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Panel on Development

Meeting on 24 May 2016

Updated background brief on the signboard control system

Purpose

This paper provides background information on the signboard control system and summarizes the views and concerns expressed by Members at the meetings of the Legislative Council ("LegCo") and various committees on the subject since the 2012-2013 session.

Background

2. Under the Buildings Ordinance ("BO"), the erection of signboards is building works and requires the prior approval of plans and consent for the commencement of works by the Buildings Department ("BD"). With the full implementation of the Minor Works Control System ("MWCS") set out in the Building (Minor Works) Regulation ("B(MW)R") since 31 December 2010, depending on the scale and potential risk of the works, the construction, alteration and removal of signboards is categorized as: (a) works which will continue to be subject to prior approval and consent of BD; (b) minor works which can be carried out legally following the simplified requirements under MWCS¹; or (c) designated exempted works which can be carried out without obtaining prior approval and consent or following the MWCS requirements.

¹ MWCS, which came into full operation on 31 December 2010, allows building owners to carry out minor works lawfully through simplified procedures, without the need to obtain prior approval of relevant building plans and consent to commence works under BO. The modus operandi of MWCS is set out in the Building (Minor Works) Regulation ("B(MW)R"). Under B(MW)R, minor works are classified into three classes according to their nature, scale and complexity as well as the risk they may pose.

Signboard control system

3. Apart from designated exempted works, signboards erected without obtaining the prior approval and consent of BD or following the requirements under MWCS are unauthorized building works and may be subject to enforcement action under BO. Upon identification of unauthorized signboards which are under construction or newly erected, BD will take enforcement action and issue removal orders requiring their removal. In addition, BD conducts surveillance inspections in districts to ascertain the general conditions of existing signboards, and carries out operations to eliminate the potential danger that may be posed by unauthorized signboards. According to the Administration, in January 2016, there were about 120 000 signboards in Hong Kong², most of which are unauthorized.

Validation scheme for unauthorized signboards

4. Taking into consideration that many of the unauthorized signboards are in active use by business operations, the Administration has introduced a validation scheme for unauthorized signboards ("the Validation Scheme") through the enactment of the Buildings (Minor Works) (Amendment) Regulation 2013³ to allow the continued use of certain unauthorized signboards after safety inspection, strengthening if necessary and certification by prescribed building professionals or registered contractors. Unauthorized signboards that fall within the prescribed technical specifications and erected before 2 September 2013 are eligible for validation upon application for joining the Validation Scheme. Validated signboards remain to be unauthorized building works. The signboard owners should, at intervals of not more than five years, either make a fresh validation submission for the signboards concerned or remove them. With the implementation of the Validation Scheme, BD aims to 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.

Major views and concerns expressed by Members

5. The major views and concerns expressed by Members on the signboard control system at the meetings of the Council and various

² Source: The Administration's reply to a written question (No. 10) on "Control of Unauthorized Signboards" raised at the Council meeting of 6 January 2016

³ The Buildings (Minor Works) (Amendment) Regulation 2013 was enacted in July 2013.

committees since the 2012-2013 session are summarized in the ensuing paragraphs.

Effectiveness of the Validation Scheme

6. At a special meeting of the Finance Committee to examine the Estimates of Expenditure 2014-2015, concerns were raised about the low response to the Validation Scheme since its implementation and the measures to step up the publicity of the scheme. The Administration advised that to enhance public awareness on the Validation Scheme, BD had been disseminating relevant information to the public through different means such as making available relevant guidelines on BD's website, broadcasting Announcements in the Public Interests, conducting briefings for the industry and the public, distributing booklets, etc. From the implementation of the scheme in September 2013 up to November 2015, BD had received 362 validation applications. While the number might appear to be on the low side, it was noted that minor works associated with signboards had increased after the implementation of Validation Scheme. In the 32 months before the implementation of the Validation Scheme, i.e. from 31 December 2010 to 1 September 2013, there had been around 3 000 cases of minor works associated with signboards. From 2 September 2013 to 30 November 2015, the number of such cases had increased to 11 300 cases⁴. The Administration considered this showed that many signboard owners might have chosen to remove the old signboards and re-erect a signboard under MWCS instead of applying for validation.

