

在指定展示位置展示選舉廣告所須遵守的條件(「展示條件」)

- (1) 候選人在指定展示選舉廣告時，必須遵守和服從本展示條件第 2 至 19 段。《選舉程序(鄉郊代表選舉)規例》(第 541L 章)第 10 部的規定及選舉管理委員會在鄉郊代表選舉活動指引的第七章『選舉廣告』所列的指引，候選人亦必須予以遵從。
- (2) 候選人必須在選舉主任決定其提名有效後，才可在指定展示位置展示選舉廣告。若候選人在選舉主任尚未決定其提名是否有效前，在指定展示位置展示選舉廣告，食物環境衛生署、康樂及文化事務署、房屋署或地政總署(以下簡稱「上述主管當局」)將在不作任何事先通知的情況下拆除有關選舉廣告，並向候選人追討一切清理費用，該筆費用將被視作選舉開支和必須包括在有關候選人的選舉申報書內。
- (3) 按照一般規則，在指定展示位置展示的選舉廣告，其高度不應超過 1 米，長度不應超過 2.5 米，及不得超過欄杆或圍欄的高度及長度；或不得超逾附件 I 中的指定展示位置有關機構所訂明的尺寸(視乎情況而定)。在展示選舉廣告前，候選人須確保選舉廣告一定不可分散駕駛者的注意力，或干擾駕駛者及行人的視線、遮擋任何交通標誌或交通燈號、或阻礙行人的流動或對車輛交通造成阻塞，及不得危害毗連公用道路上的行人／車輛的安全。候選人亦不得在指定展示位置的欄杆及圍欄或其附近展示易拉架及直旗。
- (4) 候選人只能就每一個獲分配的展示位置，架設一項單面的選舉廣告，該廣告背面必須保持空白。
- (5) 選舉廣告必須穩固和分別地裝設妥當，並且：
 - (i) 切勿使用永久固定的裝置，例如釘或不能溶解的膠液；
 - (ii) 應採用“綁結式”海報(而非“黏貼式”海報或用金屬線固定)，以便日後較易清除；
 - (iii) 切勿貼在塗有油漆或光漆的表面上，因為日後拆除時會造成損毀或留有痕迹；
 - (iv) 切勿在行人路或道路上挖掘；及
 - (v) 切勿以樹木或植物作為支撐。
- (6) 選舉廣告上不得載有商業廣告。放於指定展示位置的選舉廣告的內容只可由相關候選人發布，亦不得供其他人士發布選舉廣告或發表意見(例如用作壁報板供其他人士發表意見)。已獲分配的展示位置不得轉讓予他人或用作交換其他位置。
- (7) 必須採取措施，以免任何公路結構、欄杆、分隔欄、圍欄、標杆或任何其他街道設施因繫上選舉廣告而受到損壞。因展示或拆除選舉廣告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滿意的程度，費用概由候選人承擔。
- (8) 選舉廣告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，須由候選人自費移走，並達至路政署滿意的程度。倘若選舉廣告阻礙行人的流動、對車輛交通造成阻塞、或由於任何緊急維修工程開展或若選舉廣告會受到該等工程的影響，當局可將選舉廣告移走而無須事先通知候選人。在此情況下，有關候選人將會被追討一切清理費用。

- (9) 不得在任何搭建物上裝設或在旁邊放置電子揚聲器或擴音器。
- (10) 候選人均須在其選舉廣告內清楚列明其競逐議席的鄉村或墟鎮名稱。
- (11) 若候選人與其他候選人張貼聯合選舉廣告，有關候選人須在該廣告內列明其各自所屬的鄉村或墟鎮名稱，亦須確保聯合選舉廣告的位置實際佔用的面積以及個別候選人的選舉廣告的位置實際佔用的面積（以選舉廣告尺寸計），兩者的總和不得超逾個別候選人獲編配的指定展示位置的面積總和，亦不得超過本文第(3)段訂明的尺寸限制。
- (12) 基於環境保障，候選人應採取措施以減少紙張的使用量及循環使用／回收廢紙及 PVC 橫額。
- (13) 選舉廣告，綁帶、索帶及膠紙必須在選舉日後十天內予以拆除，否則候選人可能會受到起訴，而上述主管當局亦可能會將該等廣告拆除及扣押，並向候選人追討一切清理費用，該筆費用將被視作選舉開支和必須包括有關候選人的選舉申報書內。
- (14) 任何一個上述主管當局可能會隨時撤銷及撤回就展示選舉廣告所給予的許可及批准，尤其是若候選人未有遵守或服從所訂明的任何一項條件。此外，若候選人的提名無效、喪失資格，或候選人所屬的鄉村或墟鎮因其他候選人去世、提名無效或喪失資格導致無須競逐，任何一個上述主管當局亦可撤銷及撤回相關許可及批准。至於會否對候選人發出撤銷及撤回批准的通知或勒令拆除廣告的通知，則全由上述主管當局決定。有關情況如下：
 - (i) (a) 若候選人接獲上述通知，他／她便須立即拆除或在有關通知上的指定時間內拆除一切選舉廣告(費用自付)，直至上述主管當局認為滿意為止，否則上述主管當局可能會拆除或扣押該等廣告，並可能向候選人提出起訴。此外，有關主管當局亦會向候選人追討一切清理費用，這筆費用將構成選舉開支；或
 - (b) 若候選人沒有接獲上述通知，則表示任何一個上述主管當局會自行拆除該等廣告及予以扣押，並可能向候選人提出起訴。此外，有關主管當局亦會向候選人追討一切清理費用，這筆費用將被構成選舉開支；
 - (ii) 如任何一個上述主管當局因工程或其他突發原因認為候選人獲分配的位置不適宜展示選舉廣告而撤銷及撤回就展示選舉廣告所給予的許可或批准，有關主管當局可編配其他的展示位置予該候選人，惟需視乎是否尚有可供使用的展示位置；及

