

立法會
Legislative Council

Ref : CB2/SS/7/12

LC Paper No. CB(2)1780/12-13
(These minutes have been seen
by the Administration)

**Subcommittee on Building (Minor Works) (Amendment) Regulation 2013 and
Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice**

**Minutes of the first meeting
held on Friday, 7 June 2013, at 8:30 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Ir Dr Hon LO Wai-kwok, BBS, MH, JP (Chairman)
Hon Cyd HO Sau-lan
Hon WU Chi-wai, MH
Hon CHAN Han-pan
Hon KWOK Wai-keung
Hon Tony TSE Wai-chuen

Member absent : Hon CHAN Hak-kan, JP

Public Officers attending : Development Bureau
Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and Lands) 2
Mr Ryan CHIU Pit-ming
Principal Assistant Secretary (Planning and Lands) 3
Miss Irene CHEUNG Hoi-ying
Assistant Secretary (Building) 2
Buildings Department
Mr HUI Siu-wai, JP
Deputy Director of Buildings
Mr Alex CHOW Kim-ping
Assistant Director / Corporate Services

Mr Robinson CHUNG Kam-yin
Chief Professional Officer / Minor Works & Signboard
Control

Mr Thomas LEUNG Tung-choi
Chief Building Surveyor / Legal Services

Ms Lisa CHU Yuen-man,
Senior Building Surveyor / Legislation

Department of Justice

Mr Allen LAI Kai-pang,
Senior Government Counsel

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Ms Wendy LO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

Ms Avil MA
Clerical Assistant (2) 3

Action

I. Election of Chairman

Ir Dr LO Wai-kwok was elected Chairman of the Subcommittee.
Members agreed that election of a deputy chairman was not necessary.

II. Meeting with the Administration

[LC Paper Nos. LS56/12-13, CB(2)1289/12-13(01) and
CB(2)1290/12-13(01)]

Action

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin

3. The Administration was requested to provide written responses to the following issues raised by members at the meeting -

- (a) written responses to Ms Cyd HO's suggestion that the length of the proposed validity period should be shortened, and her view that it would not suffice to require only the appointed person to submit photographs showing the physical condition of the building works involved for the purpose of validation under the proposed Signboard Control System;
- (b) written responses to Mr Tony TSE's suggestion that the validation applicant should be required to provide information on the purchase of insurance for the signboard concerned, property ownership and any other information that might be deemed necessary in the application form for joining the validation scheme; and
- (c) information on the manpower of the Buildings Department.

Legislative timetable

4. Members agreed to extend the scrutiny period of the Building (Minor Works) (Amendment) Regulation 2013 ("Amendment Regulation") and Building Legislation (Amendment) Ordinance 2012 (Commencement) Notice ("Notice") to 17 July 2013.

Date of next meeting

5. Members agreed that the Subcommittee should receive views from deputations on the Amendment Regulation and the Notice at the next meeting tentatively scheduled for 15 June 2013 (Saturday) from 9:00 am to 12:00 noon.

(Post-meeting note: With the concurrence of the Chairman, the meeting to receive views from deputations was rescheduled for 19 June 2013 at 8:30 am to 10:45 am. In line with the usual practice, a general notice on invitation of public views was posted on the Legislative Council website and the 18 District Councils had also been invited to give views on the Amendment Regulation and the Notice.)

Action

III. Any other business

6. There being no other business, the meeting ended at 10:22 am.

Council Business Division 2
Legislative Council Secretariat
11 September 2013

**Proceedings of the first meeting of the
Subcommittee on Building (Minor Works) (Amendment) Regulation 2013 and
Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice
on Friday, 7 June 2013, at 8:30 am
in Conference Room 2A of the Legislative Council Complex**

