

本函檔號 Our Ref.: \_\_\_\_\_

\*地方選區／功能界別名稱 Name of \*GC/FC: \_\_\_\_\_

致 To: \_\_\_\_\_

指定展示位置名單編號 List No. of Designated Spots: \_\_\_\_\_

**批准／授權展示選舉廣告**

**Permission/Authorisation for Display of Election Advertisements**

現通知\*你／你們，\* 地政總署／食物環境衛生署／康樂及文化事務署／房屋署或其他有關部門（以適用者為準）已根據有關係例的規定，就 2016 年 9 月 4 日舉行的立法會換屆選舉，批准\*你／你們可以在列於 \_\_\_\_\_ \*地方選區／功能界別第 \_\_\_\_\_ 號名單上的指定展示位置（請參閱附件 I），展示\*你／你們的選舉廣告，惟\*你／你們必須遵守及服從附件 II 的條件。請盡快填妥並交回下列的「候選人承諾書」。

I hereby notify you that, permissions or authorisations have been given by the \*Lands Department/Food and Environmental Hygiene Department/Leisure and Cultural Services Department/Housing Department or other relevant departments (whichever is applicable) under the relevant legislation for you to display election advertisements at the designated spots specified under List no. \_\_\_\_\_ for the \_\_\_\_\_ \*GC/FC (Please see Annex I) in connection with the Legislative Council General Election to be held on 4 September 2016, subject to the observance and compliance of the conditions set out in Annex II. Please complete and return the “Undertaking by Candidate” attached below as soon as possible.

\_\_\_\_\_ \*地方選區／功能界別選舉主任  
Returning Officer, \_\_\_\_\_ \*GC/FC

2016 年 8 月 2 日

2 August 2016

\* 請刪去不適用者。

\* Please delete where inappropriate.

來函檔號 Your Ref.: \_\_\_\_\_

\*地方選區／功能界別名稱 Name of \*GC/FC: \_\_\_\_\_

指定展示位置名單編號 List No. of Designated Spots: \_\_\_\_\_

致 \_\_\_\_\_ \*地方選區／功能界別選舉主任

To: Returning Officer, \_\_\_\_\_ \*GC/FC

**候選人承諾書**

**Undertaking by Candidate for Display of Election Advertisements**

\*我／我們已閱讀及明白附件 II 有關展示選舉廣告的條件，並承諾完全遵守及服從該等條件。

\*I/We have read and understood all the conditions for the display of election advertisements in Annex II and undertake to fully observe and comply with them.

簽署 Signature: \_\_\_\_\_

候選人／候選人名單上任何一位候選人／選舉代理人姓名: \_\_\_\_\_

Name of Candidate/One of the Candidates on a Candidate List/Election Agent \_\_\_\_\_

\*地方選區／功能界別名稱 Name of \*GC/FC: \_\_\_\_\_

日期 Date: \_\_\_\_\_

\* 請刪去不適用者。

\* Please delete where inappropriate.

