

**Business Facilitation Advisory Committee
Wholesale and Retail Task Force**

Report of the Task Force on External Lighting

Purpose

This paper briefs members on the recommendations made by the Task Force on External Lighting (Task Force) in its report submitted to the Government on 22 April 2015 and the Government's responses to the Task Force's recommendations.

Background

2. The Government set up the Task Force in August 2011 to advise the appropriate strategy and measures to tackle nuisance and energy wastage problems caused by external lighting, having regard to international experience and practices. Members of the Task Force are drawn from a wide cross section of the community, including professional bodies, relevant trades, the academic community and green groups.

3. The Task Force mainly focuses on the following two issues:

- (a) **light nuisance** caused by external lighting to residents nearby, usually as a result of strong, sometimes flashy, light; long operating hours and proximity to light sensitive receivers, etc.; and
- (b) **energy wastage** due to excessive light intensity, use of inefficient lighting installations and long operating hours.

Work of the Task Force

4. The Task Force has studied the technical standards and parameters as well as implementation approaches adopted by overseas regulatory regimes in tackling the problems of energy wastage and nuisance caused by external lighting. Apart from document-based studies and

discussion at meetings among members, the Task Force visited districts where external lighting complaints were prominent, including Causeway Bay, Mong Kok, Tsim Sha Tsui and Wan Chai, etc., to assess the applicability of the overseas regulatory standards and parameters to Hong Kong.

5. Having thoroughly studied and discussed the technical issues associated with the regulation of external lighting, the Task Force believed that switching off lighting installations of decorative, promotional or advertising purposes that affect the outdoor environment after a preset time would be the appropriate way forward for Hong Kong. Implementing the switch-off requirement after a preset time represents an appropriate balance between the need to preserve the spectacular night scene of Hong Kong on the one hand, and the need to minimise the adverse impact of external lighting on nearby residents' need for rest at night.

6. The Task Force is aware that the issue of external lighting is a complicated one, and attracts a wide range of responses from different sectors of the community. The Task Force considered it necessary to understand and assess the impact of the switch-off requirement on stakeholders and the public before making a final recommendation.

7. In this connection, the Task Force issued the "Document for Engaging Stakeholders and the Public" in August 2013 and launched a three-month public engagement exercise to invite views from all sectors, including the Wholesale and Retail Task Force established by the Business Facilitation Advisory Committee, on the following issues relevant to the switch-off requirement proposed by the Task Force. These issues included:

- (a) scope of the switch-off requirement and exemptions to be granted;
- (b) appropriate preset time; and
- (c) implementation approach.

Report of the Task Force

8. Having thoroughly considered the views and suggestions received during the public engagement exercise, the Task Force compiled a report to summarise its findings and set out its recommendations. The Task Force submitted the report to the Government on 22 April 2015 (http://www.enb.gov.hk/sites/default/files/en/node3521/TFEL_Report_Eng.pdf).

Outcome of the Public Engagement Exercise

9. During the public engagement exercise, the Task Force received a total of 102 written submissions, and organised one public forum and two engagement sessions for stakeholder groups, with an overall attendance of about 110 participants. The Task Force also attended 14 meetings to invite views from relevant Government advisory committees, trade bodies and District Councils or their sub-committees where external lighting had been the subject of complaints.

10. The responses collected during the public engagement exercise reflected a wide spectrum of opinions across different sectors of the community. In general, most respondents agreed that when considering the possible measures, including the switch-off requirement, to tackle the problems of external lighting, a careful balance should be struck between the need to provide residents with an environment conducive to sleep, and the operational need of the business sector as well as the need to sustain a vibrant image of Hong Kong. In fact, the majority of the respondents, regardless of whether they support or object to the switch-off requirement, were concerned about the possible impact on Hong Kong's night scene, the business environment, and even public safety and crime rates as a result of the darkening of the city after the preset time. The respondents' views on the appropriate measures to regulate external lighting installations were too diverse to develop any majority views. For details, please refer to **Annex**.

