

**Twenty-fifth Meeting of  
the Business Facilitation Advisory Committee**

***Agenda Item 3 : Implementation of the Validation Scheme  
for Unauthorised Signboards under  
Signboard Control System***

**Purpose**

This paper briefs Members on the Validation Scheme for Unauthorised Signboards (Validation Scheme) under the Signboard Control System.

**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 full implementation of the minor works control system (MWCS) under the Building (Minor Works) Regulation, the erection of signboards that are small in scale and pose little risk may be carried out under MWCS. The construction, alteration and removal of the majority of advertisement signboards are designated as minor works under MWCS and can be conducted legally following the fast and simplified requirements without the need to obtain prior approval of BD, and by appointing registered contractors (including Registered General Building Contractors or Registered Minor Works Contractors) or under the supervision of Authorised Person. Signboard works with higher complexity and safety risk will continue to require the prior approval and consent of BD.

**Signboard Control System**

3. Signboards erected without the prior approval and consent of BD are unauthorised building works and may be subject to enforcement action under BO and BD's enforcement policy. Upon identification of unauthorised signboards which are under construction or newly erected, BD will take enforcement action and issue removal orders requiring removal of the unauthorised signboards. To eliminate the potential danger that may be posed by existing unauthorised signboards, BD also carries out large-scale operations to remove these signboards.

4. In addition, BD also conducts surveillance inspections to signboards in various districts of the territory to ascertain the general conditions of signboards. When abandoned or dangerous signboards are identified, Dangerous Structure Removal Notices under the Public Health and Municipal Services Ordinance will be issued, requiring the signboard owners to remove the abandoned or dangerous signboards concerned. In emergency situations, BD will engage its contractor to remove dangerous signboards immediately and then recover the cost of works from the signboard owners.

### **Validation Scheme for Unauthorized Signboards**

5. Taking into consideration that many of the existing unauthorised signboards in Hong Kong are in active use for business operations and their existence carries notable value for sustaining local commercial activities and contributing to Hong Kong's prosperity, the Government has sought to rationalize the issue of unauthorised signboards in a pragmatic way with the introduction of the Validation Scheme for unauthorized signboards.

6. The Validation Scheme has been introduced to allow the continued use of certain existing unauthorised signboards after safety inspection, strengthening (if necessary), and certification by prescribed building professionals (PBP) and/or prescribed registered contractors (PRC) to BD.

### **Implementation Details**

7. Unauthorised signboards that fall within the prescribed technical specifications and erected before September 2, 2013 would be eligible for validation upon application for joining the Validation Scheme. This is to ensure that the unauthorised signboards eligible for validation are relatively minor in scale and pose less potential risk.

8. Under the Validation Scheme, only the PBPs and/or PRCs who are registered for the specific classes and types or items of minor works in accordance with the Building (Minor Works) Regulation can carry out the safety inspection, strengthening, and certification of the corresponding classes and types or items of unauthorised signboards. BD would conduct random audit checks upon receipt of the validation submissions to ascertain compliance with the relevant statutory requirements as well as the safety standard of such validation and strengthening works, if any. Notwithstanding the successful joining of the Validation Scheme, the legal

status of the unauthorised signboards thus validated remains unchanged and they are still unauthorised building works since no approval has been obtained from the BD prior to their erection. However BD will not take enforcement action against such validated signboards unless they become dangerous.

9. In addition, to further enhance the safety of these validated signboards, the owners should, at intervals of not more than five years, either make a fresh validation submission for the signboards concerned or remove them. This would alleviate the potential danger posed by abandoned signboards as BD would have information on those validated signboards which have not undergone the periodic safety inspection subsequently and can take appropriate action against them.

10. The interval of five years for safety inspection aims to strike a balance between the need to tackle the building safety problem arising from the existing unauthorised signboards and to avoid bringing undue inconvenience to business operators. In between the five-year interval, the signboard owner should be responsible for proper maintenance of the signboard. Where an existing signboard is rendered dangerous because of a change in circumstances or lack of proper maintenance, BD might take prompt enforcement action to require the signboard owner to remove it or do any such work to render it safe for protecting public safety.

11. If the validation involves unauthorised signboard erected at the exterior or other common parts of the building, the signboard owner should liaise with the co-owners of the building/owners' corporation, the management company and/or the owners concerned regarding the right of use of these common parts, especially before the commencement of strengthening works (if any), and to observe all obligations as stipulated in the deed of mutual covenant of the building. The obligations include but are not limited to the arrangement of third-party liability insurance. Without obtaining the consent of the co-owners of the building/owners' corporation, the management company and/or the owners concerned for erection of any signboard at the exterior or other common parts of the building, the signboard owner may be in breach of the deed of mutual covenant of the building and liable to civil proceedings and bearing of civil liabilities.

