

# 路旁展示非商業宣傳品管理計劃實施指引

## Management Scheme for the Display of Roadside Non-commercial Publicity Materials Implementation Guidelines

### 1. 目標

在政府土地上展示招貼及海報，包括在路旁展示宣傳品，必須獲得主管當局根據《公眾衛生及市政條例》(第132章)第104A(1)(b)條給予書面准許<sup>1</sup>，否則即屬違法。管理計劃旨在確保在路旁展示宣傳品：

- (a) 可以使公眾知悉政府和議會工作、推動市民參與社區事務，以及提升市民的國民及公民意識等；
- (b) 以有序的方式獲得許可，讓管理計劃訂明的各類別人士於主管當局指定的展示點展示；
- (c) 不會危及行人及駕駛者的安全；以及
- (d) 符合管理計劃的其他條款及條件，例如有關保養及移走橫額的規定。

### 2. 指定展示點的分配

#### (a) 立法會議員

地方選區的立法會議員，每位一般可在其地方選區所涵蓋的每個區議會區內選取50個指定展示點<sup>2</sup>。功能界別及選舉委員會界別的立法會議員，每位一般可在全港18個區議會每區內選取9個指定展示點<sup>2</sup>。議員須把所得的指定展示點平均分布於各區議會區內。除了一些有特別需要的功能界別議員外，議員在一個區議會區內可以有超過配額最多2個的指定展示點，惟其所得指定展示點的總數不得超逾以上所述的總體限額。

#### (b) 區議員

每位區議會地方選區議員一般可在其選區內選取13個指定展示點，每位當然、委任或地區委員會界別議員一般亦可在其地方行政區內選取13個指定展示點；實際數目視乎個別區議會對地政處提出的意見而定。

- (c) 如有需要，地政處或會抽籤決定分配指定展示點。申請人會獲邀監察抽籤過程。
- (d) 立法會或區議會議員放棄使用的指定展示點，會撥入其他使用者的配額內，以供其他使用者，例如政府部門及非牟利團體申請。前述議員日後有需要時，可從該配額中選取指定展示點。

### 1. Objectives

The display of bills and posters on Government land, including the display of roadside publicity materials, is an offence unless with the written permission<sup>1</sup> of the Authority by virtue of section 104A(1)(b) of the Public Health and Municipal Services Ordinance (Cap.132). The Management Scheme aims at ensuring that the display of roadside publicity materials:

- (a) is for promoting the work of the Government and Councils, advocating public participation in community affairs, enhancing the public's sense of national identity and civic-mindedness, etc.;
- (b) is permitted in an orderly manner for those categories of persons specified in the Management Scheme at spots designated by the Authority;
- (c) will not prejudice the safety of pedestrians and motorists; and
- (d) is subject to such other terms and conditions provided in the Management Scheme such as those governing the maintenance and removal of the banners.

### 2. Allocation of Designated Spots

#### (a) Legislative Council Members

Each Legislative Council (LegCo) Member from Geographical Constituencies (GCs) can in general choose 50 designated spots in each of the District Council (DC) Districts within his/her own GC<sup>2</sup>. For Functional Constituencies (FCs) and the Election Committee (EC) Constituency, each Member may in general choose 9 designated spots in each of the 18 DC Districts<sup>2</sup>. Members shall distribute their designated spots evenly among the DC Districts. Except certain FC Members with special needs, Members may exceed their aforesaid quota by up to two spots in a DC District provided that the overall total number of their designated spots is not exceeded.

#### (b) District Council Members

Subject to the advice of individual DCs to the District Lands Offices (DLOs), each District Council Geographical Constituency (DCGC) Member may in general choose 13 designated spots in his/her own constituency while each ex-officio, appointed or District Committees Constituency (DCC) Member may also in general choose 13 designated spots in his/her own District.

(c) Ballots may be conducted by DLOs to allocate the designated spots, if necessary. Applicants will be invited to witness the balloting process.

(d) Designated spots, if not taken up by LegCo or DC Members, will be transferred to the quota for other users, e.g. government departments and non-profit making bodies. Members may select designated spots from such quota whenever necessary in future.

