

For discussion
on 19 December 2000

**LEGISLATIVE COUNCIL
PANEL ON PLANNING, LANDS AND WORKS**

BUILDING SAFETY AND TIMELY MAINTENANCE
To control advertisement signboards

PURPOSE

This paper seeks Members' views on a proposal to ensure the safety and maintenance of advertisement signboards on buildings through a statutory registration system.

BACKGROUND

2. Many business operators erect signboards to advertise their services or merchandise. The Buildings Department (BD) estimates there are over 220 000 advertisement signboards in Hong Kong, the number is increasing by about 3% a year and some 10% are abandoned.

3. Our policy is to ensure that signboards attached to or erected on buildings do not pose risks to safety and that signboard owners take responsibility for the maintenance of their signboards. At the same time, Government is mindful of the attraction of signboards as a showcase for Hong Kong, the city of lights.

4. To advise on erection and maintenance of signboards, BD has issued a guide on technical considerations. BD checks the safety of signboards through its own programme of inspections and in response to complaints from the public. It will advise and, if necessary, issue statutory notices under the Public Health and Municipal Services Ordinance (Cap 132) to require signboard owners to repair or remove signboards found to be dangerous or likely to become dangerous. In addition, BD will remove signboards in emergency situations. Since 1996, BD has inspected more than 130 000 signboards. As a result, some 3 300 have been removed or repaired.

5. Over the years, some Members of the Legislative Council and many in our community, particularly through District Boards (now District Councils), have called for

firmer control of signboards, including measures to require owners to face up to their responsibility for ensuring signboard safety and for removing their signboards when appropriate. There have also been suggestions that, as owners derive income or commercial benefits from their signboards, consideration should be given to charging them for the public space occupied by the signs.

EARLIER CONSULTATION

Proposal to register signboards

6. In 1999, Government consulted Members, the Land and Building Advisory Committee, all Provisional District Boards, relevant professional bodies and business associations on a proposal to register signboards. This aims to ensure public safety and to require signboard owners to take up their responsibility for the structural and fire safety and proper maintenance of their own signboards. The main features of the proposal were:

- (a) signboards to be registered with requirements commensurate with their size;
- (b) registration to be valid for a specified period; and
- (c) a grace period to facilitate compliance by owners of existing signboards.

Public views

7. Feedback from the consultation was generally in favour of statutory registration, with a control system for easy identification of signboard owners and recovery of any public expenditure incurred on their behalf. Issues raised for consideration centred mainly on definition of signboard owners, registration of signboard contractors and public liability, as summarised below:

(a) Definition of signboard owners –

All respondents have agreed to the need for a clear definition to identify the person responsible for the safety and maintenance of a particular signboard. Though many have pointed to property/building owners as the party to be responsible for ensuring that signboards

erected on their buildings are safe and properly maintained, just as many have highlighted the need to “protect” building owners who have not given their consent to the erection of signboards and may well themselves be affected by the nuisance caused;

(b) **Registration of signboard contractors –**

Respondents have supported the idea of a new register for signboard contractors, in addition to the existing registers for general building contractors and specialist contractors under the Buildings Ordinance;

(c) **Public liability –**

There is general consensus that signboard owners should safeguard third parties against accidents related to the display of their signboards; and

(d) **Abandoned signboards –**

It is well recognised that abandoned signboards present a major problem and that signboard owners should be required to repair and, when appropriate, to remove their signboards.

These views have since been the subject of study within the Administration. In February this year, the Secretary for Planning and Lands set up a task force to work out proposals *inter alia* on control of advertisement signboards.

TASK FORCE PROPOSALS

8. Having reviewed previous records, taken reference from overseas practices and studied the feedback from the earlier consultation, the task force proposes that Government should proceed with a self-financing system to register signboards for responsible maintenance and public safety.

