

LCQ22: Handling of unauthorised signboards

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (January 9):

Since September 2, 2013, the Buildings Department (BD) has implemented a voluntary Validation Scheme for Unauthorised Signboards (Validation Scheme) to provide an additional option for signboard owners apart from removing their unauthorised signboards and re-erecting legal ones under the Minor Works Control System (MWCS). In addition, BD has launched large scale operations (LSOs) each year since 2014 on one or more street sections against dangerous signboards and unauthorised signboards not joining the Validation Scheme. The relevant work includes investigation, issuing Dangerous Structure Removal Notices (DSRNs), instituting prosecutions or engaging contractors to carry out removal or rectification works on behalf of the owners (default works). On the other hand, it was pointed out in Report No. 71 of the Director of Audit (the Audit Report) published in November last year that there had been a number of inadequacies in BD's management of signboards. In this connection, will the Government inform this Council:

(1) of the number of signboards validated under the Validation Scheme in each of the past five years (set out in a table); whether it has reviewed if the relevant figures are on the low side;

(2) as the Audit Report revealed that BD conducted LSOs from 2015 to 2017 on a total of 20 street sections but none of them had been completed as at April last year, of the detailed addresses of those street sections and the latest implementation status of LSOs, including the number of removal orders issued, the respective numbers of removal orders which have been and have not been complied with, the number of cases of default works carried out, and the number of prosecutions instituted by BD (set out in a table); the follow-up work carried out by BD in respect of those street sections and whether new LSOs will be conducted;

(3) given that BD issued 507 removal orders in the LSOs in 2017 but only 89 (i.e. 17%) of them had been complied with as at April last year, whether BD knows the reasons for the non-compliance of the removal orders;

(4) given that BD issued 133 DSRNs in the LSOs in 2017 and the target date by which BD should carry out default works for the non-compliant cases among the DSRNs was January 2018, but as at April last year, BD had not yet carried out default works for 98 (i.e. 74%) non-compliant DSRNs among those issued, of the reasons for the slippage, as well as the plans in place to expedite the works;

(5) given that BD took law enforcement actions against 106 large unauthorised

signboards in 2017, and revised the target number of such signboards against which law enforcement actions were to be taken in 2018 to 170 and set time targets (i.e. requiring that removal orders issued be cleared and discharged within two and three years respectively from the conduct of LSOs), of BD's measures to ensure that the time targets can be met;

(6) of the number of write-off cases in each of the past four years due to BD's failure to recover the costs of default works from signboard owners, and the total amount involved;

(7) as the Audit Report recommended that BD should compile and analyse management information with a view to monitoring the operation and effectiveness of MWCS in relation to signboards, when BD will implement recommendation; and

(8) whether BD will recruit additional manpower to implement the recommendations of the Audit Report; if so, of the timetable of the recruitment exercise, as well as the number and duties of the additional staff?

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 for designated exempted works (DEW) (Note 1)). The BD may issue removal orders to signboard owners or persons concerned in accordance with section 24 of the Buildings Ordinance (Cap. 123) (BO). Regarding abandoned and dangerous signboards, BD may issue Dangerous Structure Removal Notices (DSRN) to the owners in accordance with section 105(1) of the Public Health and Municipal Services Ordinance (Cap. 132), requiring removal of the signboards concerned.

Considering that most existing signboards 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, the BD has implemented the Signboard Validation Scheme (SVS) since September 2, 2013, allowing the continued use of signboards that are relatively small in scale, pose less potential risk and are already erected before the date SVS came into effect that meet the prescribed technical specifications for minor works, on the condition that they have undergone safety inspection, strengthening (if necessary), and certification by prescribed building professionals and/or prescribed registered contractors. Such signboards are required to undergo safety inspection and certification every five years thereafter.

Based on a "risk-based" principle, the BD is adopting a multi-pronged approach to deal with unauthorised, dangerous and abandoned signboards. The department carries out surveys proactively, implements SVS on an ongoing

basis, and carries out two large scale operations (LSO) as follows:

(a) select target street sections to remove unauthorised, dangerous and abandoned signboards in a comprehensive manner (LSO on Target Streets). When carrying out such LSO, removal orders are issued against unauthorised signboards which have not been validated under SVS to urge their owners to join SVS as soon as possible. Removal orders or DSRNs are also issued against unauthorised signboards that are large in scale and are ineligible for validation to minimise the potential safety risk to the public; and

(b) conduct LSO against large unauthorised signboards (Note 2) that pose a relatively higher risk to the public (LSO on Large Unauthorised Signboards).

Other than the LSOs, the 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 are newly erected.

Chapter 4 of the Report No. 71 of the Director of Audit (the Audit Report) issued on November 28, 2018 concerns management of signboards by the BD. The Government accepts the recommendations made by the report on the overall management of signboards. The BD will take measures to promptly implement the recommendations as far as practicable.

