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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice and the Building (Minor Works) (Amendment) Regulation 2013, which were made by the Administration to introduce the signboard control system ("SBCS"), and summarizes the views and concerns expressed by Members at the meetings of the Legislative Council ("LegCo") and relevant committees on SBCS.

Background

2. To tackle the problem of building safety in a sustainable manner, the Administration introduced in December 2011 the Buildings Legislation (Amendment) Bill 2011. The Bill sought to amend the Buildings Ordinance ("BO") (Cap. 123) and the Buildings (Amendment) Ordinance 2011 (16 of 2011) to include five new measures to further enhance building safety. One of the proposed new measures was the introduction of SBCS to comprehensively tackle existing unauthorized signboards.

3. It is estimated that there are about 190 000 unauthorized signboards in Hong Kong. Many of them are in active use by business operations while others are simply abandoned. SBCS, similar to the control scheme for specified minor household installations (small canopies, drying racks and supporting frames for air-conditioners), aims to allow the continued use of certain existing unauthorized signboards (e.g. within stipulated dimensional requirements, not blocking operation of emergency vehicles, etc.) after safety checks by registered building professionals or registered contractors. The safety checking has to be renewed once every five years. Unauthorized signboards not joining the scheme will be subject to the Buildings Department ("BD")'s enforcement actions.

4. Regarding new signboards, small ones will be taken care of by the minor works control system ("MWCS"), while larger ones will continue to require the prior approval and consent of BD before erection. With the introduction of the new control scheme, BD will in time establish a comprehensive database of all signboards in Hong Kong and have a firmer grasp of their safety conditions to facilitate control and enforcement action.

5. Following the passage of the Buildings Legislation (Amendment) Bill 2011 on 16 July 2012, the Buildings Legislation (Amendment) Ordinance 2012 ("BL(A)O") was enacted. The provisions of BL(A)O came into operation upon gazettal on 20 July 2012 except for those provisions relating to SBCS (i.e. sections 3, 6, 7, 8, 9 and 10) ("the relevant provisions"), given that the details of unauthorized signboard under the control system would be prescribed in the Building (Minor Works) Regulation (Cap. 123 sub. leg. N) ("the Regulation").

Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice Building (Minor Works) (Amendment) Regulation 2013

6. By way of the Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice published on 24 May 2013, the Secretary for Development has appointed 2 September 2013 as the day on which the relevant provisions come into operation.

7. Under section 39C(1A) of BO, as amended by section 7 of the BL(A)O, the continued use of certain existing unauthorized signboards will be allowed after safety inspection, strengthening (if necessary), and certification by qualified persons by buildings professionals and/or registered contractors ("the validation scheme"). The Building (Minor Works) (Amendment) Regulation 2013 ("the Amendment Regulation") was published on 24 May 2013 to amend the Regulation for the following matters for the implementation of section 39C(1A) of the BO in relation to unauthorized signboards:

- (a) the kinds of signboard to which section 39C(1A) of the BO applies are to be specified in the new Part 3 of Schedule 3 to the Regulation;
- (b) the validation scheme applies to the unauthorized signboards erected before 2 September 2013;
- (c) the persons who are required to be appointed to inspect the unauthorized signboards;

- (d) the person appointed to inspect the unauthorized signboard is required to submit to the Building Authority a notification;
- (e) the details and particulars to be provided in the notification and other documents to be submitted together with the notification; and
- (f) the requirements in sections 39C(2), (3) and (4) of the BO (i.e. safety inspection on and the necessary rectification works to the relevant signboards) are required to be periodically complied with for not more than every 5 years.

8. The Amendment Regulation will come into operation on the day on which the relevant provisions of BL(A)O become effective, i.e. 2 September 2013. SBCS would only apply to unauthorized signboards erected before that date.

Views and concerns expressed by Members

9. In deliberating SBCS at the Fourth LegCo, Members called on the Administration to provide effective support and assistance to owners in need, which was a prerequisite for the successful implementation of various programmes. Separately, Members also considered that the Administration should foster a building safety culture in Hong Kong, so that all stakeholders involved (building owners, occupants, building professionals, property management companies, contractors and workers) would possess the awareness to properly observe building safety.