註：此承諾書只可由候選人／候選人名單上任何一位候選人／選舉代理人簽署。

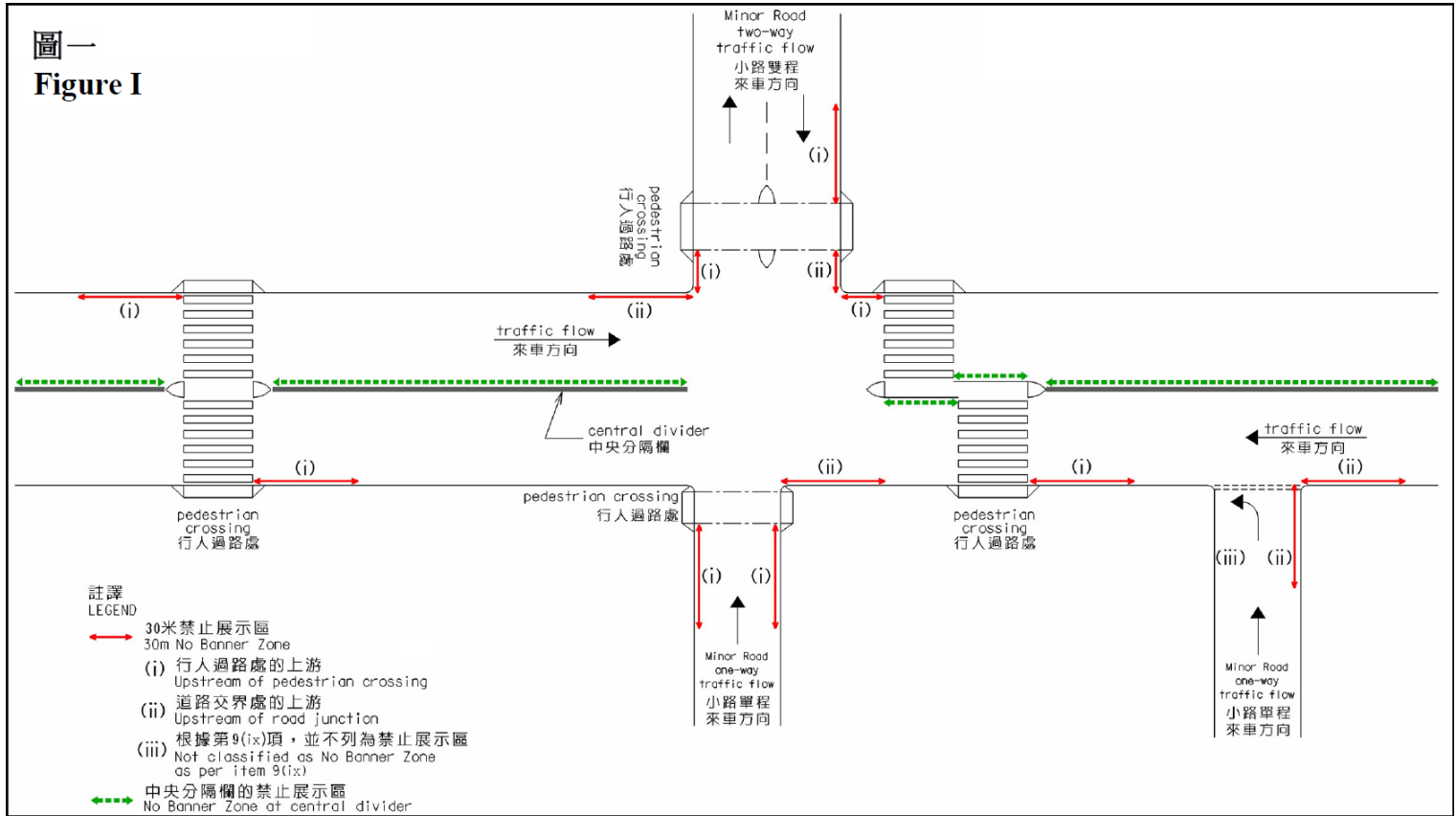
Note: This undertaking should only be signed by Candidate/One of the candidates on a Candidate List/Election Agent.

在指定展示位置展示選舉廣告所須遵守的條件

- (1) 《選舉管理委員會（選舉程序）（立法會）規例》（第 541D 章）第 7 部的規定及選舉管理委員會在立法會選舉活動指引的第八章『選舉廣告』所列的指引，必須予以遵從。
- (2) 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／候選人名單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／候選人名單不得在欄杆及圍欄或其附近展示易拉架及直旗。
- (3) 候選人／候選人名單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。
- (4) 選舉廣告上不得載有商業廣告。
- (5) 選舉廣告必須穩固和分別地裝設妥當：
  - (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），以便日後較易除下；
  - (iii) 切勿在塗有油漆或光漆的表面貼上海報，因為日後拆除海報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) 切勿將樹木或植物作為支撐選舉廣告。
- (6) 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總工程師滿意的程度，費用概由候選人／候選人名單承擔。
- (7) 不得在任何搭建物上裝設電子揚聲器或擴音器。
- (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／候選人名單自費移走，並達至路政署總工程師滿意的程度。倘若選舉廣告阻礙行人的流動、對車輛交通造成阻塞、任何緊急維修工程開展或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／候選人名單。
- (9) 指定展示位置不會於下列搭建物／地點。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) 康樂文化事務署管轄的樹木、植物、指示牌或花槽。

關於(vii)-(ix)的說明圖則，載於圖一。



- (10) 候選人／候選人名單均須在其選舉廣告內列明其競逐議席的地方選區／功能界別名稱。
- (11) 若候選人／候選人名單與其他候選人／候選人名單張貼聯合選舉廣告，有關候選人／候選人名單須在該廣告內列明其各自所屬的地方選區／功能界別名稱，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／候選人名單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／候選人名單獲編配的指定展示位置的面積總和，亦不得超過本文第(2)段訂明的尺寸限制。
- (12) 選舉廣告，綁帶、索帶及膠紙必須在選舉後十天內，即 **2016年9月14日或之前** 予以拆除，否則候選人／候選人名單可能會受到起訴，而食物環境衛生署、康樂及文化事務署、房屋署或地政總署（以下簡稱「上述機構」）亦可能會將該等廣告拆除及扣押，並向候選人／候選人名單追討一切清理費用，該筆費用將被視作選舉開支。
- (13) 任何一間上述機構均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／候選人名單未有遵守或服從所訂明的任何一項條件。至於會否發出撤銷及撤回批准的通知或勒令拆除廣告的通知，則全由上述機構決定。有關情況如下：

