

Two property owners fined over \$50,000 respectively for persistently not complying with removal orders

Two property owners were convicted and fined over \$50,000 respectively last week at the Kwun Tong Magistrates' Courts for persistently failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123).

The cases concerned are related to two unauthorised building works (UBWs) at a composite building at Fu Yan Street, Kwun Tong. The first case involved an unauthorised rooftop structure of about 20 square metres while the other one was related to an unauthorised flat roof structure of about 11 sq m.

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 two owners were prosecuted by the BD in 2017 and were each fined over \$20,000 upon conviction at the Kwun Tong Magistrates' Courts. However, the two owners persisted in not complying with the removal orders and the BD instigated prosecution against the owners for the second time. The two owners were convicted again and fined \$57,000 and \$52,000 respectively on August 10.

"UBWs may adversely affect the structure and fire safety of a building, leading 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 achieve a deterrent effect," a spokesman for the BD said today (August 19).

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