

Validation Scheme for Unauthorised Signboards

Full implementation on 2 September 2013



For unauthorised signboards in existence before 2 September 2013 and complying with the technical specifications for prescribed building or building works under the Building (Minor Works) Regulation, they may be retained for continued use under the Validation Scheme after inspection, strengthening (if required) and certification of their structural safety by prescribed building professionals and/or prescribed registered contractors to the Building Authority (i.e. the Buildings Department). The safety check is required to be carried out again at interval of 5 years.



The Signboard Control System

Under the Buildings Ordinance (Cap 123) (“BO”), the erection of signboards is building works and requires the prior approval of plans and consent for the commencement of works of 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 the minor works and named them 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.

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 sought to rationalize the issue of unauthorised signboards in a pragmatic way. To enhance the safety of the existing unauthorised signboards, 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 which may be retained for continued use after inspection, strengthening (if required) and certification of their structural safety by building professionals and/ or registered contractors to the BD. The signboards thus validated can 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.

The Validation Scheme for unauthorised signboards is a voluntary scheme for participation but the BD will take progressive enforcement action against those unauthorised signboards not joining or not eligible for joining the Validation Scheme. 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.

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 the New Territories exempted houses.

Types of unauthorised signboards eligible for joining the Validation Scheme

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” promulgated in Part 3 of Schedule 3 of the B(MW)R. The technical specifications of these signboards follow those minor works listed in the B(MW)R to ensure that the signboards eligible for validation, like other minor works, are relatively small in scale and pose less potential risk. The various types of unauthorised signboards eligible for joining the Validation Scheme include the following:

1. Unauthorised projecting signboard

(Item 1 in Part 3 of Schedule 3 of B(MW)R)

Corresponding minor works items listed in Part 3 of Schedule 1:		
1.20	2.18	3.16
Not consist of stone; No additional load to cantilevered slab; Not involve alteration of structural elements;		
Display area > 10m ² & ≤ 20m ² ;	Display area ≤ 10m ² ;	Display area ≤ 1m ² ;
Projection ≤ 4.2m; &		Projection ≤ 1m;
Thickness ≤ 600mm.		Thickness ≤ 300mm; &
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2. Unauthorised wall signboard (including shopfront signboard)

(Item 2 in Part 3 of Schedule 3 of B(MW)R)

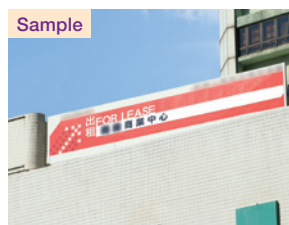
Corresponding minor works items listed in Part 3 of Schedule 1:		
1.22	2.19	3.17
No additional load to cantilevered slab; Not involve alteration of structural elements;		
Display area with LED display system:		---
> 5m ² & ≤ 20m ² ;	≤ 5m ² ;	
Display area without LED display system:		
> 10m ² & ≤ 40m ² ; &	≤ 10m ² ; &	≤ 5m ² ; &
Not consist of stone if any part of signboard > 6m from ground.		any part of signboard ≤ 6m from ground.



3. Unauthorised signboard on roof of a building

(Item 3 in Part 3 of Schedule 3 of B(MW)R)

Corresponding minor works item 1.21 listed in Part 3 of Schedule 1
Not consist of stone; Display area ≤ 20m ² ; No part projects beyond external wall of the building; Thickness ≤ 600mm; Any part of signboard ≤ 6m from roof level; No additional load to cantilevered slab; & Not involve alteration of structural elements.



4. Unauthorised outdoor signboard fixed on-grade (other than construction of the spread footing)

(Item 4 in Part 3 of Schedule 3 of B(MW)R)

Corresponding minor works items listed in Part 3 of Schedule 1	
1.23	2.21
Display area $\leq 20\text{m}^2$;	Display area $\leq 10\text{m}^2$;
Thickness $\leq 600\text{mm}$; &	
Any part of signboard $\leq 6\text{m}$ from ground.	Any part of signboard $\leq 2\text{m}$ from ground.



5. Unauthorised outdoor signboard with a spread footing

(Item 5 in Part 3 of Schedule 3 of B(MW)R)

Corresponding minor works item: 2.22 listed in Part 3 of Schedule 1
Display area $\leq 1\text{m}^2$; Thickness $\leq 300\text{mm}$; Any part of signboard $\leq 3\text{m}$ from ground; Depth of excavation $\leq 500\text{mm}$ for construction of the footing; & Not involve excavation within “scheduled areas” no. 1 or 3.



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 B(MW)R)

Corresponding minor works item: 2.20 listed in Part 3 of Schedule 1
Not consist of stone; Display area $\leq 2\text{m}^2$; No part projects beyond balcony or canopy; Thickness $\leq 100\text{mm}$; & Height $\leq 600\text{mm}$.



The BD will not accept solely the strengthening works for unauthorised signboards unless as pre-requisite for validation with prior declaration by submission of the specified form for validation to the BD.

The signboard owner

The person who arranged for the safety inspection should notify the BD with the specified form which should contain the personal particulars as provided by the person for whom the signboard was erected (i.e. the signboard owner). The signboard owner 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 unauthorised signboard under validation is attached. 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 signboard when cease to operate the business and notify the BD.

