

Property owner fined over \$110,000 for persistently not complying with removal order

A property owner was convicted and fined over \$110,000 at the Kwun Tong Magistrates' Courts on January 14 for persistently failing to comply with a removal order under the Buildings Ordinance (Cap 123) (BO).

The order involved three unauthorised rooftop structures at a composite building at Cameron Road, Kowloon. The structures, used for rental purposes, are about 26 square metres in total size.

As the above unauthorised building works (UBWs) were carried out 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.

The owner did not comply with the order. He was prosecuted by the BD in 2018 and was fined about \$40,000 upon conviction at Kwun Tong Magistrates' Courts. However, the owner persisted in not complying with the order and the BD prosecuted him for the second time last year. The owner was convicted again this month. The Court noticed that the owner had 12 previous conviction records for not complying with removal orders and heavily fined the owner \$114,000.

"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 instigating prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (January 19).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with an 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 imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.