- (iii) 候選人請注意，如有個別候選人獲分配的指定展示位置因任何原因或情況不再適合使用，而選舉主任未能找到合適的展示位置編配予該候選人使用作替代，為確保選舉公平，選舉主任可撤銷其他在同一鄉村或墟鎮競逐的候選人的某些指定展示位置所給予的許可及批准，以令每名在同一鄉村或墟鎮競逐的候選人能獲得同等數目的指定展示位置。
- (15) 任何一個上述主管當局所拆除及扣押的選舉廣告，可根據相關法例被留作物證、棄置或應申請予以歸還。
- (16) 候選人須對選舉廣告及其內容承擔一切責任，並須同意就上述主管當局批准展示選舉廣告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，向香港特別行政區政府及／或其任何人員作出彌償，並保持令其獲得彌償。
- (17) 該等許可及批准乃給予個別候選人。已獲分配的展示位置不得轉讓予他人或用作交換其他位置。
- (18) 如候選人不欲使用所被分配的一個或多個展示位置，候選人應於獲分配位置後的一個星期內，以書面通知選舉主任。選舉主任如認為恰當，可在同一鄉村或墟鎮的其他候選人要求下，以協議或抽籤形式將這些展示位置重新編配給同一鄉村或墟鎮的所有其他合資格獲編配指定展示位置的候選人。
- (19) 下列搭建物／地點不會有指定展示位置。候選人不得在下列搭建物／地點架設選舉廣告：-
- (i) 投票站範圍內（包括其外牆）；
 - (ii) 路牌；
 - (iii) 巴士站、巴士總站或其附近地方的欄杆；
 - (iv) 行人天橋的外部、快速公路和行車天橋；
 - (v) 燈柱；
 - (vi) 行人道(例如將木板釘在地上)；
 - (vii) 行車道上的中央分隔欄；
 - (viii) 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；
 - (ix) 位於所有路口交通上游 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之視線，則不在此限；及
 - (x) 康樂及文化事務署管轄的樹木、植物、指示牌或花槽。

關於分段(vii)-(ix)規定的說明圖則，載於圖一。

Conditions for Display of Election Advertisements at Designated Spots
(“Conditions for Display”)

- (1) Candidates must observe and comply with paragraphs 2 to 19 below of this Conditions for Display in order to display election advertisements at designated spots. Candidates shall abide by Part 10 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) and Chapter 7 of the Electoral Affairs Commission’s Guidelines on Election-related Activities in respect of the Rural Representative Election.
- (2) **Candidates can display election advertisements at designated spots only after the Returning Officer has decided that they are validly nominated.** If any candidate displays election advertisements at designated spots before the Returning Officer decides the validity of his/her nomination, the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department, the Housing Department or the Lands Department (hereunder referred to as “the said authorities”) as appropriate will remove the relevant election advertisements without any further notice. The cost of removal will also be recovered from the candidates and will constitute election expenses which must be included in the election return of the relevant candidates.
- (3) As a general rule, election advertisements displayed at designated spots should not exceed 1 metre high and 2.5 metres long, or exceed beyond the height and length of a railing or fence; or exceed the size as specified by the authority concerned for a particular designated spot as stated in Annex I (whichever is applicable). Before displaying election advertisements, candidates should ensure that the election advertisements must not distract motorists or interfere with the sightlines of motorists and pedestrians, obscure any traffic sign or traffic light signal, obstruct the circulation of pedestrians, or vehicular traffic, and impair the safety of pedestrians / vehicles on adjoining public roads. In addition, candidates should not display any roll-up banners and vertical flags at or near railings and fences at designated spots.
- (4) Candidates can only erect ONE piece of single-side election advertisement at each designated spot allocated to them. The back of the election advertisement being displayed should be left blank.
- (5) Election advertisements shall be firmly and separately fastened, and:-
 - (i) permanent fixing devices, such as nails or insoluble glue, should not be used;
 - (ii) “tie-on” posters (rather than “stick-on” posters or fixed by metallic wires) should be used to facilitate subsequent removal;
 - (iii) should not be stuck on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks;
 - (iv) should not be installed into public pavements; and
 - (v) should not be anchored to any tree or plant.
- (6) No commercial advertising shall be allowed on the election advertisements. The contents of election advertisements displayed at the designated spots can only be published by the relevant candidate, and cannot be used by other persons for publishing election advertisements or expressing views (e.g. used