<sup>1</sup> 地政總署若干類別人員獲食物環境衛生署署長根據第132章第104A(1)(b)條授權發出該准許。

<sup>2</sup> 現時5區(大埔、西貢、荃灣、葵青及灣仔)除外。

<sup>1</sup> Certain categories of officers of the Lands Department have been delegated the authority under section 104A(1)(b) of Cap. 132 by the Director of Food and Environmental Hygiene to give such permission.

<sup>2</sup> At present, with the exception of five districts, namely Tai Po, Sai Kung, Tsuen Wan, Kwai Tsing and Wan Chai.

**(e) 其他使用者**

- (i) 每個區議會區內至少有30個指定展示點，可供相關區議會及其轄下委員會申請。
- (ii) 每個區議會區內至少有50個指定展示點，可供政府部門(包括民政事務處)申請。
- (iii) 每個區議會區內至少有100個指定展示點，可供非牟利組織申請，以展示以該區居民為對象的宣傳品<sup>3</sup>。非牟利組織包括由政府資助或根據《稅務條例》(第112章)第88條獲豁免繳稅的非政府組織及慈善團體、根據《社團條例》(第151章)登記的組織、根據《職工會條例》(第332章)及《職工會登記規例》(第332A章)登記的職工會及其他合法註冊的團體。獲批准的申請團體每次最多可獲分配5個指定展示點。
- (f) 配予各類別使用者的實際配額，可視乎指定展示點的整體供求而調整。
- (g) 指定展示點一經分配，使用者不得將其轉讓、借出或分派給其他人士或團體使用。

**3. 使用期**

按上文第2(a)及(b)段類別給予使用者的准許期限，一般涵蓋其在相關議會的整段任期。按上文第2(e)(i)及(ii)段類別給予使用者的展示期，視乎宣傳活動的性質而定。至於上文第2(e)(iii)段類別申請人的准許期限，則為兩個公曆月，惟不包括最後兩天。在不影響其他申請者的原則下，上文第2(e)段類別使用者延長展示期的申請可能會獲得批准。

**4. 宣傳品尺碼**

宣傳品的高度不得超逾1米，長度不得超逾2.5米。說明規格的圖則，載於圖一。

**(e) Other users**

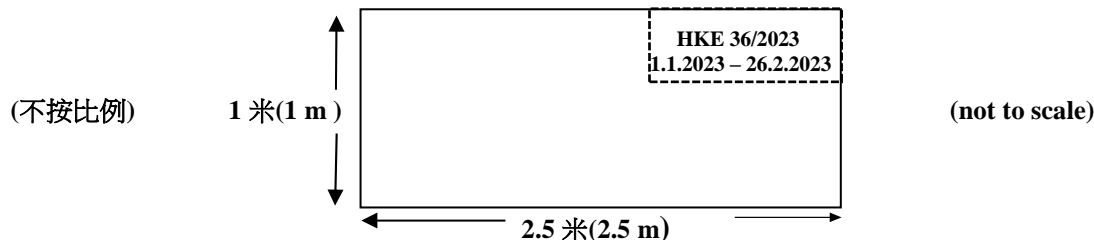
- (i) There are at least 30 designated spots in each DC District for application by the relevant DC and its committees.
- (ii) There are at least 50 designated spots in each DC District for application by government departments (including District Offices).
- (iii) There are at least 100 designated spots in each DC District for application by non-profit making bodies for the display of publicity materials targeting the local community<sup>3</sup>. Non-profit making bodies include non-governmental organisations (NGOs) and charitable bodies either subvented by the Government or exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112), organisations registered under the Societies Ordinance (Cap. 151), trade unions registered under the Trade Unions Ordinance (Cap. 332) and the Trade Union Registration Regulations (Cap. 332A) and other legally registered bodies. Each successful applicant will be allocated a maximum of 5 designated spots.
- (f) The actual quota for each class of users may be adjusted depending upon the total demand and number of designated spots available.
- (g) Once allocated, the designated spots shall not be transferred, loaned out or assigned to other users or organisations.

