

Imposing Charges on Advertisement Signboards

2. **MR IP KWOK-HIM** (in Cantonese): *Madam President, in reply to my question in February this year, the Administration indicated that signboards overhanging from buildings would constitute a form of occupation of unleased government land if they protruded over the streets, and the owners of such signboards were required to obtain relevant licences under the law. However, the Administration advised that it had no plan to enforce such a requirement. At the meeting of the Traffic and Transport Committee of the Central and Western District Council on the 22nd of last month, a government official revealed that the Administration intended to impose charges on the relevant property owners of the World Wide House and the Queen's Theatre in Central for the huge electronic advertisement signboards on the exterior walls of the two buildings, which have occupied government land. In this connection, will the Government inform this Council:*

- (a) *given that there are numerous huge signboards in Wan Chai District which occupy government land and the Government has not imposed charges on their owners, of the reasons for its planning to selectively impose charges on the relevant property owners of the two buildings mentioned above; and*
- (b) *whether it will expeditiously conduct a study on imposing charges on the owners of huge signboards which occupy government land; if it will not, of reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, advertisement signboards protruding over streets not only help promote businesses but has also become one of the characteristics of Hong Kong's cityscape over time. It is estimated that there are over 200 000 such signboards.

Most advertisement signboards are building works and are currently subject to prescribed structural safety controls. Earlier, the Administration has considered introducing a signboard registration system to further ensure the structural safety of signboards. However, during the course of considering the implementation details, we have found that the simplest and most effective way is

to subsume the relevant control under the building control system. In fact, if our proposals in the Buildings (Amendment) Bill introduced into the Legislative Council at the end of April are adopted, the erection of most advertisement signboards will be categorized as minor works. We consider that the proposals in the Buildings (Amendment) Bill would achieve the objective of ensuring the safety of signboards and that an additional signboard registration system is not necessary. A separate registration system will only increase the financial burden of business people or signboard owners as they have to bear various costs relating to licence renewal of signboards, insurance and declaration of ownership. The Government will also need considerable resources to establish a registration scheme. Hence, we consider that it is not necessary to implement a registration system to ensure the structural safety of signboards.

As regards issuing licences for signboards overhanging unleased land under the Land (Miscellaneous Provisions) Ordinance (Cap. 28), this will involve a number of complex and practical problems. These include the intended coverage of Cap. 28, the read across implications on other forms of occupation of government land, the need for an administrative structure to operate a licensing scheme and the cost of compliance for the community. We will need to examine these issues thoroughly and to discuss with relevant bodies before consideration may be given to issue licences for signboards overhanging government land under the Ordinance. We will review the regulation system over signboards from time to time.

With regard to the two parts in Mr IP Kwok-him's main question, the relevant information is as follows:

- (a) the Lands Department has received applications from the owners of the signboards in question for approval because parts of the signboards protrude over government land. These applications are still under consideration by the Lands Department in consultation with relevant government departments. No decision has been made; and
- (b) the Administration is considering how best to handle applications from owners of signboards overhanging government land. The Administration's deliberation will include the feasibility of imposing charges on such activity.

MR IP KWOK-HIM (in Cantonese): *Madam President, I find the reply of the Government very unsatisfactory. The Secretary said that signboards protruding over streets would help to promote business of tenants, but this is not my point. I am referring to huge advertisement signboards on body slimming, sport shoes or singers, but not those small-scale signboards of Charn Kee Store or Hung Kee Food Shop and so on. Since the Secretary states in part (a) of the main reply that the best way to handle large advertisement signboards is still under study, why the Government has to handle the applications of the two signboards in question intently and specially? There are numerous signboards overhanging government land throughout the territory, why does the government not impose any charges on those owners but have to single out the two applications in question? I hope the Secretary can respond to this point.*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): I will first respond to the last part of the supplementary question. As I have said earlier in the main reply, owners of the signboards have lodged applications for the approval of occupation of government land in accordance with the relevant ordinances. We have only started to process the two cases upon the receipt of the applications, we are not targeting against the two applications.

As mentioned earlier, it is most important to confirm the form of occupation of government land under Cap. 28. Under Cap. 28, the interpretation for "occupation" is very clear. This is not only applicable to signboards, but also other protruding objects occupying government land, such as canopies and window grilles. If the issue of signboards is considered from the prospective of "land occupation", the coverage of the issue would be extended to objects other than signboards. Therefore, in the main reply, I stated that our overall consideration on the issue is in fact quite clear, that is, to exercise control over signboards. At that time, our main consideration was the levy of charges, as I have explained in the main reply, we needed to have a massive administration structure to handle this.

Under the current practice, structural safety is our major concern. As I have said just now, the Buildings (Amendment) Bill introduced into the Legislative Council at the end of April will include a chapter on minor works. The Legislative Council does not have the time to scrutinize the Bill now. However, as far as I know, a time slot has just been allotted to the Bill last week, so it is hoped that deliberation on the relevant provisions can get started as soon as possible.

Minor works refer to some relatively large signboards, the dimension and extension of the protrusion of this category of signboards are stated in one of the chapters of the Bill. Structural safety of signboards is a primary consideration. As Mr IP Kwok-him said, the protruding sections of some signboards are relatively extensive such that they are causing significant safety problems, therefore, we have to apply the current approach to exercise control. The current approach is to exercise control from the safety aspect. As regard whether or not charges should be imposed, no provisions can be set under this control approach. I have just said, an administrative structure has to be established if we are to levy charges. At present, we are giving serious consideration for structural safety of signboards.

