

Two property owners fined about \$130,000 in total for persistently not complying with removal orders

Two property owners were convicted and each fined over \$60,000 at the Eastern Magistrates' Courts this month for persistently failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The two cases involved an unauthorised flat roof structure of about 70 square metres in a composite building on King's Road, North Point, and an unauthorised structure of about 54 sq m erected at Stanley Main Beach.

As the unauthorised building works (UBWs) were constructed without prior approval and consent from the Buildings Department (BD), removal orders were served on the owners under section 24(1) of the BO.

Regarding the case in North Point, the owner was prosecuted by the BD in 2019 and was fined \$19,000 upon conviction at the Eastern Magistrates' Courts. As the owner persisted in not complying with the removal order, the owner was prosecuted by the BD for the second time and was convicted again and fined \$65,000 on April 21.

In the other case, the owner concerned was prosecuted by the BD in 2015 and 2019 and was fined about \$44,000 in total upon conviction at the Eastern Magistrates' Courts. As the owner persisted in not complying with the removal order, the owner was prosecuted by the BD for the third time and was convicted again and fined \$63,200 on April 14.

A spokesman for the BD said today (April 27), "UBWs may lead 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.