

Six managers and three co-owners fined over \$460,000 for not complying with removal orders

Six managers and three co-owners were convicted and fined over \$460,000 in total at the Tuen Mun Magistrates' Courts last month for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved an unauthorised structure with an area of about 1 900 square metres on two lots in D.D. 124, Yuen Long. The subject lots are jointly managed by six managers responsible for the management of the ancestral land concerned. Since the Lands Department would not issue a certificate of exemption for the structure, it is not a New Territories Exempted House under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As the unauthorised building works (UBWs) were carried out without the prior approval and consent from the Buildings Department (BD), a removal order was served on the managers under section 24(1) of the BO.

Failing to comply with the removal order, the six managers were prosecuted by the BD and were convicted at the Tuen Mun Magistrates' Courts on April 28 last year. The Court adjourned the hearing and ordered the managers to report the status of removal of the UBWs before handing down a sentence. As the managers still failed to comply with the removal order during the hearing on March 22, they were fined a total of \$306,000 by the Court, of which \$186,000 was the fine for the number of days that the offence continued.

The second case involved a flat co-owned by three owners in a composite building on Yan Ching Street, Tuen Mun, where four unauthorised structures with a total area of about 65 square metres were erected on the flat roof of the flat. As the UBWs were carried out without the prior approval and consent from the BD, a removal order was served on the owners under section 24(1) of the BO.

Failing to comply with the removal order, the three owners were prosecuted by the BD and were fined a total of \$155,100, of which \$95,100 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on March 22.

A spokesman for the BD said today (April 5), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with 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 a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.