

Property owner fined about \$180,000 for persistently not complying with removal orders

A property owner was convicted and fined about \$180,000 at the Tuen Mun Magistrates' Courts this month for persistently failing to comply with three removal orders issued under the Buildings Ordinance (Cap. 123) (BO).

The orders involved three unauthorised rooftop structures at an industrial building at Kin Tai Street, Tuen Mun, New Territories with a total area of about 460 square metres and an unauthorised opening in the roof slab.

As the above unauthorised building works (UBWs) were carried out without prior approval and consent from the Buildings Department (BD), removal orders were served on the owner under section 24(1) of the BO.

Failing to comply with the removal orders, the owner has been prosecuted by the BD three times and fined about \$90,000 in total upon conviction at the Tuen Mun Magistrates' Courts. However, the owner persisted in not complying with the orders and the BD instigated prosecution against the owner for the fourth time. The owner was convicted again and heavily fined \$179,200 in total on January 15.

"UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without further delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (January 31).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with the removal 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.