The Task Force's Recommendation – Multi-pronged approach

11. The Task Force noted that the divergent views on the issue of external lighting, together with the strong resentment to any regulation

exhibited by some respondents, seem to suggest that the community is not yet ready for rigorous regulation of external lighting. While some respondents who sympathised with residents affected by light nuisance demanded immediate legislation without any preceding voluntary measures, some other respondents strongly opposed to any territory-wide regulatory measures to tackle the external lighting problem which was a localised issue. They believed that enacting a new legislation would be time-consuming and arouse a lot of contention within the community. They were particularly concerned about the impact on the business sector including the catering, entertainment, retail and advertising industries. Moreover, many respondents believed that the difficulties in defining statutory offences relating to light nuisance would have to be resolved before any meaningful statutory regime to regulate external lighting may be introduced. The need for significant amount of enforcement resources would be particularly challenging in view of the large number of external lighting installations including building façade lighting as well as the some 120 000 signboards. Any mandatory switch-off requirement would unlikely be successful unless there is a large dedicated enforcement team to oversee compliance.

12. Although the community has yet to develop a consensus on the need for legislation to regulate external lighting, the outcome of the public engagement exercise clearly indicates a genuine need as well as public support for other measures to alleviate the problems caused by external lighting. Inaction is not an option. Having thoroughly considered the views and comments received during the public engagement exercise, the Task Force would recommend that the Government allocate sufficient resources for adopting a multi-pronged approach to raise public awareness of the issue and to bring about changes in an incremental way. The multi-pronged approach consists of six measures: (a) charter scheme; (b) promotion of good practices; (c) acknowledgement of good corporate citizens; (d) public education and publicity campaign; (e) future monitoring; and (f) submission of regular reports to the Advisory Council on the Environment (ACE). Details of the multi-pronged approach proposed by the Task Force are set out in paragraphs 53 to 76 of the Task Force's report, and a brief account of the approach is provided below.

Charter Scheme

13. The Task Force considers that introducing a charter scheme is a more pragmatic and appropriate measure to deal with the problems associated with external lighting which are largely localised in nature. Compared with territory-wide mandatory measures, a charter scheme provides more flexibility to respond to geographical differences so that different preset times can be applied to different areas in accordance with the nature of the activities in the respective areas. It can also be implemented swiftly as it does not involve the lengthy legislative process of law drafting, including the development of clear definitions of the issues and breaches, and the development of community consensus on the content of the legislation and the proposed punitive measures through extensive public consultation and engagement. A charter scheme which allows more flexibility can also alleviate the concern about the fairness of subjecting all external lighting installations to the same switch-off requirement when only some of them have attracted complaints from residents. Moreover, it is a less draconian measure that will be more palatable to the business sector and can help promote adoption of good practices. A voluntary charter scheme is also conducive to the development of consensus for regulation of external lighting if needed in future. It can encourage community participation and engagement in the efforts to alleviate the problems of external lighting.

14. The Task Force recommends the following scope of the switch-off requirement -

- (a) Lighting installations of decorative, promotional or advertising purposes that affect the outdoor environment should be switched off after the preset time;
- (b) Signage on top of buildings (including buildings with rooftop advertising signboards, hotels and hospitals) should be switched off after the preset time;
- (c) Non-static signs should be switched off after 11 p.m.;
- (d) Shop-front signs (static) on ground floor for shops that remain open after the preset time should be exempted from the switch-off requirement;

- (e) Decorative lightings (static and non-static) for designated festive holidays should be exempted from the switch-off requirement two weeks before the respective statutory holidays of Christmas, New Year and Lunar New Year until the morning of the day following the statutory holidays; and
- (f) Lighting for safety, security and operational purposes (e.g. street lighting, lighting at airport and container port and construction sites, etc.) should be exempted from the switch-off requirement.

15. As for the preset time, to meet the general expectation of a darker environment for sleep, the Task Force recommends that owners and management of external lighting installations switch off external lighting at 11 p.m. However, for districts with more economic activities at night, owners and management of external lighting installations may choose to pledge to switch off external lighting at midnight, except for non-static lighting which should be switched off at 11 p.m. (or be turned to static mode) regardless of its location.

16. Unlike statutory control, the implementation of a charter scheme should not take long. Therefore, the Task Force hopes the Government to implement the charter scheme as soon as possible, preferably no later than six months after the Government's acceptance of the Task Force's recommendations.

17. Taking into account the "grey areas" related to lighting installations erected for multiple purposes, such as decorative lighting in theme parks that is turned on for the safety and security of their staff and customers and directional signs to shops/restaurants that also carry promotional value, as well as the difficulties in providing exhaustive and clear lists of the scope of "external lighting installations", "shop-front signs", "interior and exterior lighting installations", "lighting for safety, security and operational purposes", "lighting for decorative, promotional and advertising purposes", etc., the Task Force suggests a more liberal treatment for participants in the charter scheme in order to attract more participants. Some of the possible measures are set out in paragraph 61 of the Task Force's report.

