

Two property owners fined \$250,000 and over \$80,000 for not complying with removal orders

Two property owners were fined \$250,000 and over \$80,000 at Kwun Tong Magistrates' Courts last week for failing to comply with removal orders issued under the Buildings Ordinance (Cap 123) (BO).

The first case related to two removal orders that were previously issued in respect of six illegal structures at a three-storey house in a housing estate on Hiram's Highway, Sai Kung. The original size of the premises is about 240 square metres whereas the total size of the illegal structures is about 90 sq m. As the unauthorised building works were erected without prior approval from the Buildings Department (BD), contravening the BO, removal orders were served on the owner under section 24(1) of the BO.

The owner did not comply with the original two removal orders. He was prosecuted by the BD in 2016 and fined over \$90,000 upon conviction at Kwun Tong Magistrates' Courts. However, the owner persisted in not complying with the orders and the BD instigated prosecution against him for the second time. He was convicted again and fined \$250,000 on November 19.

The second case related to another three-storey house of the same estate involving six illegal structures on various floors with a total floor area of about 142 sq m, which is about half of the approved gross floor area of the house. As the structures were erected without prior approval from the BD, a removal order was served on the owner under section 24(1) of the BO.

The owner failed to comply with the removal order and was prosecuted by the BD. The owner was convicted and fined \$80,900 on November 19.

"Unauthorised building works 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 (November 27).

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