

**LegCo Panel on Home Affairs**  
**Control over On-street Promotion and Advertising Activities**

**Purpose**

This paper sets out the control measures taken by the Administration against on-street promotion and advertising activities.

**Background**

2. On-street promotion and advertising of commercial products or services are quite common in Hong Kong. They are related to services such as telecommunication, health and fitness, banking, etc.. Most of the promotion stands are set up at locations with high pedestrian traffic, such as exits of MTR/KCRC stations, bus terminals, pedestrian links in the vicinity of markets or shopping malls and major walkways or pedestrian precincts in busy districts.

3. Various departments including the Police, Food and Environmental Hygiene Department (FEHD), Transport Department (TD), Lands Department (Lands D) and Home Affairs Department have received complaints from the public about on-street promotion and advertising activities at public places. Over the past three years, FEHD received a total of 4 996 complaints. Statistics on complaints received by other government departments are not available.

**Existing Control Measures**

4. The issue of on-street promotion and advertising activities concerns a number of departments. For instance, FEHD deals with activities associated with unlicensed hawking, obstruction of public places or obstruction to scavenging operations. In the event that promotion and advertising activities pose imminent danger to members of the public, the Police will, having regard to the circumstances, take action as appropriate.

5. The maintenance of environmental hygiene is one of FEHD's main areas of work. Therefore, FEHD accords priority to cases involving unlicensed hawking and obstruction to scavenging operations. According to Section 83B of the Public Health and Municipal Services Ordinance (Cap. 132), it is an offence to hawk in any street without a license. FEHD will take enforcement action under Cap. 132 if on-street promotion activity constitutes hawking offence. However, activities which do not involve actual sale of goods or merchandise is not considered as hawking. If any article used in an on-street promotion and advertising activity is found to obstruct scavenging operations, FEHD will issue a verbal warning for the removal of the obstructing article. Usually, the promoters are willing to cooperate and remove the articles concerned. If the warning goes unheeded, FEHD will take follow-up action pursuant to Section 22 of Cap. 132.

6. Under Section 4A of the Summary Offences Ordinance (Cap. 228), it is an offence to set out anything which obstructs, inconveniences or endangers any person or vehicle in a public place. If on-street promotion and advertising activities give rise to complaints and cause serious obstruction, FEHD and the Police will, having regard to individual circumstances, consider appropriate action, including issue verbal warning for the removal of the thing causing obstruction. The Police and FEHD will take prosecution action under Cap. 228 if the warning goes unheeded. Furthermore, on-street promotion and advertising activities often involve touting. The Police will, depending on individual circumstances, take appropriate joint action with FEHD.

7. As on-street promotion and advertising activities often take place in pedestrianised zones, TD pays special attention to pedestrian traffic flow in the planning of pedestrianised zones. As for existing pedestrianised zones, if any on-street activities are found to obstruct the view of pedestrians/drivers or affect the vehicular traffic / pedestrian flow, especially at road junctions and pedestrian crossing points, TD will inform FEHD, the Police and the Lands D for follow-up actions. At present, TD are implementing some 30 pedestrianisation schemes in the territories, including four pilot schemes. TD consulted the relevant District Councils about the permanent implementation of these four pilot schemes. However, the District Councils did not support the proposals due to concerns over on-street promotion and advertising activities.

8. As for on-street publicity materials, it is an offence to display or

affix any bill or poster on any government land without the written permission of the Authority under Section 104A of Cap. 132. All commercial bills or posters displayed without permission will be removed by FEHD. Any person who displays such publicity materials without permission will be liable to a fixed penalty. Where there is sufficient evidence, FEHD will take prosecution action against the persons who will benefit from the display of such publicity materials. Under the existing policy, the display of bills or posters which are not commercial publicity materials (such as roadside publicity materials of Legislative Council Members, District Council Members or non-profit making organizations) is controlled by the “Management Scheme for the Display of Roadside Non-commercial Publicity Materials”, under which Lands D processes and approves the related applications. The Lands D and FEHD conduct regular joint site inspections to remove unauthorized publicity materials in designated and non-designated spots.

### **Considerations relating to Measures against On-street Promotion and Advertising Activities**

9. On-street promotion and advertising activities are also related to people’s livelihood. On the one hand, some members of the public complain to the authorities that such activities cause nuisances to local residents and ask for enforcement actions. On the other hand, these activities provide lower-skilled people with employment opportunities. A total ban on such activities may affect the the livelihood of many people. Hence, in the past few years, enforcement action taken against on-street promotion and advertising activities mainly aimed at maintaining smooth pedestrian flow and environmental hygiene.

### **The Co-ordinating Role of District Officers**

10. District Officers play a co-ordinating role in many district management issues. When the problem caused by on-street promotion and advertising is serious, District Officers will discuss with the departments concerned on ways to control such activities through the District Management Committees. Where necessary, District Officers will also co-ordinate inter-departmental operations. Over the past three years, District Officers have co-ordinated and participated in twelve such joint operations.

## **Steering Committee on District Administration**

11. To facilitate the implementation of the recommendations of the Review on the Role, Functions and Composition of District Councils and enhance support from departments for district management work, the Steering Committee on District Administration (SCDA) has been set up under the Home Affairs Bureau. It is chaired by the Permanent Secretary for Home Affairs and attended by Heads of Departments. Heads of Departments with a core role in district management are regular members while other department heads will be invited on an needed basis to discuss issues falling under their respective purview. SCDA is set up to provide a forum for top management from various departments to exchange views on issues of mutual concern and resolve inter-departmental district management issues. For example, the problem of illegal used clothes collection cages has been effectively tackled through a co-ordinated strategy implemented in the latter part of last year.

12. At its first meeting in January this year, SCDA discussed a host of issues related to district management, including the on-street promotion and advertising activities. SCDA will prioritize these district management problems, taking into account their seriousness. It will later review the existing control measures against on-street promotion and advertising activities. However, taking into account the considerations mentioned in paragraph 9 above, we need to be more sensitive in taking action against on-street promotion and advertising activities. We welcome views and suggestions from the LegCo Panel on Home Affairs. We will convey these to SCDA for its further consideration.

Home Affairs Department  
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