

Property owner of mini-storages fined over \$110,000 for not complying with removal order and repair order

A property owner of mini-storages was convicted and fined over \$110,000 at the Eastern Magistrates' Courts last month for failing to comply with a removal order and a repair order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved the alteration of a unit into mini-storages in an industrial building on Lee Chung Street and Cheung Lee Street, Chai Wan. As the alteration and addition works were carried out without prior approval and consent from the Buildings Department (BD), and they obstructed the means of escape and means of access for fire fighting and rescue as well as affecting the fire resisting construction of the buildings, contravening the Building (Planning) Regulations and the Building (Construction) Regulation, a removal order and a repair order were served on the owner under section 24(1) and section 26 of the BO.

Failing to comply with the removal order and the repair order, the owner was prosecuted by the BD and was fined \$116,840 in total, of which \$76,840 was the fine for the number of days that the offences continued, upon conviction at the Eastern Magistrates' Courts on August 22.

A spokesman for the BD said today (September 2), "Unauthorized alteration works causing obstruction to the means of escape and means of access for fire fighting and rescue, or affecting the fire resisting construction of a building may lead to serious consequences. Owners must comply with removal orders and repair orders without delay. The BD will continue to take enforcement action against owners who fail to comply with removal orders and repair orders, including instigation of prosecution, 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. Moreover, failure to comply with a repair order without reasonable excuse is a serious offence. The maximum penalty upon conviction is a fine of level 5 (\$50,000 at present) and one year's imprisonment, and a further fine of \$5,000 for each day that the offence continues.