CHAPTER 11

USE OF SOUND AMPLIFYING DEVICES AND VEHICLES

PART I : GENERAL

11.1 This chapter outlines the legal provisions that candidates must observe when using sound amplifying devices and vehicles for electioneering activities, including the POO, the Noise Control Ordinance (Cap. 400) and the Road Traffic Ordinance (Cap. 374), etc., as well as the relevant guidelines issued by the EAC.

11.2 Candidates are reminded that some members of the public may find the sound emitted by sound amplifying devices annoying and intrusive. Therefore, 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, domestic premises, etc. Furthermore, 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. [S 35(2) of the EP (RRE) Reg]

11.3 Regarding the use of vehicles for electioneering activities, candidates must note that if any public service vehicles will pass through or be parked within the NCZ on the polling day, they should arrange the removal of EAs on the windows or bodywork of the vehicles concerned so as to avoid violation of the statutory requirements prohibiting canvassing in the NCZ (see Chapter 13).

PART II : USE OF SOUND AMPLIFYING DEVICES FOR ELECTIONEERING ACTIVITIES

11.4 Under the subsisting law, candidates are **not required** to apply to the Commissioner of Police for a permit to use sound amplifying devices. However, the Noise Control Ordinance stipulates that it is an offence for any person at any time of the day to use sound amplifying devices or other sound magnifying instruments to emit noise that causes annoyance in either domestic premises or public places.

11.5 Candidates using sound amplifying devices for electioneering activities should comply with the following statutory requirements/guidelines to reduce the nuisance caused to members of the public:

(a) sound amplifying devices **must not** be used for electioneering activities **between 9 pm and 9 am of the following day**;

(b) if using sound amplifying devices near hospitals, homes for the elderly, kindergartens, nurseries, schools, domestic premises, etc., candidates should as far as possible, keep the volume down to reduce the nuisance caused to nearby persons;

(c) candidates should, as far as possible, stay away from areas equipped with audible signaling facilities, such as pedestrian crossings, escalators, etc., to prevent interference with the safety of visually impaired persons; and

(d) sound amplifying devices must not be used within the NCZ, and if they are used outside the NCZ, the sound emitted must not be audible within the NCZ.

11.6 Should any complaint be received by the HKPF concerning the volume of sound amplifying devices, it will, depending on the circumstances, issue verbal warning or give appropriate instructions. The user must reduce the volume of sound amplifying devices on the instructions of police officers, or he may be prosecuted.

PART III : USE OF VEHICLES FOR ELECTIONEERING ACTIVITIES

11.7 All vehicles used for electioneering activities must comply with the requirements of the Road Traffic Ordinance. Candidates and their supporters must also observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap. 374F), the Road Traffic (Traffic Control) Regulations (Cap. 374G), and the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), including those relating to seating requirement, use of seat belts and carriage of passengers, etc. Standing in moving vehicles is illegal except on trams, single-decked buses, and the lower deck of double-decked buses. If passengers wish to stand on a vehicle used as a float, the registered owner of the vehicle must submit an application to the Licensing Office of the Transport Department ("TD") for exemption. Additionally, drivers of all vehicles must strictly comply with all the stopping and parking requirements of the Road Traffic Ordinance. Deliberate slow driving may constitute the offence of "careless driving". [Ss 53(2), 53A and 61 of the Road Traffic (Traffic Control) Regulations]

11.8 For display of EAs on public light buses and taxis, their owners/operators (with owners' permission) must obtain prior written approval from the TD and comply with the conditions as stipulated in the approval letter, particularly note the following conditions:

(a) (i) for taxis, no EAs shall be displayed on windows;

(ii) for public light buses, no EAs 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,

EA(s) displayed on each of the above-mentioned 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/reflective material shall be used for EAs; and

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

11.9 The TD has issued general approval to all franchised bus companies for displaying advertisements on the bodywork and windows of buses subject to conditions stipulated by the TD. Nevertheless, there are no specific guidelines regulating the display of EAs on buses. For display of advertisements on the bodywork and windows of non-franchised buses, their owners/operators (with owners' permission) must obtain prior written approval from the TD. Both

franchised and non-franchised bus companies should comply with the conditions set out in the TD's approval letters when displaying advertisements on their buses.

11.10 For other public transports, candidates should check with the operators concerned on their procedures for displaying advertisements and the conditions that must be complied 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 publicity materials previously published (e.g. EAs displayed on public light buses at the previous election), such publicity materials may be regarded as EAs, and the relevant expenses will be counted as election expenses. Candidates must comply with the relevant requirements (see Chapters 7 and 15). For prudence's sake, the person concerned should remove the publicity materials previously published before being nominated as a candidate or has publicly declared the intention to stand for election.

11.11 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 10**. [S 53A of the Road Traffic (Traffic Control) Regulations]

11.12 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, those vehicles will not be allowed to enter the NCZ on the polling day (see Chapter 13).

PART IV : 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 taking actions, it may make a **reprimand** or **censure** in a public statement and publish his name. Additionally, it is an offence to conduct canvassing activities unlawfully within the NCZ and is liable to a fine at level 2 ($5,000) and to imprisonment for 3 months upon conviction. Candidates should remind their supporters to observe the above-mentioned guidelines when conducting electioneering activities for the candidates. [Ss 35 and 89(1) of the EP (RRE) Reg]