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

(1) The number of validated signboards under SVS in the past five years are tabulated below:

Year	Number of validated signboards
2014	32
2015	86
2016	96
2017	45
2018	30

The BD noted that since the implementation of MWCS (i.e. after December 31, 2010) until the implementation of SVS (i.e. on or before September 1, 2013), there were 94 cases of minor works associated with signboards on average per month. From September 2, 2013 to late 2018, the number of such cases had substantially increased to 455 cases on average per month, representing an increase of 384 per cent. This shows that quite a number of signboard owners would choose to remove the old signboards and re-erect a new compliant signboard in accordance with MWCS due to various reasons (e.g. their unauthorised signboards were erected after September 2, 2013 and hence are ineligible to join SVS).

While quite a number of signboard owners choose to remove and re-erect signboards under MWCS, the BD considers that the SVS is providing an alternative for owners of small signboards. In fact, the statistics shows that some owners of small signboards have applied through SVS for continual use of their existing signboards due to cost and business considerations.

(2) Since 2014, the BD has been carrying out LSO on Target Streets in target street sections in various districts in Hong Kong to issue removal orders against unauthorised signboards which had not been validated under SVS or were ineligible for validation, as well as DSRNs against abandoned or dangerous signboards.

The locations of the 20 target street sections covered by the LSO on Target Streets from 2015 to 2017 and the progress of enforcement actions (as at January 3, 2019) are listed in Annex.

The BD will continue to select target street sections within the territory for the LSO on Target Streets every year to remove unauthorised, abandoned or dangerous signboards.

(3) Since unauthorised signboards are in active use by business operators, upon receipt of the removal orders issued by the BD, the business operators generally need time to prepare and arrange for the removal and re-erection of signboards or to join SVS in compliance with the requirements under the BO. The BD will consider and handle the cases on its individual circumstances. The BD will continue to monitor the status of compliance of the removal orders issued under the 2017 LSO on Target Streets, request the concerned signboard owners to take timely follow-up actions, and will prosecute uncooperative owners to enhance the deterrent effect.

(4) As the BD has responded to the Audit Report, the BD has accorded priority in carrying out default works to deal with non-compliant DSRNs. By end 2018, all signboards involved in the 133 DSRNs issued under the 2017 LSO on Target Streets have been removed.

(5) The BD has issued a total of 173 removal orders according to the pre-set target in its 2018 LSO on Large Unauthorised Signboards. The BD's Progress Monitoring Committee will closely and systematically monitor the enforcement progress of these removal orders to ensure the enforcement actions will be completed within the time targets.

(6) The number of written-off cases in which the BD was unable to recover the costs of default works from signboard owners in the last four financial years with the respective sum of money involved are tabulated as follows:

Financial year	No. of written-off cases due to unsuccessful recovery of costs of default works from signboard owners	The sum of written off due to unsuccessful recovery of costs of default works from signboard owners (HK\$)
2014-15	0	0

2015-16	1	37,912.30
2016-17	0	0
2017-18	1	29,860.60

(7) The revamped Minor Works Management System (MWMS) is anticipated to launch in 2020 to compile more management information for monitoring the operation and effectiveness of MWCS (including the submissions for erection/alteration of signboards under MWCS). The following interim measures are being pursued pending the launch of the revamped MWMS:

(a) written instructions on handling cases of withdrawn submissions were issued;

(b) the existing MWMS to record audit cases with serious irregularities will be enhanced by early 2019;

(c) the standard record sheet of audit check result to improve the clarity of the audit records by differentiating cases requiring follow-up actions from rectified cases will be revised; and

(d) the database on Prescribed Building Professionals and Prescribed Registered Contractors served with warning letters under MWCS will be enhanced to identify repeated offenders.

(8) At present, BD's Signboard Control Unit (SCU) under the Minor Works and Signboard Control Section is responsible for identifying and taking enforcement actions against dangerous or unauthorised signboards, administering SVS, and checking minor works submissions relating to signboards. In late 2018, SCU has 42 professional and technical staff.

We will continue to closely monitor the safety hazards arising from signboards and keep in view the manpower available to handle the management of signboards. We will bid for additional manpower or resources in accordance with the existing mechanism to strengthen the management of signboards when necessary.

Note 1: Examples of such type of DEW include erection of a wall signboard fixed to the external wall of a building with display area of not more than 1 square metre, not comprising any display system consisting of light emitting diodes, projecting not more than 150 mm from the wall, and with a distance of not more than 3 m from the ground.

Note 2: Large unauthorised signboards covered signboards falling within the following criteria:

(a) Wall signboards with a display area exceeding 20 sq m;

(b) Projecting signboards with a display area exceeding 10 sq m, projecting more than 4.2 m from the external wall or more than one traffic lane or the location of which may cause obstruction to vehicular traffic; and

(c) Shopfront signboards of a volume exceeding 8 cubic metres or the projection exceeding 1 m.