

**Addendum: General Guidelines on
Validation Scheme
for Unauthorised Signboards**

7.4 Validation Scheme for unauthorised signboards under the Signboard Control System

7.4.1 Background

7.4.1.1 Under the Buildings Ordinance (Cap 123) (“BO”), the erection of signboards is building works and requires the prior approval of plans and consent for commencement of works of the Building Authority (i.e. the Buildings Department (BD)). With the full implementation of the Minor Works Control System (“MWCS”) set out in the Building (Minor Works) Regulation (Cap 123 N) (“B(MW)R”) since 31 December 2010, signboard owners can choose to erect, alter or remove certain types of signboards which are relatively small in scale and pose less potential risk through the simplified requirements without obtaining prior approval and consent from the BD. The B(MW)R has also identified certain signboard works with complexity and risk to safety lower than that of minor works as “Designated Exempted Works” which require no prior approval and consent from the BD, nor the appointment of building professionals and registered contractors for carrying out the works. Apart from those signboards erected in accordance with either of the above procedures and “Designated Exempted Works”, all other signboards will be regarded as unauthorised signboards subject to enforcement action by the BD.

7.4.1.2 The existence of large number of unauthorised signboards is a persistent building safety problem in Hong Kong. It has been estimated by BD in 2013 that there are about 120 000 signboards in Hong Kong, and most of which are unauthorised signboards. Taking into consideration that many of the existing unauthorised signboards are in active use in business operations and their existence carries notable value for sustaining local commercial activities and contributing to Hong Kong’s prosperity, the government sought to rationalize the issue of unauthorised signboards in a pragmatic way by implementing the Validation Scheme for unauthorised signboards under the Signboard Control System.

7.4.2 Legislation and implementation

7.4.2.1 The Validation Scheme was introduced with the enactment of the relevant amendments to the BO through the Buildings Legislation (Amendment) Ordinance 2012 in July 2012 and the Building (Minor Works)(Amendment) Regulation 2013 in July 2013. **The Validation Scheme was fully implemented on 2 September 2013.**

7.4.2.2 According to section 7(1)(a) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), the Validation Scheme does not apply to any building specified in a “certificate of exemption” issued under that Ordinance commonly known as New Territories exempted houses.

7.4.3 Validation Scheme for unauthorised signboards under the Signboard Control System

- 7.4.3.1 To enhance the safety of the existing unauthorised signboards which are relatively small in scale and pose less potential risk, the “Validation Scheme” for minor household installations (i.e. unauthorised small canopies, drying racks and supporting frames for air-conditioners) under the MWCS has been extended to cover certain existing unauthorised signboards (e.g. those that are within stipulated dimensional requirements, or not blocking operation of emergency vehicles, etc.) which may be retained for continued use after inspection, strengthening (if required) and certification of their structural safety by the prescribed building professionals (“PBP”) and/ or the prescribed registered contractors (“PRC”) to the BD. The signboards thus validated are allowed to be retained for five years before the need for the next inspection and certification cycle or their removal. This regime for unauthorised signboards is known as the Validation Scheme for unauthorised signboards under the Signboard Control System.
- 7.4.3.2 Unauthorised signboards not joining or not eligible for joining the Validation Scheme, or not complying with the requirement of the 5-year inspection and certification cycle will be subject to enforcement action by the BD. The BD will take progressive enforcement action against such signboards.
- 7.4.3.3 Unauthorised signboards that can be validated must be in existence or completed before the full implementation of the Validation Scheme on **2 September 2013**, and fall within the “List of Prescribed Building or Building Works Relating to Section 39C(1A) of Ordinance” in Part 3 of Schedule 3 of the B(MW)R. The technical specifications of these signboards follow those of the minor works listed in the B(MW)R to ensure that the signboards eligible for validation, like other minors, are relatively small in scale and pose less potential risk. Such signboards include the following:

