

LCQ21: Clearance of display items on Government land or public places

Following is a question by Dr the Hon Junius Ho and a written reply by the Acting Secretary for Food and Health, Dr Chui Tak-yi, in the Legislative Council today (November 4):

Question:

Some members of the public have pointed out that since the 2019 District Council Ordinary Election, the Government has often been "at odds" with the District Councils in promoting district affairs. For instance, individual District Councils have refused to organise or allocate funding to subsidise this year's activities in celebration of the National Day. On this year's National Day, National Day decorations were not put up along the roadsides in some districts as in previous years. Some residents in the Sham Shui Po district, on their own initiatives, flew national flags in the vicinity of Wong Chuk Street in the small hours of the National Day to let the public enjoy the festive atmosphere on the National Day. However, the outsourced service contractors of the Food and Environmental Hygiene Department (FEHD) and the Highways Department removed those national flags by noontime on the National Day, arousing strong reverberations among the residents. In their view, while the departments concerned have swiftly removed the national flags, they have not removed, after a prolonged period of time, the display items loaded with seditious messages on the "Lennon walls" and in "Lennon tunnels" in streets and alleys and have therefore allowed such items to scar the cityscape. Such a situation has aroused suspicion of favouritism. In this connection, will the Government inform this Council:

- (1) which government department(s) or government officer(s) made the decision to take the action of removing the aforesaid national flags was; of the legal basis for the decision;
- (2) how FEHD and the Highways Department have handled the national flags removed, and of the present whereabouts of the flags; and
- (3) whether it has reviewed if the criteria adopted by various government departments for removing the display items on the "Lennon walls" and in "Lennon tunnels" are consistent with those adopted for removing the aforesaid national flags; if it has reviewed and the outcome is in the negative, of the reasons for that?

Reply:

President,

In consultation with the Security Bureau and the Transport and Housing Bureau, I provide a consolidated reply to the Member's question as follows:

(1) During the small hours on October 1, 2020, the Police received complaints from two members of the public, saying that national flags were hung on a number of highpoints in Sham Shui Po (including the top of lampposts and traffic signs). The complainants requested the removal of the flags and poles as they would cause danger to road users. In accordance with section 4A of the Summary Offences Ordinance (Cap. 228), section 25 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) and section 10(c) of the Police Force Ordinance (Cap. 232), considering the flags and poles hung on highpoints may obstruct, cause inconvenience or endanger persons or vehicles in a public place, the Police requested the Highways Department (HyD) on the same day to provide assistance. The HyD subsequently arranged for contractors to remove the flags and poles at relevant sites, and rendered the removed items to the Police for retention.

(2) As the property owner could not be ascertained on the day of the incident, the flags and poles were temporarily kept in the Sham Shui Po Police Station waiting to be claimed. Subsequently, having confirmed the property owner of the flags and poles upon investigation, the Police gave the property owner a verbal advice and arranged for the return of the properties. However, as at October 31, 2020, the property owner has yet to collect the properties from the police station.

(3) The Government has been closely monitoring the situation of unauthorised display of bills or posters in public places on Government land (including those commonly known as "Lennon Walls"). These unauthorised display items are handled under the purview of a number of Government departments. If the display items are found in public places on Government land, the Food and Environmental Hygiene Department will, in accordance with the established procedures, work with relevant Government departments to conduct clean-up exercise, and carry out joint operations with regard to the locations concerned, actual work required and available resources where necessary. As for the sites/facilities managed by individual departments, the departments concerned will take actions on their own as appropriate.