- (i) 若候選人／候選人名單接獲通知，便須立即拆除一切有關的選舉廣告(費用自付)，直至上述機構認為滿意為止，否則任何一間上述機構均可能會拆除或扣押該等廣告，並可能向候選人／候選人名單提出起訴。此外，有關機構亦會向候選人／候選人名單追討一切清理費用，這筆費用將被視作選舉開支；或
  - (ii) 若候選人／候選人名單沒有接獲通知，則表示任何一間上述機構會自行拆除該等廣告及予以扣押，並可能向候選人／候選人名單提出起訴。此外，有關機構亦會向候選人／候選人名單追討一切清理費用，這筆費用將被視作選舉開支。
- (14) 任何一間上述機構所拆除及扣押的選舉廣告，可被留作物證或依上述機構的法例程序處置或應申請歸還。
- (15) 候選人／候選人名單須對選舉廣告及其內容承擔一切責任，並須同意就上述機構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，永久負責彌償香港特別行政區政府及/或其任何人員的損失。
- (16) 這項許可及批准乃給予個別候選人／候選人名單。已獲分配的展示位置不得轉讓予他人。
- (17) 所批准的位置不能作交換其他位置之用。
- (18) 如不欲使用所被分配的一個或多個展示位置，候選人／候選人名單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，可在同一選區的其他候選人／候選人名單要求下，以協議或抽籤形式將這些展示位置重新編配給同一選區的所有其他合資格獲編配指定展示位置的候選人／候選人名單。

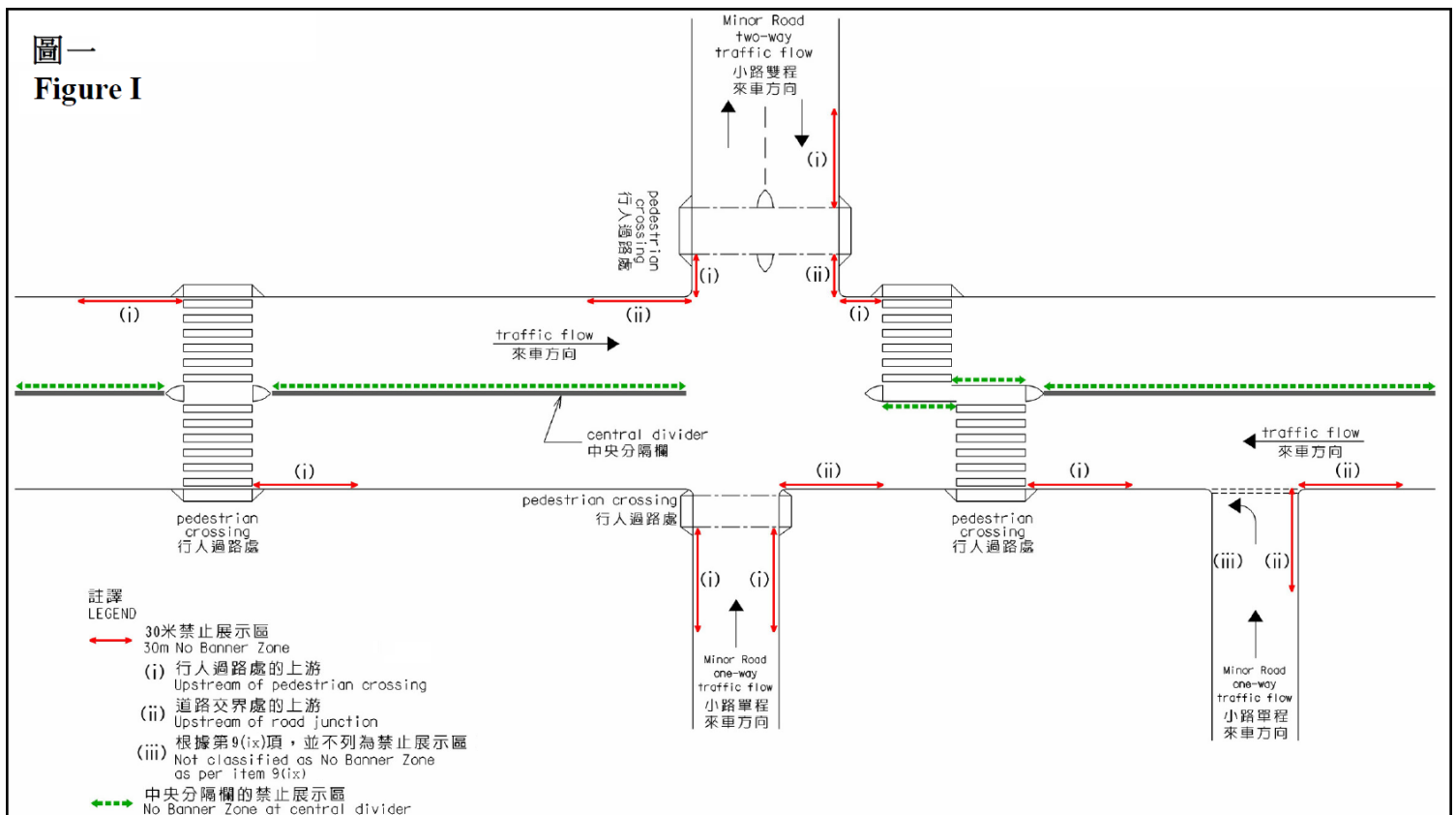
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**Conditions for Display of Election Advertisements at Designated Spots**