Unauthorised signboards eligible for validation	Corresponding minor works items listed in Part 3 of Schedule 1		
	Class I	Class II	Class III
1. Unauthorised projecting signboard (Item 1 in Part 3 of Schedule 3 of the B(MW)R)	1.20	2.18	3.16
2. Unauthorised wall signboard (including shopfront signboard) (Item 2 in Part 3 of Schedule 3 of the B(MW)R)	1.22	2.19	3.17
3. Unauthorised signboard on roof of a building (Item 3 in Part 3 of Schedule 3 of the B(MW)R)	1.21	---	---
4. Unauthorised outdoor signboard fixed on-grade (other than construction of the spread footing) (Item 4 in Part 3 of Schedule 3 of the B(MW)R)	1.23	2.21	---
5. Unauthorised outdoor signboard with a spread footing (Item 5 in Part 3 of Schedule 3 of the B(MW)R)	---	2.22	---
6. Unauthorised signboard on or hung underneath the soffit of a balcony or canopy (other than a cantilevered slab) (Item 6 in Part 3 of Schedule 3 of the B(MW)R)	---	2.20	---



- 7.4.3.4 The BD will not accept solely the strengthening works for unauthorised signboards unless as pre-requisite for validation with prior declaration by submission in the specified forms for validation to the BD. Carrying out alteration/strengthening works on an unauthorised signboard is regarded as carrying out unauthorised works unless the signboard has been or is being validated.
- 7.4.3.5 Validation Scheme is not applicable to signboards falling within the criteria in item 10 of the "List of Designated Exempted Works" in Part 2 of Schedule 2 of the B(MW)R since Section 41(3B) of the BO stipulates that the "designated exempted works", when carried out on prescribed conditions, shares the same exemption as the "exempted building works".
- 7.4.3.6 Signboard validation may be initiated by the person who arranged the works (i.e., inspection and/or strengthening) or the person for whom the signboard was erected (i.e. the signboard owner) as stipulated in section 24(2)(c)(i) of the BO, and may be a registered company or an individual person who owns a premises/ the external wall or is operating a business at the building to which the signboard under validation is attached. The personal particulars and contact information of the signboard owner **MUST** be provided in the specified form for validation submission before BD will consider processing such submission. The signboard owner is also required to undertake to maintain the signboard in a structurally safe condition at all times, and to remove the unauthorised signboards when ceasing to operate the business and notify the BD.
- 7.4.3.7 Under the Validation Scheme, the signboard owners who want to retain their unauthorised signboards for continued use should appoint a PBP and/ or PRC (the appointed person "APP") to proceed with the signboard validation to the BD. Only the PBPs and/or PRCs who are registered for the specific classes and types or items of minor works relating to the erection and alteration of signboards under the MWCS can carry out the safety inspection, strengthening, and certification of the corresponding classes and types or items of unauthorised signboards. The APP qualified to carry out safety validation for the various types of unauthorised signboards are summarized as follows:

Corresponding class of minor works of the unauthorised signboard		Appointed person eligible to carry out signboard validation ⁽¹⁾
Signboard falling within description of class I minor works item	Signboard is a specified construction ⁽²⁾	Authorized person
	Signboard is not a specified construction ⁽²⁾	Authorized person and Registered structural engineer
Signboard falling within description of class II minor works item		Authorized person, Registered structural engineer, Registered inspector ⁽³⁾ , Registered general building contractor, Registered minor works contractor (Company) registered for class I or II Type C minor works
Signboard falling within description of class III minor works item		Authorized person, Registered structural engineer, Registered inspector ⁽³⁾ , Registered general building contractor, Registered minor works contractor (Company) registered for class I, II or III Type C minor works, Registered minor works contractor (Individual) registered for items 3.16 & 3.17

Notes:

- (1) A PRC must be appointed if strengthening works are involved.
- (2) Specified construction means a construction that satisfies all the criteria under section 37(4) of the B(MW)R.
- (3) Registered Inspector may be appointed to validate unauthorised signboards falling within description of class II or III minor works regardless whether the parent building to which the signboards are attached is a building served with statutory notices under the Mandatory Building Inspection Scheme.