**3. Term**

Permission given to users specified in paragraph 2(a) and (b) above normally covers the entire period for which they hold office in the Councils concerned. The display period granted to users specified in paragraph 2(e)(i) and (ii) above depends on the nature of the publicity campaigns. The permission granted under paragraph 2(e)(iii) above covers a display period of two calendar months less the last 2 days. Applications from users specified in paragraph 2(e) above for extension of display periods may be approved provided that there is no prejudice to other applicants.

**4. Size of Publicity Materials**

The size of the publicity materials shall not exceed 1 metre in height and 2.5 metres in length. An illustrative plan showing the specifications is at Figure I.

**圖一. 路旁宣傳橫額／街板規格****Figure I. Roadside Banner/Board Specifications**

在宣傳橫額／街板右上角的核准編號及展示期的字體不得小於 2.5 厘米 x 2.5 厘米。

Each character/digit of the approval number and display period at the top right-hand corner of the banner/board must not be smaller than 2.5 cm x 2.5cm.

**5. 指定展示點的位置**

指定展示點只設於路旁，但不包括快速公路、行車天橋和行人天橋的外部。在同一位置分別面向行人路及行車道的宣傳品，會以佔用兩個指定展示點計算。

**5. Locations of Designated Spots**

Designated spots are located on the roadside only, excluding expressways, flyovers and the external faces of footbridges. Publicity material(s) facing both the pavement and the roadway will be counted as occupying two designated spots.

<sup>3</sup> 現時灣仔區除外。

<sup>3</sup> At present, with the exception of Wan Chai District.

## 6. 禁制展示區

因應交通安全考慮，下列地點列為禁制展示區：

- (a) 政府建造的行人過路處，包括燈號控制過路處、斑馬線或行人輔助線的交通上游30米範圍內；
- (b) 道路中央分隔欄；以及
- (c) 位於路口交通上游30米範圍內的路旁。位於單程路近路口位置，如不阻擋駕駛者駛出大路的視線，則不在此限。

禁制展示區的說明圖則，載於圖二。

## 6. No Banner Zones

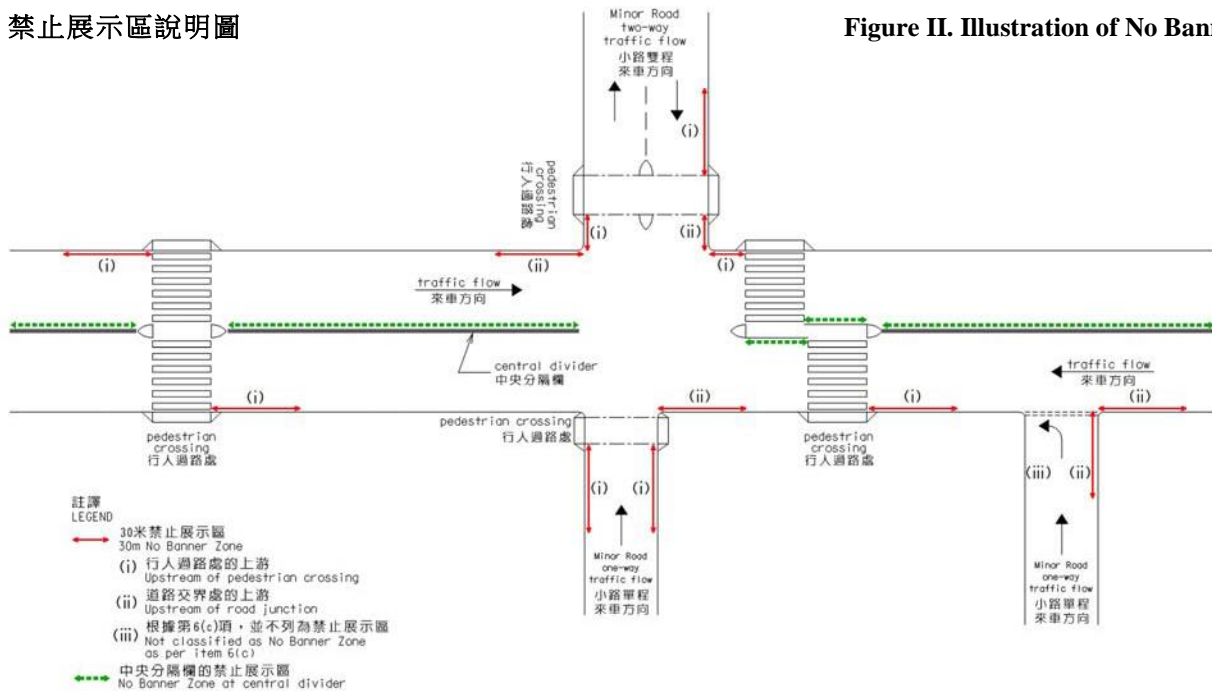
For the sake of road safety, the following locations are designated as No Banner Zones:

- (a) areas within 30 metres on the traffic upstream side of government-built pedestrian crossings, including signal-controlled crossings, zebra crossings or cautionary crossings;
- (b) central dividers of roads; and
- (c) the roadside within 30 metres on the traffic upstream side of road junctions, but locations within a one-way street near a junction will not be subject to this restriction if they do not obstruct the views of motorists getting onto the major road.

A plan illustrating the No Banner Zone is at Figure II.

圖二. 禁止展示區說明圖

Figure II. Illustration of No Banner Zone



## 7. 宣傳品內容

- (a) 根據管理計劃的目標，在路旁展示宣傳品是讓公眾知悉政府和議會的工作、推動市民參與社區事務，以及提升市民的國民及公民意識等。所有宣傳品的內容必須符合管理計劃的目標。

- (b) 所載資料必須符合以下規定：

- (i) 相關資料不得宣傳任何商品、收費服務，或任何收費的訓練課程和活動<sup>4</sup>(與政府部門合辦的服務、訓練課程和活動不在此限，但須取得相關部門書面確認)；

<sup>4</sup> 假如橫額本身沒有載明活動的實際收費，亦沒有顯示商業性質的宣傳資料(即商業機構及／或收費／票務代理的名稱，例如「城市售票網」、團購等)，可視為符合第7(b)(i)項的規定。

## 7. Content of Publicity Materials

- (a) Pursuant to the objectives of the Management Scheme, the display of roadside publicity materials is for promoting the work of the Government and Councils, advocating public participation in community affairs, enhancing the public's sense of national identity and civic mindedness, etc. The content of publicity materials must comply with the objectives of the Management Scheme.

- (b) The information imparted must comply with the requirements below:

- (i) the information must not promote any commodities, services provided at a fee, fee-charging training courses and activities<sup>4</sup> (the restriction does not apply to services, training courses and activities co-organised by government departments but written confirmation from the government departments concerned is required);

<sup>4</sup> If the banner itself does not contain any information about the exact amount of fee of an activity or promotional information of commercial nature (i.e. the name of the commercial firm and/or the name of the fee-charging/ticketing agency like "Urbtix", group buy, etc.), the requirement stated in paragraph 7(b)(i) may be considered to be complied with.



- (ii) 展示的宣傳品須清楚明確顯示獲分配展示點的個人或團體名稱，而該個人或團體須屬展示品的主要受惠者<sup>5</sup>；
  - (iii) 非牟利公眾活動的宣傳品如印有給予贊助的商業機構或公益金之類的非牟利組織的名稱及標識，必須事先得到地政專員批准；贊助機構的名稱及標識所佔的總面積，不得超過宣傳品面積的十分之一；
  - (iv) 宣傳品的內容須遵從香港特別行政區的法律。不得展示任何淫褻或意識不良的宣傳品；
  - (v) 不得展示任何商業廣告；以及
  - (vi) 宣傳品的內容不得用於在任何公共選舉中促使或阻礙任何候選人當選，亦不得展示宣傳品以作上述目的。第7(b)(vi)、8(d)及8(e)段的「公共選舉」，指行政長官、選舉委員會界別分組、立法會、區議會的選舉(包括換屆選舉、一般選舉及補選)，以及《鄉郊代表選舉條例》(第576章)不時界定的選舉(包括一般選舉及補選)。
- (c) 依據管理計劃獲得准許並不表示宣傳品的內容得到香港特別行政區政府或其人員同意或許可。