7. In response to a written question raised at the Council meeting of 6 January 2016 about the number of professionals who were qualified to carry out validation for existing unauthorized signboards, the Administration advised that there were about 13 000 prescribed building professionals or prescribed registered contractors who were qualified to carry out validation for existing unauthorized signboards, including Authorized Persons, Registered Structural Engineers, Registered Inspectors, Registered General Building Contractors, Registered Minor Works Contractors (Company) and Registered Minor Works Contractors (Individual), which should be adequate to meet the market need.

⁴ Source: The Administration's reply to a written question (No. 10) on "Control of Unauthorized Signboards" raised at the Council meeting of 6 January 2016

Enforcement action against abandoned/dangerous/large unauthorized signboards

8. During the scrutiny of the Building (Minor Works) (Amendment) Regulation 2013, Members enquired about the Administration's measures and manpower resources for dealing with the validated signboards which subsequently became dangerous or abandoned.

9. The Administration advised that, by implementing the signboard control system, under which validated signboards were to be inspected every five years, BD would have information on the whereabouts of those signboards which had not undergone the required periodic safety inspection and could take appropriate action against them, hence alleviating the potential danger posed by abandoned signboards. If a validated signboard was abandoned, or rendered dangerous owing to any change in circumstances or lack of proper maintenance, BD could issue a Dangerous Structure Removal Notice to the signboard owner according to the Public Health and Municipal Services Ordinance (Cap. 132), requiring the removal of the signboard within a specified time limit. Where the removal order had not been complied with after its expiry, BD might arrange a contractor to remove the dangerous or abandoned signboard and recover the costs from the signboard owner.

10. According to the Administration, in 2015, 682 removal orders were issued against unauthorized signboards, 1 215 unauthorized signboards were removed/validated, and 1 500 dangerous/abandoned signboards were removed/repared. BD also instigated 61 prosecutions in the same year against signboard owners for failure to comply with removal orders. The enforcement action against unauthorized signboards was carried out by the 35 professional and technical staff of the Signboard Control Unit of BD as part of their overall duties⁵. On the question about BD's enforcement action against large unauthorized signboards, the Administration advised that in addition to taking necessary actions upon receipt of complaints or reports, BD would continue to launch large-scale operations to remove unauthorized signboards not joining or not eligible for joining the Validation Scheme, including those large ones.

Validation of unauthorized signboards erected at common parts of a building

11. At the Council meeting of 10 June 2015, Members debated a motion on stepping up regulation on the repair and maintenance works of private

⁵ Source: The Administration's reply to an initial written question in examining the Estimates of Expenditure for 2016-2017 (Reply Serial No. DEVB(PL)058) (http://www.legco.gov.hk/yr15-16/english/fc/fc/w_q/devb-pl-e.pdf)

buildings, and urged the Administration to allocate more resources to remove abandoned signboards on external walls of buildings. The wording of the motion passed is in **Appendix I**. On the question whether these signboard owners were required to obtain the permission of the property owners concerned in arranging the validation of the signboards, the Administration advised that for anyone who intended to erect or hang a signboard at the exterior or other common parts of a building, apart from obtaining the prior approval of the plan and consent to the commencement of works from BD or conducting the works under the MWCS requirements, he/she should also ensure that the works would not contravene the requirements under other relevant provisions, and observe all obligations as stipulated in the Deed of Mutual Covenant of the building, such as the arrangement of third party liability insurance for the signboard. If the building concerned had formed an owners' corporation, BD would require the validation applicant to submit information about the owners' corporation, and would take the initiative to notify the owners' corporation about the application.

Recent Development

12. The Administration will update the Panel at its meeting scheduled for 24 May 2016 on the implementation of the Validation Scheme.

Relevant papers

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

(Translation)

**Motion on
"Stepping up regulation on the repair and maintenance works
of private buildings" moved by Hon Tony TSE
at the Council meeting of 10 June 2015**

