

**For discussion on  
17 December 2012**

## **LEGISLATIVE COUNCIL PANEL ON DEVELOPMENT**

### **Introduction of the Signboard Control System**

#### **INTRODUCTION**

This paper seeks members' view on the proposed Signboard Control System ("SBCS").

#### **BACKGROUND**

2. Following the completion of a comprehensive review on the Government's building safety policy and measures, the Chief Executive announced in his Policy Address in October 2010 that the Government would adopt a new multi-pronged approach, covering legislation, enforcement, support and assistance to owners as well as publicity and public education, to enhance building safety in Hong Kong. We have since been following that up. On the legislation front, we have introduced a number of measures to enhance building safety through the Buildings Legislation (Amendment) Bill 2011 ("the Bill") which was enacted by the Legislative Council in July 2012. One of the legislative amendments in the Bill was the enabling provisions for the introduction of a statutory regime, i.e. the SBCS, to control existing unauthorized signboards through an extension of the scope of works covered by the validation scheme under the Minor Works Control System ("MWCS"). With the enabling provisions now in place, we propose to set out the details of the SBCS in a subsidiary legislation to be tabled at the Legislative Council.

#### **Simplified Requirements under the MWCS**

3. Before the implementation of the MWCS, all building works, with the exception of the exempted works as defined under section 41 of

the Buildings Ordinance (“BO”) (Cap 123), require the prior approval by the Building Authority (“BA”) of plans and consent to commencement of building works before works are to be carried out. Otherwise, regardless of the scale of such works, they will be regarded as unauthorized building works (“UBWs”) and subject to enforcement action by the Buildings Department (“BD”).

4. The MWCS, which came into full operation on 31 December 2010, aims to provide an alternative to the above statutory procedures for building owners to carry out small-scale building works, such as installation of supporting frames for air-conditioners, drying racks, small canopies, etc. in a lawful, simple, safe and convenient manner. Erection or alteration of specific types of signboards is also designated as minor works. Under the new system, building owners can choose to carry out minor works under the simplified requirements instead of following the more comprehensive requirements of obtaining prior approval of building plans and consent to commencement of works under section 14(1) of the BO.

5. The modus operandi of the MWCS is set out in the Building (Minor Works) Regulation (Cap 123 sub. leg. N) (“B(MW)R”). The B(MW)R provides for the classification of minor works and types of minor works items, simplified requirements for carrying out minor works, registration of minor works contractors, as well as duties of prescribed building professionals (PBPs) and prescribed registered contractors (PRCs) in carrying out minor works. Under the B(MW)R, minor works are classified into three classes (i.e. Class I, II & III, with Class I works most strictly controlled) according to their nature, scale and complexity as well as the risk they may pose. The works under each class are further classified into types and items that correspond to the specialization of works in the industry.

### **Validation Scheme**

6. Under the MWCS, a validation scheme for certain household minor UBWs also came into effect on 31 December 2010. The scheme allows unauthorized drying racks, small canopies and supporting frames for air-conditioners which had been erected before the commencement of

the MWCS to be validated under sections 39C(2) to (4) of the BO. The BA will not serve an order under section 24 or a notice under section 24C of the BO in respect of such “validated” UBWs (now designated as “prescribed building or building works” in Schedule 3 of the B(MW)R), even though they had been completed or carried out in contravention of section 14(1) of BO, (i.e. without prior approval by the BA of plans and consent to commencement of works) before the full implementation of the MWCS on 31 December 2010.

## **ENFORCEMENT ACTION AGAINST UNAUTHORIZED SIGNBOARDS**

7. Depending on the specifications of the works involved, erection of signboards is either “building works” which requires prior approval by the BA of plans and consent to commencement of works under section 14(1) of the BO, or minor works which may be carried out in accordance with the simplified requirements under the MWCS as mentioned above. The Buildings (Amendment) Ordinance 2004 (No. 15 of 2004) introduced the definition of “signboard” in section 2(1) of the BO.

8. Where the erection of signboards is unauthorized, pursuant to the provisions in section 24(2)(c) of the BO, the BA may issue removal orders to the persons who shall be responsible for removing the unauthorized signboards concerned. According to section 24(2)(c)(i), if the relevant signboard has been erected or is being erected for a person (the signboard owner), a removal order shall be served on the signboard owner. If the signboard owner cannot be found, the BD will, pursuant to the provisions of section 24(2)(c)(ii) of the BO, serve a removal order on the person who is receiving or would receive any rent or other money consideration if the signboard were hired out. Only if the persons referred to in sections 24(2)(c)(i) and 24(2)(c)(ii) of the BO cannot be found would the BA, pursuant to section 24(2)(c)(iii) of the BO, serve a removal order on the owner of the land or premises on which the signboard has been erected or is being erected. Apart from taking necessary actions upon receiving reports on unauthorized signboards from the public, the BD has also launched large scale operations against large unauthorized signboards. From 1 January to 31 October 2012, the BD had received 1,035 reports on, and served 157 removal orders against

unauthorized signboards. 105 unauthorized signboards were removed during that period.

