removal orders

An owners' corporation (OC) and two property owners were convicted and fined over \$270,000 at the Fanling Magistrates' Courts last month for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved several unauthorised structures with a total area of about 98 square metres on the common roof of a composite building on San Fung Avenue, Sheung Shui. As the unauthorised building works (UBWs) were carried out without prior approval and consent from the Buildings Department (BD), a removal order was served on the OC under section 24(1) of the BO.

Failing to comply with the removal order, the OC was prosecuted by the BD and was fined \$126,960, of which \$104,960 was the fine for the number of days that the offence continued, upon conviction at the Fanling Magistrates' Courts on June 11.

The second and the third cases involved the same village house in Sai Keng, Tai Po. The second case involved an unauthorised structure with an area of about 45 square metres on the ground floor of the village house and a fence wall together with a metal gate erected on the adjoining open area, while the third case involved an unauthorised structure with an area of about 40 square metres on the roof of the village house.

As the Lands Department would not issue a certificate of exemption for the UBWs and that were carried out without prior approval and consent from the BD, removal orders were served on the two owners respectively under section 24(1) of the BO.

Failing to comply with the removal orders, the owners were prosecuted by the BD. The owner of the second case was fined \$85,470, of which \$67,470 was the fine for the number of days that the offence continued, upon conviction at the Fanling Magistrates' Courts on June 18. The owner of the third case claimed that the subject order was already complied with during the hearing, and was eventually fined \$66,225, of which \$56,225 was the fine for the number of days that the offence continued, upon conviction at the court on the same day.

A spokesman for the BD said today (July 9), "UBWs 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 B0. 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.