Definition of signboards

9. For design, construction, maintenance, removal and registration, signboards should be defined according to size as follows:

- (a) **very large signboards** (indicatively, projecting and rooftop signboards over 20m² and wall signboards over 40m²) –
- building plans to be submitted to BD for approval;
 - construction or removal works to be executed by registered signboard contractors and supervised by building professionals; and
 - maintenance works to be executed by registered signboard contractors;
- (b) **large signboards** (indicatively, projecting and rooftop signboards of 10 to 20m² and wall signboards of 10 to 40m²) –
- plans including construction details to be certified by building professionals; and
 - construction, removal and maintenance works to be executed by registered signboard contractors;
- (c) **medium signboards** (indicatively, projecting, rooftop and wall signboards up to 10m² which are not simple signboards) –
- design, construction, removal and maintenance works to be executed by registered signboard contractors on their own responsibility;
- (d) **simple signboards** (indicatively, shop-front signs projecting less than 600mm and under 1m in height, and signs up to 0.5m² (at maximum 600mm projection and lower than 4m from the ground)) –
- signboard owners to be responsible for construction, removal and maintenance.

10. The dimensions of signboards in the different categories of registrable signboards should be subject to further consultation with building professionals and contractors before BD finalises for implementation.

Definition of signboard owners

11. As a general principle, the **signboard owner** should be defined as any person:

- who causes or caused the signboard to be erected;
- who may gain financial benefit from the signboard or the signboard space; or
- whose merchandise, trade or business is advertised by the signboard.

The signboard owner should be responsible for registering the signboard (paragraphs 14 to 18 below).

Role of professionals and contractors

12. To introduce the registration system, the law should be amended to provide for:

- (a) a new category of building works, viz “minor works” to include signboards;
- (b) a new register for minor works contractors including signboard contractors; and
- (c) building professionals and registered signboard contractors, as appropriate, to certify the safety of signboards as envisaged in paragraph 9 above.

Registered signboard contractors should be allowed to act as agents for signboard owners in applying for registration of signboards.

13. Parameters for registration of signboard contractors could include:

- technical qualifications;
- experience; and
- track record.

Reference should be taken from the existing registers for general building contractors and specialist contractors for “building works” under the Buildings Ordinance. Our aim is to ensure public safety, but at the same time not to over-regulate.

Registration requirements

14. Very large, large and medium signboards (those at paragraph 9(a), (b) and (c) above) should be registered with BD to ensure their structural, positional and fire (including electrical) safety. Simple signboards (those at paragraph 9(d) above) should be **exempted** from registration.

15. Registration should be **valid for three years**, renewable thereafter on continuing compliance with the applicable requirements. The **registration number** of the signboard should be displayed legibly on the board.

16. Registration of a **new signboard** (erected after commencement of the system) should require the applicant to present:

- (a) a certificate of safety covering structural, positional and fire (including electrical) safety of the signboard;
- (b) a statement of the arrangements for maintaining the signboard in good repair;
- (c) a declaration as to who caused the signboard to be erected and an undertaking from that person to remove the signboard when it is no longer required;
- (d) a public liability insurance policy for the signboard; and
- (e) a document indicating building owners’ consent (paragraph 18 below).

17. With **existing signboards**, there may be practical difficulties in meeting the requirements for certificate of safety and owners’ prior consent. Given the possible absence of building plans and lack of data on construction, our objective should realistically be to establish that these signboards are in good repair and well maintained upon registration. For registration of an existing signboard, the applicant should present:

- (a) a general appraisal by a building professional (for very large signboards) or a registered signboard contractor (for other registrable signboards) of the structural, positional and fire (including electrical) safety of the signboard;
- (b) a statement of the arrangements for maintaining the signboard in good repair;
- (c) a declaration as to who caused the signboard to be erected and an undertaking from that person to remove the signboard when it is no longer required; and
- (d) a public liability insurance policy for the signboard.

18. The task force appreciates that the requirement for building owners' consent would create difficulties for the owners of existing signboards. However, it is reasonable to require all new signboards to have the consent of the majority of owners on first registration and renewal.

Registration fee and cost recovery

19. The **fee** for registration should cover the cost of administering the system, with reference to the size of the signboard concerned as defined in paragraph 9 above.