MR JASPER TSANG (in Cantonese): *Madam President, the explanation the Secretary gave in respect of the two applications in question and Mr IP Kwok-him's supplementary question have caused confusion. It seems to suggest that if signboards have been erected regardless of any requirements, the Government will pay no attention to them since their owners have not submitted applications for approval. But for owners making superfluous efforts to file an application, the Government would be forced to take action. Does the Secretary mean that protruding signboards occupying government land is acceptable provided that the owners do not put up any application? On the contrary, if applications have been submitted, other departments have to be consulted to find out the way to handle this. Is it provided under existing law that applications have to be made for protruding signboards once they overhang government land?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I do understand the current practice may have given people such an impression. I have already made myself clear at the very beginning of the main reply. At present, there are over 200 000 outdoor signboards throughout Hong Kong which have to be handled, but we have to do so gradually. Just now, I tried to explain the process we have gone through for considering the approach to handle the issue. We have considered some extremely complicated issues involved from the prospective of exercising control and come to the view that the first issue to be tackled is safety. Therefore, a chapter on the relevant safety issues is included in the Buildings (Amendment) Bill.

After dealing with safety issue, we will consider the collection of fees. As I have just explained, once fees and charges are to be levied, objects other

than signboards will be involved inevitably. We need time to settle all these, but it does not mean that we are turning a blind eye on the situation, just that we have to set priorities for every task. From our point of view, the safety issue has to be handled first; we will then consider the issue on the occupation of government land. This approach may give people the impression that we only take actions against owners of signboards who have submitted applications but disregard those that have not. But this is in fact the issue we are going to tackle next.

MR HENRY WU (in Cantonese): *Madam President, Mr Jasper TSANG pointed out just now, as what the Secretary has mentioned, "scrupulous" owners making applications for approval are asking for troubles. May I ask the Government, firstly, whether it knows the current number of huge electronic advertisement signboards in the territory, of which how many have applied for approval? Secondly, what policy is the Government now adopting? If "scrupulous" owners are getting themselves into a lot of troubles, others may simply think that it is better not to file applications. What policy is the Government adopting, how is it going to tackle the issue? Moreover, at present, many advertisement signboards are made from fabric, is this type of signboards subject to regulation by the two ordinances?*

PRESIDENT (in Cantonese): Mr Henry WU, I am afraid you can only raise one question at a time, just now, you have consecutively put forward three questions. Which one would you like the Secretary to answer?

MR HENRY WU (in Cantonese): *Madam President, will the Secretary please answer the first supplementary. (Laughter)*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, there is only a single type of huge electronic screen. I do not have the relevant information at hand, I will provide a written reply later. (Appendix I) However, as far as I know, regarding these signboards, the major part of their screens is installed within the area of private land. Though some of them may be erected on the exterior walls of the buildings, they are within the range of landhold of the owners in terms of land boundary, and hence applications for approval are not required. At present, applications that are

required to apply for approval are not cases in which the entire signboards occupy government land. It is just because some signboards are too thick and their protruding parts have been extended beyond the landholding range that the owners are entitled, some even with about one third of the signboards occupying government land. I put forth these details to show that this issue is not as simple as it seems. If the signboards were thinner, they would not have protruded beyond government land. If the identification of sites had been more careful to restrict the protrusion of the signboard beyond private land, there would not be the problem of occupying government land. Regarding the need for application for approval of other signboards, I do not have the information and thus cannot give an exact answer in this respect. However, according to our criteria, for signboards erected within the landholding range that the owners are entitled, approval or otherwise for the overhanging of signboards by landowners has to be granted in accordance to leasing conditions.

MR LAU KONG-WAH (in Cantonese): *Madam President, I feel that the Secretary has found it very difficult to make out a good case when he answered the various supplementary questions raised just now. Obviously, we can see that the only answer the Government can give is that it is incapable of solving the problem. May I ask the Secretary, by allowing signboard owners to occupy government land but not imposing charges for fear of increasing the financial burden of businessmen, is the Government trying to convey a message that free occupation of government land by any person is allowed?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, this is not the case. I just want to explain the possible consequence of the levy of charges. I mainly wish to remind Members of the cost of imposing charges, not only that businessmen have to bear the cost, but that the Government will also have to incur tremendous expenditure on the maintenance of the charging structure. Therefore, we have considered tackling the issue from another perspective, we would first solve the issue of safety which is of prime concern to the public, and will then study the levy of charges step by step.

PRESIDENT (in Cantonese): This Council has spent more than 16 minutes on this question. This is the last supplementary question.

MISS CHOY SO-YUK (in Cantonese): *Madam President, I am going to ask a straightforward supplementary question. I understand that the issue is extremely complicated. However, does it mean that before the establishment of the relevant system, the Government will not charge any businessman for hanging out signboards on his own? Before the establishment of the system, the Government has virtually no mechanism to levy charges. Then, does it mean that provided that businessmen do not apply for approval, there would not be any problem for them to erect signboards on their own, and the Government will not levy any charges?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I cannot say that there will be no problems. Certainly, as Members have just said, there is no mechanism right now. However, once the mechanism is established, we will act in accordance with the provisions of the ordinance. I dare not say arbitrarily that whether such a mechanism is necessary at present.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Housing, Planning and Lands to Mr Henry WU's supplementary question to Question 2**

As far as we are aware, there are about 10 large size electronic advertising signboards over the territory. Seven of them are within the boundary of private lots and they do not constitute occupation of government land. The other three have encroached on government land. Among them, two applications (that is, the two in Central which were the subject of the question) have been submitted to the Lands Department for consideration.