

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

**Administration's Response to Follow-up Issues  
of the Meeting held on 7 June 2013**

This note sets out the Administration's responses to the follow-up issues raised by the Subcommittee at the meeting on 7 June 2013 in relation to the Signboards Control System (SBCS).

**Interval of Validation Period**

2. Under the proposed SBCS, we propose that all validated signboards should undergo periodic safety inspection. Signboard owners who have had their signboards validated should, within the subsequent 5 years, either make a fresh validation submission for the signboards concerned or remove them. Within those 5 years, signboard owners bear the responsibility for the proper maintenance of their signboards. The proposed interval of 5 years aims to strike a balance between tackling the building safety problems arising from existing unauthorised signboards and avoiding bringing undue inconvenience to business operators.

3. If the validated signboards are situated at buildings joining the Mandatory Building Inspection Scheme (MBIS), apart from undergoing validation every 5 years under the SBCS, these signboards should also undergo safety inspection as required by the MBIS. The MBIS requires private buildings aged 30 years or above to undergo safety inspection of their common parts, external walls, projections as well as signboards, at intervals of 10 years. The scope of inspection under this scheme does not only cover the approved parts of the building but also unauthorised minor works that have been validated under the validation scheme (including unauthorised signboards). As the potential danger posed by unauthorised signboards at private buildings aged 30 years or above is generally higher, the requirement under the MBIS can procure extra inspection of these signboards in addition to the SBCS. Based on the

above considerations, we consider setting the validation period at 5 years an appropriate arrangement.

4. In addition, where a validated signboard subsequently becomes dangerous owing to a change in circumstances or lack of proper maintenance, the Buildings Department (“BD”) may also take prompt enforcement action under section 105(1) of the Public Health and Municipal Services Ordinance (Cap. 132) to require the signboard owner to remove it or carry out works to render it safe.

### **Information to be Submitted for Validation**

5. Building safety standards and requirements in Hong Kong are regulated by a three-tier framework. The first tier is the principal ordinance, i.e. the Buildings Ordinance (Cap. 123) (“BO”), which provides the broad legal framework. The second tier is the subsidiary legislation made under the BO prescribing the detailed procedural and technical requirements. The third tier includes the administrative practice notes, codes of practice and guidelines issued by the BD, which provide the industry with the fine details of the procedures, technical standards and latest practices in relation to the requirements of the principal and subsidiary legislation. The BD has also issued general guidelines in layman terms and public education materials to help the public and building owners understand the statutory requirements and building safety matters. This three-tier framework has been operating effectively and well received by the industry and the public. It has also been adopted in recent legislative exercises, including the Buildings (Amendment) Ordinance 2008, Building (Minor Works) Regulation (Cap. 123N) and Building (Minor Works)(Fees) Regulation (Cap. 123O) made for the Minor Works Control System.

6. Under the proposed SBCS, the information required to be submitted will differ according to the various complexities in construction, sizes and locations of the signboards. For relatively small signboards belonging to the Class III category, only photographs of the signboard with simple annotations will suffice; for signboards belonging to the Class II category, photographs and plans are required to be submitted; whereas for relatively large signboards in the Class I category,

the applicants are also required to submit information such as structural calculations and plans.

7. The new section 62A(4)(b) of the Building (Minor Works)(Amendment) Regulation 2013 requires the submission of “photographs and description showing the physical condition of the signboard” for joining the validation scheme for signboards. Since the purpose of documents such as simple annotations, structural calculations and plans is to describe the physical conditions of the relevant signboard, they fall within the literal meaning of “description” in that section. To align with the existing three-tier framework of building works control regime, it is considered that the myriad scenarios and technical details encountered in practice should be provided by technical guidelines which the industry are familiar with, including the information required in their submissions for validation for different types of signboards. The BD will also give clear instructions and explanations in the relevant forms to facilitate submissions for validation.

### **Information to be Provided in the Notification Form for Validation**

8. Under the proposed SBCS, a person arranging the validation of a signboard has to submit, apart from his personal information, information on the prescribed building professional and prescribed registered contractor involved as well as the party for whom the signboard was erected (i.e. the signboard owner). If the building concerned has formed an Owners’ Corporation (“OC”), the BD will require the applicant to submit information about the OC, and will take the initiative to notify the OC about the application concerned. Since the BO aims to regulate the planning, design and construction of buildings and associated works, requiring the validation applicant to purchase insurance or submit related information is not within the scope of the BO’s regulation. Nonetheless, the BD will insert annotations in the application forms to remind the applicants to purchase insurance.

### **Manpower Resources in the BD that Deal with Signboards**

9. The existing resources of 530 professional and technical staff in the two Existing Buildings Divisions and the Mandatory Building

Inspection Division, as well as the 19 professional and technical staff in the Signboard Control Unit of the BD are responsible for taking enforcement action against dangerous/abandoned signboards and unauthorised signboards as part of their overall duties to implement the BD's building safety and maintenance enforcement programmes. In addition, outsourced consultants have also been employed by the BD for regular patrol, inspection and supervision on the removal of dangerous/abandoned and unauthorised signboards. The BD will review the resource requirements of related work from time to time.

**Development Bureau**  
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