

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

A property owner was convicted and fined over \$100,000 at the Shatin Magistrates' Courts last week for persistently failing to comply with two removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved two unauthorised rooftop structures of about 80 square metres in total at an industrial building at Kwei Tei Street, Shatin. As the unauthorised building works (UBWs) were erected 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 was prosecuted by the BD in 2015 and was fined about \$7,000 upon conviction at the Shatin Magistrates' Courts. However, the owner persisted in not complying with the removal orders and the BD instigated prosecution against the owner for the second time. The owner was convicted again and fined \$104,400 on July 28.

"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 (August 4).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with a removal order served on him 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 continues.