

Property owner fined over \$100,000 for persistently not complying with removal order

A property owner who persistently failed to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123) was convicted and fined over \$100,000 at the Tuen Mun Magistrates' Courts earlier this month.

The case involved an unauthorised structure with an area of about 100 square metres on the flat roof of a residential building on Yuen Long On Ning Road, Yuen Long. 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 owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD three times and was fined over \$190,000 in total upon convictions by the court. As the owner persisted in not complying with the removal order, the owner was prosecuted for the fourth time and was convicted again at the Tuen Mun Magistrates' Courts on April 5. The court adjourned the hearing and ordered the owner to report on the status of the removal of the UBWs before handing down a sentence. On August 2, the owner reported to the court that the UBWs had been removed and provided photographs as proof. Eventually the owner was fined \$104,400, of which \$64,400 was the fine for the number of days that the offence continued, by the court.

A spokesman for the BD today (August 16) said, "UBWs may lead to serious consequences. The owners concerned must comply with the removal order without delay. The BD will continue to take enforcement actions and consider instigating prosecution against the owners again if they persist in not complying with the order, so as 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.