

CHAPTER 13

USE OF SOUND AMPLIFYING DEVICES AND VEHICLES

PART I : GENERAL

13.1 This chapter outlines the legal provisions that candidates must observe when using sound amplifying devices and vehicles for electioneering activities, including the POO, SOO, Noise Control Ordinance (Cap. 400) (“NCO”), Road Traffic Ordinance (Cap. 374) (“RTO”), and guidelines issued by the EAC.

13.2 Candidates are reminded that some members of the public may find the sound emitted by sound amplifying devices annoying and intrusive. When using sound amplifying devices, candidates should particularly bear in mind possible annoyance caused to people in hospitals, homes for the elderly, kindergartens, nurseries, schools, and domestic premises.

13.3 The use of sound amplifying devices is not 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. Candidates should also arrange the removal of EAs on the windows or bodywork of any public service vehicles if those vehicles will pass through or be parked within the NCZ on the polling day, so as to avoid violation of the regulations prohibiting canvassing in the NCZ (see Chapter 15).

PART II : USE OF SOUND AMPLIFYING DEVICES FOR ELECTIONEERING ACTIVITIES

13.4 Under current legislation, candidates are **not required** to apply to the Commissioner of Police for a permit to use sound amplifying devices. However, the NCO stipulates that it is an offence for any person at any time of the day to use a sound amplifying device or other sound magnifying instrument to emit nuisance noise in either domestic premises or public places.

13.5 Candidates using sound amplifying devices for electioneering activities should comply with the following statutory requirements and guidelines to reduce the nuisance caused to the public:

- (a) sound amplifying devices must not be used within the NCZ, and the sound emitted must not be audible within the NCZ;
- (b) sound amplifying devices **must not** be used for electioneering activities **between 9 pm and 9 am the following day**;
- (c) candidates using sound amplifying devices should, as far as practicable, stay away from areas equipped with auditory aids, such as pedestrian crossings and escalators, to prevent interference with the safety of visually impaired persons; and
- (d) when using sound amplifying devices near hospitals, homes for the elderly, kindergartens, nurseries, schools, or domestic premises,

candidates should try their best to keep the volume down to reduce the nuisance caused to nearby persons.

13.6 Should any complaint be received by HKPF concerning the volume of sound amplifying devices, the volume of sound must be reduced on the instructions of any police officer. Prosecution may be instituted if the instruction by the police officer is ignored.

PART III : USE OF VEHICLES FOR ELECTIONEERING ACTIVITIES

13.7 All vehicles used for electioneering activities must comply with the regulations of the RTO. Candidates and their supporters must also observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F), Road Traffic (Traffic Control) Regulations (Cap. 374G), and Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), including those relating to seating requirement, wearing of seat belts and permission to carry passengers in a vehicle. Standing in moving vehicles is illegal except on trams, single-decked buses, and the lower deck of double-decked buses. Additionally, drivers of all vehicles must strictly comply with all the stopping and parking regulations of the RTO. Deliberate slow driving may constitute “careless driving” offence.

13.8 For display of EAs on public light buses and taxis, their owners/operators must obtain prior written approval from the Transport

Department (“TD”) and comply with the conditions as stipulated in the approval letter, including in particular the following conditions:

(a) (i) for taxi, no EA shall be displayed on all windows;

(ii) for public light bus, no EA shall be displayed:

(1) on all windows except on the interior surface of:

- the window on the left of the first row of single-seat;
and
- the window on the right of the second row of double-seat,

EAs displayed on each of the above-said windows shall not exceed a total size of 210 mm by 297 mm (equivalent to A4 size);

(2) at areas between the windows and the exterior roof panel;
and

(3) on the exterior roof panel (except sticker-type EAs);

(b) no luminous or reflective material shall be used for EAs; and

- (c) no EA shall obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the legislation.

13.9 Currently, the TD has issued general approval to all franchised bus companies for displaying advertisements on the bodies and windows of buses subject to conditions imposed by the TD. Nevertheless, there are no special guidelines on the display of EAs on buses. Non-franchised bus companies should obtain approval from TD before advertising on the bodies and windows of buses. Both franchised and non-franchised bus companies should comply with the conditions set out in the TD approval letters.

13.10 For other modes of public transport, candidates should check with the operators concerned on their procedures for displaying advertisements and the conditions that must comply with.

NOTE :

As the definition of “publish” in the context of publication of EAs includes “continue to publish”, if any person who has been nominated as a candidate or has publicly declared the intention to stand for election continues to display materials previously published (e.g. EAs displayed on public light buses or taxis during the previous election), such publicity materials may be regarded as EAs, and related expenses may be counted as election expenses. Candidates must comply with the relevant regulations (see Chapters 9 and 17 for details). For the

sake of prudence, before being nominated as a candidate or publicly declared an intention to run for the election, the person concerned should remove the publicity materials previously published.

13.11 Any vehicle modified into a float configuration for display or electioneering purposes must be approved in advance by the Commissioner for Transport, and a movement permit for a vehicle must be obtained. Application procedures for approval of float design are included in **Appendix 14**. If passengers wish to stand on a vehicle used as a float, the vehicle's registered owner must submit an application to the TD's Licensing Office for exemption.

13.12 Candidates should arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) if those vehicles will pass through or be parked within the NCZ on the polling day. Otherwise, the vehicles will not be allowed to enter the NCZ on the polling day (see Chapter 15).

PART IV : SANCTION

13.13 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 public statement, and publish the name of the candidate concerned. Additionally, canvassing activities conducted unlawfully within the NCZ may result in a fine at level 2 (\$5,000) and imprisonment for 3 months upon conviction. Candidates should

remind their supporters to observe these guidelines when they are campaigning on their behalf. [S 45(7)(b) of the EAC (EP) (LC) Reg]