

ADVISORY COUNCIL ON THE ENVIRONMENT
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(ACE 30/94)
For Advice

Control of Vehicle Burglar Alarms

INTRODUCTION

This paper seeks Members' endorsement in principle to amend the Noise Control Ordinance (NCO) (Cap. 400) for the provision of control on noise from vehicle burglar alarms.

BACKGROUND

2. Vehicle burglar alarms are installed in vehicles for the obvious reason of preventing burglary of the vehicles and the valuables inside. However, the continuous and repeated sounding of false alarms, sometimes lasting for hours, has caused considerable disturbance to nearby residents, particularly in the late night hours. The false activation of alarms is due largely to the poor quality, improper installation or incorrect sensitivity setting of the alarms. The extent of the problem is reflected in the number of complaints received by the Police. The average monthly complaints received by the Police in 1993 is 50.

3. As there is no legislation at present for controlling noise from vehicle burglar alarms, little can be done except for the Police to attempt to contact the registered car owners and advise to attend to the problem.

THE PROPOSED CONTROLS

4. It is therefore proposed to amend the NCO to impose liability upon the registered owner of any vehicle, to ensure that any vehicle burglar alarm installed:-

- (a) shall not sound unless the vehicle is being tampered with;
- (b) having been activated, shall cease sounding no later than 5 minutes thereafter; and
- (c) in a vehicle first registered after a certain date (to be fixed after further consultation with the motor trade and alarm manufacturers), having been activated, shall not re-arm itself (automatically) and must be reset manually.

5. It will be an offence if the registered owner fails to comply with above requirements, and the proposed penalty is a maximum fine of \$10,000 in line with that for the neighbourhood noise provisions under Sections 4 & 5 of the NCO.

6. The first part of the proposal tackles, specifically, the "oversensitive" systems which are prone to give false alarms. For example, if the system is so sensitive that the alarm is activated by the slightest vibration induced by a passing vehicle or overflying aircraft, the owner would contravene the law. It is important to note that the sensors are intended only to detect any attempt to tamper with or enter the vehicle and not slight vibrations affecting it. If this over-sensitivity is controlled, the chance of having false alarms will be much reduced.

7. The second part of the proposal places an absolute limit on the period for which an alarm may sound, sufficiently long enough for the Police to attend to the vehicle in question.

8. The third part of the proposal is to further reduce the probability of the alarm system creating an unacceptable disturbance to nearby residents through second and subsequent activations. Although the audible feature of the system will need to be restored manually, this will have no effect, whatsoever, on other security features such as immobilizers and flashing lights. The proposal has the support of the Police.

9. The major reasons for not extending the third control to all vehicle alarm systems are that all existing alarms would need to be modified or replaced (whilst most of them are not causing any problems) and a much longer lead time would be required for implementation (i.e. for the design of new systems and modification of existing ones to incorporate the manual resetting feature).

10. Consideration has also been given to empower the Police to abate the noise if an alarm sounds for more than 5 minutes by towing away the vehicle in question. However, the Police do not consider this to be a practical proposal for tackling the problem.

IMPLEMENTATION

11. It is planned to introduce the relevant amendment bill into the Legislative Council by the end of this year. In order to allow sufficient time for the public to comply with the requirements in para.4 (a) and (b) above, the actual operational date of the legislation should be 3 months after its enactment. As a longer lead time would be required for the design, manufacture and supply of new alarm systems in order to comply with the mandatory manual reset requirement in para. 4 (c) above, the operational date will have to be fixed after further consultation with the industry.

FINANCIAL IMPLICATIONS

12. The proposed controls will have no major financial implications for the owners of the vehicle burglar alarms. Only those vehicle alarms suspected to be causing noise problems are required to be checked and modified if necessary. In fact, most will simply require the adjustment of the sensitivity level of the alarm system. Although manual reset is not a standard feature of vehicle alarm systems, it is not expected that incorporating such a feature would significantly increase the price of new systems.

PUBLIC CONSULTATION

13. The Accident Insurance Association of Hong Kong and the Motor Traders Association and several major importers/agents of vehicle burglar alarm systems have been consulted. All have indicated their general support for the proposal. However, some of the vehicle and alarm agents/manufacturers have expressed reservations on the need to incorporate the manual reset requirement in the alarm system. Further consultation will be conducted with a view to fixing an implementation date.

PUBLIC REACTION

14. The public should generally welcome the proposed controls.

ADVICE SOUGHT

15. Members are requested to consider and advise whether the above control proposals should be developed for implementation.