

Property owner fined over \$140,000 for persistently not complying with removal order

A property owner was fined \$144,600 at the Tuen Mun Magistrates' Courts last month for persistently failing to comply with a removal order under the Buildings Ordinance (Cap 123) (BO).

The order involved various unauthorised building works (UBWs) at a three-storey house on Yu Chui Street, Tai Lam, Tuen Mun, the New Territories. The UBWs included:

- (a) Illegal site formation works to extend the garden area by about 122 square metres, which was of approximately the same size as the approved garden area; and
- (b) Construction of five structures on various floors with a total floor area of about 55 sq m, which was about one quarter of the approved gross floor area.

As the 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.

Since the owner did not comply with the order, he was prosecuted by the BD three times and fined about \$120,000 in total upon conviction at the Tuen Mun Magistrates' Courts. However, as the owner persisted in not complying with the order, the BD instigated prosecution against him for the fourth time. He was convicted and heavily fined on December 21 last year.

"UBWs may adversely affect the structure and fire safety of a building, leading to serious consequences. Owners should seek professional advice before carrying out any building works in their premises," a spokesman for the BD said today (January 15).

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 to imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.