

LCQ8: Non-compliant display items on Government Land

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (October 28):

Question:

When this year's National Day was drawing near, some members of the public flowed national flags on the streets and at public places in various districts to express patriotic sentiments and create festive atmosphere. However, they were confused and outraged upon the removal of all these national flags by the Food and Environmental Hygiene Department (FEHD) on the National Day. They pointed out that while FEHD had swiftly removed such display items, it had not removed, after a prolonged period of time, those display items on the "Lennon Walls" in various districts which contained words that incited hatred and caused social dissension, arousing the suspicion of favouritism. In this connection, will the Government inform this Council:

(1) of (i) the handling procedure generally followed by FEHD after non-compliant display items were found on government land, and (ii) the average time taken by FEHD to remove the display items concerned, in the past 12 months;

(2) of the procedure followed by FEHD prior to removing the display items on the Lennon Walls, and the average time taken for removing the display items on each of the Lennon Walls since June last year; how such procedure and the time taken compare with the procedure followed and the time taken for removing the aforesaid national flags; if there are significant differences between the two, of the reasons for that; and

(3) whether the Government may, under the existing policy, adopt a lenient approach in handling display items related to the National Day (especially display items such as national flags that manifest the sovereignty of the State), e.g. removing such items only after the National Day; whether the Government will proactively support activities that are held to manifest the sovereignty of the State (e.g. demarcating designated locations in various districts for members of the public to lawfully display related items before and after the National Day); if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Chief Secretary for Administration's Office,

Home Affairs Bureau, Security Bureau and Transport and Housing Bureau, I provide a consolidated reply to the question raised by the Hon Holden Chow is as follows:

(1) and (2) The display of bills or posters on Government land without permission is handled under the purview of a number of Government departments. If it involves public places on Government land, the Food and Environmental Hygiene Department (FEHD) 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.

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"). The FEHD will continue to conduct joint operations with relevant Government departments to remove these display items. As of October 18 this year, relevant departments have conducted joint clean-up operations at about 340 locations across the territory where unauthorised display of bills or posters is present. The FEHD does not maintain statistics on the average time taken for removal of display items.

According to the records of FEHD, the Department had not removed any national flag in any location during the period before or after the National Day this year. Regarding a recent media report on the removal of national flags in Sham Shui Po, the Highways Department (HyD) advised that they were notified by the Police on October 1 that poles hung with flags were found fastened to the top of some street lights and traffic signs with plastic straps in Sham Shui Po, which might pose danger to road users. The HyD subsequently arranged for contractors to remove the flags and poles, and rendered the removed items to the Police for retention.

(3) The Home Affairs Department will work out the appropriate procedures with relevant Government departments for local/community organisations to apply for approval for banners in celebration of the Hong Kong Special Administrative Region (HKSAR) Establishment Day and the National Day.

With regard to the display of the national flag, the "Stipulations for the Display and Use of the National Flag and National Emblem and the Regional Flag and Regional Emblem" (the Stipulations) was made by the Chief Executive under section 3(2) of the National Flag and National Emblem Ordinance and section 3(1) of the Regional Flag and Regional Emblem Ordinance. The first two paragraphs of the Stipulations set out the locations where the national and/or regional flags shall be displayed each day or on each working day, National Day, HKSAR Establishment Day and New Year's Day. Since the national flag is a symbol of national sovereignty, the HKSAR Government must be very cautious in the choice of location to ensure that the national flag will be hoisted at a suitable location with dignity and respect. At present, the national and regional flags are displayed every day at the official residences of the Chief Executive, Government House, all boundary control and

check points of the HKSAR, Hong Kong International Airport and the Golden Bauhinia Square. The flags are also displayed on each working day and on the three specified days at all major Government buildings, such as the office of the Chief Executive, the Executive Council, the Legislative Council, the Central Government Offices, the law courts in the HKSAR, Government departmental headquarters, Government composite buildings and public sports and cultural venues, as well as various public bodies such as the Airport Authority Hong Kong, Hong Kong Monetary Authority, Hospital Authority and Hong Kong Housing Authority. Individual Government departments and public bodies may consider to display the national and regional flags at other suitable locations and on days other than those specified days after considering operational needs, actual circumstances and whether the location at which the flag is displayed is a solemn and appropriate setting, etc. Currently, Government departments and public bodies display the national and regional flags at over 350 locations on the specified days.

As for the general public, the display of the national flag must comply with the National Flag and National Emblem Ordinance. In gist, it is prohibited to use a damaged national flag and desecrate the national flag by publicly and wilfully burning, mutilating, scrawling on, defiling or trampling on it. Also, the national flag should be displayed at a suitable location with dignity and respect. Members of the public who wish to display the national flag at public places or within Government buildings should first make requests to the departments concerned and comply with the requirements stipulated under relevant regulations and ordinances.