

Property owners fined about \$260,000 in total for persistently not complying with removal orders

The property owners involved in four removal orders issued under the Buildings Ordinance (BO) (Cap. 123) were recently convicted and fined from \$50,000 to about \$80,000 at the Tuen Mun Magistrates' Courts and the Kwun Tong Magistrates' Courts respectively.

The first case involved an unauthorised structure and an unauthorised metal canopy at the external wall of a unit in an industrial building at Tsing Yeung Circuit, Tuen Mun, while the second case involved three unauthorised structures at Ho Chung, Sai Kung. The third case involved several unauthorised building works (UBWs) in a single family house at Yu Chui Street, Tai Lam, Tuen Mun, including an unauthorised basement of about 76 square metres and four unauthorised structures of about 34 sq m in total at the external wall and on the slope adjacent to the garden. The fourth case involved a rooftop structure of about 120 sq m of a domestic flat at Lok Chui Street, Tuen Mun.

As the UBWs were constructed without prior approval and consent from the BD, removal orders were served on the owners under section 24(1) of the BO.

The owner in the first case was prosecuted by the BD twice and was fined about \$40,000 in total upon conviction at the Tuen Mun Magistrates' Courts. As the owner persisted in not complying with the removal order and the BD instigated prosecution against the owner for the third time. The owner was convicted again and fined \$64,900 at the Tuen Mun Magistrates' Courts on October 22.

The owner in the second case was also prosecuted by the BD twice and was fined about \$100,000 in total upon conviction at the Kwun Tong Magistrates' Courts. However, the owner persisted in not complying with the removal order and the owner was prosecuted by the BD for the third time. The owner was convicted again and fined \$77,550 at the Kwun Tong Magistrates' Courts on November 2.

The owners in the third and fourth case were prosecuted by the BD earlier and were fined over \$30,000 and \$40,000 respectively upon conviction at the Tuen Mun Magistrates' Courts. Since the two owners persisted in not complying with the removal orders, they were prosecuted by the BD for the second time. The owners were convicted again and fined \$67,100 and \$50,000 respectively at the Tuen Mun Magistrates' Courts on November 5.

A spokesman for the BD said today (November 29), "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 B0. 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.