

## Two owners fined over \$100,000 for not complying with orders to remove rooftop illegal structure for domestic use at industrial building

Two co-owners of an industrial premises in Tuen Mun were fined over \$100,000 for failing to comply with three orders issued under sections 24(1), 25(2)(b) and 26(1) of the Buildings Ordinance (BO) (Cap 123) at Tuen Mun Magistrates' Court last month.

The orders involved one illegal structure with an area of about 220 square metres erected on the roof of an industrial building at San Ping Circuit, Tuen Mun. The illegal structure was divided into eight cubicles for domestic use. As the unauthorised building works (UBWs) were carried out without prior approval from the Buildings Department (BD), contravening the BO, a removal order under section 24(1) of the BO was served on the co-owners of the premises.

Moreover, the premises has been changed to domestic use without permission, posing a serious fire and safety risk to the occupants of the premises and rendering the premises dangerous, which has also contravened the BO. Two orders issued under sections 25(2)(b) and 26(1) of the BO respectively were served concurrently with the removal order, requiring the owners to discontinue the domestic use and to carry out certain remedial works before the specified time.

As the owners failed to comply with the three orders upon the expiry of the time limits, they were prosecuted by the BD with three charges under sections 40(1BA) and 40(1B)(b) of the BO. They were convicted of all the charges at the Tuen Mun Magistrates' Courts on May 31 and fined \$111,900 in total.

"UBWs may adversely affect the structure and fire safety of a building. Furthermore, unauthorised change in use of an industrial building to domestic use will increase the fire risks. Both situations can lead to serious consequences. Owners should seek professional advice before carrying out any building works or change in use in their premises. The BD will continue its enforcement action against these situations," a spokesman for the BD said today (June 10).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with an 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.

Moreover, pursuant to section 40(1B)(b) of the B0, any person who, without reasonable excuse, fails to comply with an order served on him or her under section 25(2) or section 26(1) of the B0, commits an offence and is liable on conviction to a fine of level 5 and to imprisonment for one year, as well as a further fine of \$5,000 for each day that the offence has continued.