

Two property owners fined over \$120,000 in total for not complying with removal orders

Two property owners who failed to comply with the removal orders issued under the Buildings Ordinance (BO) (Cap. 123) were convicted and fined over \$120,000 in total at the Shatin Magistrates' Courts and the Tuen Mun Magistrates' Courts last week.

The first case involved unauthorised structures with a total area of about 98 square metres erected in the yard and on the roof of a house at Sha Tin Heights of Tai Po Road, Sha Tin. As the unauthorised building works (UBWs) were carried out without the prior approval and consent from the Buildings Department (BD), a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD in 2005, 2015 and 2020, and was fined over \$40,000 in total upon conviction at the Shatin Magistrates' Courts. As the owner persisted in not complying with the removal order, the BD instigated prosecution again. The owner was convicted and fined \$76,000 upon conviction at the Shatin Magistrates' Courts on November 1.

The second case involved a four-storey unauthorised village house with an area of about 27 sq m per storey at Nam Pin Wai, Yuen Long. Since the Lands Department would not issue a certificate of exemption for the building, it is not a New Territories Exempted House under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121). As the related UBWs were carried out without the prior approval and consent from the BD, a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD and was fined \$51,360 upon conviction at the Tuen Mun Magistrates' Courts on November 3.

A spokesman for the BD said today (November 10), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will continue to take enforcement action against owners who have failed to comply with 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 a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.