

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. 目標綱領

在政府土地上展示招貼及海報，包括展示路旁宣傳品，除非獲得主管當局根據《公眾衛生及市政條例》(第 132 章)第 104(A)1 條給予書面准許¹，否則即屬違法。管理計劃旨在確保展示路旁宣傳品：

- (a) 是為了提高公眾對涉及一般和重大社區利益的非商業性質事宜的關注。因此，立法會議員及區議會議員為促進公眾關注或參與地方行政和社區建設事務而與選民溝通所展示的宣傳品，以及政府為推廣如「東亞運動會」、「清潔香港」及「禁毒」等重要公眾活動和宣傳運動而展示的宣傳品，會獲優先考慮；
- (b) 是以有秩序的方式獲得許可，由管理計劃內訂明的各類別人土展示於主管當局指定的展示點；
- (c) 不會危害使用有關道路的行人及駕駛者的安全；以及
- (d) 符合管理計劃下的其他條款及條件，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覆蓋的每個區議會區內選取 50 個指定展示點²。功能界別的立法會議員，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²。議員須將其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
每位民選區議員一般可在其選區內選取 10 個指定展示點，每位當然或委任議員一般亦可在其區議會區內選取 10 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。有關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. Objective

The display of bills and posters on Government land including display of roadside publicity materials is an offence unless such display is with the written permission¹ of the Authority by virtue of section 104A(1) 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 the purpose of the promotion of public awareness of matters of general and significant community interests of non-commercial nature. In this connection, priority will be given to such display which is by Legislative Council (LegCo) and District Council (DC) Members to communicate with their constituents, which seeks to promote public awareness or participation in matters of district administration and community building, and which is by the Government to promote important public events and campaigns such as the East Asian Games, “Keep Hong Kong Clean” and “Anti Drug Abuse”;
- (b) is permitted in an orderly fashion for those classes of persons specified in the Management Scheme at spots designated by the Authority;
- (c) will not prejudice the safety of pedestrians and motorists using the road concerned; and
- (d) is subject to such other terms and conditions provided in the Management Scheme such as the maintenance and removal of the banners.

2. Allocation of Designated Spots

(a) LegCo Members

Each LegCo Member from Geographical Constituencies (GCs) can in general choose 50 designated spots in each of the DC districts within his/her own GC². For Functional Constituencies (FCs), each Member may in general choose 9 designated spots in each of the 18 DC districts². Members shall distribute their designated spots evenly among the DC districts. With the exception of 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) DC Members

Subject to any advice of individual DCs to the District Lands Offices (DLOs), each elected DC Member may in general choose 10 designated spots in his/her own constituency. Each ex officio or appointed member may also in general choose 10 designated spots in his/her own DC District.

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

(d) When designated spots are not taken up by LegCo or DC Members, they will be transferred to the quota for other users, e.g. government departments and non-profit making organisations. These Members may select designated spots from such quota when they need them in future.

¹ 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

² 現時以下 5 區（大埔、西貢、荃灣、葵青及灣仔）除外

¹ Certain categories of officers in 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.

² At present, with the exception of five districts (Tai Po, Sai Kung, Tsuen Wan, Kwai Tsing and Wanchai)