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|---|---|-----------------|
| 000254 - 000437 | Mr WU Chi-wai Mr Tony TSE Ir Dr LO Wai-kwok | Election of Chairman | |
| 000438 - 000546 | Chairman | The Subcommittee's decision to accept Mr KWOK Wai-keung's late application for membership. | |
| 000547 - 001220 | Chairman Administration | <p>Opening remarks</p> <p>Briefing by the Administration on the Building (Minor Works) (Amendment) Regulation 2013 ("Amendment Regulation") and Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice ("Notice").</p> <p>The Amendment Regulation provides for the details of a Signboard Control System ("SBCS") to allow the continued use of certain existing unauthorized signboards after safety inspection, strengthening (if necessary), and certification by prescribed building professionals ("PBPs") or prescribed registered contractors ("PRCs") through an extension of the scope of works covered by the validation scheme under the existing Minor Works Control System ("MWCS"). The Notice provides for the commencement of the relevant provisions on 2 September 2013.</p> | |
| 001221 - 002033 | Chairman Mr KWOK Wai-keung Administration | <p>Mr KWOK Wai-keung's enquiry and the Administration's advice about the technical specifications applicable to the signboards covered by MWCS to be adopted by the proposed SBCS.</p> <p>Mr Kwok's enquiry as to why the Administration did not take timely enforcement actions to remove unauthorized signboards but to allow the existence of unauthorized signboards by introducing SBCS, under which the continued use of the existing unauthorized signboards would be allowed after validation and subject to a periodic safety inspection at an interval of five years (i.e. 5-Year Validity Period).</p> | |

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| | | <p>The Administration's explanation that taking into account that most of the 120 000 existing unauthorized signboards were in active use by business operations and did not pose immediate danger, and the Building Department ("BD") would take enforcement actions according to the priority against the large number of unauthorized signboards with the existing manpower resources, the Administration sought to deal with the issue of unauthorized signboards in a pragmatic way by introducing SBCS in a way similar to that for prescribed building or building works (i.e. household amenity features covering unauthorized small canopies, drying racks and supporting frames for air-conditioners) under MWCS which came into operation on 31 December 2010.</p> <p>Responding to Mr Kwok about the inspection method against unauthorized signboards, the Administration advised that most of the unauthorized signboards that posed danger to the public could be dealt with during the following inspections/operations carried out by BD -</p> <ul style="list-style-type: none"> (a) the physical conditions of signboards that constitutes obvious hazard or imminent danger could be assessed by way of visual inspection for necessary action in response to the reports from the public; (b) signboards with signs of structural defects would be identified and tackled during the yearly large-scale operations carried out in districts with heavy traffic and large number of signboards; and (c) continuous operations would be conducted to remove abandoned signboards in an efficient manner upon reports from the public, including the district councils. | |
| 002034 - 003434 | Mr WU Chi-wai Administration | <p>Mr WU Chi-wai's enquiries about -</p> <ul style="list-style-type: none"> (a) the reason for the reduction in the estimated number of unauthorized signboards in Hong Kong from 190 000 to 120 000; (b) the effectiveness of introducing SBCS as BD would still lack the information on unauthorized | |

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| | | <p>signboards for planning its enforcement work if signboards owners refused to join the proposed validity scheme under SBCS;</p> <p>(c) the timetable for BD to complete the safety inspections against unauthorized signboards for establishing a comprehensive database on all signboards in Hong Kong; and</p> <p>(d) whether the information about the owners of the 120 000 unauthorized signboards had been collected and included in the Administration's database on signboards and the follow-up actions by BD after the compilation of the database.</p> <p>The Administration's responses that -</p> <p>(a) according to the previous estimation, there were about 190 000 unauthorized signboards in Hong Kong. During the stock-taking exercise of unauthorized building works ("UBWs") covering unauthorized signboards erected at the exterior of the buildings conducted in the past two years by consultants engaged by BD, it was reported that there were about 120 000 unauthorized signboards in Hong Kong at present;</p> <p>(b) the consultants engaged for the stock-taking exercise had collected information about the physical conditions of the signboards such as the type, location and photograph of the signboards but no information had been sought on the ownership of these signboards;</p> <p>(c) BD was in the course of analyzing the substantial amount of data collected for compilation of the database on these signboards;</p> <p>(d) under SBCS, information such as location, size, and ownership of unauthorized signboard would be required to be submitted for validation. BD would then have the information on the whereabouts of those validated signboards and could take appropriate action against them if they had not undergone the 5-year periodic safety inspection; and</p> | |

