

立法會
Legislative Council

Ref : CB2/SS/7/12

LC Paper No. CB(2)1781/12-13
(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 second meeting
held on Wednesday, 19 June 2013, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

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

Member absent : Hon Cyd HO Sau-lan

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

Attendance by invitation : Yat Tung Community and Network Association

Mr KWOK Chung-man

Hong Kong Professionals and Senior Executives
Association

Mr WANG Chi-yung
Executive Officer

Contractor's Authorised Signatory Association

Mr WONG Sing-lam
President

Registered Minor Works Contractor Signatory
Association

Mr WONG Wing-wah
Chairman

Hong Kong General Building Contractors Association

Mr Teddy TO
Vice-President

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 Fanny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with deputations and the Administration

[LC Paper Nos. CB(2)1396/12-13(01) to (04), CB(2)1390/12-13(01) and CB(2)1289/12-13(01)]

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

2. The Subcommittee received views from representatives of five deputations on the Building (Minor Works) (Amendment) Regulation 2013 and the Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice.

Follow-up actions required of the Administration

Admin

3. The Administration was requested to provide -

- (a) written responses to the major views and concerns expressed by deputations at the meeting;
- (b) sample of the technical guideline/practice note explaining the information required to be submitted for validation for different types of signboards under the proposed Signboard Control System;
- (c) written responses to some members' views that the Buildings Department should require the signboard owners to obtain prior consent from the Owners' Corporations concerned before approving the erection of new signboards;
- (d) information on the type and number of signboards erected under the simplified requirements of the Minor Works Control System since its implementation on 31 December 2010; and
- (e) information on the respective numbers of different kinds of unauthorized signboards in Hong Kong.

Action

Date of next meeting

4. The Subcommittee agreed to schedule another meeting to continue its discussion with the Administration.

(Post-meeting note: The meeting with the Administration has been scheduled for 27 June 2013 at 8:30 am.)

II. Any other business

5. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
11 September 2013

**Proceedings of the second meeting of the
Subcommittee on Building (Minor Works) (Amendment) Regulation 2013 and
Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice
on Wednesday, 19 June 2013, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
001600 - 001858	Chairman	Opening remarks	
001859 - 002225	Chairman Yat Tung Community and Network Association	Presentation of major views - [LC Paper No. CB(2)1396/12-13(01)] (a) expression of objection to the introduction of the proposed Signboard Control System ("SBCS") as the Association considered that SBCS aimed to legalize unauthorized signboards and would encourage irresponsible signboard owners to erect signboards illegally; and (b) visual inspection was not effective in identifying the structural problem of signboards.	
002226 - 002509	Chairman Hong Kong Professionals and Senior Executives Association	Presentation of major views - [LC Paper No. CB(2)1396/12-13(02)] (a) expression of support for the introduction of SBCS to enhance building safety related to unauthorized signboards; (b) the Administration should review the scope and effectiveness of the Minor Works Control System ("MWCS") with a view to striking a balance between enhancing building safety and avoiding bringing undue inconvenience to building owners; (c) consideration should be given to exempting smaller size signboards which did not pose potential danger from the proposed 5-Year periodic safety inspection; and (d) the Administration should work in collaboration with professional bodies and registered contractors' associations to draw up relevant codes of practice concerning signboards.	