**Motion as amended by Hon KWOK Wai-keung, Hon CHAN Hak-kan and
Hon WU Chi-wai**

That the housing problem has always been of major concern to society; at present, the inadequate supply of developable land and newly constructed residential housing in Hong Kong has subjected many people to heavy housing pressure, and the situation is expected to persist in the near future; in addition to the need to expeditiously increase the supply of land and residential housing by the Government, developers and other public or non-profit-making organizations, the Government should encourage people to step up the repair, maintenance and management of buildings to prolong their useful life; the various building maintenance programmes introduced by the Government in recent years, including the Mandatory Building Inspection Scheme, have led to a significant increase in the amount of building repair and maintenance works; yet, the designs of quite a number of buildings have not taken into account the feasibility and safety of future building repair and maintenance works, which directly increase the risk of industrial accidents, and the varying standards of building repair and maintenance service providers at present have rendered some property owners suffering monetary and other unnecessary losses; in this connection, this Council urges the Government to step up regulation on the repair and maintenance works of private buildings, including adopting effective measures to provide appropriate assistance to property owners, owners' corporations and the building repair and maintenance sector, so that the public can receive professional building repair and maintenance services which are of good quality and value-for-money; the Government should also face up to the issue of erecting safety installations for repair and maintenance works on external walls of buildings, so as to strengthen protection for construction workers' occupational safety; in order to encourage and support people to step up the repair, maintenance and management of buildings, the Government should introduce the following specific measures:

- (1) to create a commissioner for management of old buildings to co-ordinate the repair, maintenance and management of private buildings;
- (2) to actively assist owners of old buildings in organizing owners' corporations or hiring management companies to resolve building management and repair problems;
- (3) to set up an 'information database of building repair costs' and expeditiously implement the Competition Ordinance, so as to combat bid-rigging activities on building repair and maintenance;
- (4) to provide resources for the Hong Kong Housing Society and the Urban Renewal Authority to enhance their technical and legal support services on building repair for property owners or owners' corporations;
- (5) to further streamline the application procedure for the Integrated Building Maintenance Assistance Scheme;
- (6) to set up a 'building affairs tribunal' to resolve the existing problems of lengthy time required for handling building management disputes and expensive legal costs, etc.;
- (7) to provide financial and technical supports for property owners who have practical difficulties in compliance with the Fire Safety (Buildings) Ordinance to have fire service equipment and installations such as water tanks and hose reel systems, etc., in their buildings;
- (8) to allocate more resources to remove abandoned signboards on external walls of buildings and combat acts of overhanging signboards from external walls of buildings without prior permission; and
- (9) to launch a third round of the Operation Building Bright;
- (10) to step up law enforcement to combat bid-rigging syndicates;
- (11) to provide small property owners with appropriate and professional support;
- (12) to enhance public education to give publicity to the perils of bid-rigging; and
- (13) to set up a 'building repair works authority' to regulate the service quality of building repair and maintenance service providers.

The signboard control system

List of relevant papers

Date of meeting	Committee	Papers/Minutes of meeting
3 December 2008	Council	A written question on removal of dangerous and abandoned signboard [Hansard, page 2535]
14 July 2010	Council	A written question on removal of abandoned signboards [Hansard, page 11435]
15 June 2011	Council	An oral question on regulation of overhanging advertisement signboards outside buildings [Hansard, page 11825]
13 January 2011	Subcommittee on Building Safety and Related Issues	Administration's paper on measures to enhance building safety in Hong Kong [Paper] Minutes of the meeting [Minutes]
---	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 [Paper] Minutes of the meeting [Minutes]
---	Subcommittee on Building (Minor Works) (Amendment) Regulation 2013 and Buildings Legislation (Amendment) Ordinance 2012 (Commencement) Notice	Report of the Subcommittee to the House Committee (issued on 10 July 2013)
13 November 2013	Council	A written question on dangerous, unauthorized and abandoned signboards [Hansard , page 2513]
31 March to 4 April 2014	Finance Committee	Report on the examination of the Estimates of Expenditure 2014-2015
10 June 2015	Council	Motion debate on "stepping up regulation on the repair and maintenance works of private buildings" [Hansard , page 12877] Progress Report provided by the Administration on the motion

Date of meeting	Committee	Papers/Minutes of meeting
---	Panel on Development	Administration's response to the letter from the Chairman of the Wan Chai District Council to the Chairman of the Panel on Development dated 13 May 2015 on control of unauthorized signboards (issued on 19 June 2015) [Paper]
--	Panel on Development	Administration's paper on implementation of the Validation Scheme for Unauthorized Signboards (issued on 17 July 2015) [Paper]
6 January 2016	Council	A written question on control of unauthorized signboards [Hansard , page 3398]