as a notice board for other persons to express views). The display locations allocated to the candidate are not transferable or exchangeable for any other spot.

- (7) Measures shall be taken to prevent damage to any highway structure, railing, barrier, fence, post or any other street furniture to which any election advertisement is affixed. Any damage to road elements and street furniture etc. caused by the hanging or dismantling of election advertisements will be reinstated by the Highways Department at the candidates' cost to the satisfaction of the Highways Department.
- (8) Candidates shall at their own expense and to the satisfaction of the Highways Department remove the election advertisements when they are found obstructing any maintenance, improvement or repair works of the public roads, footbridges or street furniture. The election advertisements may be removed without prior notice to the candidates if they obstruct pedestrians or vehicular traffic, or due to the carrying out of any emergency repair works or if the election advertisements may be affected by such works. In such case, any removal cost will be recovered from the candidates concerned.
- (9) No electronic speakers or amplifiers shall be affixed or placed next to any structure.
- (10) The name of the Village or Market Town in which the candidates are contesting should be clearly stated in his/her election advertisements.
- (11) In respect of joint election advertisements displayed by a candidate and another candidate, the name of the Village or Market Town of each of the candidate advertised should be stated clearly in that advertisement. It is important to ensure that the total area of all the spaces actually occupied for joint advertisements and for advertising each one of the joint candidates (i.e. measured by the dimension of election advertisements) does not exceed the total area of the designated spots allocated to each of the candidates and the size restrictions specified in para. (3) above.
- (12) For environment protection, candidates should adopt various measures to reduce paper consumption and recycle waste paper and PVC banners.
- (13) The election advertisements, fasteners, cable ties and stickers shall be removed within 10 days after the polling day. Failure to do so may result in prosecution being brought against the candidates concerned and such advertisements being removed and seized by the said authorities as appropriate. The cost of removal will also be recovered from the candidates and will constitute election expenses which should be included in the election return of the relevant candidates.
- (14) The authorizations and permissions for the display of election advertisements may be revoked and withdrawn by any one of the said authorities at any time, especially if candidates fail to observe or comply with any of the conditions contained herein. In addition, if candidates are not validly nominated, disqualified, or their Village or Market Town becomes uncontested upon death, invalid nomination or disqualification of other candidates, the authorizations and permission concerned may also be revoked and withdrawn by any one of the said authorities. Whether notice of revocation and withdrawal and whether notice of requirement of removal will be given to a candidate is at the absolute discretion of the said authorities. In such a case,
 - (i) (a) if a candidate is given the aforesaid notice, he/she shall immediately remove or remove within the specified time in the relevant notice at his/her own expense all election

advertisements to the satisfaction of the said authorities. Failure to do so may result in such advertisements being removed or seized by any one of the said authorities and prosecution being brought against the candidate. The cost of removal will also be recovered from the candidate by the said authorities and will constitute election expenses; or

(b) if a candidate is not given the aforesaid notice, such advertisements will be removed and seized by any of the said authorities and prosecution may be brought against the candidate. The cost of removal will also be recovered from the candidate by the said authorities and will constitute election expenses;

(ii) in the case that the authorization and permission for the display of election advertisements at a certain spot is revoked and withdrawn by any one of the said authorities as the spot is not suitable for displaying election advertisements due to repair works or other unexpected causes, the authority concerned may allocate to the candidate concerned another spot subject to such a spot being available; and

(iii) Candidates should note that, if a designated spot allocated to a particular candidate is no longer suitable for use due to any reason or circumstances but the Returning Officer cannot identify other suitable designated spot as a replacement for the candidate concerned, to ensure the fairness of the election, the Returning Officer may revoke the authorization and permission for some of the designated spots allocated to other candidate(s) contesting in the same Village or Market Town so that each candidate competing in the same Village or Market Town will be allocated the same number of designated spots.