## 8. 申請的處理

- (a) 申請人須在預定展示期前最少一個月，把填妥的申請表送達相關地政處。若申請表並未填妥，或遞交申請的時間不足一個月，地政處均不能保證可在預定展示日期前批核申請。不過，如情況特殊，具備理據的緊急申請亦會獲得處理。地政專員可就發出的准許附加適當的條款及條件。
- (b) 供非政府機構及慈善團體申請的指定展示點，會以5個散布於區內各處的指定展示點為一組分配，以供這類別的申請者使用。
- (c) 申請人一律會獲書面通知申請結果，申請無須繳付任何費用。
- (d) 如不牴觸下文第8(e)段的條文，由公共選舉的選舉期<sup>6</sup>開始前兩星期至選舉期結束後兩星期為止，主管當局可因應需要，就所有或部分指定展示點，暫時停止辦理申請及／或撤銷或暫時停止已發出的准許。

<sup>5</sup> 獲分配展示點的個人／團體的名字／名稱及／或頭像，如出現在橫額上(在橫額其他部分的小型海報的信息不應計算在內)，而所佔尺寸不小於同列在橫額的各個其他人士或團體，該人／團體會視為主要受惠者。

<sup>6</sup> 根據相關選舉規例的定義，就行政長官選舉、選舉委員會界別分組選舉、立法會選舉、區議會選舉，以及《鄉郊代表選舉條例》(第576章)中的選舉而言，“選舉期”始於提名期首日；並於投票結束當日或分別根據《行政長官選舉條例》(第569章)第22條、根據《選舉管理委員會(選舉程序)(選舉委員會)規例》(第541I章)第19或22條、根據《立法會條例》(第542章)第46條或《選舉管理委員會(選舉程序)(立法會)規例》(第541D章)第22C條、根據《區議會條例》(第547章)第39條、或根據《鄉郊代表選舉條例》(第576章)第29條或《選舉程序(鄉郊代表選舉)規例》(第541L章)第19條作出宣布當日結束。

- (ii) there should be conspicuous and clear indication on the publicity materials displayed of the individual or organisation allocated the spot. The individual or organisation must be the chief beneficiary of the display<sup>5</sup>;
  - (iii) publicity materials bearing the names and logos of commercial firms or non-profit making bodies such as the Community Chest sponsoring the non-profit making public activities are subject to the prior approval of the District Lands Officer. The aggregate size of the names and logos of the sponsors shall not be larger than one tenth of the area of the publicity material;
  - (iv) the content of the publicity materials to be displayed shall be in compliance with the laws of the Hong Kong Special Administrative Region. No publicity materials of an obscene or objectionable nature shall be displayed;
  - (v) no commercial advertisements shall be permitted; and
  - (vi) the content of the publicity materials to be displayed shall not promote or prejudice the election of any candidate in any public election, nor shall publicity materials be displayed for such purposes. “Public election” in paragraphs 7(b)(vi), 8(d) and 8(e) means an election (including general election, ordinary election and by-election) of the Chief Executive, the EC Subsector(s), the LegCo, the DC(s) and an election (including ordinary election and by-election) as defined from time to time under the Rural Representative Election Ordinance (Cap. 576).
- (c) The grant of permission for the display of publicity materials under the Management Scheme does not imply any endorsement or approval of their content by the Government of the Hong Kong Special Administrative Region or its officers.

