

**Bills Committee on
Buildings (Amendment) Bill 2003**

**Response to Submission
from Central and Western District Council**

Purpose

This paper provides a response to the submission of 27 June 2003 from the Central and Western District Council (C&W DC) to the Bills Committee.

Background

2. In its submission, the C&W DC has suggested that the Buildings (Amendment) Bill (the Bill) address the following issues -

- (a) the structural safety of and light emission from electronic display boards; and
- (b) light emission from signboards.

Response

3. The primary objective of the Buildings Ordinance (BO) is the safety of building works. Insofar as a signboard, whether illuminated or not, is building works, it is already subject to the control of the BO. The Bill will further improve the control of safety of signboards in several ways.

A. Structural Safety

4. First, the Bill clearly defines what constitutes a signboard. Under the Bill, a “signboard” is defined as “a building construction used or to be used solely for displaying any advertisement or making any announcement or notification.” The clear definition would reduce scope

for argument regarding whether a signboard is a type of building works. Any building construction that meets the definition will be covered.

5. Second, and more importantly, the Bill proposes the introduction of a minor works control regime. We intend that this regime will cover most signboards; except very large ones. Under the current building control regime, most building works require the approval of building plans and consent to commence works by the Building Authority (BA). The detailed procedures involved in this approval process are often regarded as not proportionate to the construction of a relatively small signboard structure. Under the Bill, the undertaking of minor works will not require the approval of BA before commencement of works. However, these works have to be carried out by registered contractors on their own or under the supervision of Authorized Persons. The new arrangements would ensure building safety and should facilitate the erection of signboards in a law-abiding and safe manner.

6. Third, the Bill will facilitate law enforcement. Our current enforcement action against unauthorized signboards is sometimes hindered by the time and effort required in identifying the owners of the signboards. The Bill provides that, for the removal of unauthorized signboards, a removal order shall be served on –

- (a) the person for whom the signboard has been erected or is being erected; or
- (b) if that person cannot be found, the person who would receive any rent or other money consideration if the signboard were hired out or the person who is receiving such rent or money consideration; or
- (c) if the person referred to (a) and (b) above cannot be found, the owner of the land or premises on which the signboard has been erected or is being erected.

With this, the responsible party is clearly defined and enforcement action will be facilitated.

B. Light Emission

7. Light emission or “pollution” is not a building safety issue. Currently, occulting signs are regulated under a number of ordinances

including the Road Traffic Ordinance (Cap. 374), Public Lighting Ordinance, (Cap. 105), Shipping and Port Control Ordinance (Cap. 313) and the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301). Under these ordinances, signs must not obscure or interfere with road lights, illuminated signs must not interfere with navigational safety of vessels and light exposed to sky must not interfere with navigational safety of aircraft. In her reply to a relevant Legislative Council question on 14 May 2003, the Secretary for Environment, Transport and Works indicated that the existing Advertisements Regulation (Cap. 132, sub leg B) already provided for control of advertisement signboards in terms of their impact on the environment and road traffic. She also advised that the Government had no plans to propose new legislation to regulate the degree of light emitted from advertisement signboards.

8. In addition to the statutory provisions referred to in paragraph 7 above, civil action may be considered. For example, if the light emission is caused by a signboard or display board erected in contravention of the Deed of Mutual Covenant of the building, the building's owners may take civil action against the responsible party.

9. The BO stipulates design and construction standards for buildings and building works in accordance with a set of objective criteria. It is not appropriate to regulate light emission from signboards, be they electronic or not, through the BO. Accordingly, it is not appropriate to amend the BO for the purpose.

Housing, Planning and Lands Bureau
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