

CHAPTER 11

USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART I : GENERAL

11.1 The legal provision relevant to this chapter can be found in the POO, the SOO, the Noise Control Ordinance (Cap. 400) (“NCO”) and the Road Traffic Ordinance (Cap. 374) (“RTO”).

11.2 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, residential care homes, schools or dwelling houses, and likely inconvenience caused to the daily travel of persons with visual impairment. Electors’ voting preference may be affected as a result of any noise nuisance caused by candidates or their supporters.

11.3 The use of loudspeakers is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity from 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. Otherwise, the vehicles on which EAs are displayed will not be allowed to enter the NCZ on the polling day (please also see Chapter 13).

PART II : USE OF LOUDSPEAKERS AND VEHICLES

11.4 With effect from July 1995, the Commissioner of Police ceases

issuing loudspeaker permits under s 4(29) of the SOO. 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 relevant law 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 9).

11.5 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 NCO, 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 in either domestic premises or public places at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. Candidates should be mindful that some people working shift hours need to take rest during the daytime and the noise generated from the use of loudspeakers for electioneering activities may affect their daily life. In order to reduce the nuisance caused to members of the public, candidates **must not** use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate has breached the time restriction, it may make a reprimand or censure against the candidate. Candidates should note that some members of the public may find the noise emitted from loudspeakers on vehicles disturbing. They should therefore seriously take into account the public's tolerance over the sound level and try to keep the volume at a reasonable level.

11.6 Visually impaired persons rely upon sound to perceive their surroundings, hence the need of audible signaling facilities for their daily travel. Candidates and their supporters should take such needs into account and, when using loudspeakers, stay away from locations with audible signaling devices, such as pedestrian crossings and escalators, as much as possible so as not to cause interference with the audible signals generated by barrier-free facilities

and undermine the travel safety of the visually impaired.

11.7 Should any complaint be received by the Police concerning the volume of loudspeakers, the loudspeaker volume must be reduced according to the instructions of police officers. Persons disregarding the police verbal warning or instruction may be prosecuted.

11.8 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations under the RTO. Drivers of such vehicles are obliged to obey all directions given by uniformed police officers and traffic wardens. In addition, drivers of all vehicles must comply strictly with all the stopping and parking regulations of the RTO. Deliberate slow driving may constitute “careless driving” as it could be deemed as driving “without reasonable consideration for other persons using the road”.

11.9 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) under the RTO, and should not affect the safe operation of the vehicle. For the display of EAs on public light buses and taxis, their owners/operators shall obtain prior written approval from the Transport Department (“TD”) and ensure that the display of EAs is in compliance with the conditions as stipulated by the TD in an approval letter, including in particular the following conditions:

- (a) (i) for taxis, no EA may be displayed on any windows;
- (ii) for public light buses, no EA may be displayed:
 - (1) on windows except on the interior surface of:
 - the window on the left of the first row of the single-seaters; and

- the window on the right of the second row of the double-seaters,

EAs to be displayed on each of the abovesaid windows shall not exceed a total size measuring 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 reflecting material may be used for EAs; and
- (c) no EA may 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 RTO and its subsidiary legislation.

According to the TD's performance pledge which is applicable to only public light buses and taxis, it normally takes no more than 7 working days to process an application for the display of an advertisement on a public light bus or taxi. The TD has issued general approval to all franchised bus companies for advertising on the bodies and windows of buses subject to conditions imposed by the TD. The bus companies should comply with the conditions set out in the TD approval letters when they handle all kinds of advertisements. In this connection, there are no special guidelines on the display of EAs on buses. For those non-franchised buses with approval from the TD for displaying advertisements on the bodies and windows of buses, they are subject to the conditions imposed by the TD. The non-franchised bus operators should comply with the conditions set out in the TD approval letters when they handle

all kinds of advertisements. For the other modes of public transport, the operators concerned have their internal rules to govern the display of advertisements. In this regard, candidates should check with the operators for the relevant procedures and comply with the conditions imposed.

IMPORTANT :

The definition of “publish” in the context of publication of EAs includes “continue to publish”. If any person who intends to stand as a candidate at an election continues to display publicity materials previously published (e.g. EAs displayed on public light buses or taxis during the previous election) in the Rural Area concerned, in particular posters or banners bearing his/her name or photograph with the intent to promote his/her election at the current election in public places or common areas in buildings, after he/she has been nominated as a candidate or has publicly declared the intention to stand for election, such publicity materials may be regarded as EAs. For the sake of prudence, that person should remove the publicity materials previously published before he/she is nominated as a candidate or has publicly declared an intention to run for the election.

11.10 Candidates and their supporters shall observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F) and the Road Traffic (Traffic Control) Regulations (Cap. 374G) under the RTO, including those relating to seating, wearing of seat belts and permission to carry passengers in a vehicle. Standing up in moving vehicles is **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. The registered owner of the vehicle concerned should apply to the Licensing Office

of the TD for the exemption of the vehicles from carriage of standing passengers.

11.11 Any vehicle modified to a float configuration for display or canvassing purposes must be approved beforehand by the Commissioner for Transport and a movement permit for a vehicle must be obtained. Application procedures for approval of float design are included at **Appendix 12**.

11.12 Candidates should also note that the use of loudspeakers is not permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity from where the sound emitted can be heard within the NCZ [s 35(2) of the EP (RRE) Reg]. Candidates should also 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 on which EAs are displayed will not be allowed to enter the NCZ on the polling day (see also Chapter 13).

PART III : SANCTION

11.13 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 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. The candidate concerned may be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 35 and 89(1) of the EP (RRE) Reg]. Candidates should also remind their supporters to observe these guidelines when they are campaigning on behalf of the candidates.