

Information Note
LegCo Panel on Food Safety and Environmental Hygiene

Enforcement Against
Unauthorised Display of Bills and Posters in Public Places

At the meeting of the LegCo Panel on Food and Environmental Hygiene held on 9 December 2008, the Administration was asked to provide information on the implementation of the Food and Environmental Hygiene Department (FEHD)'s new enforcement and prosecution approach ("New Approach") in relation to unauthorised display of commercial bills and posters in public places, the legality of the New Approach, and any task group set up by the Police on the New Approach.

2. As a pilot scheme, the FEHD has implemented in selected locations the New Approach of seizing easy-mount frames (EMF) and similar paraphernalia displayed in public places without permission as evidence of unauthorised display of commercial bills and posters which is a contravention of section 104A of the *Public Health and Municipal Services Ordinance* (Cap 132) (PHMSO). Given that Members held different views on extending the New Approach to all districts, the FEHD has decided to withhold full implementation of the proposal and extend it only upon the request of District Councils (DCs) having regard to the actual circumstances in different districts.

3. Legal advice has confirmed the legality of the New Approach. Upon individual DCs' request, we have implemented the New Approach in nine districts, namely Wanchai, Yau Tsim Mong, Kowloon City, Tsuen Wan, Kwun Tong, Central & Western, Southern, Yuen Long and Shum Shui Po. Apart from taking enforcement action under section 104A of the PHMSO and seizing EMFs and similar paraphernalia as evidence, FEHD staff also take enforcement action against promotional booths for causing obstruction in public places under section 4A of the *Summary Offences Ordinance* (Cap 228) (SOO).

4. With the full support of the DCs and strengthened publicity and warnings, enforcement actions have been carried out smoothly. From October 2008 to October 2010, the FEHD issued 137 and 4 224 summonses under section 104A of the PHMSO and section 4A of the SOO respectively, and removed 36 127 EMFs.

5. During the aforesaid period, the FEHD had not received any complaints from commercial entities criticising the New Approach for affecting the business environment and the livelihood of promoters. The situation in the districts concerned has generally improved. However, to evade the FEHD's prosecution, some promoters have changed their mode of operation by holding placards or wearing placards on their bodies. According to legal advice, persons carrying out such activities could not be prosecuted. Nonetheless, the FEHD will sustain its effort and step up enforcement action whenever resources permit. Should other DCs request to implement the New Approach in their respective districts, the FEHD will continue to respond positively.

6. Various Police districts have been assisting the FEHD in implementing the New Approach, and taking appropriate enforcement actions to remove the unauthorised display of EMF, bills and posters having regard to the prevailing situation in their districts. The Police have not set up any task group at the policy level on this issue.

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