

Two property owners fined over \$80,000 and \$60,000 for persistently not complying with removal orders

Two property owners were convicted and fined over \$80,000 and \$60,000 respectively at the Eastern Magistrates' Courts on September 10 for persistently failing to comply with removal orders issued under the Buildings Ordinance (Cap. 123) (BO).

The two cases involved two illegal flat roof structures of two adjacent units in a composite building at Jardine's Crescent, Hong Kong. Each premises is about 20 square metres in size whereas the size of the two illegal structures are about 80 sq m and 55 sq m. As the above unauthorised building works (UBWs) were erected without prior approval from the Buildings Department (BD), contravening the BO, removal orders were served on the owners under section 24(1) of the BO.

Failing to comply with the orders, both owners were prosecuted by the BD in 2015 and 2018. They were fined about \$57,000 and \$41,000 in total upon convictions at the Eastern Magistrates' Courts. However, as both owners persisted in not complying with the orders, the BD instigated prosecution against them for the third time. Both owners were convicted again and heavily fined \$80,500 and \$60,500 respectively.

"UBWs may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without further delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (September 23).

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