

Two property owners fined about \$210,000 and \$160,000 respectively for not complying with removal orders

Two property owners were convicted and fined about \$210,000 and \$160,000 last week at the Fanling Magistrates' Courts and Eastern Magistrates' Courts, respectively, for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved two adjacent domestic units in a composite building at On Fu Road, Tai Po. Two removal orders were served in respect of several unauthorised flat roof structures of about 120 square metres for rental purposes. The removal order in the second case involved unauthorised building works (UBWs) carried out in a single family house on Perkins Road, Hong Kong Island. These UBWs include several unauthorised structures of about 80 sq m in total at the rear, and on the roof and stair hood of the house.

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

Failing to comply with the removal orders, the owners were prosecuted by the BD. The owner in the first case was convicted at the Fanling Magistrates' Courts on May 25. The magistrate, after taking into account the size and usage of the unauthorised structures of the two orders, heavily fined the owner \$209,430 in total.

The owner in the second case was prosecuted by the BD in 2017 and fined over \$80,000 upon conviction at the Eastern Magistrates' Courts. However, the owner persisted in not complying with the order and the BD instigated prosecution against the owner for the second time. The owner was convicted at the Eastern Magistrates' Courts again and fined \$158,400 on May 26.

"UBWs 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 (May 31).

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