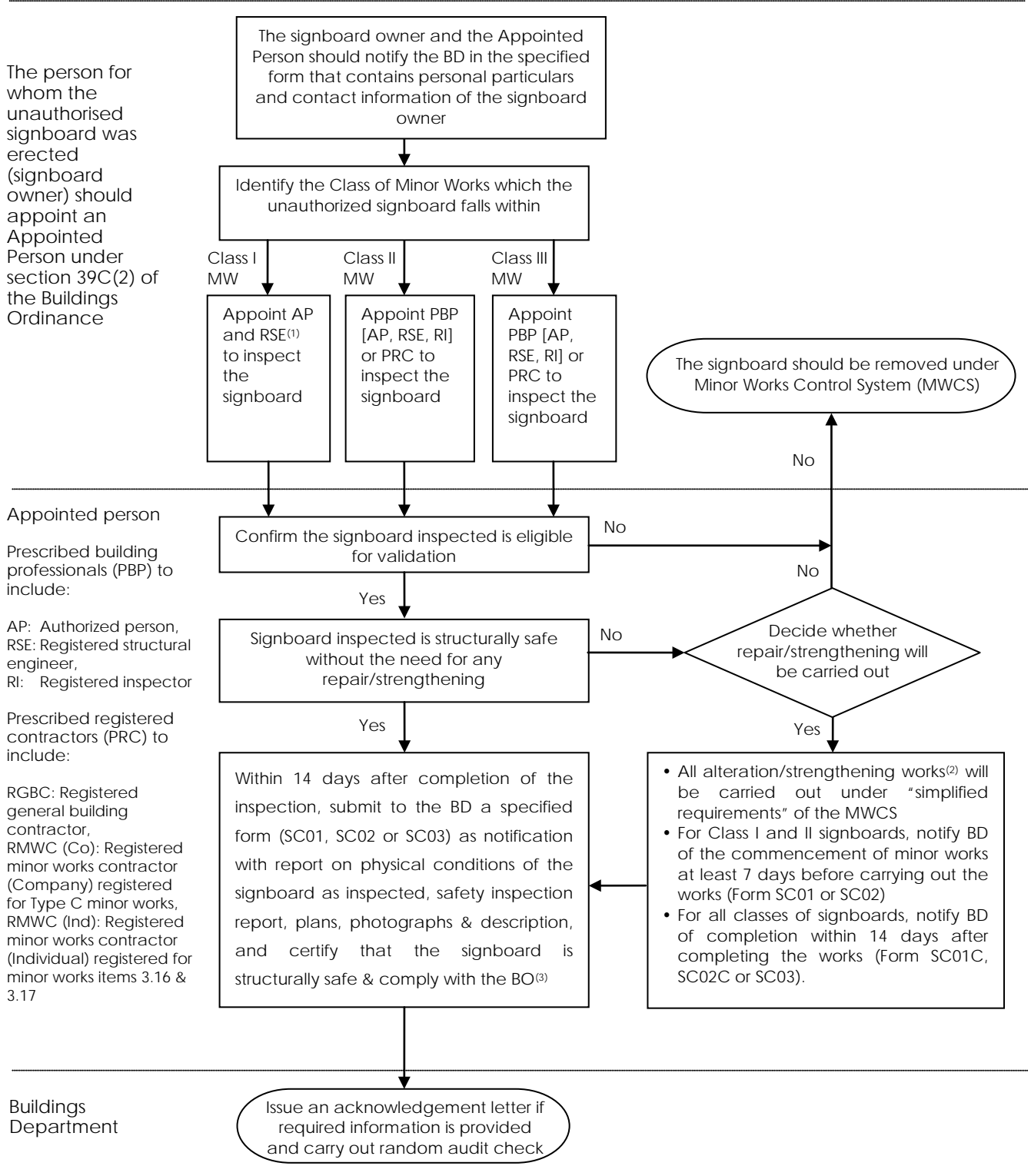
7.4.3.8 In case strengthening works are involved for signboard validation, a PRC must be appointed to carry out such works under the simplified requirements of the MWCS.