18. As for the shops on upper floors, the Task Force believes that these shops should be encouraged to participate in the charter scheme and switch off their external lighting installations after the preset time to minimise nuisance to residents nearby. Compared to a territory-wide mandatory switch-off requirement, the charter scheme is more flexible and may allow a later preset time at midnight for upper-floor shops in districts with more economic activities to cater for their operational needs (such as entertainment, catering or tourism industries, etc.). These shops may consider other alternatives, such as erecting shop signs on the ground floor of the buildings to indicate that the shops remain open after the preset time.

Promotion of Good Practices

19. The Task Force notes that the Government issued the Guidelines in 2012 to help encourage the adoption of good practices in the design, installation and operation of external lighting installations. The Task Force recommends that the Government re-launch the Guidelines at two levels:

- (a) Government sector: The Government should lead by example by pledging to adhere to the Guidelines where appropriate; and
- (b) Non-Government sector: This should cover public bodies and organisations such as education institutions, hospitals managed by the Hospital Authority and shopping malls under the Housing Authority. As for the private sector, the Government may appeal to professional organisations and trade bodies to help promote the Guidelines among retail outlets, restaurants, architects, engineers, designers and contractors of external lighting, advertising agencies, property developers and property management companies, etc. Signatories of the charter on the switch-off requirement should also be invited to adopt the Guidelines.

Acknowledgement of Good Corporate Citizens

20. The Task Force believes that the provision of incentives to reinforce and acknowledge efforts to alleviate the problems of external lighting can help promote public participation in the Government's efforts to tackle the problems of external lighting. The Government should capitalise on the growing importance of corporate social responsibility and organise award schemes to acknowledge companies which sign up to the charter and adopt the good practices set out in the Guidelines. The awardees may be publicised and be given certificates for display at the respective shops and companies.

Public Education and Publicity Campaign

21. The Task Force considers that the Government should raise public awareness of problems associated with external lighting by launching publicity campaigns through Announcements in the Public Interest (API), posters, ambassador programmes, educational workshops on good practices, etc.

22. Apart from inviting local bodies and trade associations and their members to switch off lighting for decorative, promotional or advertising purposes affecting the outdoor environment, the Government should also encourage them to adopt proper lighting design and technology use during the design and procurement stages of new buildings or existing buildings undergoing major renovation to minimise light nuisance and energy wastage. Practical tips on implementation such as installation of a timer may also be disseminated. The Hong Kong Green Building Council and the BEAM Society may also be invited to update the relevant assessment criteria in support of the charter and/or the adoption of proper external lighting design and technology use.

Future Monitoring

23. The Task Force believes that efforts to promote the charter scheme and the adoption of good practices should not be one-off. The Government should be invited to monitor the impact of the multi-pronged approach by conducting a survey on external lighting two years after the

implementation of the charter scheme. The Government is also recommended to commence preparatory work to pave way for legislation in the event that the review of the survey to be conducted two years after the implementation of the charter scheme indicates strong justifications for statutory control of external lighting installations.

Submission of Regular Reports to the ACE

24. The Task Force believes that on-going monitoring is necessary and recommends that the Government report to the ACE regularly on the implementation of the administrative measures. The Task Force also urges the Government to continue to take positive actions to handle complaints against external lighting installations, including conveying the concerns of the complainants to the owners or responsible persons of the external lighting installations concerned and providing advice on the appropriate improvement measures to minimise the problems caused by the lighting installations.

25. As regards other proposed technical measures such as lighting angle, energy efficient lighting and flashing rate, they have been largely covered by the good practices set out in the Guidelines, which should be re-launched as part of the publicity campaign under the package of administrative measures proposed.

Response from the Government

26. The Government welcomed the recommendations in the Task Force's report. The issue of external lighting is a complicated one and attracts a wide range of responses from different sectors of the community. The Government is aware that the Task Force has formulated its recommendations on the basis of thorough studies of overseas regulatory regimes and the particular situation in Hong Kong, as well as the views collected during the three-month public engagement exercise. The report represents a pragmatic response to a wide spectrum of views from the public as well as the practical need for actions to alleviate the problems caused by external lighting. We agree with the Task Force's observation that the public has diverse views on the issue of external lighting. While some call for immediate legislation, some others object to any form of

regulation, including voluntary measures. This shows that the community is not yet ready for rigorous regulation (such as statutory control) of external lighting.

