

Property owner fined over \$120,000 for not complying with removal order

A property owner who failed to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123) was convicted and fined over \$120,000 at the Tuen Mun Magistrates' Courts last week.

The case involved a five-storey unauthorised village house at Fan Tin Tsuen, San Tin, Yuen Long. Since the Lands Department would not issue a certificate of exemption for the building, it is not a New Territories Exempted House under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As the related unauthorised building works (UBWs) were carried out without the 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 and was fined \$123,680 upon conviction at the Tuen Mun Magistrates' Courts on December 29, 2023.

A spokesman for the BD said today (January 3), "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.