Time Marker	Speaker(s)	Subject(s)	Action required
002510 - 002928	Chairman Contractor's Authorised Signatory Association	<p>Presentation of major views -</p> <p>(a) expression of support for SBCS as erection or alteration of specific types of signboards had already been included as minor works under MWCS;</p> <p>(b) enquiry on whether the consent of owners of building on which the unauthorized signboards were erected had to be sought for the purpose of validation under SBCS; and</p> <p>(c) enquiry on how the applications for validation involving adjacent projecting signboards would be processed by the Buildings Department ("BD").</p>	
002929 - 003159	Chairman Registered Minor Works Contractor Signatory Association	<p>Presentation of major views -</p> <p>(a) expression of support for SBCS; and</p> <p>(b) consideration should be given to allowing registered minor works contractors ("RMWCs") registered for minor works relating to signboards belonging to the Class II category, instead of authorized persons or registered structural engineers, to carry out validation for signboards belonging to the Class I category.</p>	
003200 - 003458	Chairman Hong Kong General Building Contractors Association	<p>Presentation of major views -</p> <p>(a) expression of support for enacting legislation to introduce SBCS to enhance the safety of signboards in Hong Kong; and</p> <p>(b) the Administration should strengthen the regulation of the size, height and light emission of signboards.</p>	
003459 - 004839	Chairman Administration	<p>In response to the views of the deputations, the Administration explained the existing regulatory framework on erection of new signboards, the rationale for introducing SBCS to tackle the existing 120 000 unauthorized signboards, the justifications for setting the validation period at five years, the processing of applications for validation, etc.</p> <p>The Administration also highlighted that -</p>	

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		<p>(a) Issues relating to building management and property right did not fall within the legislative intent of the Buildings Ordinance (Cap. 123) ("BO") which aimed to regulate the planning and construction of buildings and associated works. The Administration considered that the two issues should be followed up in the context of the Building Management Ordinance (Cap. 344) ("BMO"). Nevertheless, BD would take the initiative to notify the Owners' Corporations ("OCs") about the application for erection of new signboards/application for validation of unauthorized signboards to facilitate the communication between the signboard owners and building owners;</p> <p>(b) BD would allow the continued use of certain existing unauthorized signboards after validation under SBCS and would not take enforcement actions against them but these signboards would remain as unauthorized building works;</p> <p>(c) since signboards belonging to the Class I category were always displayed at prominent location with relatively larger projecting size, the Administration considered that the minor works relating to Class I signboards under the validation scheme should be carried out by the building professionals who were registered for the corresponding class concerned. Such arrangement would not affect the employment opportunities of RMWCs registered for the Class II or Class III minor works relating to signboard as about 90% of the minor works submissions on signboards made under MWCS involved signboards in the Class II and III categories; and</p> <p>(d) the relevant technical guideline on SBCS would set out the specific requirements for carrying out safety inspections for signboards and visual inspection would not be adopted for larger size signboards belonging to Class I category.</p>	
004840 - 005951	Chairman Mr WU Chi-wai Administration	<p>Mr WU Chi-wai's enquiries about -</p> <p>(a) how BD would tackle those unauthorized signboards that had not been validated and the penalties for erecting illegal signboards after</p>	

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		<p>SBCS came into operation on 2 September 2013;</p> <p>(b) how BD would handle the possible disputes between the building owners and the contractors authorized to carry out minor works relating to signboards in cases where the prior consent of the building owners for erection of signboards had not been obtained; and</p> <p>(c) whether a signboard with sole replacement of display area without any alteration to its framework structure would constitute a "new" signboard.</p> <p>The Administration's responses that -</p> <p>(a) BD would take enforcement actions against any unauthorized signboards that had not been validated after SBCS came into operation. The signboard owners would have to bear the cost for removal which might be much higher than the cost of strengthening the signboards for the purpose of validation;</p> <p>(b) the building owners might resort to civil litigation if necessary to resolve the disputes arising from erection of signboards at their buildings without their consent; and</p> <p>(c) application could be made under MWCS for replacement of display area of signboards. In accordance with the "Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers" on MWCS ("APP-147"), minor works submission numbers or BD reference numbers were recommended to be displayed on signboards erected or altered under the simplified requirements of MWCS and signboards erected or altered with prior approval and consent from the Building Authority respectively so as to distinguish them from unauthorized signboards.</p>	
005952 - 011443	Chairman Mr CHAN Han-pan Administration	Mr CHAN Han-pan shared the concern about the possible disputes between the building owners and contractors in cases where the prior consent of the building owners for erection of signboards had not been obtained.	