Building professionals and/or registered contractors qualified to carry out validation of signboards

Only the prescribed building professionals (“PBP”) and/ or prescribed registered contractors (“PRC”) who are registered for the specific classes and types or items of minor works relating to the erection or 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 PBP and/ or PRC (i.e. Appointed Person) 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 minor works item 3.16 & 3.17

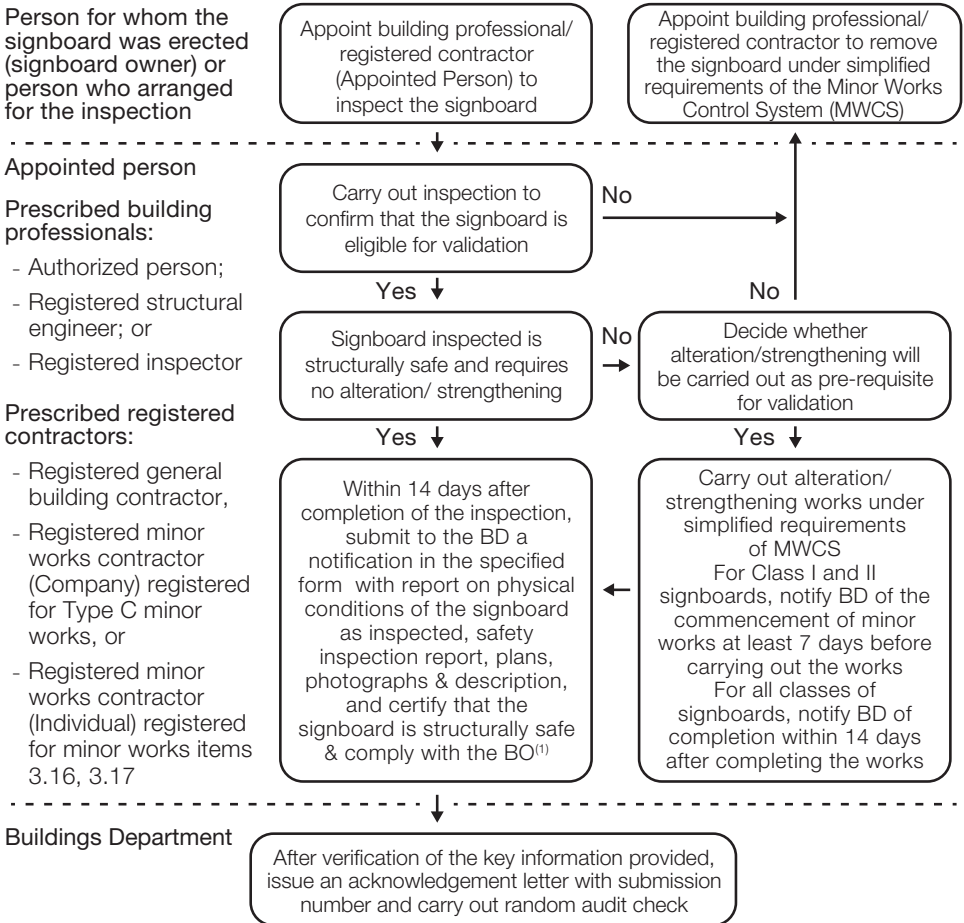
Notes :

- (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.

Submission Procedures for Signboard Validation

The signboard owner and the appointed person should follow the procedure shown in the flowchart below for the required submissions to the BD in joining the signboard Validation Scheme.

Procedures for signboard validation and associated strengthening works (if required)



Notes :

(1) Except BO s.14(1) & Building (Administration) Regulation 25.

Five year validity period for validation

The validation for unauthorised signboards will be subject to a 5-year validity period after which the signboard owner should either make fresh validation submissions or remove the signboards. Within the validity period, as the safety of the validated signboards and their compliance with other design and construction standards have been certified, the BD will not take any enforcement action against them. However, the signboard owners should provide proper maintenance to their signboards. Where an existing signboard was rendered dangerous because of change in circumstances or lack of proper maintenance, the BD may take prompt enforcement action to require the signboard owner to remove the signboard or do such work as required to render it safe for protecting public safety.

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 remaining of the 5-year validation period upon expiry of which the new signboard owner should either make a fresh validation submission or remove the signboard.

Non-compliant validation works

The Validation Scheme for unauthorised signboards is a self-regulatory system in which PBPs and PRCs are vested with their legal responsibilities to inspect, strengthen and certify the safety of the existing unauthorised signboards. Random audit check 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. The appointed person 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.

Legal status of signboards validated

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 the BD will not take enforcement action against such validated signboards unless they become dangerous.

Reminder to signboard owners

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.

Supportive measures

The BD has put in place the following measures to facilitate implementation of the Validation Scheme for unauthorised signboards and to assist the public in understanding and using the new scheme effectively:

- Publish Technical Guidelines and Practice Notes on the Validation Scheme for reference of the construction industry;
- Distribute pamphlets and General Guidelines on the Validation Scheme to members of the public, building owners and owners' corporations introducing the new scheme to assist their understanding of the types of unauthorised signboards eligible for validation and the appointment of prescribed building professionals and prescribed registered contractors for carrying out validation;
- Upload detailed information of the Validation Scheme onto the BD's website (www.bd.gov.hk) for reference of the general public; and
- Establish telephone hotlines to answer public enquiries.

For enquiries about the Validation Scheme for unauthorised signboards, you may visit the BD website www.bd.gov.hk or contact the Signboard Control Unit of the BD by the following means:

Postal address: G/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon

Email address: sbcs@bd.gov.hk

Telephone Hotline: 2626 1616 (Handled by 1823)

Enquiry Counter: G/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon

This pamphlet is not a legal document. It aims to introduce the main features of the Validation Scheme for unauthorised signboards to enhance the associated people involved in the trade and the public of their understanding of the scheme.

11/2014