- (1) Candidates/Lists of candidates shall abide by Part 7 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and Chapter 8 “Election Advertisements” of the Electoral Affairs Commission’s Guidelines on Election-related Activities in respect of Legislative Council Election.
- (2) 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/lists of candidates should ensure that the election advertisements must not distract motorists or interfere with the sight lines 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. Candidates/Lists of candidates should not display any roll-up banners and flags/vertical flying posters at or near railings and fences.
- (3) Candidates/Lists of 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.
- (4) No commercial advertising shall be allowed on the election advertisements.
- (5) Election advertisements shall be firmly and separately fastened: -
  - (i) permanent fixing devices, such as nails or insoluble glue, should not be used;
  - (ii) use “tie-on” posters (rather than “stick-on” posters or fixed by metallic wires) to facilitate subsequent removal;
  - (iii) do not stick posters on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks;
  - (iv) do not excavate on public pavements; and
  - (v) do not use tree or plant as anchor point.
- (6) Measures shall be taken to prevent damage to any highway structure, railing, barrier, fence, post or any other street furniture on 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’/lists of candidates’ cost to the satisfaction of the Chief Engineer of the Highways Department.
- (7) Candidates/Lists of candidates shall at their own expense and to the satisfaction of the Chief Engineer 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 any prior notice to the candidates/lists of candidates if they obstruct pedestrians or vehicular traffic, the carrying out of any emergency repair works or may be affected by such works.
- (8) No electronic speakers or amplifiers shall be affixed to any structure.

- (9) 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 illustration for items (vii)-(ix) is at Figure I.



- (10) Election advertisements of all candidates/lists of candidates must bear the name of the geographical/functional constituency for which the candidates/lists of candidates concerned is standing.

- (11) In respect of joint election advertisements, the name of the geographical constituency/functional constituency should be stated clearly in relation to each of the candidate/list of candidates advertised. 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/lists of 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/lists of candidates and the size restrictions specified in para.(2) above.
- (12) The election advertisements, fasteners, cable ties and stickers shall be removed within 10 days after the election day, i.e. **by 14 September 2016**. Failure to do so may result in prosecution being brought against the candidates/lists of candidates concerned and such advertisements being removed and seized by 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”). The cost of removal will also be recovered from the candidates/lists of candidates and will be construed as election expenses.
- (13) The authorisations 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/lists of candidates fail to observe or comply with any of the conditions contained herein. Whether notice of revocation and withdrawal and whether notice of requirement of removal will be given to a candidate/list of candidates is at the absolute discretion of the said authorities. In such a case,
- (i) if a candidate/list of candidates is given notice, he/she shall immediately remove 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/list of candidates. The cost of removal will also be recovered from the candidate/list of candidates and will be construed as election expenses; or
  - (ii) if a candidate/list of candidates is not given notice, such advertisements will be removed and seized by any of the said authorities and prosecution may be brought against the candidate/list of candidates. The cost of removal will also be recovered from the candidate/list of candidates and will be construed as election expenses.
- (14) Where election advertisements are removed and seized by any one of the said authorities, they will be kept as evidence or disposed of or returned upon application, in accordance with the relevant law.
- (15) Candidates/Lists of 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.
- (16) These authorisations and permissions are given to the candidate/list of candidates personally. The display locations allocated to the candidate/list of candidates are not transferable.
- (17) The spots authorised to the candidate/list of candidates for display are not exchangeable for any other spot.
- (18) If a candidate/list of candidates no longer wishes to use one or more designated spots allocated to him/her, the candidate/list of candidates should inform the Returning Officer in writing within one week after the allocation of those spots. Upon request by any other candidate/list of candidates of the same constituency, 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/lists of candidates who are eligible to be allocated with designated spots of the same constituency.

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