## 8. Processing of Applications

- (a) Duly completed applications shall be submitted to the relevant DLO no less than one month prior to the applicant's intended display period. The DLO cannot guarantee approval of the application by its intended display date if the application is incomplete or is submitted less than one month beforehand. However, urgent applications with justifications under special circumstances will also be processed. A District Lands Officer may grant permission subject to terms and conditions as appropriate.
- (b) Designated spots for applications by NGOs and charitable bodies will be divided into groups. Each group consists of 5 different designated spots, spreading over the District, to cater for the needs of such applications.
- (c) All applicants will be notified of the results in writing. No fees will be charged for applications.
- (d) Without prejudice to paragraph 8(e) below, starting from two weeks before the beginning of the election period<sup>6</sup> to two weeks after the end of the election period of a public election, the Authority may, depending on the needs, temporarily suspend the processing of applications and/or revoke or temporarily suspend the permission already given, in respect of all or some designated spots.

<sup>5</sup> The individual/organisation allocated a designated spot will be considered the chief beneficiary if his/her/its name and/or headshot appearing in the banner (information on small posters in other parts of the banner should not be counted) is in a size not smaller than each of any other persons/organisations in the banner.

<sup>6</sup> According to the respective electoral regulations, “election period” is defined as the period beginning on the first day of the nomination period and ending on the day on which the polling ends, or on the day on which a declaration is made under section 22 of the Chief Executive Election Ordinance (Cap. 569), under section 19 or 22 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), under section 46 of the Legislative Council Ordinance (Cap. 542) or section 22C of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), under section 39 of the District Councils Ordinance (Cap. 547), or under section 29 of the Rural Representative Election Ordinance (Cap. 576) or section 19 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) in respect of the elections of the Chief Executive, the EC Subsector(s), the LegCo, the DC(s) and elections under the Rural Representative Election Ordinance (Cap. 576) respectively.

(e) 相關的公共選舉為行政長官補選、選舉委員會界別分組補選、立法會補選、區議會選區補選或《鄉郊代表選舉條例》(第576章)不時界定的選舉(包括一般選舉及補選)，只要相關議員並非該次選舉的候選人，而且該議員仍繼續遵從本準則所載的條款和條件，包括第7(b)(vi)段，則已向現任立法會或區議會議員發出的准許，一般不會因上文第8(d)段而被撤銷或暫時停止。

## 9. 宣傳品的展示和管理

- (a) 每件宣傳品的右上角均須以不小於2.5厘米 x 2.5厘米的字體，標明其核准編號及核准展示期<sup>7</sup> (參看圖一)。宣傳品的內容須與申請表所述的相同；如獲地政專員書面同意，申請人可改動宣傳品的內容。
- (b) 宣傳品須在所選擇／獲分配的指定展示點展示，並須穩固和各別裝設妥當，確保不會於風中搖擺，亦不會阻礙行人或車輛交通。
- (c) 嚴禁以金屬線或釘子把宣傳品穩固在任何公路結構、欄杆、分隔欄、圍欄、標杆或任何其他街道設施上。申請人須採取措施，防止裝有宣傳品的任何公路結構、欄杆、分隔欄、圍欄、標杆或任何其他街道設施受損。因展示宣傳品而對道路構件及街道設施等造成的任何損毀，會由路政署修復至該署總工程師滿意的程度，費用概由申請人承擔。
- (d) 宣傳品如被發現阻礙任何公共道路、行人天橋或街道設施的保養、改善或維修工程，須由申請人自費移走，並達到路政署總工程師滿意的程度。倘若宣傳品阻礙任何緊急維修工程開展或會受到該等工程的影響，當局可把宣傳品移走而無須事先通知申請人。
- (e) 申請人須對宣傳品及其內容承擔一切責任，並須同意就地政專員批准展示宣傳品所引致或因此而引致的一切法律責任、費用、開支、訴訟、法律程序、申索及要求，向香港特別行政區政府及／或其任何人員作出彌償，並使其持續得到彌償。
- (f) 申請人須於核准展示期屆滿後，立即移走宣傳品。
- (g) 食物環境衛生署署長會依據香港法例第132章賦予的權力，移走未經許可或不遵照本實施指引及／或地政專員就相關准許施加的條款及／或條件展示的宣傳品，而不事先通知，並可對相關人士採取法律行動和追討移走宣傳品的費用。

