

LCQ16: Control of unauthorised signboards

Following is a question by the Dr Hon Chiang Lai-wan and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 16):

Question:

At present, there are tens of thousands of unauthorised signboards in the territory, and abandoned signboards that may endanger public safety are not uncommon. The Government launched the Validation Scheme for Unauthorised Signboards in 2013 to allow the continued use of certain unauthorised signboards after they have undergone safety inspection, strengthening (if necessary), and certification by prescribed building professionals or registered contractors. On the other hand, it has been reported recently that although the Buildings Department (BD) has arranged to remove some abandoned signboards upon receipt of reports from members of the public, most of the abandoned signboards are still left unattended. Each year, BD issues a number of removal orders in respect of dangerous, abandoned and unauthorised signboards, and there are nearly 2 000 signboards in respect of which the removal orders have not been complied with. Some experts have warned that such type of signboards, if become dilapidated, will pose hazards to public safety at any time. In this connection, will the Government inform this Council:

- (1) of the respective numbers of dangerous, abandoned and unauthorised signboards which the authorities arranged to remove in each of the past five years, broken down by District Council district;
- (2) whether it will, for the purpose of safeguarding public safety, allocate additional resources and manpower to expedite the handling of abandoned signboards and cases of signboard owners' failure to comply with the removal orders upon expiry of the deadlines; if so, of the details; if not, the reasons for that;
- (3) given that under urgent circumstances, BD will engage government contractors to remove dangerous signboards and recover the cost of such works plus supervision charge and surcharge from the signboard owners afterwards, of the number of such cases, the total expenses involved and the sum of money recovered, in each of the past three years;
- (4) whether it will set up a hotline dedicated to reporting abandoned signboards by the public with a view to removing abandoned signboards expeditiously; if so, of the details; if not, the reasons for that;
- (5) whether it will publish regularly the locations of the abandoned signboards which have yet to be removed by signboard owners pursuant to the removal orders, so as to raise the alertness of the public; if so, of the

details; if not, the reasons for that;

(6) whether it will review and improve the Validation Scheme for Unauthorised Signboards, e.g. stepping up the promotional work and changing the nature of the scheme from voluntary to mandatory so as to enhance the effectiveness of the Scheme; if so, of the details; if not, the reasons for that; and

(7) whether it will increase the penalties to be imposed on signboard owners who have failed to comply with the removal orders, so as to enhance the deterrent effect; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government has all along attached great importance to signboard safety. At present, any signboards erected without obtaining the approval and consent of the Buildings Department (BD) or following the requirements under the Minor Works Control System (MWCS) are unauthorised building works (except that the signboard, due to its scale, is regarded as designated exempted works (DEW) which can be carried out without obtaining prior approval and consent of BD or complying with the MWCS requirements)(Note). BD may issue statutory removal orders to signboard owners or individuals concerned in accordance with section 24 of the Buildings Ordinance (BO) (Cap. 123). Regarding abandoned or dangerous signboards, BD may issue Dangerous Structure Removal Notices (DSRNs) to their owners in accordance with section 105(1) of the Public Health and Municipal Services Ordinance (PHMSO) (Cap. 132), requiring removal of the signboards concerned. In emergency situations, BD may engage government contractors to remove dangerous signboards immediately and then recover the costs from the individuals concerned.

Taking into consideration the fact that many of the existing signboards in Hong Kong are in active use by business operators and that their existence carries considerable value for sustaining local commercial activities and contributing to Hong Kong's prosperity, BD has implemented the Signboard Validation Scheme (SVS) since September 2, 2013. The SVS allows the continued use of signboards that are relatively small in scale, pose less potential risk, were erected before the implementation date of the scheme and meet the prescribed technical specifications for minor works on the condition that they have undergone safety inspection and strengthening (if necessary) by prescribed building professionals and/or prescribed registered contractors validated by BD, and undergone inspection on a regular basis.