7.4.4 Mechanism

7.4.4.1 Subject to inspection, strengthening (if required) and certification of the unauthorised signboard by a PBP or PRC to confirm its safety to the BD and with BD's due acknowledgement, the BD will not serve an order under section 24 or a notice under section 24C of the BO in respect of the validated signboard on the ground that it has been completed or carried out without prior approval and consent in contravention of section 14(1) of the BO, or not in compliance with the simplified requirements of the MWCS. Enforcement action on these validated signboards will, however, be taken by the BD if they pose a safety risk on change of circumstances.

- 7.4.4.2 Within 14 days after the inspection of the unauthorised signboard, the PBP or PRC should submit the specified form (Form SC01, SC02 or SC03) with photographs and description showing the physical condition of the signboard as inspected, and certify that the signboard is structurally safe and in compliance with the relevant provisions of the BO to the BD. If strengthening works are involved with the signboard that falls within description of Class I or II minor works, the notification of commencement of works (Form SC01 or SC02) together with the relevant documents, including the prescribed plan, detail drawing or design calculation (if necessary) for strengthening works, should be submitted in the specified forms SC01 or SC02 at least 7 days before the commencement of works. The notification of completion of strengthening works for all classes, including signboards that fall within description of Class III minor works, should also be submitted in the specified forms (Form SC01C, SC02C or SC03) within 14 days after work completion.
- 7.4.4.3 The BD will issue an acknowledgement letter to the PBP or the PRC after the processing of every validation submission with a copy to the signboard owner. The letter means that the validation in respect of the procedures under the Validation Scheme has been completed. However, the PBP and PRC should have full responsibilities to ensure compliance with the BO.
- 7.4.4.4 The Validation Scheme is a self-regulatory system in which PBPs and PRCs are vested with statutory responsibilities under the BO and the subsidiary regulations to inspect, strengthen and certify the safety of the existing unauthorised signboards. To guard against abuse of the Validation Scheme, random audit checks will be carried out by the BD upon receipt of the validation submissions to ascertain compliance with the relevant statutory requirements as well as the standard of such validation and strengthening works, if any, involved. In such cases for audit check, the informant may be required to supplement further information including structural assessment calculations, details of the works and copies of certificates, etc. for checking by the BD. The APP will be informed of any irregularity found. The BD may also consider taking appropriate enforcement action against the non-compliant validation works, and instigating prosecution and/ or disciplinary action against the persons contravening the statutory requirements.
- 7.4.4.5 The flowchart for Validation Scheme is illustrated as follows.

Flow chart for Validation Scheme



Notes:

- (1) An AP and a RSE are required to be appointed if the signboard is not a specified construction. Otherwise, only an AP is required.
- (2) All alteration/ strengthening works must be carried out by a RGBC or RMWC registered for that class and type or item of minor works.
- (3) Except BO s. 14(1) & Building (Administration) Regulation 25.

7.4.4.6 The validation for the unauthorised signboards will be subject to a 5-year validity period after which the signboard owners should either make fresh validation submissions or remove the signboards. Within the validity period, the signboard owners should provide proper maintenance to their signboards. Where an existing signboard becomes dangerous because of change in circumstances or lack of proper maintenance, the BD may take prompt enforcement action under section 105(1) of the Public Health and Municipal Services Ordinance (Cap 132) to require the signboard owner to remove the signboard or do any such work as required to make it safe for protecting public safety.

7.4.4.7 In case of change in the signboard owner such as a new business operator taking up the use of an existing validated signboard during the 5-year validity period, subject to substantiation that the construction of the signboard and its physical conditions remain unchanged as at time of its initial validation, the new signboard owner would be allowed to use the signboard for the remainder of the 5-year validity period. Upon expiry of the validity period, the new signboard owner should either make a fresh validation submission or remove the signboard.

7.4.4.8 All submissions for Validation Scheme including strengthening works under the MWCS if required are free of charge.

7.4.5 Validation of unauthorised signboards erected at common parts of a building

7.4.5.1 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.

7.4.6. Legal status of the unauthorised signboards validated

7.4.6.1 Unauthorised signboards that have been validated will remain as unauthorised building works since no approval has been obtained from the BD prior to their erection.