

Property owners fined about \$210,000 in total for not complying with removal orders

Property owners involved in two cases were convicted and fined over \$110,000 and \$90,000 last month at the Tuen Mun Magistrates' Courts and the Fanling Magistrates' Courts respectively for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved an unauthorised five-storey village house in Fan Tin Tsuen, San Tin, Yuen Long. Since the Lands Department would not issue a certificate of exemption for the building, it is not a New Territories Exempted House under the BO (Application to the New Territories) Ordinance (Cap. 121). As the building was constructed without prior approval and consent from the Buildings Department (BD), it is unauthorised building works (UBWs). A removal order was then served on the co-owners of the building under section 24(1) of the BO.

Failing to comply with the removal order, the owners were prosecuted by the BD and were fined \$114,000 in total upon conviction at the Tuen Mun Magistrates' Courts on October 8.

The second case involved a two-storey unauthorised structure of about 44 square metres in total at the flat roof of a building at San Fung Avenue, Shek Wu Hui, Sheung Shui. As the structure was constructed without prior approval and consent from the 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 \$94,800 upon conviction at the Fanling Magistrates' Courts on October 26.

A spokesman for the BD said today (November 2), "UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without 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 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 one year's imprisonment and a fine of \$200,000, and a further fine of \$20,000 for each day that the offence continues.