

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

Two property owners were convicted and fined over \$130,000 in total at the Shatin Magistrates' Courts this month for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The first case involved the alteration of a unit into mini-storage and erection of an unauthorised structure with an area of about 76 square metres on the flat roof of an industrial building on Wo Liu Hang Road, Fo Tan, Sha Tin. As the alteration and addition works were carried out without the prior approval and consent from the Buildings Department (BD), and they obstructed the means of escape as well as affecting the fire resisting construction of the building, contravening the Building (Planning) Regulations and the Building (Construction) Regulation, 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 \$53,620 upon conviction at the Shatin Magistrates' Courts on March 6.

The second case involved the alteration of a unit in an industrial building on Au Pui Wan Street, Sha Tin. As the alteration works obstructed the means of escape and affected the fire resisting construction of the building, contravening the Building (Planning) Regulations and the Building (Construction) Regulation, 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 2020 and was fined \$8,300 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution again. The owner's representative explained to the court that part of the unauthorised building works (UBWs) had been removed and the remaining UBWs would be removed as soon as possible. The owner was eventually fined \$79,200 upon conviction at the Shatin Magistrates' Courts on March 13.

A spokesman for the BD said today (March 28), "UBWs and unauthorised alteration works causing obstruction to the means of escape or affecting the fire resisting construction of a building 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.