(e) 其他使用者

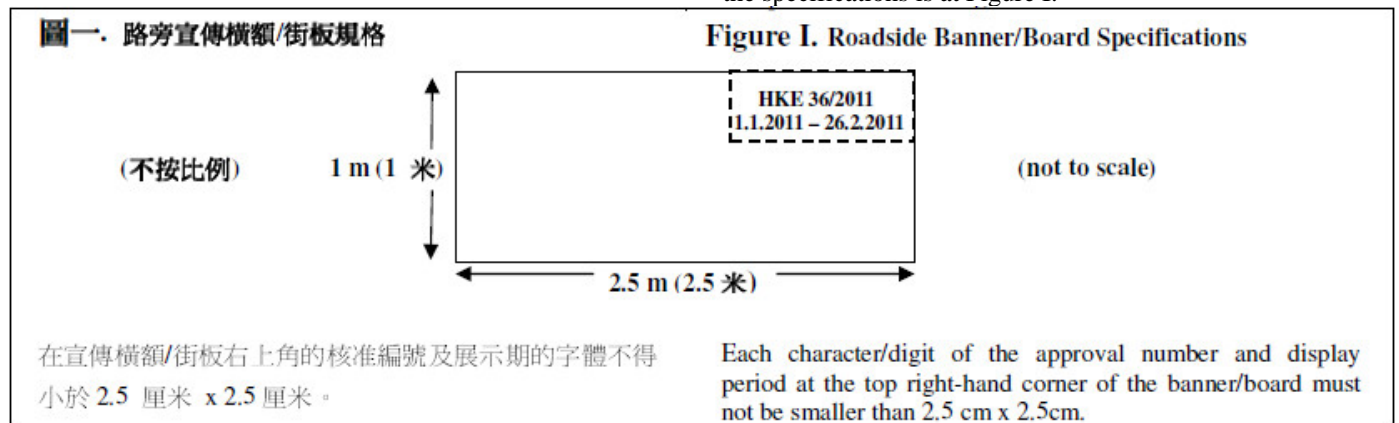
- (i) 每個區議會區內至少有 30 個指定展示點，可供有關區議會及其轄下委員會申請。
 - (ii) 每個區議會區內至少有 50 個指定展示點，可供政府部門(包括民政事務處)申請。
 - (iii) 每個區議會區內至少有 100 個指定展示點，可供非牟利組織申請來展示以該區居民為對象的宣傳品³。非牟利組織包括由政府資助或根據《稅務條例》(第 112 章)第 88 條獲豁免繳稅的非政府組織及慈善團體、根據《社團條例》(第 151 章)登記的組織、根據《職工會條例》(第 332 章)及《職工會登記規例》(第 332A 章)登記的職工會及其他合法註冊的團體。獲批准的申請團體每次最多可獲分配 5 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後，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

給予上文第 2(a)及(b)段類別使用者的准許期限，一般涵蓋其在有關議會的整段任期。上文第 2(e)(i)及(ii)段類別使用者獲准許的展示期，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。展示有關規格的說明圖則，載於圖一。

**5. 指定展示點的位置**

指定展示點只會設於路旁，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，會作佔用兩個指定展示點計算。

6. 禁制展示區

為交通安全起見，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

(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 the 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 serving the local community³. Non-profit making bodies include non-governmental organisations (NGOs) and charitable bodies either subvented by government or exempted from paying 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 can be adjusted depending upon the total demand and number of designated spots available.
- (g) Once allocated, no transfer, loaning out or assignment of the designated spots by a user is allowed.

3. Term

Permission given to users under paragraph 2(a) and (b) above will normally cover the tenure of their term with their Councils concerned. The period of permission for users in paragraph 2(e)(i) and (ii) above will depend on the nature of events promoted. The permission under paragraph 2(e)(iii) above will cover a display period of two calendar months less the last 2 days. Applications from users in paragraph 2(e) above for extension of display periods may be granted 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.

5. Location of Designated Spots

Designated spots will be 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.

6. No Banner Zones

For road safety purposes, the following locations will be designated as no banner zones:

- (a) within 30 metres on the traffic upstream side of government built pedestrian crossings including signal-controlled crossings, zebra crossings or cautionary crossings;
- (b) on central divider of roads; and

