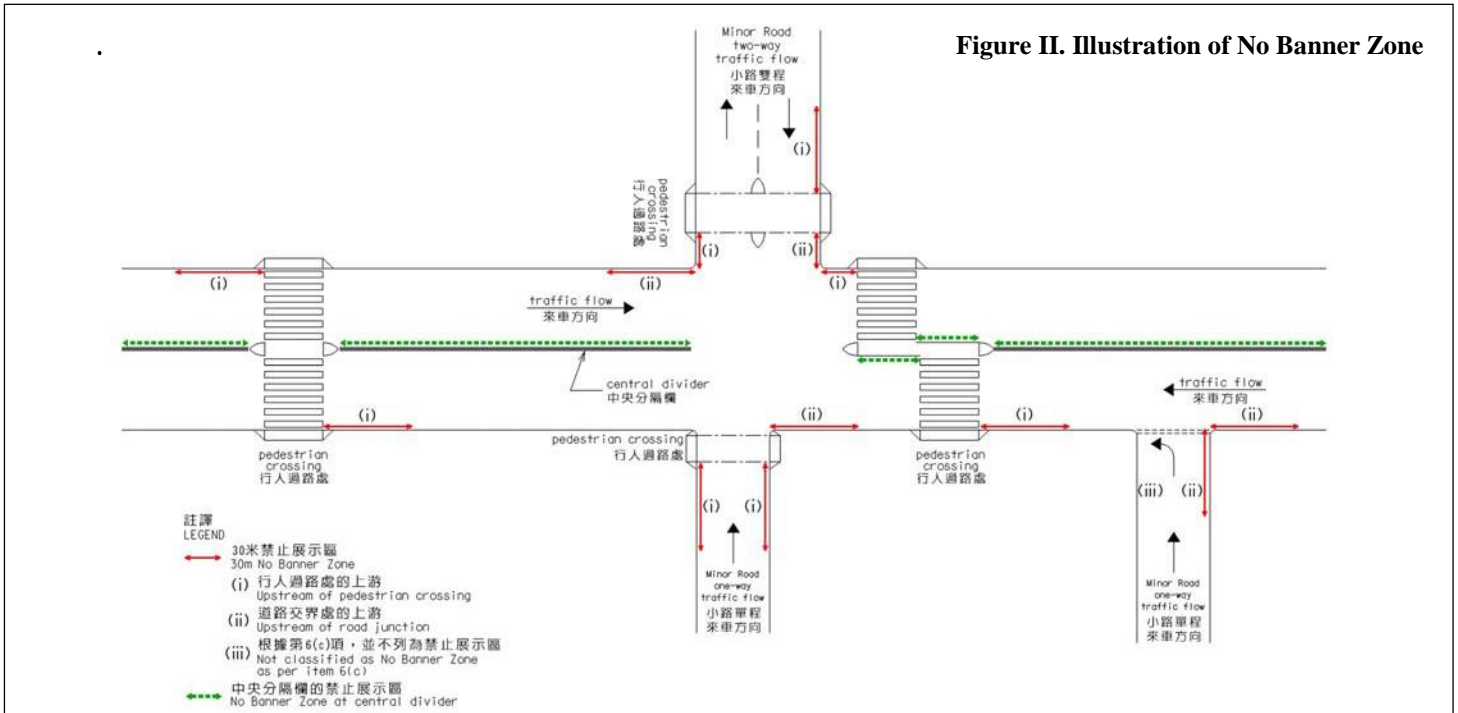


6.

- (a) 30
- (b)
- (c) 30

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.



7.

- (a)
- (b)
- (i)

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 activities⁴ (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);

4 () 7(b)(i)

⁴ 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⁵；
 - (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⁶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。

⁵ 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。

⁶ 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 display⁵;
 - (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 period⁶ 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.

⁵ 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.

⁶ 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。

(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. 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⁷ (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。

⁷ 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。

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 2.5cm⁷ (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.

⁷ 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.