The current Signboard Control System is adopting the "risk-based" principle. Apart from implementing the SVS on an ongoing basis, BD also carries out large scale operations (LSO) in selected target streets to comprehensively handle the unauthorised signboards of particular sections of the selected target streets. When carrying out the LSOs, BD officers will issue statutory removal orders against unauthorised signboards that have yet joined the SVS in order to urge the relevant owners to join the SVS as early

as possible, as well as issue statutory removal orders or DSRNs against those large-scaled unauthorised signboards which are ineligible for the SVS, so as to eliminate the possible public safety risks.

Besides, BD will take immediate enforcement action against signboards constituting obvious hazard to life or property, and give priority to enforce against unauthorised signboards under construction or newly erected.

Note: One of the examples of signboard falls under the category of DEW is the erection of a wall signboard fixed to the external wall of a building with display area of not more than 1 square meter, not comprising any display system consisting of light emitting diodes, projecting not more than 150 millimeter from the wall, and with a distance of not more than 3 meters from the ground.

In consultation with BD, the Development Bureau provides a consolidated reply as follows:

(1) As mentioned above, at present, BD mainly issues statutory removal orders or DSRNs in accordance with the relevant provisions of the BO or the PHMSO to signboard owners or individuals concerned, requiring them to remove or repair the unauthorised signboards concerned within the time specified in the orders or DSRNs. The geographical distribution of the numbers of unauthorised signboards handled by BD with the aforesaid approach in each of the past five years are tabulated below:

District	2013	2014	2015	2016	2017
Central and Western	115	214	230	173	262
Eastern	149	101	234	227	226
Kowloon City	281	235	241	169	244
Kwai Tsing	27	18	27	38	16
Kwun Tong	10	83	61	37	84
North	30	10	42	132	69
Islands	0	2	1	44	2
Sai Kung	3	13	40	8	9
Sham Shui Po	155	270	203	237	271
Sha Tin	0	38	53	32	57
Southern	55	16	53	49	29
Tai Po	15	18	39	59	44
Tsuen Wan	28	84	74	56	149
Tuen Mun	16	12	22	37	32
Wan Chai	164	252	350	434	356
Wong Tai Sin	22	22	20	38	26
Yau Tsim Mong	208	602	868	737	632
Yuen Long	12	72	86	116	143

Total	1 290	2 062	2 644	2 623	2 651
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(2) BD has been taking enforcement action against unauthorised signboards by following up public reports and taking proactive inspections including carrying out LSOs. In 2017-18, the number of professional and technical staff of the Signboard Control Unit in BD had increased from 35 to 42 to centralise the handling of cases related to unauthorised signboards as well as to step up the enforcement actions against them.

BD will continue to closely monitor the effectiveness of enforcement and manpower requirement, and would bid for additional resources in accordance with the established procedures as necessary.

(3) At present, BD engages government contractors to deal with unauthorised signboards in relation to expired non-compliant statutory removal orders or DSRNs to avoid them from affecting public safety. In the past three financial years, the numbers of relevant cases are 387, 410 and 280 (up to the end of 2017) respectively. BD will recover the costs from the signboard owners or individuals concerned after the completion of works. BD however does not compile readily available separate statistics on the expenses involved and the sum of money recovered from relevant signboard owners of these cases.

On the other hand, if any signboards are found to constitute obvious hazard to life or property through public reports or when conducting proactive inspections, BD will immediately appoint government contractor to remove the dangerous signboards and will recover the costs from the individuals concerned afterwards. The statistics on emergency works to remove dangerous signboards by government contractors appointed by BD in the past three financial years are tabulated below:

	Number of cases with emergency removal of dangerous signboards by government contractors (Note 1)	Expenditure on removal works covered by government funding due to failure to identify signboard owners (\$)	Expenditure on removal works with signboard owners identified (\$)	Amount recovered from signboard owners (Note 3) (\$)
2015-16	5(1)	11,064	40,063	22,626
2016-17	6(1)	9,707	68,240	60,987
2017-18	4(2)	11,792 (Note 2)	28,043	0 (Note 4)

Note 1: Figures in brackets denote the number of cases in which signboard owners could not be identified.