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| | | <p>(e) in addition to the proposed validation scheme, BD would continue to carry out safety inspections, large scale operations and take appropriate enforcement actions (e.g. issue removal orders/ Dangerous Structure Removal Notices) against any unauthorized signboards to enhance the safety of signboards in Hong Kong.</p> <p>The Chairman's view that the information about the ownership of unauthorized signboards could be collected through the validation scheme to facilitate the compilation of a database on these signboards.</p> <p>The Administration advised that under the proposed SBCS, BD would notify the relevant owners' corporation ("OC") concerned (if an OC had been formed) about the application for validation of the existing unauthorized signboards situated in the common parts of their buildings.</p> | |
| 003435 - 003904 | Chairman Mr WU Chi-wai Administration | <p>Mr WU Chi-wai's enquiry on how the applications for validation would be processed and whether the applications of some signboards would be affected due to failure to meet the requirements on lateral and vertical clearance if signboards adjacent to them joined the validation scheme first.</p> <p>The Administration's advice that applications for validation would be processed on a first-come, first-served basis. While there was no requirement on the minimum vertical clearance between signboards, two adjacent projecting signboards should have a minimum lateral clearance of 2.4m. Most of the existing signboards in Hong Kong could meet such requirement.</p> | |
| 003905 - 005506 | Chairman Mr Tony TSE Administration | <p>Mr Tony TSE's expression of views that -</p> <p>(a) BD should assess whether there were adequate manpower resources to tackle unauthorized signboards if the feedback of the validation scheme was not satisfactory;</p> <p>(b) the applicant should be required to provide the information on the purchase of insurance for the signboard concerned, property ownership and any other information that might be deemed necessary in the application form for joining the validation scheme in order to facilitate the planning of enforcement actions by BD; and</p> | <p>Admin (paragraph 4 of the minutes)</p> |

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| | | <p>(c) the Administration should not only consider the structural safety issue, but also light pollution issue when processing the relevant applications submitted under SBCS.</p> <p>His further enquires about -</p> <p>(a) the rationale for setting the Validity Period at an interval of five years under SBCS; and</p> <p>(b) the timetable of the Administration for taking enforcement actions against the existing 120 000 unauthorized signboards.</p> <p>The Administration's responses that -</p> <p>(a) BD would review SBCS two years after its operation, including the number of applications received, the difficulties in processing the applications and the adequacy of the manpower resources to implement the scheme;</p> <p>(b) regarding issues relating to property ownership and the purchase of the insurance for the signboard concerned, the Administration would consider whether reminders on the above issues could be put down in the application forms or other promotional materials to alert the applicants of their responsibility;</p> <p>(c) consideration would be given to highlighting in the relevant practice notes the need for the industry to observe the requirements set out in the Guidelines on Industry Best Practices for External Lighting Installations issued by the Environmental Bureau in planning installation of signboards;</p> <p>(d) taking into account the financial burden imposed on the signboard owners to conduct the periodic safety inspection frequently and the normal lifespan of these signboards, the Administration considered it appropriate to set the validity period at an interval of five years; and</p> <p>(e) although there were no specific timeframes for completing the validation and enforcement actions, BD would try its best to tackle unauthorized signboards with the available resources.</p> | |

