

Two co-owners given suspended jail sentence for persistently not complying with removal order

Two co-owners were sentenced to 14 days' imprisonment suspended for 24 months at Kowloon City Magistrates' Courts last month for failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The order involved an unauthorised flat roof structure of about 80 square metres and a metal fence erected on an approved canopy at a composite building on Pau Chung Street, To Kwa Wan. 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 owners were prosecuted by the BD in 2016 and were fined about \$10,000 in total upon conviction at the Kowloon City Magistrates' Courts. However, the owners persisted in not complying with the removal order and the BD instigated prosecution against the owners for the second time. The two owners were convicted again and sentenced to 14 days' imprisonment suspended for 24 months on December 29, 2021.

A spokesman for the BD said today (January 9), "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.