

Two property owners fined over \$260,000 for not complying with removal order and repair order

Two property owners were convicted and fined over \$260,000 at the Tuen Mun Magistrates' Courts last month and this month for failing to comply with a removal order and a repair order issued under the Buildings Ordinance (BO) (Cap. 123).

The case involved the alteration of four units into mini-storages in an industrial building on Kin Wing Lane, Tuen Mun. As the alteration and addition works were carried out without prior approval and consent from the Buildings Department (BD), and they obstructed the means of escape and means of access for fire fighting and rescue as well as affecting the fire resisting construction of the buildings, contravening the Building (Planning) Regulations and the Building (Construction) Regulation, a removal order and a repair order were served on both of the two owners under section 24(1) and section 26 of the BO.

Failing to comply with the removal order and the repair order, the two owners were prosecuted by the BD and were fined \$261,560 in total, of which \$101,560 was the fine for the number of days that the offences continued, upon conviction at the Tuen Mun Magistrates' Courts on October 25 and November 8 respectively.

A spokesman for the BD today (November 22) said, "Unauthorised alteration works causing obstruction to the means of escape and means of access for fire fighting and rescue, or affecting the fire resisting construction of a building may lead to serious consequences. The owners concerned must comply with removal orders and repair orders without delay. The BD will continue to take enforcement actions against owners who fail to comply with removal orders and repair orders, including instigation of prosecution, 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. Moreover, failure to comply with a repair order without reasonable excuse is a serious offence. The maximum penalty upon conviction is a fine of level 5 (\$50,000 at present) and one year's imprisonment, and a further fine of \$5,000 for each day that the offence continues.