

LCQ7: Banners displayed by members of District Councils

Following is a question by the Hon Wong Ting-kwong and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 13):

Question:

The findings of a survey, conducted by an organisation in November last year on the contents of the banners displayed by members of the District Councils (DC members) on roadsides and in other public places, reveal that as many as 84 banners contained inappropriate contents such as those discrediting the Government or the Central Authorities, or spreading false statements and hate speeches. In this connection, will the Government inform this Council:

(1) whether it removed, in the past three years, any banners displayed by the DC members in public places on the grounds that such banners contained inappropriate contents; if so, of the number of those banners removed and their contents; if not, the reasons for that;

(2) of the government departments which are currently responsible for vetting and approving the applications from the DC members for displaying banners in public places, and the respective vetting and approval criteria adopted by them; if such criteria are not consistent, whether they will standardise such criteria, and incorporate the following criterion currently adopted by the Housing Department: the contents of the banners should not carry any messages that are unlawful, obscene, defamatory, insinuating, criticising or denouncing individual persons/parties; if so, of the details; if not, the reasons for that;

(3) of the measures in place to prevent the DC members from displaying banners containing inappropriate contents in public places; whether it will consider rejecting those claims submitted by them for reimbursement of the expenses concerned; if so, of the details; if not, the reasons for that; and

(4) whether it will provide incentives to encourage members of the public to report those banners displayed in public places which contain inappropriate contents, so as to enhance the effectiveness of the regulatory efforts; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Development Bureau, the Home Affairs Bureau and the Transport and Housing Bureau, I provide a consolidated reply to the

Member's question as follows:

(1) to (3) Under delegated authority of the Director of Food and Environmental Hygiene under section 104A(1)(b) of the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance), relevant officers of the Lands Department (LandsD) assign designated spots to members of the Legislative Council (LegCo) and the District Councils (DCs) for display of publicity materials through the Management Scheme for the Display of Roadside Non-commercial Publicity Materials (the Management Scheme). The Management Scheme aims to allow members of the LegCo and the DCs to display non-commercial publicity materials related to community affairs, for the purpose of promoting public awareness and participation in matters of district administration and community building, and ensuring that roadside public space is utilised in a safe and orderly manner.

All publicity materials displayed at the designated spots under the Management Scheme must comply with the objectives and requirements as set out in the Implementation Guidelines of the Management Scheme (the Guidelines), including those regarding size of the publicity materials, their display location, the requirements of display, content and information imparted by the publicity materials (including the information imparted must not promote any commodities, services provided at a fee or fee paying activities, must be in compliance with the laws of Hong Kong, must not be of an obscene or objectionable nature etc.), and that the designated spots must not be transferred, loaned out or assigned to other users.

Upon receipt of complaints regarding the publicity materials under the Management Scheme, the LandsD and relevant departments (including the Food and Environmental Hygiene Department (FEHD) and the Home Affairs Department) would follow up having regard to the circumstances of each individual case, in consultation with legal advice when necessary. If the publicity material violates the Guidelines, the LandsD would inform the allocatee of the concerned designated spot that the permission for display has been revoked, and he/she is required to remove the publicity material by a specified deadline. Should the non-compliant publicity material not be removed by the deadline, the FEHD would remove the publicity material under section 104C(1) of the Ordinance upon verifying with the LandsD that permission has been revoked, and recover the removal costs from the person concerned.

For cases involving the DC members' display of publicity materials violating the Guidelines with permission of display revoked, the concerned District Lands Office will inform the concerned District Office of the decision. The expenses in respect of such publicity materials will not be reimbursable as printing and publicity item under the Operating Expenses Reimbursement.

According to the LandsD's records, during the period from January 2018 to December 2020, there were a total of about 2 000 pieces of publicity materials displayed by members of the LegCo and the DCs under the Management Scheme with permission of display revoked due to non-compliance with the Guidelines, and were required to be removed or removed by the FEHD under

section 104C(1) of the Ordinance. The LandsD does not keep separate statistics on the publicity materials that were non-compliant with the content requirements of the Guidelines.

(4) There is avenue for members of the public to lodge complaints under the existing mechanism. If any member of the public suspects any publicity material under the Management Scheme to be non-compliant with any prevailing requirements/laws, they may lodge their complaint with the LandsD, District Lands Offices or via the 1823 hotline. The relevant District Lands Office, upon receipt of complaints or referrals, would follow up as appropriate.