

## Property owner fined over \$90,000 for persistently not complying with removal order

A property owner was fined \$93,400 at the Kwun Tong Magistrates' Courts last week 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 two-storey house on Chuk Yeung Road, Sai Kung, the New Territories. The UBWs included:

- (1) Five structures with a total floor area of about 200 square metres, which is about the same as the approved gross floor area of the house; and
- (2) Retaining walls on the ground floor at two sides.

As the UBWs were erected without prior approval from the Buildings Department (BD), contravening the BO, a removal order was served on the house owner under section 24(1) of the BO.

Since the owner did not comply with the order, the owner was prosecuted by the BD in 2016 and fined over \$40,000 upon conviction at Kwun Tong Magistrates' Courts. However, the owner persisted in not complying with the order and the BD instigated prosecution against him for the second time. The owner was convicted again and heavily fined \$93,400 on August 27.

"UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without further delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (September 4).

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