

CHAPTER 12

USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART I : GENERAL

12.1 The law relevant to this chapter can be found in the Public Order Ordinance (Cap 245), the Summary Offences Ordinance (Cap 228), the Noise Control Ordinance (Cap 400) and the Road Traffic Ordinance (Cap 374).

12.2 Candidates are reminded that some members of the public find the sound or noise emitted by loudspeakers annoying and intrusive. When using loudspeakers, candidates should particularly bear in mind possible annoyance caused to people in hospitals, homes for the elderly, kindergartens, nurseries, schools and dwelling houses. Electors' choice of candidate in casting their votes may be affected as a result of any noise nuisance caused by candidates or their followers.

PART II : USE OF LOUDSPEAKERS AND VEHICLES

12.3 With effect from July 1995, the Commissioner of Police ceases issuing loudspeaker permits under s 4(29) of the Summary Offences Ordinance. Candidates are therefore **NOT** required to submit any application for a permit. However, this does not exempt candidates from complying with the requirements of the law and the conditions imposed by the Commissioner of Police when any amplification device is used in an election meeting or

procession. An amplification device includes a loudspeaker and any device which can emit or amplify sound. [Please refer to Chapter 10 : Election Meetings for details].

12.4 Although no permit is now required, any person using a loudspeaker should ensure that the noise emitted through the loudspeaker does not cause a nuisance to any other person. Under s 5(1)(b) of the Noise Control Ordinance, making a nuisance by using a loudspeaker, megaphone, or other device or instrument for magnifying sound from which the noise emitted is a source of annoyance either at any domestic premises or public place at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. In order to reduce the nuisance caused to members of the public, candidates are required **NOT** to use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate/GC list has breached the time restriction, it may make a **reprimand** or **censure** against the candidate(s)/GC list. Candidates should note that some members of the public may find the noise emitted from loudspeaker on vehicles disturbing. They should therefore seriously consider the public's tolerance over the noise level and try to keep the noise volume at a reasonable level. *[Amended in October 2007 and July 2008]*

12.5 Should any complaint be received by the Police concerning the volume of the loudspeaker, the volume of sound should be reduced on the instructions of any police officer. If verbal warning or instruction by the police officer is ignored, prosecution may be instituted.

12.6 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations of the Road Traffic Ordinance. Drivers of such vehicles are obliged to obey all directions given by uniformed police officers and traffic wardens. Additionally, drivers of all vehicles must comply strictly with all the stopping and parking regulations of the Ordinance.

Deliberate slow driving may constitute “careless driving” as it could be deemed as driving “without reasonable consideration for other persons using the road”.

12.7 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations of the Road Traffic Ordinance, ie not to interfere with the working or safety of the vehicle. For display of advertisements including EAs on public light bus, owners/operators of public light bus should obtain prior written approval from the Transport Department (“TD”) and ensure the display of EAs be in compliance with the conditions as stipulated by TD in the approval letter, including in particular the following conditions:

- (a) no EAs should be displayed on the windows (in particular the front/rear windscreens or in any position that can obstruct the sight-line of the driver), at the areas above the windows and at the exterior roof panel;
- (b) no illumination should be used for the EAs; and
- (c) no EAs should obstruct any statutory label/markings required to be shown on the vehicle body.

According to the TD’s performance pledge, it normally takes no more than 7 working days to process an application for display of an EA on public light buses and taxis.

[Amended in October 2007 and July 2008]

12.8 Candidates and their supporters are reminded that they should observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations and Road Traffic (Traffic Control) Regulations under the Road Traffic Ordinance, including those relating to seating requirement, the wearing of seat belts and the permission to carry passengers in a vehicle. Standing up in

moving vehicles would be **illegal** for both the drivers and standees except on trams, single-decked public service buses and the lower deck of double-decked buses. Passengers can also stand up on a vehicle used as a float if approved by the Commissioner for Transport. Candidates should apply to the Licensing Office of the TD for exemption of the vehicles from carriage of standing passengers. *[Amended in October 2007]*

12.9 Any vehicle modified to a float configuration for display or canvassing purposes must be approved by the Commissioner for Transport. Application procedures for approval of float design are included at **Appendix L**.

12.10 Candidates should also note that the use of loudspeakers will not be permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity where the sound emitted can be heard within the NCZ. [See also Chapter 14 : Prohibition Against Canvassing Activities outside Polling Stations.]

PART III : SANCTION

12.11 If the EAC comes to know that any candidate is in breach of the guidelines in this chapter, apart from notifying the relevant authorities for actions to be taken, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate concerned. The censure may be in addition to the criminal liability for offences inside the NCZ, punishable with the maximum penalties of \$5,000 fine and imprisonment for 3 months [s 45 of the EAC (EP) (LC) Reg]. Candidates should also remind their supporters to observe these guidelines when they are campaigning on behalf of the candidates. *[Amended in October 2007 and July 2008]*