

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2371/10-11  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/4/09/2

**Bills Committee on Buildings (Amendment) Bill 2010**

**Seventeenth meeting on  
Tuesday, 1 March 2011, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

**Members present :** Hon IP Kwok-him, GBS, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Deputy Chairman)  
Dr Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KAM Nai-wai, MH  
Hon Starry LEE Wai-king, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Hon Tanya CHAN

**Members absent :** Hon CHEUNG Hok-ming, GBS, JP  
Hon LEE Wing-tat  
Hon Cyd HO Sau-lan

**Public officers** : Mr Tommy YUEN Man-chung, JP  
**Attending** Deputy Secretary for Development (Planning and Lands) 2

Mr Edward TO Wing-hang  
Principal Assistant Secretary for Development  
(Planning and Lands) 3

Mr Daniel FONG Siu-wai  
Assistant Secretary for Development (Buildings) 1

Mr LAM Siu-tong  
Deputy Director of Buildings

Mr Alex CHOW Kim-ping  
Assistant Director / Support  
Buildings Department

Ms Rayne CHAI Chih-hui  
Senior Government Counsel  
Department of Justice

Mr Manuel NG Man-chun  
Government Counsel  
Department of Justice

**Clerk in Attendance** : Ms Annette LAM  
Chief Council Secretary (1)7

**Staff in Attendance** : Miss Winnie LO  
Assistant Legal Adviser 7

Mr Daniel SIN  
Senior Council Secretary (1)7

**I Meeting with the Administration**

(LC Paper No. CB(1)1401/10-11(01) -- Letter from Hon KAM  
Nai-wai dated 21 February  
2011

LC Paper No. CB(1)1451/10-11(01) -- The Administration's response  
dated 28 February 2011 to the  
letter from Hon KAM

Nai-wai)

Proposed major Committee Stage Amendments

(LC Paper No. CB(1)1423/10-11(01) -- Updated paper on proposed major Committee Stage Amendments prepared by the Administration)

Discussion of outstanding issues

(LC Paper No. CB(1)1423/10-11(02) -- Updated Administration's response to issues raised at the meetings on 23 December 2010, 7 and 24 January 2011

LC Paper No. CB(1)1423/10-11(03) -- List of follow-up actions arising from the discussion at the meeting on 11 February 2011

LC Paper No. CB(1)1423/10-11(04) -- Administration's response to issues raised at the meetings on 23 December 2010 and 11 February 2011)

Other relevant papers previously issued

(LC Paper No. CB(3)389/09-10 -- The Bill

LC Paper No. CB(1)1168/09-10(01) -- Marked-up copy of the Bill prepared by the Legal Service Division

File Ref: DEVB(PL-CR) 2-15/08 -- Legislative Council Brief

LC Paper No. LS42/09-10 -- Legal Service Division Report

LC Paper No. CB(1)1168/09-10(02) -- Paper on Buildings (Amendment) Bill 2010 prepared by the Legislative Council Secretariat (Background brief)

LC Paper No. CB(1)1935/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 6 May 2010)

1. The Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration was requested to provide the following information:-
  - (a) an assessment on the estimated number of existing unauthorized signboards in Hong Kong that would likely meet the required safety standards and be allowed after safety checks by registered building professionals or registered contractors under the proposed signboard control scheme;
  - (b) having regard to the likely impact on the Deeds of Mutual Covenant and in consultation with the Department of Justice, the feasibility of requiring the owner of the signboard to obtain the prior consent of the owner of the external wall or the respective owners' corporation where the signboard in question will be erected or altered in the common parts;
  - (c) samples of practice notes and guidelines on the specifications, structural standards and standard drawings required for minor works items, including the erection and alteration of signboards, issued by the Buildings Department to registered minor works contractors; and
  - (d) the dimensions and related safety standards of different types of signboards (e.g. wall-side signboards mounted on an external wall and projecting signboards etc) that would be validated under the proposed signboard control scheme.
3. The Administration also agreed to follow up separately with Hon Miriam LAU a specific case referred by her regarding the demolition of an existing unauthorized signboard certified safe by a qualified professional.

