

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

Two co-owners were convicted and each sentenced to six weeks' imprisonment suspended for 18 months, and fined over \$17,000 in total at the Kowloon City Magistrates' Courts on July 10 for failing to comply with a removal order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved an unauthorised structure with an area of about 40 square metres on the roof of a composite building at Ki Lung Street, Mong Kok. The roof is co-owned by two owners. 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 two 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 were fined over \$17,000 in total upon conviction by the court. As they persisted in not complying with the removal order, the BD instigated prosecution again. During the hearing at the Kowloon City Magistrates' Courts on July 10, they confirmed that the unauthorised structure had been rented out. Furthermore, they showed no intention of complying with the order. They were eventually convicted and were each sentenced to six weeks' imprisonment suspended for 18 months, and fined a total of \$17,560.

A spokesman for the BD said today (July 26), "UBWs may lead to serious consequences. The owners concerned 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 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.