

A BILL

To

Amend the Noise Control Ordinance.

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. Short title and commencement

(1) This Ordinance may be cited as the Noise Control (Amendment) Ordinance 1996.

(2) Section 3, insofar as it relates to the addition of new section 13B, shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette.

2. Interpretation

Section 2 of the Noise Control Ordinance (Cap. 400) is amended by adding -

"intruder" ( 侵 擾 者 ), in relation to an intruder alarm system, means any unauthorized person who interferes with any premises or vehicle in respect of which the intruder alarm system is deployed to protect, whether such interference is intentional or unintentional;

"intruder alarm system" ( 侵 擾 者 警 報 系 統 ), in relation to sections 13A and 13B, means an alarm system the purpose of which is to warn of the presence of an intruder by the emission of an audible signal activated by that intruder;

"registered owner" ( 登記車主 ) has the same meaning as in the Road Traffic Ordinance (Cap. 374);

"vehicle" ( 車輛 ) has the same meaning as in the Road Traffic Ordinance (Cap. 374).".

### 3. Sections added

The following are added -

#### "Noise from Intruder Alarm Systems

##### 13A. Intruder alarm system installed in any premises

(1) Every person who controls an intruder alarm system installed in, over, under or in the vicinity of any premises shall ensure that the intruder alarm system is provided with an efficient automatic device which shall cause any audible signal to cease not more than 15 minutes after the activation of the signal.

(2) Any person who fails to comply with subsection (1) commits an offence and is liable to a fine at level 3 and to imprisonment for 3 months.

(3) The Secretary may, by notice in the Gazette, amend subsection (1) by substituting another number for any number appearing in that subsection.

##### 13B. Intruder alarm system installed in any vehicle

(1) Notwithstanding subsection (2), every registered owner of a vehicle who has an intruder alarm system installed in, on or under that vehicle shall ensure that the intruder alarm system is provided with an efficient automatic device which -

- (a) shall not emit any audible signal caused otherwise than by an act of direct physical contact with the vehicle, whether that act is intentional or unintentional; and
- (b) shall cause any audible signal to cease not more than 5 minutes after the activation of the signal.

(2) Every registered owner of a vehicle that is first registered under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.) on or after such date as the Secretary may specify by notice in the Gazette, who has an intruder alarm system installed in, on or under that vehicle, shall ensure that the intruder alarm system is provided with an efficient device which, subsequent to the initial emission of any audible signal (whether activated automatically or manually) -

- (a) shall not emit any further audible signal caused otherwise than by opening the door or the bonnet or the boot or the tailgate of the vehicle; and
- (b) shall be equipped with the capability of being manually activated or reactivated (as the case may be) in respect of the emission of such signal.

(3) Any person who fails to comply with subsection (1) or (2) commits an offence and is liable to a fine at level 3.

(4) The Secretary may, by notice in the Gazette, amend subsection (1)(b) by substituting another number for any number appearing in that subsection."

#### 4. Application to Crown

Section 38 is amended -

(a) by adding -

"(1A) Section 13B shall not apply to the Crown.";

(b) in subsections (2), (3) and (4) by adding "13A," after "13,".

#### Consequential Amendments

#### Summary Offences Ordinance

#### 5. Provision of alarm systems with a cut-off device

Section 14A of the Summary Offences Ordinance (Cap. 228) is repealed.

#### Explanatory Memorandum

The purposes of this Bill are to amend the Noise Control Ordinance (Cap. 400) to provide for the control of audible signals emitted from intruder alarm systems installed in premises and vehicles, and to impose penalties for offences committed in contravention of such provisions.

2. Clause 2 amends section 2 to provide definitions of "intruder", "intruder alarm system", "registered owner" and "vehicle".

3. Clause 3 adds -

- (a) new section 13A which effectively restates the existing provisions relating to the control of audible signals emitted from an intruder alarm system installed in any premises but increases the level of fine from level 2 to level 3; and
- (b) new section 13B which provides for the control of audible signals emitted from an intruder alarm system installed in, on or under any vehicle and imposes penalties for an offence committed under that section.

4. Clause 4 amends section 38 in respect of the application of the new sections 13A and 13B to the Crown.

5. Clause 5 repeals section 14A of the Summary Offences Ordinance (Cap. 228) as a consequential amendment.