Charter Scheme

27. The Government will launch a charter scheme to encourage owners of and responsible persons for external lighting installations of decorative, promotional or advertising purposes that affect the outdoor environment to switch off such lighting installations after the preset time. The Government will shortly commence preparatory work with the aim to launch the charter scheme within this year. The Government will take the lead in switching off external lighting installations in government buildings and facilities that are not necessary for security and operational reasons after 11 p.m. to minimise light nuisance and energy wastage. We will appeal to public bodies for their support and invite them to participate in the charter scheme. We will also enlist the assistance of the relevant trade associations, chambers of commerce, professional institutions, property developers, lighting design professionals, the property/facility management sector and the District Councils, etc. in encouraging owners of external lighting installations to sign up to the charter.

Promotion of Good Practices

28. The Government will re-launch the Guidelines to encourage both the private and public sectors to adopt good practices in the design, installation and operation of external lighting installations. The relevant professional associations and trade bodies will be engaged. We will also advise Government departments to follow the Guidelines.

Acknowledgement of Good Corporate Citizens

29. The Government will formulate proposals to acknowledge the contributions made by the private sector in alleviating the problems caused by external lighting, such as launching an award scheme for participants in the charter scheme.

Public Education and Publicity Campaign

30. The Government will organise public education and publicity programmes to raise public awareness of problems associated with external lighting.

Future Monitoring

31. As it takes time for the charter scheme to gather momentum and for the Government to refine the charter scheme in the light of the experience gained, the Government will assess the effectiveness of the multi-pronged approach about two to three years after the launch of the charter scheme by conducting survey on public perception of the multi-pronged approach and the extent of light nuisance.

Submission of Regular Reports to the ACE

32. The Government will report to the ACE on the implementation of the administrative measures, and continue to take proactive actions to handle complaints against external lighting.

Way Forward

33. The Government is making preparation for the implementation of the charter scheme and relevant publicity campaign in a few months' time and will re-launch the Guidelines at the same time to strengthen public educational efforts, with a view to encouraging different sectors of the community including the wholesale and retail industry to switch off after the preset time external lighting installations of decorative, promotional or advertising purposes that affect the outdoor environment.

34. Members are requested to note the content of this paper and offer comments, if any.

Outcome of the Public Engagement Exercise

Scope and Exemption of the Switch-off Requirement

1. As for the scope of the switch-off requirement, the respondents generally considered that:

- (a) Switching off lighting installations of decorative, promotional or advertising purposes that affect the outdoor environment, regardless of whether the lighting installations are interior or exterior, provides a clear and simple solution to address the light nuisance and energy wastage problems caused by external lighting;
- (b) Signage on top of buildings should be switched off after the preset time. For hotels and hospitals, as they are mostly located in prominent areas with signs on the ground floor, their guests and patients should not have problems locating the buildings; and
- (c) Non-static signs should be switched off after 11 p.m. as light nuisance caused by non-static signs is generally more serious than that of static signs.

2. There was also consensus on the types of external lighting installations that should be exempted from the switch-off requirement:

- (a) Shop-front signs (static) on ground floor for shops that remain open after the preset time;
- (b) Lighting for safety, security and operational purposes such as street lighting, lighting at airport and container port and construction sites, etc.; and
- (c) Decorative lighting (static and non-static) for designated festive holidays such as Christmas, New Year and Lunar New Year. Some suggested extending the exemption period to one or several weeks prior to the date of the festive occasion. Others proposed that exemption be extended to other festive occasions such as Mid-Autumn Festival, National Day and

Hong Kong Special Administrative Region Establishment Day, etc.

3. A majority of the respondents were concerned about the “grey areas” related to lighting installations (e.g. decorative lighting in theme parks that were turned on for the safety and security of their staff and customers, and directional signs to shops/restaurants that also carry promotional value, etc.) as well as the difficulties in providing exhaustive and clear lists of the scope of “external lighting installations”, “shop-front signs”, “interior and exterior lighting installations”, “lighting for safety, security and operational purposes” and “lighting for decorative, promotional and advertising purposes”, etc. The challenge to clearly define the scope of the switch-off requirement would impair the effectiveness of the regulatory regime. Respondents’ views on the scope of the switch-off requirement and the external lighting installations to be exempted are set out in paragraphs 17 to 30 of the Task Force’s report.