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| 005507 - 010412 | Chairman Mr CHAN Han-pan Administration | <p>Mr CHAN Han-pan shared the view that the Administration should follow up the issue of property ownership in regulating the existing unauthorized signboards and the erection of new signboards.</p> <p>The Administration's response that the validation scheme under SBCS was a "self-assessed" scheme under which a notification containing requisite information after completion of the inspection by PBPs and PRCs had to be submitted to BD. BD would then issue acknowledgement letter upon receipt of the validation submission as soon as possible and conduct audit check on the applications on a random basis to ensure the applications conformed to the requirements under SBCS.</p> | |
| 010413 - 012625 | Chairman Ms Cyd HO Administration | <p>The Administration's reiteration of the rationale for introducing SBCS in response to Ms Cyd HO's query over the objective of the scheme.</p> <p>Referring to the proposed addition of section 62A (4)(b) to the Building (Minor Works) Regulation that "a photograph and description showing the physical condition of the signboard" should be submitted after completion of inspection of signboard, Ms HO considered that it would not suffice to require only the appointed person to submit photographs showing the physical condition of the building works involved, in particular for large-sized signboards, for the purpose of validation under SBCS.</p> <p>The Administration's explanation that -</p> <ul style="list-style-type: none"> (a) under the proposed section 62A(4)(b), "the description showing the physical condition of the signboard" would also cover building plans and structural calculations that had to be submitted for validation under SBCS; and (b) the details of the documents required to be submitted for validation would be set out in the technical guidelines and specified forms, etc. <p>The Administration was requested to provide written response to the views and suggestions of Ms HO regarding the Validity Period and the information required to be submitted for validation.</p> | <p>Admin (paragraph 4 of the minutes)</p> |

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| 012626 - 013000 | Chairman Ms Cyd HO Administration | Responding to the Chairman's enquiry about the measures to ensure safety of the validated signboards, the Administration explained that the Mandatory Building Inspection Scheme could ensure extra inspection of these signboards in addition to that under SBCS. | |
| 013001 - 013425 | Ms Cyd HO Administration | Ms Cyd HO's enquiry and the Administration's response about the publicity on SBCS. Ms HO requested and the Administration agreed to provide information on the manpower of BD. | Admin (paragraph 4 of the minutes) |
| 013426 - 014700 | Chairman Mr WU Chi-wai Administration | <p>Mr WU Chi-wai sought information / clarification on -</p> <ul style="list-style-type: none"> (a) the number of existing unauthorized signboards projecting over street posing danger to the public; (b) whether large size signboards were subjected to the control of MWCS set out in the Building (Minor Works) Regulation; (c) how the signboards erected on the external wall of buildings for displaying separate advertisements for a number of tenants/companies would be regulated under SBCS; and (d) whether there were sufficient PBPs and PRCs in the market to cope with the increasing need for carrying out minor works under different inspection schemes introduced by BD in recent years. <p>The Administration's explanation that -</p> <ul style="list-style-type: none"> (a) breakdown on different kinds of unauthorized signboards would be further worked out after the completion of its analysis on the data collected during the stock-taking exercise on UBWs; (b) erection of large size signboards would require the prior approval of BD of plans and consent to the commencement of building works. As they did not fall within the technical specifications of MWCS to be adopted by SBCS, they were not eligible for joining the validation scheme. Enforcement actions would be taken against large size signboards erected without approval; | |

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| | | <p>(c) signboard owners or property management companies would normally apply for BD's prior approval for erection of wall signboards displaying separate advertisements for tenants. These signboards were always well managed by their owners and their safety could be enhanced through the relevant safety inspections under the Mandatory Building Inspection Scheme, the validation scheme if applicable and the periodic safety inspections of BD; and</p> <p>(d) as there was constant demand for engaging PBPs and PRCs to carry out minor works relating to signboards, it was anticipated that the validation scheme would not add much pressure to the existing manpower supply of PBPs and PRCs which was considered sufficient to cope with the market need.</p> | |
| 014701 - 014945 | Chairman Mr Tony TSE Administration | Mr Tony TSE's enquiries and the Administration's responses about the enforcement action against abandoned signboards and how the applications for validation involving adjacent signboards would be processed. | |
| 014946 - 015140 | Chairman Mr Tony TSE Ms Cyd HO | Discussion on invitation of public views and date of next meeting. | |
| 015141 - 015323 | Chairman Mr Tony TSE | The Subcommittee's decision to extend the scrutiny of the Amendment Regulation and the Notice. | |