

Two property owners fined over \$220,000 in total for not complying with removal orders

Two property owners were convicted and fined over \$220,000 in total at the Fanling Magistrates' Courts early this month for failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved five unauthorised structures, each with an area ranging from about 5.5 to 80 square metres, on the flat roofs of three units in a composite building at Tai Wing Lane, Tai Po. As the unauthorised building works (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 and were fined \$222,920 in total, upon conviction at the Fanling Magistrates' Courts on December 3. One owner holding two units was fined \$153,280, of which \$113,280 was the fine for the number of days that the offence continued, while the other owner holding one unit was fined \$69,640, of which \$56,640 was the fine for the number of days that the offence continued.

A spokesman for the BD said today (December 20), "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, to ensure building safety."

Failing 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.