*(Post-meeting note: The Administration's response was issued to members vide paper CB(1)1584/10-11(02) on 15 March 2011. )*

**II Any other business**

4. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
1 June 2011

**Bills Committee on Buildings (Amendment) Bill 2010**

**Proceedings of the Seventeenth meeting  
on Tuesday, 1 March 2011, at 4:30 pm  
In Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000632 – 000844	Chairman	Opening remarks	
000845 – 001120	Administration	The Administration's briefing on control of signboards (LC Paper No. CB(1) 1423/10-11(01))	
001121 – 001329	Chairman Administration	<p>(a) The Chairman asked how the proposed signboard control system would synchronize with the Mandatory Building Inspection Scheme (MBIS) as they had different inspection cycles.</p> <p>(b) The Administration's response that registered inspectors (RIs) would report to the Building Authority (BA) any unauthorized signboards observed during MBIS inspections, so that BA would encourage signboard owners to conduct safety inspections and carry out strengthening works if necessary at the same time with the prescribed repair works under MBIS.</p>	
001330 – 002435	Mr KAM Nai-wai Administration	<p>(a) Mr KAM's query about:</p> <p>(i) which party would be responsible for the inspections or strengthening works of unauthorized signboards on a building; and</p> <p>(ii) whether prior consent of an owners' corporation (OC) would be required under the proposed signboard control system.</p> <p>(b) The Administration's response that:</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		<p>(i) the persons for whom the signboard was erected, persons that received rents for the use of the signboards or the owners of the external wall on which the signboards were erected, would be responsible for their validation or removal;</p> <p>(ii) the new signboard control system was introduced to ensure better building safety, and would not require consent from OCs or building owners for joining the system which was a separate matter between owners of a building under the Deeds of Mutual Covenant (DMCs).</p> <p>(iii) signboard owners would be encouraged to conduct safety validations on a voluntary basis, within the first year of the implementation of the signboard control system; and</p> <p>(iv) the Buildings Department (BD) would take enforcement actions against unauthorized signboards that had not joined the signboard control system and priority would be given to areas with higher risks to the public posed by unauthorized signboards.</p> <p>(c) Mr KAM's query on how many of the 190 000 unauthorized signboards would be validated, and whether the Administration had sufficient manpower to take enforcement action against the un-validated signboards within a reasonable time period.</p> <p>(d) The Administration's view that:</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<ul style="list-style-type: none"> <li>(i) many of the signboard owners would conduct safety validation and strengthening of their unauthorized signboards voluntarily as the signboards were of commercial value to their business operations;</li> <li>(ii) around 6 500 RIs and more than 10 000 registered contractors were expected to be available to provide inspection services in a few years' time; and</li> <li>(iii) the workload of BD would be manageable as enforcement actions would be planned and carried out on a district-by-district basis each year.</li> </ul>	
002436 – 003102	Mr LEE Wing-tat Chairman Administration	<ul style="list-style-type: none"> <li>(a) Mr LEE's query about:               <ul style="list-style-type: none"> <li>(i) the number of signboards in Hong Kong and the number of signboards of which the owners could not be identified;</li> <li>(ii) how the Administration would handle the problem of abandoned signboards;</li> <li>(iii) who would be responsible for the cost of clearing abandoned signboards; and</li> <li>(iv) how the Administration would deal with disputes over the maintenance of external walls and clearance of unauthorized buildings works (UBWs).</li> </ul> </li> <li>(b) The Administration's response that:               <ul style="list-style-type: none"> <li>(i) no comprehensive statistics about</li> </ul> </li> </ul>	