<sup>7</sup> 核准編號和核准展示期如標示於橫額右上角的範圍，即使垂直排列或在右上角附近顯示，也應視為符合本指引的規定。根據第9(a)項，核准編號和核准展示期的字體大小訂明如下：「i」、「I」、「1」甚或「0」等字母和數字，基於字體的性質，字體高度如不低於2.5厘米，闊度一般少於2.5厘米。假如文字和數字的高度符合2.5厘米的規定，即使闊度少於2.5厘米，通常也可視為符合本指引的規定。此外，只要文字和字母清晰可見，地政處在執行字體尺寸規定方面可酌情處理。

(e) Permission already given to an incumbent Member of the LegCo or DC will not normally be revoked or temporarily suspended under paragraph 8(d) where the public election concerned is a by-election of the Chief Executive, the EC subsector(s), LegCo or DC(s), or an election (including ordinary election and by-election) as defined from time to time under the Rural Representative Election Ordinance (Cap. 576), provided that the relevant Member is not a candidate in the said election and continues to comply with the terms and conditions set out in the Guidelines, including paragraph 7(b)(vi).

## 9. Display and Management of Publicity Materials

- (a) Each piece of publicity material to be displayed shall bear at its top right-hand corner the approval number and the approved display period with a font size of not smaller than 2.5cm x 2.5cm<sup>7</sup> (see Figure I). The content of publicity materials must be the same as that described in the application form. Subject to the written consent of the District Lands Officer, the applicant may alter the content of the publicity materials.
- (b) The publicity materials must be displayed at the chosen/allocated designated spots and shall be firmly and separately fastened so that they will not dangle in the wind or cause obstruction to pedestrians and vehicular traffic.
- (c) The use of wires and nails for fixing the publicity materials onto any highway structure, railing, barrier, fence, post or any other street furniture is strictly prohibited. The applicant shall take measures to prevent damage to any highway structure, railing, barrier, fence, post or any other street furniture onto which any publicity materials are affixed. Any damage to road elements, street furniture, etc. caused by the display of publicity materials will be reinstated by the Highways Department at the applicant's cost to the satisfaction of the Chief Highway Engineer of the Highways Department.
- (d) The applicant shall at his/her own expense and to the satisfaction of the Chief Highway Engineer of the Highways Department remove the publicity materials found to be obstructing any maintenance, improvement or repair works of the public roads, footbridges or street furniture. The publicity materials may be removed without any prior notice to the applicant if they obstruct any emergency repair works or may be affected by such works.
- (e) The applicant is responsible for the publicity materials and the content thereof and agrees to indemnify and keep indemnified the Government of the Hong Kong Special Administrative Region and/or any of its officers against all liabilities, costs, expenses, actions, proceedings, claims and demands arising out of or in connection with the permission granted by the District Lands Officer for the display of the publicity materials.
- (f) Upon expiry of the approved display period, the publicity materials shall be removed immediately by the applicant.
- (g) Publicity materials which are unauthorised or not in compliance with the Guidelines and/or any of the terms and/or conditions that the District Lands Officer has imposed in relation to the permission will be removed by the Director of Food and Environmental Hygiene (DFEH) without prior notice pursuant to his/her authority under Cap. 132. DFEH may take legal action and claim removal expenses against the parties concerned.

<sup>7</sup> As long as the approval number and the approved display period are shown at the top-right hand corner of the banner, either vertically or near the said corner, they should be regarded as complied with the Guidelines. Regarding the font size of the approval number and the approved display period as stipulated in paragraph 9(a), the width of the characters and digits "i", "I", "1" and even "0" or the like, due to their font nature, is generally smaller than 2.5 cm when the height is not smaller than 2.5 cm. So long as the height of these characters and digits meets the 2.5 cm requirement, if their width is less than 2.5 cm, they can still in general be regarded as complied with the Guidelines. In addition, provided that the characters and letters are clearly visible, DLOs may exercise discretion in the enforcement of the font size requirement.