

# Property owner given suspended jail sentence and fined over \$60,000 for not complying with removal order

A property owner was sentenced to 14 days' imprisonment suspended for 18 months and fined over \$60,000 at Kowloon City Magistrates' Courts last week for failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The removal order involved erection of partition walls in a residential flat at Pau Chung Street, To Kwa Wan, for subdivision into several individual rooms. As the unauthorised building works (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.

After failing to comply with the removal order, the owner was prosecuted by the BD and was convicted at Kowloon City Magistrates' Courts on August 18. Considering the seriousness of the case given the usage of the UBWs, the effect of the UBWs on the escape route and the owners' previous similar conviction records, the court imposed a 14-day imprisonment sentence suspended for 18 months, plus a fine of \$63,300.

"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 (August 25).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with the removal 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.