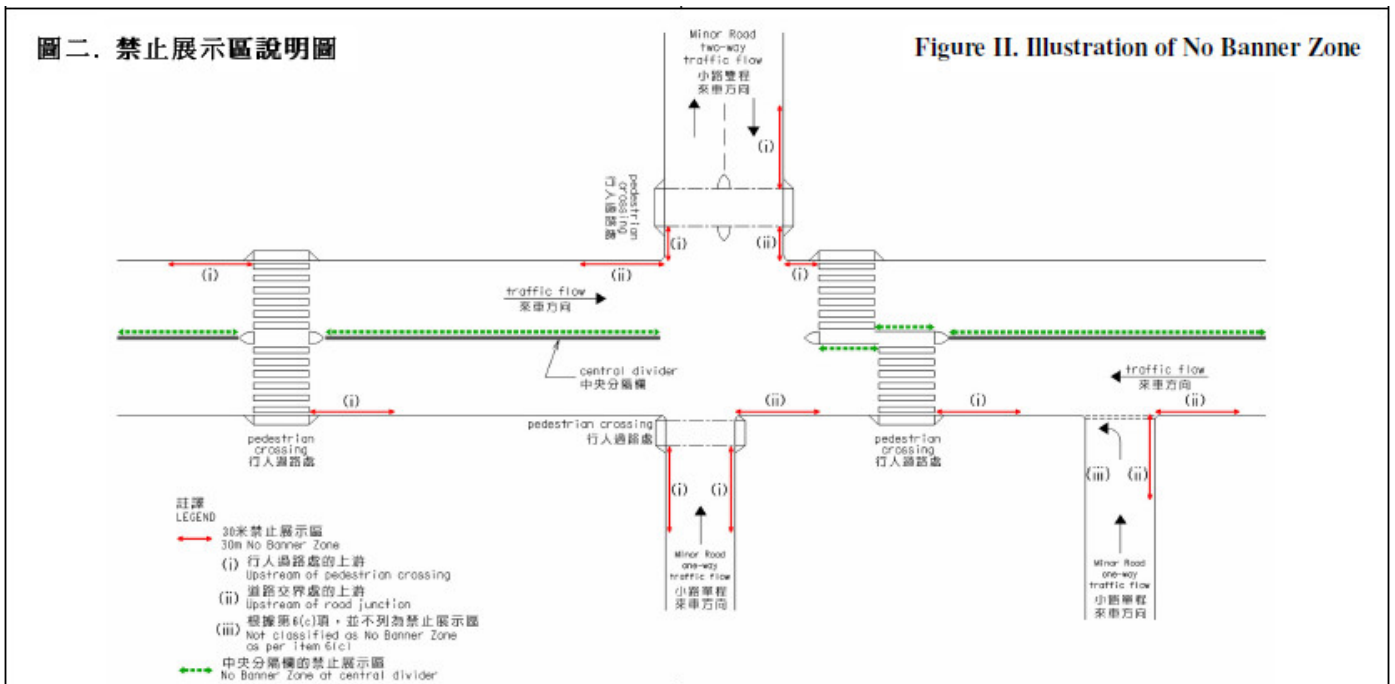
³ 現時灣仔區除外

³ At present, with the exception of Wanchai district

- (c) 位於路口交通上游 30 米範圍內的路旁。但位於單程路之內近路口位置，如不阻擋駕駛者駛出大路的視線，則不在此限。
禁止展示區的說明圖則，載於圖二。

(c) within 30 metres on the traffic upstream side of all road junctions, but location within a one-way street near junction will not be subject to this restriction if they do not obstruct the views of drivers getting on to the major road.

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



7. 宣傳品內容

(a) 展示路旁宣傳品，是為了提高公眾對涉及一般和重大社區利益的非商業性質事宜的關注。因此，以下展示品會獲優先考慮：

- (i) 立法會議員及區會議員為促進公眾關注或參與地方行政和社區建設事務而與選民溝通的展示品；以及
 - (ii) 政府為推廣如「東亞運動會」、「清潔香港」及「禁毒」等重要公眾活動和宣傳運動的展示品；
- (b) 所載資料必須符合以下規定：
- (i) 有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（與政府部門合辦的服務、訓練課程和活動不在此限，但須取得有關部門的書面確認）；
 - (ii) 展示品上須明確清楚地顯示獲分配展示點的個人或團體名稱，而該個人或團體須為有關展示品的主要受惠者；
 - (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

7. Content of Publicity Materials

(a) The display of roadside publicity materials is for the purpose of the promotion of public awareness of matters of general and significant community interest of non-commercial nature. In this connection, priority will be given to such display :

- (i) which is by LegCo and DC Members to communicate with their constituents, which seeks to promote public awareness or participation in matters of district administration and community building; and
 - (ii) which is by the Government to promote important public events and campaigns such as the East Asia Games, “Keep Hong Kong Clean” and “Anti-Drug Abuse”;
- (b) the information imparted must comply with the requirements below:
- (i) the information must not promote any commodities, services provided at a fee, fee paying training courses and activities. (However, the restriction does not apply to services, training courses and activities co-organised by government departments. For these cases, written confirmation from concerned government departments is required);
 - (ii) there should be conspicuous and clear indication on the display itself of the individual or organisation allocated the spot. The individual or organisation must be the chief beneficiary of the display;
 - (iii) publicity materials containing names and logos of commercial firms or non-profit making bodies such as the Community Chest sponsoring non-profit making public activities are subject to the prior approval of the District Lands Officer and 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 contents 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 advertisement shall be permitted ; and

