

Property owner fined over \$230,000 for persistently not complying with removal orders

A property owner who persistently failed to comply with two removal orders issued under the Buildings Ordinance (BO) (Cap. 123) was convicted and fined over \$230,000 in September 2024 at the Tuen Mun Magistrates' Courts.

Both removal orders involved unauthorised building works (UBWs) at a three-storey house on Yu Chui Street, Tai Lam, Tuen Mun. The first removal order included illegal site formation works for constructing an unauthorised platform of about 122 square metres on a slope adjoining an approved garden, erection of a floor slab over a void adjacent to an approved dining room, removing parts of external walls and constructing unauthorised structures to extend the floors at different levels of the building with a total floor area of about 57 sq m. The second removal order included an unauthorised canopy at a ground floor entrance. As the UBWs were carried out without prior approval and consent from the Buildings Department (BD), two removal orders were served on the owner under section 24(1) of the BO.

Failing to comply with the first removal order, the owner was prosecuted by the BD six times, was fined over \$350,000 in total and was given a four-month imprisonment sentence suspended for two years upon convictions by the court. As the owner persisted in not complying with the removal order, the owner was prosecuted for the seventh time. The owner also did not comply with the second removal order and he was prosecuted at the same time. The owner was convicted at the Tuen Mun Magistrates' Courts on December 2, 2022, and the court adjourned the hearing and ordered the owner to report on the status of the removal of the UBWs before handing down a sentence. On the adjourned hearing date of September 27, 2024, the owner reported to the court that the UBWs under the second removal order had been removed and a contractor had been appointed to follow up on the remaining UBWs removal work under the first removal order. Eventually the owner was fined by the court \$239,100 in total, of which \$113,100 was the fine for the number of days that the offence continued.

A spokesman for the BD today (October 9) said, "UBWs may lead to serious consequences. The owners concerned must comply with removal orders without delay. The BD will continue to take enforcement actions and consider instigating prosecution against the owners again if they persist in not complying with the orders, 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.