Time Marker	Speaker	Subject(s)	Action Required
		<p>signboards were collected; a consultant would be engaged to stock-take UBWs erected on the exterior of buildings, including unauthorized signboards;</p> <p>(ii) a 12-month clearance operation was launched in March 2009 against abandoned signboards, during which 5 770 signboards were cleared. Similar operations would be launched as necessary;</p> <p>(iii) BD would endeavour to locate the owners of abandoned signboards with a view to recovering the costs of removal. If BD was unable to locate the owner after repeated efforts, the cost would be borne by the Government; and</p> <p>(iv) the Administration would remind owners of signboards to obtain the consent of OCs or owners before erecting the signboards in the common parts of buildings.</p>	
003103 – 003813	Prof Patrick LAU Administration Chairman	<p>(a) Prof LAU's query about whether older unauthorized signboards and those erected under the minor works control system would be subject to different technical standards. If not, it would be unlikely that older signboards could be certified safe, which would render the control system meaningless.</p> <p>(b) The Administration's response that many of the older unauthorized signboards remained structurally intact during the previous typhoons, so they should be of a reasonable standard and were expected to be eligible for safety validation under the signboard control system.</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
003814 – 004517	Mr KAM Nai-wai Administration	<p>(a) Mr KAM's query about who would be responsible for the validation of unauthorized signboards; whether the consent of OCs or respective owners were required before works could be carried out; the estimated number of validations that BD would need to carry out on the unauthorized signboards, and the number of professionals qualified for undertaking the validation works.</p> <p>(b) The Administration's response that:</p> <p>(i) the persons responsible for the validation of signboards could be those persons specified in the proposed new section 30B(6);</p> <p>(ii) under the minor works control system, owners of signboards were advised to seek consent from the respective OCs of any proposed works in the common parts of buildings;</p> <p>(iii) the registered building professionals or classes of registered minor works contractors qualified to undertake validations depended on the size of the unauthorized signboards; and</p> <p>(iv) BD would select about 30% of the unauthorized signboards validated under the signboard control system for audit checks.</p> <p>(c) The Administration would provide an assessment on the estimated number of existing unauthorized signboards in Hong Kong that would likely meet the required safety standards and be</p>	Administration to take action as required in paragraph 2 of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>allowed to remain after validation by registered building professionals or registered contractors under the proposed signboard control system.</p>	
004518 – 005530	Mr Abraham SHEK Chairman Administration	<p>(a) Mr SHEK's query about the estimated number of unauthorized signboards considered to be unsafe, and the estimated manpower resources required for enforcement action.</p> <p>(b) The Administration's explanation that:</p> <p>(i) while the 190 000 unauthorized signboards did not pose immediate risks to the public, the minor works control system, MBIS and the Mandatory Window Inspection System (MWIS) provided a timely opportunity to tackle the problem;</p> <p>(ii) enforcement actions would be taken against unauthorized signboards found to be unsafe during inspection. Annual clearance operations had been launched against abandoned signboards in collaboration with the respective District Councils (DCs); and</p> <p>(iii) additional resources were available for BD to handle the workload in the coming years.</p>	
005531 – 010229	Ms Miriam LAU Chairman Administration	<p>(a) Referring to a specific complaint case she had handled, Ms LAU's query about whether unauthorized signboards certified safe by a qualified professional would be tolerated.</p> <p>(b) The Administration's explanation that</p>	

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		<p>only unauthorized signboards of certain dimensions (e.g. projecting signboards up to 20 square metres in display area, or wall signboards up to 40 square metres in display area) could be retained if certified to be structurally safe and in compliance with the relevant criteria upon the implementation of the signboard control system, otherwise it should be removed and prior approval of BA would be required for its re-erection.</p> <p>(c) The Chairman asked the Administration to follow up separately with Hon Miriam LAU a specific case referred by her regarding the demolition of an existing unauthorized signboard certified safe by a qualified professional.</p>	<p>Administration to take action as required in paragraph 3 of the minutes</p>
<p>010230 – 010619</p>	<p>Ms Audrey EU Chairman</p>	<p>(a) Ms EU's view that tolerating unauthorized signboards that were certified safe would defeat the current BD policy under which BA's prior approval for all structures to be erected in a building was required.</p> <p>(b) The Chairman's comment that the Administration should make it clear that an unauthorized signboard that was validated under the signboard control system was still not legal.</p>	
<p>010620 – 011233</p>	<p>Prof Patrick LAU Administration Chairman</p>	<p>(a) Prof LAU's comments that signboards erected a few decades ago were comparatively flimsy and very few of them might meet the current technical and safety standards.</p> <p>(b) The Administration's explanation that BD required the structural supporting frames of signboards to be strong enough to sustain their weight and</p>	

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		<p>withstand wind loads, notwithstanding when they were constructed. Existing unauthorized signboards that did not meet the requirements would have to be strengthened before they could be validated under the signboard control system.</p> <p>(c) The Administration's assessment that most of the 190 000 unauthorized signboards would be able to meet the technical and safety requirements.</p>	
011234 – 012757	Mr KAM Nai-wai Chairman Administration	<p>(a) Mr KAM's query about:</p> <p>(i) whether, under the signboard control system, consent from the respective OC was necessary before an existing unauthorized signboard could be validated;</p> <p>(ii) where an unauthorized signboard had been validated, whether a new validation would be required if ownership changed before the expiry of the five-year inspection cycle, and the new owner made alterations to the signboard; and</p> <p>(iii) the estimated cost of a signboard validation.</p> <p>(b) The Administration's response that:</p> <p>(i) although OC's prior consent was not required, BA would advise owners of signboards to seek consent from the respective OCs for the carrying out of building works in the common parts of buildings for new or existing signboards;</p> <p>(ii) a validation of an unauthorized</p>	

