

Property owner fined over \$180,000 for persistently not complying with removal orders

A property owner was fined over \$180,000 for failing to comply with two removal orders under the Buildings Ordinance (Cap 123) (B0) at Kwun Tong Magistrates' Courts on May 8 (Tuesday).

The orders involved two premises owned by this owner. The first order was for an illegal structure on the balcony and the roof and an illegal concrete canopy attached to the external wall of a building at Prat Avenue in Tsim Sha Tsui, Kowloon. The sizes of the unauthorised building works (UBWs) on the balcony and the roof were around 7 square metres and 52 sq m respectively. As the UBWs were erected without prior approval from the Buildings Department (BD), contravening the B0, a removal order was served on the owner under section 24(1) of the B0.

Since the owner did not comply with the order, he was prosecuted by the BD in 2016 and was fined over \$80,000 upon conviction at Kwun Tong Magistrates' Courts. However, as the owner still did not comply with the order, the BD instigated prosecution against him for the second time. The owner was convicted again. The Court noticed that the owner had three previous conviction records of not complying with removal orders and heavily fined the owner \$94,900.

The other order was for an illegal structure on the roof of a building at Carnarvon Road in the same district. The size of the UBWs was around 28 sq m. As the UBWs were erected without prior approval from the BD, a removal order was served on the owner under section 24(1) of the B0.

As the owner failed to remove the UBWs upon the expiry of the removal order, he was prosecuted by the BD. The owner was convicted. The Court noticed that the owner had previous conviction records for not complying with removal orders at various properties, including the conviction record in the first case mentioned above, and heavily fined him \$88,000.

"UBWs may adversely affect the structural 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 (May 14).

Pursuant to section 40(1BA) of the B0, any person who, without reasonable excuse, fails to comply with an order served on him under section 24(1) of the B0, 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.