

Property owner fined over \$80,000 for persistently not complying with removal order

A property owner who persistently failed to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123) was convicted and fined over \$80,000 at the Tuen Mun Magistrates' Courts earlier this month.

The case involved two unauthorised building works (UBWs) with a total area of about 33 square metres on the roof and ground floor of a house in Yuen Long. As the UBWs were carried out without 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 over \$6,000 upon conviction by the court. The owner removed one of the UBWs, i.e. UBWs on the roof after the prosecution, but UBWs were later found re-erected on the roof again. As the owner persisted in not complying with the removal order, the BD instigated prosecution again. The owner was fined \$83,600 in total, of which \$53,600 was the fine for the number of days that the offence continued, upon conviction again at the Tuen Mun Magistrates' Courts on October 4.

A spokesman for the BD today (October 23) said, "UBWs may lead to serious consequences. The owners concerned must comply with the 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.