

## Three property owners fined about \$230,000 in total for not complying with removal orders

Three property owners who failed to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123) were convicted and fined about \$230,000 in total at the Tuen Mun Magistrates' Courts last month.

In the first case concerning a domestic flat in a composite building on Tuen Mun Heung Sze Wui Road, Tuen Mun, an unauthorised structure with an area of about 28 square metres was erected on the flat roof, two metal frames were erected projecting from the external wall, and a fire-resisting door was removed and replaced with a door of inadequate fire resistance. As the unauthorised building works (UBWs) and alteration works were carried out without the prior approval and consent from the Buildings Department (BD), and affected the fire-resisting construction of the building, in contravention of the BO and the Building (Construction) Regulation, 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 \$76,000 upon conviction by the Tuen Mun Magistrates' Courts on October 13.

The second case involved two flats co-owned by two owners in a residential building on Wu Chui Road, Tuen Mun, where five unauthorised structures with a total area of about 25 sq m were erected on the flat roofs of the two flats, and an opening was formed with a glazing door installed at the external wall of each of the two flats. As the UBWs and alteration works were carried out without the prior approval and consent from the BD, two removal orders were served on the owners under section 24(1) of the BO.

Failing to comply with the removal orders, the two owners were prosecuted by the BD in 2016 and were fined \$44,000 in total upon conviction at the Tuen Mun Magistrates' Courts. As the owners persisted in not complying with the removal orders, the BD instigated prosecution for the second time. The two owners were convicted again and fined \$153,920 in total upon conviction at the Tuen Mun Magistrates' Courts on October 13.

A spokesman for the BD said today (November 2), "UBWs may lead 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 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 a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.