Anticipated effectiveness of the Signboard Control System

10. The Administration briefed the Panel on Development on the proposal to introduce SBCS at the meeting on 7 January 2013. Members in general considered that the problem of unauthorized signboards in Hong Kong rampant and it should be put under control as soon as possible. The Administration advised that out of the existing estimated 190 000 unauthorized signboards, about 85%, i.e. around 160 000, could be validated under the proposed SBCS. BD would continue to identify those unauthorized signboards that warranted priority enforcement actions. With the implementation of MWCS for erection of new small signboards and the proposed SBCS to validate the majority of existing unauthorized signboard, the Administration believed that the signboard control regime would be significantly enhanced.

Qualifications and supply of building professionals for conducting safety checks

11. On Panel members' questions about the qualifications of persons who could erect new signboards and/or conduct safety inspection on existing unauthorized signboards under SBCS and the number of such persons in Hong Kong, the Administration advised that only the prescribed building professionals ("PBPs") or prescribed registered contractors ("PRCs") who had been registered for the specific classes, types and items of minor works relating to the erection, alteration of signboards could carry out the safety inspection, strengthening, and certification of unauthorized signboards falling within the corresponding classes, types and items. Currently, there were more than 7 000 PBPs and PRCs who were qualified to carry out such work.

Technical Specifications for signboards to be covered by Signboard Control System

12. To delineate the limit on the size of unauthorized signboards that are eligible for safety validation, the Administration has proposed that the technical specifications should follow those that have been designated as minor works in the Regulation to ensure that the signboards eligible for validation, like other minor works, are small in scale and pose less potential risk. This means that the signboards to be included in SBCS could be as large as 20 square metres. Some Panel members opined that signboards of 20 square metres were in fact not small and the Administration should not only consider the structural safety issue, but also light pollution and air ventilation issues when allowing such signboards to continue to be erected.

Abandoned signboards

13. Some Panel members have expressed concern about the safety and maintenance of abandoned signboards. They enquired about the number of abandoned signboards in Hong Kong and requested the Administration to take firm enforcement action to remove the signboards that posed immediate danger if no response was received from the signboard or land owners within a reasonable time after the issuance of the removal orders. The Administration advised that it had commissioned consultants in 2011 to conduct a stock-taking exercise of unauthorized building works at the exteriors of buildings in Hong Kong, including unauthorized outdoor signboards. However, no breakdown on the number of abandoned signboards was available. BD would take enforcement actions against dangerous signboards during its large-scale operations and in response to reports from the consultants and the public. Among the 10 900 Dangerous Structure Removal Notices issued during the past six years, the majority had been issued against abandoned signboards.

Relevant papers

14. A list of relevant papers with their hyperlinks is at the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
6 June 2013

Signboard control system

List of relevant papers

Date of meeting	Committee	Papers/Minutes of meeting
3 December 2008	Council meeting	Hansard -- written question (No. 17) on "removal of dangerous and abandoned signboard" (P. 2535-2538)
14 July 2010	Council meeting	Hansard -- written question (No. 13) on "removal of abandoned signboard" (P. 11435-11437)
13 January 2011	Subcommittee on Building Safety and Related Issues	Administration's paper on measures to enhance building safety in Hong Kong [LC Paper No. CB(1)681/10-11(01)] Minutes of meeting [LC Paper No. CB(1)1949/10-11]
15 June 2011	Council meeting	Hansard -- oral question (No. 1) on "regulation of overhanging advertisement signboards outside buildings" (P. 11825-11836)
---	Bills Committee on Buildings (Amendment) Bill 2010	Report of the Bills Committee tabled at the Legislative Council meeting of 29 June 2011
12 January 2012	Bills Committee on Buildings Legislation (Amendment) Bill 2011	LegCo Brief on Buildings Legislation (Amendment) Bill 2011 (File Ref: DEVB(PL-B) 30/30/122)

Date of meeting	Committee	Papers/Minutes of meeting
---	Bills Committee on Buildings Legislation (Amendment) Bill 2011	Report of the Bills Committee tabled at the Legislative Council meeting of 13 June 2012
7 January 2013	Panel on Development	Administration's paper on introduction of the Signboard Control System [LC Paper No. CB(1)287/12-13(06)] Minutes of meeting [LC Paper No. CB(1)581/12-13]

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