

For discussion

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

Implementation of the Validation Scheme for Unauthorised Signboards

Purpose

This paper briefs Members on the Buildings Department (BD)'s progress in implementing the Validation Scheme for Unauthorised Signboard (Validation Scheme) and the way forward in the handling of unauthorised signboards.

Background

2. Under the Buildings Ordinance (BO), the erection of signboards is building works. With the Minor Works Control System (MWCS) coming into full effect on 31 December 2010, depending on the scale and potential risk of the works, the construction, alteration and removal of signboards is categorised as works which can only be carried out after obtaining the prior approval and consent of the BD; minor works which can be carried out in accordance with the expedited and simplified procedures under the MWCS; or designated exempted works which can be carried out without the need to obtain prior approval/consent of the BD or comply with the MWCS requirements.

3. Apart from designated exempted works, signboards erected without obtaining the prior approval and consent of the BD or following the requirements under the MWCS are unauthorised building works. The BD may issue removal orders requiring their removal under section 24 of the BO. Apart from invoking the BO, the BD may issue Dangerous Structure Removal Notices (DSRNs) to the signboard owners concerned in accordance with section 105(1) of the Public Health and Municipal Services Ordinance to require the removal of abandoned and dangerous signboards. In emergency situations, the BD may engage its contractor to remove dangerous signboards immediately and then recover the relevant cost from the individuals concerned.

Validation Scheme

4. Taking into consideration the fact that many of the existing unauthorised signboards in Hong Kong are in active use by business operators and that their existence carries considerable value for sustaining local commercial activities and contributing to Hong Kong's prosperity, the Government has sought to rationalise the

issue of unauthorised signboards in a pragmatic manner. With a view to providing an alternative for owners of small unauthorised signboards apart from removing and re-erecting their signboards under the MWCS, the BD has introduced the Validation Scheme since 2 September 2013 to allow the continued use of signboards which were erected before the date and meet the prescribed technical specifications for minor works on the condition that they have undergone safety inspection, strengthening (if necessary), and certification by prescribed building professionals and/or prescribed registered contractors.

5. The BD will conduct audit checks upon receipt of the validation submissions to ascertain whether the validation complies with the relevant statutory requirements and the strengthening works, if any, meet the safety standards. The legal status of the validated signboards remains unchanged and they are still unauthorised building works. However, the BD will not take enforcement action against them unless they become dangerous.

6. To ensure the safety of these validated signboards, the owners should, at intervals of not more than five years, either make a fresh validation submission for the signboards concerned or remove them. This would enable the BD to obtain information on those validated signboards which have not undergone the subsequent periodic safety inspection, and to take appropriate action against such signboards to alleviate the potential danger posed by them. The interval of five years for safety inspection aims to strike a balance between the need to tackle the building safety problem arising from existing unauthorised signboards and to avoid bringing undue inconvenience to business operators. During the five-year interval, the signboard owners are responsible for the proper maintenance of the signboards. Where an existing signboard is rendered dangerous because of a change in circumstances or lack of proper maintenance, the BD may take prompt enforcement action to require the signboard owner to remove it or carry out repair works to remove the safety risk.

Progress of the Implementation of the Validation Scheme

7. In the 16 months from the commencement of the Validation Scheme in September 2013 to end-2014 and the 15 months from January 2015 to end-March 2016, the BD had received 176 and 273 validation applications respectively, among which 168 signboards had been validated while 60 applications were under processing. The other applications had been rejected due to non-compliance with the relevant requirements.

8. Meanwhile, minor works associated with signboards have significantly increased after the commencement of the Validation Scheme. In the 32 months from 31 December 2010 to 1 September 2013, there were 2 992 cases of minor works associated with signboards, i.e. 94 cases on average per month, before the commencement of the Validation Scheme. In the 31 months from 2 September 2013 to 31 March 2016 since the commencement of the Validation Scheme, the number of

cases had substantially increased to 12 992 cases, i.e. 419 cases on average per month, representing an increase of 346%.