Preset Time

4. The outcome of the public engagement exercise suggests that apart from the consensus that non-static signs which caused more nuisance should be switched off at 11 p.m., the public has diverse views on the options set out below:

- (a) 11 p.m. to 7 a.m.
- (b) midnight to 7 a.m.
- (c) a district-based preset time. An earlier preset time say 9 p.m. or 10 p.m. for residential areas and natural habitats, and a later preset time such as 1 a.m. or 2 a.m. for districts with more commercial activities like Causeway Bay and Mong Kok.

5. Respondents’ views on the preset time of the switch-off requirement are set out in paragraphs 31 to 35 of the Task Force’s report.

Implementation Approach

6. There were divergent views on the appropriate approach to implement the switch-off requirement. Some respondents demanded immediate legislation to tackle the light nuisance problem without any preceding voluntary measures. However, some other respondents were strongly opposed to any territory-wide regulatory measures against external lighting. They believed that enacting a new legislation would be time-consuming and would arouse a lot of contention within the community, and might not be able to bring about immediate changes in view of the long lead time for the legislative processes and for taking enforcement or prosecution actions. They were particularly concerned about the adverse impact of legislation on the business sector including the catering, entertainment, retail and advertising industries. They believed education and promotional efforts, such as introducing a charter scheme, promoting the Guidelines on Industry Best Practices for External Lighting Installations (“Guidelines”) to the industry or setting up an arbitration mechanism would provide more practical options to drive behavioural change in the business sector.

7. Some respondents believed that legislation would be the only means to provide the Government with the mandate to take enforcement action against the owners or management of external lighting installations causing nuisance. In the absence of legislative measures, businesses would not uniformly implement the switch-off measure, thus creating an unlevelled playing field in the business sector. Despite the strong desire for legislation, they generally agreed to launch a charter scheme while a legislative proposal was being prepared so that the community would have sufficient time to adjust to the new requirements. They also believed that the charter scheme would help address cases that fell into the “grey areas” relating to the scope of the switch-off requirement, while legislation could target at obvious light nuisance cases. They took the view that the charter scheme, though voluntary, could impose pressure on businesses to implement improvement measures. With the growing importance of corporate social responsibility, large enterprises would be willing to accept the invitation and sign up to the charter to boost their corporate image.

8. Some other respondents believed that a charter scheme should be introduced first to drum up local support and to help stakeholders familiarise with the switch-off requirement. Mandatory regulation might follow subject to the experience gained in implementing the charter scheme. This step-by-step approach would also allow the Government to resolve the implementation issues (e.g. difficulty in identifying responsible parties and the time taken for instigating necessary legal proceedings) before deciding whether legislative measures should be considered. They also considered a grace period necessary as many signboards were bound by existing tenancy agreements and the tenants would need time to adapt to the new requirement and resolve possible tenancy problems. The grace period would also provide a clear timetable for the public and the trades to plan for improvement measures in preparation for the mandatory switch-off requirement. Respondents proposed that the Government could help raise public awareness of light nuisance by launching publicity campaigns so that people would support businesses which were willing to switch off their external lighting installations.

9. Respondents' views on the implementation approach of the switch-off requirement are set out in paragraphs 36 to 44 of the Task Force's report.

Other Views from Respondents

10. A large number of respondents, including both supporters of and opponents to the switch-off requirement, shared reservations about the proposal to apply the switch-off requirement across the territory as it would be unfair to subject all external lighting installations of decorative, promotional or advertising purposes to the requirement when only a small number of them had attracted complaints. Respondents noted that the lighting environment of Hong Kong was very different from overseas cities and suggested that Hong Kong develop its own lighting zoning system and technical standards and parameters to provide clear guidance for external lighting installations in different zones. They considered that the diversity of cityscape was important and the unique ambience of the city should be preserved. In addition, some respondents suggested that

regulatory measures be targeted at external lighting installations that caused light nuisance, or that erection of external lighting installations on buildings be subject to approval from the authorities. There were also suggestions of adopting different parameters such as size and lighting angle to regulate external lighting. Other views from respondents on the regulation of external lighting installations are set out in paragraphs 47 to 49 of the Task Force's report.