Note 2: Another case involving a sum of \$11,826 will be paid to the contractor by BD in 2018-19.

Note 3: The year in which the sum was recovered may not be the same as that

in which the relevant demand note was issued.

Note 4: BD will issue demand notes to relevant signboard owners shortly.

(4) At present, members of the public may report cases in relation to unauthorised signboards to BD through various channels, including the 1823 Call Centre operating 24 hours a day, BD Hotline 2626 1616 (handled by 1823 officers), BD's e-mail (enquiry@bd.gov.hk), and the electronic reporting form on BD's website. We consider there is no need to set up a dedicated reporting hotline at this point.

(5) When handling abandoned or dangerous signboards, BD will generally require signboard owners to remove the signboards concerned within the specified time (normally 14 days) upon issuing DSRNs in accordance with section 105(1) of the PHMSO. In case of non-compliance of the DSRN, BD will also engage government contractors to remove the signboards as soon as practicable. In other words, such cases would be dealt with within a short period of time. Notwithstanding the aforesaid, to enhance transparency, BD will, having regard to cost-effectiveness consideration, consider whether and how to release information relating to unauthorised signboards.

(6) In regard to the SVS, as at the end of April 2018, BD received a total of 662 applications for validation. Among them, 274 signboards have been validated and 51 applications are being processed, whereas the remaining cases were returned due to ineligibility.

Other than participating in the SVS, owners of unauthorised signboards may choose to remove their old signboards and re-erect signboards in accordance with the specifications of the MWCS. Besides, some signboards are ineligible for the SVS. Owners of these signboards must remove and re-erect their signboards under the MWCS. We noted that in the 32 months before the implementation of the SVS (from December 31, 2010 to September 1, 2013), 2 992 minor works for signboards (Note) were received, i.e. an average of 94 submissions per month prior to the implementation of the SVS. In the 56 months after the commencement of the SVS (from September 2, 2013 to April 30, 2018), the figure rose significantly to 24 839, i.e. 444 submissions per month on average (an increase of 372%).

To enhance the participation rate of the SVS and the effectiveness of enforcement against unauthorised signboards, BD launched territory-wide LSOs against unauthorised signboards in target sections of 21 streets in various districts from 2014 to 2017. Statutory removal orders and DSRNs were issued against unauthorised signboards which had not been validated under the SVS or were ineligible for validation. In 2018, BD will launch LSOs in certain sections of 10 other target streets. BD will constantly review the effectiveness of enforcement as well as manpower resources, and make annual adjustment to the scale of annual LSOs in a timely manner.

Besides, to enhance public awareness of the SVS, BD will continue to disseminate relevant information to the public through different means, for instance, by making available relevant guidelines on the website, broadcasting Announcement in the Public Interests, conducting briefings for

the industry and public, distributing promotional leaflets, etc.

Note: Viz. the removal, erection or alteration of signboards that meet the specifications of MWCS.

(7) In accordance with section 40(1BA) of the B0, any person who, without reasonable excuse, fails to comply with a statutory removal order, including statutory removal orders issued against unauthorised signboards, shall be guilty of an offence and shall be liable on conviction to a fine of \$200,000 and to imprisonment for one year, and to a fine of \$20,000 for each day during which the offence has continued. In addition, under section 40(1AA) of the B0, any person who knowingly carries out building works, including erecting signboards, without having obtained from BD the approval of plans and consent to the commencement of works, shall be guilty of an offence and shall be liable on conviction to a fine of \$400,000 and to imprisonment for two years, and to a fine of \$20,000 for each day during which the offence has continued. Generally, the compliance rate of statutory removal orders and DSRNs is satisfactory and we consider the existing penalty level is sufficient to create a deterrent effect.