

Property owner fined \$130,000 for persistently not complying with removal order

A property owner was convicted and fined \$130,000 at the Eastern Magistrates' Courts on June 11 for persistently failing to comply with a removal order issued under the Buildings Ordinance (Cap 123) (BO).

The order involved a rooftop structure of about 45 square metres in size on a domestic building at Braemar Hill Road, Hong Kong. As the structure was erected without prior approval from the Buildings Department (BD), contravening the BO, a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the order, the owner was prosecuted by the BD in 2007 and 2013, and was fined \$5,000 and \$40,000 respectively upon conviction at Eastern Magistrates' Courts. However, the owner persisted in not complying with the order and the BD instigated prosecution against the owner for the third time. The owner was convicted again and heavily fined \$130,000 this month.

"Unauthorised building works may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with removal orders without further delay. The BD will continue taking enforcement action against owners who have failed to comply with removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (June 23).

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 imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.