## **THE PROPOSED SIGNBOARD CONTROL SYSTEM**

9. The existence of unauthorized signboards is a persistent building safety problem in Hong Kong. It is estimated that there are about 190,000 unauthorized signboards in Hong Kong. Many of them are in active use by business operations and their existence carries notable value for sustaining local commercial activities and contributing to Hong Kong's prosperity. In order to enhance the safety of existing unauthorized signboards, we propose that the SBCS should be introduced in a way similar to that for prescribed building or building works (i.e. unauthorized small canopies, drying racks and supporting frames for air-conditioners) under the B(MW)R at present. Under the system, the continued use of certain existing unauthorized signboards will be allowed after safety inspection, strengthening (if necessary), and certification by PBPs and/or PRCs. Unauthorized signboards that have not been validated under the SBCS will be subject to enforcement action by the BD.

### **5-Year Validity Period**

10. In addition to the safety inspection required when the signboard is to be validated, we propose that all validated signboards should be subject to periodic safety inspection. At present, all prescribed building works under the B(MW)R belong to household amenity features. Unlike household amenity features, most of the unauthorized signboards are used by business operations. As such, they may deteriorate faster due to lack of maintenance if the business operations have closed down. It is therefore considered more appropriate that the signboard validated under the SBCS be subject to a 5-year safety inspection cycle. Signboard owners who have had their unauthorized signboards validated should, after a period of 5 years, either make a fresh validation submission for the signboards concerned or remove them. By subjecting the validated signboards to a 5-year inspection cycle, it is expected that the safety of these signboards can be further enhanced. This should also alleviate the potential risk posed by

signboards that had been validated and subsequently abandoned as BD would have information about the whereabouts of such signboards which have not undergone the periodic safety inspection and can take appropriate action against them.

### **Technical Specifications**

11. To further delineate the limit on the size of unauthorized signboards that are eligible for safety validation, it is proposed that the technical specifications should follow those that have been designated as minor works in the B(MW)R to ensure that the signboards eligible for validation, like other minor works, are small in scale and pose less potential risk. The requirement of prior approval and consent of the BA before erection or alteration will, however, continue to apply to signboards falling outside these specifications. Under the MWCS, erection or alteration of specific types of unauthorized signboards are designated as minor works, which include projecting signboards, wall signboards, signboards on the roof of a building, outdoor signboards fixed on-grade and signboards hung beneath the soffit of a balcony. The erection or alteration of these types of signboards, according to different specifications, is further classified into Class I, II or III minor works. It is proposed that only the PBPs or PRCs who are registered for the specific classes, types and items of minor works relating to the erection and alteration of signboards can carry out the safety inspection, strengthening, and certification of unauthorized signboards falling within the corresponding classes, types and items. Details of the maximum sizes and types of unauthorized signboards eligible for safety validation are set out at Annex.

### **Implementation Plans**

12. In line with the prescribed building works under the MWCS, it is proposed that the SBCS will only apply to unauthorized signboards erected before a specified date which is proposed to be the date when the new arrangement comes into operation. It is expected that the new arrangement will come into operation within 2013.

**ADVICE SOUGHT**

13. Subject to Members' view on the above proposals, our plan is to introduce the relevant subsidiary legislation to implement the SBCS in 2013.

**Development Bureau**  
**December 2012**

**Proposed Maximum Sizes and Types of Signboards  
that are Eligible for Validation under the SBCS**

**1. Projecting Signboards**

(Reference to descriptions in item 1.20 under Part 3, Schedule 1 of the B(MW)R)

- (a) the signboard does not consist of stone;
- (b) the display area of the signboard is not more than 20 m<sup>2</sup>;
- (c) no part of the signboard projects more than 4.2 m from the external wall to which it is fixed; and
- (d) the thickness of the signboard is not more than 600 mm.

**2. Signboards on the Roof of a Building**

(Reference to descriptions in item 1.21 under Part 3, Schedule 1 of the B(MW)R)

- (a) the signboard does not consist of stone;
- (b) the display area of the signboard is not more than 20 m<sup>2</sup>;
- (c) no part of the signboard projects beyond the external wall of the building;
- (d) the thickness of the signboard is not more than 600 mm; and
- (e) the distance between any part of the signboard and the level of the roof is not more than 6 m.

**3. Wall Signboards**

(Reference to descriptions in item 1.22 under Part 3, Schedule 1 of the B(MW)R)

- (a) if the signboard comprises a display system consisting of light emitting diodes, the display area of the signboard is not more than 20 m<sup>2</sup>;
- (b) if the signboard does not comprise any display system consisting of light emitting diodes, the display area of the signboard is not more than 40 m<sup>2</sup>;
- (c) if the distance between any part of the signboard and the ground is

- more than 6 m, the signboard does not consist of stone; and
- (d) the thickness of the signboard is not more than 600 mm.

#### **4. Outdoor Signboards Fixed On-Grade**

(Reference to descriptions in item 1.23 under Part 3, Schedule 1 of the B(MW)R)

- (a) the display area of the signboard is not more than 20m<sup>2</sup>;
- (b) the thickness of the signboard is not more than 600 mm; and
- (c) the distance between any part of the signboard and the ground is not more than 6 m.

#### **5. Signboards On or Hung Underneath the Soffit of a Balcony or Canopy**

(Reference to descriptions in item 2.20 under Part 3, Schedule 1 of the B(MW)R)

- (a) the signboard does not consist of stone
- (b) the display area of the signboard is not more than 2 m<sup>2</sup>;
- (c) the height of the signboard is not more than 600 mm; and
- (d) the thickness of the signboard is not more than 100 mm.