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		<p>signboard would be valid for the whole five-year cycle unless major alterations were made to the signboard; and</p> <p>(iii) no assessment had been made on the validation cost although cost and time saving could be achieved if these validations were to be carried out together with the prescribed inspection or repair under the MBIS.</p> <p>(c) Mr KAM's comments that:</p> <p>(i) disputes would arise if OC's prior consent was not required for the erection and validation of signboards, and he might consider moving Committee Stage Amendments (CSA) to that effect; and</p> <p>(ii) only a small proportion of the 190 000 unauthorized signboards could be validated in connection with MBIS which covered 2 000 buildings a year.</p> <p>(d) The Administration reiterated that BO might not be the appropriate tool to address a building management issue; works carried out in the common parts of a building without prior consent from OC might possibly breach the DMCs of which remedy could be sought through civil proceedings.</p>	
012758 – 013619	Mr James TO Chairman Administration	(a) Mr TO's comments that prior consent of the respective OCs or the owners should be obtained prior to erection of signboards in the common parts of buildings. This would help ensure safety of the works and better protect the interests of owners and OCs.	

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		<p>(b) The Administration noted that some OCs experienced difficulties in getting insurance cover for buildings with unauthorized structures. BD had maintained close dialogue with the insurance sector to explore the viability of providing insurance cover for buildings where the household minor unauthorized building works i.e. canopies, supporting frames for air conditioners, drying racks had been inspected and certified safe under the household minor works validation scheme.</p> <p>(c) The Administration undertook to consider, in consultation with the Department of Justice and having regard to the likely impact on DMCs, the feasibility of requiring the owner of the signboard to obtain the prior consent of the owners or the respective OCs where the signboard in question would be erected or altered in the common parts of buildings.</p>	<p>Administration to take action as required in paragraph 2 of the minutes</p>
<p>013620 – 014115</p>	<p>Prof Patrick LAU Administration Chairman</p>	<p>(a) Prof LAU's request for standard drawings and technical requirements of signboards and structures (such as canopies, supporting frames for air conditioners or drying racks) under the minor works control system and household minor works validation scheme.</p> <p>(b) The Chairman asked the Administration to provide samples of practice notes and guidelines on the specifications, technical standards and sample standard drawings for minor works items relating to the erection and alteration of signboards, issued by BD to registered minor works</p>	<p>Administration to take action as required in paragraph 2 of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>contractors.</p> <p>(c) Prof LAU's enquiry about the dimensions and safety requirements of projecting signboards and wall signboards.</p> <p>(d) The Chairman asked the Administration to provide information about the dimensions and related safety standards of different types of signboards (e.g. wall signboards and projecting signboards etc) that would be validated under the proposed signboard control system.</p>	<p>Administration to take action as required in paragraph 2 of the minutes</p>
014116 – 014328	Administration Chairman	<p>Briefing by the Administration on RIs' report on exterior unauthorized building works (Part (v) of LC Paper No. CB(1) 1423/10-11(01))</p> <p>The Administration's explanation that in addition to building works that had been or were being carried out in contravention of BO in the common parts, or to an external wall that was not in common parts, RIs were also required to notify BA of any unauthorized building works on roofs, podiums, yards and lanes that were not in the common parts of the buildings.</p>	
014329 – 014717	Administration Chairman	<p>Briefing by the Administration on other miscellaneous amendment (Part (vi) of LC Paper No. CB(1) 1423/10-11(01))</p> <p>Members raised no query.</p>	
014718 – 015335	Administration Chairman	<p>Briefing by the Administration (LC Paper No. CB(1) 1423/10-11(02) and (04))</p>	
015336 – 015616	Mr KAM Nai-wai Chairman Administration	<p>(a) Mr KAM's concern that only a small number of the 6 500 professionals estimated to register as RIs might</p>	



<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		<p>eventually participate in the inspection and repair works under MWIS and MBIS.</p> <p>(b) The Administration's explanation that details had been provided in the Administration's written response to Mr KAM's letter dated 21 February 2011 (LC Paper No. CB(1)1451/10-11(01)).</p>	
015617 – 015640	Chairman	The next meeting would be held at 8:30 am on 16 March 2011.	

Council Business Division 1  
Legislative Council Secretariat  
1 June 2011