

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 Fanling Magistrates' Courts last week.

The order involved several unauthorised structures of a total area of about 450 square metres and an unauthorised canopy at Ping Che Road, North. 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 in 2018 and was fined about \$27,000 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution for the second time and the owner was convicted again. The owner's representative explained to the court that the required removal works were being arranged. The owner was fined \$102,190 at the Fanling Magistrates' Courts on October 3.

A spokesman for the BD said today (October 12), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with removal orders, including instigation of prosecution, 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.