

Three property owners fined over \$130,000 in total for persistently not complying with removal orders

Three property owners who persistently failed to comply with the removal orders issued under the Buildings Ordinance (Cap. 123) (BO) have recently been convicted and fined over \$60,000 and \$70,000 at the Kwun Tong Magistrates' Courts and the Eastern Magistrates' Courts respectively.

The first case involved the unauthorised enclosure walls for the cantilevered slab balcony of a domestic unit in a composite building at Chatham Road South, Kowloon. As the unauthorised building works (UBWs) were carried out without prior approval and consent from the Buildings Department (BD), a removal order was served on the owners under section 24(1) of the BO.

Failing to comply with the removal order, the two co-owners of the property were prosecuted by the BD in 2017 and were fined about \$10,000 in total upon conviction. However, both owners persisted in not complying with the removal order and the BD instigated prosecution against them for the second time. Both owners were convicted again and heavily fined \$63,840 in total at the Kwun Tong Magistrates' Courts on December 22.

Another case involved the unauthorised timber partition and timber door for the unauthorised openings on the enclosure walls at the ground and upper ground floor respectively of the escape staircase of a domestic building at Queen's Road West, Hong Kong. As the UBWs were carried out without prior approval and consent from the BD, a removal order was served on the owner under section 24(1) of the BO.

The owner was prosecuted in 2018 and 2019 by the BD after failing to comply with the removal order and was fined about \$11,000 and \$24,000 respectively upon conviction at the Eastern Magistrates' Courts. However, the owner persisted in not complying with the removal order. He was prosecuted for the third time this year and was convicted and fined \$71,500 on November 26.

"UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without further 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 achieve a deterrent effect," a spokesman for the BD said today (December 27).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with the removal order served on him or her under section 24(1) of the BO commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for one year, as well as

a further fine of \$20,000 for each day that the offence has continued.