(15) Where election advertisements are removed and seized by any one of the said authorities, they will be kept as evidence, disposed of or returned upon application, in accordance with the relevant law.

(16) Candidates are responsible for the election advertisements and the contents thereof and agree 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 said authorities for the display of the election advertisements.

(17) These authorizations and permissions are given to the candidate personally. The display locations allocated to the candidates are not transferable or exchangeable for any other spot.

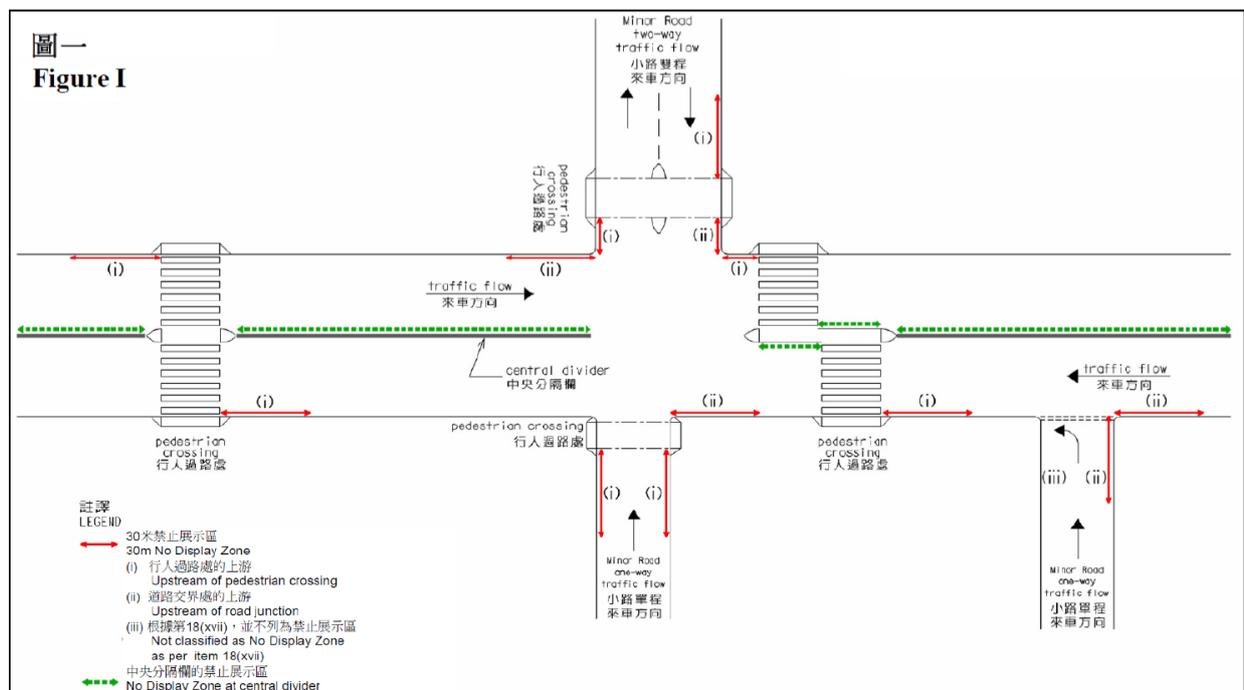
(18) If a candidate no longer wishes to use one or more designated spots allocated to him/her, the candidate should inform the Returning Officer in writing within one week after the allocation of those spots. Upon request by any other candidate of the same Village or Market Town, the Returning Officer, if he/she considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots amongst all other candidates who are eligible to be allocated with designated spots of the same Village or Market Town.

(19) Designated spots will not be identified at the following structures/locations. Candidates shall not erect any election advertisements at the following structures/locations-

- (i) within the boundaries of the polling station, including its outer walls;
- (ii) road signs;

- (iii) railings at or near bus stops and bus termini;
- (iv) external faces of footbridges, highways and flyovers;
- (v) lamp posts;
- (vi) pavements (e.g. nailing boards to the ground);
- (vii) central dividers on carriageways;
- (viii) within 30 metres on the traffic upstream side of government built pedestrian crossings, including signal-controlled crossings, zebra crossings or cautionary crossing;
- (ix) 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; and
- (x) trees, plants, directional signs or roadside planters under the management of Leisure and Cultural Services Department.

A plan illustrating the requirements of subparagraphs (vii) to (ix) is at Figure I.



(20) The Home Affairs Department and/or the said authorities hereby reserve(s) the right to make any amendments to this Conditions of Display without any prior notice.

- End -