

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

Two co-owners were convicted and each sentenced to three months' imprisonment suspended for 12 months at the Fanling Magistrates' Courts early this month for failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved an unauthorised ground floor structure with an area of about 80 square metres on a village house in Kau Lung Hang, Tai Po. The ground floor unit and the garden are co-owned by two owners. 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 owners under section 24(1) of the BO.

Failing to comply with the removal order, the two owners were prosecuted by the BD in 2018 and 2022, and were fined \$22,240 in 2018 and \$33,000 in 2022 upon conviction by the court. As the owners persisted in not complying with the removal order, the BD instigated prosecution against the owners for the third time. The two owners were convicted again and each sentenced to three months' imprisonment suspended for 12 months at the Fanling Magistrates' Courts on January 2, 2024.

A spokesman for the BD said today (January 18), "UBWs may lead to serious consequences. The concerned owners must comply with the removal order without delay. The BD will continue to take enforcement actions and consider instigating prosecution against the owners again at appropriate times if they persist in not complying with the order, 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.