20. The task force considers that there is scope for a **levy** on owners of registered signboards, to be payable into a fund for removal of abandoned signboards. Some might argue that responsible signboard owners who bear the expense of removing their own signboards would be contributing to the removal costs of signboards erected by irresponsible owners. On the other hand, it would be inappropriate for public funds to continue to subsidise commercial operators for such removal. Parallels may be drawn with existing levies related to absconding travel agents and assistance for victims of traffic accidents.

Transitional arrangements

21. To allow time for a sufficient number of registered signboard contractors to be available in the market, the registration of existing signboards (ie registrable signboards erected before commencement of the system) should commence one year after

commencement of the registration of signboard contractors. Thereafter, a **grace period** of two years should be given for signboard owners to comply.

22. After the two-year grace period, BD should remove the signboards found to be still unregistered. All costs should be recovered from the signboard owners.

Enforcement powers, offences and penalties

23. For effective enforcement of the registration scheme, BD should have powers to reject an application for registration that is not accompanied by the requisite supporting information, to remove dangerous, dilapidated, abandoned and unregistered signboards and recover any costs incurred from the signboard owner.

24. New offences, with deterrent penalties, should be created for failure to register a registrable signboard, abandoning a signboard, failure to display the relevant registration number on a registered signboard and displaying a false registration number on an unregistered registrable signboard.

25. To keep enforcement simple and straightforward, a **fixed penalty system** should apply to the offence of failure to display the registration number. It is envisaged that notification of the fixed penalty would be sent to the signboard owner, who would have a specified period (say, two weeks) to remedy the matter before a further (and possibly higher) fixed penalty would be imposed. Fixed penalties would continue to be imposed at intervals until the registration number is displayed.

Operational arrangements

26. Technical guidelines would be issued by BD on construction, erection and maintenance of signboards, together with advice on the requirements of other Government departments in relation to other aspects of signboards.

27. The application for registration of a signboard would be made to BD on a simple form. Supporting documents would include signboard details (plans and digital photograph), ownership details (identity card and business registration certificate) and an undertaking by the applicant as regards responsibility for maintenance. A certificate of compliance with the relevant registration requirements and technical guidelines would be required from a registered signboard contractor and, for an illuminated sign, from a registered electrical worker.

28. Upon acceptance of the application and payment of the registration fee, BD would assign a registration number for permanent display on the signboard. **Renewal** (for another three years) would be processed upon confirmation of previous details, submission of maintenance records and payment of a renewal fee. Signboard owners should inform BD of any change of details and upon removal of their signboard.

COMMUNITY PARTICIPATION

29. We envisage close partnership with building professionals and contractors for this system. The involvement of our community at large is also important to make for readier impact and greater success.

District Councils

30. District Councils, in particular, have a vital role since promoting the well-being of the local community is an integral part of their functions. On many occasions, District Councils (formerly District Boards) have helped BD with removal of abandoned or neglected signboards to improve the safety, outlook and living environment of their local community. BD should actively involve District Councils, with support from District Offices, to identify abandoned, neglected or unregistered signboards within their districts for enforcement action.

Other authorities

31. The task force proposes that BD liaise with licensing authorities (eg for restaurants and businesses) to inform operators, as prospective signboard owners, of the registration requirements. Building professionals should be advised to include anchorage for signboards during design and construction of new commercial or composite buildings. We are encouraged to note that some building professionals already take this into account when planning their buildings.

PUBLIC EDUCATION

32. BD and other departments concerned should co-ordinate and sustain efforts for multi-media public education. The messages should focus on the risk of neglect, the need for proper maintenance of signboards and consequences of non-compliance with requirements.

CONCLUSION

33. Members are invited to advise on the proposals, viz:

- paras 9 to 10* definition of signboards according to size;
- para 11* definition of signboard owners;
- paras 12 to 13* role of professionals and contractors;
- paras 14 to 18* registration requirements;
- paras 19 to 20* registration fee and cost recovery;
- paras 21 to 22* transitional arrangements;
- paras 23 to 25* enforcement powers, offenses and penalties;
- paras 26 to 28* operational arrangements;
- paras 29 to 31* community participation; and
- para 32* public education.

Planning and Lands Bureau
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