12. The Validation Scheme is a voluntary scheme for participation. Signboard owners are encouraged to arrange for validation of their signboards promptly. Apart from enhancing the safety of the signboards, the early joining of the Validation Scheme will also avoid possible

disturbance to normal operation of the business incurred by demolition of the signboards upon receipt of removal orders. A flowchart for the Validation Scheme is attached at the **Annex**.

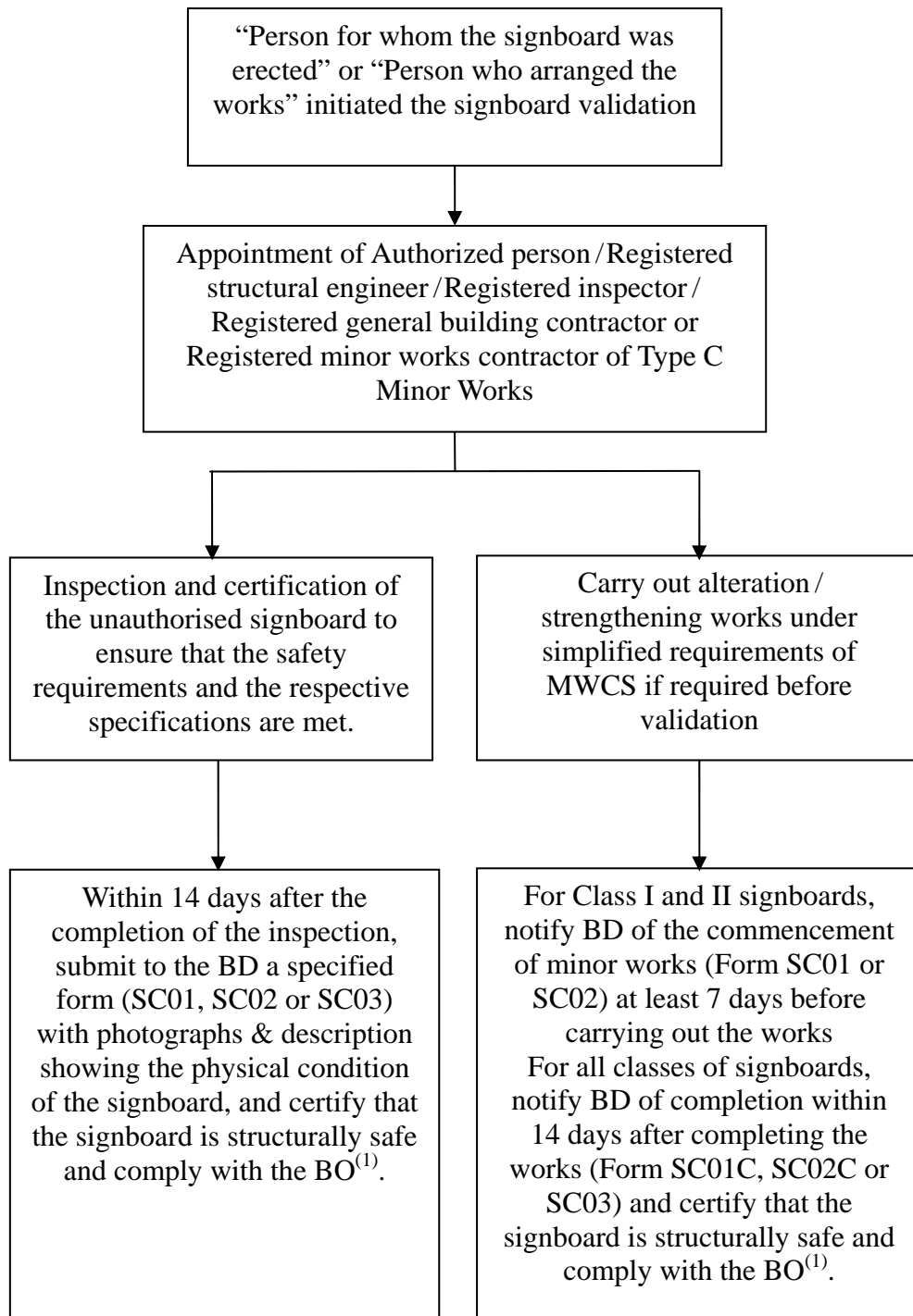
### **Way Forward**

13. BD attaches great importance to the safety of signboards and will continue to take proactive measures in handling unauthorised signboards.

14. Members are requested to note the implementation details of the Validation Scheme and offer views/comments, if any.

Buildings Department  
March 2014

**Flow Chart for the Validation Scheme for Unauthorised Signboards**



<sup>(1)</sup> Except BO s.14(1) & Building (Administration) Regulation 25