Way Forward in the Handling of Unauthorised Signboards by the BD

Validation Scheme

9. BD has reviewed the implementation of the Validation Scheme. As mentioned in paragraph 4 above, the Validation Scheme aims at providing an alternative for owners of small unauthorised signboards apart from removing and re-erecting their signboards under the MWCS, and allowing the continued use of the validated signboards. As shown by the figures mentioned in paragraphs 7 and 8 above, there are more signboard owners choosing to remove and re-erect signboards under the MWCS rather than applying for validation of the signboards. Apart from the fact that some signboards are ineligible for joining the Validation Scheme due to non-compliance with the technical specifications, another reason is that the public has become very familiar with the expedited and simplified procedures of the MWCS since its full implementation on 31 December 2010. As signboards validated under the Validation Scheme are still unauthorised building works, removing and re-erecting these signboards under the MWCS in order to remove their unauthorised status represents a long-term solution from the perspective of the owners in question. In addition, while signboard owners are still responsible for the proper maintenance and repair of their signboards re-erected under the MWCS, they are no longer obliged to make a fresh validation submission every five years as required under the Validation Scheme. As such, the costs of compliance will be lower in the long run.

10. While more signboard owners choose to remove and re-erect signboards under the MWCS, we still see value in the Validation Scheme as an alternative for owners of small signboards. In fact, according to the figures mentioned in paragraph 7 above, the number of applications for joining the Validation Scheme has been on the rise since the commencement of the scheme in September 2013. Based on the understanding of the BD, there are indeed some owners of small signboards who wish to continue to use their existing signboards through the Validation Scheme due to cost and business considerations. Apart from enhancing the safety of signboards, the Validation Scheme can address the needs of these signboard owners at the same time.

11. The BD will continue to listen to the views of stakeholders and explore ways to enhance the Validation Scheme, such as reducing the documents required for signboard validation application without undermining safety. To reduce the compliance cost of signboard owners, the BD will also explore the integration of the Validation Scheme with the existing procedures for professionals to certify the safety of food business premises.

12. To enhance public awareness of the MWCS and the Validation Scheme, the BD will continue to disseminate relevant information to the public through different means, including the following:

- (a) distributing booklets;
- (b) making available relevant guidelines on the BD's website;
- (c) broadcasting Announcement in the Public Interests;
- (d) conducting briefings and seminars for the industry and public (34 briefings and seminars have been held so far);
- (e) promoting the MWCS and the Validation Scheme through a mobile application; and
- (f) introducing the Validation Scheme to food business operators during their licensing applications.

Enforcement

13. The BD will continue to step up enforcement action against unauthorised signboards which are yet to be validated or are ineligible for validation. In May 2014, the BD launched a pilot large scale operation (LSO) on a section of Fuk Wing Street in Sham Shui Po. Removal orders were issued against 117 unauthorised signboards which had not been validated under the Validation Scheme or were ineligible for validation, while DSRNs were issued against 18 abandoned or dangerous signboards. In 2015, the BD extended such LSOs to sections of five target streets, including Wing Lok Street in Sheung Wan, Jardine's Bazaar in Causeway Bay, Portland Street in Yau Ma Tei, Tai Nam Street in Sham Shui Po and Nam Kok Road in Kowloon City. Removal orders were issued against 431 unauthorised signboards and DSRNs were issued against 42 abandoned or dangerous signboards. As at 31 March 2016, 127 of the abovementioned unauthorised, abandoned and dangerous signboards have been validated or removed.

14. Besides the abovementioned LSOs targeting at unauthorised signboards, the BD has also taken enforcement action against unauthorised signboards in response to public reports and through other LSOs. The relevant figures on enforcement in 2014-15 are set out as follows:

Year	No. of Removal Orders Issued	No. of Unauthorised Signboards Removed or Validated⁽¹⁾	No. of DSRNs Issued	No. of Dangerous or Abandoned Signboards Removed or Repaired⁽¹⁾	No. of Prosecutions against Non-compliance with Removal Orders⁽¹⁾	No. of Unauthorised, Dangerous, or Abandoned Signboards Removed by Government Contractors⁽¹⁾
2014	349	791	590	1 301	56	419
2015	682	1 215	816	1 500	61	445

Note⁽¹⁾: The figures do not necessarily involve removal orders or DSRNs issued in the particular year.

15. In 2016, the BD will continue to take the enforcement action as mentioned above. In particular, the BD will carry out LSOs against sections of six target streets, namely Thomson Road in Wan Chai, Tsat Tsz Mui Road in North Point, Temple Street in Jordan, Portland Street in Mong Kok, Chuen Lung Street in Tsuen Wan and San Fat Street in Sheung Shui.

16. Furthermore, the BD noted that there exist some large scale signboards which are in serious breach of the law and are posing certain risks to public safety. In future, the BD will actively consider applying to the court for priority demolition orders under section 24B of the BO, with a view to removing signboards of this kind as soon as possible.

Advice Sought

17. Members are invited to express their views on the above.

**Development Bureau
Buildings Department
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