- (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。於第 7(b)(vi)、8(d)及 8(e)段的「公共選舉」是指行政長官、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《村代表選舉條例》(第 576 章)不時界定的選舉(包括一般選舉及補選)。
- (c) 獲得發給准許，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的任何同意或許可。

8. 申請的處理

- (a) 申請人須在預定展示期之前最少一個月，把填妥的申請表送達有關地政處。如申請表並未填妥，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有關申請。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，有關申請無須繳付任何費用。
- (d) 在不抵觸下文第 8(e)段的條文下，由公共選舉的選舉期⁴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，暫時停止辦理有關申請及/或撤銷或暫時停止已發出的准許。
- (e) 如有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《村代表選舉條例》(第 576 章)下的不時界定的選舉(包括一般選舉及補選)，只要符合以下條件，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，即：有關議員並非該次選舉的候選人，而且該議員仍繼續遵守載於本準則的條款和條件，包括第 7(b)(vi) 段。

⁴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《村代表選舉條例》(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 42C 或 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《村代表選舉條例》(第 576 章)第 29 條或《選舉程序(村代表選舉)規例》(第 541L 章)第 19 條作出宣布當日結束。

- (vi) the contents 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 Election Committee Subsector(s), the Legislative Council, the District Council(s) and an election (including ordinary election and by-election) as defined from time to time under the Village Representative Election Ordinance (Cap. 576).
- (c) The grant of a permission does not imply any endorsement or approval of the contents of the publicity materials 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 later than one month before 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 a permission subject to terms and/or 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, located in various parts of 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) Subject to paragraph 8(e) below, starting from two weeks before the beginning of the election period⁴ 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 permissions already given, in respect of all or some designated spots.
- (e) Permissions already given to an incumbent member of the Legislative Council or District Council 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 Election Committee subsector(s), Legislative Council or District Council, or an election (including ordinary election and by-election) as defined from time to time under the Village Representative Election Ordinance (Cap. 576), provided that the relevant Member is not a candidate in the said election, and provided that he/she continues to comply with the terms and conditions set out in these Guidelines, including paragraph 7(b)(vi).

⁴According to the respective electoral regulation, “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 42C or 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 Village Representative Election Ordinance (Cap. 576) or section 19 of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541L) in respect of the elections of the Chief Executive, the Election Committee Subsector(s), the Legislative Council, the District Council(s) and elections under the Village Representative Election Ordinance (Cap. 576) respectively.

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(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上展示，並須穩固和各別地裝設妥當，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，會由路政署修復至路政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，並達至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，當局可將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責任、費用、開支、行動、訴訟、申索及要求，永久負責彌償香港特別行政區政府及/或其任何人員的損失。
- (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/或地政專員就有關准許施加的條款及/或條件展示的宣傳品，而不作任何事先通知，並可對有關人士採取法律行動和追討移走宣傳品的費用。

2014 年 1 月修訂

9. Display and Management of Publicity Materials

- (a) Each piece of publicity material to be displayed will be required to bear on its top right hand corner the approval number and the approval period with characters/digits of not smaller than 2.5cm x 2.5cm in size (see Figure 1). 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 wire and nail 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 on which any publicity materials are affixed. Any damage to road elements and street furniture etc. caused by the hanging 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 own expense and to the satisfaction of the Chief Highway Engineer of the Highways Department remove the publicity materials when they are found 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 the carrying out of any emergency repair works or may be affected by such works.
- (e) The applicant is responsible for the publicity materials and the contents 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 period of display, the publicity materials shall be removed immediately by the applicant.
- (g) Publicity materials which are unauthorized or not in compliance with these implementation guidelines and/or any of the terms and/or conditions that the District Lands Officer has imposed in relation to the relevant permission will be removed by the Director of Food and Environmental Hygiene (DFEH) without prior notice pursuant to his authority under Cap. 132. DFEH may take legal action and claim removal expenses against the parties concerned.

Revised in January 2014