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		<p>The Administration's further advice that -</p> <ul style="list-style-type: none"> (a) issues relating to property right were not within the legislative intent of the Building (Minor Works) (Amendment) Regulation 2013 which sought to introduce a validation scheme under SBCS for existing unauthorized signboards which might had been erected at buildings for years; (b) under BMO, building owners were responsible for the management of the common part of a building under civil law and the enforcement of the Deed of Mutual Covenant rested with the contractual parties and the Government was not one of them; and (c) BD would remind related parties to obtain prior consent from building owners/OCs before erection of signboards through publicity and education campaign. 	
011444 - 012517	Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN Hak-kan's expression of concern about the adverse impact of abandoned signboards on the cityscape. He enquired about BD's enforcement actions against abandoned signboards and unauthorized signboards.</p> <p>The Administration's responses that -</p> <ul style="list-style-type: none"> (a) BD had engaged consultants to stock-take dangerous/abandoned signboards in Hong Kong and worked with district councils to identify and remove dangerous/abandoned signboards to ensure public safety; and (b) BD was empowered under the Public Health and Municipal Services Ordinance (Cap. 132) to remove dangerous or abandoned signboards for protecting public safety. In the period from 2006 to 2011, BD had issued about 10 900 Dangerous Structure Removal Notices against dangerous or abandoned signboards and removed 18 200 such signboards. Following two large-scale operations against dangerous/abandoned signboards launched in 2009 and 2010 respectively, BD further issued 268 Dangerous Structure Removal Notices against dangerous or abandoned signboards in 	

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		<p>2012 and remove more than 1 300 abandoned/dangerous signboards accordingly.</p> <p>Responding to Mr CHAN's enquiry about the recovery of cost of removing signboards by BD, the Administration advised that in some cases, BD was not able to recover the cost of removing the abandoned signboards because the signboard owners could not be found in such cases and BD did not keep statistics relating to cost recovery for removal of signboards. Nevertheless, BD would make use of the information on signboard owners collected under the validation scheme of SBCS and follow up with the owners concerned on the removal of abandoned signboards and recovery of cost.</p>	
012518 - 013353	<p>Chairman Mr KWOK Wai-keung Administration</p>	<p>Mr KOWK Wai-keung called on the Administration to accord priority to handling cases where complaints were received from building owners/OCs about the unauthorized signboards erected at their building without their consent.</p> <p>The Administration's advice that to ensure public safety, BD would accord first priority to tackling unauthorized signboards which posed immediate danger to the public. Other unauthorized signboards and unauthorized building works would be handled according to the established procedure under the existing policy.</p>	
013354 - 014024	<p>Chairman Mr WU Chi-wai Administration</p>	<p>Mr WU Chi-wai's view that signboards projecting over street would pose higher potential risks to public safety and they should be subject to different levels of regulation according to the risk they might pose.</p> <p>The Administration's advice about the classification of minor works relating to signboards projecting over street under MWCS and that different types of signboards would be subject to different levels of control under MWCS.</p>	
014025 - 014648	<p>Chairman Yat Tung Community and Network Association Registered Minor Works Contractor Signatory Association Administration</p>	<p>The enquiry of Yat Tung Community and Network Association and the Administration's response about the notification given to OCs about the application for validation.</p> <p>In response to Registered Minor Works Contractor Signatory Association, the Administration's advice</p>	

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		that it would consider how the industry should be notified of the progress in implementing the validation scheme.	
014649 - 015157	Chairman Administration	The Administration's briefing on its response to the issues raised by members at the meeting on 7 June 2013 [LC Paper No. CB(2)1390/12-13(01)]	
015158 - 020227	Chairman Mr WU Chi-wai Administration	Mr WU Chi-wai's request for provision of information and the Administration's agreement to follow up.	Admin (paragraph 3 of the minutes)
020228 - 020613	Chairman Administration Mr WU Chi-wai	Date of next meeting	

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